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expect to make a profit over and above that 5 or 6 per cent, I should say that the plan as prepared by the minority would be a perfectly satisfactory plan.

Mr. KNOX and Mr. KITTREDGE addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Illinois yield?

Mr. HOPKINS. I yield to the Senator from Pennsylvania.

Mr. KNOX. Is it not true—at least it was the impression I received as a member of the committee, listening pretty carefully to the testimony and reading much more carefully that portion of it which I did not hear—that neither set of engineers said it was not possible to build the canal upon the scheme suggested by the other, but that one side thought, for reasons that appealed to them, that the lock canal was the better canal, while the other side, for reasons which appealed to them, thought that the sea-level canal was the better canal? And is it not true that this dispute about what the majority thought of the minority's plan and what the minority thought of the majority's plan can be fortified either way by an examination of specific portions of the testimony?

Mr. HOPKINS. Certainly. That is the reason why I objected to the Senator from South Dakota interrupting me and reading certain portions of the testimony, because it does not present the real testimony of any witness or the position of the various engineers who were before us. In order to understand and appreciate that we must read the testimony in connection with what goes before and what follows.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. HOPKINS. I will yield for a question.

Mr. KITTREDGE. I wanted simply to read further from the testimony of Mr. Parsons upon the subject of the Gatun dam.

Mr. HOPKINS. You had your say on the Gatun dam, if you will permit me that expression. I do not say it in an offensive sense. But the Senator had his day on that dam.

Mr. KITTREDGE. Very well.

Mr. HOPKINS. And he quoted what Mr. Parsons said, and the Senator from Pennsylvania called attention to what I have just read, to show what Mr. Parsons's real position was. Mr. Parsons's position is that the Government can afford to spend money which a private corporation could not, and that, as this is a great international question, the Government should not stand upon the amount of money to be expended or the time it will take. That is the position of Mr. Parsons.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Florida?

Mr. HOPKINS. Certainly.

Mr. TALIAFERRO. I have not pretended to suggest that the lock plan, which is being advocated now by the Senator from Illinois, has been held to be impracticable by any of the engineers. I am perfectly willing to admit that with the exception of the Gatun dam the lock plan has been held to be feasible, and that it becomes a question merely of choice as between the two types of canal proposed. What I am disappointed about is that the Senator from Illinois appears to be attacking the engineers in his argument here, claiming that it is impossible to construct these dams with safety in connection with the sea-level canal when there are infinitely more important dams to be constructed in the lock plan, which he regards as being capable of being safely constructed.

Mr. HOPKINS. If the Senator from Florida had followed my argument, he would have understood that instead of attacking the type of canal, I was attacking the amount of information that is given to the Senate upon which the Senate must determine between the two types; and I was showing to the Senators that the majority of the committee, while they do condemn the plan of the minority and the construction of the dam at Gatun, had undertaken to commit the Senate to a sea-level canal when they did not have the information to show to Senators whose votes they wanted that those dams could be constructed and maintained at the several places proposed.

Now, the mere fact that the minority of the board of engineers did not specifically attack those four dams and the foundation, etc., is no reason why I should not do it. When I am called upon to vote in the Senate upon a great proposition like this, involving the expenditure of hundreds of millions of money, which must be taken from the taxpayers of this country, it behooves me to challenge a plan that I do not approve and to show the dearth of evidence that supports the integrity of the canal proposed.

Mr. TALIAFERRO. I have no objection to the Senator from Illinois taking that position; I have no objection to his attacking this plan as he sees proper to attack it; but I want him to understand that when he is attacking that plan he is attacking the minority of the Board of Engineers who gave him the plan that he is advocating here.

Mr. HOPKINS. I have said that the minority of the Board in presenting their plan did not deem it necessary to go into details in attacking the plan of the majority.

The more the conditions on the Isthmus have been studied by eminent engineers the greater appear the obstacles to the successful construction and operation of a sea-level canal and the more desirable and practicable seems to be a lock-level canal. Chief Engineer Stevens, who is now in charge of the Government work on the Isthmus, is clearly of the opinion that a lock-level canal, as proposed by the minority of the Board of Consulting Engineers, is the only feasible and rational method to be adopted by the Government in the construction of a canal across the Isthmus. This opinion is shared by General Ernst, of the Regular Army, a man eminent as a civil engineer, and by General Hains, whom many regard as one of the most eminent civil engineers of his day. These engineers are emphatic in their condemnation of the sea-level canal proposed by the majority of the Board of Consulting Engineers and in their indorsement of the views of Chief Engineer Stevens in support of the plan proposed by the minority of the Board of Consulting Engineers.

In the construction of any canal across the Isthmus the item of cost is a matter of great, if not paramount, importance. I know that many think that the Government's resources are without limit and that the amount of money that is expended in the construction of this proposed canal across the Isthmus is a matter of secondary, if not of little, importance. We must remember, however, that every dollar of money which is used in the construction of this great engineering project is taken from the taxpayers of this country. We should therefore as carefully consider the estimated cost of the two types of canal that are now under consideration as we would any other question that involves the taxation of the people of the country. If a canal for all practical purposes can be constructed on a lock level that will meet the requirements of trade and commerce for about one-half that a sea-level canal will cost, it is wasteful extravagance to vote for a sea-level canal simply because a sea-level canal meets with our ideals of what a canal should be that unites the waters of the Atlantic with the Pacific.

The majority of the Board of Consulting Engineers state that the sea-level canal, as proposed by them, will cost $247,000,000. That amount is adopted in the report of the majority of the Interoceanic Canal Committee, who favor the sea-level canal. The same board estimate that the lock-level canal proposed by the minority will cost $139,750,200. In other words, they admit that the sea-level canal that they propose, with all its shortcomings and imperfections, which I but faintly and imperfectly expressed here to-day, will cost, in round numbers, $107,000,000 more than the lock-level canal proposed by the minority of the Board of Consulting Engineers, and which, as I have said, has met the approval of the Isthmian Canal Commission, the Secretary of War—who has direct charge of the construction of the canal, under the President—and the President himself. This item of itself, as it seems to me, is sufficient to cause Senators to pause before they take action that will incur this extra amount of expense and force that amount of taxation upon the people of this country. One hundred and seven millions of dollars is a very large sum of money. At 2 per cent interest it aggregates an annual tax upon the people of $2,140,000, and this, Senators will remember, is in perpetuity.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. HOPKINS. Certainly.

Mr. GALLINGER. I wish to ask a question for information. The Senator states the difference in cost to the country of the construction of the two types of canals. I should like to know what about the maintenance. I have heard it said that there is a very great difference, and that a sea-level canal could be maintained at an enormously less cost than a lock canal.

Mr. HOPKINS. When you take into consideration the cost of the two canals, the maintenance of a sea-level canal will be $2,000,000 per annum more than a lock canal.

Mr. KEAN. The sea level?

Mr. HOPKINS. When you consider the amount of money invested and the expense for maintaining it and add them together, the sea level will cost, in round numbers, $2,000,000 per annum more than the lock canal.

Mr. KEAN. That is practically the interest on the money.

Mr. HOPKINS. Yes; it is practically the interest on the money.

Mr. PERKINS. How much is saved in operating it?

Mr. HOPKINS. How much is saved in operating it in what way?

Mr. PERKINS. How much less will it cost to operate a sea-level canal than a lock canal?

Mr. HOPKINS. The witnesses differ upon that subject. You can go into the book of evidence here and you can get witnesses who vary as widely upon these propositions as the Senator from South Dakota and I have differed on the questions that I have already discussed. But when you take the sum of all the witnesses and put them together and analyze them there is not very much difference in the actual cost of maintaining the one over the other. It is more expensive to maintain the locks at Gatun than the locks at sea level on the Pacific side. But all along the line of the sea-level canal where the vessels meet each other and where they tie up you must have people employed. So, as I have said, the witnesses differ upon that subject.

It is claimed by the Isthmian Canal Commission, who have made a careful study of the figures presented in the majority and the minority reports of the Consulting Board of Engineers, as to the cost of the construction of the two types of canal proposed, that the estimate made by the majority of the Board of Consulting Engineers is incorrect, and that instead of the sea-level canal costing $247,000,000 its cost will be found to be not less than $272,000,000, an increase of $25,000,000 over the estimate of the Board of Consulting Engineers.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. HOPKINS. Yes; for a question.

Mr. KITTREDGE. Is it not a fact that all the engineers upon the Consulting Board agreed in their unit prices for all the work?

Mr. HOPKINS. Mr. President, while that is true, I have said that this was not attacked by the Board of Engineers, but it is the Commission, upon which we find such eminent engineers as General Ernst and General Hains, and I said specifically to Senators that this extra expense is the amount that was figured by the Commission, upon which Commission, in my judgment, are two of the ablest engineers of this age, two brave and patriotic Americans, who do not wish to mislead the Senate or the House or the country upon the expense of this work. These are the men who have said that for the excavation in Culebra cut the same price should be granted to the contractor or in the estimate of expense that we have at other portions there.

An examination of the figures as to the cost of the sea-level canal, found on page 51 of the report of the majority of the Board of Consulting Engineers, explains fully this shortage of $25,000,000 in their report. In the majority report of the Board of Consulting Engineers the estimated cost for excavation in Culebra cut below elevation plus 10 aggregates $20,242,877.50. This item covers the excavation of 16,194,302 cubic yards in the Culebra cut, of which 11,439,612 cubic yards are below the level of the sea. The Board in arriving at their estimate as to the cost of the sea-level canal have taken a uniform price of $1.25 per yard for the 16,194,302 cubic yards. In other words, while in their detailed statement they only allow $0.80 per cubic yard for excavation in Culebra cut above the sea level and $1.25 below in making up their total of $20,242,877.50, they take the uniform price of $1.25 per cubic yard. For the excavation of rock below sea level between Mindi and Bohio, a distance of about 12 miles, they allow $2.50 per cubic yard, and for the excavation of rock between Bohio and Obispo they allow in their estimates for rock excavated below sea level $2.50 per cubic yard.

No reason is given in their estimates and no reason is given in their report why the rock in Culebra cut below sea level should not cost as much as the excavation of rock between Mindi and Bohio below sea level and the excavation of rock below sea level between Bohio and Obispo. In fact, if any change in the estimate should be made for the excavation of rock below sea level, it would seem to a layman that it would cost more to excavate the rock in Culebra cut below sea level than at any other point in the sea-level canal. Such eminent engineers as General Ernst, General Hains, and Mr. Harrod agree that it will cost at least as much to excavate the rock below sea level at Culebra cut as it will at any other point in the canal. If this is allowed, it increases the cost of the sea-level canal for excavation in Culebra cut $14,299,515, and adding the usual 20 per cent for contingencies, the estimate will be increased to $17,159,418. The majority of the Board of Consulting Engineers, who report on the cost of constructing the sea-level canal, estimate only $3,500,000 as the cost of completing the river diversions and the constructing of these four dams that I have spoken of somewhat at length. The Commission has shown that this expenditure will aggregate $7,800,000 more than the estimate made by the majority of the Board of Consulting Engineers. According to these estimates, then, the sea-level canal will cost $132,000,000 more than the lock-level canal proposed by the minority of the Board of Consulting Engineers. Here is a saving in interest on the investment made in the construction of the two canals of $2,640,000 per annum. It is shown from the above figures that the sea-level canal, proposed by the majority of the Board of Consulting Engineers, will cost nearly double what the lock-level canal will cost, that is proposed by the minority of the Board of Consulting Engineers. These figures do not give an adequate expression to what either type of canal before it is constructed and ready for use will cost the Government.

Mr. Stearns, one of the very ablest engineers of this or any other country, who has given this subject very careful study, has made an estimate of the cost of the two types of canal on the estimate offered by the majority of the Board of Consulting Engineers.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. HOPKINS. I do.

Mr. KITTREDGE. In that connection, if the Senator will permit me, I desire to read from the testimony before the committee.

Mr. HOPKINS. One moment. I can not yield for that. I will yield to the Senator for a question, but I can not stop for an argument.

Mr. KITTREDGE. Then I will ask the Senator a question.

Mr. HOPKINS. I can not now stop for that. The Senator will have plenty of time to controvert any statement which I may make, and my time is passing too rapidly for me to be interrupted by the reading of testimony.

The VICE-PRESIDENT. The Senator from Illinois declines to yield.

Mr. HOPKINS. He has assumed as correct the statement that the lock canal would cost $140,000,000 and would take nine years for its construction from 1906, and has given an estimate of what that would cost the Government at the time that the canal is completed and ready for use. He has also taken the estimate of the cost of the sea-level canal at $247,000,000, as proposed by the majority of the Board of Consulting Engineers, and has shown what that would cost at the expiration of its completion at the end of fifteen years and of eighteen years, respectively. He has shown that when the Government has completed the lock level and has it ready for use it will have cost the Government $219,000,000, and that the sea-level canal, when it is completed at the expiration of fifteen years, will be a cost to the Government of $363,000,000, and if it takes eighteen years to complete it, as many eminent engineers say it will, the cost to the Government will be $413,000,000. By the permission of the Senate, I will insert at this point the statement of Mr. Stearns and his estimate:

RELATIVE AMOUNT OF INTEREST DURING CONSTRUCTION ON LOCK AND SEA-LEVEL CANALS.

In both cases assume that the interest is at 2 per cent, compounded annually.

Assume in both cases an expenditure of $50,000,000 in 1904.

In the case of the lock canal assume a total expenditure for the ten years from 1905 to 1915, inclusive, of $14,000,000 per year, making a total of $140,000,000 for construction.

For the sea-level canal assume the expenditure of $14,500,000 in 1904, and of $15,500,000 in each of the next fifteen years, making a total of $247,000,000 for construction.

Interest on sea-level canal if completed in fifteen years	$66,297,000
Interest on lock canal if completed in nine years	28,502,000
Difference in favor of lock canal	37,795,000
If the time for constructing the sea-level canal should extend to eighteen years, the interest account would amount to	88,532,000
Deduct, as before, interest on lock canal	28,502,000
Difference in favor of lock canal	60,030,000
The cost of the lock canal, including interest and payments to the Panama Canal Company and the Republic of Panama, would be	219,000,000
The cost of the sea-level canal, including interest and the above payments, based upon the cost as estimated by the Board of Consulting Engineers, and fifteen years for completion, would be	363,000,000
The cost of the sea-level canal, including interest and the above payments, based upon the cost as estimated by the Isthmian Canal Commission, and eighteen years for completion, would be	410,000,000

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. HOPKINS. I do.

Mr. KNOX. I should like to ask the Senator from Illinois if it is not true that several of the engineers who testified before the committee—I recall now, I think, Mr. Stearns, of Boston, and Mr. Noble—did not they testify that in view of the fact that the dam at Gatun made a lake all the way up to Culebra, and in view of the fact that there was only a 200-foot canal the short distance through the Culebra cut, they would rather have this plan of a lock canal at the same cost and in the same time than a sea-level canal?

Mr. HOPKINS. The Senator from Pennsylvania is correct on that proposition.

Mr. President, from these figures it is apparent that the Government has undertaken a gigantic enterprise and one that will tax its resources before it is completed. It seems to me, therefore, that the cost of the canal should have some consideration with Senators in determining which type will be accepted. It is apparent that the cost of the canal and the time that will be required in its construction had no weight whatever with the foreign engineers who signed the majority report of the Board of Consulting Engineers. These foreigners were looking to the ideal type of canal that should be constructed across this Isthmus. Their people were not to be taxed for its construction and the commerce of their several countries was not to be interfered with during the period that would be taken in the construction, and hence they had every inducement to favor a sea-level canal, and it is not surprising that from their several foreign standpoints they should recommend to this Government the construction of a sea-level canal. It mattered but little to them whether it took $247,000,000 or $410,000,000 or even $600,000,000 to construct the canal. The American engineers, however, who made the minority report, made their report from the American standpoint, and, as they expressly state in their report, *time* and *cost* were two elements that had great consideration with them in determining the type of canal that should be recommended.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Texas?

Mr. HOPKINS. Certainly.

Mr. CULBERSON. I desire some information from the Senator. I have not had time to give this matter a great deal of consideration heretofore. The Senator was stating the difference between the cost of a sea-level canal and the cost of a lock canal, and he stated that the Administration was proceeding to construct a lock canal. What I desire to ask the Senator is whether it is not true that the Administration is proceeding to construct a lock canal, but with the ultimate purpose of converting it into a sea-level canal?

Mr. HOPKINS. Not unless Congress so authorizes.

Mr. CULBERSON. Is it the policy of the Administration in time to submit that question to Congress, with a view of converting the lock canal into a sea-level canal?

Mr. HOPKINS. The Senator means at some future time?

Mr. CULBERSON. At some future time.

Mr. HOPKINS. That is not my understanding. The President's position, as expressed in his message to Congress, is that he will proceed with his forces to construct a lock canal unless Congress authorizes a sea-level canal. Now there is no definite plan.

Mr. CULBERSON. I understood that one of the reports of the consulting engineers went to that question.

Mr. HOPKINS. Oh, well, every kind of a proposition has been argued; but if you are speaking of what the Administration proposes, now, of course, the Senator from Texas is as good authority upon that as I am. My understanding is that the proposition is, unless Congress authorizes differently, to construct a lock canal and stand on that.

Mr. CULBERSON. I understood the Senator from Illinois to state that the Administration is now proceeding to construct a lock canal, and I wanted to know if it was not the ultimate purpose to convert it into a sea-level canal?

Mr. HOPKINS. I will say to the Senator that is not my understanding.

General Hains, a member of the Isthmian Canal Commission, in his testimony before the Interoceanic Canal Committee of the Senate, stated that in his opinion the sea-level canal proposed by the majority of the Board of Consulting Engineers would cost from $125,000,000 to $150,000,000 more than the lock-level canal proposed by the minority of that board and indorsed by the Commission. He also took direct issue with the position of the foreign engineers and with Mr. Parsons on the question of time, and stated that in his opinion the time involved in the construction of the canal could not be ignored. That the people expected and would demand that a canal should be constructed in the shortest time possible consistent with a canal that would meet the commercial requirements of the age. He also took occasion to make a statement respecting the sea-level canal which I, with the permission of the Senate, will incorporate in my remarks:

As another reason, I think that the lock canal is really a shorter canal than the sea-level canal. By cutting off through here [indicating] you can reduce the length of that canal 1 mile. That does not amount to much, but still it is something.

I think there is another objection. I think that in a great project like this, involving a large expenditure of money, extended over a prolonged period, the people may become tired of appropriating money and refuse to complete it. I do not think that is an imaginary proposition.

Senator MORGAN. That is where the whole work is going to break down unless we succeed in getting something that they can understand, and that they feel that they can face. It will all "go to pot" unless we do it.

General HAINS. I have a note here on the subject of the opinions of different engineers on this subject.

The first canal that was attempted to be built on the Isthmus was a sea-level canal, substantially the same sea-level canal that is now proposed by the majority of the Board of Consulting Engineers. It occupies the same location in the territory. It provides for a high dam at Gamboa and the holding back of the waters of the Chagres River above that dam, and differs from that of the Consulting Board only in some of its details. The plan of the Consulting Board, of course, enlarges that of the first French company, and extensive changes are made at the two harbors, but essentially it is the old, discredited De Lesseps project of the sea-level canal revived with enlargements and modifications.

After the failure of the first company, a body of engineers known as the "Commission d'Etudes," composed of eleven engineers eminent in their profession in Europe, was organized by the Liquidator in 1889. After a careful study of the technical questions involved in the problem of the canal it rendered this report in 1889. This commission reported in favor of the abandonment of the sea-level canal and the adoption of a project for the completion of a canal with locks. Subsequently another commission known as the "Comite Technique" was organized, composed of fourteen engineers, many of them engineers of the highest standing in the civilized world. They made a report in 1898, recommending a lock canal.

Another commission, known as the "Comite Statutaire," composed of five members, and all except one of them being new men, reported in favor of a lock canal. Later the Isthmian Canal Commission rejected the sea-level plan and adopted the lock plan. There were six engineers in that commission, so that there were no less than thirty-four engineers opposed to the sea-level plan. It is believed that the weight of evidence against the sea-level project and in favor of the lock project can not be ignored in making a decision.

Mr. President, I wish to call to the attention of Senators the statement of General Hains that thirty-four engineers, the most eminent in their profession, after careful study have condemned the sea-level canal that is proposed to be adopted by the majority of the Senate Committee on Interoceanic Canals, and I say with him that the judgment of these engineers can not be ignored in making our decision as to the type of canal that shall be approved of by the Senate. I wish also to call to the attention of the Senate the fact that the plan proposed by the majority of the board of consulting engineers and which has been adopted by the majority of the Interoceanic Canal Committee of the Senate is the old, discarded plan that was found impracticable under De Lesseps after an expenditure of $260,000,000.

Mr. KITTREDGE. He squandered it.

Mr. HOPKINS. He squandered it, as the Senator from South Dakota says. I care not whether it was squandered, it is enough for us to know that under the leadership of one of the greatest engineers of the age $260,000,000 was expended, and then he and his company were compelled to confess that a sea-level canal to be constructed by a private company was an impossibility, and that company went into bankruptcy and that great engineer went to his grave.

This plan that is outlined by the majority of the engineers, as the testimony shows, is a reproduction in part of this discarded plan of De Lesseps that proved such a monumental failure. I want to know if Senators are prepared to take up this old project that the French Government, through De Lesseps and his company, found to be a failure, and commit the Government of the United States to it regardless of the question of the expense that will be entailed upon the people of this country.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Colorado?

Mr. HOPKINS. I do.

Mr. TELLER. Do I understand the Senator to say that the French Government was interested in that canal?

Mr. HOPKINS. No; through its company. The French Government as a government was not interested. It was a French company. The French Government, as I understand it, authorized the creation of the corporation that was known as "The Panama Canal Company."

Mr. TELLER. The Government never put any money in it.

Mr. HOPKINS. Oh, no; of course not.

Mr. TELLER. They were notified diplomatically by this Government that they would not be allowed to put any money in it.

Mr. HOPKINS. And if it had been allowed it was governed by too wise a financier ever to embark in a project that would take the amount of money that will be required to be expended in the construction of a sea-level canal which will meet the commercial requirements of the age.

If there ever was a question in which the Government was interested where time is the essence of the contract, the problem now before us is certainly that question. If this canal is to be constructed, as the people have demanded and as Congress has once legislated, every facility should be furnished for constructing it in the shortest possible time. The type of canal, therefore, that meets the commercial and navigating requirements of the age that can be built in the shortest possible time should receive the serious consideration of the Senate.

The majority of the Board of Consulting Engineers in their report say:

> It is, therefore, the judgment of the Board that a ship canal on the sea-level plan outlined in this report can be completed within a period of time not exceeding twelve or thirteen years.

They make no estimate as to the length of time that it will take to construct the lock-level canal proposed by the minority of the Board. The minority of the Board, however, in their report not only give an estimate of the time that it will take to construct the canal proposed in their report, but also the length of time that it will take to construct the canal proposed by the majority. The majority of the Board of Consulting Engineers base their estimates as to the length of time that it will take to construct the sea-level canal on the time that it will take to excavate the Culebra cut to a depth of +40 feet below the sea level. The minority of the Board, on the same basis, say that the sea-level canal can not be constructed in less than fifteen years. The Culebra cut is 8.08 miles long and for a sea-level canal requires 110,000,000 cubic pards of excavation, the heaviest mile requiring 22,000,000 cubic yards, and the heaviest 3,136 feet 14,000,000 cubic yards. To construct a lock canal, as proposed in the minority report of the Board of Consulting Engineers, would require the excavation of 53,800,000 cubic yards from the central mass of Culebra cut and would take seven and one-half years. It is therefore easily demonstrated that if it takes seven and one-half years to excavate 53,800,000 cubic yards from the central mass of Culebra cut in the construction of the lock-level canal, that it will take more than fifteen years to excavate the 110,000,000 cubic yards that will be required to be excavated in the Culebra cut in the construction of the sea level proposed by the majority of the Board of Consulting Engineers. The Isthmian Canal Commission have made a careful estimate as to the time required in the construction of the two types of canal, and their estimate is that it will take nine years to construct the lock-level canal proposed by the minority of the Board of Consulting Engineers, and not less than twenty years to construct the sea level proposed by the majority of the Board of Consulting Engineers.

The chief engineer, Mr. Stevens, who since these reports were made has not only made a careful study of the estimates made in the respective reports, but has been upon the ground and carefully studied conditions upon the Isthmus, concurs fully in the statement that the sea-level canal proposed by the majority of the Board of Consulting Engineers can not be constructed in less than twenty years.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. KITTREDGE. Will the Senator permit a question upon the point of time?

Mr. HOPKINS. I will submit to a question.

Mr. KITTREDGE. I will ask the Senator from Illinois, Do we agree that the time for the construction of the sea-level canal will be measured by the time that will be required for the excavation of what is called the "Culebra cut?"

Mr. HOPKINS. I am not in agreement with the Senator from South Dakota upon any proposition connected with the type of canal; I will state this, however, Mr. President—and I refer to the reports, and I challenge the Senator's contradiction if I am wrong—that the majority of the Board of Consulting Engineers say in their report that a sea-level canal can be constructed in twelve or thirteen years. Am I correct in that?

Mr. KITTREDGE. I should like, Mr. President——

Mr. HOPKINS. The Senator need not answer the question now. That, however, is what the report shows.

The commission that examined the cost and took exception to the estimate made, as I have shown, added twenty-five millions to the report of the majority of the Board of Consulting Engineers, also took exception to the report of the majority of the Board of Consulting Engineers as to the time, and that commission say it will require twenty years within which to build it. That is the record.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. HOPKINS. I will for a question.

Mr. KITTREDGE. I submit, Mr. President, that the Senator has not answered the question that I put to him. It is a very simple one, it seems to me, and that is, Do we agree upon the question of the time which will be required for the construction of a sea-level canal?

Mr. HOPKINS. I have said to the Senator that I do not agree that the Culebra cut necessarily determines the time. I will, however, take that up and discuss it later.

There are many other propositions that are involved in the construction of a sea-level canal that will, in my judgment, extend the time.

It seems to me, Mr. President, that, with the admitted facts before us, it can be easily demonstrated that this estimate of Chief Engineer Stevens, that the sea-level canal can not be constructed in less than twenty years, is within the limits of reason. All agree that to construct the sea-level canal within the limited space or distance known as the "Culebra cut" 110,000,000 cubic yards of rock must be excavated. Allowing 15 cubic yards for a carload, which is an over rather than an under estimate for a carload, there will be 7,333,333 carloads of rock to be carried away from this cut. The majority of the Board of Consulting Engineers, in making their estimate both as to the cost and time, figured on two hundred and forty working days in the year for that purpose. For the calculation which I here submit I have estimated two hundred and fifty days per working year. To complete the canal within the period of twenty years would require the removal of 366,666 carloads of rock from this cut per year of two hundred and fifty days, or would require the removal of 1,466 carloads per day for every year for a period of twenty years.

Working ten hours a day would require the removal of 146⅔ carloads per hour. Senators can see that within a space of a few miles 146⅔ cars must be handled every hour of every day of ten hours for a period of twenty years in order to excavate the number of cubic yards all admit is necessary to construct the sea-level canal. It seems to me that it will be found to be a physical impossibility to make any arrangement by which 1,466 cars can be handled in this short space within a period of ten hours. This, you will remember, is not an exceptional ten hours, but is for every day in the year, and is to be continued for a period of twenty years. It requires the handling of about 2½ cars per minute for the period of twenty years.

In my judgment, Mr. President, it will be impossible to meet the requirements that I have here shown to be necessary in order to complete the canal within a period of twenty years. Senators must remember that that cut for long distances, when it reaches the bed of the proposed sea-level canal, will have a height on either side of the canal prism of 206 feet. This rock, as it reaches sea level, must be lifted, therefore, over this wall on either side, 160 feet, to be loaded into the cars, or it must be transported to one end or the other of the cut and at those points loaded onto the cars. I can not see how it will be possible to handle that number of cars at this point per day for every day during the two hundred and fifty working days, and for a period of twenty years. They must go on without interruption, without accident, without delay of any kind. It requires more credulity, Mr. President, than the average citizen possesses to believe that this sea-level canal, under the conditions admitted by the majority of the Board of Consulting Engineers to exist, can be constructed in a period of less than twenty years, as estimated by the Isthmian Canal Commission and by the chief engineer in charge of the work. Is there any Senator on this floor who believes that the country would have consented to have embarked upon this great enterprise if the people had understood that it would take twenty years from the time that construction upon the canal was actually commenced before it was completed and ready for use? When we remember, Mr. President, that many of these engineers who have carefully studied the two types of canal, claim that the lock-level canal, proposed by the minority of the Board of Consulting Engineers, as a commercial and maritime proposition, will be superior to the sea-level canal, how can any Senator justify the adoption of a plan of a sea-level canal that will delay the people of this country for a period of twenty years before they can realize the accomplishment of their wishes, and see a canal across the Isthmus of Panama that will unite the waters of the two great oceans?

No authority has estimated the time necessary to construct the lock-level canal at greater than nine years, suggested first by the minority of the Board of Consulting Engineers, and after a full investigation, adopted by the Isthmian Canal Commission as the maximum time required in constructing and completing the lock-level canal. This seems like a long time. It covers a period that will extend over two Federal Administrations. It is one and one-half times greater than a Senatorial term and four and one-half times longer than a term of a Member of the House of Representatives. To extend this period to fifteen or twenty years in order to construct the sea-level canal, proposed by the majority of the Board of Consulting Engineers, means that this generation will not see the completion of the canal. The people of this country, in my judgment, will demand that a type of canal shall be adopted by Congress than can be completed in their day and generation. They are willing to be taxed for the construction of this marvelous enterprise and will pay their respective amounts that they will be required to contribute through the taxation laws of the country to its completion, provided they can see it completed and ready for use. They will, however, in my judgment, protest against an enterprise that is to tax them without any benefits to be derived in their generation. I am well aware that some of the witnesses who have appeared before the Interoceanic Canal Committee of the Senate have placed the time for the completion of the lock-level canal at a period less than that given by the minority of the Board of Consulting Engineers and by the Isthmian Canal Commission. Their estimates, however, in my judgment, are based upon data that are not reasonable and that can not be relied upon. If I were to give the guess of a layman upon this subject, I would say that both types of a canal will take longer time to complete them than any estimates from any of these boards from which I have drawn the figures which I have here given. I think, therefore, that the minority of the Board of Consulting Engineers, in coming to the conclusion as to the type of a canal to be adopted, acted wisely and well when they considered the time and cost of the canal as proper elements to determine their judgment in the premises.

General Ernst, in his testimony before our committee, said:

> I have made a very careful review of all the arguments presented on both sides as exhibited in these two reports which you have before you—the majority and the minority reports—and I am satisfied that the United States will get a perfectly satisfactory canal in very much less time and for very much less money under the plan proposed by the minority. I believe that the canal under that plan will cost little more than half what the canal of the majority will cost, and the time will be a little more than half, and when done it will be a better canal, because it will be three times as big a canal.

General Hains, in his testimony on the subject, in speaking of the project as to the construction of the canal that was submitted by the Commission of 1901, said:

> Yes, sir; what you call "the commission of exploration;" and we state in our report the reason why we rejected the sea-level canal, and we stated it in this way, on page 88 of that report: "That this Commission concurs with the various French commissions which have preceded it since the failure of the old company in rejecting the sea-level plan, and while such a plan would be physically practicable, and might be adopted if no other solution were available, the difficulties of all kinds, and especially those of time and cost, would be so great that a canal with a summit level reached by locks is to be preferred."

It is apparent from what General Hains says that the Commission of 1901 not only gave very close attention to the conditions on the Isthmus with a view of determining which type of canal to recommend, but they went into the action of previous commissions and concurred fully with those commissions which had been appointed to determine on the type of canal after the failure of De Lesseps in the proposition that the difficulties in the way of a sea-level canal, considering time and expense as elements, were too great to ever think of the construction of a canal of that type across the Isthmus of Panama.

Mr. President, the conditions facing us on this subject are such that, in my opinion, if the Senate declares for a sea-level canal by its vote upon the bill that is now pending it will mean that the Senate is putting itself in antagonism with the House of Representatives and with the Administration, and I feel for one with the facts before us respecting the two types of canal, that we should not hesitate to indorse the recommendations of the minority of the Board of Consulting Engineers and put the Administration in a position where it will not be paralyzed in hastening the completion of a canal across the Isthmus of Panama.

In what I have said thus far, Mr. President, I have limited my remarks to a criticism of the type of canal proposed to be adopted in the bill which has been sent to the Senate by the majority of the Committee on Interoceanic Canals, and I have endeavored to show the impracticable nature of the canal and the unwisdom of the Senate declaring for the sea-level canal recommended by the majority of the Board of Consulting Engineers.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from California?

Mr. HOPKINS. For a question.

Mr. PERKINS. If it does not interrupt the Senator, I ask a question for information. He used the expression in his very interesting and instructive discussion several times of the "imperfect sea-level canal," as contrasted with the "perfect lock canal." Is it on account of a difference in the curvature—the angles? Is there not the same depth of water in the sea-level canal that there is in the lock canal, and also the same width?

Mr. HOPKINS. I thank the Senator from California for challenging my attention to that. I will speak of it more at length later; but I will say to the Senator that under the plan of the lock canal the depth of water at Gatun, instead of being 40 feet, which is the uniform depth of the sea level, is 75 feet, and from that point to Obispo it is more than 45 feet. So for a distance of 30 miles the depth of the lock canal is 5 feet more at every point than the sea-level canal.

Mr. KNOX. For its entire length.

Mr. HOPKINS. Yes; as the Senator from Pennsylvania suggests, for its entire length it is 5 feet more in depth than the sea-level canal.

Now, instead of being only 150 feet wide from Gatun to Bohio, the lock canal is 1,000 feet wide. I will give to the Senator those figures.

Mr. PERKINS. From a nautical standpoint those are very important factors.

Mr. HOPKINS. The Senator has anticipated my remarks a little, and perhaps it will be better for me now to take up that proposition and show to Senators what is proposed in the lock canal.

The plan is a modification of the one adopted by the Isthmian Canal Commission of 1901. The Spooner Act of June 28, 1902, required greater dimensions and a canal that would accommodate larger vessels than the project suggested by the Isthmian Canal Commission of 1901. The elevation of the summit level is nearly the same as in the project suggested by the Commission of 1901. Since the report of the Isthmian Canal Commission of 1901 the information that has been developed regarding the site at Bohio for a dam, and at Gatun, has been such as to lead engineers to recommend the site for the dam to control the waters of the Chagres to be constructed at Gatun instead of Bohio. And on the Pacific side the lock canal is placed at Sosa instead of at Miraflores, as was suggested in the plan of the Commission of 1901.

As Senators can see from an examination of the map showing the line of the proposed lock canal with the summit level at 85 feet, the canal begins in the Bay of Limon, a mile northwest of the town of Colon, with a channel 500 feet in width and 41 feet in depth at mean tide, running, as you will see from this map, due south to the shore line of Limon Bay, at the mouth of the Mindi River. This distance is 4½ miles. The plan of the canal passes through the low and swampy ground near the mouth of the Mindi River and extends in a southerly direction 3 miles to the town of Gatun. The width of the canal is 500 feet, with a depth of 45 feet.

At Gatun there is a space between the hills of over 7,000 feet, through which the waters of the Chagres and its tributaries flow to the sea. This space is buttressed on either side with rocks and hills, and about midway in this space there is a mountain of rock and earth, in which it is proposed to excavate a diversion channel through which the Chagres River will flow during the construction of the earth dam. The plan is to construct this dam across the entire space of 7,700 feet at a height of 135 feet above sea level. The proposition of this plan is to inclose the waters of the Chagres and its tributaries and create a lake, which will be something over 30 miles long and several miles wide. From this channel, 500 feet wide at the shore of Limon Bay, at the mouth of the Mindi River, extending to the town of Gatun, vessels are to be raised to the level of the lake, to be known as "Lake Gatun," by three duplicate locks ranging in a flight of steps, each lock being 900 feet interior length, 95 feet wide, 40 feet deep over the miter sills, with a lift in each lock of 28⅔ feet. As I have said, these locks are in duplicate, and these six locks, constructed of a mass of masonry and concrete, will be buried in Gatun Hill and founded on rock throughout. Lake Gatun, when created by the construction of this dam, will be about 110 square miles in area, and will form the summit level of the canal. The lake will also serve to impound water for lockage and other purposes during the dry season and to give open navigation from Gatun to Obispo.

I can best give a description in the words of the minority of the Board of Consulting Engineers:

> The total length of the lake will be 30 miles, of which 23 miles will be navigated by ships crossing the Isthmus. Its depth will be about

75 feet in the immediate vicinity of the dam, this being maintained with little reduction to Bohio (a distance of about 10 miles), and thence reducing gradually toward Obispo, where the depth of 45 feet will be obtained with but little excavation, the bed of the river being about 45 feet below the surface of the future lake.

For 15.69 miles above the Gatun locks the deep portion of the lake will have generally a width exceeding half a mile, and only a small amount of excavation will be required to provide a navigable channel nowhere less than 1,000 feet wide at the bottom and 45 feet deep. Father up the lake, as the amount of excavation required to obtain a depth of 45 feet increases, the minimum width of the channel will be decreased, first to 800 feet for a distance of 3.86 miles from San Pablo to Juan Grande, then to 500 feet for 3.73 miles to Obispo, and to 300 feet for 1.55 miles from Obispo to Las Cascades, where the channel will be further narrowed to 200 feet through the heaviest portion of the great central mass known as Culebra. * * *

For a distance of 4.7 miles through the deep portion of the Culebra cut the channel is to have a bottom width of 200 feet and to have nearly vertical sides below the water line, and then will become 300 feet wide for 1.88 miles to the Pedro Miguel locks, where the summit level will end. The duplicate locks at Pedro Miguel will have one lift of 31 feet. Passing the locks the channel will be 500 feet wide for 1.64 miles, then increasing to 1,000 feet or more for the further distance of 3.38 miles to the Sosa locks on the shore of Panama Bay. This broad navigation will be in an artificial lake created by three dams, to be subsequently described. There are to be duplicate flights of locks on the west side of Sosa Hill near La Boca with tow lifts of about 31 feet each from ordinary low tide to the level of Lake Sosa. * * *

From the Sosa lock to the 7-fathom curve in Panama Bay, a distance of 4 miles, the channel is to be 300 feet wide at the bottom and 45 feet deep below mean tide. * * *

The waterway may be summarized with reference to channel widths as follows:

Width.	Length.	Per cent of route.
	Miles.	
1000 feet	19.08	38.4
800 feet	3.86	7.8
500 feet	12.29	24.7
300 feet	7.21	14.5
200 feet	4.70	9.4
Locks and approaches	2.58	5.2
Total	49.72	100.0

It thus appears that only about one-seventh of the distance is in channels less than 300 feet wide, while for more than two-thirds of the distance the channels are 500 feet or more wide.

This route passes over the continental divide at Culebra at about the same point that it is proposed to construct the sea-level canal, and, as I have already said, to construct this canal across this cut it would be necessary to excavate 53,800,000 cubic yards of rock. This carries the cut down to sea level, and for a distance of 4.70 miles makes the width of the canal only 200 feet. At all other points the narrowest place is 300 feet.

Senators can see from this statement that the dam at Gatun is the key to the construction and the successful operation of the lock canal. If a dam can be maintained at that point of the dimensions proposed by the minority of the Board of Consulting Engineers in the manner suggested in their plan, the solution of the great problem of a lock-level canal has been reached. Doubts have, however, been suggested by the majority of the Committee on Interoceanic Canals in their report and by Senator KITTREDGE, who spoke in favor of the sea-level canal the other day, as to the stability of an earth dam at Gatun. The problem of constructing the dam of earth instead of concrete is one that has long since been solved by engineers. If the foundation is such that a dam can be constructed at Gatun, I think there is no engineer in this or any other country who would hazard his reputation by denying that an earth dam of the proportions suggested in the report of the minority of the Board of Consulting Engineers can not be safely constructed and maintained at this point. The doubt that is attempted to be raised is as to the foundations upon which the dam is proposed to be constructed. This subject has been very elaborately considered, not only by the minority of the Board of Consulting Engineers, but by the Isthmian Canal Commission, which contains four of the great engineers of the country among its members, and by Chief Engineer Stevens, who justly stands in the first rank of great engineers in this country. A more elaborate examination of the condition of the soil and earth in and about Gatun and across this space where the dam is proposed to be constructed has been made for the purpose of determining whether this dam can be built than has ever been made at any point across the Isthmus in all of the investigations that have been had prior to the present time. This map, to which I call the attention of Senators, indicates by this long and uneven line what is known as "indurated clay," a species of rock which engineers say is as safe for the foundation for the construction of a dam upon it as any other rock can well be. A part of the distance in and about Gatun, and on either side of the space where the dam is to be located, this indurated clay comes to the sea level, and in all of the points excepting two it is found from 20 to 40-odd feet below the surface of the soil. At two places there are depressions, as is seen upon this map, one where the depression is something like 205 feet in depth, and the other where the depression is something like 258 feet. In the depression of 258 feet for 200 feet the soil is impervious, according to the testimony of the engineers who favor a lock-level canal.

The dimensions of the dam at this point are 7,700 feet in length, 2,625 feet in width at sea level, of a height of 135 feet, and a width at the height of 85 feet of 374 feet, and a width of 100 feet at the top. The dam will contain, when completed, 21,000,000 cubic yards of material. At either end of this 7,700 feet in length the dam is buttressed by rocks in the mountains on either side of this depression. About midway in this dam of 7,700 feet there is a high ground or mountain that runs up nearly to the top of the dam and becomes a part of it. It is at this point, as I have already shown, it is proposed to build the spillway for the discharge of the surplus water of Lake Gatun.

In the borings that were had at this point the deepest one showed that the borings struck rock 258 feet below sea level. The lower 58 feet is of a more porous character, and some of the borings show water below that [indicating]; and that is the point upon which the Senator from South Dakota laid such stress in his statement the other day.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. HOPKINS. For a question.

Mr. KITTREDGE. Does the Senator claim that the borings above the last 58 feet which he has mentioned exhibit no indications of water?

Mr. HOPKINS. If the Senator had held his soul in patience, I would have come to that. It is my purpose to put the Senate, if I am able to do it, in possession of all the facts relating to this great dam that is proposed to be constructed here. I propose to do it without color, and I propose to do it in a way that will show the Senators that the apprehensions of the Senator from South Dakota are not well founded.

The engineers who formed the minority of the Consulting Board stated in their report that this was undoubtedly deposited at a time when the currents through the gorge were swifter than existed when the upper 200 feet of the alluvial material was deposited. In the upper 200 feet some of the late borings show fine sand, while other borings near by show clay at the same depths, indicating, as do previous borings, that the upper 200 feet is practically impervious material. There was an overflow, the engineers report, from several of the borings which penetrated the gravelly material in the bottom of the deep gorge, although the tops of the casings were above the surface of the river. This showed, they claim, conclusively that there was no near connection with the bed of the river; in other words, that the material covering the sand and the gravel was impervious for a long distance. The engineers show that if the dam is built at Gatun, from the information they have there will be no appreciable seepage under the dam owing to the practically impervious nature of the material on which it will rest, and that the pervious material at the bottom of this gorge was covered by a blanket of impervious material 200 feet thick.

This dam has a weight of about 1 ton per square foot for each 20 feet in height of embankment, and engineers who favor the minority plan say that under the highest point in the embankment the pressure would be 6½ tons per square foot. They say that a dam constructed as is proposed in their plans and specifications of the dimensions I have here indicated would be not only impervious to any seepage of water, but that it will withstand for all time the head of water that is proposed to be maintained in Lake Gatun.

Much testimony was taken by the committee as respects the foundation of the dam and its stability to maintain for all time a resistance of the elements and of the head of water that is to be maintained at all seasons of the year in Lake Gatun. Chief Engineer Stevens, before the committee and on many other occasions, has stated unequivocally that the dam constructed as I have here briefly outlined is upon a firm and durable foundation and that it will remain there as long as any of the hills and mountains that form a part of this country remain in their several locations.

Mr. Stearns, in speaking of this dam before our committee, stated:

I wish to say very distinctly that this is not, in my opinion, an engineering guess. It is as capable of demonstration as any problem that comes up in engineering; and further than that, that there has been allowed a factor of safety that is beyond all factors that have been allowed in the past.

In further testifying in regard to this matter, in answer to the following question which I put to Mr. Stearns:

Your claim is that there is no guess about it, but that it is demonstrated to a certainty that the dam will stand as put there?

He said:

Absolutely; and it is the ignoring of the information obtained in the last fourteen years in regard to the movement of the water through sands and other earths that makes any such statement as is made here by a member of the majority an engineering guess which is a very bad one.

General Hains, who appeared before the committee, was asked by Senator MORGAN:

I suppose, of course, you have examined carefully and exhaustively the proposed site for a dam at Gatun and the site for a spillway cut through the hill there?

General HAINS. Yes, sir.

Senator MORGAN. And the site for the locks on the right bank of the Chagres?

General HAINS. Yes, sir.

Senator MORGAN. Have you any misgivings as to the canal that is proposed to be built there—as to its permanency?

General HAINS. No, sir; I think the dam will be permanent and the site for the locks is a good one.

Senator MORGAN. Does it furnish an extensive length of earth, with sufficient foundation for three twin locks in flight, to accommodate a ship 900 feet long?

General HAINS. Ample.

General Abbott and General Ernst are equally as positive as General Hains that a dam can be safely constructed at Gatun on the plan as proposed by the minority of the Board of Consulting Engineers, and that it will be permanent in its character.

Mr. Noble, who is well known to many Senators, and whose eminence in his profession is unquestioned, while he was before the Committee on Interoceanic Canals was asked this question by Senator MORGAN:

That is what I am trying to get at—the common understanding—because we have to measure things by the common understanding. We do not understand it scientifically. Now, are you entirely satisfied, after a full and careful examination of the dam proposed by the minority of the Consulting Engineers at Gatun, that it is safe and satisfactory in every degree?

Mr. NOBLE. Entirely so.

Senator MORGAN. You think that is so?

Mr. NOBLE. I think that plan is entirely adequate for a dam at Gatun that will be safe and answer its purpose perfectly.

Mr. Harrod stated before the committee as follows:

I have confidence in the absolute stability and sufficient impermeability of the Gatun dam as designed. The experiments made and recited by Mr. Stearns and Mr. Noble give a scientific basis to such an opinion. It is not an engineering guess, in the present state of knowledge, to claim that percolation may be reduced to almost any extent by the increase of resistence through additional material and by the reduction of the hydraulic gradient. My experience with the levees of the Mississippi River, with which I was connected for twenty-six years as engineer for the State of Louisiana, and afterwards as a member of the Mississippi River Commission, confirms me in this view. These structures deal with the same problems of the stability of the embankment and seepage through the foundations as does the Gatun dam.

As I have already shown, Mr. Parsons admitted before our committee, in answer to a question propounded to him by Senator KNOX, that the dam would be a stable dam and that the lock-level type of canal is an entirely feasible plan of constructing the canal, and that, if it were a private enterprise, he should recommend that over the sea-level canal. It seems to me, Mr. President, that what I have shown here is sufficient to satisfy any unprejudiced mind that the dam at Gatun, proposed by the minority of the Board of Consulting Engineers, will be a permanent structure and will answer the purposes suggested in the plan of a lock-level canal. To my mind, the evidence is much stronger in support of the dam at Gatun than it is in favor of any of the dams that must be constructed under the sea-level plan. The destruction of any one of those dams would destroy the use of the sea-level canal, and the destruction of the one at Gamboa by any cause would be as disastrous to the sea-level canal as the destruction of the dam at Gatun would be to the lock-level canal. The men who have questioned the stability of the Gatun dam have not supported their criticisms by reasoning that will commend itself either to the scientist or to the layman. Professor Burr's attitude respecting this type of canal is so extreme as to weaken his entire estimate, and he has shown such a feeling in the case as to discount the credence that otherwise might be placed in some of his statements. The attitude of Mr. Wallace toward the Secretary of War, Governor Magoon, and Mr. Shonts is such, as shown by the testimony taken before our committee, that his evidence should have but little, if any, weight with Senators in determining the type of the canal that shall be approved by the Senate. Mr. Wallace is an intelligent man and, as the world goes, is an honest man; but his unfortunate connection with this great enterprise has put him in a position to absolutely destroy his credibility as a witness in this case.

As to the efficiency of the two types of canal, it seems to me that the clear preponderance of testimony is that the lock canal will be more efficient and will acommodate a larger commerce than the sea-level canal.

Mr. President, the minority of the Board of Consulting Engineers, in their report, state that the lock-level canal will have a greater capacity for traffic than the sea-level canal proposed by the majority of the Board of Consulting Engineers, and that the lock-level canal proposed by them will furnish greater safety for ships and less danger of interruption of traffic by reason of the wider and deeper channels that the lock canal makes possible at smaller cost. They also claim that the lock canal will furnish a quicker passage across the Isthmus for large ships or a large traffic. Mr. Noble, a member of the Board of Consulting Engineers, in his testimony before the Committee on Interoceanic Canals on this subject, said:

The reason why the minority believe the lock canal to be superior to the sea level are given at the beginning of the minority report, substantially.

The first one was that the lock canal would have a greater capacity for traffic than that afforded by the narrow waterways proposed by the Board.

The ground for that is indicated by the calculated time required for transit across the Isthmus, on page 86 of the report, which shows a very rapid increase in time required to pass as the traffic increases; and we believe that before a great while after the completion of the canal—at any rate, before the traffic becomes very heavy—there would be at the Isthmus, as there is everywhere in the United States in narrow channels, a strong demand for the widening. That is the universal experience in every waterway, I think, in the United States. That feature of it is given somewhat in detail in one of the appendixes, where the successive stages of increasing the width and channels of the Great Lakes is dealt with.

The next reason was that we believed that the ships would pass through the lock canal with less danger to themselves and less danger of interrupting traffic. While recognizing that the locks themselves were a feature that we would gladly dispense with if other things were equal, the advantages of the broad navigation seemed to greatly outweigh the disadvantages attending the use of locks. The broader channels could not be interrupted by the sinking of a single boat, because there was so much room there, and there would be less danger of a ship colliding with the sides.

The sea-level canal has quite a length, between Bohio and Obispo, of narrow channel with rock not reaching to the top of the water, but still submerged; and I regard that, as the minority regarded it, as the most dangerous kind of a channel for a ship to traverse. If the vertical walls could be extended to the water line, it would be quite a different matter.

Senator HOPKINS. Just explain that fully, so that a layman may understand it without much reasoning on his own part.

Mr. NOBLE. A large vessel does not have a great deal of leeway on either side in a channel 200 feet wide. It will try to follow the center line very closely, but if by any want of judgment in steering, or by the effect of a cross wind, or anything like that, it does come in contact with the sides, in such a case as that the sharp rock strikes the boat in its weakest point—under water—which would almost inevitably cut a hole in the hull. At Suez they have a rock section, and they do not allow any meetings of any kind in that section. They regard it as their least safe section.

In the old days at Sault Ste. Marie, in the canal constructed by the State, the cutting was partly in rock, and near the head of the canal wholly in rock, and that was a fruitful source of injuries to ships; the bilge of the ship running upon those slopes, and the hull getting into contact with those sharp points causes a great many accidents. The accidents in the canal were in the waterway and not at the locks in those days. When the improvements of the canal were taken in hand by the General Government, the first improvement that the vessel interests demanded was to take out those slopes and put in vertical sides; and that was done. That work was completed in about 1874. Since that time there has been no trouble of that sort there.

In the sea-level canal, if two ships of medium size are about to meet, it will be necessary for one of them to make fast to mooring piles or posts while the other passes it at reduced speed. This is the universal practice in the Suez Canal. In that canal there are regular mooring places, where facilities are supplied for mooring one ship while the other passes at reduced speed. While, as was contended by Senator KITTREDGE in his remarks the other day, the bottom of the Suez Canal is only 108 feet in width, these mooring places, which are usually about 4 miles apart through the entire length of the canal, are widened to a distance of 150 feet at the bottom of the canal, and for a distance lengthwise of the canal 2,400 feet. Under the Spooner Act the Panama Canal must provide for larger ships than navigate the Suez Canal, and arrangements must therefore be made for widening places in the 150-foot channel of the Panama Canal for the passage of these ships. In the estimates of cost of the construction of the sea-level canal, no provision has been made for these passing places of ships. It is apparent, however, that if ships are to pass and repass each other at any points on the 19 miles or more of the sea-level canal where the prism does not exceed 150 feet, that the canal must be widened somewhat after the general plan adopted in the Suez Canal. Certainly two vessels with a breadth of beam of 80 feet each can not pass each other in a canal prism of 150 feet breadth at the bottom of the canal. This trouble will not be experienced in the lock-level canal. The broad channel of more than 1,000 feet near Gatun, with an elevation of 85 feet above the sea level, furnishes a lake as

easily traversed as the sea, and vessels can pass and repass each other at any point in the canal down to the 200-foot width where the lock canal passes through the Culebra cut, and the vessels, except in the cut, can pass each other without slackening their speed.

Whenever the commerce of the canal reaches a point that thirty ships will pass and repass through the canal every day it is estimated by most competent engineers that there will be a saving, in the larger type of ships that pass through the canal, of three and one-half hours in favor of the lock canal. The minority of the Board of Consulting Engineers, in discussing the question of the relative time taken for transit across the Isthmus, say, in speaking of the lock-level canal:

The saving of time by reducing the distance between passing places is apparent, but even for ships of the smaller type the lock canal will furnish quicker transit when the traffic becomes great, while for the larger ships the lock canal will afford quicker transit from the start. This would be still more marked for ships of the greater dimensions contemplated in the act of Congress.

In speaking further of the lock-level canal, the Board say:

In the narrow channels of the sea-level canal, with its large proportion of curves, night navigation will be more hazardous than by day, and ships will probably move at lower speed than assumed by the calculation of time of transit. Unless ships arrive very early in the day, they will not be able to pass through the canal by daylight on the day of arrival, but will have to submit to the delays of night navigation and tie up until the next day. While this may not appear to be an important matter, the loss from an average delay of twelve hours would amount to a large sum in a year. Taking, for example, a tonnage of 20,000,000, the annual loss on the basis of earnings of one-half mill per ton-mile would not be less than $1,500,000, which, capitalized at 3 per cent, shows an expenditure of $50,000,000 would be justified to avoid such a delay. It must be evident that even a small delay to the traffic is of much importance. By the adoption of a summit-level canal instead of a sea-level canal the time of transit is shortened, not only without additional cost, but with a large saving.

It is estimated by competent engineers that with twenty-five ships of the average size that are engaged in commerce passing every day through the two types proposed for the canal, it would take ten and three-tenths hours for the passage through the sea-level canal and nine and eight-tenths hours for the passage through the lock level, and with thirty ships per day of the average size of first-class ships, it would be eleven and one-tenth hours for the sea-level and ten hours for the lock level, so that with the average first-class ships which would use the canal the moment the commerce becomes such that twenty-five or thirty ships per day pass or repass the time in transit is clearly in favor of the lock canal, and, as I have already said, with the ships of the larger type there would be a much greater saving, namely, three and one-half hours in time in favor of the lock canal.

Our cruisers and battle ships would pass through the lock-level canal much easier and with greater safety than they could pass through the sea-level canal proposed by the majority of the Committee on Interoceanic Canals. The sea-level canal between Bohio and Obispo has a very difficult channel, with rock not reaching to the top of the water, but submerged. Between these points it would be very dangerous to navigate our cruisers and battle ships. The danger there is much greater than the danger would be in lifting them by locks into the lock-level canal, and the time of transit across the Isthmus, as already appears, would be much less for that type and size of ships than could be had on the sea-level canal. Those who favor a sea-level canal have undertaken to show that there is danger in the flight of locks proposed to be constructed at Gatun. After a careful study of what the most eminent engineers of the age have said upon this subject, I confess that I do not share this apprehension. I have become convinced from my study of the subject that there is little, if any, real danger in operating the flight of locks at Gatun. If there is a danger, it is the danger that every man takes when he rides upon a railroad train. There is danger everywhere and in all kinds of undertakings. No man is sure when he leaves the Senate for his home that he will not be run down by an automobile or a runaway team, but that does not deter him from leaving this Chamber and going to his home when the labors of the session are closed. The danger that is spoken of in operating this flight of locks is just such a danger as a man encounters in going to and from his place of business every day, and as every person assumes who gets upon a railroad train and starts from Washington to New York or Chicago. There may be a possibility that before the passenger reaches his destination he may be injured, but the possibility is so remote that it does not deter him from undertaking the trip. Just so in the construction and use of the flight of locks at the Gatun dam. There is theoretically a danger in operating the locks, but that theoretical danger has been minimized by engineering science in the construction and operation of the locks themselves.

The locks at St. Marys Falls have been in operation for fifty years and only three accidents have occurred there, and they have been provided against in the plans that have been suggested by the minority of the Board of Consulting Engineers in the construction and operation of the locks at Gatun.

Some of the witnesses have spoken of accidents that occurred at Manchester and at other points, but, as Mr. Noble said when his attention was called to this, the fault was not in the use of locks, but that the locks and the method of operating them were not up to date; that if, at Manchester, they had had the modern appliances that are used at St. Marys the accident that has been exploited before our committee and by Senator KITTREDGE in his statement here the other day would not have occurred. When this question was being considered by the Committee on Interoceanic Canals, I put this question to Mr. Noble, who, at the time, was a witness before the committee:

Something was said by one of the witnesses with reference to the danger of a lock canal to vessels in going in and out of the locks. Have you had any experience or observation that will enable you to give us any news as to the character of that danger and the extent of it?

Mr. NOBLE. I was at the St. Marys Falls Canal for about twelve years in local charge of the work of improvement there. During the last year I was the superintendent of the canal for operation also. I observed closely all that was going on during the entire twelve years, and there was never any serious accident at the gates or to the lock in any way caused by the movement of vessels.

Senator HOPKINS. Well, do you, from your experience, regard the construction of a two or three lock system at Gatun as being at all dangerous to navigation?

Mr. NOBLE. I think the danger is inappreciable. I base that upon the experience had at the Soo for more than fifty years, where no serious injury has ever been done to a ship at the lock.

Senator HOPKINS. The witness who was here yesterday—Mr. Parsons, I think—spoke about some accidents at Manchester.

Senator DRYDEN. When the lock was absolutely crushed down—broken down.

Senator HOPKINS. Under what conditions could such an accident as that occur?

Mr. NOBLE. The locks at Manchester are not provided with suitable approach walls, and vessels are not under control by lines until they get to the lock itself. That is my recollection of all the locks, and I have examined the drawings of the Manchester canal since this discussion was commenced, and they conform to that. At the St. Marys Falls Canal there are long vertical walls leading to every lock, and at the upstream end those walls are more than a mile in length, and at the downstream end perhaps they are 2,000 feet in length.

Vessels come to a stop, or at least come to a very slow movement, and before they are allowed to approach the locks they are required to have out a number of lines which lock tenders carry from snubbing post to snubbing post, ready to put them on at any time. Those facilities and those approach walls are very essential for the safe navigation of a canal. I do not believe that if they had had them provided at Manchester those accidents would have occurred.

At the Kiel Canal they have a floating platform attached to mooring piles that is very much inferior to an approach wall. If a vessel touches them and then heels over a bit they are apt to roll over. They have that same appliance at the Canadian canal, Sault Ste. Marie, where, for the whole length of the canal itself, not immediately at the locks, the rock is left somewhat rough; and in order to protect vessels they have a timber fender alongside which now and then gets rolled over.

I think with suitable approach walls so that vessels can be brought under control or stopped if necessary or thought advisable, before they get to a lock, the dangers are rendered very small indeed. Then, by the provision of the additional gates, which the minority report suggests, so that there will always be two pairs closed against an approaching ship from the upper level, there does not seem to be enough risk left for the liviliest imagination to make anything out of. That seems to be so absolutely demonstrated by the fifty years' experience at the Soo that I hardly see how it could be questioned.

Mr. Stearns who is a recognized authority on this subject, in speaking of the question of the safety of the locks was questioned by me as follows:

As I understand you, it is a very remote contingency that there would ever be accidents in the locks?

Mr. STEARNS. It has never happened with any canal in the world with only single gates so as to cause disaster. It breaks the gate; but with these double-gate precautions, and all the provisions that can be made in management to take care of the matter, I do not believe there is the slightest danger.

The minority of the Board of Consulting Engineers in discussing the question raised as to the safety of the locks, etc., at Gatun, say:

We believe that in no ship canal in the world has such a disaster occurred as that imagined for the Panama Canal. If the accidents at the Manchester Canal show that gates may be struck and destroyed, they also show that disaster may be averted even without special safeguards. Of all the possible movements of a ship at canal locks the one that involves the most danger of opening a summit level is when a ship bound down in that level approaches a lock, but by proper safeguards this can be made very small. If a gate is struck by a ship upward bound, the water pressure on the opposite of the gate helps to resist the blow. By the use of two pairs of gates at each end of the summit lock all danger of opening the summit level by a blow on the down-stream side of the lower gates is eliminated, as will be shown a little further on.

The canal construction should provide long approach walls at each end of every lock or flight of locks, so that lines can be put out quickly and handled readily and the ship held under perfect control. For this important purpose a long, solid pier with suitable snubbing posts is vastly superior to mooring piles and floats, such as are used in some

foreign canals. No canal in Europe is adequately provided in this respect, and the apprehensions of some members of the Board in regard to the hazards of navigation through lock canals may be due to the fact that their experience has been entirely with canals having this radical defect. With suitable approach piers and with rules duly enforced requiring ships to put out lines on arriving at the pier and to reduce speed to 2 miles per hour when moving along it, or to stop altogether several hundred feet from the lock, a great degree of security can be obtained. Such approach piers are provided in the lock plan herein recommended. This plan also provides two pairs of gates at the head and two at the foot of each summit lock, so that a ship will always find two pairs of gates shut against it. * * *

The provision of duplicate locks at each end of a lock herein adopted is an unusual precaution. It has been recently adopted in part at the St. Marys Falls Canal, where duplicate gates are now operated regularly at the lower end of the Poe lock, but the upper end is not similarly protected. In the additional lock now projected at that canal, safety gates are to be provided at each end. The approach piers, the extent of which greatly affect the safety of a lock, are excellent at the St. Marys Falls Canal and far better than at any other ship canal, and doubtless have contributed to the remarkable record of immunity from serious accidents.

This canal has now been in operation a little more than fifty years, and a traffic aggregating about 360,000,000 tons net register has passed through it with no accidents seriously obstructing navigation. It is the best example existing not only of the capacity of a lock canal for a great traffic, but of the safety with which this traffic can be handled with suitable equipment.

It seems to me, Mr. President, after studying the opinions of such eminent men as I have here quoted, that the danger in the use of a lock canal is more imaginary than real. With the precautions that have been taken in the plans for the construction of the locks at Gatun by the minority of the Board of Consulting Engineers, it seems to me that, as stated by Mr. Noble, the danger is inappreciable.

Mr. President, I have taken more of the time of Senators than was my purpose when I rose to address them this afternoon. There are a number of other questions that I should like to discuss before I close, but the lateness of the hour will not permit. I have only undertaken to discuss the leading points in the two types of canal, and to show to Senators, in the first place, that the sea-level canal as proposed by the majority here will be a failure, so far as the expectations of the American people are concerned, if it is constructed as they propose. I have next undertaken to show, Mr. President, that the lock canal is not only feasible, but, as the Senator from Pennsylvania has said, many of the engineers prefer it to the sea-level canal. I have shown that if we adopt the sea-level plan we will incur an expenditure of from a hundred and twenty-five to a hundred and ninety million dollars more than will be necessary to give us the best lock canal ever constructed. I have also shown that the lock canal can be constructed in eight or nine years, less than one-half the time that will be required to construct the sea-level canal.

With these great considerations before us, it seems to me that Senators here, regardless of political affiliation, regardless of their previous ideas as to the type of canal that should be constructed, should one and all reject the majority report here and say to the President and to the House of Representatives: "We will join with you in the construction of a lock canal, and will show to the American people that their expectations will be realized, and that before this generation passes away the great ships of commerce will be traversing this canal from one great ocean to the other."

Mr. KITTREDGE obtained the floor.

Mr. GALLINGER. I will ask the Senator from South Dakota if he proposes to go on with the discussion of the unfinished business this evening?

Mr. KITTREDGE. I will ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE-PRESIDENT. Without objection, the unfinished business will temporarily be laid aside.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. I ask unanimous consent that the bill (H. R. 18198) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes, may be taken up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. GALLINGER. I ask that the first formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first acted upon.

The VICE-PRESIDENT. Without objection, that course will be pursued.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, line 3, to increase the appropriation for the salary of the secretary to the Engineer Commissioner from $2,160 to $2,250.

The amendment was agreed to.

The next amendment was, on page 3, line 2, to increase the appropriation for the salary of the janitor of the executive office of the Commissioners from $900 to $1,200.

The amendment was agreed to.

The next amendment was, on page 4, line 9, to increase the total appropriation for the maintenance of the executive office of the Commissioners of the District of Columbia from $98,079 to $98,469.

The amendment was agreed to.

The next amendment was, on page 4, line 11, before the word "hundred," to strike out "one" and insert "five;" so as to read:

For assessor's office: For assessor, $3,500, and $500 additional as chairman of the excise and personal tax boards, etc.

The amendment was agreed to.

The next amendment was, in the items of appropriation for the assessor's office, on page 5, line 3, before the word "hundred," to strike out "one" and insert "five;" and in line 4, after the word "dollars," to insert "and the assessor of the District of Columbia is hereby authorized, in his discretion, to accept, without penalty, all returns of gross earnings made by companies or corporations on or before October 18, 1905, as if the same had been made on the 1st day of August, 1905;" so as to read:

Three assistant assessors, at $3,000 each; clerk to board of assistant assessors, $1,500; messenger and driver for board of assistant assessors, $600; temporary clerk hire, $500; in all, $43,500; and the assessor of the District of Columbia is hereby authorized, in his discretion, to accept, without penalty, all returns of gross earnings made by companies or corporations on or before October 18, 1905, as if the same had been made on the 1st day of August, 1905.

The amendment was agreed to.

The next amendment was, on page 5, line 10, after the word "dollars," to insert "one clerk, $1,200;" and in line 13, before the word "hundred," to strike out "three thousand six" and insert "four thousand eight;" so as to make the clause read:

Excise board: For chief clerk, $2,000; clerk, $1,200; clerk, $1,000; messenger, $600; in all, $4,800.

The amendment was agreed to.

The next amendment was, on page 5, line 18, before the word "inspectors," to strike out "two" and insert "four;" in line 19, before the word "thousand," to strike out "one" and insert "two;" and in line 21, before the word "dollars," to strike out "thirteen thousand six hundred" and insert "seventeen thousand;" so as to make the clause read:

Personal tax board: For two assistant assessors of personal taxes, at $3,000 each; appraiser of personal property, $1,800; clerk, $1,400; assistant clerk, $1,000; four inspectors, at $1,200 each; extra clerk hire, $2,000; in all, $17,000.

The amendment was agreed to.

The next amendment was, on page 6, line 19, after the word "dollars," to insert "messenger, $480;" and in line 21, before the word "dollars," to strike out "one hundred and fifty" and insert "six hundred and thirty;" so as to make the clause read:

For auditor's office: For auditor, $3,600; * * * deputy disbursing officer, $1,500; messenger, $480; in all, $30,630.

The amendment was agreed to.

The next amendment was, on page 7, line 13, after the word "dollars," to insert "hostler and laborer, $356;" and in line 15, before the word "dollars," to insert "three hundred and sixty-five;" so as to make the clause read:

For coroner's office: For coroner, $1,800; morgue master, $720; assistant morgue master and janitor, $480; hostler and laborer, $365; in all, $3,365.

The amendment was agreed to.

The next amendment was, on page 7, line 17, after the word "each," to strike out "one market master, $600;" in line 20, before the word "dollars," to strike out "eight hundred" and insert "nine hundred and twenty;" and in line 21, before the word "dollars," to strike out "eight hundred" and insert "four hundred and eighty;" so as to make the clause read:

For market masters: For two market masters, at $1,200 each; for necessary labor for cleaning Eastern, Western, and Georgetown market houses, $1,920; in all, $4,480.

The amendment was agreed to.

The next amendment was, in the items of appropriation for the engineer's office, on page 12, line 24, to increase the appropriation for the salary of skilled laborer (now employed at $2 per diem) from $600 to $625.

The amendment was agreed to.

The next amendment was, on page 13, line 14, before the word "oilers," to strike out "three" and insert "five;" in the same

line, before the word "firemen," to strike out "six" and insert "five;" in line 15, before the word "dollars," to strike out "forty" and insert "seventy-five;" in line 20, before the word "dollars," to strike out "two hundred" and insert "nine hundred and fifty;" and in line 25, before the word "dollars," to strike out "seventy-eight thousand four hundred and twenty-seven" and insert "seventy-nine thousand seven hundred and thirty-seven;" so as to read:

Three assistant steam engineers, at $1,050 each; five oilers, at $600 each; five firemen, at $875 each; superintendent of repairs, $1,500; clerk, $1,050; clerk, $620; driver, $540; superintendent of stables, $1,950; blacksmith, $975; two watchmen, at $630 each; two drivers, at $630 each; in all, $179,737.

The amendment was agreed to.

The next amendment was, on page 14, line 14, before the word "dollars," to strike out "nine hundred" and insert "one thousand and fifty;" in line 15, before the word "hundred," to strike out "two" and insert "five;" in line 20, after the word "dollars," to insert "hostler, $480;" in line 21, before the word "dumpmen," to strike out "nine" and insert "eight;" and in line 24, before the word "dollars," to strike out "forty-four thousand nine hundred and twenty" and insert "forty-five thousand three hundred and seventy;" so as to make the clause read:

Street-sweeping office: For superintendent, $2,500; * * * stable foreman, $1,050; foreman of repairs, $1,000; clerk, $1,500; clerk, $1,200; stenographer and clerk, $720; blacksmith, $900; mechanic, $780; mechanic's helper, $600; hostler, $550; hostler, $480; eight dumpmen, at $480 each; one laborer, $450; in all, $45,370.

The amendment was agreed to.

The next amendment was, on page 15, line 6, after the word "dollars," to insert "statistician, $1,500;" in line 7, after the word "dollars," to strike out "statistician, $1,400;" and in line 10, before the word "hundred," to strike out "seven" and insert "eight;" so as to make the clause read:

Department of insurance: For superintendent of insurance $3,000; examiner, $1,500; statistician, $1,500; clerk, $1,000; stenographer, $660; temporary clerk hire, $1,200; in all, $8,800.

The amendment was agreed to.

The next amendment was, on page 15, line 19, after the word "dollars," to insert "assistant computer, $825;" in line 22, before the word "three," to strike out "rodman, $825," and insert "two rodmen, at $825 each;" and on page 16, line 2, before the word "dollars," to strike out "twenty thousand three hundred and seventy-nine;" so as to make the clause read:

For surveyor's office: For surveyor, $3,000; * * * assistant computer, $825; two rodmen, at $825 each; three chainmen, at $700 each; * * * in all, $22,029.

The amendment was agreed to.

The next amendment was, on page 16, line 7, before the word "dollars," to insert "five hundred;" so as to make the clause read:

For services of temporary draftsmen, computers, laborer, and drivers when required, and for an additional field party when required, all expenditures under this sum to be made only on the written authority of the Commissioners of the District of Columbia, $4,500.

The amendment was agreed to.

The next amendment was, on page 16, line 8, to increase the total appropriation for the maintenance of the engineer's office from $24,379 to $26,529.

The amendment was agreed to.

The next amendment was, on page 16, line 12, after the word "dollars," to insert "chief of circulating department, $1,000; children's librarian, $1,000;" in line 15, before the word "assistants," to strike out "four" and insert "five;" in line 24, before the word "attendants," to strike out "five" and insert "eight;" on page 17, line 2, before the word "pages," to strike out "seven" and insert "ten;" and in line 11, before the word "dollars," to strike out "twenty-six thousand three hundred and forty" and insert "thirty thousand eight hundred and sixty;" so as to make the clause read:

Free public library: For librarian, $3,000; assistant librarian, $1,200; chief of circulating department, $1,000; children's librarian, $1,000; assistant, $900; five assistants, at $720 each; * * * three attendants, at $480 each; eight attendants, at $360 each; collator, $360; two messengers, at $360 each; ten pages, at $240 each; * * * in all, $30,860.

The amendment was agreed to.

The next amendment was, on page 17, line 19, to increase the appropriation for purchase of books for the free public library from $7,500 to $10,000.

The amendment was agreed to.

The next amendment was, on page 17, line 21, to increase the appropriation for binding for free public library from $3,000 to $3,500.

The amendment was agreed to.

The next amendment was, on page 17, line 24, to increase the total of the appropriation for the maintenance of the free public library from $17,500 to $20,500.

The amendment was agreed to.

The next amendment was, under the head of "Contingent and miscellaneous expenses," to increase the appropriation in the item for the contingent expenses of the government of the District of Columbia for printing, checks, books, law books, books of reference, and periodicals, stationery, etc., from $40,000 to $42,000.

The amendment was agreed to.

The next amendment was, on page 20, line 15, to increase the appropriation for judicial expenses, including procurement of chains of title, the printing of briefs in the court of appeals of the District of Columbia, etc., from $1,000 to $2,000.

The amendment was agreed to.

The next amendment was, on page 20, line 22, to increase the appropriation for livery of horse or horse hire for coroner's office, jurors' fees, witness fees, etc., from $2,500 to $3,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 3, to insert:

For the erection by the Commissioners of the District of Columbia of suitable tablets to mark historical places in said District, $500.

The amendment was agreed to.

The next amendment was, on page 22, line 13, after the word "typewriters," to insert "except in those cases where the use of a pen shall be found by the recorder to be necessary;" so as to make the clause read:

To enable the recorder of deeds of the District of Columbia to secure for use in his office, by purchase and exchange, twenty Elliott-Fisher book typewriters, $2,150: *Provided*, That hereafter the recording of all instruments filed for record in the office of the recorder of deeds of the District of Columbia shall be done with book typewriters, except in those cases where the use of a pen shall be found by the recorder to be necessary.

The amendment was agreed to.

The next amendment was, on page 22, after line 14, to insert:

The recorder of deeds of the District of Columbia, with the approval of the supreme court of the District of Columbia, or of one of its justices appointed by it for that purpose, is hereby authorized and directed to recopy from time to time such of the original records in his office as may, in their judgment, need to be recopied in order to properly preserve them, the expense thereof to be paid by him out of the fees and emoluments of his office when approved and certified by the supreme court of the District or one of its justices appointed for the purpose, and audited and allowed by the proper accounting officer of the Treasury: *Provided*, That the compensation paid for such work shall not exceed that now allowed by law for copying in said office.

The amendment was agreed to.

The next amendment was, under the head of "Improvements and repairs," on page 24, line 2, before the word "dollars," to strike out "forty-six thousand six hundred and sixty-six" and insert "seventy thousand;" so as to read:

Work on streets and avenues: For work on streets and avenues named in Appendix W, Book of Estimates, 1907, $70,000, to be expended in the discretion of the Commissioners upon streets and avenues specified in the schedules named in said appendix and in the aggregate for each schedule as stated herein, namely:

The amendment was agreed to.

The next amendment was, on page 24, line 6, under the subhead "Work on streets and avenues," to increase the appropriation for the Georgetown schedule from $2,000 to $3,000.

The amendment was agreed to.

The next amendment was, on page 24, line 7, to increase the appropriation for the northwest section schedule from $5,333 to $8,000.

The amendment was agreed to.

The next amendment was, on page 24, line 9, to increase the appropriation for the southwest section schedule from $8,000 to $12,000.

The amendment was agreed to.

The next amendment was, on page 24, line 11, to increase the appropriation for the southeast section schedule from $15,333 to $23,000.

The amendment was agreed to.

The next amendment was, on page 24, line 13, to increase the appropriation for the northeast section schedule from $16,000 to $24,000.

The amendment was agreed to.

Mr. NELSON. I should like to inquire of the chairman of the Committee on the District of Columbia, who has charge of the bill, whether in reference to the extension of new streets the owners of adjoining property are made to pay for the grading of those streets in the first instance? I notice that in this city, especially toward the northwest, men buy up large tracts of property and plat it and lay it out, and the question is whether they contribute anything to these street improve-

ments, or does it all come out of the city government and out of the United States? What is the rule in that respect?

Mr. GALLINGER. I will say to the Senator from Minnesota that there is no rule which does not vary with circumstances. It is a very common thing for the owners to dedicate the streets to the Government.

Mr. NELSON. I do not mean the land, but, for instance, there is an extension. A man lays out an addition in the suburbs of the city. Of course when he plats that ground the street is dedicated to the public; but when it comes to improving the streets that are thus dedicated, does not the property contribute anything toward that expense, or does it come out of the general fund?

Mr. GALLINGER. I think it comes out of the general fund, as a rule.

Mr. NELSON. In that respect, then, it differs from what takes place in most other towns. I inquire why it would not be fair and just to make the people who lay out those additions bear a part of the burden of the street improvements, instead of throwing it upon the public at large, and in that way helping them to boom and enhance their property?

Mr. GALLINGER. I think, as a rule, it is thought that if they dedicate the street, which is a very considerable part of the expense, they have contributed their portion; and then, from time to time, by appropriations, the streets are improved. I do not know just what procedure the Senator would suggest whereby we could make them pay for paving the street or improving it in the ordinary way.

Mr. NELSON. They do it in other towns. In the West they are always made to contribute. I call the attention of the committee to the fact, so that in the future provision may be made for it.

Mr. GALLINGER. The rule is different here, I will say to the Senator.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, on page 25, after line 13, to insert:

Replacing granite block pavement with asphalt on the following streets:

First street between B and C streets NW., $5,800.
Second street between B and C streets NW., $7,500.

The amendment was agreed to.

The next amendment was, on page 26, after line 3, to insert:

Opening alleys and minor streets: For opening, widening, and extending alleys and minor streets in the District of Columbia under the provisions of the Code of Law for the District of Columbia, $50,000, to be paid wholly from the revenues of the District of Columbia, and this sum, together with any balance of appropriations heretofore made for said purpose, shall be available for use in opening, widening, extending, and straightening alleys and minor streets under the provisions of the Code of Law for the District of Columbia; and the Commissioners of said District are hereby authorized to employ, for such time as may be necessary, an assistant to the corporation counsel, at a compensation of $150 a month, whose duty it shall be to institute proceedings for the condemnations necessary to be taken in opening, widening, extending, and straightening alleys and minor streets, and the compensation of such assistant to the corporation counsel shall be included in the costs and expenses of such proceedings and shall be assessed against lands benefited by reason of such opening, extension, widening, and straightening, as provided in section 1608 of said Code of Law; said appropriation to be reimbursed by the payment of assessments for benefits to be made under the provisions of said Code.

The amendment was agreed to.

The next amendment was, on page 27, after line 4, to insert:

Massachusetts avenue, grade and improve, $10,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 6, to insert:

Connecticut avenue extended, grade and improve, $20,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 8, to insert:

Lincoln road, north of R street, grade and improve, $5,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 10, to insert:

Pennsylvania avenue extended, grade and improve, $5,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 12, to insert:

Brookland avenue, Bunker Hill road to Bates road, grade, $2,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 14, to insert:

Nichols avenue, Anacostia, grade and improve, $5,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 16, to insert:

Streets in American University Park, grade and improve, $3,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 18, to insert:

Albemarle street, east of Connecticut avenue, grade, $9,500.

The amendment was agreed to.

The next amendment was, on page 27, after line 20, to insert:

T street, North Capitol street to First street, west, pave, $6,850.

Mr. GALLINGER. Before the word "dollars," in line 22, I move to strike out "six thousand eight hundred and fifty" and to insert "seven thousand three hundred and fifty."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 27, after line 22, to insert:

Chesapeake street, Rockville road to Grant road, grade and improve, $4,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 24, to insert:

Thirteenth street, Clifton to Euclid (Roanoke) street, pave, $4,000.

Mr. GALLINGER. In line 26, before the word "dollars," I move to strike out "four thousand" and insert "five thousand three hundred."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, at the top of page 28, to insert:

Girard street, between Twelfth street and Brentwood road, northeast, grade and improve, $10,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 2, to insert:

Massachusetts avenue from Sheridan circle to Decatur street, pave, $3,400.

Mr. GALLINGER. In line 3 I move to strike out "Decatur" and to insert "Twenty-fourth."

Mr. KEAN. Why not insert "P street," so as to complete the whole improvement?

Mr. GALLINGER. The committee did not think that was wise this year. We have to deal with another body in these appropriations, and we have added very largely to the appropriations for streets.

I move further to amend the amendment by striking out, before the word "thousand," the word "three," and inserting "five" in line 4, so as to read "$5,400." This, I will say to the Senator, carries the improvements a little beyond the point where any houses have been built, and I think we are doing pretty well.

Mr. KEAN. If the Senator will extend it as far as S street he will cover the whole thing.

Mr. GALLINGER. I think we have done pretty well on that street for this year.

The VICE-PRESIDENT. The Senator from New Hampshire moves first to amend the amendment by striking out "Decatur" and inserting "Twenty-fourth" before the word "street" in line 3.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The Senator from New Hampshire moves further to amend the amendment by striking out "$3,400" and insering "$5,400" in line 4.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 28, after line 4, to insert:

Florida avenue between P and Q streets NW., city of Washington, contiguous to Twenty-second street and north of the south line of lot 24, block 3, of Kalorama Heights addition to the city of Washington, pave, $1,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 9, to insert:

Minnesota avenue from Pennsylvania avenue northward as far as the land may have been dedicated therefor, widening and grading, $3,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 12, to insert:

Kalorama road from Columbia road to Nineteenth street extended, pave, $1,750.

The amendment was agreed to.

Mr. NELSON. I wish again to call the attention of the Senator who has the bill in charge to the appropriations on page 27 and a large portion of page 28. They are all appropriations for such street improvements as in all other cities than Washington would be borne in the first instance by the adjoining lot owners.

In all other cities of the country, so far as I know, in the case of such improvements, when they first lay out and improve streets and put them in a passable condition, the expense is paid by the adjoining lot owners. After such streets are once laid out and improved and graded then the city or municipality has charge of the improvements.

The tendency of this method of appropriation is to work indirectly into the hands of land speculators and lot owners. I am not here criticising and finding fault with the committee for taking this course, because they have followed a course, I am aware, that has existed for a long time, perhaps from the very

beginning, so far as I know, in this city. But it is a course entirely different from that pursued in all other towns, and to my mind it is not only unjust to the taxpayers generally of this city, but also to the people of the United States, who contribute half of this money, that they should bear the burden of these improvements.

I do not expect the committee to do it now, but I think in the future the committee ought to devise a system by which in all these cases the adjoining lot owners should contribute their share to the street improvements in the first instance. It would not only be intrinsically just and honest and follow the procedure in other towns, but it would also tend to repress somewhat the booming and speculation in suburban property.

Men now find it very easy to buy a tract of suburban land and immediately go to work and plat it into lots and streets, and perhaps here and there place a little park in it. Then the first thing they do is to come to Congress and say, "I have platted this addition and laid out streets here, and I have dedicated this land to the public. I want you, the people of the District of Columbia and the people of the United States, to go into your pockets and raise money to improve the streets and put them into such a condition that I can sell my lots to good advantage and make money out of it."

It is a matter of speculation on the part of these men to make money out of the property that they thus plat and lay out, and that the public at large in this District should contribute to that expense in the first instance and enable the speculators to make that money, it seems to me, is altogether unjust.

I want the Senator who has this bill in charge to understand that I am not criticising him. I am criticising the system.

Mr. President, it is a wrong system. We ought to adopt the system in respect to these street extensions and street matters, in the first instance, that prevails in all other large towns of this country. I sincerely trust that when the committee frame the next appropriation bill they will take the proper steps to put the city in this respect upon a par with the other cities of this country. We certainly are under no obligations to the real estate boomers and real estate speculators, and we ought not to contribute money to enhance and boom their property and enable them to make a big fat thing out of this system of speculation.

Mr. GALLINGER. Mr. President, I think the Senator is wrong in saying that every other municipality than Washington pursues that course. But, however that may be, these men first dedicate the land, then they pay a portion of the curb and the sidewalk—one-half in the matter of sidewalk; I am not quite sure whether they pay 50 per cent or the entire amount for the curb.

Mr. NELSON. Only 50 per cent, I understand.

Mr. GALLINGER. In some instances there have been entire sidewalks paved and concreted by the owners of property; but to say that that should be a fast rule would work, I think, great injustice. If the Senator will go within a stone's throw almost of the Capitol, in the southeastern part of this city, he will find property that has been paying taxes for more than a hundred years, and the streets are not yet paved. To say that the people who have held that property and paid taxes on it should be required to make all the improvements in those streets is, to my mind, an injustice that the Senator would not advocate if he investigated the matter.

Then, again, the streets are not paved for the benefit of the owners of the property alone. They are to be traversed by all the people. A paved street is a public highway, and I think it would be a manifest injustice to require the people who chance to have lots adjoining the street to pay the entire expense of the improvement.

Mr. NELSON. I do not mean that they should pay the entire expense, but I mean that they should contribute something. They contribute now, as I understand it, one-half toward the paving of the sidewalks in the first instance. I think they ought to contribute a similar amount to the paving of the streets.

The Senator referred to southeast Washington. When the town was originally laid out that portion was built up, and the streets were not paved. The paving has been going on gradually. The property was developed, occupied, and settled upon, and buildings were constructed along those streets, and for many years the public at large used them. I do not think the rule should apply in that case, but when persons lay out entirely new land that has never been occupied or used before, and lay it out as a mere matter of speculation, then I think they ought to bear a part of the burden. And such a rule would repress some of the real estate speculation that is so rampant in this city.

Mr. GALLINGER. Mr. President, I have no particular sympathy with real estate speculators, but I think any Senator who will take the trouble to cool himself off by riding on the rapid-transit cars of this city on a hot evening of a June day will feel that we are under great obligations to the enterprising men who have gone outside and opened up subdivisions and made it possible to have the beautiful homes that we find within 4 or 5 miles of the Capitol.

I do not know how much money they have made. They deserve to make money. Their enterprise is worthy, and it has done very much to make Washington the beautiful city that it is.

However, Mr. President, I have not charge of the appropriations. In the first place, the bill comes from the House of Representatives, and I am only to-day serving by being drafted into the service in taking charge of this bill. I will personally give consideration to the suggestion made by the Senator from Minnesota, simply adding the suggestion that if he should be in my position as chairman of the Committee on the District of Columbia he would find more trouble than he has discovered in all his life in every other avenue of business that he may have been engaged in.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, on page 29, line 13, to increase the total of the appropriation for the construction of county roads from $45,800 to $139,300.

The VICE-PRESIDENT. The Secretary states that the total should be $143,100.

Mr. GALLINGER. There are certain totals that the clerks at the desk will attend to.

The VICE-PRESIDENT. The amendment as modified will be agreed to.

The next amendment was, on page 29, after line 14, to insert:

For condemnation of land necessary for extending Massachusetts avenue from the present point of termination of the macadam pavement near the Naval Observatory to Nebraska avenue, and toward grading and improving said part of Massachusetts avenue, $25,000, the proceedings for condemnation hereunder to be in accordance with the terms and provisions of sections 491a to 491n, inclusive, of the Code of Law for the District of Columbia as established by act of Congress approved April 30, 1906, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets."

Mr. GALLINGER. In line 16, I move to strike out, after the word "from," the words "the present point of termination of the macadam pavement near the Naval Observatory" and to insert "Wisconsin avenue;" so as to read:

For condemnation of land necessary for extending Massachusetts avenue from Wisconsin avenue to Nebraska avenue, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in the item of appropriation for repairs of streets, avenues, and alleys, on page 30, line 8, to increase the appropriation for current work of repairs of streets, avenues, and alleys, etc., from $275,000 to $300,000.

The amendment was agreed to.

The next amendment was, on page 30, line 18, to increase the appropriation for replacing and repairing sidewalks and curbs around public reservations and municipal buildings from $6,000 to $9,500.

The amendment was agreed to.

The next amendment was, on page 31, after line 11, to insert:

For continuation of work on the reconstruction of the Anacostia Bridge, $275,000.

The amendment was agreed to.

The next amendment was, under the head of "Sewers," on page 31, line 16, to increase the appropriation for cleaning and repairing sewers and basins from $37,500 to $38,000.

The amendment was agreed to.

The next amendment was, on page 32, line 1, to increase the appropriation for suburban sewers from $44,000 to $150,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 16, to insert:

For beginning work on extension of east side intercepting sewer from boundary sewer to Brookland, $40,000.

The amendment was agreed to.

The next amendment was, under the head of "Streets," on page 33, line 19, to increase the appropriation for sprinkling, sweeping, and cleaning from $225,000 to $250,000.

The amendment was agreed to.

The next amendment was, on page 33, line 24, to increase the appropriation for cleaning snow and ice from cross walks and gutters, under the act approved March 2, 1895, from $2,500 to $10,000.

The amendment was agreed to.

The next amendment was, on page 34, line 19, before the word "thousand," to strike out "five" and insert "fifteen;" and in the same line, before the word "thousand," where it occurs the second time, to strike out "eight" and insert "eighteen;" so as to make the clause read:

Bathing beach: For superintendent, $600; watchman, $450; and for temporary services, maintenance, and repairs, $1,950; construction of bath houses and for improvement of wharves and floating baths, $15,000; in all, $18,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 34, line 21, before the word "repair," to insert "purchase;" and in line 22, before the word "hundred," to strike out "two" and insert "five;" so as to make the clause read:

For public scales: For purchase, repair, and replacement of public scales, $500.

The amendment was agreed to.

The next amendment was, on page 34, line 24, before the word "repair," to insert "purchase, replacement, and;" and on page 35, line 2, before the word "thousand," to strike out "two" and insert "three;" so as to make the clause read:

For public pumps: For the purchase, replacement, and repair of public pumps, cleaning and protecting public wells, filling abandoned or condemned public wells, including the hire and maintenance of necessary horse and wagon, $3,000.

The amendment was agreed to.

The next amendment was, on page 35, line 3, after the word "maintenance," to insert "supervision;" and in line 4, before the word "equipment," to strike out "completing;" so as to make the clause read:

Playgrounds: For maintenance, supervision, and equipment of outdoor playgrounds, $10,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 35, after line 14, to insert:

For reconstructing wharf and sea wall adjacent to the morgue, as a foundation to stable, $500.

The amendment was agreed to.

The next amendment was, on page 35, after line 16, to insert:

Condemnation of insanitary buildings: For all expenses necessary and incident to the enforcement of the provisions of an act entitled "An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes," approved May 1, 1906, including personal services, when authorized by the Commissioners of the District of Columbia, not to exceed $1,200, $6,200.

The amendment was agreed to.

The next amendment was, under the head of "Electrical department," on page 37, line 10, to increase the appropriation for general supplies, repairs, new batteries, and battery supplies, telephone rental and purchase, etc., from $12,000 to $13,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 22, to insert:

For a telephone switch board, to be installed in the office of the major and superintendent of police, connecting the various precincts, the residences of his assistants, and the main offices of his department on an independent system, $1,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 2, to insert:

For purchasing and cost of replacing the present break wheels in fire-alarm boxes with approved type of platinum-point key breaks, $1,700.

The amendment was agreed to.

The next amendment was, on page 38, line 19, before the word "thousand," to insert "and sixty;" in line 20, before the words "dollars," to strike out "fifteen," and insert "twenty;" and in line 24, before the word "dollars," to strike out "twenty" and insert "twenty-six;" so as to read:

Lighting: For illuminating material, lighting, extinguishing, repairing, and cleaning public lamps on avenues, streets, roads, and alleys; purchasing and expense of erecting and maintaining new lamp-posts, street designations, lanterns, and fixtures; moving lamp-posts, painting lamp-posts and lanterns; replacing and repairing lamp-posts and lanterns damaged or unfit for service; for rent of storeroom, cartage of material, livery, and other necessary items, $260,000: *Provided*, That no more than $20 per annum shall be paid for each gas lamp equipped with a self-regulating flat-flame burner so adjusted as to secure under all ordinary variations of pressure and density a consumption of 5 cubic feet of gas per hour, nor more than $26 per annum for each gas or oil lamp equipped with an incandescent mantle burner of not not less than 60 candlepower.

The amendment was agreed to.

The next amendment was, on page 39, line 23, before the word "thousand," to strike out "eighty" and insert "ninety-five;" and in line 24, before the word "dollars," to strike out "eighty" and insert "eighty-five;" so as to make the clause read:

For electric arc lighting, and for extensions of such service, not exceeding $95,000: *Provided*, That not more than $85 per annum shall be paid for any electric arc light burning from fifteen minutes after sunset to forty-five minutes before sunrise, and operated wholly by means of underground wire; and each arc light shall be of not less than 1,000 actual candlepower, and no part of this appropriation shall be used for electric lighting by means of wires that may exist on or over any of the streets or avenues of the city of Washington.

The amendment was agreed to.

The Secretary continued the reading of the bill to items under the heading "Public schools," line 25, page 40.

Mr. BURKETT. Mr. President, we have reached "Public schools," and as the Senator from New Hampshire in charge of the bill knows, there is the bill on the Calendar of the Senate for amending the schedule of salaries of teachers in the public schools. Of course, if that bill passes, all the items in this bill pertaining to public schools will have to be gone over again. I ask the Senator from New Hampshire if he would be willing to yield to me to call up the House bill 18442, pertaining to the public schools. It is not a very long bill. I think we could pass it very quickly, and that would give a chance to change the schedule here to conform to the new law.

Mr. GALLINGER. Mr. President, I am very desirous of pleasing the Senator from Nebraska in the matter he has in charge and in which he has taken a great deal of interest, but I will venture to suggest to the Senator that I think the better way will be for me to move to strike out of the bill at the present time everything relating to the public schools and then go along with the bill, and a little later this evening, or perhaps to-morrow, the Senator from Nebraska can get his bill up. If it passes the schedule will have to be made up, which will take a little time, and it can be inserted. Of course the Senate could recede from the amendment and reinsert the old schedule. I think that will facilitate matters, rather than for me to yield for the Senator to call his bill up at the present time.

Mr. BURKETT. If the Senator from New Hampshire will allow me, I will state that it seemed to me we could straighten this matter out and pass the bill to which I refer this evening. It would not perhaps take over fifteen minutes. Then, during the evening or before the Senate convenes to-morrow, the Senator in charge of the bill could straighten it out and we could go right on in the regular order. If we go on now, however, without doing so, we shall have to go back to it later on. It will be necessary, therefore, to delay the appropriation bill at some time unless this schedule of salaries is now arranged. I merely thought perhaps we had better do it while the Senate is on the subject than to have it go over until to-morrow forenoon and then have to correct it.

Mr. GALLINGER. I will suggest to the Senator from Nebraska that Senators around me say they would object to that arrangement. So that would seem to settle the matter for this evening.

I will now ask, Mr. President, that all matters relating to public schools be passed over for the present, and that the consideration of the bill be proceeded with, beginning on page 45, at line 2. That relates to janitors and the care of buildings and grounds.

The VICE-PRESIDENT. In the absence of objection, the reading of the bill will be resumed by the Secretary at the point indicated by the Senator from New Hampshire.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 46, line 13, to increase the appropriation for janitors and care of buildings and grounds of the Adams, Addison, Ambush, Amidon, Anthony Bowen, Arthur, and other schools from $540 each to $600 each.

The amendment was agreed to.

The next amendment was, on page 46, line 15, to increase the appropriation for janitors and care of buildings and grounds of the Garfield, Thomson, Van Buren Annex, and Woodburn buildings from $360 each to $420 each.

The amendment was agreed to.

The next amendment was, on page 46, line 20, to increase the appropriation for janitors and care of buildings and grounds of the Benning (white), Benning (colored), Chevy Chase, Stanton, Hamilton, and other schools from $240 each to $360 each.

The amendment was agreed to.

The next amendment was, on page 47, line 2, to increase the appropriation for care of smaller buildings and rented rooms, including cooking and manual training schools, etc., from $5,000 to $6,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 11, to insert:

For one cabinetmaker for repairing school furniture, $1,000.

The amendment was agreed to.

The next amendment was, on page 47, line 14, to increase the total appropriation for the maintenance of the public schools of the District from $90,240 to $98,600.

The amendment was agreed to.

The next amendment was, on page 48, line 1, after the word

"buildings," to insert "storage and stock rooms;" so as to make the clause read:

Miscellaneous: For rent of school buildings, storage and stock rooms, and repair shop, $15,684.

The amendment was agreed to.

The next amendment was, on page 48, after line 3, to insert:

For amount required to rent, equip, and care for temporary rooms for classes above the second grade, now on half time, and to provide for the estimated increased enrollment that may be caused by the operation of the compulsory education law, $27,372.

The amendment was agreed to.

The next amendment was, on page 48, line 14, to increase the appropriation for necessary repairs to and changes in plumbing in existing school buildings from $40,000 to $50,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 13, to insert:

For additional amount to complete the equipment of the new Business High School, $7,200.

The amendment was agreed to.

The next amendment was, on page 49, after line 16, to insert:

For the purchase of apparatus for the physics department and the installation of an electrical equipment in the physics laboratories in those high schools which do not now possess the same, namely, the Central, Eastern, Western, and M Street High Schools, including conduits, switchboards with usual fittings, wires and wiring, terminal boxes, motor generators or dynamotors, transformers, resistance boxes, electrical measuring instruments, and other accessories and extra labor and other necessary items, $6,000.

The amendment was agreed to.

The next amendment was, on page 50, line 5, to increase the appropriation for contingent expenses, including furniture and repairs of same, books, books of reference, etc., from $39,000 to $40,000.

The amendment was agreed to.

The next amendment was, on page 50, line 13, to increase the appropriation for purchase of pianos for school buildings and kindergarten schools from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was, on page 51, line 6, to increase the appropriation for apparatus for the equipment and maintenance of school playgrounds from $1,500 to $2,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 7, to insert:

For the purchase of plants, seeds, tools, and other materials, and labor, for school gardens, wherever located, $1,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 16, to insert:

For purchase of lot 25, square 553, adjoining Armstrong Manual Training School, as a site for the erection of an addition to said school, $3,933.

The amendment was agreed to.

The next amendment was, on page 52, after line 20, to insert:

For site and toward the construction of an eight-room school building to relieve the McCormick School, $40,000; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed $60,000.

The amendment was agreed to.

The next amendment was, at the top of page 53, to insert:

For site and erection of a four-room building in Brightwood Park (seventh division), $35,000.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I now ask to return to page 28 of the bill, where an omission occurred. After line 14, on that page, I move to insert what I send to the desk.

The SECRETARY. After line 14, on page 28, it is proposed to insert:

Fifteenth street, Florida avenue to Euclid (Erie) street, grade and improve, $5,000.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

The VICE-PRESIDENT. The adoption of that amendment makes an amendment of the total necessary on page 29, which will be stated.

The SECRETARY. On page 29, lines 13 and 14, it is proposed to change the total appropriation to $148,100.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 53, after line 2, to insert:

For site and construction of one four-room building at Deanwood (eleventh division), $30,000.

The amendment was agreed to.

The next amendment was, under the head of "For Metropolitan police," on page 54, line 17, after the word "dollars," to strike out "captain and assistant superintendent, $1,800," and insert "assistant superintendent, with rank of inspector, $2,500; three inspectors, at $1,800 each;" in line 21, before the word "captains," to strike out "four" and insert "ten;" and, on page 55, line 2, before the word "dollars," to strike out "five hundred and forty" and insert "six hundred;" so as to read:

For major and superintendent, $4,000; assistant superintendent, with rank of inspector, $2,500; three inspectors, at $1,800 dollars each; ten captains, at $1,500 each; chief clerk, who shall also be property clerk, $2,000 dollars; clerk, $1,500; clerk, $900; two clerks, at $720 each, etc.

The amendment was agreed to.

Mr. GALLINGER. On page 54 I move to strike out part of lines 24 and 25 and to insert in lieu thereof the amendment which I send to the desk.

The VICE-PRESIDENT. The amendement proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 54, in line 25, it is proposed to strike out "clerk, $900; two clerks, at $720 each," and to insert "three clerks, at $900 each."

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 55, line 1, before the word "dollars," to strike out "five hundred and forty" and insert "six hundred;" so as to read:

Four surgeons of the police and fire departments, at $600 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the Metropolitan police, on page 55, line 5, after the word "necessary," to strike out:

Eleven lieutenants, at $1,320 each; 40 sergeants, at $1,140 each; 370 privates, class 1, at $900 each; 265 privates, class 2, at $1,080 each.

And to insert:

Twelve lieutenants, one of whom shall be harbor master, at $1,320 each; 45 sergeants, one of whom may be detailed for duty in the harbor patrol, at $1,250 each; 412 privates of class 3, at $1,200 each; 104 privates of class 2, at $1,080 each; 143 privates of class 1, at $900 each; for amount required to pay salaries of privates of class 2 who will be promoted to class 3 and privates of class 1 who will be promoted to class 2, during the fiscal year 1907, $5,979.01.

The amendment was agreed to.

The next amendment was, on page 55, line 23, before the word "telephone," to strike out "three" and insert "six;" in line 24, after the word "each," to strike out "twenty-four station keepers, at $840 each;" on page 56, line 5, before the word "mounted," to strike out "captain" and insert "inspector;" in line 6, before the word "lieutenants," to insert "captains;" in line 8, before the word "sergeants," to insert "lieutenants;" and in line 9, before the word "dollars," to strike out "forty" and insert "fifty;" so as to read:

Six telephone operators, at $600 each; janitor for police headquarters, $720; thirteen laborers, at $600 each; messenger, $700; messenger, $500; major and superintendent, mounted, $240; inspector, mounted, $240; fifty-five captains, lieutenants, sergeants, and privates, mounted, at $240 each; sixty-four lieutenants, sergeants, and privates, mounted, on bicycles, at $50 each; twenty-six drivers, at $600 each; and two police matrons, at $600 each, etc.

The amendment was agreed to.

The next amendment was, on page 56, line 11, to increase the total appropriation for the salaries, etc., of the Metropolitan police of the District from $768,640 to $900,429.01.

Mr. GALLINGER. I move to change the total there to $900,789.01.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. Let the provision relating to public schools, beginning at line 26, on page 40, and ending with line 1, on page 45, be stricken from the bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 40, line 26, it is proposed to strike out all after the subhead "Public schools" down to and including line 1, on page 45.

The amendment was agreed to.

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. Mr. President, the Senator from Nebraska [Mr. BURKETT] has renewed his appeal to me. He has in charge a House bill which increases the salaries of the teachers of the public schools of the District of Columbia. It is very important that, if the bill is to be passed, the new schedule should be inserted in the pending appropriation bill. I therefore yield, for the present, to the Senator from Nebraska to allow him to call up the bill in which he is interested.

Mr. BURKETT. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

Mr. BURKETT. I ask that the first formal reading of the bill be dispensed with and that the bill be read for amendment, the amendments reported by the committee to be first considered.

The VICE-PRESIDENT. Without objection, it is so ordered. The first amendment of the committee will be stated.

The first amendment of the Committee on the District of Columbia was, in section 2, page 1, line 11, after the words "District of Columbia," to insert "and three of whom shall be women;" so as to read:

That the control of the public schools of the District of Columbia is hereby vested in a board of education to consist of nine members, all of whom shall have been for five years immediately preceding their appointment bona fide residents of the District of Columbia, and three of whom shall be women.

Mr. McCUMBER. Before that amendment is agreed to, I should like to have the Senator in charge of the bill explain the reason for restricting the appointive power in this case to any certain number of one sex.

Mr. President, I do not know that I have any objection to this amendment, provided we are certain to get the right character of persons selected for this position. As I understand, the board of education under the provisions of this bill is to be appointed by the judges of the supreme court of the District of Columbia. This is a considerable departure from anything we have had heretofore. I am not criticising the departure; I think it has been made after due and proper consideration. But my own observation and my own experience to some extent in matters of this kind do not lead me to believe that the very best interest of the schools will demand that any certain number of the board of education shall be women.

I have had considerable observation and some experience along this line. It is undoubtedly true that in such a great city as this there could be selected the proper kind of women to fill this position. It is possibly true that we could find much better material for this position if the judges were left entirely free to determine not only the personnel, but the sex of the persons to be appointed to the position. I should like to have the Senator explain the necessity of providing specifically that three of the members of this board shall be women.

Mr. HALE. Mr. President, I think it is evident enough that the interruption of the appropriation bill, which was proceeding happily to a conclusion, will result in neither bill passing to-night. I supposed that if the school bill were taken up it would give rise to no debate. I was told that it had already been read, and that it need not be read again; but if it is going on in this way—I know the Senator from North Dakota [Mr. McCUMBER] has several amendments he wants to offer—the Senator from New Hampshire [Mr. GALLINGER] will not only not get the appropriation bill through, but the Senator from Nebraska [Mr. BURKETT] will not get his school bill through to-night.

Mr. BURKETT. I will say to the Senator from Maine that I think there is not likely to be much discussion after this one point is passed. Whether that amendment goes in is a matter that can be determined very quickly by the Senate. The bill is only to be read for amendment, the first formal reading having been dispensed with by unanimous consent.

Mr. HALE. The Senator from North Dakota says he has several amendments to offer. But I will not oppose the consideration of the bill now, although I am very sorry we shall not be able to conclude the appropriation bill this evening.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from West Virginia?

Mr. McCUMBER. I yield to the Senator.

Mr. SCOTT. As I understand, the Senator from New Hampshire [Mr. GALLINGER] was willing that the appropriation bill should be laid aside until an effort was made to pass the school bill, because if that bill passes it will be necessary to increase the appropriation for the schools in order to take care of the additional expense which the bill in charge of the Senator from Nebraska will entail in the way of increased salaries to teachers. For that reason, I take it, the Senator from New Hampshire was willing to allow the appropriation bill to go over in order that an opportunity might be given to pass the school bill to-night.

Mr. McCUMBER. I wish to say, Mr. President, that I have carefully read over the school bill. I have taken some interest in it, and there are several amendments that I wish to offer. I also wish to speak, not at any great length, but to some extent, upon each one of the amendments I intend to propose. Of course I am willing to go on to-night if the Senator desires.

Mr. BURKETT. Does the Senator make any motion with reference to this amendment?

Mr. McCUMBER. I have not made a motion yet. I simply asked the Senator to explain the necessity of governing the judgment of the judges to whom you propose to give the appointive power.

Mr. BURKETT. There is not any necessity at all for it, I will say to the Senator. The matter came up in the committee and was presented to us in the hearings. A request was made that there might be three women on the board, and the committee, on voting on the question, decided to put the provision in. That is all there is about it. If the Senate does not want it, it can strike it out. The committee by a majority vote decided to put in the provision requiring that three of the nine members of the board shall be women. That is all the explanation there is to it.

So far as the question of ability of women to serve and the desirability of their occupying such positions is concerned, there is not any use in my taking the time to argue that question, because every Senator here is just as familiar with that as I am. That is the way the amendment was put in. If the Senate does not want it, as I have said, let it be stricken out. That can be done very quickly.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on the District of Columbia was, in section 2, page 2, line 17, before the word "appointment," to strike out "character or;" so as to read:

The organization meeting, and all meetings whatsoever thereafter, shall be open to the public, except committee meetings dealing with the appointment of teachers.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 18, after the word "appointment," to strike out "however;" so as to read:

No appointment, promotion, transfer, or dismissal of any director, supervising principal, principal, head of department, teacher, or any other subordinate to the superintendent of schools, shall be made by the board of education, except upon the written recommendation of the superintendent of schools.

The amendment was agreed to.

The next amendment was, in section 3, on page 4, line 4, after the word "schools," to insert:

The white assistant, under the direction of the superintendent of schools, shall have general supervision over the white schools, and is specially charged, under the direction of the superintendent, with the unification, as far as may be practicable, of the educational work of the white high schools and of all academic and scientific subjects in the McKinley Manual Training School and the Business High School.

Mr. BURKETT. I move to amend the amendment on page 4, line 4, after the word "assistant," by inserting "superintendent," so as to make it read:

The white assistant superintendent, etc.

Mr. McCUMBER. I do not understand the amendment.

The VICE-PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 4, line 4, after the word "assistant," it is proposed to amend the amendment of the committee by inserting the word "superintendent;" so that it will read:

The white assistant superintendent, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Nebraska to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. McCUMBER. I call the attention of the Senator having the bill in charge to what I consider two or three inconsistencies, and I have an idea that probably the Senator, when his attention is called to them, will have no objection to removing them by proper amendments, unless he has some explanation to make why there should be these apparent inconsistencies in the several provisions of the bill.

The bill as it came from the House has been very materially modified, not only in the addition of new provisions, but it has been modified with reference to the system. In 1882, I think it was, we had but one important high school in the city. In 1890 there were established the Eastern, the Western, and the Business high schools. A few years later, in 1897, it was found necessary to appoint a director of high schools so that the work might be unified and the competition, which had sprung up between the several schools, might be removed. Up to that time practically each one of the high schools was independent of the other, working out its own system and having its own methods of instruction. The high school system has grown to such an

extent that now there are between three and four thousand students in the high schools of the city.

As I have said, it was found necessary, in 1897, to appoint a new officer, who was known as the "director of high schools." That official position has been continued down to the present time. The name was changed in the bill as it came from the House, so that "director" was stricken out and a new designation of that official position was made. It was called, I think, "director of intermediate instruction," or something of that character. If the Senator will compare the provision on page 4 relating to the white assistant superintendent with that on the same page relating to the colored assistant superintendent, he will find that certain powers and authority are given to the colored assistant superintendent which are denied to the white assistant superintendent.

Mr. BURKETT. I will say that the word "sole" was put in the clause providing for the duties and powers of the colored assistant superintendent. Some advocated dividing the two systems—colored and white. The House, after their hearings, decided not to do it, but to keep it all under one superintendent and to give the colored assistant superintendent control of the colored schools. That was in the bill when it came from the House. So that in making this amendment prescribing the duties of the white assistant superintendent and the duties of the colored assistant superintendent the colored assistant superintendent was given that additional authority only to conform to the word "sole," which was put in in the House, giving him sole authority and control of the colored schools. That is why it was put in—to conform to the measure as it came from the House.

Mr. McCUMBER. That is not the only difference between them.

Mr. NELSON. Will the Senator from North Dakota permit me?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. Certainly.

Mr. NELSON. I want to call his attention to the fact that the amendment reported by the committee has vastly improved the bill. As the bill came from the House it appointed one white assistant superintendent, but assigned no duties whatever, and I understand that this white assistant is a woman, and that up to this time it has been a sort of a sinecure, and that this amendment now gives her some duties. I think it is an improvement. As the bill came from the House it gave her the office, but no duties to perform.

Mr. McCUMBER. Right there I have a serious objection to the amendment, if that is the purpose of it. I do not suppose that it is the intent of anyone on this committee to legislate a good and efficient officer out of his position. I am somewhat acquainted not only with the superintendent of schools in this city, but also with the director of high schools. I have taken a deep interest in the educational matters of the city, because I believe in educating my own children in the public schools in preference to any other school. I am desirous, like any citizen naturally would be, that we have good and efficient schools. I am desirous, as any Senator should be, that the attention and careful consideration of the Senate should be given to the matter of the conduct of the schools in the District.

Mr. BURKETT. Will the Senator let me explain the whole matter? Perhaps it will obviate the necessity of his making any further remarks. If he will yield, I will state why that was changed and all about the system. I think I can do it very quickly, if he will yield.

Mr. McCUMBER. I want to explain one thing. The assistant superintendent, as has been suggested by the Senator from Minnesota, is a lady who has had experience in the intermediate grades. Now, if you continue the same office and provide that the same assistant superintendent, as he is spoken of, shall hold that position, then you will have as practically the director of the high schools, and one who is supposed to have charge of the entire school system of the District, one who has had only experience in grades and not one who has had any experience whatever in the high schools of the city, and you will have legislated out of office one of the very best school officers, in my opinion, that you have here in the city, and that is Mr. Hughes, director of the high schools. I get that information not only from my own casual and perhaps slight acquaintance with him, but also from all teachers of the high schools in the city. I myself do not wish to see this party by this bill legislated out of his position and another legislated into the position who has not had the requisite experience in this matter.

There is another thing that I want to call the Senator's attention to. You make this assistant superintendent practically the director of high schools and the intermediate branches. That power now is placed in the hands of one person. But when you come to the white schools, on page 13, you provide that the principal of the high school shall be subject practically to no control whatever, and the system which grew up a few years ago of practically so many independent high schools without any unification whatever of their work will be reintroduced.

Let me call the Senator's attention to page 13, I think it is:

Principals of normal, high, and manual training schools shall receive a salary of $2,000 per annum, together——

Mr. BURKETT. That is the place.

Mr. McCUMBER. I will commence a little lower:

All such principals—

That is, principals of high schools, manual training schools, etc.—

shall be appointed at the minimum salary, and each shall have entire control of his school, both executive and educational, subject only in authority to the superintendent of schools for the white schools and to the colored assistant superintendent for the colored schools, to whom in each case he shall be directly responsible.

In other words, while you make an assistant superintendent and give that assistant superintendent control and charge of these schools, as is indicated on page 4 of the bill, on page 13 you state in substance that the principal of the school shall have exclusive control, subject only to the restriction and restraining power of the general superintendent of all the schools. On one page, therefore, you make an assistant superintendent and on the other page you take away all of his powers. Am I not correct in that, let me ask the Senator from Nebraska?

Mr. BURKETT. The Senator is not correct.

Mr. McCUMBER. Will the Senator explain to me wherein I am not correct?

Mr. BURKETT. I will explain it. That is what I was about to do when I asked the Senator to yield a few moments ago. I could have explained the whole thing, and perhaps have covered it so that the Senator would not be troubled. I can understand how, going over it hastily, he would perhaps misconstrue it. If he had spent about twelve days on it and committed it to memory backward and forward he would understand it.

Mr. McCUMBER. I am ready to yield to the Senator for that purpose.

Mr. BURKETT. I will say—I had hoped possibly it would not be necessary to take time to say anything, because it seems so important that we pass the bill quickly. In the schools here we have a superintendent. He has, say, as his right hand his white assistant superintendent. His left hand is his colored assistant superintendent. The reason for giving more power to the colored assistant superintendent is that there has been a good deal of doubting among the colored people—the colored patrons of the schools—of the school system, under the belief on their part that the white superintendents and directors were not giving them all the benefits and all the attention they ought to have. They have believed that their own people should have more direct control of their schools. They asked to have it put under the direction of the assistant superintendent of colored schools, and the House did it. In this particular we only carried out the design of the House.

Now, with respect to the school system here, every Senator who has given it as much attention as the Senator from North Dakota says he has realizes that there is a good deal of criticism from everybody and everywhere. Ever since I have been here there has been continuous controversy and prolonged conflict and investigation in the schools, and there is a very serious one going on right now. They have just closed up one that lasted over eight months. In short, there is a good deal of trouble. The people criticise the schools; the schools find fault with the people; teachers arrayed against the board, and vice versa. There has been a great deal of conflict of authority. For example, two or three persons would go to the same point with certain authority and prerogatives, and then there was a conflict, and as a result there was trouble.

Now, one of the troubles—and I will ask the Senator to stay right on page 4—was with the white assistant superintendent. He has never had any particular prescribed duty to perform. This bill, when it came from the House, prescribed specifically what the left arm should do, the colored assistant superintendent, but not one word was said about what the white assistant should do. Attached to the system between the superintendent and the assistant superintendent was the director of high schools. You could not tell just what he was responsible for or his authority, nor who he was responsible to. Yet he went through this whole system of high schools, with authority enough, authorized or assumed, that was constantly creating friction. I am not criticising him, for I understand he is a

splendid man. Then there was a director of primary schools. Senators all know that the first four grades are primary, the next four intermediate, and next are the high schools. Those are the twelve grades of the complete school system.

There was a director of high schools for the top four grades, a director of the primary schools for the bottom four grades, but there was not any director for the great intermediate grades—the fifth, sixth, seventh, and eighth grades—which are the most important part of a child's school life. Peculiarly enough, where there was no special guardian of those grades is where the greatest attack has been made upon the educational system. For example, there are 107 special teachers turned loose upon those schools, teaching cooking, millinery, manual training, music, and those special subjects. In one instance where I made an investigation 25 per cent of the child's hours in school during every week was taken up with domestic science and millinery and that sort of thing.

I may say that under the assistant superintendent there has been a corps of supervising principals; nine in the white schools, four in the colored. Under each of them there has been a certain number of principals; under the principal an assistant in some schools, and under them the teacher and then the pupils. Hence, from the superintendent to the pupil there were the teacher, the principal, the supervising principal, the assistant superintendent, and on up to the superintendent. Then across that system ran another, a lateral supervision. One was the director of the high schools. Running across the whole thing, as I have explained it heretofore, like a comet, coming from no particular place and going to no particular place, were the heads of departments—a head of the Latin department, a head of the mathematical department, a head of the scientific department. They would walk into a school and say, "This class must make an average of 95 per cent or they can not pass."

I have talked with a great many connected with the school system, with a large share of the teachers, and there are 1,400 of them. I said to a principal of a high school, "What do you do under those circumstances?" He said, "They are in control." I said, "What do you mean?" He said, "They have educational control." I said to the principal, "What are you here for?" He said, "I am here as a disciplinarian."

There has been trouble over in the McKinley Manual Training School, because there are a principal of that school and a supervising principal, and over the supervising principal there is a director of the high school, and over him an assistant superintendent, and over the assistant superintendent is a superintendent. So the committee said, "For goodness sake, let us pull up the coupling." You know if you get the hind wheels and the front wheels too far apart they wont track easily. As it is today the pupil is five or six steps from the man responsible for the school.

The recommendation of the committee will not do away with anybody's job. There are some of them that the Lord knows ought to be cut out. But we knew if we cut out a single soul who is drawing a salary in the District of Columbia he would get some kind-hearted Senator to stand up in the Senate and fight the bill. So we have not cut out one single salary. Every person who drew a salary last year will draw a larger salary this year than ever before in the school system under this bill. We first thought that these thirteen supervising principals, bossing the principals, underneath the superintendent, might be done away with. Take the white assistant superintendent. Let me say that I did not know the person; I did not know the sex; I did not know anything about it. You can not make a school bill according to personnel. You have to make it according to principle. You can not make it to suit everybody's qualifications and everybody's salary. I did not know a single teacher in these schools and never met one before I took hold of this bill except Mr. Stewart, the superintendent. Since that time I have met four or five hundred, I should judge. Until this bill was drafted and laid on the Senators' desks last week I had never met the assistant superintendent referred to. I had never met the director of the high schools. Knowing this legislation was in prospect, I did not want to go into the personnel.

The director of the high schools was hanging around in the system, without any very definite authority, without any particular specified duties to do. So we said that this assistant superintendent, who had not had any duties prescribed, should perform the duty of directing and unifying these five white high schools. We have five white high schools, or, rather, three academic high schools, a business high school, and a manual-training school. We said that the assistant superintendent shall perform the duties of assistant, but his special work shall be to supervise, not, as the Senator from North Dakota undertakes to say, that there shall be conflict of authority, but to unify the grades, to keep the several schools as nearly together as may be practicable.

That assistant works by direction of the superintendent and stands for him. There may be a teacher of grammar in the Western High School. There may be another teacher of grammar in the Eastern High School. We do not want anyone to say to this teacher or the other that "you must teach grammar according to my rule," but we want results, and we want that the principal of the Western High School, Miss Wescott, shall be responsible for the work directly to the superintendent; we want that the principal, who is there on the spot, who knows every student and his capabilities, who sees him every day, shall have the sole power and duty, subject only to the superintendent, not only as a disciplinarian, but also in educational matters.

And that is why we prescribe specifically, on page 13, that the principal of the school shall be the boss, so that one of these heads of departments may not walk in and tell a school how much grammar or how much Latin they shall have or how much mathematics they shall have, or how it shall be taught. We make the school the unit and make the principal responsible; and have over them the superintendent, working through his assistant, the high school director. That is the idea upon which the bill has been drawn all the way through. The purpose has been to centralize authority, to shorten the coupling, and bring the superintendent closer to the students. In no instance will he be farther away than two steps from the student.

Mr. SCOTT. So that there shall be somebody who is responsible.

Mr. BURKETT. So that there shall be somebody who is responsible all the while.

I want to call attention to another incident in connection with the McKinley Manual Training School. We have two manual training schools, one for white children, one for colored. At the head of each of those is an expert, the best man they can employ. They give him a good salary, running up to $2,700 in each instance. Over the principals of those schools they had a supervising principal to tell the principal how to run his school. The opinion of the committee was, that when we were paying a salary to the principal of a little high school, he should be the principal, and if he could not run it he should be put out and somebody else put in his place.

But we did not cut off the head of this supervisor. We knew there would be trouble if we did. We have twenty little shops, in which they teach manual training in the grades up to the eighth grade. There are twenty of these blacksmith shops, wagon shops, etc. We left him, but we provide that he shall have control and supervision of these twenty shops in the grades. Let the principal of the McKinley School run it; let the principal of the Armstrong Manual Training School run it, and keep the supervisor in the grades, and there will be no conflict of authority such as has occurred in the McKinley Training School. All the good of the McKinley Manual Training School this year has been wrecked by the muss that has been kicked up down there and the investigation that has been going on. The papers have been full of it. There have been scandals of all sorts. They would not have occurred if there had not been a man in charge of the school and then another man running him. We have clipped off that double authority all the way through the bill, and yet have not taken off the head of anyone, I will say to the Senator.

Mr. SPOONER. Have you left them anything to do?

Mr. BURKETT. We have left some people who may have to hunt something to do. But the Senator has been in Washington long enough to know that when a man gets a salary in public office he always makes himself useful. I think, now, that my explanation covers perhaps all that the Senator from North Dakota requested.

Mr. NELSON. I notice that the bill provides for thirteen supervising principals.

Mr. BURKETT. It does.

Mr. NELSON. If the principals of the schools have control, are not the thirteen supervising principals supernumeries? What function is there for them to perform?

Mr. BURKETT. Let me say to the Senator that to have cut them out would have made thirteen difficulties where we now have apparently only one. There was a good deal of question about cutting off the heads of those thirteen; but after much consideration we thought, on the whole, best to leave them as they are temporarily.

Our schoolhouses are small. Almost all our schoolhouses contain only eight rooms. At our home towns we have schoolhouses with from twelve to thirty rooms, and a principal is

over from twelve to thirty rooms. Here we build eight-room schoolhouses.

Mr. GALLINGER. Many of them have only four rooms.

Mr. BURKETT. Many of them have four rooms, but we do not build any schoolhouses larger than eight rooms, I think, now. The Senator is on the Committee on Appropriations, and he knows. That has been the practice here. I will tell you what the supervising principals do. They have put a principal in each one of these little schoolhouses, and then they collect a half a dozen of these eight-room schoolhouses together, and over them all they put one supervising principal. He is really the principal of each of those schools, and the nominal principal is in reality the assistant principal. They have even gone so far as to have an assistant to the assistant principal of the school. We have cut out these assistant principals of those little schools and leave the supervising principal to run five or six schools with the principal.

Mr. SPOONER. What does the Senator do with the assistant principals?

Mr. BURKETT. We did not leave them without a job. They are all teaching school and drawing salary, and they get a little more for being an assistant. They will have their jobs, and by virtue of the fact that this bill raises the salaries, they will have their salaries raised. I will guarantee the Senator there is not a soul who loses his job by this bill. We thought we would let the matter of the thirteen supervising principals work itself out. There are 107 special teachers, and in the report it is suggested that as they go out there be no further appointments for a time. If you do not appoint any new ones to take their places as they go out gradually you will get rid of them by the natural process of elimination. So we have not cut anybody's head off.

Now, with reference to the assistant superintendent and director of high schools, we did not cut off either without a job; we left both positions, only changing their names, and provided that the assistant should be director of the high schools, and in another place that there should be a director who should have charge of the four intermediate grades. Which is which I do not know, because I do not know the qualifications. It is a matter of detail that the board can iron out when they get at it.

Mr. CARTER. Permit me to inquire of the Senator why it would not be wise to provide that when, as may sometimes occur, one of these supernumeraries resigns, or, as must inevitably occur, when they die, no one shall be appointed to fill any vacancy occurring in these supernumerary positions. Why not provide for it by law?

Mr. BURKETT. It would not offend the Senator from Nebraska, I will say to the Senator from Montana, if that sort of a provision was placed in the bill. However, the committee were very careful not to offend not only any particular teacher, but any member of the school board. We did not want to say to the superintendent of schools, "We know more about this thing than you do;" but we suggested very strongly in the report, as the Senator will see if he will read it, that if they did not attend to it, it would be in order for the Senate next year to attend to some of these matters in detail.

Mr. SPOONER. I suppose this measure will not be acted on to-night.

Mr. BURKETT. We are through with all the trouble, and I think it can be finished now in a few minutes.

Mr. McCUMBER. I do not think the Senator has by any means got started on the trouble yet.

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. BURKETT. Certainly.

Mr. SPOONER. The Senator from North Dakota rather suggests to the Senator from Nebraska that this matter will not be disposed of to-night.

Mr. McCUMBER. Evidently not.

Mr. SPOONER. I should like to ask the Senator from Nebraska if he can not by the time the Senate meets to-morrow make a list of the absolutely useless officials to whom he has referred and who are now upon the pay rolls here?

Mr. BURKETT. I would not want to say that any of them were useless. They all perform some function. But I think the school board should work this out.

If there is anything special that is troubling the Senator from North Dakota that I have not touched on and that the Senator wants to know about, I will be glad to have him ask a question, and I will go right at it specially.

Mr. McCUMBER. If the Senator will give me his attention one moment, I wish to explain just one provision to the Senator that the Senator has absolutely failed to explain, and as long as the English language has meaning the Senator will be unable wholly to explain it away. That is the inconsistency between the two provisions which I pointed out in the first instance.

I wish to say to the Senator that I agree with him that this bill is a vast improvement over the educational law as it has stood upon the statute books. That is not saying, however, that it has reached the climax of perfection by any means. There are still errors in the bill, there are still inconsistencies in it, and there are still some things in it that I can not understand.

For instance, I understand in some instances the right bower has more force than the left bower in certain kind of games, but I do not understand why in this school law the left bower, that the Senator has designated as the assistant superintendent of the colored schools, should have given to him authority that is directly taken away by the bill from the white superintendent.

Mr. BURKETT. I will say to the Senator that there is none; that there is——

Mr. McCUMBER. Let me ask the Senator not to confuse terms. Here is the power that is given to the superintendent of the white school:

The white assistant—

Superintendent, of course, is understood—

under the direction of the superintendent of schools, shall have general supervision over the white schools, and is specifically charged, under the direction of the superintendent, with the unification, as far as may be practicable, of the educational work of the white high schools.

Now, the same follows in reference to the colored superintendent, with this addition:

And he also shall be charged specifically, under the direction of the superintendent, with the unification of the educational work of the intermediary grades of the colored schools.

Mr. BURKETT. I will tell the Senator.

Mr. McCUMBER. In other words, the white superintendent is not charged with the unification of the graded schools and the colored superintendent is charged with the unification of the colored graded schools.

Mr. BURKETT. I did not explain that. I will state that there are just one-fourth as many pupils in the colored high school as there are white pupils in the white schools, and we thought as there are only one-fourth as many pupils that the colored assistant superintendent could take care of both the high school and the intermediary, and that as there are four times as many white pupils you have two people to take care of those.

Mr. McCUMBER. We are trying to unify this school system, and we are trying under this system to have the same systematic work in all the schools. We should have a unification of the system in the grades in the white schools. We want somebody who is charged with the unification of those grades, and he should be the assistant superintendent of the white schools the same as the assistant superintendent of the colored schools. There is just one other matter——

Mr. BURKETT. Does the Senator understand that there are only one-fourth as many colored pupils as there are white pupils?

Mr. McCUMBER. Though there may not be one-tenth, the system should be exactly the same, and the power of the officers should be exactly the same.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. I want to call attention to just one other point where there is inconsistency, and then, I think, we have done all we need to do this evening. On page 4 it is provided that—

The white assistant, under the direction of the superintendent of schools, shall have general supervision over the white schools.

That has meaning. It means that he shall have general supervision over the white schools.

Now, turn to page 13, and it says:

All such principals—

Not the assistant superintendent—

All such principals shall be appointed at the minimum salary, and each shall have entire control of his school——

Mr. BURKETT. Subject only to the authority of the superintendent.

Mr. McCUMBER. "Both executive and educational." How can you say that those two are consistent, that the assistant superintendent shall have charge of the entire system of the schools and then provide in another section that each one of the principals of the schools shall have—

entire control of his school, both executive and educational, subject only in authority to the—

Not to the assistant superintendent, but—

in authority to the superintendent of all the schools.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. Now, Mr. President, I will take this up further to-morrow, and I hope the Senator will not be too persistent about objecting to any amendment that is intended to make this measure harmonious.

Mr. LONG. Mr. President——

Mr. BURKETT. I will say in reply——

The VICE-PRESIDENT. The Senator from Kansas is recognized.

Mr. BURKETT. I will say in reply——

The VICE-PRESIDENT. The Chair has recognized the Senator from Kansas.

Mr. BURKETT. I beg pardon.

[Mr. LONG submitted a report from the Committee on Indian Affairs, which appears under the heading "Reports of committees."]

Mr. GALLINGER obtained the floor.

Mr. HANSBROUGH. I am directed by the Committee on the District of Columbia to make a report, which I send to the desk.

Mr. GALLINGER. I yield to the Senator from North Dakota for that purpose.

The VICE-PRESIDENT. It is not in order. The Senator from New Hampshire has the floor, and under the rule recently adopted it is not in order to interrupt a Senator on the floor with routine business.

Mr. HANSBROUGH. I understand that a report has just been submitted by the Senator from Kansas.

The VICE-PRESIDENT. The Senator from Kansas submitted it, having the floor in his own right.

Mr. HANSBROUGH. Very well; I withdraw the report for the present.

Mr. GALLINGER. Mr. President, I rose to make an observation and then to move an executive session.

I want to say, in reference first to the District of Columbia appropriation bill, that I shall seek an early opportunity to-morrow to have the Senate resume consideration of that bill, and I trust that we may be able to complete it.

I wish to say in reference to the school bill, Mr. President, that the Committee on the District of Columbia, as the Senate knows, has had a deluge of bills before it, some of them very troublesome ones. The chairman of that committee feels that he was very fortunate in the appointment of a subcommittee, of which the Senator from Nebraska [Mr. BURKETT] was chairman, who were willing to take up this very troublesome question and give days and weeks to its consideration. I felicitate the Senator from Nebraska on framing what I think is a most excellent school bill, and I trust that while it shall be debated and amendments offered, it will not be unduly obstructed, because it is very important that it should pass at an early day if the teachers are to receive the benefit of the increased salaries provided in that bill.

Mr. PETTUS. Will the Senator from New Hampshire yield to me to submit a report from the Judiciary Committee?

Mr. GALLINGER. I confess I do not quite know what to do when Senators appeal to me. I think I will withhold my motion for an executive session, and take my seat, and then Senators can transact routine business.

COMPAÑÍA DE LOS FERROCARRILES DE PUERTO RICO.

Mr. FORAKER. I ask unanimous consent for the consideration of a very short bill. It will take but a few minutes. It is the bill (S. 5684) for the relief of the Compañía de los Ferrocarriles de Puerto Rico.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to give jurisdiction to the Court of Claims (notwithstanding any statutory bar of limitations) over the claims of the Compañía de los Ferrocarriles de Puerto Rico, with power to find the facts and to enter judgment against the United States for the reasonable value of the services performed by that company in the island of Porto Rico for transporting the municipal police and guardia civille between the 12th day of August, 1898, and the 31st day of August, 1902, and for the difference between the amount allowed for transporting the troops, munitions of war, supplies, and the like, and the reasonable value of said services for the same period, together with the expense of repair and maintenance of telegraph lines of the Signal Corps, all of said services having been performed during the military occupation of that island.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 9, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 8, 1906.

RECEIVERS OF PUBLIC MONEYS.

Charles A. Wilson, of Great Falls, Mont., to be receiver of public moneys at Great Falls, Mont., vice Charles H. Benton, term expired.

John R. Hilman, of Columbia Falls, Mont., to be receiver of public moneys at Kalispell, Mont., vice John E. Lewis, term expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 8, 1906.

COLLECTOR OF CUSTOMS.

Charles A. Barbour, of Rhode Island, to be collector of customs for the district of Bristol and Warren, in the State of Rhode Island.

MARSHAL.

Charles B. Witmer, of Pennsylvania, to be United States marshal for the middle district of Pennsylvania.

RECEIVER OF PUBLIC MONEYS.

Alexander J. Cook, of Washington, to be receiver of public moneys, at Vancouver, Wash.

REGISTERS OF LAND OFFICES.

J. Henry Smith, of Washington, to be register of the land office at Seattle, Wash.

C. M. Cade, of Shawnee, Okla., to be register of the land office at Guthrie, Okla.

PROMOTIONS IN THE ARMY.

Col. Stephen P. Jocelyn, Fourteenth Infantry, to be brigadier-general.

Col. Sedgwick Pratt, Artillery Corps, to be placed on the retired list of the Army with the rank of brigadier-general from the date upon which he shall be retired from active service.

Second Lieut. Henry H. Robert, Corps of Engineers, to be first lieutenant from June 1, 1906, vice Williams, deceased.

APPOINTMENTS IN THE NAVY.

To be assistant surgeons in the Navy, from the 1st day of June, 1906, to fill vacancies existing in that grade on that date:

Heber Butts, a citizen of Missouri.

Philip E. Garrison, a citizen of New Jersey.

Thomas W. Raisón, a citizen of Kentucky.

Commander John A. H. Nickels to be a captain in the Navy from the 28th day of June, 1905.

POSTMASTERS.

FLORIDA.

William R. O'Neal to be postmaster at Orlando, in the county of Orange and State of Florida.

W. L. Van Duzor to be postmaster at Kissimmee, in the county of Osceola and State of Florida.

IOWA.

Thomas L. Green to be postmaster at West Union, in the county of Fayette and State of Iowa.

Frank M. Hoeye to be postmaster at Perry, in the county of Dallas and State of Iowa.

KANSAS.

Herbert J. Cornwell to be postmaster at St. John, in the county of Stafford and State of Kansas.

Jesse D. Kennard to be postmaster at Seneca, in the county of Nemaha and State of Kansas.

William H. Nelson to be postmaster at Smith Center, in the county of Smith and State of Kansas.

NEBRASKA.

Edward N. Allen to be postmaster at Arapahoe, in the county of Furnas and State of Nebraska.

Thomas W. Cole to be postmaster at Nelson, in the county of Nuckolls and State of Nebraska.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 8, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

TO PROHIBIT ALIENS FISHING IN ALASKAN WATERS.

Mr. POWERS. Mr. Speaker, I desire to call up the conference report on the Alaskan fishery bill, and ask unanimous consent that the statement be read.

The SPEAKER. The gentleman calls up the following conference report. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 267) to prohibit aliens from fishing in the waters of Alaska.

The SPEAKER. The gentleman asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. WILLIAMS. Mr. Speaker, has this bill passed the House?

Mr. POWERS. The bill passed the Senate, came to the House, and we struck the entire Senate bill out and inserted one of our own. We passed the Senate bill with that amendment; it went over to the Senate, and the conferees on the part of the Senate determined that our bill was a much better one than theirs, and consented to it with a slight amendment.

Mr. WILLIAMS. Has this bill ever passed the House?

Mr. POWERS. It passed the House. This is a conference report, and the Senate has agreed to our views of the bill. It passed the House about a month ago.

Mr. WILLIAMS. Oh, no; it could not, because the gentleman from Ohio was speaking to me only the other day about passing the bill, and the gentleman from Florida was speaking to me about it, and they were at that time wanting to get it through under a suspension of the rules.

Mr. POWERS. I do not think either of those gentlemen ever had anything to do with this bill. That is another and different bill.

The SPEAKER. It passed the House on the 16th day of April.

Mr. CUSHMAN. That is another bill that the gentleman has in mind.

Mr. WILLIAMS. What is the subject-matter of this bill?

Mr. POWERS. It prohibits ships of aliens from fishing in our fisheries and carrying away our fish all along the Alaska coast within the 3-mile limit.

The Clerk read as follows:

STATEMENT OF MANAGERS ON PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 267) to prohibit aliens from fishing in the waters of Alaska, submit the following statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

The Senate recedes from its disagreement to the amendment of the House, and agrees to the same with certain verbal amendments set forth in the conference report. The effect of these verbal amendments is merely to make clearer the meaning of the bill. The effect of the bill is changed in no way.

LLEWELLYN POWERS,
EDWIN W. HIGGINS,
Managers on the part of the House.

Mr. HAMILTON. Mr. Speaker, I think it would be well to state the necessity for the passage of this bill. The Japanese are coming to our waters, catching ship loads of salmon, and carrying them back to their own country for canning purposes.

Mr. WILLIAMS. I understand the gentleman to say that this covers the case of foreign ships coming into our waters, fishing, and carrying away cargoes of our fish to foreign countries.

Mr. HAMILTON. Yes.

Mr. POWERS. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

SPURIOUSLY STAMPED GOLD AND SILVER ARTICLES.

The SPEAKER laid before the House the bill (H. R. 14604) forbidding the importation, exportation, or carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and for other purposes, with Senate amendments thereto.

The Senate amendments were read.

Mr. SHERMAN. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

FRANK M. DOOLEY.

The SPEAKER also laid before the House the bill (H. R. 15692) granting a pension to Frank M. Dooley, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

JOHN M. CARROLL.

The SPEAKER also laid before the House the bill (H. R. 13828) granting an increase of pension to John M. Carroll, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move the House concur in the Senate amendment.

The motion was agreed to.

STEPHEN CUNDIFF.

The SPEAKER also laid before the House the bill (H. R. 10395) granting an increase of pension to Stephen Cundiff, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move the House concur in the Senate amendment.

The motion was agreed to.

JACOB SCHAFER.

The SPEAKER also laid before the House the bill (H. R. 3005) granting an increase of pension to Jacob C. Schafer, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

JAMES B. ADAMS.

The SPEAKER also laid before the House the bill (H. R. 16878) granting an increase of pension to James C. Adams, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

GREENE EVANS.

The SPEAKER also laid before the House the bill (H. R. 18116) granting an increase of pension to Greene Evans, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. I move that the House concur in the Senate amendment.

The motion was agreed to.

BENEDICT SUTTER.

The SPEAKER also laid before the House the bill (H. R. 18135) granting an increase of pension to Benedict Sutter, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. I move that the House concur in the Senate amendment.

The motion was agreed to.

JONATHAN SKEANS.

The SPEAKER also laid before the House the bill (H. R. 18561) granting an increase of pension to Jonathan Skeans, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

PENSION BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar, which are in order under the rule to-day, may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that bills on the Private Calendar, which are in order to-day, may be considered in the House as in Committee of the Whole.

Mr. UNDERWOOD. Mr. Speaker, I understand this request relates to pension bills?

The SPEAKER. Yes. Is there objection?

There was no objection.

HENRY G. THOMAS, DECEASED.

The first pension business was the bill (S. 2624) granting an honorable discharge to Henry G. Thomas, deceased, Company C, Second Kentucky Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of, and grant an honorable discharge to, Henry G. Thomas, deceased, late captain of Company C, Second Kentucky Cavalry: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELLA N. HARVEY.

The next pension business was the bill (S. 6) granting an increase of pension to Ella N. Harvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella N. Harvey, widow of Ira B. Harvey, late of Company D, First Regiment District of Columbia Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDWARD HIGGINS.

The next pension business was the bill (S. 20) granting an increase of pension to Edward Higgins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Higgins, late of Company L, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELIAS PHELPS.

The next pension business was the bill (S. 215) granting an increase of pension to Elias Phelps.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias Phelps, late of Company E, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS R. SMITH.

The next pension business was the bill (S. 225) granting an increase of pension to Thomas R. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas R. Smith, late of Company I, Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE K. GREEN.

The next pension business was the bill (S. 453) granting an increase of pension to George K. Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George K. Green, late of Company B, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CORYDON W. SANBORN.

The next pension business was the bill (S. 586) granting an increase of pension to Corydon W. Sanborn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Corydon W. Sanborn, late of Company B, Fifteenth Regiment Vermont Volunteer Infantry, and Company D, Tenth Regiment New York Volunteer Heavy Artillery, and grant him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN C. RASSBACH.

The next pension business was the bill (S. 668) granting an increase of pension to John C. Rassbach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Rassbach, late of Company C, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANNIS BAILEY.

The next pension business was the bill (S. 722) granting a pension to Annis Bailey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annis Bailey, former widow of Abram R. Ward, late of Company K, Thirteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ROBERT CARNEY.

The next pension business was the bill (S. 764) granting an increase of pension to Robert Carney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Carney, late of Company A, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JULIUS A. DAVIS.

The next pension business was the bill (S. 911) granting an increase of pension to Julius A. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julius A. Davis, late of Company A, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. MACON. Mr. Speaker, I will not take up much of the valuable time of the House, but I desire to call the attention of the country and also the old Mexican soldiers to the reason why they have not had their pensions increased to $30 per month. When I first came to this body as one of its Members, I introduced a bill to increase the pensions of all Mexican soldiers that served their country honorably and well during our struggle with Mexico who from age, accident, or disease were unable to perform manual labor, who were without an income sufficient to maintain themselves, from $12 to $30 per month. I diligently strove during the Fifty-eighth Congress to get a hearing upon that measure, which was pending before the Committee on Pensions. But, sir, for some reason the chairman of the committee, who is also chairman of the subcommittee in charge of general pension bills, declined to give me a hearing upon it.

I then felt, sir, that when I came back to the House as a Member of the Fifty-ninth Congress that perhaps, if I could get the Speaker to appoint me a member of the Committee on Pensions, I might have a better opportunity of importuning the chairman of the subcommittee to at least give me a hearing upon the subject; so I urged that I be given an assignment to that committee, and the powers that be were kind enough to heed my request. But, sir, the reason that appeared to me strange in the Fifty-eighth Congress has followed from that time until now, and I have been unable to get a hearing upon that bill, although I have frequently importuned the chairman of the subcommittee to give me a hearing.

Sir, I can not understand who can possibly oppose a measure that seeks to give to the grand old Mexican soldiers a pension of $30 a month—a dollar a day—after they had reached the age of 75 years and are impoverished in purse.

Sir, these old men have been clamoring for and importuning every Member of this body to give their support to this bill, and I am free to say that, in my humble judgment, were the measure reported to the House by the Pension Committee there are not ten of its entire membership that would cast their votes in the negative.

No, sir; I do not believe there are five Members of the House who are not willing to give these old veterans a dollar a day in their declining years to sustain them as they totter slowly, but patiently, to the grave. Sir, there are less than 4,000 of these old patriots living at this hour, and they are rapidly passing away, and their average age is 87 years. Think, Mr. Speaker, of our refusing to heed their appeals and give them this

small pittance, when we know that it will only be a few days, a few weeks, a few months, at most, when they will be called upon to cross over the dark river of death and answer to the roll call upon the other side. [Applause.]

Sir, since I have been here I have had the good fortune to see some of their pensions increased by special bill from $12 to $20. The Senate has been good enough during the present session of Congress to pass a bill increasing their pensions to $20 a month. That bill has been in the hands of the chairman of the subcommittee of the Committee on Pensions for a number of weeks, and yet no report upon it has been presented to this House.

Sir, I here and now ask this body to interest itself in behalf of these old patriots; to do something for them in their declining years; to speak to the chairman of the committee and see if they can not aid me in my humble effort to get him to give them "a day in court," which would mean nothing less than a favorable report. [Applause.]

EDWIN MORGAN.

The next pension business was the bill (S. 1174) granting an increase of pension to Edwin Morgan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin Morgan, late of Company F, Fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM A. BOWLES.

The next pension business was the bill (S. 1224) granting an increase of pension to William A. Bowles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Bowles, late of Company B, Thirty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LEWIS D. MOORE.

The next pension business was the bill (S. 1256) granting an increase of pension to Lewis D. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis D. Moore, late of Company C, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH SHINEY.

The next pension business was the bill (S. 1264) granting an increase of pension to Joseph Shiney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Shiney, late of Company H, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DANIEL LAMPREY.

The next pension business was the bill (S. 1428) granting an increase of pension to Daniel Lamprey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Lamprey, late of Company E, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HIRAM C. CLARK.

The next pension business was the bill (S. 1443) granting an increase of pension to Hiram C. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram C. Clark, late of Company F, Eighty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BYRON K. MAY.

The next pension business was the bill (S. 1510) granting an increase of pension to Byron K. May.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Byron K. May, late of Company D, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LYDIA A. JOHNSON.

The next pension business was the bill (S. 1570) granting an increase of pension to Lydia A. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia A. Johnson, widow of William L. Johnson, late of Company G, Twelfth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELIZABETH L. W. BAILEY.

The next pension business was the bill (S. 1664) granting an increase of pension to Elizabeth L. W. Bailey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth L. W. Bailey, widow of Davis W. Bailey, late captain Company H, Forty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID T. PETTIE.

The next pension business was the bill (S. 1849) granting an increase of pension to David T. Pettie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David T. Pettie, late of Company F, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES J. BROWN.

The next pension business was the bill (S. 1855) granting an increase of pension to James J. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. Brown, late first lieutenant Twenty-fourth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SOLOMON H. BAKER.

The next pension business was the bill (S. 1865) granting an increase of pension to Solomon H. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Solomon H. Baker, late of Company D, Eighteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

VIRGINIA A. M'KNIGHT.

The next pension business was the bill (S. 2008) granting a pension to Virginia A. McKnight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Virginia A. McKnight, widow of Sargent McKnight, late second lieutenant Company H, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS F. STEVENS.

The next pension business was the bill (S. 2032) granting an increase of pension to Thomas F. Stevens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas F. Stevens, late of Company B, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

G. ANNIE GREGG.

The next pension business was the bill (S. 2179) granting an increase of pension to G. Annie Gregg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of G. Annie Gregg, widow of William B. Gregg, late chaplain First Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES DEVOR.

The next pension business was the bill (S. 2429) granting an increase of pension to James Devor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Devor, late of Eighth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM H. WILLIE.

The next pension business was the bill (S. 2619) granting an increase of pension to William H. Willie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Willie, late of Company E, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LOUISA CARR.

The next pension business was the bill (S. 2728) granting an increase of pension to Louisa Carr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Carr, widow of John T. Carr, late of Company B, Third Regiment West Virginia Volunteer Infantry, and Company D, Sixth Battalion West Virginia Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN LINDT.

The next pension business was the bill (S. 2791) granting an increase of pension to John Lindt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lindt, late of Independent Battery B, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $22 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BRIDGET MANAHAN.

The next pension business was the bill (S. 2852) granting a pension to Bridget Manahan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bridget Manahan, dependent mother of Daniel Manahan, late of Company K, Thirteenth Regiment Vermont Volunteer Infantry, and Company M, Twenty-sixth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES B. TOWNE.

The next pension business was the bill (S. 3261) granting an increase of pension to Charles B. Towne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles B. Towne, late of Company L, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM H. RICHARDSON.

The next pension business was the bill (S. 3270) granting an increase of pension to William H. Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Richardson, late of Company A, First Regiment Delaware Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDWIN D. WESCOTT.

The next pension business was the bill (S. 3486) granting an increase of pension to Edwin D. Wescott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin D. Wescott, late of Company L, Tenth Regiment, and Company G, Sixth Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH FULLER.

The next pension business was the bill (S. 3487) granting an increase of pension to Joseph Fuller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Fuller, late of Company H, Fourteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM OLIVER.

The next pension business was the bill (S. 3553) granting an increase of pension to William Oliver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Oliver, late of Company I, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM HIBBS.

The next pension business was the bill (S. 3629) granting an increase of pension to William Hibbs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hibbs, late of Company D, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. HYDE.

The next pension business was the bill (S. 3684) granting an increase of pension to George W. Hyde.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Hyde, late of Company K, First Regiment Wisconsin Volunteer Infantry, and One hundred and forty-ninth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM H. WINANS.

The next pension business was the bill (S. 3728) granting an increase of pension to William H. Winans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of William H. Winans, late of Company D, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILBUR F. FLINT.

The next pension business was the bill (S. 3750) granting an increase of pension to Wilbur F. Flint.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilbur F. Flint, late of Twenty-sixth Independent Battery, New York Volunteer Light Artillery, and second lieutenant Company B, Tenth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN GIFFEN.

The next pension business was the bill (S. 3814) granting an increase of pension to John Giffen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Giffen, late of Company A, Tenth Regiment United States Infantry, war with Mexico, and drum major Eighteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE J. THOMAS.

The next pension business was the bill (S. 3904) granting an increase of pension to George J. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George J. Thomas, late of Company K, Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN SMITH.

The next pension business was the bill (S. 4092) granting an increase of pension to John Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Smith, late of Company C, Twenty-fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE BREWSTER.

The next pension business was the bill (S. 4133) granting an increase of pension to George Brewster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Brewster, late of Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH BOVEE.

The next pension business was the bill (S. 4171) granting an increase of pension to Joseph Bovee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Bovee, late of Company K, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CATHARINE E. SMITH.

The next pension business was the bill (S. 4173) granting an increase of pension to Catharine E. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine E. Smith, widow of William H. Smith, late acting master, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments of the Committee on Invalid Pensions were read, as follows:

Insert, after the word "master," in line 7, the word "commanding;" and in line 8, after the word "of," strike out the word "fifty" and insert "forty."

The amendments of the committee were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE WARNER.

The next pension business was the bill (S. 4205) granting an increase of pension to George Warner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Warner, late of Company G, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM E. HOLLOWAY.

The next pension business was the bill (S. 4346) granting an increase of pension to William E. Holloway.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Holloway, late second lieutenant, United States Revenue-Cutter Service, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EMILY P. HUBBARD.

The next pension business was the bill (S. 4372) granting an increase of pension to Emily P. Hubbard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily P. Hubbard, widow of George M. Hubbard, late first lieutenant and quartermaster, Seventy-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANDREW P. QUIST.

The next pension business was the bill (S. 4458) granting an increase of pension to Andrew P. Quist.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew P. Quist, late of Company B, First Regiment Minnesota Volunteer Infantry, and Company A, Ninth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. FLETCHER.

The next pension business was the bill (S. 4492) granting an increase of pension to George W. Fletcher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Fletcher, late of Company C, First Battalion District of Columbia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AUGUSTUS M'DOWELL.

The next pension business was the bill (S. 4497) granting an increase of pension to Augustus McDowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustus McDowell, late of Company C, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY MOODY.

The next pension business was the bill (S. 4550) granting an increase of pension to Henry Moody.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry

Moody, late of Company B, Eighth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN JOINES.

The next pension business was the bill (S. 4719) granting an increase of pension to John Joines.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Joines, late of Company H, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDWARD HART.

The next pension business was the bill (S. 4770) granting an increase of pension to Edward Hart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Hart, late of Company G, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LEMUEL CROSS.

The next pension business was the bill (S. 4784) granting an increase of pension to Lemuel Cross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lemuel Cross, late of Company E, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDWARD W. SMITH.

The next pension business was the bill (S. 4790) granting an increase of pension to Edward W. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward W. Smith, late second lieutenant Company I, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY E. BAKER.

The next pension business was the bill (S. 4879) granting an increase of pension to Mary E. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Baker, widow of Charles N. Baker, late captain Company K, Second Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving, and $2 per month additional on account of Eleanor A. Baker, child of the said Charles N. Baker, while living and helpless.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CALVIN C. HUSSEY.

The next pension business was the bill (S. 4887) granting an increase of pension to Calvin C. Hussey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin C. Hussey, late of Company C, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM WRIGHT.

The next pension business was the bill (S. 4910) granting an increase of pension to William Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Wright, late of Company B, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN REECE.

The next pension business was the bill (S. 4937) granting an increase of pension to John Reece.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Reece, late of Company D, First Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY S. OLNEY.

The next pension business was the bill (S. 5022) granting an increase of pension to Henry S. Olney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry S. Olney, late first lieutenant and quartermaster Eleventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAISY C. STUYVESANT.

The next pension business was the bill (S. 5032) granting an increase of pension to Daisy C. Stuyvesant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daisy C. Stuyvesant, widow of Moses S. Stuyvesant, late lieutenant and lieutenant-commander, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELLEN DONOVAN.

The next pension business was the bill (S. 5085) granting an increase of pension to Ellen Donovan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Donovan, widow of Andrew Donovan, late of Company H, Sixteenth Regiment New York Volunteer Infantry, and Company D, Twelfth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EUGENE V. M'KNIGHT.

The next pension business was the bill (S. 5143) granting an increase of pension to Eugene V. McKnight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugene V. McKnight, late of Company A, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HOLAWAY W. KINNEY.

The next pension business was the bill (S. 5152) granting an increase of pension to Holaway W. Kinney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Holaway W. Kinney, late of Company G, Fifteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANDREW J. FOSDICK.

The next pension business was the bill (S. 5158) granting an increase of pension to Andrew J. Fosdick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Fosdick, late of Company M, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES A. PRICE.

The next pension business was the bill (S. 5169) granting an increase of pension to James A. Price.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Price, late captain Company K, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was read, as follows:

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN JOHNSON.

The next pension business was the bill (S. 5256) granting an increase of pension to John Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Johnson, late of Companies D and E, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

JAMES RAMSEY.

The next pension business was the bill (S. 5290) granting an increase of pension to James Ramsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Ramsey, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

ANNIE A. WEST.

The next pension business was the bill (S. 5326) granting an increase of pension to Annie A. West.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie A. West, widow of Walter G. West, late of Company H, Third Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

FRANCES E. TAYLOR.

The next pension business was the bill (S. 5442) granting a pension to Frances E. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances E. Taylor, widow of Ellis Taylor, late of Company A, One hundred and twenty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

JACOB L. KLINE.

The next pension business was the bill (S. 5501) granting an increase of pension to Jacob L. Kline.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob L. Kline, late of Company I, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

HENRY CLAY SLOAN.

The next pension business was the bill (S. 5557) granting an increase of pension to Henry Clay Sloan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Clay Sloan, late first lieutenant Company I, Forty-eighth Regiment Wisconsin Volunteer Infantry, and first lieutenant Fourth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

ANN H. CROFTON.

The next pension business was the bill (S. 5559) granting an increase of pension to Ann H. Crofton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann H. Crofton, widow of John E. Crofton, late of United States ships Vermont and Clematis, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

FOSTER L. BANISTER.

The next pension business was the bill (S. 5583) granting an increase of pension to Foster L. Banister.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Foster L. Banister, late of Company A, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

STACY B. WARFORD.

The next pension business was the bill (S. 5700) granting an increase of pension to Stacy B. Warford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stacy B. Warford, late of Company F, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NATHALIA BOEPPLE.

The next pension business was the bill (S. 5708) granting an increase of pension to Nathalia Boepple.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathalia Boepple, widow of William T. Boepple, late sergeant-major, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EMERY WYMAN.

The next pension business was the bill (S. 5728) granting an increase of pension to Emery Wyman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emery Wyman, late of Company E, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES M'TWIGGAN.

The next pension business was the bill (S. 5731) granting an increase of pension to James McTwiggan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McTwiggan, late of Company H, Third Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES A. BRYANT.

The next pension business was the bill (S. 5742) granting an increase of pension to James A. Bryant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Bryant, late of Company G, Tenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSHUA J. CLARK.

The next pension business was the bill (S. 5758) granting an increase of pension to Joshua J. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua

J. Clark, late of Company E, Forty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THEODORE F. MONTGOMERY.

The next pension business was the bill (S. 5765) granting an increase of pension to Theodore F. Montgomery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore F. Montgomery, late of Company B, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Company A, Third Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS D. WELCH.

The next pension business was the bill (S. 5867) granting an increase of pension to Thomas D. Welch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas D. Welch, late of Company A, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS M. HARRIS.

The next pension business was the bill (S. 5772) granting an increase of pension to Thomas M. Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas M. Harris, late colonel Tenth Regiment West Virginia Volunteer Infantry, and brigadier-general, United States Volunteers, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HARVEY M. TRAVER.

The next pension business was the bill (S. 5775) granting an increase of pension to Harvey M. Traver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey M. Traver, late of Company K, One hundred and fiftieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MAHALA F. CAMPBELL.

The next pension business was the bill (S. 5784) granting an increase of pension to Mahala F. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mahala F. Campbell, widow of Henry S. Campbell, late of U. S. S. Alleghany and Iroquois, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH W. DOUGHTY.

The next pension business was the bill (S. 5785) granting an increase of pension to Joseph W. Doughty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Doughty, late first lieutenant Company I, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JEHIAL P. HAMMOND.

The next pension business was the bill (S. 5790) granting an increase of pension to Jehial P. Hammond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jehial P. Hammond, late of Company B, Seventy-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES N. DAVIS.

The next pension business was the bill (S. 5800) granting an increase of pension to James N. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James N. Davis, late captain Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANDREW JACKSON PARIS.

The next pension business was the bill (S. 5801) granting an increase of pension to Andrew Jackson Paris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Jackson Paris, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM H. MEADOWS.

The next pension business was the bill (S. 5803) granting an increase of pension to William H. Meadows.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Meadows, late of Company K, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WASHINGTON BROCKMAN.

The next pension business was the bill (S. 5808) granting an increase of pension to Washington Brockman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Washington Brockman, late of Company K, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HANNAH C. CHURCH.

The next pension business was the bill (S. 5809) granting an increase of pension to Hannah C. Church.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah C. Church, widow of Thomas Church, late captain Company E, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES F. SHELDON.

The next pension business was the bill (S. 5834) granting an increase of pension to Charles F. Sheldon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Sheldon, late of Company A, Twelfth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN KEYS.

The next pension business was the bill (S. 5844) granting an increase of pension to John Keys.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Keys, late of Company G, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BLANCHE BADGER.

The next pension business was the bill (S. 5855) granting an increase of pension to Blanche Badger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Blanche Badger, widow of Algernon S. Badger, late lieutenant-colooncl First Regiment Louisiana Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. WEBSTER.

The next pension business was the bill (S. 5902) granting an increase of pension to George W. Webster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Webster, late of Company K, One hundred and second Regiment United States Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PATRICK GAFFNEY.

The next pension business was the bill (S. 5928) granting an increase of pension to Patrick Gaffney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Gaffney, late quartermaster-sergeant, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELIJAH R. MERRIMAN.

The next pension business was the bill (S. 5932) granting an increase of pension to Elijah R. Merriman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah R. Merriman, late captain Company F, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL B. RICE.

The next pension business was the bill (S. 5948) granting an increase of pension to Samuel B. Rice.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel B. Rice, late of Company B, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE F. WHITE.

The next pension business was the bill (S. 5949) granting an increase of pension to George F. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. White, late of Company I, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHRISTOPHER C. DAVIS.

The next pension business was the bill (S. 5966) granting an increase of pension to Christopher C. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christopher C. Davis, late of Company A, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANKLIN BURDICK.

The next pension business was the bill (S. 5969) granting an increase of pension to Franklin Burdick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Burdick, late of Company C, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANKLIN B. BEACH.

The next pension business was the bill (S. 6024) granting an increase of pension to Franklin B. Beach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin B. Beach, late of Company E, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM A. HOPPER, ALIAS CUFF WATSON.

The next pension business was the bill (S. 6034) granting an increase of pension to William A. Hopper, alias Cuff Watson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Hopper, alias Cuff Watson, late of Company M, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANCES A. SULLIVAN.

The next pension business was the bill (S. 6063) granting an increase of pension to Frances A. Sullivan.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances A. Sullivan, widow of Thomas A. Sullivan, late of Company A, Seventy-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FREDERICK FIENOP.

The next pension business was the bill (H. R. 19080) granting an increase of pension to Frederick Fienop.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Fienop, late of Company B, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM COLVIN.

The next pension business was the bill (H. R. 19293) granting an increase of pension to William Colvin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Colvin, late of Company D, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES P. GRAY.

The next pension business was the bill (H. R. 19530) granting an increase of pension to Charles P. Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles P. Gray, late of Company D, Third Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY A. HALL.

The next pension business was the bill (H. R. 19533) granting an increase of pension to Mary Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Hall, widow of James S. Hall, late captain, Signal Corps, United States Army, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Mary," insert the initial "A."

Amend the title so as to read: "A bill granting an increase of pension to Mary A. Hall."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LYDIA A. PATNAUDE.

The next pension business was the bill (H. R. 19483) granting a pension to Lydia A. Patnaude.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia A. Patnaude, widow of Alfred Patnaude, late of Company A, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias Alfred Putnam."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANTONIO MACELLO.

The next pension business was the bill (H. R. 19416) granting an increase of pension to Antonio Macello.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Antonio Macello, late of Troop M, Thirteenth Regiment, and Troop I, Third Regiment, New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Troop" and insert in lieu thereof the word "Company."

In same line, after the word "Regiment," insert the words "New York Volunteer Cavalry."

In line 7 strike out the word "Troop" and insert in lieu thereof the word "Company."

In same line, after the words "New York," insert the word "Provisional."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EFFINGHAM VANDERBURGH.

The next pension business was the bill (H. R. 19118) granting an increase of pension to Effingham Vanderburgh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Effingham Vanderburgh, late of Company I, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES H. STIMPSON.

The next pension business was the bill (H. R. 19514) granting an increase of pension to James H. Stimpson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Stimpson, late acting master, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ASA G. BROOKS.

The next pension business was the bill (H. R. 19100) granting an increase of pension to Asa G. Brooks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asa G. Brooks, late of Company H, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIAS S. FALKENBURG.

The next pension business was the bill (H. R. 19404) granting an increase of pension to Elias S. Falkenburg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias S. Falkenburg, late of Company M, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS G. FULLER.

The next pension business was the bill (H. R. 18685) granting an increase of pension to Francis G. Fuller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis G. Fuller, late of the Eighty-fifth Regiment New York Volunteer Infantry, unassigned, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of the" and insert in lieu thereof the word "unassigned."

In line 7 strike out the word "unassigned."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARIA A. MAHER.

The next pension business was the bill (H. R. 18606) granting an increase of pension to Maria A. Maher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria A. Maher, widow of Michael Maher, late of the ordnance detachment, United States Military Academy, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out the words "the ordnance detachment, United States Military Academy," and insert in lieu thereof the words "detachment of Ordnance Corps, United States Army."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RUDOLPH BENTZ.

The next pension business was the bill (H. R. 18363) granting an increase of pension to Rudolph Bentz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rudolph Bentz, late of Company G, One hundred and fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES M. SEXTON.

The next pension business was the bill (H. R. 17740) granting an increase of pension to Charles M. Sexton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles

M. Sexton, late of Company L, Second Regiment Colorado Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "L" and insert in lieu thereof the initial "C."

In line 7, before the word "and," insert the words "and Company E, Veteran Battalion, First Regiment Colorado Volunteer Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN M. WEBB.

The next pension business was the bill (H. R. 18045) granting an increase of pension to John M. Webb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Webb, late of Company H, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JONAS M. SEES.

The next pension business was the bill (H. R. 17675) granting an increase of pension to Jonas M. Sees.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonas M. Sees, late of Company E, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZA F. WADSWORTH.

The next pension business was the bill (H. R. 17481) granting a pension to Eliza F. Wadsworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza F. Wadsworth, widow of Charles C. Wadsworth, late of Company G, Fourth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY W. ALSPACH.

The next pension business was the bill (H. R. 17266) granting an increase of pension to Henry W. Alspach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Alspach, late of Company A, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER M. FERGUS.

The next pension business was the bill (H. R. 18066) granting an increase of pension to Alexander M. Fergus.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander M. Fergus, late of Company F, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES T. MURRAY.

The next pension business was the bill (H. R. 12339) granting an increase of pension to Charles T. Murray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles T. Murray, late of Company E, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M'QUADE.

The next pension business was the bill (H. R. 11142) granting an increase of pension to James McQuade.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McQuade, late acting third assistant engineer, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELLA Q. PARRISH.

The next pension business was the bill (H. R. 9465) granting a pension to Ella Q. Parish.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella Q. Parish, widow of Henry S. Parish, late captain Company A, Twentieth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," strike out the word "Parish" and insert in lieu thereof the word "Parrish."

In same line, before the word "late," strike out the word "Parish" and insert in lieu thereof the word "Parrish."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "eight."

Amend the title so as to read: "A bill granting a pension to Ella Q. Parrish."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID W. FARINGTON.

The next pension business was the bill (H. R. 10267) granting an increase of pension to David W. Farington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David W. Farington, late of Company F, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Iowa" and insert in lieu thereof the word "Indiana."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES W. TIMMS.

The next pension business was the bill (H. R. 7652) granting an increase of pension to Charles W. Timms.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Timms, late of Company F, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RICHARD CALLAGHAN.

The next pension business was the bill (H. R. 8481) granting an increase of pension to Richard Callaghan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard Callaghan, late of Company A, Thirty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES W. STEWART.

The next pension business was the bill (H. R. 7580) granting an increase of pension to James W. Stewart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Stewart, late of Companies L and M, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, strike out the words "Company L and M" and insert in lieu thereof the words "Company L."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES REEDER.

The next pension business was the bill (H. R. 4689) granting an increase of pension to James Reeder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Reeder, late of Company G, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM HARVEY.

The next pension business was the bill (H. R. 5728) granting an increase of pension to William Harvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Harvey, late of Company G, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. LAKING.

The next pension business was the bill (H. R. 6201) granting an increase of pension to George W. Lakin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Lakin, late of Company H, First Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Lakin" and insert in lieu thereof the word "Laking."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to George W. Laking."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PHINEAS HYDE.

The next pension business was the bill (H. R. 6495) granting an increase of pension to Phineas Hyde.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phineas Hyde, a private in Company I, Eighth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "a private in" and insert in lieu thereof the words "late of."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SPILLARD F. HORRALL.

The next pension business was the bill (H. R. 1217) granting an increase of pension to Spillard F. Horrall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Spillard F. Horrall, late of Company G, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second and first lieutenant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Spillard F. Horrall."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MIRANDA BIRKHEAD.

The next pension business was the bill (H. R. 2315) granting a pension to Miranda Berkhead.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Miranda Berkhead, widow of William O. Berkhead, late engineer, United States Navy, Mississippi Squadron, and pay her a pension at the rate of $17 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," strike out the word "Berkhead" and insert in lieu thereof the word "Birkhead."

In same line, before the word "late," strike out the word "Berkhead" and insert in lieu thereof the word "Birkhead."

In same line, after the word "late," insert the words "acting second assistant."

In line 7 strike out the words "Mississippi Squadron."

In line 8 strike out the word "seventeen" and insert in lieu thereof the word "eight."

Amend the title so as to read: "A bill granting a pension to Miranda Birkhead."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HIRAM B. THOMAS.

The next pension business was the bill (H. R. 1836) granting an increase of pension to Hiram B. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram B. Thomas, late of Company I, Thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ENOCH M'CABE.

The next pension business was the bill (H. R. 2014) granting an increase of pension to Enoch McCabe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Enoch McCabe, late of Company G, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EPHRAIM D. ACHEY.

The next pension business was the bill (H. R. 1143) granting an increase of pension to Ephraim D. Achey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ephraim D. Achey, late of Company G, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM J. GIRVAN.

The next pension business was the bill (H. R. 16741) granting an increase of pension to William J. Girvan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Girvan, late of Company F, Eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OSBERT D. DICKEY.

The next pension business was the bill (H. R. 17015) granting an increase of pension to Osbert D. Dickey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Osbert D. Dickey, late of Company L, First Regiment United States Veteran Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JEROME LANG.

The next pension business was the bill (H. R. 14163) granting an increase of pension to Jerome Lang.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerome Lang, late of Company A, Fifty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "Companies."

In same line, before the word "Fifty-fifth," insert the words "and K."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT B. CRAWFORD.

The next pension business was the bill (H. R. 14537) granting an increase of pension to Robert B. Crawford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert B. Crawford, late of Company C, Ninth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Ninth" and insert in lieu thereof the word "Thirty-eighth."

In line 7 strike out the word "Reserve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BRIDGET M. DUFFY.

The next pension business was the bill (H. R. 16513) granting a pension to Bridget M. Duffy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bridget M. Duffy, widow of Peter J. Duffy, late captain Company G, Sixty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Bridget M. Duffy."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MATILDA FOSTER.

The next pension business was the bill (H. R. 16342) granting an increase of pension to Matilda Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda Foster, widow of Rufus D. Foster, late of Company —, Forty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Company," insert the initial "I."

In same line strike out the word "Forty-first" and insert in lieu thereof the words "One hundred and forty-third."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM M'CREA.

The next pension business was the bill (H. R. 15713) granting an increase of pension to William McCrea.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William McCrea, late of First Battery, Delaware Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "First" and insert in lieu thereof the word "Nield's."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN EWING.

The next pension business was the bill (H. R. 14199) granting an increase of pension to John Ewing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Ewing, late colonel One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "colonel" and insert the word "lieutenant-colonel."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMPSON PARKER.

The next pension business was the bill (H. R. 14680) granting an increase of pension to Sampson Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sampson Parker, late of Company A, First Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ODOM BUTLER.

The next pension business was the bill (H. R. 13318) granting an increase of pension to Odom Butler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Odom Butler, late of Company I, Sixty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HEMAN A. HARRIS.

The next pension business was the bill (H. R. 11888) granting an increase of pension to Heman A. Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Heman A. Harris, late of Company H, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL B. M'LEAN.

The next pension business was the bill (H. R. 12482) granting an increase of pension to Samuel B. McLean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel B. McLean, late of Company K, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "K, Sixty-second Regiment Pennsylvania Volunteer Infantry" and insert in lieu thereof the words "C, Ringgold Battalion, Pennsylvania Volunteer Cavalry, and Company D, Twenty-second Regiment Pennsylvania Volunteer Cavalry."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EUGENE A. MYERS.

The next pension business was the bill (H. R. 10814) granting an increase of pension to Eugene A. Myers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugene A. Myers, son of Benjamin H. Myers, late lieutenant-colonel Eighty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "son," insert the words "helpless and dependent."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M. WOOD.

The next pension business was the bill (H. R. 12021) granting an increase of pension to James M. Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Wood, late of Company F, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out the words "Company F, First Regiment Alabama Volunteer Cavalry," and insert in lieu thereof the words "Capt. James Hankins's company, Alabama Scouts and Guides."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES S. SALSBERRY.

The next pension business was the bill (H. R. 13057) granting an increase of pension to James S. Salsberry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James S. Salsberry, late of Company B, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. COATES.

The next pension business was the bill (H. R. 18544) granting an increase of pension to John W. Coates.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Coates, late of Company I, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM BAYS.

The next pension business was the bill (H. R. 12517) granting a pension to William Bays.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Bays, late of Company F, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LUCIUS C. FLETCHER.

The next pension business was the bill (H. R. 16748) granting an increase of pension to Lucius C. Fletcher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucius C. Fletcher, late of Company K, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CYNTHIA A. COMPTON.

The next pension business was the bill (H. R. 15945) granting a pension to Cynthia A. Compton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cynthia A. Compton, widow of Jonathan W. Compton, late of Company K, First Regiment Indiana Volunteer Artillery, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Volunteer," insert the word "Heavy."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DEBORAH J. PRUITT.

The next pension business was the bill (H. R. 14211) granting an increase of pension to Deborah J. Pruitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Deborah J. Pruitt, widow of Samuel Pruitt, late of Company C, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY C. MOORE.

The next pension business was the bill (H. R. 14480) granting an increase of pension to Mary C. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Moore, widow of Thomas Moore, late colonel One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteer" and insert in lieu thereof the words "National Guard."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

DIER COLLETT.

The next pension business was the bill (H. R. 9836) granting an increase of pension to Dyer Collett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dyer Collett, late of Company —, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Dyer" and insert in lieu thereof the word "Dier."

In same line, after the word "Company," insert the initial "E."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Dier Collett."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

JOHN F. CASPER.

The next pension business was the bill (H. R. 4678) granting an increase of pension to John F. Casper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Casper, late of Company B, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

MARCUS D. TENNEY.

The next pension business was the bill (H. R. 19161) granting a pension to Marcus D. Tenney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcus D. Tenney, late of First Battery, Kansas Volunteer Light Artillery, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Marcus D. Tenney."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID MITCHELL.

The next pension business was the bill (H. R. 18429) granting an increase of pension to David Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Mitchell, late of Company D, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMANTHA B. MARSHALL.

The next pension business was the bill (H. R. 19317) granting an increase of pension to Samantha B. Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samantha B. Marshall, widow of David B. Marshall, late a soldier in the war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "David," strike out the initial "B." and insert in lieu thereof the initial "R."

In line 7 strike out the words "a soldier in the war of 1812" and insert in lieu thereof the words "of Company A, Twenty-third Regiment New York Volunteer Cavalry."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW J. SLINGER.

The next pension business was the bill (H. R. 4690) granting an increase of pension to Andrew J. Slinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Slinger, late of Company B, Twenty-sixth Regiment Indiana Volunteer Infantry, musician in Thirty-sixth Regiment, and Company I, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "of Company B, Twenty-sixth Regiment Indiana Volunteer Infantry, musician in Thirty-sixth."

In line 8 strike out the words "Regiment and" and insert in lieu thereof the words "first lieutenant."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. PITMAN.

The next pension business was the bill (H. R. 4707) granting an increase of pension to John H. Pitman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Pitman, late acting master's mate, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN F. MORRIS.

The next pension business was the bill (H. R. 4659) granting an increase of pension to John F. Morris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Morris, late of Company C, Fourth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID EVANS.

The next pension business was the bill (H. R. 18018) granting an increase of pension to David Evans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Evans, late of Company F, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID P. KIMBALL.

The next pension business was the bill (H. R. 6944) granting an increase of pension to David P. Kimball.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David P. Kimball, late of Company M, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN M. CHANDLER.

The next pension business was the bill (H. R. 5846) granting an increase of pension to John M. Chandler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Chandler, late of Company K, Eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISUM GWIN.

The next pension business was the bill (H. R. 7254) granting an increase of pension to Isom Gwinn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isom Gwinn, late of Company D, Eightieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $72 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Isom Gwinn" and insert in lieu thereof the words "Isum Gwin."

In same line, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Isum Gwin."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MERRILL JOHNSON.

The next pension business was the bill (H. R. 2789) granting an increase of pension to Merrill Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Merrill Johnson, late of Company B, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALONZO COOPER.

The next pension business was the bill (H. R. 1871) granting an increase of pension to Alonzo Cooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo Cooper, late of Company I, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In same line, before the word "Twelfth," insert the words "and first lieutenant Company F."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES MARTINE.

The next pension business was the bill (H. R. 2715) granting an increase of pension to Charles Martine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Martine, late of Company D, Sixty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LAFAYETTE FRANKS.

The next pension business was the bill (H. R. 3338) granting an increase of pension to Lafayette F. Franks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lafayette F. Franks, late of Company K, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, strike out the initial "F."

Amend the title so as to read: "A bill granting an increase of pension to Lafayette Franks."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSIAH HALL.

The next pension business was the bill (H. R. 8712) granting an increase of pension to Josiah Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josiah Hall, late of Company F, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES W. LOOMIS.

The next pension business was the bill (H. R. 9101) granting an increase of pension to James W. Loomis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Loomis, late of Company F, Eighteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

IRA PALMER.

The next pension business was the bill (H. R. 8215) granting an increase of pension to Ira Palmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ira Palmer, late of Company E, Seventeenth Regiment Ohio Volunteer Infantry, and Company C, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of —— dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Company E, Seventeenth Regiment Ohio Volunteer Infantry, and."

In line 9, before the word "dollars," insert the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE FETTERMAN.

The next pension business was the bill (H. R. 7719) granting an increase of pension to George Fetterman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Fetterman, late of Company D, Twelfth Regiment Pennsylvania Reserves, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Twelfth" and insert in lieu thereof the word "Forty-first."

In line 7 strike out the word "Reserves" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JEROME L. BROWN.

The next pension business was the bill (H. R. 7871) granting an increase of pension to Jerome L. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerome L. Brown, late of Company C, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH SLAGG.

The next pension business was the bill (H. R. 8214) granting an increase of pension to Joseph Slagg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Slagg, late of Company D, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARIA NILES.

The next pension business was the bill (H. R. 11483) granting a pension to Maria Niles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Niles, widow of John D. Niles, late of Company B, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES W. WEBER.

The next pension business was the bill (H. R. 12667) granting an increase of pension to Charles W. Weber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Weber, late of Company I, Twenty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FLEMING H. FREELAND.

The next pension business was the bill (H. R. 14257) granting an increase of pension to Fleming H. Freeland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fleming H. Freeland, late of Company I, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. MONTGOMERY.

The next pension business was the bill (H. R. 16211) granting an increase of pension to John W. Montgomery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Montgomery, late of Company K, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "K, Twenty-sixth" and insert in lieu thereof the words "D, Thirty-third."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN K. HART.

The next pension business was the bill (H. R. 16875) granting an increase of pension to J. K. Hart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. K. Hart, late of Company C, One hundred and second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "J." and insert in lieu thereof the word "John."

In line 7 strike out the word "Missouri" and insert in lieu thereof the words "United States Colored."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John K. Hart."

TAYLOR BATES.

The next pension business was the bill (H. R. 16575) granting an increase of pension to Taylor Baits.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Taylor Baits, late of Michael Gilbreath's company, Scouts and Guides, and pay him a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Baits" and insert in lieu thereof the words "Bates, alias Baits."

In same line, before the word "Scouts," insert the word "Alabama."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Taylor Bates, alias Baits."

THOMAS J. SMITH.

The next pension business was the bill (H. R. 19067) granting an increase of pension to Thomas J. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Smith, late of Company C, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ORRIN S. RARICK.

The next pension business was the bill (H. R. 19086) granting an increase of pension to Orin S. Rarick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orin S. Rarick, late captain Company B, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Orin" and insert in lieu thereof the word "Orrin."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Orrin S. Rarick."

ANDREW LEOPOLD.

The next pension business was the bill (H. R. 19028) granting an increase of pension to Andrew Leupold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Leupold, late of Company B, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Leupold" and insert in lieu thereof the word "Leopold."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Andrew Leopold."

CATHARINE F. FITZGERALD.

The next pension business was the bill (H. R. 18227) granting an increase of pension to Catharine F. Fitzgerald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine F. Fitzgerald, widow of John G. Fitzgerald, late of Company I, Sixty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN N. OLIVER.

The next pension business was the bill (H. R. 18343) granting an increase of pension to John N. Oliver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John N. Oliver, late surgeon, Eighty-first Regiment New Yorw Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "surgeon," insert the word "assistant."

In line 8 strike out the word "sixty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NOAH RESSEQUIE.

The next pension business was the bill (H. R. 19534) granting an increase of pension to Noah Resseguie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Noah Resseguie, late of Company F, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Resseguie" and insert in lieu thereof the word "Ressequie."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Noah Ressequie."

MOSES S. ROCKWOOD.

The next pension business was the bill (H. R. 19033) granting an increase of pension to Moses S. Rockwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses S. Rockwood, late of Company F, Fourteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Company E, Third Regiment Veteran Reserve Corps."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH KIRCHER.

The next pension business was the bill (H. R. 19662) granting an increase of pension to Joseph Kircher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Kircher, late of Company D, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEWIS MARQUIS.

The next pension business was the bill (H. R. 19389) granting an increase of pension to Lewis Marquis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis Marquis, late of Company D, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID UPHAM.

The next pension business was the bill (H. R. 18545) granting an increase of pension to David Upham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Upham, late of Company I, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELI CERO.

The next pension business was the bill (H. R. 2772) granting an increase of pension to Eli Cero.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli Cero, late of Company H, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Fourteenth," insert the words "Second Battalion."

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI BRADER.

The next pension business was the bill (H. R. 19359) granting an increase of pension to Levi Brader.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Brader, late of Company B, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARGARET S. MILLER.

The next pension business was the bill (H. R. 19659) granting an increase of pension to Margaret S. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret S. Miller, widow of Charles H. Miller, late of Company I, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. HENRIE.

The next pension business was the bill (H. R. 17691) granting an increase of pension to George W. Henrie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Henrie, late of Company B, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the words "of Company B" and insert in lieu thereof the word "major."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID S. JONES.

The next pension business was the bill (H. R. 19503) granting an increase of pension to David S. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David S. Jones, late of Company A, Sixty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GAINFORD N. UPTON.

The next pension business was the bill (H. R. 15763) granting an increase of pension to Gainford N. Upton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gainford N. Upton, late of Company C, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," insert the words "Company K, Twelfth Regiment, and."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARION F. HALBERT.

The next pension business was the bill (H. R. 1148) granting a pension to Marion F. Halbert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marion F. Halbert, late of Company A, Fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In the same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended to read: "A bill granting an increase of pension to Marion F. Halbert."

ERNEST LANGENECK.

The next pension business was the bill (H. R. 19091) granting an increase of pension to Ernst Langeneck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ernst Langeneck, late of Company F, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Ernst" and insert in lieu thereof the word "Ernest."

In line 7 strike out the word "Indiana" and insert in lieu thereof the word "Missouri."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended so as to read: "A bill granting an increase of pension to Ernest Langeneck."

WALDEN KELLY.

The next pension business was the bill (H. R. 18193) granting an increase of pension to Walden Kelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Walden Kelly, late captain Company F, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID DIRCK.

The next pension business was the bill (H. R. 18432) granting an increase of pension to David Dirck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Dirck, late of Company B, Fourth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOUIS H. GEIN.

The next pension business was the bill (H. R. 1549) granting an increase of pension to Louis H. Gein.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis H. Gein, late of Company F, Fifty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CALEB T. BOWEN.

The next pension business was the bill (S. 257) granting an increase of pension to Caleb T. Bowen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caleb T. Bowen, late captain Company I, Fourth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH ELLMORE.

The next pension business was the bill (S. 663) granting a pension to Joseph Ellmore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Ellmore, late unassigned Wisconsin Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ORLANDO H. LANGLEY.

The next pension business was the bill (S. 1254) granting an increase of pension to Orlando H. Langley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orlando H. Langley, late of Company A, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE L. WAKEFIELD.

The next pension business was the bill (S. 1422) granting an increase of pension to George L. Wakefield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George L. Wakefield, late of Company G, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LORENZO W. SMITH.

The next pension business was the bill (S. 1936) granting an increase of pension to Lorenzo W. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorenzo W. Smith, late of Company L, Second Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM N. DICKEY.

The next pension business was the bill (S. 1976) granting a pension to William N. Dickey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William N. Dickey, late scout, United States Army, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JESSIE E. FOSTER.

The next pension business was the bill (S. 2501) granting an increase of pension to Jessie E. Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jessie E. Foster, widow of Emory S. Foster, late major, Seventh Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE H. RODEHEAVER.

The next pension business was the bill (S. 2566) granting an increase of pension to George H. Rodeheaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Rodeheaver, late of Company E, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BRIDGET QUINN.

The next pension business was the bill (S. 2853) granting an increase of pension to Bridget Quinn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bridget Quinn, widow of Timothy Quinn, late of Company D, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HELEN C. SANDERSON.

The next pension business was the bill (S. 3028) granting an increase of pension to Helen C. Sanderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen C. Sanderson, widow of Robert B. Sanderson, late of Company G, Second Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ERASTUS C. CLARK.

The next pension business was the bill (S. 3122) granting an increase of pension to Erastus C. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Erastus C. Clark, late captain Company H, One hundred and seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

OBADIAH DERR.

The next pension business was the bill (S. 3168) granting an increase of pension to Obadiah Derr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Obadiah Derr, late of Company G, Eighty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PHEBE W. DRAKE.

The next pension business was the bill (S. 3735) granting a pension to Phebe W. Drake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phebe W. Drake, widow of Jonathan B. Drake, late hospital steward Thirtieth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM MOREHEAD.

The next pension business was the bill (S. 4047) granting an increase of pension to William Morehead.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Morehead, late of Company F, First Regiment New Mexico Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY S. BENNETT.

The next pension business was the bill (S. 4318) granting an increase of pension to Henry S. Bennett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry S. Bennett, late of Company D, Thirteenth Regiment New York State Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

REBECCA A. ALEXANDER.

The next pension business was the bill (S. 4390) granting an increase of pension to Rebecca A. Alexander.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca A. Alexander, widow of Alfred P. Alexander, late of Company A, Sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ABNER R. BARNES.

The next pension business was the bill (S. 4391) granting an increase of pension to Abner R. Barnes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abner R. Barnes, late of Company B, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDWIN K. LAMSON.

The next pension business was the bill (S. 4459) granting an increase of pension to Edwin K. Lamson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin K. Lamson, late of Company E, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

RUFUS M. ASHLEY.

The next pension business was the bill (S. 4651) granting an increase of pension to Rufus M. Ashley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rufus M. Ashley, late of the U. S. S. Massachusetts, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM ICKES.

The next pension business was the bill (S. 4961) granting an increase of pension to William Ickes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Ickes, late of Company B, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES RICHARDS.

The next pension business was the bill (S. 5038) granting an increase of pension to James Richards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Richards, late of Company A, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES H. VAN DUSEN.

The next pension business was the bill (S. 5155) granting an increase of pension to Charles H. Van Dusen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Van Dusen, late of Company A, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SIDNEY H. COOK.

The next pension business was the bill (S. 5195) granting an increase of pension to Sidney H. Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sidney H. Cook, late of Company A, and second lieutenant Company E, Fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANK N. NICHOLS.

The next pension business was the bill (S. 5262) granting an increase of pension to Frank N. Nichols.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank

N. Nichols, late of Company D, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS W. CARTER.

The next pension business was the bill (S. 5353) granting an increase of pension to Thomas W. Carter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas W. Carter, late of Company K, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

OLIVER H. HIBBEN.

The next pension business was the bill (S. 5477) granting an increase of pension to Oliver H. Hibben.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver H. Hibben, late of Company K, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM A. HUMRICH.

The next pension business was the bill (S. 5543) granting an increase of pension to William A. Humrich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Humrich, late of Company A, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALMOND GREELEY.

The next pension business was the bill (S. 5598) granting an increase of pension to Almond Greeley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Almond Greeley, late of Company B, First Regiment Maine Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL H. MORRISON.

The next pension business was the bill (S. 5870) granting an increase of pension to Samuel H. Morrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Morrison, late of Company G, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES O'BRYAN.

The next pension business was the bill (S. 5877) granting an increase of pension to Charles O'Bryan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles O'Bryan, late of Company D, One hundred and sixty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LOUISA A. CLARK.

The next pension business was the bill (S. 5898) granting an increase of pension to Louisa A. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa A. Clark, widow of Henson L. Clark, late of Company B, Seventieth Regiment, and Company D, and unassigned, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM H. CROUCH.

The next pension business was the bill (S. 6006) granting an increase of pension to William H. Crouch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Crouch, late of Company G, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELLEN M. DYER.

The next pension business was the bill (S. 6065) granting an increase of pension to Ellen M. Dyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen M. Dyer, widow of Cyrus G. Dyer, late captain Company A, Twenty-sixth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELIZA P. NORTON.

The next pension business was the bill (S. 6138) granting an increase of pension to Eliza P. Norton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza P. Norton, widow of Joseph R. Norton, late of Company I, Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

RANSOM C. RUSSELL.

The next pension business was the bill (S. 6141) granting an increase of pension to Ransom C. Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ransom C. Russell, late of Company F, Seventh Regiment Connecticut Volunteer Infantry, and United States ships Agawam, Minnesota, and Roanoke, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL H. DAVIS.

The next pension business was the bill (S. 6155) granting an increase of pension to Samuel H. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Davis, late of Company D, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDWIN FREEMAN.

The next pension business was the bill (S. 6154) granting an increase of pension to Edwin Freeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin Freeman, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and Company K, Ninth Regiment Invalid Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CALVIN LAMBERT.

The next pension business was the bill (S. 6168) granting an increase of pension to Calvin Lambert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin Lambert, late of Company B, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JULIUS S. CUENDET.

The next pension business was the bill (S. 6164) granting an increase of pension to Julius S. Cuendet.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julius S. Cuendet, late musician, band, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN A. ALDEN.

The next pension business was the bill (S. 6222) granting an increase of pension to John A. Alden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Alden, late of Company A, Ninety-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN COKER.

The next pension business was the bill (S. 6192) granting an increase of pension to John Coker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Coker, late second lieutenant Company H, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HARVEY GAMBLE.

The next pension business was the bill (S. 6272) granting an increase of pension to Harvey Gamble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey Gamble, late of Company C, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN G. FONDA.

The next pension business was the bill (S. 6240) granting an increase of pension to John G. Fonda.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Fonda, late colonel One hundred and eighteenth Regiment Illinois Volunteer Infantry, and brevet brigadier-general United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN B. JOHNSON.

The next pension business was the bill (H. R. 2212) for the relief of John B. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of John B. Johnson, late a teamster in the Quartermaster's Department, United States Army, and who was a prisoner of war in southern prisons for the period of nine months, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In lines 5, 6, and 7 strike out the words "a teamster in the Quartermaster's Department, United States Army, and who was a prisoner of war in southern prisons for nine months," and insert in lieu thereof the words "of Commissary Department, United States Army."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

Amend the title so as to read: "A bill granting a pension to John B. Johnson."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMANDA W. RITCHIE.

The next pension business was the bill (H. R. 4205) granting an increase of pension to Amanda W. Ritchie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda W. Ritchie, widow of Capt. William Ritchie, late of Company C, Fourth Regiment Pennsylvania Reserve Veteran Corps, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "captain."

In line 7 strike out the word "of" and insert in lieu thereof the words "first lieutenant and captain."

In line 8 strike out the words "Veteran Corps" and insert in lieu thereof the words "Volunteer Infantry."

In lines 8 and 9 strike out the word "twenty-five" and insert the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH M'BRIDE.

The next pension business was the bill (H. R. 16856) granting an increase of pension to Joseph McBride.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph McBride, late of Company E, Eleventh Regiment United States Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL REYNOLDS.

The next pension business was the bill (S. 2294) granting a pension to Michael Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Reynolds, late of Company H, Sixth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

SARAH A. PETHERBRIDGE.

The next pension business was the bill (S. 3697) granting an increase of pension to Sarah A. Petherbridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Petherbridge, widow of Edward R. Petherbridge, late of Captain Tilghman's company, Maryland Light Artillery of District of Columbia and Maryland Volunteers, war with Mexico, and major, Purnell Legion, Maryland Volunteers, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SARAH AGNES SULLIVAN.

The next pension business was the bill (S. 3649) granting a pension to Sarah Agnes Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Agnes Sullivan, widow of John T. Sullivan, late lieutenant, United States Navy, and pay her a pension at the rate of $25 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID M'CREDIE.

The next pension business was the bill (S. 4375) granting an increase of pension to David McCredie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David McCredie, late of Captain McNeill's Independent company Florida Mounted Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID B. JOHNSON.

The next pension business was the bill (S. 3818) granting an increase of pension to David B. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David B. Johnson, late of Captain Harrington's company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY A. COUNTS.

The next pension business was the bill (S. 4585) granting an increase of pension to Mary A. Counts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Counts, widow of William D. Counts, late of Captain De Korponay's detachment of recruits, Third Regiment Missouri Mounted Volunteers, war with Mexico, and second lieutenant Company F, Fiftieth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ROY E. KNIGHT.

The next pension business was the bill (S. 4379) granting an increase of pension to Roy E. Knight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Roy E. Knight, late of Company I, Third Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MAE SPAULDING.

The next pension business was the bill (S. 4811) granting a pension to Mae Spaulding.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mae Spaulding, widow of Sylvester Rickles Spaulding, late of Company H, First Regiment Idaho Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of said Sylvester Rickles Spaulding until she reaches the age of 16 years.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANDREW J. WORKMAN.

The next pension business was the bill (S. 4741) granting an increase of pension to Andrew J. Workman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Workman, late of Company B, Mormon Battalion Iowa Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALEXANDER PLOTTS.

The next pension business was the bill (S. 5056) granting a pension to Alexander Plotts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Plotts, late of Captain Coffee's independent company, Florida Volunteers, war with Mexico, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES JACKSON.

The next pension business was the bill (S. 5065) granting an increase of pension to Charles Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Jackson, late of Company A, Fourth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MILDRED M'CORKLE.

The next pension business was the bill (S. 5148) granting an increase of pension to Mildred McCorkle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mildred McCorkle, widow of Henry L. McCorkle, late first lieutenant Twenty-fifth Regiment United States Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Henry L. McCorkle until he reaches the age of 16 years.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LAURA HENTIG.

The next pension business was the bill (S. 5340) granting an increase of pension to Laura Hentig.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura Hentig, widow of Edmund C. Hentig, late captain Troop D, Sixth Regiment United States Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FLORENCE H. GODFREY.

The next pension business was the bill (S. 5783) granting a pension to Florence H. Godfrey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence H. Godfrey, widow of Guy C. M. Godfrey, late captain and assistant surgeon, United States Army, and pay her a pension at the rate of $20 per month, and $2 per month additional on account of the minor child of the said Guy G. M. Godfrey until he reaches the age of 16 years.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY J. IVEY.

The next pension business was the bill (S. 5786) granting an increase of pension to Mary J. Ivey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Ivey, widow of Robert L. Ivey, late of Capt. J. A. Newman's company, Georgia Volunteers, and Capt. John C. Pelott's company, Florida Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARGARET SIMPSON.

The next pension business was the bill (S. 5791) granting an increase of pension to Margaret Simpson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Simpson, widow of Daniel Simpson, late of Captain Doucin's company, First Regiment South Carolina Militia, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HYACINTH DOTEY.

The next pension business was the bill (S. 5952) granting an increase of pension to Hyacinth Dotey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hyacinth Dotey, widow of John Wesley Dotey, late of Company F, Third Regiment Texas Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE GARDENER.

The next pension business was the bill (S. 6039) granting an increase of pension to George Gardener.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Gardener, late of Captain Brady's company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES N. BROWN.

The next pension business was the bill (S. 6041) granting an increase of pension to James N. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James N. Brown, late of Company C, First Regiment North Carolina Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARTHA JANE BOLT.

The next pension business was the bill (S. 6187) granting an increase of pension to Martha Jane Bolt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Jane Bolt, widow of Andrew Bolt, late of Capt. A. C. Jones's company, South Carolina Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SARAH YOUNG.

The next pension business was the bill (S. 6188) granting an increase of pension to Sarah Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Young, widow of Andrew J. Young, late of Company I, Second Regiment Mississippi Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CORNELIUS SULLIVAN.

The next pension business was the bill (S. 6264) granting a pension to Cornelius Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelius Sullivan, late of United States steamship Iris, United States Navy, war with Mexico, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. KELLEY.

The next pension business was the bill (H. R. 4292) granting a pension to George W. Kelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Kelly, late second-class boy, United States steamship New Hampshire, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

Change the spelling of the claimant's surname in the title and the body of the bill to "Kelley."

In line 6 strike out "boy" and insert "apprentice."

In line 7 strike out "steamship" and insert "ship;" and after "New Hampshire" insert "United States Navy."

In line 8 strike out "twenty-four" and insert "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSHUA HOLCOMB.

The next pension business was the bill (H. R. 4967) granting an increase of pension to Joshua Holcomb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua Holcomb, late of Company C, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer Infantry" and insert "Volunteers, war with Mexico."

In line 8 change "twenty-five" to "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HELEN GOLL.

The next pension business was the bill (H. R. 5913) granting a pension to Helen Goll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen Goll, widow of Charles Goll, late hospital steward, United States Army, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "hospital steward" and insert "sergeant, first class, Hospital Corps."

Add to the end of the bill the words "and $2 per month additional on account of each of the minor children of said Charles Goll until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY L. JOHNSON.

The next pension business was the bill (H. R. 6956) granting an increase of pension to Henry L. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry L. Johnson, late of Company H, Sixth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN M. PEARSON.

The next pension business was the bill (H. R. 8273) granting an increase of pension to John M. Pearson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Pearson, late of Company A, Second Regiment Mississippi Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers;" and in same line strike out "Infantry."

In line 8 strike out "twenty-four" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS J. FARRAR.

The next pension business was the bill (H. R. 9262) granting an increase of pension to Thomas J. Farrar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Farrar, a survivor of the war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out "a survivor of the" and insert "late of Captain Johnson's company, Bell's regiment, Texas Mounted Volunteers."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES WALLACE PHILLIPS.

The next pension business was the bill (H. R. 12100) granting a pension to James Wallace Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Wallace Phillips, late of Company I, First Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of $72 per month.

The amendment recommended by the committee was read, as follows:

Amend by striking out "seventy-two" in line 8 and inserting "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DENNIS A. LITZINGER.

The next pension business was the bill (H. R. 12128) granting an increase of pension to Dennis A. Litzinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dennis A. Litzinger, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after "Litzinger," insert "late of Company D, Second Regiment Pennsylvania Volunteers, war with Mexico, and captain Company D, Third Regiment West Virginia Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MILTON R. DUNGAN.

The next pension business was the bill (H. R. 12190) granting an increase of pension to Milton R. Dungan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton R. Dungan, a veteran soldier of the Mexican war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after "Dungan," in line 6, and insert in lieu thereof the following: "late of Company C, Seventh Regiment, United States Infantry, war with Mexico; Companies D and E, Eighth Regiment Indiana Volunteer Infantry, and Company F, One hundred and fifty-first Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALLEN M. CAMERON.

The next pension business was the bill (H. R. 14144) granting a pension to Allen M. Cameron.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allen M. Cameron, late of Company M, Fifth Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Company" and insert "Troop."
In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID D. OWENS.

The next pension business was the bill (H. R. 15620) granting an increase of pension to David D. Owens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David D. Owens, late of Company H, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers." In the same line strike out "Infantry" and insert, after "Volunteers," "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GORDON A. THURBER.

The next pension business was the bill (H. R. 15856) granting a pension to Gordon A. Thurber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gordon A. Thurber, late of Company E, First Regiment Colorado Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL W. ATKINSON.

The next pension business was the bill (H. R. 15619) granting an increase of pension to Samuel W. Atkinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel W. Atkinson, late of Company C, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Kentucky Volunteer Infantry," and insert "Ohio Volunteers," and in the same line, after "Mexico," insert "and Company F, One hundred and seventy-ninth Ohio Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NEAL O'DONNEL PARKS.

The next pension business was the bill (H. R. 16169) granting a pension to Neal O'Donnel Parks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Neal O'Donnel Parks, late of Company B, Seventeenth Regiment United States Infantry, afterwards the Twenty-sixth Regiment United States Infantry.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "Seventeenth Regiment" and insert "Second Battalion, Twenty-sixth Regiment."
In lines 7 and 8 strike out "afterwards the Twenty sixth Regiment United States Infantry" and insert "and pay him a pension at the rate of $8 per month."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALLIE WILLIAMS.

The next pension business was the bill (H. R. 16397) granting an increase of pension to Allie Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allie Williams, widow of James M. Williams, late of Company B, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "James" to "Joseph."
In line 8, after "Mexico," insert "and Company C, Tenth Regiment Kentucky Volunteer Cavalry."
In line 8 strike out "twelve" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NEWTON MOORE.

The next pension business was the bill (H. R. 16411) granting an increase of pension to Newton Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Newton Moore, late of Company B, Fourth Regiment Tennessee Volunteer Infantry, war with Mexico, and Company B, Fourth Regiment Kentucky Volunteer Mounted Infantry, civil war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out "B, Fourth" and insert "K, Thirty-seventh."
In the same line strike out "Mounted."
In line 9 strike out "civil war."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SHERMAN JACOBS.

The next pension business was the bill (H. R. 16747) granting a pension to Sherman Jacobs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sherman Jacobs, late of Company A, Fourth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month, to commence on the 4th day of May, A. D. 1903.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "United States" and insert "Tennessee."

In line 8 strike out "twelve" and insert "eight." Strike out all in the bill after "month" in line 8.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY A. RILEY.

The next pension business was the bill (H. R. 17651) granting an increase of pension to Mary A. Riley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Riley, widow of Hugh Riley, late of Company H, First Regiment Mississippi Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH SCOTT.

The next pension business was the bill (H. R. 17732) granting an increase of pension to Joseph Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Scott, late of Company I, Second Regiment Mississippi Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 change "Volunteer" to "Volunteers;" strike out "Infantry" and insert "war with Mexico."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROSEANNA HUGHES.

The next pension business was the bill (H. R. 17874) granting an increase of pension to Roseanna Hughes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Roseanna Hughes, widow of James Hughes, late second lieutenant Company C, First Battalion Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 change "C" to "E."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WALTER S. HARMAN.

The next pension business was the bill (H. R. 17918) granting a pension to Walter S. Harman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Walter S. Harman, late of Anderson Battery, South Carolina Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Capt. Edward;" and in the same line change "Anderson" to "Anderson's;" also in line 6, before "Battery," insert "Heavy."

In line 7, strike out "Infantry" and insert "Artillery, war with Spain."

In line 8 strike out "twenty" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOUISA M. SEES.

The next pension business was the bill (H. R. 18113) granting an increase of pension to Louisa M. Sees.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa M. Sees, widow of Jacob A. Sees, late of Battery D, Second Regiment United States Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Artillery," insert "Texas and New Mexico Indian war."

In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN INGRAM.

The next pension business was the bill (H. R. 18214) granting an increase of pension to John Ingram.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Ingram, late of Company G, Third Regiment Kentucky Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteers" to "Volunteer Infantry."

In the same line, after "and," insert "Company L, Tenth Regiment Kentucky Volunteer Cavalry, and."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY JANE RAGAN.

The next pension business was the bill (H. R. 18403) granting an increase of pension to Mary Jane Ragan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Jane Ragan, widow of David Caswell Ragan, late of Company A, Fourth Regiment Tennessee Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 change "Caswell" to the initial "C."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD A. BARNES.

The next pension business was the bill (H. R. 18601) granting an increase of pension to Edward A. Barnes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward A. Barnes, late of Company C, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $— per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain," and in line 8, before "dollars," insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOUISA STOREY.

The next pension business was the bill (H. R. 18769) granting an increase of pension to Louisa Storey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Storey, widow of Thomas Storey, late of Capt. Thomas Metcalf's company, Kentucky Militia, war of 1812, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the spelling of the surname of the claimant and the soldier in the title and body of the bill to "Story."
In line 9 strike out "thirty" and insert "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Louisa Story."

HARRIET WEATHERBY.

The next pension business was the bill (H. R. 18816) granting an increase of pension to Harriet Wetherby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet Wetherby, widow of Henry C. Wetherby, late of Captain Page's company, Massachusetts Militia, in the war of 1812, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change "Wetherby" where it appears in the title and body of the bill to "Weatherby."
In line 9 strike out "thirty" and insert "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Harriet Weatherby."

ANDREW J. ANDERSON.

The next pension business was the bill (H. R. 18860) granting a pension to Andrew J. Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Anderson, late of Company I, Third Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $15 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Company I" and insert "Troop E."
In line 8 strike out "fifteen" and insert "ten."
Add to the end of the bill the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Andrew J. Anderson."

ELIZABETH MOORE MORGAN.

The next pension business was the bill (H. R. 19035) granting a pension to Lizzie Morgan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie Morgan, widow of —— Morgan, late captain Tenth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

Change the claimant's Christian name in the title and the body of the bill from "Lizzie" to "Elizabeth Moore;" and in line 6, after "widow of," insert "Robert C."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH C. A. SCOTT.

The next pension business was the bill (H. R. 19101) granting an increase of pension to Sarah C. A. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah C. A. Scott, widow of Henry E. Scott, late of Company H, Palmetto Regiment South Carolina Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers."
In lines 7 and 8 strike out "Infantry."
In line 8, before the word "and," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. MOSER.

The next pension business was the bill (H. R. 19105) granting an increase of pension to William Moser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Moser, late of Company C, Second Regiment Pennsylvania Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Insert the initial "H." after "William," in the claimant's name in the title and body of the bill.
In line 7 change "Volunteer Infantry" to "Volunteers;" and after "Mexico" insert "and Company D, One hundred and sixteenth Regiment Pennsylvania Volunteer Infantry."
In line 8 strike out "twenty-five" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SUSAN M. OSBORN.

The next pension business was the bill (H. R. 19119) granting an increase of pension to Susan M. Osborn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan M. Osborn, widow of William R. Osborn, late of Captain Mann's company, Wood's battalion, Third Regiment Georgia Volunteer Infantry, Indian wars, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Regiment" and insert "Brigade."
In line 8 strike out "Indian wars" and insert "Creek Indian war."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH LOUISA SHEPPARD.

The next pension business was the bill (H. R. 19144) granting an increase of pension to Sarah Louisa Sheppard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Louisa Sheppard, widow of James Sheppard, late of Captain Holloway's company, ——— Regiment South Carolina Volunteers, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Captain," insert the initial "P.;" and in the same line strike out "Regiment."
In line 8 strike out "Volunteers" and insert "Militia."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA A. BILLINGS.

The next pension business was the bill (H. R. 19174) granting an increase of pension to Martha A. Billings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Billings, widow of William M. Billings, late of Company I, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers."
In line 8 strike out "Infantry;" and in line 9 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY A. CONANT.

The next pension business was the bill (H. R. 19241) granting an increase of pension to Henry A. Conant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject

to the provisions and limitations of the pension laws, the name of Henry A. Conant, late of Company I, First Regiment Ohio Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer Infantry" and insert "Volunteers."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM C. HOOVER.

The next pension business was the bill (H. R. 19245) granting an increase of pension to William C. Hoover.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Hoover, late of Company F, Third Regiment Missouri Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before "Company," insert "Captain Clarkson's."
In line 7 change "Volunteers" to "Volunteer" and insert thereafter "Infantry;" and in same line, after "Mexico," insert "and Company I, Fifteenth Regiment Missouri Volunteer Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOUISA J. BIRTHRIGHT.

The next pension business was the bill (H. R. 19256) granting an increase of pension to Louisa J. Birthright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa J. Birthright, widow of Robert Birthright, late of Company D, Third Regiment Tennessee Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after "Robert," insert the initial "B."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOB B. CRABTREE.

The next pension business was the bill (H. R. 19298) granting an increase of pension to Job B. Crabtree.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Job B. Crabtree, late of Company H, First Regiment Tennessee Volunteer Cavalry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, change "H" to "F."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PHEBE EASLEY.

The next pension business was the bill (H. R. 19300) granting an increase of pension to P. Easley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of P. Easley, widow of William Easley, late of war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the initial "P." where it appears in claimant's name in the title and body of the bill to "Phebe."
In line 6, after "late of," insert "Captain Dunlap's independent company, Illinois Mounted Volunteers."
In line 7 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1160) granting an increase of pension to Eliza Swords.

The message also announced that the Senate had passed without amendment bill and joint resolutions of the following titles:

H. J. Res. 166. Joint resolution providing for payment for dredging the channel and anchorage basin between Ship Island Harbor and Gulfport, Miss., and for other purposes;

H. J. Res. 162. Joint resolution authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan adjoining certain lands in Lake County, Ind.; and

H. R. 17455. An act permitting the building of a dam across the Mississippi River at or near the village of Clearwater, Wright County, Minn.

MARY E. RIVERS.

The next pension business was the bill (H. R. 19318) granting an increase of pension to Mary E. Rivers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Rivers, widow of Constant H. Rivers, late of Company E, Palmetto Regiment South Carolina Volunteers, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "E" to "F."
In line 8, before the word "and," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH SPRUELL.

The next pension business was the bill (H. R. 19319) granting an increase of pension to Elizabeth Spruell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Spruell, widow of William Spruell, late of Company C, Palmetto Regiment South Carolina Volunteers, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the initial "C" and insert the initial "E."
In same line, after "Volunteers," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOUISE J. PRATT.

The next pension business was the bill (H. R. 19320) granting an increase of pension to Louise J. Pratt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise J. Pratt, widow of Robert Pratt, late of ——— company, South Carolina Cavalry, under Captain Childs, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain R. Child's."
In line 7, before "Cavalry," insert "Volunteer;" and in the same line strike out "under Captain Childs" and insert "Florida Indian war."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY E. TURNER.

The next pension business was the bill (H. R. 19321) granting an increase of pension to Mary E. Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Turner, widow of Joshua Turner, late of Company ——, Palmetto Regiment South Carolina Volunteers, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "pany," insert "First", and strike out "Palmetto;" and in same line, after "Regiment," strike out "South Carolina" and insert "Mississippi;" and in same line change "Volunteers" to "Volunteer" and insert thereafter "Infantry, war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY ISABELLA RYKARD.

The next pension business was the bill (H. R. 19322) granting an increase of pension to Mary Isabella Rykard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Isabella Rykard, widow of Levi H. Rykard, late of Capt. Robert Child's company, South Carolina Regiment, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "H." where it appears in the soldier's name and insert the Christian name "Harris."

In line 7 strike out "Regiment" and insert "Volunteers."

Th amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ORLANDO L. LEVY.

The next pension business was the bill (H. R. 19323) granting an increase of pension to Orlando L. Levy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orlando L. Levy, late of Company F, Palmetto Regiment South Carolina Volunteers, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Palmetto" and insert "First."

In line 7, after "Volunteers," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SUSAN M. LONG.

The next pension business was the bill (H. R. 19324) granting an increase of pension to Susan M. Long.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan M. Long, widow of George Long, late of —— —— company, South Carolina Volunteers, Florida Indian war, and pay her a pension at the rate of —— dollars per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain Denny's."

In line 8, before "dollars," insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE OPPEL.

The next pension business was the bill (H. R. 19325) granting an increase of pension to George Appel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Appel, late of Company C, Fourth Regiment United States Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change claimant's surname in the title and body of the bill to "Oppel."

In line 7, after "Artillery," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARGARET R. VANDIVER.

The next pension business was the bill (H. R. 19326) granting an increase of pension to Margaret R. Van Diver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret R. Van Diver, widow of Solomon H. Van Diver, late of Captain Sutton's company, Georgia Volunteers, in Colonel Chastain's mounted volunteers, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the spelling of the surname of the claimant and the soldier from "Van Diver" to "Vandiver."

In line 8 strike out "in Colonel Chastain's mounted volunteers" and insert "Florida Indian war."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Margaret R. Vandiver."

ELIZABETH C. KENNEDY.

The next pension business was the bill (H. R. 19337) granting an increase of pension to Elizabeth C. Kennedy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth C. Kennedy, widow of Capt. Duncan Kennedy, late of United States ship Colorado, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Captain."

In line 7 strike out "of" and insert "captain." In the same line strike out "ship Colorado, United States."

In line 8 strike out "fifty" and insert "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANNA LAMAR WALKER.

The next pension business was the bill (H. R. 19357) granting an increase of pension to Anna Lamar Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Lamar Walker, widow of Nathaniel G. W. Walker, late of Capt. John Cunningham's company, Volunteer Infantry, Seminole Indian war, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out "John Cunningham's company, Volunteer Infantry, Seminole Indian war," and insert "Allen's company, Colonel Brisbane's regiment, South Carolina Volunteers, Florida Indian war."

In line 9 strike out "twenty-four" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12087) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, had asked a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. TILLMAN, Mr. ELKINS, and Mr. CULLOM as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 18024. An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 8410. An act to authorize the Charleston Light and

Water Company to construct and maintain a dam across Goose Creek, in Berkeley County, in the State of South Carolina; and

H. R. 16946. An act releasing the right, title, and interest of the United States to the piece or parcel of land known as the "Cuartel lot" to the city of Monterey, Cal.

SARAH ANN REAVIS.

The next pension business was the bill (H. R. 19415) granting an increase of pension to Sara Ann Revis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sara Ann Revis, widow of Simeon S. Revis, late of Company K, First Regiment Tennessee Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the spelling of the claimant's Christian name in the title and the body of the bill to "Sarah" and the surname to "Reavis."
In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sarah Ann Reavis."

EMILY FOX.

The next pension business was the bill (H. R. 19462) granting an increase of pension to Emily Fox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Fox, widow of Calvin Fox, deceased, late of Captain Quattlebaum's company, South Carolina Volunteers, Indian war, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8, before "Indian," insert "Florida;" and in same line strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMMA L. PATTERSON.

The next pension business was the bill (H. R. 19463) granting an increase of pension to Emma L. Patterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma L. Patterson, widow of James Patterson, late of Capt. J. D. Allen's company, South Carolina Volunteers, Indian war, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the initials "J. D."
In line 8, before "Indian," insert "Florida;" and in the same line strike out "twenty-four" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARGARET E. WALKER.

The next pension business was the bill (H. R. 19504) granting an increase of pension to Margaret E. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. Walker, widow of James I. Walker, late of Capt. John Wilson's company, Georgia Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 change the initial "I." in soldier's name to "R."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER DIXSON.

The next pension business was the bill (H. R. 19511) granting an increase of pension to Alexander Dixson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Dixson, late of Company A, Fifth Regiment Tennessee Volunteer Cavalry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 change "Volunteer" to Volunteers;" and in the same line strike out "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH MADDOX.

The next pension business was the bill (H. R. 19528) granting an increase of pension to Elizabeth Maddox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Maddox, widow of Harvey S. Maddox, late of Captain Taylor's company, First Regiment Arkansas Cavalry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Harvey" to "Harry."
In line 7, before "Cavalry," insert "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NANCY ELIZABETH HUTCHESON.

The next pension business was the bill (H. R. 19529) granting an increase of pension to Mary Elizabeth Hutcheson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Elizabeth Hutcheson, widow of William Hutcheson, late of Company H, First Regiment Tennessee Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change claimant's Christian name in the title and body of the bill to "Nancy."
In line 7 change "Volunteer" to "Volunteers."
In lines 7 and 8 strike out "Infantry."
In line 9 strike out "twenty-four" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH JANE DOUGHERTY.

The next pension business was the bill (H. R. 19538) granting an increase of pension to Sarah Jane Dougherty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Jane Dougherty, widow of John P. Dougherty, late of Company E, Fourteenth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA ANN JONES.

The next pension business was the bill (H. R. 19587) granting an increase of pension to Martha Ann Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Ann Jones, widow of Washington Jones, late of Company G, Second Regiment Tennessee Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after "G," insert "Captain Standifer's company."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BEVERLY M'K. LACEY.

The next pension business was the bill (H. R. 19604) granting an increase of pension to Beverley McK. Lacey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Beverley McK. Lacey, late of Company D, Battalion Mississippi Rifles, Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change claimant's Christian name in the title and body of the bill to "Beverly."
In line 7, after "Mississippi," insert "Volunteer."
In the same line strike out "Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Beverly McK. Lacey."

SAMUEL CAMPBELL.

The next pension business was the bill (H. R. 19626) granting a pension to Samuel Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Campbell, late of Company E, Mormon Battalion Iowa Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

Amend the title so as to read: "A bill granting an increase of pension to Samuel Campbell."
In line 7 strike out "Volunteer Infantry" and insert "Volunteers."
In line 8 strike out "twenty-four" and insert "twenty," and add to the end of the bill the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARIA ROGERS.

The next pension business was the bill (H. R. 19670) granting an increase of pension to Maria Rogers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Rogers, widow of Francis Rogers, late of Company C, Fifth Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

W. P. M'MICHAEL.

The next pension business was the bill (H. R. 19743) granting an increase of pension to W. P. McMichael.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. P. McMichael, late of Company F, Sixth Regiment Louisiana Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE CASPER HOMAN HUMMEL, ALIAS GEORGE C. HOMAN.

The next pension business was the bill (H. R. 19744) granting an increase of pension to George C. H. Hummel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. H. Hummel, late of Company —, Seventh Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, strike out the initials "C. H." and insert "Casper Homan;" and in the same line, after "Hummel," insert "alias George C. Homan;" and in the same line, after "Company," insert "I."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George Casper Homan Hummel, alias George C. Homan."

JOHANNA KEARNEY.

The next pension business was the bill (H. R. 19819) granting an increase of pension to Johanna Kearney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Johanna Kearney, widow of James Kearney, late of the Mexican, Indian, and civil wars, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out "the Mexican, Indian, and civil wars" and insert "Battery L, First Regiment United States Artillery, war with Mexico, captain Company E, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and ordnance sergeant United States Army."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY A. SUTHERLAND.

The next pension business was the bill (H. R. 19922) granting an increase of pension to Mary A. Sutherland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Sutherland, widow of John R. Sutherland, late of Company K, —— Regiment Georgia Volunteers, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change the initial "R" to "B."
In line 7, before "Regiment," insert "First;" and in the same line change "Volunteers" to "Volunteer;" and insert, after the last word, "Infantry, war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HAMILTON D. SOUTH.

The next business was the bill (H. R. 1078) for the relief of Hamilton D. South, second lieutenant, United States Marine Corps.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Hamilton D. South, second lieutenant, United States Marine Corps, the sum of $1,200, said sum to be a payment in full for all losses of personal property incurred by him by reason of the destruction by fire of the marine barracks at Pensacola Navy-Yard on the 21st day of December, 1901.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "thousand," strike out the word "two;" and in line 7, before the word "hundred," insert the word "one;" and before the word "dollars," in same line, insert the words "and fifty-seven."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES W. RUSSELL.

The next pension business was the bill (H. R. 9107) granting an increase of pension to James W. Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Russell, late of Company M, Third Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE H. REEDER.

The next pension business was the bill (H. R. 18493) granting an increase of pension to George H. Reeder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Reeder, late of Company B, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PHILIP KILLEY.

The next pension business was the bill (H. R. 19352) granting a pension to Philip Killey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Philip Killey, late of Company G, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Philip Killey."

JOHN E. KINGSBURY.

The next pension business was the bill (H. R. 19601) granting an increase of pension to John E. Kingsbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Kingsbury, late of Company D, Eighty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Eighty-ninth Company, Second Battalion Veteran Reserve Corps."

In line 8, strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN LINGENFELDER.

The next pension business was the bill (H. R. 19215) granting an increase of pension to John Lengenfelder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lengenfelder, late of unassigned, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Lengenfelder" and insert in lieu thereof the word "Lingenfelder."

In same line strike out the word "of."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to John Lingenfelder."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARGARET MUNSON.

The next pension business was the bill (H. R. 19163) granting an increase of pension to Margaret Munson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Munson, widow of William Munson, late of Company B, Fourteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "William," insert the letter "H."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES VAN TINE.

The next pension business was the bill (H. R. 19162) granting a pension to Charles Van Tine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Van Tine, late of Company F, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Charles Van Tine."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS T. PAGE.

The next pension business was the bill (H. R. 18705) granting an increase of pension to Thomas T. Page.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas T. Page, late of Company B, Twelfth Regiment New York State Militia Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NICHOLAS SCHUE.

The next pension business was the bill (H. R. 18657) granting an increase of pension to Nicholas Schue.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nicholas Schue, late of Company E, Third Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "Companies."

In same line, after the initial "E," insert the words "and D."

In same line strike out the word "Third" and insert in lieu thereof the word "Thirteenth."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M. FOLLIN.

The next pension business was the bill (H. R. 18543) granting an increase of pension to James M. Follin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Follin, late of Company K, Seventy-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE H. CHASE.

The next business was the bill (H. R. 14634) for the relief of George H. Chase.

The bill was read, as follows:

Be it enacted, etc., That George H. Chase, late second-class fireman, United States steamship New York, be held and considered as one and the same person as George H. Eaton, and to have been honorably discharged from the United States service as of date of July 26, 1896.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "honorably discharged" and insert in lieu thereof the words "granted an ordinary discharge."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS M'GOWAN.

The next pension business was the bill (S. 5810) granting an increase of pension to Thomas McGowan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas McGowan, late second-class fireman, United States steamers North Carolina, Shamrock, and Commodore Hull, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN M. MELSON.

The next pension business was the bill (H. R. 19889) granting an increase of pension to John M. Melson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Melson, late of Company D, Second Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FREEMAN V. WALKER.

Mr. LESTER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14928) for the relief of F. V. Walker, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint F. V. Walker, late captain and assistant surgeon, United States Army, an assistant surgeon with the same relative grade he had at the time of his retirement, and to place him upon the retired list of the Army.

With the following amendments:

That the Secretary of War, under the direction of the President, is hereby authorized, in his discretion, to order Freeman V. Walker, late captain and assistant surgeon, United States Army, again before a retiring board for the purpose of a new hearing of his case and to inquire into and determine the facts touching the nature and occasion of his disability, and to find and report the cause which, in its judgment, has produced his incapacity, and whether such cause is an incident of the service, according to the statute, and that upon the findings of such board the President is further authorized, in his discretion, either to confirm the order by which the said Freeman V. Walker was wholly retired, or, in his discretion, to nominate and, by and with the advice and consent of the Senate, to appoint said Freeman V. Walker an assistant surgeon with the same relative grade which he had at the time of his retirement, and to place him upon the retired list of the Army: *Provided*, That no pay, bounty, or other allowance during the period between the time that he was heretofore retired and the time of the passage of this act shall become due and payable by virtue of this act.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent for the present consideration of the bill which the Clerk has just reported. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. LESTER, a motion to reconsider the last vote was laid on the table.

JESSE ELLIOTT.

The SPEAKER pro tempore. The Chair will state that there is one bill which was omitted from the Calendar this afternoon by error, and which will now be considered.

The Clerk read as follows:

A bill (H. R. 5504) for the relief of Jesse Elliott.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the records of the War Department in such manner as to show that Jessee Elliot, a private, Company G, Fifth Regiment Tennessee Mounted Volunteer Infantry, was enlisted and mustered into the military service of the United States on the 18th day of January, 1865, and was killed while in service by the enemy in line of duty April 28, 1865.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. SULLOWAY, a motion to reconsider the last vote was laid on the table.

PREVENTION OF COLLISIONS ON INLAND WATERS.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for leave to file herewith the views of the minority on the bill (H. R. 17564) to amend an act entitled "An act to adopt regulations preventing collisions upon certain harbors, rivers, and inland waters of the United States."

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that he may file views of the minority upon the bill indicated. Is there objection?

There was no objection, and it was so ordered.

SUBPORT OF ENTRY AT SUPERIOR, WIS.

Mr. PAYNE, from the Committee on Ways and Means, presented the bill (H. R. 19519) to establish a subport of entry at Superior, Wis., with the privilege of immediate transportation of dutiable merchandise without appraisement; which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, with Mr. WATSON in the chair.

Mr. KEIFER. Mr. Chairman, there was pending when the committee rose last evening an amendment to the last paragraph read, the amendment being to strike out, on line 20, page 24, the word "fractional." I do not desire at this time to say anything more, but before we close debate on this subject I may want to say something further. I understand there are two or three other gentlemen who desire to be heard on the question. The question involved is as to whether we shall continue to do what we have been doing in the past years, to wit, provide for the free transportation of silver dollars to parties desiring them. I am willing to yield the floor for the present, but I desire to state only what the pending question was.

Mr. TAWNEY. Mr. Chairman, the amendment offered by the gentleman from Ohio [Mr. KEIFER] is the same amendment which the gentleman from Ohio [Mr. KEIFER] offered at the beginning of this session of Congress during the consideration of the urgent deficiency appropriation bill. Prior to that time and for a number of years the sundry civil appropriation bill has carried an appropriation of $120,000 to defray the expense of the transportation of silver dollars from the Treasury and the subtreasuries of the United States to the banks and to the department stores and to anybody else who might want to use silver dollars as a medium of exchange or as a medium of advertising. The appropriation for the current fiscal year was not sufficient to meet that expenditure, and at the beginning of this session the Secretary of the Treasury submitted to Congress a deficiency estimate of $10,000 for the purpose of continuing that service throughout the year. There is no law authorizing the free transportation of silver dollars. The only authority existing to-day for that service is the appropriation of money and the authorization of its expenditure for this particular purpose.

The Committee on Appropriations declined to allow the estimate, and that conclusion was reached after the most careful investigation and after hearing the departmental officials in charge of the administration of this appropriation. That conclusion was based upon the fact that the silver dollar is the only form of money, except fractional silver coin and minor coins, nickels and pennies, that the Government transports free to anybody, and in the judgment of the committee we thought it was time to put a stop to this contribution to the banks of the United States and to the department stores that were availing themselves of this free distribution of silver dollars and using them as advertisements by giving out fractional currency and new silver dollars for the purpose of advertising their business. There was a further consideration. It was brought out before the committee that the express companies, who are the chief beneficiaries, were abusing the privilege which this appropriation afforded by taking silver dollars and transporting them to their destination by the most circuitous route that they could possibly find in order that their revenue from that source might be greater.

Mr. JOHNSON and Mr. GAINES of Tennessee rose.

Mr. TAWNEY. I yield to the gentleman from South Carolina.

Mr. JOHNSON. Is it not possible for the Department to send that silver out by registered mail or otherwise instead of allowing express companies to take advantage of the Government in that way?

Mr. TAWNEY. Yes, it is; and I would say to the gentleman from South Carolina that that is the language of the law to-day, that has been the language of the law, and the law reads, "for the transportation of silver coin by registered mail or otherwise," but up to this time not a silver dollar has been transported by registered mail. All has been sent by the United States Express Company and its connecting companies.

Mr. JOHNSON. Well, I would like to ask the gentleman from Minnesota if this abuse, having been brought to the attention of the Secretary of the Treasury, they will not hereafter send them by mail?

Mr. TAWNEY. That matter, Mr. Chairman, so far as fractional silver coin is concerned and minor coin is concerned, we seek to remedy in this bill by requiring the transportation of coin or Government securities, which include national-bank and Federal currency, by registered mail.

Mr. SMYSER. Can not the authorities in charge utilize the mails instead of the express for the shipment of this coin?

Mr. TAWNEY. Not at the present time.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. GAINES of Tennessee. I would like to ask the gentleman——

Mr. POWERS. I want to ask the gentleman a question. I move to strike out the last word, Mr. Chairman.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. I want to ask the gentleman from Minnesota a question.

Mr. TAWNEY. I yield to the gentleman from Maine.

Mr. POWERS. I want to ask the gentleman from Minnesota if the Government has not a contract with all the express companies stating exactly what they shall pay for carrying all moneys between certain points?

Mr. TAWNEY. It has with the United States Express Company only.

Mr. POWERS. Then what matters it whether they go by a more circuitous or a straight route from one point to another?

Mr. TAWNEY. Ah, but that contract is based upon the number of miles that the money is carried. I cited in this debate at the beginning of this session of Congress an illustration of the abuse of the privilege which the express companies enjoyed under this appropriation; a bank in Yonkers, N. Y., 17 miles from the city hall in the city of New York, asked for or called upon the subtreasury for a certain number of silver dollars, the exact number I do not now remember. That shipment was made via the United States Express Company to a point up in the State of New York, 250 miles. It was there transshipped or delivered to another express company and shipped to a place, I think, called Tarrytown, 250 miles farther, but back in the direction of Yonkers, and was then shipped from there to Yonkers, a distance, if my memory serves me right, of some 20 or 30 miles. Instead of being shipped direct from the subtreasury to the bank in Yonkers, it was shipped in this circuitous route of almost 500 miles, and each one of those three different express companies got a fee or received compensation for that service under the contract with the Government of the United States.

Mr. POWERS. You say it is by the mile?

Mr. TAWNEY. By the mile.

Mr. POWERS. How long has this gone on?

Mr. TAWNEY. I am unable to say how long this has been going on.

Mr. GAINES of Tennessee. Will the gentleman allow me to ask him a question there?

Mr. TAWNEY. The discovery was made at the beginning of this session of Congress.

Mr. GAINES of Tennessee. Will the gentleman allow me to ask him a question?

Mr. TAWNEY. Now, I want to say one thing further, and then I will yield to the gentleman from Tennessee just in a minute. At the beginning of this session of Congress, when the Committee on Appropriations reported the urgent deficiency bill omitting this deficiency item, the gentleman from Ohio, a member of the Committee on Appropriations, offered the same amendment that he has offered now, in substance the same amendment, for the accomplishment of identically the same purpose; and, after full debate on that question, the Committee of the Whole House on the state of the Union voted down the amendment by an overwhelming majority. Now, I want to say——

Mr. KEIFER. I wish the gentleman would allow me to correct him.

Mr. GAINES of Tennessee. Does the gentleman refuse to yield to me?

Mr. TAWNEY. I yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Now, you have spoken of this oppressive action of the express companies, which is absolutely true, as I have investigated the matter; but you are evading the fact that if it be sent by mail we can avoid this abuse and this great expense.

Mr. TAWNEY. That is not in the law.

Mr. GAINES of Tennessee. You have said that we can carry silver coin through the mail.

Mr. TAWNEY. We have reported a provision by which the Government, in the event it is passed, will not have to pay the expense, which we maintain we are not obliged to pay, because there is no justification for it.

Mr. GAINES of Tennessee. Did not the gentleman say a moment ago that you could send silver coin by mail—send a silver dollar, silver coin? And we can make this appropriation and send it by mail, and avoid the oppressive prices the express companies have been charging, and they are outrageous.

Mr. PADGETT. Will the gentleman allow me to ask him a question?

Mr. TAWNEY. Mr. Chairman, the provision which the committee has now reported to the House, if adopted, would provide free transportation through the mail of fractional silver coin, which we think the Government can afford to do and ought to do; and also for the free transportation of minor coins—nickles and pennies. But above the fractional currency and minor coins there is absolutely no justification or excuse for it. There would be no more justification for the free transportation of silver dollars than there is for the free transportation of one-dollar silver certificates, or any other kind of currency of any other denomination. We do not pay for the transportation of currency. We do not bear that expense. Why should we provide for the free transportation of silver dollars when we know that the free transportation is not in the interest of the circulation of the silver dollar; that in many instances it is for the purpose of advancing the business interests of private concerns, who play upon the imagination of people by giving out a nice bright silver dollar in change in their department stores?

Mr. PADGETT. Now, will the gentleman allow me to ask him a question?

Mr. TAWNEY. I want, before I yield, to call attention to the testimony of the Secretary of the Treasury before the committee on this subject. He says [reading]:

We have been using about $40,000——

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the time of the gentleman from Minnesota be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. Mr. Shaw says:

We have been using about $40,000 to send the fractional currency out. That, I am of the opinion, ought to be continued.

The CHAIRMAN. That is continued under the last urgent deficiency appropriation bill?

Mr. SHAW. Yes, sir. We have been using about $40,000. If it is not $50,000, it ought to be $50,000. I do not see the occasion for the Government to pay the transportation of silver any more. The reasons that existed for that previously do not exist now.

The CHAIRMAN. Have you the reasons?

Mr. SHAW. The policy then was to send out all the silver we could. We were buying large quantities of silver and coining it; that is, we were sending out all the silver that the country would absorb, and we did everything we could to get it into circulation; but we have quit buying silver and quit coining it, and most of the silver is out that is not covered by silver certificates, and there is no reason why we should ship silver free that does not apply to the shipping of any other kind of money.

The CHAIRMAN. If the appropriation is made for the transportation of fractional currency, will you continue your present contract with the United States Express Company for that purpose?

Mr. SHAW. I know of no reason why we should not. I do not know how long the contract runs.

Since then, Mr. Chairman, I will say that the committee has ascertained that it is a yearly contract, and that the present contract expires at the expiration of the present fiscal year. I am reading from page 190 of the hearings. Then, this question arose as to the transportation of money by registered mail as such by the Secretary of the Treasury, that the reason which originally justified the sending out such money no longer existed now; it is supported only by the desire on the part of some people, who want it for use in their department stores, to get something out of the Government for nothing. Now, I yield to the gentleman from Tennessee.

Mr. PADGETT. The gentleman has gotten considerably off the point that I wanted to inquire about. With reference to the shipment mentioned from New York to Yonkers, a distance of 17 miles, I believe that you stated that the shipment was circuitously made a distance of 500 miles. I will ask you if that does not show very great, even culpable, inefficiency of the administrative officers that permitted such a thing as that, when they know that New York and Yonkers are only 17 miles apart, to pay expressage for 500 miles?

Mr. TAWNEY. The explanation of that transaction is the fact that when they are entering into a contract involving the transportation of money from one subtreasury or another subtreasury to any part of the United States that it is absolutely impossible to make a contract, an inflexible contract, that would meet the situations and conditions that prevail in different parts of the country; and it is because of that fact that a contract can not be drawn so as to avoid certain abuses of that kind if the express company sees fit to avail itself of the conditions.

Mr. PADGETT, Mr. DIXON of Montana, and Mr. POWERS rose.

Mr. POWERS. Will the gentleman permit me to ask him a question?

Mr. TAWNEY. I yield to the gentleman from Montana [Mr. DIXON].

Mr. DIXON of Montana. Could not a contract be made at so much a mile for the distance actually traveled in the shipment? Could not a simple contract of that kind be made?

Mr. TAWNEY. If the gentleman will read the hearings, I think he will find that is the kind of contract we have now.

Mr. PADGETT. I have not finished my question to the gentleman.

Mr. DIXON of Montana. What argument is there in favor of the free transportation of fractional silver coin, at the expense of the Government, that does not apply equally to the free transportation of silver dollars?

Mr. TAWNEY. The fractional silver coin is the coin that is used in making change. There is a necessity for that. There is no currency that takes the place of fractional silver coin, but there is a currency that takes the place of the silver dollar; and for that reason the committee felt justified in agreeing to the conference on one of the urgent deficiency bills, earlier in this session of Congress, and in consenting to the Senate amendment adding the free transportation of fractional silver coin, because it was a necessity for the prosecution of the public business.

Mr. PADGETT. I have not finished my question to the gentleman from Minnesota.

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Tennessee?

Mr. TAWNEY. I yield to the gentleman for a question.

Mr. PADGETT. I was not entirely satisfied with the explanation given by the gentleman with reference to that contract. Can not a contract specify that it shall be over the direct route, for the distance usually traveled in going from one point to the other?

Mr. TAWNEY. Oh, I do not know. I suppose it could; but there are different express companies through whose hands the silver would have to be transported in order to reach its destination.

Mr. PADGETT. Does the gentleman think that any efficient administration would pay express charges on a distance of 500 miles when there is a route 17 miles long between the two places?

Mr. TAWNEY. Mr. Chairman, I do not intend to attempt to construe the existing contract. I have never seen it. Nor do I intend to criticise the contract, or criticise the Department that entered into the contract. I have simply stated facts, and it is up to this House now to say whether we shall continue the free transportation of silver dollars, or put the silver dollar with respect to transportation upon the same basis with all other money except money below the denomination of a dollar.

Mr. PADGETT. But the gentleman was offering that as a reason why we should not ship by express, and I was only meeting the specific case which the gentleman urged.

Mr. POWERS, Mr. BURGESS, and Mr. CHARLES B. LANDIS rose.

Mr. TAWNEY. I yield to the gentleman from Indiana.

Mr. CHARLES B. LANDIS. Do I understand the gentleman to say that the Government now has contracts with all these express companies?

Mr. TAWNEY. No; with only one.

Mr. CHARLES B. LANDIS. When was that contract made?

Mr. TAWNEY. It is a yearly contract and can not be made for more than a year, because the appropriation is made every year.

Mr. KEIFER. It is an annual contract.

Mr. TAWNEY. There is no authority in law for this contract, except that which is based upon the appropriation itself.

Mr. CHARLES B. LANDIS. Does not that contract provide that it may be abrogated on six months' notice by either party?

Mr. TAWNEY. I do not know whether it can be abrogated on six months' notice, or on thirty days' notice.

Mr. CHARLES B. LANDIS. Does not that contract provide that that express company shall carry all the money and securities of the United States?

Mr. TAWNEY. It does.

Mr. CHARLES B. LANDIS. And this provision is practically an abrogation of that contract.

Mr. TAWNEY. No; it is not, because this relates to the next fiscal year, for which there is no contract.

Mr. CHARLES B. LANDIS. If no contract is made, does this appropriation bill make provision for the security of the transportation of the vast sums of money that are contemplated to be sent by mail?

Mr. TAWNEY. Yes; by leaving it to the Secretary of the Treasury to avail himself of the same facilities for securing that money that the banks of the United States are to-day availing themselves of for the security of the money which they are transporting.

Mr. CHARLES B. LANDIS. I insist that that protection is not adequate.

Mr. TAWNEY. Why is it not?

Mr. CHARLES B. LANDIS. Simply because the railway mail service of the United States is in no manner equal to it.

Mr. TAWNEY. The gentleman knows that the banks avail themselves of the indemnity insurance companies, and the evidence before the committee is that the Government can insure every dollar of the money that is transported by registered mail and then save $91,000 a year on the transportation of the money and the silver coin.

Mr. CHARLES B. LANDIS. At what rate could they insure it?

Mr. TAWNEY. I do not recall the rate.

Mr. BURLESON. They can insure the full value, of course.

Mr. STAFFORD. Will the gentleman specify the law that gives the Government authority to insure the funds that would be sent by registered mail?

Mr. TAWNEY. No; I can not give it.

Mr. STAFFORD. Is there any such law?

Mr. TAWNEY. I do not know whether there is or not. I am informed by the man in charge of the transportation of money that they can avail themselves of that privilege.

Mr. STAFFORD. I do not believe that you can find any law on the statute books which would authorize the Government to insure the funds.

Mr. DIXON of Montana. Will not this drive out the silver dollar as a medium of circulation?

Mr. TAWNEY. There has not been a silver dollar shipped free in the last six months, and there has been no curtailment or falling off in the circulation of silver dollars.

Mr. DIXON of Montana. I have letters from several bankers in my State saying that the effect of wiping out of this appropriation will absolutely drive the silver dollar out of circulation, which in my country is used in making change, and not in the place of the silver certificates of the East.

Mr. TAWNEY. I had one letter of that kind from a banker in my district, and I wrote to him explaining the reason why the committee and the House did not approve of the continuance of the free transportation of silver dollars, and he wrote back and said that he thought Congress was justified in putting a stop to it under the circumstances.

Mr. BURLESON. If the gentleman from Minnesota will allow me, is it not a fact that if what has heretofore been the law is eliminated from this appropriation bill the sections of our country which have no subtreasuries will be placed at a disadvantage as compared with sections of our country which have subtreasuries? Is not that a fact?

Mr. TAWNEY. I will say in answer to the gentleman from Texas that they will not be at any more disadvantage than they are now in respect to all other forms of money that the Government issues.

Mr. BURLESON. The gentleman is begging the question.

Mr. POWERS. Mr. Chairman, this provision permitting silver dollars to be shipped to various parts of our country for the purpose of accommodating the people who desire to have them, and for the purpose of putting silver into circulation, has been a part of the policy of this Government for a great many years. The gentleman from Connecticut [Mr. HILL] says you might as well ship $1 bills. Why, there are not $1 bills enough or anywhere near enough to accommodate the demands of the people of the country. No Member of this House knows that fact better than the distinguished banker and Member from Connecticut. All through the South and through a great portion of the West, especially beyond the Mississippi River, the silver dollar is used almost universally, and the $1 bill is hardly ever seen. Now, the very fact that the gentleman from Minnesota [Mr. TAWNEY] states that certain firms can get trade by advertising that they will pay out new silver dollars proves that the people want this currency; they want the new dollar and not the old one. The Government, through its seigniorage, makes nearly 50 cents in coining every one of these silver dollars. By putting them in circulation many of them will necessarily be lost or destroyed or worn, so that they will be redeemed as bullion; so that in the end the Government is largely the gainer by aiding the distribution of silver dollars throughout the country. Under these circum-

stances, it seems to me that we should continue this policy, that we should permit the banks in the different parts of the country to have the silver dollar with which to accommodate their customers and supply a popular demand.

Now, I want to say one word in reference to this alleged swindling by an express company. First, I will assert that it seems strange, indeed, that the express company with which the Government makes its contract should ever stoop to any such swindling as that which the gentleman from Minnesota has referred to—namely, send a package of silver dollars several hundred miles to get it from New York to Yonkers, in order to draw more mileage pay. I do not deny the statement of the gentleman, but think there must have been some strange conditions to have caused it, and it seems that no one who might know has been called upon to explain it.

Mr. MADDEN. The testimony shows that.

Mr. POWERS. Second, if any express company has ever done what is alleged, then the Auditor of the Treasury, in my judgment, is guilty of culpable negligence if he approves the bill and pays it. [Applause.]

Third, in making the annual contract with the express companies it requires but a word to state, if you pay by the mile—I confess frankly although I have shipped a good deal of Government money, and I didn't know it was paid for by the mile—it requires only a word to state in that contract that it must be by the nearest practicable route, and then there can be nothing of this kind done.

These silver dollars are a species of currency that a great portion of our people want and use. Silver is a product of our country, and while I have always stood by the gold standard and believe that that is the correct measure of value and the only one, I believe also that what legislation we have that tends to give this product of our country a circulation and a use, at the same time supplying to our people what they want, should be continued. The people can get it through this Government contract and can get it in no other way, I should say, as satisfactorily or cheaply. I am confident that what has been done for so many years past emphasizes a sound and correct policy, and I believe that policy should be continued by the Congress, and therefore I shall vote for the amendment offered by the gentleman from Ohio. [Applause.]

I would call attention to the fact that in continuing this policy the gentleman from Ohio does not increase the appropriation. I think it ought to be increased. I should cheerfully vote for a larger sum, but whether it is increased or not, I believe this policy of free Government transportation of silver to all parts of the country, which we have had so many years and with which the people are satisfied and desire continued quite as much as the country banks, is right and proper and good legislation, and that the usual appropriation for this purpose will commend itself to the country. [Applause.]

Mr. HILL of Connecticut. Mr. Chairman, there is no silver question embodied in this proposition in any way, shape, or manner. All the talk about 50 cents profit of coinage may well be dismissed. The coinage of silver dollars has ceased, probably never to be renewed. The policy which the committee now propose to change ought to end with the discontinuance of the coinage of the dollar. It was begun many years ago with a good motive and a good purpose, to try to bring the silver dollar into circulation. It has been a complete and total failure. There has been no increase in the circulation by reason of free transportation.

As long ago as 1893 the matter was carefully investigated and very thoroughly considered, and the whole subject was reviewed by the Secretary of the Treasury. He stated emphatically that his opinion was—and, by the way, it has been concurred in by every Secretary of the Treasury since—that the free transportation of the silver dollar tended to reduce the circulation rather than to increase it, strange as it may seem.

Let me show you how that will be. The gentleman from Ohio [Mr. KEIFER] smiles. Perhaps if he will read the statements of those familiar with the subject connected with the Treasury Department, he would smile in a different way.

Mr. KEIFER. May I interrupt the gentleman?

Mr. HILL of Connecticut. Certainly.

Mr. KEIFER. I will ask the gentleman why it is that it has decreased since the limitation was put upon the amount that could be expended—$2,000,000 a year—within the last six weeks?

Mr. HILL of Connecticut. I do not know what may have occurred within the last six weeks, and I do not know as that had any particular effect upon it. I take the statistics of the circulation of the silver dollars during the last twenty years, and while it has slightly increased in the aggregate, it has decreased per capita—that is, in proportion to the population of the United States. That is the only way in which to figure it.

Let me cite, for the benefit of the gentleman from Texas [Mr. BURGESS], a single case that has occurred in his own State. I refer to the statement made by the gentleman from Texas [Mr. BURGESS] yesterday, that the free transportation of silver was needed for the people of his State for use in handling their crops. A bank president from the State of Texas told me a short time ago that they had accumulated in their vaults 250,000 silver dollars, and that they were doing the best they could to get them out of there and change them into usable money, for silver is not desirable in any such quantity, and their object and purpose was to get it back to the mint at New Orleans. How did they do it? They could not pay it out except to the railroad companies, and they worked it along gradually through their pay rolls until it got to New Orleans. Why did the accumulation come? Simply because the country bankers all over Texas, desiring to increase their reserve accounts and wishing to get rid of the money of the least use to them, forwarded the silver dollars and made a practice of doing it.

Why did the banks transfer this silver instead of the paper or gold? Because any time they saw fit, all they had to do was write to the subtreasury at New Orleans and have silver sent back at the Government expense, but gold or paper would only be transmitted back at their own cost. Mr. Carlisle and every Secretary of the Treasury since has said that if they did not have the opportunity to have it retransmitted at Government expense, they would hold it in the banks, as the banks ought to do, to maintain the circulation in their own communities.

It is the easy method of getting it which induces the banks to draw it out of circulation, and that is the process that is constantly going on. I will put in the RECORD again—I have put it in there several times—the statement of ex-Secretary J. G. Carlisle describing this whole process. It is in a letter from John G. Carlisle to Senator Voorhees in 1893, in which he says that the effect is to decrease the circulation of silver:

> The greater part of the cost to the Government of the issue and distribution of silver coins is for their transportation under the provisions of the appropriation laws above referred to. Such an expenditure is unexampled in other countries, as I am informed, and is of so recent origin and doubtful results in this that it should, in my opinion, be discontinued.
>
> The practice with regard to the payment of charges for transportation on other moneys of the United States sent to or from the Treasury varied much until June 30, 1883, but since that time this expense has uniformly been imposed upon the private sender and consignee. The exception made in favor of the silver coins has cost the Treasury heavily, without producing any corresponding advantage either to the Treasury or to the public.
>
> The circulation of the kinds of money which is supplied to the people and received from them at their own expense for transportation has steadily increased, but there has been no material gain for years in the number of silver dollars in circulation and only a natural one in the amount of subsidiary silver coin. The discrimination in favor of silver has opened the way to abuses, which are of more or less common knowledge. Coin has been called for, not because it was really needed for circulation, but because it could be obtained without expense. These excessive issues are soon returned to the Treasury, together with considerable other sums which would be retained by the holders if it were not so easy to obtain fresh supplies. If, then, these considerations are sound, the cost of the issue and redemption of silver coin is increased by the payment of the charges for transportation in three ways:
>
> 1. By the assumption of a charge which properly should be borne by the public.
>
> 2. By the increase of this charge and of the expense of handling arising from the issue of coin not required for circulation.
>
> 3. By a like increase arising from a freer return to the Treasury than there otherwise would be of coin required for circulation.
>
> In my judgment, therefore, it would be in the line of economy and sound public policy to retain the act of June 9, 1879, in its entirety upon the statute book, and to discontinue the appropriations for the free distribution of standard silver dollars and subsidiary silver coins.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. HILL of Connecticut. I do.

Mr. GAINES of Tennessee. Why does the gentleman favor the transmission through the mail or by express of fractional coin and object to the transmission of the silver dollar?

Mr. HILL of Connecticut. Oh, as a matter of principle, I would not favor either; but I will tell the gentleman why it is done, in my judgment. The subsidiary coin is not a legal tender and therefore can not be used in the large amounts in which the legal-tender silver dollar is used, and consequently the privilege is not abused, and the subsidiary coin does, as a matter of fact, remain in circulation and is constantly increasing in circulation, whereas the very opposite is true in regard to the standard silver dollar; so that the statistics will justify, better than any argument I could make, having different policies with the different coins.

Mr. GAINES of Tennessee. Does not the gentleman know that down South and out West and in a great many sections of the country they use the silver dollar and the silver certificate and fractional silver? Does he not know, also, the fractional coin is tender for sums not exceeding $10 in any one payment?

Mr. HILL of Connecticut. Oh, yes; I understand that.

Mr. GAINES of Tennessee. Where they use the fractional silver they also use the silver dollar.

Mr. HILL of Connecticut. Now, Mr. Chairman, it having been absolutely proven that the free transmission of legal-tender silver dollars does tend to reduce the circulation rather than to increase it——

Mr. KEIFER. To whom has that been proven?

Mr. HILL of Connecticut. Oh, to the Treasury Department.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL of Connecticut. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL of Connecticut. Let us take up the other side of the subject. Is the law abused? The gentleman said something a moment ago about canceling contracts with the express companies. Why, gentlemen, the Treasury Department is absolutely helpless. The law says it shall be transmitted free. The matter which has been referred to by the chairman of this committee, the gentleman from Minnesota [Mr. TAWNEY], of the transportation of silver from New York to Yonkers is trivial. I put in the RECORD six or seven years ago one case where an express company in this country obtained $16,000 from the Treasury of the United States for carrying its own money from San Francisco to New York.

Mr. GAINES of Tennessee. But we propose to take that away from the express companies and let the Government manage it through the mail.

Mr. HILL of Connecticut. But it costs, just the same. You have to pay the railway companies for carrying the mail.

Mr. GAINES of Tennessee. Oh, of course; but in taking it through the mail it will cost a great deal less.

Mr. HILL of Connecticut. Let me show you how this law can be abused, and the practice carried on legally without robbing anybody except the Treasury of the United States. I will cite an actual occurrence. A bank in Delaware desiring to pay another bank 20 miles away, instead of sending the draft on New York, which happened at the time to be at a small discount, to the bank 20 miles away, and knowing that the bank 20 miles away would charge up the difference in the exchange, simply sent its draft to New York and instructed its correspondent in New York to have the silver dollars shipped from New York down to Delaware at the expense of the Government. That is an actual case, and that is going on all over the United States under the law because the law is broad enough to permit it.

A man at Port Townsend, Wash., desired to pay duties to the United States. Port Townsend is not a large place, but a great many vessels come in there and a great deal of legal-tender money is required, as it takes legal tender to pay duties. What does he do? He sends his draft to San Francisco and orders the silver dollars sent up to Port Townsend at an expense to the Government of $4 a thousand. They go to Port Townsend, and the bags with the Government seal on them—I am not citing an imaginary case, but an actual one—the bags of silver dollars with the Government seals on them are used to pay the duty on this shipment of goods. Who does it go to? To the collector of customs. What does he do? Under the law he is obliged to retransmit that identical money to the subtreasury in San Francisco. Under the provisions of this law the Government has paid $7.50 a thousand to carry silver dollars from San Francisco to Port Townsend and back to San Francisco, without the seals on the bags having been broken or the bags having been opened, and having performed only this one small service. What does the Treasury Department say in regard to the matter? Understand, the coinage of silver dollars has stopped. There is no possible way to increase it without further legislation. Consequently, you have no excuse then for continuing this practice in order to get them into circulation. This is what the Treasurer of the United States said this year:

> For the past two or three years the accumulation of silver dollars in the Treasury has not been in excess of the amount that could have been disposed of in the regular transactions of the Treasury offices, and it is submitted that under these conditions it will be an unnecessary burden upon the Government to continue the shipment of silver dollars free of expense for transportation charges to depositors therefor. The amount in circulation June 30, 1905, was $73,584,336, and from the changes observed in the past six years it is estimated that the maximum of circulation has been reached. The annual movement of these dollars under present regulations entails great expense not only for the transportation but for labor in counting, bagging, handling, and storing; by constant and repeated movement the "wear and tear" is producing a result that will ultimately require an additional expense to make good the loss by abrasion. The ease—

And I call the attention of the gentleman from Ohio to the statement of the Treasurer of the United States in accord with the statement which I made—

> The ease with which this coin can be obtained from the Treasury without expense for transportation charges facilitates its return to the Treasury for redemption. In previous years when the vaults of the Treasury contained excessive amounts of silver coin there was good reason for stimulating its use among the people by the inducement of free transportation to depositors therefor, but at present such conditions do not prevail. It is suggested for the consideration of bankers, merchants, and others requiring the use of large amounts of this coin, that they retain their accumulation during the inactive periods for use in the busy season instead of returning them to the Treasury for redemption, and thus lighten the burden upon the Government that is constantly growing, and which may, in the interest of economy, soon have to be discontinued altogether.

Gentlemen, just one thing more.

Mr. POLLARD. I would like to ask the gentleman what this silver is taken to the Treasury to be redeemed in—currency?

Mr. HILL of Connecticut. Oh, it is exchanged for other money; that is all. Now, we have just provided, gentlemen, this session of Congress, for the further use of small denominations of silver certificates, cutting the large ones, as a substitute for silver dollars or anything else. Of course they are based on silver dollars. We have also provided for five and ten dollar gold certificates to meet the demand for small denominations. You can not increase the circulation of silver or get it out into circulation beyond the amount which the Government has in stock. You can not do that. Of course the only effect now, the only possible effect, of spending $125,000 for the free transportation of legal-tender silver is to carry it around and around and around and let the dishonest man avail himself of the broadness of this law while the honest man pays his transportation for other forms of money. Now, that is about all there is to it. The silver question is not involved a particle.

Mr. GAINES of Tennessee. May I ask the gentleman when this silver, as the gentleman says, goes "around and around and around," whether or not it is not paying debts "around and around and around?"

Mr. HILL of Connecticut. Yes; but when it goes around and around sealed up in bags, only performing one use each time it goes, and the expense is $7.50 for a thousand dollars, it is not good economy, I submit to the gentleman.

Mr. GAINES of Tennessee. If you are going to curtail that expense by letting it go on the——

Mr. HILL of Connecticut. That is the situation. There are no politics in it; there is no silver question in it. It is simply a question of an economical policy, the necessity for the present practice having long since passed away, and no possible legitimate benefit accruing to anybody to-day by the continuing of it.

Mr. SMYSER. Mr. Chairman, when this matter was before the House on a previous occasion I wrote a letter or two to my district on this subject. I have here thirty letters from the bankers in my district. We have not any large banks. We have a few where the capital is from a hundred and fifty to two hundred thousand dollars. Every one of those replies, Mr. Chairman, shows that the old plan of the Government paying the transportation of the silver dollar ought to be adhered to, not in the interest of the banks, but in the interest of the people.

I may not know as much as my friend from Connecticut, but we have some people out in my district who, in their humble way, do happen to know just what the needs of the people are. Allow me to read. Here is one banker who says:

> Under the present condition all banks are on an equal footing, while under the proposed plan those banks situated near a subtreasury would have the advantage.

Mr. Chairman, you talk about the circulation of the silver certificate. In my district it is a rarity to see a one-dollar bill. It is nearly as much so as it is here in Washington to see a silver dollar. The silver dollar with my people is the currency of the people, and they ought to have it, not because the banks are benefited by it, but it is the change, it is the currency, of the people.

Let me call your attention to another letter:

> The banks receive no profit, as it is merely an accommodation to the people in general, and the banks will tell you that the largest number of requests for silver come from those who do not carry a bank account. Should this change be made, banks will carry a sufficient supply for their own needs, and will to some extent let the people, other than their customers, look out for themselves. It is to the interest of the Government—and for that reason alone they have heretofore paid these charges—to keep silver in circulation, which they can well afford to do, owing to the profit the Government derives from the coinage of silver dollars and subsidiary coin and the low rate of transportation the Government is able to obtain under its contract with the United States Express Company, which is about one-third of that which individuals and banks are compelled to pay.

Now, here is a letter from a bank at Coshocton of which my predecessor in this House is president, and he says:

The present law by which the Government pays for transportation is a great point for us. We use a great deal of silver; in fact we ship all one and two dollar bills back to the subtreasury at Cincinnati and use silver over the counter and in all pay rolls we make up.

The pay rolls of this institution will average about $65,000 a month, and we ship in on an average about $1,000 to $1,500 in silver every week.

So I say, Mr. Chairman, that it would be a disadvantage to the inland cities as against the cities where there are subtreasuries, where they can go and take their money to the subtreasury and get silver or any other kind of money they want. They can not do that in the inland banks, but in Cincinnati they can go and get it without paying for it, and the inland banks would have to get it in Cincinnati and pay for it.

Mr. HILL of Connecticut. How do they get the rest of the money, if they have a pay roll of $65,000 a month and only use $1,000 or $1,500 in silver a week; where do they get the other $64,000?

Mr. SMYSER. I suppose that in ordinary transactions we are not so far behind the times as the gentleman from Connecticut thinks, for in my country we do lots of business by the check system.

Mr. HILL of Connecticut. But they do pay for the transportation to them on all other forms of money.

Mr. SMYSER. Certainly.

Mr. HILL of Connecticut. Then why not pay for the transportation of silver dollars just the same as they do on the others?

Mr. SMYSER. Because we are always at such a disadvantage as to the means of transacting our business, and we know that while in the East you do not care for the silver dollar, we are willing to have it and use it and pay it out in our business. [Loud applause.]

Mr. SMITH of Iowa. Mr. Chairman, it is with some hesitancy I attempt again to discuss this question, which was so fully considered and passed upon by the Committee of the Whole House on the state of the Union in January last. Strange will be the attitude of this House if, having in January changed its policy, at the same session it should change back to the old policy, when the change made in January was made on full consideration of the question.

I am not surprised to learn that bankers would like to have the Government of the United States pay the express charges upon any form of currency they use in their business. I am not surprised that individuals who might wish to utilize a particular form of money would be glad to have the United States pay the expense of shipping it to them out of the Treasury.

I have heard much here yesterday and to-day about the disadvantage of the country banker. The country banker has advantages and disadvantages. He has lower rent and lower clerk hire and lower expenses in nearly every line than the city banker. He gets ordinarily a much higher rate of interest than the city banker gets. Because his business is more cheaply conducted along certain lines, I know of no reason why the Government of the United States should consent to pay to him the difference in the expense in other lines of conducting his business at the place where he has seen fit to locate over and above what it would cost to run it at some other place.

It is not the practice of governments to exchange money at all, except to redeem token money. In every country that I know anything about in the world, if you want to exchange one form of money for another form of money in large quantities you have got to pay a small commission for making the exchange. The United States Government alone, of the great nations of the earth, says, "Bring here practically any kind of money recognized by our laws and we will give you any other kind of money that you want without cost." That is practically what we are doing now. We say, "Without profit to the Government, we will make the exchange for you. We will hire the men to count the money out and to count the money in. We will pay all the expenses incident to making the exchange, out of which we profit nothing. We will relieve you of the commission that must be paid in every other country under the sun except this." And then gentlemen come and say, "Oh, yes; but in this transaction, in which the Government of the United States realizes absolutely nothing, it ought also to kindly condescend to pay the expense of transporting our money back to us."

Some of us think that ought to cease. We think it ought to cease, and that the people ought to bear the expense of carrying on their own business in the locality in which they have seen fit to plant themselves. I have listened to my distinguished friend from Ohio [Mr. SMYSER], who says that silver is the currency of his country, and it is the currency of mine. I have heard the distinguished gentleman from Maine [Mr. POWERS], who lives in a country where they use paper dollars, appealing for the rights of my people; but I want to say to the gentleman from Maine that there is a question of right and wrong in this case, and it makes no difference to me—the fact that the people of my region use the silver dollar in place of the paper dollar or the paper two-dollar bill. They are not entitled to have a gratuitous exchange of that money with the Government and then make the Government pay the freight on the new money sent out to them.

Mr. LLOYD. How do you expect to get the silver dollar to the people?

Mr. SMITH of Iowa. I expect the people to pay for getting the silver dollar to them, just as they must pay for getting every other kind of money.

Mr. LLOYD. Then the individual who exchanges his silver for commodities must pay a premium?

Mr. SMITH of Iowa. Oh, not at all. He does not pay a premium on any other kind of money. We are exchanging gold for silver, we are exchanging gold certificates for gold, we are exchanging silver certificates for silver, but we do not pay the express charges on any of these forms of money, for sending it out to the man with whom we are making the gratuitous exchange, and that does not put any other kind of money at a premium.

[The time of Mr. SMITH of Iowa having expired, by unanimous consent it was extended five minutes.]

Mr. LLOYD. I want to get at the question what you are going to do with the individual in your country, the man who is to-day using silver money. If you carry out your plan, how is the individual to get the silver?

Mr. SMITH of Iowa. He will get the silver just as he gets every other type of money that he gets now, the Government not paying any other kind of express charges.

Mr. LLOYD. Do you expect the individual, if he wants a silver dollar, to send to the Treasury of the United States at Washington to get it?

Mr. SMITH of Iowa. Certainly not. I expect the banks of this country to supply their customers with currency, as they always have done. It has not been the practice of individuals to come to the Treasury at Washington to get other currency and never will be.

Mr. LLOYD. We have always had this law for the free transportation of silver dollars, and you are undertaking to change it.

Mr. SMITH of Iowa. No; you have not always had this law.

Mr. LLOYD. I mean in recent times.

Mr. SMITH of Iowa. You never had this law during the blessed days of free and unlimited coinage of gold and silver.

Mr. GAINES of Tennessee. We did not need it then.

Mr. LLOYD. I understood that this law had been on the statute books——

Mr. SMITH of Iowa. Not until after the remonetization of silver in 1878.

Mr. TAWNEY. It is not on the statute books now.

Mr. SMITH of Iowa. There is no law now, save as from year to year we have carried the appropriation for this purpose.

Mr. LLOYD. How long has it been carried as an appropriation?

Mr. SMITH of Iowa. It has been carried as an appropriation since about two years after the passage of the Bland-Allison Act.

Mr. LLOYD. It commenced in 1881, did it not?

Mr. SMITH of Iowa. I gave the gentleman the benefit of a year earlier than that. If he wants to insist upon postponing it a year, I have no objection.

Mr. GAINES of Tennessee. Will the gentleman tell the committee under what law you make the appropriation for the transportation of fractional coin? Where is the statute authorizing it?

Mr. SMITH of Iowa. There is no statute, but we are now coining this fractional currency; we are making a vast profit on it, a profit far in excess of what we ever made upon the standard silver dollar when we were coining it. We pay the express charges on the fractional coin once, and that ends it. We have paid the express charges ten times over upon every dollar of silver now in circulation, and still it comes back. It has been asked here how the silver that comes back is redeemed. It is not all redeemed. Much of it is paid in in customs duties and in payment of internal-revenue taxes and otherwise comes to the public Treasury without being formally redeemed.

Mr. PADGETT. Will the gentleman submit to a question?

Mr. SMITH of Iowa. Oh, certainly.

Mr. PADGETT. Is not the fault of the money coming back into the Treasury the fault of the customs law requiring the customs collector to send the money direct to the Treasury instead of depositing it in the banks, as provided in a bill introduced by the distinguished gentleman from Connecticut [Mr. HILL]?

Mr. SMITH of Iowa. Oh, Mr. Chairman, for some reason it does not operate in that way with other forms of money.

Mr. PADGETT. But is not that the fact?

Mr. SMITH of Iowa. No; it is not the fact. If that was the fact, it would operate alike with this and other forms of money.

Mr. PADGETT. Would not the silver be deposited in the local bank and remain in circulation in the community if the law did not compel the customs collector to send the money he collects direct to the Treasury?

Mr. SMITH of Iowa. I say it is not true that that would be the fact.

Mr. HILL of Connecticut. Is it not true that with two forms of money in the bank the bank will send to Washington the money that it can get back free and hold the money that it costs something to transport?

Mr. SMITH of Iowa. Oh, certainly that is necessarily true, that the bank would prefer to send the money that it could get back without expense to itself rather than the money which it must bring back at its own expense. The whole operation of it is to discredit the silver dollar and brand it as not equal to other forms of money. The Government says it will pay nothing to exchange any other form of money, but that if any human being will take any of these standard silver dollars it will be glad to pay the express charges on them to get rid of them. Gentlemen seem to think that is to the credit of the silver dollar. It is a simple question of square dealing. There is not a bank that would not be glad to have the Government pay all its clerk hire, and if we would pay its clerk hire a while I should expect to get more than thirty letters from any State in the Union protesting against the cutting off of that appropriation after it had once been in existence. We are simply voting money out of the Federal Treasury to pay the expenses of the banks of this country for the benefit of the express companies of this country, and I do hope the House will sustain and adhere to its decision made in January last.

Mr. KEIFER. Mr. Chairman, the recent debate has disclosed so many extraordinary things here that I may ask the indulgence of the House for a few minutes more than five, in order to try to make some correction of them, not to speak of them as misstatements. I do not criticise the distinguished chairman [Mr. TAWNEY] of my committee for having brought in this bill eliminating the provisions for transportation of silver dollars; but I do criticise him and his distinguished colleague from Iowa [Mr. SMITH] for having twice, thrice, and four times, I believe, stated here on the floor as a reason for doing it that this committee overwhelmingly, at a former period in this session, voted against the matter of carrying silver dollars free by the Government.

Mr. SMITH of Iowa. I did not say that, if the gentleman please.

Mr. KEIFER. The gentleman from Iowa did in substance, and the chairman of the committee stated it twice; he stated it yesterday and twice to-day.

Mr. TAWNEY. If the gentleman from Ohio will permit me, I want to say that it was a mistake; but we adopted it, nevertheless.

Mr. KEIFER. Now, Mr. Chairman, I will give the facts as they occurred January 20, 1906, when we were here considering the urgent deficiency bill. When there was about one-third of the Members of this House present, late in the evening after we had had some discussion in the Committee of the Whole House on the state of the Union, and after the committee had rallied all of the friends who were loyal to it—and it always has a great many on a division—the vote stood in favor of my proposition to continue to carry silver dollars free—74 ayes and 63 noes. Then tellers being called some time later, some of the friends of my proposition thinking the matter was settled had gone away, and on the tellers being ordered and a rallying for aid to the committee, the vote stood 70 ayes and 74 noes. And so that is the pretended excuse for saying that the Committee of the Whole ought now to recognize the fact that this committee and the House of Representatives are overwhelmingly opposed to the policy of carrying silver dollars free. [Applause.]

Now, Mr. Chairman, one other peculiar thing I wish to call attention to, and that is that it was not believed, I can assume—I was not in the secret—it was not believed by the majority of the Appropriations Committee that it would operate to save much money to the Government to put this provision in the bill as it now appears. The Secretary of the Treasury himself asked to have only $40,000 given for the purpose of carrying fractional silver coin, and the committee understood, what I believe is right, that $40,000 would not begin to reach the amount that would be called for if they struck out the matter of carrying silver dollars, and so they put $35,000 more on top of the Secretary's estimate, and ask now that $75,000 shall be appropriated to carry fractional silver coin in the future as against $40,000 in the past. Such is the provision of the bill we are considering.

But, Mr. Chairman, they will want more in the urgent deficiency bill than we have hitherto appropriated if only fractional silver coin is to be carried free. The amount regularly appropriated for past years for the transportation of silver dollars, including fractional coin, was $120,000, which is only $45,000 more than is carried in the present bill. Forty thousand dollars of the sum appropriated in the past, according to the Secretary of the Treasury, was used for carrying fractional silver. Now, the committee thinks it will take $75,000. I think it will take $150,000 to carry the fractional silver if no silver dollars are authorized to be carried free. The banks, it is said, are the beneficiaries, and yet my friend from Iowa says the people should pay for getting the silver dollar. They are the people who always have to pay; and the banks, in my opinion, won't pay. They do not care; they will want more fractional silver, and will order more largely of it if the Government has it. They will double and treble their former orders, for they will want to use it in their business, the current business about their banks, making change, and the people will have to have more of it.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KEIFER. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. KEIFER. Mr. Chairman, the gentleman from Connecticut [Mr. HILL] said that banks pay out the money that they won't have to pay to get back. I do not believe he knows anything about banks or banking. He is guessing. I do not believe any bank in the United States refuses to pay any money over their counters in these times, save exactly such as their customers want. You go to any bank, and you can get gold, paper money, or silver, just as you may want it. It is the common people, the laborers in the shops, and the farmers who want to pay their farms hands that want silver, and my friend [Mr. SMITH of Iowa] in effect says, "Let them pay for it; let them buy it." This they can not do if they are willing, unless they can arrange to do it through the banks. But the gentleman from Connecticut makes a most extraordinary statement when he says that the time has passed when we ought to pay any attention to the silver dollar; that we have ceased to coin it, and, in effect, he says that the time has come to bury what we have got and repudiate it. That is the statement stripped of the verbiage put upon it. We have now in the United States of standard silver dollars 560,724,865. Now, these silver dollars need to be cared for, but the gentleman thinks, as we are not making any more, we ought not to take care of what we have or use them in circulation. Why discredit them because we are not going to coin any more?

Mr. HILL of Connecticut. The gentleman from Ohio does not want to be unjust to me?

Mr. KEIFER. No; I am not misrepresenting the gentleman.

Mr. HILL of Connecticut. Every Member of this House who has been here any number of years knows that I have stood in season and out of season for the largest possible use of silver coin and against the use of paper.

Mr. KEIFER. Oh, the gentleman was always a good Member, but that does not conflict with the statement he made about the repudiation of the silver dollar. We have silver dollars and we are going to utilize them, in my opinion. We are going to continue to do it. They pass everywhere on a par with gold dollars, and we propose to so maintain them. Now, we had on the 1st day of June, 1905, 100,473,489 silver dollars in circulation.

Mr. HILL of Connecticut. Oh, we never had that since the world was born. [Laughter.]

Mr. KEIFER. I beg the gentleman's pardon; I got the wrong figures in the table. The gentleman is right. The number of silver dollars in circulation on the 1st day of June, 1905, was 73,617,644. Then, the gentleman says that we are by our process reducing the circulation, and I only refer to this to show that on the 1st day of June, 1906, we had increased that number to

78,602,135, about 5,000,000 over the earlier figure, which answers his claim that if silver dollars are circulated through the country, the Government paying for the distribution, it reduces the amount in circulation. So much for the gentleman's absurd statement.

Mr. HILL of Connecticut. If the gentleman will look back five or six years he will find where there were 80,000,000 in circulation, which utterly destroys his argument now.

Mr. KEIFER. Oh, Mr. Chairman, I am trying to deal with the present. The gentleman belongs to the past generation, from the way he talks. [Laughter.] I belong to the younger people here, and I would sooner deal with the present and present conditions. [Laughter and applause.] I have a little curiosity to know just what small amount of truth, if any, there was in the gentleman's statement that we had long since ceased to coin the standard silver dollar, and I have looked to see in the most recent circulation statement of the Secretary of the Treasury, dated June 1, 1906, and I find that from May 1, 1906, to June 1, 1906, we must have coined nearly 200,000 standard silver dollars, for there are the figures to show it, if you will turn to the circulation statement of that date.

Mr. HILL of Connecticut. Oh, that is only a difference in circulation, not a statement of coinage.

Mr. KEIFER. No; the gentleman is mistaken. It is the amount of silver dollars on hand. I am not talking of circulation now. This appears under the head of "General stock of money in the United States," in the Secretary of the Treasury's last circulation statement.

Mr. HILL of Connecticut. That has nothing to do with the coining of it.

Mr. KEIFER. Oh, it has something to do with it. How did we get that increase from May 1, 1906 to June 1, 1906, if we did not coin it? [Laughter.] I can not understand the gentleman; but let us look further at the exact figures. The statement under the head just given shows the amount of standard silver dollars on hand in the United States May 1, 1906, was $560,567,885, and June 1, 1906, was $560,724,865.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. Well, Mr. Chairman, this is an important matter, and there are some important things yet to be said. I do not like to detain the House too long.

Mr. HILL of Connecticut. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the time of the gentleman from Ohio be extended five minutes. Is there objection?

There was no objection.

Mr. KEIFER. It has been said frequently here on this floor, and I am not going into that at length, Mr. Chairman, that we do not pay for the distribution of any other kind of money in this country. There is an item in a paragraph that immediately precedes the one we are now considering, in this very same bill, which carries an appropriation of that kind. It may be very insignificant, but let us see what it is:

> For the collection, safe-keeping, transfer, and disbursement of public money, and for transportation of notes, bonds, and other securities of the United States, $200,000.

Mr. SMITH of Iowa. Mr. Chairman——

Mr. KEIFER. Now, let me read a little further.

Mr. SMITH of Iowa. But will not the gentleman permit an interruption?

Mr. KEIFER. Not in the middle of a statement. On the very next page there is an item for transportation of notes, bonds, and other securities of the United States, of fractional coin and minor coin, and so forth. I will not stop to read it all through, but there, you see, is a further appropriation. Now I will answer the gentleman's question if I can.

Mr. SMITH of Iowa. Has the gentleman given sufficient attention to the hearings before the committee to know that these are for the transportation of the property of the United States and not——

Mr. KEIFER. So is the other.

Mr. SMITH of Iowa. Not for the transportation of the property of somebody else.

Mr. KEIFER. So is the other.

Mr. SMITH of Iowa. Between the subtreasuries and the Treasury of the United States.

Mr. KEIFER. So are the others the property of the United States, and it is sent to the subtreasuries of the United States and from them to the people that want the money; and they send for the same purpose these notes and securities to the subtreasuries in order that the people may get them.

Mr. SMITH of Iowa. Does the gentleman mean to say that he does not know enough about the hearings to know that this property is not property which is given in exchange by the United States for other money?

Mr. KEIFER. Nobody has said that, and the gentleman is the only person so dull as to make an inquiry of that kind. [Laughter.]

Mr. SMITH of Iowa. Ah, but the gentleman did assert that my statement that the Government did not pay transportation for other money given in exchange was untrue——

Mr. KEIFER. I did not say it was untrue; I said it was true, and it was carried because the people want it, but the gentleman in his excitement did not hear what I said at all.

Mr. SMITH of Iowa. Well, what the gentleman said was said loud enough to be heard. [Laughter.]

Mr. KEIFER. Yes; but it ought to have had the gentleman's attention. It is a part of the general policy of our great Government to give its notes and securities and its coin out to the people who want them. We want it and need it in the West, and we are wanting to be on an equality in the West and the South with those who live by a mint or a custom-house.

Now, one other thing. There is a story going around here about somebody cheating the Government in one transaction up there at Yonkers, N. Y., and that is given as a reason why you should destroy the whole policy of the Government in the matter of putting its money in circulation, because somebody made a foolish contract, or allowed the Government to be cheated under one. What I am struck with is that this committee when dealing with this question did not—when the Secretary of the Treasury told them he was going to continue that same contract as to the carriage of fractional coin—why they did not ask him to destroy it or cancel it. On the contrary, they do not interfere with it. In his testimony on page 109 of the hearings he says he is going to continue the same contract in the carriage of fractional silver coin that is now here condemned. Then, we have advanced another reason, that some mullet-headed financier or officer out on the Pacific coast sent some silver up to Port Townsend, Wash., and the officer receiving it did not break the seal before he sent it back. They ought to have a business arrangement by which a certificate could have been sent or a certificate drawn on the depository a few miles away at Seattle, where the business could have been done speedily and properly. That is not a good reason. It may be a criticism upon a public officer, but it is not a good reason for abandoning a general policy of the Government which has worked so well for many years.

Mr. HILL of Connecticut. The only trouble about that would be it would not be in accordance with law.

Mr. KEIFER. Then, make a law that will teach men how to do simple business. We out West do most of our business with checks and drafts, as they do all over the business world. The only reason the banks want this silver is because the people desire it and have to have it in the shops and on the farms. They need it and want it and desire it, and we are not willing to discard it or discredit it and drive it out of circulation as is the evident object or purpose of changing the long-established policy of the United States.

Mr. GAINES of Tennessee. Is it not a fact in your country—— [Cries of "Vote!" "Vote!"]

Mr. KEIFER. I can not take time to answer the gentleman now.

Mr. TAWNEY and Mr. SULLIVAN of Massachusetts rose.

The CHAIRMAN. The gentleman from Massachusetts [Mr. SULLIVAN] is recognized.

Mr. KEIFER. I understood the chairman and members of the committee had been heard as much as they desired to be heard.

Mr. SULLIVAN of Massachusetts. I appreciate the courtesy of the gentleman's suggestion.

Mr. KEIFER. But I do not object.

Mr. SULLIVAN of Massachusetts. The gentleman having had fifteen minutes himself, I appreciate his generosity in asking to cut me off entirely. Mr. Chairman, this debate has furnished an excellent illustration of one of the defects of a republican form of government. It shows clearly how the promptings of selfish interest may carry a scheme through which will work injury to the people of the country as a whole. It also furnishes an illustration of just how a protective tariff is made. The country banker writes to his Representative just as the protected manufacturer writes to his Representative, each asking for his share of Government pap, and the Representative stands upon this floor and pleads for the man who wrote to him, in the one case, stating that the free transportation of silver dollars will be a great convenience to the people of the country who are the customers of the bank; in the other case,

he states that the protection given to manufactured articles will increase the scale of wages paid in his particular locality.

As a matter of fact, in both cases the total amount paid by all the taxpayers of the country will be grossly disproportionate to the benefit received by the favorites who alone are benefited. I am not surprised that the country bankers have written to their Representatives. As the gentleman from Iowa stated, they would urge with quite as much zeal that the Government should erect their banking institutions, pay their clerk hire, and pay their taxes also, and they would justify such a procedure on this theory, that it would distribute the money of the country, that it would go out to the people of the country, that it would pay the debts of the country, and that therefore it would be an unwise and unpatriotic thing to interfere with such a scheme of beneficence.

Now, there was some discussion of the form of contract made with the express company. I do not believe that is a material part of this discussion. It enters into it, however, because it shows one of the abuses that have grown up under this system of transporting silver dollars at the Government's expense, but there should be no contract made of any kind. We heard the locality argument upon the floor yesterday and to-day. One gentleman stated the Government should continue to bear this expense because, forsooth, some banks were farther away from subtreasuries than others, and he proposed that the Government continue this carrying of coin and bear this expense as an equalization of advantages between country and city bankers. I remember when the railroad rate bill was under discussion in the House that gentlemen from the same section of the country stood up and loudly demanded that the Interstate Commerce Commission be given power to fix railroad rates upon a distance basis so as to secure to men near the source of supplies the legitimate advantages of their proximity. I admire the consistency of the gentlemen who would equalize the advantages of distance in the transportation of silver and who would not equalize those advantages in the matter of railroad rates.

Now, the original intent of this law was to give silver dollars a wider circulation. As the gentleman from Connecticut [Mr. HILL] has stated, that intent has failed. From 1898 to 1905, in those seven years, the total amount of silver dollars in circulation increased from $58,000,000 to $73,000,000 only, and it cost the Government—the Government, mark you, in the meantime having paid transportation on $275,000,000, in order that this additional $15,000,000 should be added to the circulation of silver dollars in the country—it cost the Government $522,000 in these seven years for the transportation, back and forth, over and over again, of that $275,000,000. The total amount of silver dollars now in circulation is only about 2½ per cent of the total volume of money in circulation throughout the country. Now, then, the intention of the law has certainly failed, because the amount of silver dollars in circulation per capita to-day is less than it was in 1898. I yield now.

Mr. KEIFER. I interrupt the gentleman only to say that you do not state that amount was to distribute silver coins, including fractional currency, as well as the dollar.

Mr. SULLIVAN of Massachusetts. No; I do not intend to say that.

Mr. KEIFER. That is the fact.

Mr. SULLIVAN of Massachusetts. I think not. I will read you the statement of the officer.

Mr. KEIFER. We appropriate for all together.

Mr. SULLIVAN of Massachusetts. I will read from the statement of the officer of the Treasury Department on that point, if I can find it, if the House will indulge me a moment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN of Massachusetts. I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SULLIVAN of Massachusetts. I can not find the testimony readily, but I read it this morning. The statement of Mr. Keep, of the Treasury Department, was, that they had paid transportation on 275,000,000 silver dollars in the period from 1898 to 1905.

Here is his statement, on pages 24 and 25 of this year's hearings on the urgent deficiency appropriation bill:

> Mr. KEEP. Yes. On page 15 of this year's report of the Secretary of the Treasury it is stated that the silver dollars in circulation on June 30, 1898, were $58,000,000, while the amount of silver dollars in circulation on June 30, 1905, was $73,000,000. The amount transported at Government expense between those dates was $275,000,000, at an average cost to the Government of $1.90 per thousand. That is, out of 480,000,000 silver dollars, the amount in actual circulation has been increased from $58,000,000 to $73,000,000, or about $15,000,000. That covers seven years.

That is the fact; but this is the expenditure of the Treasury Department for the carriage of silver dollars alone. Now, how did it happen——

Mr. JOHNSON. If they have shipped $275,000,000 in seven years, it is an argument that the country wants it, and that it has found its way back through the regular channels of trade.

Mr. SULLIVAN of Massachusetts. I will proceed, with the permission of the gentleman, to show that it is not an argument that the country needs it, but rather that it has permitted a great abuse. Now, then, the amount of silver dollars increased in circulation in this seven years was $15,000,000. The amount of silver dollars transported by the Government at its expense was $275,000,000.

These two statements seem to be irreconcilable; but they are not, because a great many bankers shipped these silver dollars back and forth for no purpose except a selfish purpose of their own. Take, for illustration, the fact that a new bank starts in a town. The old bank naturally feels jealous of it and wishes to make trouble for it, and they commence paying the balances and ship silver dollars from the subtreasury to the new bank, and the new bank is handicapped, for it can not handle all the silver dollars in the transaction of its business.

Take the case of Boston. In 1899 the bankers of New England attempted to remove the charges for exchange upon checks and drafts, and about 90 per cent of the bankers of that section agreed to establish the new practice. About 10 per cent of them refused. Thereupon the merchants of Boston attempted to exercise power to compel the 10 per cent to agree to the establishment of that practice. Instead of sending the checks to the country banks by mail they sent them by express and the express agent presented them in person and thus saved the charge for collection—the exchange. The country banks sought for a weapon to prevent the city banks from compelling them to establish this practice. Accordingly they had shipped down to the banks of the city of Boston silver dollars which they had received from the subtreasury at the expense of the United States Government.

Mr. POWERS. Will the gentleman permit a question?

Mr. SULLIVAN of Massachusetts. When I finish this statement. At this point the silver dollars began to accumulate in the clearing-house vault, the clearing house having acted, as was proper, as the agent for the Boston banks. Now, then, they could not get currency from the subtreasury fast enough to exchange for these silver dollars, and the subtreasury notified the clearing house that they could not receive any more silver dollars, and as a result the total volume of this was thrown back into the vaults of the clearing house, and from August 23 to November 8, in 1901, 2,500,000 silver dollars accumulated in the vaults of the clearing house in Boston. Now, then, that illustrates perfectly one of the abuses that has grown out of this system. It does not accommodate the people, but enables a few selfish bankers to profit at the expense of the Government of the United States, which is but another form of stating that they profited at the expense of all the taxpayers of the United States. They have used this provision of the law, not to execute the law according to its intent, but to furnish themselves with a club to accomplish their own selfish ends.

Mr. POWERS. Mr. Chairman, I do not desire to interfere with the gentleman's speech, but I should like two minutes after he has finished his remarks in which to reply.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. SULLIVAN] has expired.

[By unanimous consent the time of Mr. SULLIVAN of Massachusetts was extended three minutes.]

Mr. SULLIVAN of Massachusetts. Mr. Chairman, there is a reason for the transportation of fractional coin that does not exist in favor of silver dollars. The Government last year made a profit of about a million dollars in coining and distributing fractional coin. It makes no such profit in the case of the silver dollar. It makes no profit, as I understand it, in this distribution, but is subjected only to a loss. Now, every kind of money in the country, except the silver dollar and fractional coin, is transported at the expense of the bankers of the country. The silver dollar alone is entitled to this advantage, and it is in practice a discrimination against other kinds of money.

Now, gentlemen have been very eloquent in defense of the silver dollar, the gentleman from Ohio [Mr. KEIFER] in particular, and as I heard him speak of the surreptitious manner in which the House silently passed the item striking out the transportation of the silver dollar in January, 1906, it reminded me singularly of the old wail about the crime of 1873, and I suppose if he had had more time he would have made us again familiar with that ancient strain. But these gentlemen who are so eloquent in defense of their country banking constituents have failed yet to give the House one single substantial reason why the silver dollar should be transported at the expense of the

Government and why the gold dollar and paper currency should not. Now, the people of the country will get the silver dollar, no matter whether the Government pays the expense of transportation or whether it is paid by the bankers. I find that the total cost of transportation to the Government under the present rate is less than one-fifth of 1 per cent of the value of silver dollars, and if there is a great demand in any section of the country for silver dollars, inexplicable as this demand must seem to many of us, that demand will be satisfied by the bankers. They are in duty bound to satisfy the demands of their customers, and they will not be deterred by reason of having to pay this slight transportation charge from accommodating their customers with silver dollars any more than they are deterred now from satisfying the legitimate demands of business in the northern and eastern sections of the country by furnishing to their customers currency and paying the expense of transportation themselves. I am aware that if a proposition were made upon this floor to furnish Members and their constituents with suits of clothes at the expense of the Government there are men upon both sides of this House who would take the floor and eloquently defend that proposition, but there does not seem to be any sound reason for continuing this great abuse, from which the Adams Express Company and the United States Express Company alone derive such great profits. It is time that the interests of all the taxpayers of the country were consulted, even if we have to deprive the country banker of the slight advantage of getting free transportation of the silver dollars which he now uses at the expense of the United States Government. [Applause.]

Mr. TAWNEY. Mr. Chairman, I move that all debate on the paragraph and amendments be closed in two minutes, which time I desire to yield to the gentleman from Maine [Mr. POWERS].

Mr. GAINES of Tennessee. Mr. Chairman, I hope the gentleman will defer that motion for two minutes, so that I may have time to make a statement about these express companies.

Mr. KEIFER. Mr. Chairman——

Mr. TAWNEY. I move that all debate on the pending paragraphs be closed in two minutes.

Mr. GAINES of Tennessee. I thank the gentleman from Minnesota for his courtesy.

The motion of Mr. TAWNEY was agreed to.

Mr. POWERS. Mr. Chairman, I believe that the conditions referred to by the gentleman from Massachusetts [Mr. SULLIVAN], in the concrete example which he cites occurring several years ago between the Boston clearing-house and certain country banks, when rightly understood are a strong reason for continuing this policy and appropriation. I was one of the persons interested in that controversy between the banks in northern Maine, northern New Hampshire, and northern Vermont, all along the Canadian border, and the clearing house of Boston. It was, in short, an attempt on the part of the clearing house to compel these country banks to change their methods of doing business, to cease collecting exchange on remittances; in brief, to force those banks to collect checks and drafts and remit exchange on Boston free of any charge which, under the peculiar conditions existing on the border, they were unwilling to do.

These banks had to take various kinds of currency from their depositors and patrons, including Canadian money. They charged the Boston banks for collections and remittances to them $1 a thousand. This arrangement had apparently been satisfactory for many years, until they decided to collect through the clearing house. Then the trouble bagan. The clearing house declined to pay. They sent their checks through the express companies, the banks having charged it $1 a thousand for exchange on remittances. What happened? This great clearing house sent word to the banks in my county and to the banks in northern Vermont saying, "You must send us lawful money for every check and every draft that we forward by express for collection."

I myself personally made an arrangement with the agent of the American Express Company by which, in exchange for those checks and drafts from the clearing house on banks where I was interested we were to pay by cashiers' checks on Boston—of course, paying the full amount; no discount for exchange. By this arrangement the express companies would make what the banks had been charging, but the clearing house said, "No; you can not pay this way; we must have lawful money. We will drive you into conceding what we have asked." At least, no other interpretation could be put upon this action. What did we do then? We brought silver from the subtreasury, and we gave them lawful money, and they had it until they got tired of it. Then we resumed our old method of doing business, and everything has moved smoothly and, I presume, satisfactorily ever since, and now we are going on as we were before the difficulty. We gave them more lawful money than they wanted. As the gentleman from Massachusetts brought this matter to the attention of the committee, I have felt that it was but fair to present the other side of it.

Mr. SMITH of Iowa. You gave it to them at the expense of the Government?

Mr. POWERS. It was they who began it. Think of the great clearing house of Boston refusing to take for its checks and drafts the cashiers' checks of banks whose stock was held at more than 200 per cent and demanding lawful money in order to drive these country banks to do their work for nothing! It was because this law and appropriation were in existence that we were able to maintain our rights and furnish the lawful money demanded. That is the whole history of that Boston silver-dollar clearing-house transaction. I think I know about it and have stated it correctly, and I do not believe that incident furnishes any such argument against continuing this appropriation to carry silver dollars at Government expense as the gentleman from Massachusetts [Mr. SULLIVAN] claims for it, and I hope the amendment of the gentleman from Ohio [Mr. KEIFER] will be adopted.

Mr. SULLIVAN of Massachusetts. I ask unanimous consent for thirty seconds, in which to make a statement.

Mr. TAWNEY. Mr. Chairman, I should like to yield to my colleague, but the committee has closed debate.

The CHAIRMAN. Debate has been closed by the committee. The only question before the House now is on the amendment offered by the gentleman from Ohio [Mr. KEIFER], to strike out the word "fractional."

The question being taken, on a division (demanded by Mr. TAWNEY) there were—ayes 89, noes 53.

Mr. TAWNEY. Tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. TAWNEY and Mr. KEIFER.

The committee again divided; and the tellers reported—ayes 96, noes 54.

Accordingly the amendment was agreed to.

Mr. KEIFER. Mr. Chairman, in order to make the bill read as it did for the current year, I move to amend by adding, in line 22, page 24, after the word "coin," the words "including fractional silver coin."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 24, in line 22, after the word "coin," insert the words "including fractional silver coin."

The amendment was agreed to.

Mr. KEIFER. Mr. Chairman, a further amendment, which will make the amount the same as it has been heretofore.

The CHAIRMAN. The gentleman from Ohio offers a further amendment, which will be reported by the Clerk:

The Clerk read as follows:

In line 23 strike out "seventy-five" and insert "one hundred and twenty."

Mr. TAWNEY. Mr. Chairman——

Mr. KEIFER. Mr. Chairman, I understand debate is closed on this amendment, on the motion of the gentleman.

Mr. TAWNEY. I simply want to say that it is unnecessary to increase this appropriation, even with the amendment adopted by the committee.

Mr. KEIFER. I do not think the gentleman should debate this unless he allows me to do so also.

Mr. TAWNEY. I am not debating it. I am only stating a fact.

Mr. KEIFER. Well, that is in the nature of debate. [Laughter.] This will make it exactly as it was last year.

The question was taken on the amendment of Mr. KEIFER; and on a division (demanded by Mr. TAWNEY) there were—ayes 61, noes 45.

Accordingly the amendment was agreed to.

The Clerk read as follows:

Transportation of notes, bonds, and other securities of the United States, of fractional silver coin, and of minor coin under each of the three foregoing appropriations shall, when practicable, be by registered mail and in such sums as the Secretary of the Treasury may determine and under such rules and conditions as may be agreed upon jointly by him and the Postmaster-General.

Mr. OVERSTREET. Mr. Chairman, I reserve a point of order against the language from line 16 to 22, inclusive. I would like to inquire of the gentleman in charge of the bill if either the Secretary of he Treasury or the Postmaster-General was heard by the committee with reference to this proposition?

Mr. TAWNEY. I will say, in answer to the gentleman, that the Treasury Department was heard in respect to the transportation of securities, which includes currency and silver coin,

and the information which we obtained from the Department was that, if authority was given for its transportation by registered mail, it would save the Government one-half the expense which is now met and paid for out of the appropriation made for this purpose.

Mr. OVERSTREET. I renew my question, Mr. Chairman, as to whether the Secretary of the Treasury or the Postmaster-General was heard?

Mr. TAWNEY. The Secretary of the Treasury was heard.

Mr. OVERSTREET. Was the Postmaster-General heard?

Mr. TAWNEY. Except this, the Secretary of the Treasury said under existing conditions it was impracticable, in his judgment, to transport money by registered mail; but when he was asked the question by my colleague [Mr. SMITH] why it was impracticable he said:

I will confess that I can not say why. The question has never before been presented to me.

Now, after that we had the gentleman in the Department before the committee whose business it is to handle the transportation of money, and he made the statement that if it was made possible for the Treasury Department to transport money by registered mail rather than by express they could save at least one-half of the amount now appropriated for that purpose. We accepted that proposition, but we did not reduce the appropriation to that extent. While the appropriation of the current law is $378,000, practically all of which is spent for the transportation of money, we recommend $287,000, a reduction of $91,000, which is a great deal more than will be necessary, and which will be enough to defray the expense of the transportation of the silver dollars by registered mail without the increase which the committee just voted on the motion of the gentleman from Ohio, who knows nothing about the amount required.

Mr. OVERSTREET. Mr. Chairman, this is a subject of too much importance, in my judgment, to warrant the House in passing this provision until at least the Postal Department has had an opportunity to be heard with reference to the burdens it might place on that service. I know, in a general way, that some years ago the subject was taken up by the Treasury officials and, after an investigation, recommendation was against the very character of proposition that is carried in this paragraph of the bill. We are endeavoring to eliminate, as far as possible, from the mail matter that is not strictly mailable matter. The registry department, as I understand it, is not prepared to take over such a burden as this proposition would impose. Whether or not it would require safes in each apartment car and post-office car, whether it might not require a postal clerk to be armed as express messengers are armed in order to protect the valuable coin, or whether we have sufficient registry clerks in the various registry post-offices, or whether it may entail additional expense even in the screen-wagon service for the transportation of this coin, I do not know. I do not want to be considered as entirely antagonizing the proposition, but I certainly feel that it ought not to be carried in this bill, but should go out on a point of order for the purpose of giving an opportunity for a more thorough investigation.

Mr. LIVINGSTON. Will the gentleman allow me a question?

Mr. OVERSTREET. Certainly.

Mr. LIVINGSTON. Do I understand the gentleman from Indiana to say that he is opposed to saving this large amount of money?

Mr. OVERSTREET. Ah, that is not the proposition I made. I do not know whether this is to be a charge against the postal receipts or not. I have contended on various occasions that a studied effort is made by various Departments to load the postal service with charges which these Departments have escaped. It is a matter of bookkeping, in some instances.

Mr. LIVINGSTON. No; it is a matter of transferring the transportation of this money and coin from the express companies.

Mr. OVERSTREET. It may or may not be. There has been no investigation of this proposition by the postal authorities, nor has the Secretary of the Treasury even been called before the Committee on Appropriations to give his individual views.

Mr. LIVINGSTON. Those under him were called, and they were the men who knew all about it.

Mr. OVERSTREET. I am not in favor of some understrapper or clerk fixing a policy which might entail heavy burdens on the postal service.

Mr. SMITH of Iowa. Would the gentleman see any objection to this section or paragraph if a clause is added providing that no such security or money shall be transported by registered mail at less than the actual cost of the service?

Mr. OVERSTREET. Mr. Chairman, this is a proposition to make it imperative to transport these securities and coin by registered mail.

Mr. SMITH of Iowa. But this does not make it imperative.

Mr. OVERSTREET. The word "shall" I interpret to mean imperative.

Mr. SMITH of Iowa. It says "shall be practicable."

Mr. OVERSTREET. That is all right enough; but the Secretary of the Treasury and the Postmaster-General now have authority to negotiate under existing law, just as you in this paragraph propose. Let those two officials representing those great Departments in some way be considered, and then let this recommendation come to Congress. I insist, Mr. Chairman, upon the point of order.

Mr. TAWNEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. TAWNEY. Mr. Chairman, when this paragraph was drawn, it was drawn with the idea and in the belief that it was a limitation upon the expenditure of the three preceding appropriations in respect to the transportation of money. It was also drawn for the purpose of saving at least a hundred thousand dollars now paid to the express companies. It was not carefully considered, however, from the standpoint of the gentleman from Indiana [Mr. OVERSTREET], chairman of the Committee on the Post-Office and Post-Roads—that is, that the Government of the United States is only a part of the Post-Office Department. We supposed that the fact that the Government would save at least a hundred thousand dollars by this provision that that fact would have sufficient weight with him and other Members to prevent him from invoking a technicality in order to defeat it.

Mr. OVERSTREET. In what way?

Mr. TAWNEY. And it was thought that inasmuch as the Post-Office Department, which we supposed was a branch of the Government and was maintaining all of the facilities for carrying mail for citizens, including the moneys of the banks of the country, would, if it were given an opportunity to negotiate with the Secretary of the Treasury or confer with him in regard to the conditions under which such transportation should be conducted, there was no Member of the House who would object to the transportation of the Government's money by registered mail. This view of the situation was reenforced by the fact that such transportation could not take place until the Postmaster-General had consented to the rules and conditions under which the money was to be transported. For that reason we did not deem it necessary to first obtain the consent of the Department which the gentleman from Indiana represents. But inasmuch as the committee was not as careful in drafting this provision as it otherwise would have been, had the committee supposed for a moment that any Member of the House would object to a saving of $100,000 in the transportation of money which has heretofore been paid to the express companies of the United States and we will continue to pay if this provision goes out on a point of order. I presume that the point of order is well taken, and when the Chair rules sustaining the point of order, I wish to offer the following substitute.

Mr. OVERSTREET. Mr. Chairman, I submit that, having made a point of order and the Chair having recognized the gentleman from Minnesota [Mr. TAWNEY] to speak upon the merits of the provision, that the gentleman from Minnesota [Mr. TAWNEY] can not lift me off the floor with any such maneuver as he has just practiced.

Mr. TAWNEY. But the gentleman from Indiana reserved the point of order.

Mr. OVERSTREET. I had made it.

The CHAIRMAN. The gentleman from Indiana has the floor.

Mr. OVERSTREET. Mr. Chairman, I do not allow the gentleman from Minnesota [Mr. TAWNEY] to put into my mouth any motive for the point which I have raised which did not exist in my own mind. I have insisted that this proposition has not been considered by either the Secretary of the Treasury or by the Postmaster-General. I take issue with the gentleman from Minnesota [Mr. TAWNEY] as to the proposition that the Government in its postal facilities is already equipped to take over this service. I also take issue with him relative to the saving. You can not necessarily take the difference between what the registered postal rates now are and what may now be paid under contracts to express companies for this service and give that as a net saving.

If the service must be equipped with safes, as express companies are now equipped for the holding of that money; if it should be found that the postal employees would necessarily have to be equipped with arms to protect this fund, as express messengers are now equipped; if it should be found that additional weight, by virtue of the coin which is transported, would

increase the cost of wagon service and the cost of railway-mail pay, then it becomes a serious question as to whether there would be economy in this or not. I shall not be frightened with the ghosts of express companies hurled at me by the chairman of this committee, nor swerve from what I am pleased to consider my duty in representing another committee of this House of quite as much importance as the one having charge of this measure. I think the gentleman will understand that I raise this point for the reason that this committee which has come here with the recommendation confesses that it has not interrogated either the Secretary of the Treasury nor the Postmaster-General with reference to this proposition, and I stated a fact a moment ago that a measure substantially similar to this was under consideration some years ago and, after investigation by the Treasury officials, was recommended against. Unless there are some new conditions, I have the right to assume in the face of that report that that Department would still be glad to be heard upon the proposition before it should be railroaded through the House. I must insist upon the point of order.

Mr. KEIFER. Mr. Chairman, I desire only a few minutes. I am in sympathy with the committee with reference to the paragraph now being considered, but I do not think that the voluntary statement made by the chairman of the committee that no one else except himself and a few around him know anything about what is intended to be done under the bill, and especially what he says with reference to myself was very generous. I understood the bill to mean exactly what it says; and it now reads, after the amendments put in it on my motions, exactly, word for word, the same as a similar provision in the sundry civil act for the current year, and it provides, as did that, that the money should be carried by "registered mail or otherwise." That is the language of the bill, as drawn by the committee, relating to the transportation of fractional silver coin, and that is the exact language of the law in former years, and yet the distinguished chairman tells us that we have not the occult knowledge he possesses to know what he and others meant by using it. He intimates that the Government is going to carry the silver coin by some other means than by express. The bill as originally drawn is not changed as to the mode of carrying silver coin by my amendments. I supposed we are going to carry it according to the provisions of the bill and the former law, and therefore I was in favor of appropriating the same money that we appropriated in former years to do the same thing. If it can be done cheaper, I shall be very glad, and then the money appropriated need not be expended.

Mr. TAWNEY. I understand the Chair sustained the point of order.

The CHAIRMAN. The Chair has not yet ruled, but the Chair will sustain the point of order. The gentleman from Minnesota offers an amendment, which the Clerk will report.

Mr. TAWNEY. I offer that as a substitute for the paragraph eliminated by the point of order.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Minnesota for the section which has been stricken out.

The Clerk read as follows:

This sum and the appropriations for contingent expenses independent Treasury and for transportation of fractional silver coin shall be available only for transportation of notes, bonds, and other securities of the United States, of silver coin and of minor coin, except when impracticable, by registered mail and not otherwise, and in such sums as the Secretary of the Treasury may determine, and under such rules and conditions as may be agreed upon jointly by him and the Postmaster-General.

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that amendment. As I heard the amendment read, it makes provision for transportation by registered mail and not otherwise. Under existing law it may be transported by registered mail or otherwise, and the striking out of the alternative is unquestionably a change of law, and therefore obnoxious to the rule which prohibits legislation upon an appropriation bill.

Mr. TAWNEY. Mr. Chairman, it matters not whether that language is there or is not there. There is no law on the subject to-day. There is an appropriation for the transportation of coin by registered mail or otherwise. This paragraph now reads "by registered mail, except when impracticable," so that it merely would change the existing appropriation with respect to the discretion in respect to the transportation of money. As it now reads it is within the discretion of the Department to transport it by registered mail or otherwise; but however that may be, the provision as now drawn is a direct limitation upon the expenditure of these three appropriations for the transportation authorized by the three preceding appropriations.

Mr. SLAYDEN. Mr. Chairman, I would say, in explanation, I voted against the gentleman on the original vote on this measure, but I am inclined to sympathize with him and support him now, but I would like to know if he, in his investigation of the question, has arrived at a clear, strong opinion that it will be cheaper to transport this silver under the control and direction of the post-office authorities, and if so, how he has arrived at that conclusion?

Mr. TAWNEY. The gentleman who gave the information is a gentleman employed——

Mr. OVERSTREET. Let me ask who the gentleman was?

Mr. TAWNEY (continuing). In the Treasury Department, perhaps better qualified to give an opinion than even the Secretary of the Treasury himself, because he is familiar with the details. That gentleman was Mr. Daskam, of the Treasury Department. He was asked as to the cost of transportation by express, and he replied:

After a certain number of miles it is four-tenths of a cent per mile. It could go about 250 miles for a dollar—

That is, for a thousand dollars' worth of silver—

No distance now is over a dollar—that is, over the lines of the United States Express Company. If it goes over more than one express company, then each company gets a dollar. If the United States Express Company can take it all the way, then the rate is a dollar.

Mr. SLAYDEN. If it goes by two companies——

Mr. TAWNEY. It is $2; and if it goes by three companies it is $3.

Mr. SLAYDEN. Each company gets the maximum.

Mr. TAWNEY. Each company gets the maximum. Now, a thousand dollars' worth of silver weighs a fraction less than 60 pounds. If that thousand dollars is divided into packages under the existing registration law or regulation, it would have to be in 4-pound packages, and would cost 8 cents a package; but under this provision, if the Secretary of the Treasury and the Postmaster-General can agree upon the rules and conditions for the transportation of silver by registered mail, they can make that package a 60-pound package, which would cost the Government 8 cents for the transportation under existing rules and under existing law, or they can increase it, as it would be entirely within the discretion of the two officials of the two Departments interested.

In the matter of investigating or inquiry of the Postmaster-General in advance as to whether this could not be done, the committee, of course, took official notice of the fact that the Post-Office Department is to-day transporting not only money by registered mail, but a great many valuable packages at rates greater than the present limitation as to the weight of the package. It has all the facilities, and the committee simply concluded that the Government could utilize these same facilities, provided that the Secretary of the Treasury and the Postmaster-General could agree upon the size of the packages and the rules and conditions on which they could be transported. We did not assume to limit their discretion in the premises. Now, taking into consideration the amount we are paying for the transportation of a thousand dollars of silver, and the cost at which it can be transported by registered mail, which in fact would be a mere rate per pound that the Government must pay for the transportation of all mails, except this actual cost of transportation the additional expense would be merely a transfer of the money from one pocket of the Government to the other. The pound rate would be the only actual expense to the Government, which would be a great economy as compared with the costs the Government is now paying the express companies.

Mr. SLAYDEN. The gentleman's explanation is quite satisfactory.

Mr. TAWNEY. Now, Mr. Chairman, I insist that this is practically a limitation upon these three appropriations. It does not involve a change in existing law, because there is no existing law, and it limits the expenditure, and the result of reducing the expenditure in the aggregate amounts to from $90,000 to $100,000.

Mr. OVERSTREET. Mr. Chairman, if there is no law, then this is law; and the committee can not, under the rules, legislate upon an appropriation bill. I care not which horn of the dilemma the gentleman may take; he must confess it is subject to the point of order under the rules. If, then, he contends that this is a limitation, I direct the attention of the Chair to the language of the amendment, which specifies this transportation shall be "only" by registered mail. That is not a limitation, except by way of changing the law. My understanding as to the determination of a limitation, which I fear has been somewhat enlarged upon in recent years in the decisions, is, if the limitation of the methods or plan is clearly legitimate under the provision of some existing law, it does not violate or change that law. But this amendment unquestionably, if there is no law, makes a law which requires the Department to provide a cer-

tain kind of transportation. If there is a law, then it changes that law by striking out the alternative provision that the law carries.

I believe it is clearly subject to the point of order. Now, a word on the merits of the amendment.

The gentleman from Minnesota has demonstrated, in my mind, the wisdom of further investigation before we should act upon such an important question. The gentleman spoke of the amount now paid to the express companies, and urged that changing the method of transportation would be economy to the Treasury Department; but he does not state, as he should, that it would add to the expense of the Post-Office Department.

Mr. SLAYDEN. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Texas?

Mr. OVERSTREET. I think I will not yield, for the reason that I shall insist on the point of order; but I want just a word upon the merits of the amendment. We pay now for the carrying of mail, on an average—that is, the expense for all the handling—from 5 to 8 cents a pound. Take, therefore, this matter from express transportation and let it go through the mail, and it would cost at least as much as it now costs to handle second-class mail matter. Somebody must handle it. If a thousand dollars in coin weighs 60 pounds, the gentleman can take his pencil and scratch pad and ascertain the cost, not to the Treasury, but to the Government; and it will manifest itself in an assumed deficit, but, as a matter of fact, a charge upon the postal service. But here is the point that I insist upon. For a great many years a certain method has been practiced. To suddenly change this method and require, by an arbitrary, peremptory requirement of a statute that the postal service shall take over this coin transportation, and that it shall be done as registered mail, is unwise. There should be given more time for investigation before such change is determined upon. I insist upon my point of order.

Mr. SLAYDEN. Will the gentleman allow me to ask him a question?

Mr. OVERSTREET. I think it is no use wasting the time.

Mr. SLAYDEN. I want to ask the gentleman a question.

Mr. OVERSTREET. I will yield to the gentleman in the interest of saving the time.

Mr. SLAYDEN. Do I understand the gentleman to say that it will cost more to transport by mail than by express?

Mr. OVERSTREET. Not by the strict postal rates; but if we are obliged to put safes in the cars in which to protect the money, and have to arm the postal employees as express messengers are armed, with the additional weight, which would increase the cost of wagon service and the cost of transportation between post-office and the depots, that would become part of the charge.

Mr. SLAYDEN. Is it not true that the Government transports millions of dollars for banks, and that in addition to the fractional currency?

Mr. OVERSTREET. It is transporting coin.

Mr. SLAYDEN. They do transport coin?

Mr. OVERSTREET. I give you the authority of the gentleman from Minnesota; he says it is not now being transported by the mails.

Mr. SLAYDEN. The gentleman from Minnesota makes the direct statement that it will cost the taxpayers of the country less to transport this coin under the auspices of the post-offices than by the express companies.

Mr. OVERSTREET. I so understood him, but I somewhat question that; and I desire it to be inquired into.

Mr. SLAYDEN. Do you know whether it is true or not?

Mr. OVERSTREET. I was simply inquiring upon what he bases that. He claims that it is a fact; that one officer did give that statement. Now, Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. The Chair is ready to rule. A long line of decisions on the question of limitations holds that the limitation, to be in order, must be in effect simply a negative bar that is pressing upon the appropriation of the money, and that any amendment which directly or indirectly vests in any executive officer any discretion or imposes any duty upon the officer, directly or indirectly, in the expenditure of the money would be obnoxious to the point of order. This amendment seems to the Chair to come clearly within the latter class; and therefore the Chair sustains the point of order.

The Clerk read as follows:

Lands and other property of the United States: For custody, care, protection, and expenses of sales of lands and other property of the United States, the examination of titles, recording of deeds, advertising, and auctioneer's fees, $200.

Mr. GRAHAM. Mr. Chairman, I move to strike out the last word. I wish to say that I may be absent when the provision on page 75 in this bill is reached, and I desire to send to the Clerk's desk an amendment, which I ask to have read and be considered as pending.

The CHAIRMAN. The gentleman asks unanimous consent to have read for information and have pending an amendment which the Clerk will report.

The Clerk read as follows:

Insert after the word "hundred," on page 75, line 20, the words "and fifty;" so as to read:

"For topographical surveys in various portions of the United States, $350,000, to be immediately available."

Mr. TAWNEY. Mr. Chairman, I submit that this is not the proper place to offer an amendment. I understood that the amendment was to be read for information, but I gave no permission to offer it.

Mr. GRAHAM. I said that I wished it to be read for information.

Mr. TAWNEY. I reserve a point of order against it.

The CHAIRMAN. The Chair put the request of the gentleman from Pennsylvania that the amendment might be considered as pending when the paragraph was reached.

Mr. GRAHAM. Now, Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the cut made by the committee of $50,000 in the appropriation for continuing topographic surveys—a cut of one-seventh of the amount considered necessary by the Department and also of the amount appropriated for this work last year—is, I consider, a great injustice, if not a vital blow, to that great work. I consider this one of the most important branches of work that has ever been undertaken by the Government. So important is it that my State of Pennsylvania has already appropriated $112,000 in cooperation with the Government, and our people are satisfied that no other moneys appropriated by the State has brought so great a return to its industrial activities. We realize that the States are not in a position to make these surveys independent of the General Government. Besides, were this work carried on independently by the States, it would be on a heterogeneous system. The maps of one State would not match with those of another, and there would be no continuity between the investigations in neighboring portions of the country.

As the reports of the United States Geological Survey have shown, detailed topographic mapping has been completed of 18,245 square miles in Pennsylvania, or 40 per cent of the total area of the State, which is 45,212 square miles. Annual progress in this work on the basis of $14,000 of State funds is at the rate of nearly 1,400 square miles, or about $10 per square mile. This is considered to be an unusually low figure, in view of the rough and intricate topographic conformation of the State.

This work has been expedited in the past chiefly in the more important mineral-bearing regions, the anthracite region of the east and the bituminous coal, oil, and gas areas of the west, as well as over the cement districts in eastern Pennsylvania and coal and clay bearing districts in the western part of the State.

As the work progresses and the topographical maps are completed, geologic surveys follow, and indicate the direction in which extensive mineral resources may be sought, and the results of this work have been the extension to a considerable outlying area of the known mineral-bearing formation.

The surveys made in the past year in the vicinity of Pittsburg were not city surveys in the ordinary sense. All existing maps of Pittsburg, Allegheny, Homestead, and other municipalities were compiled and brought together, and unmapped areas were surveyed and the whole assembled into one great map covering one of the most important industrial regions in the United States. No city and no State could have brought this work together in the same time and at the same expense. The result has been to develop the known area of underground water supplies, which are now being tapped for artesian water; and the knowledge of the slopes of the surface has expedited the construction of trolley and railway lines and otherwise aided and developed the resources of the region.

In the summer of 1901 the Wabash Railroad Company was locating a railroad line from the Ohio River across Jefferson and Harrison counties, Ohio, to connect with the Wheeling and Lake Erie Railroad, and thus bring the Wabash across the Ohio River into Pittsburg, and during the same summer a contour topographic map of the region referred to was being constructed by the United States Geological Survey. The railway surveys were completed; a location chosen; grades, cuts, etc., including a tunnel, decided upon, and contracts for construction awarded, when advance copies of the topographic map that was being made came to hand. From an inspection of the map the possibility of a shorter route, with equally favorable grades and without the necessity of a tunnel, was discovered. The

new location was at once adopted, and resulted in the saving of $80,000 in construction. This correction of a detailed railway survey with the aid of a contour topographic map was made possible by a study of the map itself and without expense.

The people of Allegheny County have long desired to have this work in that county completed, and they are pleased to know that it has now been resumed and that it is expected will be completed this year. From this it may be seen, therefore, that my interest in this matter is due to the fact that I realize its importance to the entire country. The Chief of Staff of the Army has stated that this work will be of inestimable value to the country in time of active military operations, as these maps show all features of surface relief, location of wooded areas, heights of hills, all roads, houses, streams; the possible strategic positions, such as cuts and fills on railways and on highways; length, height, and kinds of bridges; fordable and unfordable streams, etc.

The Department of Agriculture needs these maps as a basis for soil survey and studies whereby the agricultural values of the lands for the growing of more useful crops may be studied. On the coast of North Carolina and in Connecticut the values of agricultural lands have been more than doubled as the result of soil surveys based on these topographic maps, as showing where more valuable garden truck and tobacco lands exist. It is essential that the General Land Office, in its dealings with railway grants, school lands, and individual settlers, may know officially whether certain lands are mineral, agricultural, forest, etc., and the basis of this classification of the various resources is indicated and studied. The forestry bureau of the State uses the maps as a basis for its forest studies. The hydrographic branch of this survey gauges the streams and determines the water power available for industrial purposes and the water resources available for city water.

Surveys made north of Pittsburg in my own and in other Congressional districts have added materially to the information needed in connection with improving the waterways and securing data toward the construction of the Pittsburg and Lake Erie Canal. During the past two years a commission of engineers has been engaged in making a study of the possibilities of building a ship canal connecting Lake Erie and the Ohio River. The purpose of this canal will be to carry the vast traffic in ores and fuels between the Great Lakes, Pittsburg, and the Mississippi Valley. In cooperation with the States of Pennsylvania and Ohio the topographers of the Geological Survey had nearly completed the mapping of the region involved, when the engineers of the ship canal came across their topographic maps. They found these of inestimable value in furthering their studies, covering, as they did, a much more extended area than could any mere location or trial surveys. They showed conclusively the lowest passes between the head waters of the Ohio and the Great Lakes, saved thousands of dollars in useless surveys, possibly years of time in field work by indicating the exact altitudes separating the lakes and rivers, and showing where the final location might be sought and where the water supply might be stored for operating the summit level and the locks.

This information could not have been procured in such conclusive form by any ordinary trial surveys; nothing but a topographic survey completely covers the ground in such efficient manner. Moreover, a State could not have done this unaided. The area under investigation was extended as far into Ohio as into Pennsylvania and the Federal Government was able to conduct this topographic mapping systematically in both States in a manner in which neither State could have operated it singly. The same is true of the extensive oil and coal bearing lands. Some of the most important problems bearing upon these resources are found in the bordering States of Ohio and West Virginia, and this work could have been carried on only through the mediation of the Federal survey.

In this connection I desire to remark that the State of Pennsylvania is particularly interested in the work of fuel tests and testing the structural materials. It produces one-half of the fuels of the United States, and double the amount of cement, clays, and other structural materials than that of any State. The investigations being undertaken in connection with these subjects are of vital importance to the producers of fuels, cements, and clays in Pennsylvania, as they aid in insuring the best methods of utilizing the fuels and of treating and preparing for market the structural materials.

The demand for this topographic work has been so strong and so persistent from all parts of the country that, indeed, I feel that this amount is not altogether sufficient, but I have offered an amendment to restore the item to $350,000, the amount asked for by the Department, and I ask the House to appropriate at least that amount.

The Clerk read as follows:

For maintenance of marine-hospital stations, including subsistence, and for all other necessary miscellaneous expenses which are not included under special heads, $240,000.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Provided, That of this sum such portion equal in amount to the cost of maintenance and subsistence of any given marine-hospital station during the current fiscal year shall not be expended in case the said hospital station be closed during any part of the fiscal year ending June 30, 1907.

Mr. TAWNEY. Mr. Chairman, I reserve the point of order.

Mr. SHERLEY. Unless the gentleman wishes to be heard on the point of order, I would be glad to have him make it.

Mr. TAWNEY. I should be glad to hear the gentleman's statement and explanation of the proviso before I determine whether to insist on the point of order or not.

Mr. SHERLEY. I am willing to make the statement, although I do not think the amendment is subject to a point of order, being a limitation upon the appropriation. It was announced some time ago through the public press that it was the purpose of the Secretary of the Treasury to close fourteen of the twenty-one existing marine hospitals, and during the hearings before the Committee on Appropriations there was some testimony as to whether that purpose was to be carried out or not. The reason for it, it has been stated, is that it would effect a great saving of cost, yet Surgeon-General Wyman, the head of the Marine-Hospital Service, testified before the committee that he had made the estimates for the Secretary of the Treasury in regard to the expense of conducting the Marine-Hospital Service and the expense that would be entailed on the Government if the sailors and river men were cared for in public hospitals, and that there would not be a dollar saved to the country by the change of programme.

The effect of my amendment is that if the Secretary of the Treasury should undertake to close any of the marine hospitals, then the amount of money that has been expended during the current year for the maintenance and subsistence at such hospital shall be subtracted from the sum hereby appropriated. To illustrate, if at the marine hospital in Louisville, Ky., there was expended $30,000 for maintenance and subsistence of river men during the present year, then, in the event that hospital is closed during the coming fiscal year, the sum of $30,000 would be subtracted from the amount herein appropriated, and the Department would not have a right to expend that money.

To be frank with the committee, the real effect of my proviso is to prevent the closing of these hospitals. My reason for that position is twofold. First, I do not believe under the testimony that was given that one dollar would be saved to the country. Second, I do not believe that it is proper for the head of a Department to determine a policy of this kind for the Congress of the United States. It is perfectly proper where some particular case may arise, with some peculiar equity in it, for him to exercise a discretion in the line of economy; but when it comes to determining that after Congress has established twenty-one marine hospitals, purchased the ground, erected the buildings, and made appropriations for maintaining them, that then he of his own accord will terminate that policy of Congress, which has been pursued for years, because he considers it an unwise policy and that a new policy, suggested by him alone, of putting these men at public hospitals shall be taken up. I say that is unjustifiable and a departure from the proper theory of executive and legislative functions.

It would be just as proper if the Secretary of War should determine that it would be cheaper to put all the old soldiers in poorhouses throughout the country and abolish all the soldiers' homes, and I for one am opposed to this practice that has grown up in recent years of heads of Departments undertaking to determine for Congress what shall be the policy of Congress in regard to such matters.

Mr. WILLIAMS. Government by bureaucracy.

Mr. SHERLEY. I am opposed to Government by bureaus, and this is a species of it without any reason.

Mr. SMITH of Iowa. I fully agree with the gentleman on the general proposition, but I want to ask if it is not a fact that there is a statute expressly authorizing the closing and sale of marine hospitals by the head of that Department, so that in this case it is not a usurpation, as it is in so many others.

Mr. SHERLEY. I am not claiming that it is a usurpation without any color of law for it, but I do claim that such wholesale action as is proposed is a usurpation in the true sense of the term. There is a statute that authorizes either the lease or sale of a marine hospital under certain conditions, with two exceptions relative to two hospitals that were named, which can not be sold or leased; but I have been unable to find any law

that now exists for the practice of having sailors cared for in hospitals other than marine hospitals, and I should be glad if the gentleman can tell me the law for that. It is an entirely different thing from exercising a discretion in some particular case, like the case at Cincinnati, where the hospital, by virtue of its locality and its being surrounded by other buildings, had become unsuitable for the purposes originally intended, and which has been closed, and a wholesale programme like this proposed one. That is an entirely different exercise of a power from that which undertakes to say, "I do not like the system of marine hospitals and therefore I will close two-thirds of them and substitute my system and my theory for caring for the sailors of the country in place of the theory of Congress."

Mr. WILLIAMS. If the gentleman from Kentucky will permit me, the present law authorizes the lease or sale of marine hospitals in certain cases; but is there any present law authorizing the Department to keep a hospital as a hospital, but to keep it closed?

Mr. SHERLEY. There is no law that I know of, and the intention of the Secretary was to close fourteen of these hospitals, and put watchmen there simply to guard the vacant property. Now, in the very last sundry civil bill passed by this House there were provisions providing for expenses at marine hospitals, showing that it was still the policy of the Government to carry on these hospitals and to have the seamen cared for there.

There was authorized by Congress the building of a marine hospital at Pittsburg, and the work on that hospital has been delayed, and is now stopped, because the Secretary of the Treasury, in his judgment, considered that Congress was unwise in having appropriated for the building of such a hospital. If it be right that these hospitals should be done away with, if it be economical, then let the Secretary of the Treasury make his recommendation to Congress, and let the proper committee having that subject within its jurisdiction present a bill, that hearings may be had and that this Congress may express its will in a proper way.

Mr. TAWNEY. Mr. Chairman, I think the proposition submitted by the gentleman from Kentucky is so important that I shall have to insist upon a ruling on this question; for if, as he says, it is the purpose of the Department, in its discretion, acting under authority of law and in the interest of public economy, to close up the marine hospitals and to provide for the treatment of patients in local hospitals, and this amendment should be adopted, then of course the amendment of the gentleman would be a precedent which will be followed by the Representatives on this floor of every other marine hospital in the United States, and in that way the existing law will virtually be repealed.

The gentleman from Kentucky concedes that the Secretary of the Treasury has the authority, in his discretion, to close a marine hospital and sell the property belonging to the United States, and then he admits that it is his purpose to prevent the accomplishment of that, in the event that the Secretary sees fit to exercise his discretion in this particular case, referring to the marine hospital at Louisville, Ky.

Mr. SHERLEY. I will say in reply to the gentleman from Minnesota that, in the first place, the amendment does not apply exclusively to the Louisville hospital. It applies to any marine hospital. In the second place, while the law provides for the lease or sale of a marine hospital under certain conditions, it nowhere provides for the closing of it and the retention of it without the purpose of either leasing or selling it.

Mr. TAWNEY. I understood the gentleman to say, in the course of a conversation that I had with him, that it was his purpose to make this amendment apply exclusively to the Louisville Marine Hospital. I did not observe the reading of the gentleman's amendment, but if it applies universally to all hospitals, then, in my judgment, it would, to the extent to which it seeks to destroy the jurisdiction and power of the Secretary of the Treasury under existing law, be a change of existing law.

Mr. SHERLEY. Mr. Chairman, speaking to the point of order, I desire simply to say that here is a provision appropriating $240,000, to which I offer as an amendment a proviso that says a certain part of that money shall not be expended in the event that some of the hospitals for which the appropriation is made are closed. In other words, it is purely a limitation upon the appropriation, and does not in any way change the law. If the Secretary of the Treasury desires to do so, he can close all of these hospitals; but if he closes them, the result of his action will be that he will not have the money to expend for their maintenance that he would have if they were kept open. It is simply a limitation upon the expenditure, and not a change of existing law.

Mr. TAWNEY. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The Chair would like to ask the gentleman from Minnesota if he thinks an amendment limiting the Secretary of the Treasury to the expenditure of only $230,000, for example, in case the hospital at Louisville, Ky., should be closed, would be a limitation? The Chair confesses to a great deal of doubt as to this amendment, and, although it is expressed in language more or less circuitous, it would seem to the Chair that the effect of it is such as indicated in the illustration which the Chair has just made.

Mr. TAWNEY. The conclusion of "the gentleman from Minnesota," in respect to the question of whether it was or was not in order, was based upon what the gentleman says the effect of his amendment is, rather than upon the language of the amendment he has offered.

Mr. SHERLEY. I submit to the Chair that my remarks are not before the Chair for his ruling, but that the amendment itself is.

Mr. TAWNEY. I submit that the Chair, in determining the point of order, may take into consideration the gentleman's declared purpose of the amendment, although that purpose may be, as the Chair has said, expressed in a rather circuitous manner.

Mr. WILLIAMS. Mr. Chairman, if the gentleman from Minnesota will excuse an interruption, what he has just said will not do, because we have very high authority for the fact that Congress itself every day is engaged in enacting what it thinks it thinks, while another Department of the Government is engaged in construing what Congress really did think.

Mr. TAWNEY. This is not a question of difference of opinion between two Departments or between the legislative and an executive department. This is all occurring in this Chamber, or in one branch of the legislative department of the Government; and I submit that the Chair ought to take into consideration the declared purpose of the amendment when it is offered, to determine whether or not that amendment is in order.

Mr. WILLIAMS. The Chair sits as a judge in the case of a point of order—that is to say, theoretically.

Mr. SHERLEY. The only difference between this and any other amendment in the form of a limitation is that I have been a little more frank than most men are in offering such provisos to sections in a bill. Now, if the gentleman thinks my remarks make an otherwise proper amendment subject to a point of order, I will withdraw the remarks and still submit the amendment for the ruling of the Chair.

Mr. DALZELL. Mr. Chairman, as I understand this proposition, it is simply this: The United States Government has a certain number of marine hospitals. This paragraph of the bill provides for a certain amount of money for the operation of these marine hospitals. Now, the gentleman's limitation is to the effect that if one of them is not operated the money that is here appropriated shall not be expended; that is to say, the proportionate amount of money that is here appropriated for the hospital shall not be taken out of the Treasury by the Secretary. It seems to me it is a clear limitation on the appropriation.

The CHAIRMAN. From a careful reading of the amendment itself the Chair is of the opinion that it expresses a mere limitation or a bar upon the expenditure of the amount carried in that paragraph, and therefore the Chair overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

The Clerk read as follows:

Steam launch for Alaska: For the purchase or construction of a steam launch for use in the propagation of salmon in Alaska, $8,000.

Mr. WILLIAMS. Mr. Chairman, I would like to ask the chairman of the committee a question. I reserve the point of order. I see here a provision, which is new legislation, for a steam launch for Alaska—for the purchase or construction of a steam launch for use in the propagation of salmon in Alaska, $8,000. What is the reason for that appropriation? Have we got to the point where we have got to propagate salmon up in Alaska?

Mr. TAWNEY. We have not only got to that point, but we have been there for a long time. We have been propagating salmon in Alaska for a number of years. We have a fish hatchery, and we have just now provided in this bill for the employees necessary to maintain and operate the same. If the gentleman knows anything about southeastern Alaska——

Mr. WILLIAMS. Well, he does not.

Mr. TAWNEY. Where this hatchery is situated, he will know that the only means of transportation in that section of the district is by water, and it is impossible, in the operation of a fish hatchery there, to conduct it and operate it without a launch of some kind. In other words, I will say that it is a necessary incident to the maintenance and operation of the fish

hatchery which has heretofore been constructed and is now in operation.

Mr. WILLIAMS. Mr. Chairman, I reserve the point of order for the purpose of making a remark or two in connection with the work of the Commissioner of Fisheries. The Bureau of Fisheries is one of the most important and useful bureaus under the Government. The manner in which the business of this Bureau is carried on is perfectly admirable, so far as that is concerned; but I desire to call attention of the country to the fact that while we are propagating salmon in Alaska, and there are very many salmon in Alaska—the fisheries there are neither exhausted nor threatened with exhaustion—our fisheries in the interior waters here at home, the interior lakes and streams of the United States, are becoming exhausted.

A year or two ago I dropped a note to the Commissioner of Fisheries, asking that he restock a lot of lakes in the Yazoo, Mississippi, delta, a country of little river bayous and fresh-water lakes and lakelets. Now, those lakes used to be filled with the finest bream, goggle-eye, white perch, big and little mouth black bass, speckled perch, striped salmon, and other fish, which are now becoming fished out and exhausted. He wrote to me to say that while he would be glad to fill the request of individuals who wanted fish to put into those streams, he could not send large quantities for the purpose of restocking. Now, then, for anyone who is acquainted with the geography of that country, what I am about to say is familiar. Up about what is called "the Yazoo Pass," where the Mississippi River used to run down, there is an immense levee, which was broken through during the war by the soldiers of the Federal Army, so that the Federal gunboats went through, threatening Vicksburg in the rear. Since this levee has been built of course this Yazoo Pass is blocked up. It used to feed all of these innumerable lakes, some of them half a mile, some 10 miles, and some 20 miles in area, and also the headwaters of the Sunflower, the Tallahassee, the Yazoo, and all those infinite streams. The streams and lakes used to be interlaced. Now the connecting links are low and sometimes dried up. It seems to me that while we are devoting money to the propagation of salmon to keep the fisheries away up in Alaska from being exhausted, there ought to be some method whereby these interior streams of the United States could be restocked for the pleasure, profit, and feeding of the people. I understand that what I say about the Yazoo, Mississippi, delta is true also of the lake country of Minnesota and all the fresh-water lake sections—especially the lake country up about the headwaters of the Mississippi River itself.

Mr. LACEY. Mr. Chairman, I would like to ask the gentleman a question in this connection. A few years ago we passed a bill making a fish hatchery at Tupelo in order to supply those streams. How successful has that been?

Mr. WILLIAMS. The gentleman is mistaken. The fish hatchery at Tupelo was not established for the purpose of supplying these streams. It was established for the same purpose that all fish hatcheries are, namely, hatching fish to be sent out; but when it comes to the manner of sending these fish out, John Jones is required to apply, and he gets just so many fish, and Billy Williams is required to apply and he gets just so many fish. Now, you can get three or four or five people living along one of these lakes to apply, and they will get each a certain very limited quantity of fish, which, however, is not a drop in the bucket in connection with the large area of the lake district I am talking about. What I am talking about is that there ought to be a different regulation in the Bureau whereby when a lake or a stream of public importance is becoming exhausted of its fish it could be restocked in a comparatively wholesale way instead of merely disseminating the fish around to individuals to put for the most part in private ponds. In other words, wherever the interior waters are public waters, and most of these lakes and bayous and streams are not only of public importance, but navigable, ought not to be held to a retail business insufficient to accomplish the aim of restocking them merely by sending a few fish to one individual, who would put them into the lake. I withdraw the point of order.

Mr. SMITH of Iowa. I would like simply to make the suggestion, to be shown by the record, that the present head of the Fish Commission has reduced the cost of production of fish in the hatcheries about one-half, so that with a small appropriation we can now furnish vastly more in quantity than heretofore. There is one very serious objection to furnishing large quantities of fish for streams that constitute a dividing line between States, because of the great difficulty of enforcing any fish laws on rivers that are the dividing line between two States where conflicting jurisdiction comes.

Mr. WILLIAMS. Now, if the gentleman will excuse me, in this case I am talking about, of course the erection of this levee cuts off these streams from what they used to receive, to wit, the fish coming down annually from the headwaters of the Mississippi and Ohio, and these lakes are becoming exhausted.

Mr. SMITH of Iowa. I fully agree with the gentleman, but I thought I would explain that under the present management we are largely increasing the production of fish and will be able to furnish more fish.

Mr. WILLIAMS. I am aware of that, and I am glad of it, and I have no criticism to make of the Commissioner. He seems to be not only courteous and nice in attending to his work, but his work seems to be very effective in every way except in this particular, and I wanted to express the hope—because I do not think there is any law or any ironclad regulation binding him to this course—that hereafter it will be varied from.

The Clerk read as follows:

Enforcement of the Chinese-exclusion act: To prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, $500,000, which shall be paid from the permanent appropriation for expenses of regulating immigration, and of said sum $1,000 per annum shall be paid to the Commissioner-General of Immigration as additional compensation.

Mr. FITZGERALD. Mr. Chairman, in line 17 I move to strike out the word "five" and insert "six."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 17, strike out "five" and insert "six;" so it will read "$600,000."

Mr. FITZGERALD. Mr. Chairman, the other day the gentleman from Massachusetts [Mr. SULLIVAN] called attention to the fact that the Chinese-exclusion act was not at present being enforced; that the Bureau of Immigration, at the direction of the Secretary of Commerce and Labor, had practically ceased to deport Chinese found to be unlawfully in the United States. The appropriation for this service for the fiscal year ending June 30, 1905, was $600,000. The appropriation for the fiscal year ending June 30, 1906, is $600,000. It is true that the estimate for this year is but $500,000. The action of the committee in allowing that sum was based upon the statement made by the Commissioner-General of Immigration, in which he called attention to the fact that in the months commencing July, 1904, to February, 1905, the expenditures were much less than during the same months commencing July, 1905, and ending February, 1906. To illustrate: In February, 1905, $62,609.10 were expended in deporting Chinese found to be unlawfully in this country, while during the month of February, 1906, under directions of the Secretary of Commerce and Labor not to execute this law, but $28,683.12 were expended. To make clear just the situation, I wish to read a brief extract from the testimony before the committee. The Commissioner-General of Immigration said:

As you will see, February shows a good deal less expenditure in 1906 as compared with 1905, because we are returning few Chinese to China.

Mr. TAYLOR. That is, they are not violating the law as much as before?

Mr. SARGENT. No, sir; we were instructed not to make arrests of the Chinese found unlawfully in the country.

Mr. TAYLOR. The law is not enforced so rigidly?

Mr. SARGENT. We are not doing so active a business as we were a few months before.

Mr. SULLIVAN. From whom did you receive the instructions not to enforce the law?

Mr. SARGENT. I received the instructions from the head of my Department, the Secretary of the Department of Commerce and Labor. He said that during this agitation about the boycott in China he thought it would be unwise to make the arrests as we had been previously doing of Chinamen found unlawfully in this country, and of course I always obey instructions. We were expected under the law to take into custody those who had been here unlawfully, and that was what I was doing.

Mr. TAYLOR. I was in hopes that the vigorous execution of the law had enforced a respect for it on the part of the Chinese themselves.

Mr. SARGENT. I think a vigorous enforcement of the law has caused a great deal of dissatisfaction to be created among those who have in times gone by made a good deal of money by the lax enforcement of the law. If you will note the appropriations, I do not know but that some of you gentlemen were on the committee when I said, some years ago, that if you wanted the laws enforced you should give me the money and we would enforce them.

And at that point, Mr. Chairman, I wish to say that it is a matter of common rumor that those persons engaged in the illegal business of bringing Chinamen across the borders from Canada or Mexico——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask that my time be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. It is a matter of common rumor, Mr.

Chairman, that those engaged in this illegal traffic have been able to make from $500 to $1,000 for every Chinaman that they successfully bring into the country in violation of the law. Naturally the persons engaged in this illegal traffic were dissatisfied with the rigid enforcement of the law. I know of no way at this time that Congress can express its desire that the law be rigidly enforced and that Chinamen found to be in this country unlawfully should be deported, except by increasing the appropriation for that service, so that those charged with the duty of enforcing the law will know that Congress desires to place at the disposal of the Department adequate means to enforce the law.

I am one of those who am opposed to the admission of Chinese into this country. I believe that the present law should be rigidly enforced. I believe that the Bureau of Immigration should apprehend and take proper proceedings to have deported those who come into the country illegally and in violation of the Chinese-exclusion law. I have no sympathy with the theory that members of the Cabinet or that the Administration can set aside the Chinese-exclusion laws in order that some person engaged in the business of exporting certain goods may find a more ready market for them in the Chinese Empire. I know no other way in which to have the House express its opinion at this time that the law should be rigidly enforced than to offer this amendment, giving ample means to the Department to carry out the provisions of the law, and to have continued the practice of deporting Chinamen here illegally, as was done up to February, 1905.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word. Now, Mr. Chairman, I am in favor of this amendment increasing the appropriation for enforcing the Chinese-exclusion act from $500,000 to $600,000. In 1904 we appropriated $600,000 to enforce this Chinese-exclusion law. In 1905 we appropriated $600,000 again. Now Commissioner-General of Immigration Sargent says that last year they did not expend $600,000, and therefore this year they come and ask for only $500,000.

I remember that two or three years ago my friend, the gentleman from Georgia, Judge BARTLETT, offered an amendment here appropriating $250,000 to prosecute the trusts—a special fund. The gentleman from Iowa, Colonel HEPBURN, not satisfied with that, "raised" Judge BARTLETT at his own game by offering an amendment to Judge BARTLETT'S amendment, increasing the amount of the special fund to prosecute trusts to $500,000. Colonel HEPBURN'S amendment was received with great applause and went through with a whoop. We thought that we had surely furnished abundant ammunition to kill the trusts. It turned out at the end of that fiscal year that the Department of Justice had only expended—my recollection is—thirty-odd thousand dollars of that money; at any rate, only a small portion of the half million. During that time the land was as full of trusts as Egypt was of lice, frogs, or flies; and it is as full of trusts yet. If that $500,000 had been effectively expended by the Department of Justice in vigorous prosecutions, every trust in the land would have been killed dead as a smelt long before this.

The great body of the American people—particularly the laboring people—want these Chinese coolies kept out of here. It makes no difference how much it costs, and it makes no difference whom it makes mad. Congress did its duty by passing a good exclusion bill, and then supplemented that action by doing its duty by appropriating $600,000 a year for two years. It is the Executive branch of the Government that failed in its duty, according to the testimony of Mr. Commissioner Sargent himself, by not enforcing the law as it stands. That is the reason the last appropriation of $600,000 was not exhausted.

Somebody said not long ago that if every Chinaman would increase the length of his shirt tail by 2 inches, it would put up the price of American cotton to a dollar a pound. [Laughter.] Well, now, that is a very gorgeous prospect, but I take it that the Chinaman cuts the length of his shirt tail according to the length of his cloth and according to the length of himself. No matter what we do or say, he will not increase the length of his shirt till he gets more money.

We hear much talk about this Chinese boycott. Our trade with China is a mere bagatelle. Our exports to China only amount to 2½ per cent of our total exports; our imports from China only amount to 3½ per cent of our total imports; and the truth is that the Chinese do not buy from us because they love us; the English do not buy from us because they love us. A very great affection has been engendered in the last two or three years between us and England; it's so sudden, don't you know. Too sudden to last. But nobody buys our stuffs because they love us; they buy our stuffs because ours are better than anybody else's stuffs or because they are cheaper than anybody else's stuffs. [Applause.] Love and affection count for little or nothing in commerce. It is business pure and simple and nothing else. So long as we make better products than other people and sell them cheaper we will outsell other nations, but if other nations make better products or sell them cheaper they will outstrip us in the markets of the world. That's the whole case in a nutshell and all there is to it.

The truth about this boycott, as I understand it now, is that that celebrated and frisky diplomat, Wu Ting-fang, who before he went home committed enough infractions of the diplomatic proprieties in this country to have caused forty white diplomatists to receive their passports, when he went home, pretending to be a great friend of the American people, originated and engineered that boycott. He went around this country advising people what to eat and wear and how to behave; inquiring of women how many children they had and of husbands how many wives they had, poking his bill into American affairs generally. If he had been a white man he would have been ordered out of this country long before he went. Washington ordered Genet out of the country for committing not one tithe of the improprieties that that Chinaman did. Grover Cleveland sent Lord Sackville West out of here in a hurry for doing a thing that at the worst was a very slight impropriety.

Gentlemen say they simply want the educated Chinese classes to come over more freely. That's the theory as it is propounded; but the trouble about this entire Chinese question is that all Chinamen look alike to us, and you can not tell one from t'other or t'other from which.

[The time of Mr. CLARK of Missouri having expired, by unanimous consent it was extended five minutes.]

They get the coolies in here in every sort of a way and by every sort of trick. The gentleman from New York [Mr. FITZGERALD] stated that the persons interested in getting coolies in—that is, the Chinese Six Companies in San Francisco, and a good many up on the northern border, and a good many on the Mexican border—make a profit of from five hundred to one thousand dollars a head for every Chinaman they smuggle in. I read on the train to-day a piece in one of the Philadelphia papers, which I intended to cut out and keep to use here, not knowing that this question was coming up so soon, but I left the paper on the train. It gave an account of some place on the border where they had actually rigged up a tunnel to get the Chinese in here on the sly. It is a lucrative performance, and bad men work at it constantly and successfully. I agree with what the gentleman from Kentucky [Mr. SHERLEY] said a while ago, and I have heard the chairman of this committee [Mr. TAWNEY] make the same kind of an objection a dozen times to other things that this Government is drifting into a government of bureaus. Instead of Congress running the United States, a lot of bureaucrats are running it. We pass a law. What is the business of the executive department? I do not care a straw whether it is the President or a member of the Cabinet or some understrapper. The business of every one of them is to rigidly enforce and carry out the laws which we pass. The way to get rid of a bad law is to enforce it. Let us see what Mr. Sargent says. Here is an extract from the hearings before the Appropriations Committee, which I most heartily commend to all who favor government by Congress instead of government by bureaus:

Mr. SARGENT. We are not doing so active a business as we were a few months ago.

That is the reason this appropriation has not been consumed.

Mr. SULLIVAN of Massachusetts. From whom did you receive the instructions not to enforce the law?

Mr. SARGENT. I received the instructions from the head of my Department, the Secretary of the Department of Commerce and Labor. He said that during this agitation about the boycott in China he thought it would be unwise to make the arrests, as we had been previously doing, of Chinamen found unlawfully in this country; and of course I always obey instructions. We were expected, under the law, to take into custody those who had been here unlawfully, and that was what I was doing.

"I always obey instructions," he says, and that is precisely what the rest of them ought to do—obey the instructions of Congress expressed by statute or by resolution—and the chairman of this committee, and his great committee—and I give them ample credit for it, all they are entitled to—have been fighting during this entire Congress, and as a matter of fact the fight was begun in the last one, to break up the practice of Government officials violating the laws which we pass. Yet here is a most flagrant case of the executive department failing to carry out the will of Congress by shirking its duty to the people. Certain Department officials appear to lie awake of nights studying the art of how to not do it. Some of them appear to think that the only proper function of Congress is to make appropriations to pay their salaries. Of course there are plenty of good

and conscientious men among them who do their whole duty.

It was a matter of common rumor four or five months ago, when this boycott was first talked of, that there was danger of the present Secretary of Commerce and Labor being compelled to resign his position because he did not agree with the policy of the President touching these Chinese. Now, it turns out that after Congress solemnly passed a law—and that law was not passed in a corner either; it was passed after weeks of hearings before the House and Senate Committees on Foreign Affairs, and after a great debate in this House, and after a long tussle with the Senate conferees, who did not want any bill that would really exclude Chinamen, that is the truth about it—and after we got that law on the statute book, and after we appropriated the money to enforce it, the Secretary of Commerce and Labor, according to the statement of Mr. Sargent, practically suspends a law passed by the American Congress and signed by the President of the United States. If this modus operandi is to be perpetuated we might as well resign and go home, and turn the whole thing over to the executive department, thereby saving to the taxpayers of the country the expense of maintaining the Congress. The sooner every Federal official in this country is taught the important lesson that when we pass any sort of a law it shall be enforced to the letter the better it will be for everybody, and the more effectively this Government will be run. [Applause.]

Mr. SMITH of Iowa. Mr. Chairman, the gentleman from Missouri [Mr. CLARK] has commented upon the fact that we appropriated the sum of $500,000 for the enforcement of the antitrust laws. He has failed to call attention to the fact that after the lapse of three years only $120,000 of that $500,000 had been expended; in other words, that we appropriated twelve times as much as the average annual expenditure from the date of that appropriation to this hour.

Mr. CLARK of Missouri. Will the gentleman allow me to ask him a question?

Mr. SMITH of Iowa. In a moment. Whether the gentleman meant thereby to advocate the policy of appropriating twelve times as much as could be utilized during the fiscal year, I was not clear, and therefore I cheerfully yield to him.

Mr. WILLIAMS. Was it twelve times as much as could properly have been utilized?

Mr. CLARK of Missouri. Suppose every trust in the United States had been prosecuted as it ought to have been, don't you think the entire appropriation would have been consumed?

Mr. SMITH of Iowa. I will answer the gentleman by saying that in my judgment it would not be possible in a single year to organize an adequate force and collect the evidence to prosecute all the so-called "trusts" in the United States. I think the money was wisely, carefully, and prudently expended, but as generously expended as could be done with good to the service.

Now, I understand this precedent of appropriating twelve times as much as the average amount that could be utilized on an average in the past three years is the precedent cited for the increase of this appropriation.

Mr. CLARK of Missouri. It was a precedent cited to show how the executive officers failed to carry out the will of Congress.

Mr. SMITH of Iowa. I beg the gentleman's pardon, if I misunderstood the effect of his precedent.

Mr. CLARK of Missouri. You certainly did.

Mr. SMITH of Iowa. Now, let us turn to this item for the enforcement of the Chinese-exclusion law, and I want to call attention to the appropriations for this purpose in the years gone by. Never but twice since the first enactment of Chinese-exclusion laws have we given so much money as is proposed to be given this year for the enforcement of the Chinese-exclusion law. It is true that last year we gave $600,000, and the previous year the same. The year before that we gave $500,000, the year before that $288,000, the year before that $230,000, and the year before that $160,000. The proposed appropriation is, therefore, far and away in excess of the average appropriation for this purpose, and as great as any ever given, except in two years, and the greatest ever given outside of three years.

The proposed appropriation for next year is $50,000 more than was appropriated during the four years of the last Democratic Administration of President Cleveland.

Now, I want to correct a slight misapprehension as to the meaning of Mr. Sargent. We may classify this legislation as legislation for the exclusion of Chinese and legislation for the deportation of Chinese who are actually in the country. There has been no relaxation of the enforcement of the law for the exclusion of Chinese seeking to enter this country. The record does show that there has been some abatement of the efforts to scour the country and find individual Chinese who are here unlawfully and to deport them to China.

Mr. WILLIAMS. Mr. Chairman, I want to ask the gentleman if that part of the law which looks to the deportation of Chinamen unlawfully here is not just as much law as that part of it which looks to the exclusion of Chinese from the country?

Mr. SMITH of Iowa. Oh, it is just as much law; but I am simply making a statement of the truth, in order that there may be no misapprehension as to what has taken place.

Mr. WILLIAMS. There has been a suspension of the law by Executive order.

[The time of Mr. SMITH of Iowa having expired, by unanimous consent, it was extended five minutes.]

Mr. CLARK of Missouri. I should like to ask a single direct question, ad hominem: Do you indorse the act of the Secretary of Commerce and Labor in ordering Mr. Sargent to partially suspend this section of the law?

Mr. SMITH of Iowa. If the Secretary of Commerce and Labor ordered Mr. Sargent to only partially enforce this law, I do not indorse it, but the evidence does not show that.

Mr. CLARK of Missouri. What does it show?

Mr. SMITH of Iowa. The reduction of a police force of a city is not an instruction not to enforce the law. It is true there is not that diligence being displayed in the searching out of individual Chinamen who are here, and discovering why they are here, that formerly characterized the service of the Immigration Bureau.

Mr. FITZGERALD. If the gentleman will pardon me, I wish to call the attention of the gentleman to the fact that Mr. Sargent did not say that they had ceased to be as diligent searching them out, but that they had ceased arresting those found here unlawfully.

Mr. SMITH of Iowa. I do not think that Mr. Sargent's language will bear the interpretation that having discovered a specific individual who has here unlawfully that they failed to enforce the law.

Mr. FITZGERALD. What he says is, "During the agitation about the boycott in China, we thought it would be unwise to make the arrests as we had been previously doing of Chinamen found unlawfully in this country."

Mr. SMITH of Iowa. That is the testimony, but I do not think it bears the interpretation put upon it by the gentleman.

Mr. FITZGERALD. He says "We were expected under the law to take into custody those who had been admitted unlawfully, but he stopped taking them into custody."

Mr. SULLIVAN of Massachusetts. That is what he said; that is why he asked for a smaller appropriation.

Mr. SMITH of Iowa. What the gentleman from New York has read Mr. Sargent did say. Now, the expenses are only at about the rate of $300,000 a year, and the committee has given $200,000 more than will probably be expended, in order that there may be no charge laid at the door of Congress that we have not furnished an abundance of money to enforce this law.

Mr. CLARK of Missouri. I would like to ask if he had pursued these instructions that he received from his superior officer to the end he could have reduced the expenditure entirely except the officers' salaries.

Mr. SMITH of Iowa. No, no; there is no intimation that any relaxation of the exclusion of the Chinese seeking entry here has taken place whatever.

Mr. CLARK of Missouri. Does not the gentleman know that one of the most important parts of the exclusion of the Chinese in a broad sense is to harness up these fellows that get in surreptitiously and deport them?

Mr. SMITH of Iowa. I am not the master of English that the gentleman from Missouri is, yet I think there is a distinction between excluding a man and deporting a man.

Mr. CLARK of Missouri. It is all in the exclusion law.

Mr. SMITH of Iowa. It is all in the text of the exclusion law, but there are two different things provided for.

Mr. CLARK of Missouri. If he had carried out the instructions of his superior officer entirely, he could have reduced all of the expenses of that office except paying the salaries.

Mr. SMITH of Iowa. I have answered that he could not, because there was no intimation that there was to be a relaxation of the exclusion features of the law. But I have nothing to do with that. This appropriation, as proposed by the committee, is $200,000 more than is now required per year. It furnishes the money for the very purpose asked for by the gentleman from New York. It is abundant for a rigid enforcement of the law in every detail and every line of it. It is $200,000 more than, in my judgment, will be spent. It is one of the largest appropriations ever made for this purpose by the Government,

and to raise it another $100,000 is to idly swell the appropriations of this Congress without the slightest anticipation, in my judgment, upon the part even of my friend from New York, who offers the amendment, that the money will ever be spent.

Mr. TAWNEY. Mr. Chairman, I move that all debate on the pending paragraph and amendments be now closed.

Mr. WILLIAMS. I hope the gentleman will not insist on that motion.

The CHAIRMAN. The gentleman from Minnesota moves that all debate upon the pending paragraph be now closed.

Mr. FITZGERALD. Mr. Chairman, I move to amend the motion, that the debate on the paragraph be closed in twenty minutes.

Mr. TAWNEY. There has been three speeches on this amendment, two in favor of the amendment and one against it on behalf of the committee. I think we ought to close debate at this time and vote on the question before the committee rises; that is, vote whether or not this appropriation should be increased from $500,000 to $600,000. The question is not whether the law has or has not been enforced, which is the question gentlemen desire to discuss, and for that reason I ask that the debate be now closed.

Mr. FITZGERALD. The gentleman from Minnesota refused to have more than one hour of general debate and assured the the House that upon every question in this bill upon which there was legitimate discussion we should have ample time to discuss it, and I appeal to him now that he should give a reasonable time—twenty minutes—to some gentlemen who wish to speak on this subject.

The CHAIRMAN. The gentleman from Minnesota moves that debate be now closed.

Mr. FITZGERALD. Why, Mr. Chairman, I offered an amendment to that, and I insist upon the Chair putting it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York, that debate be closed in twenty minutes.

Mr. WILLIAMS. Mr. Chairman, I offer an amendment to the amendment, that debate upon the pending paragraph be closed in one hour.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the pending paragraph be now closed. The gentleman from New York [Mr. FITZGERALD] offers an amendment to that proposition that all debate be closed in twenty minutes, and to that amendment the gentleman from Mississippi [Mr. WILLIAMS] moves an amendment that all debate be closed in one hour. The question is on the amendment offered by the gentleman from Mississippi, that all debate be closed in one hour.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 30, noes 78.

Mr. WILLIAMS. I demand tellers.

Tellers were ordered, and the gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Minnesota [Mr. TAWNEY] were appointed to act as tellers.

The committee again divided; and the tellers reported—ayes 37, noes 83.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from New York that all debate be closed in twenty minutes.

The question was taken, and while it was being announced Mr. WILLIAMS demanded a division.

Mr. TAWNEY. Mr. Chairman, I demand tellers.

Tellers were ordered.

The commmittee again divided; and the tellers announced—ayes 34, noes 63.

So the amendment was rejected.

Mr. CLARK of Missouri. Now, Mr. Chairman, I move an amendment to the motion of the gentleman from Minnesota, that debate be closed in five minutes.

Mr. TAWNEY. I make the point of order that the motion is dilatory.

The CHAIRMAN. And the Chair sustains the point of order.

Mr. FITZGERALD. Oh, Mr. Chairman——

Mr. GROSVENOR. The regular order!

Mr. FITZGERALD. But I appeal from the decision of the Chair.

Mr. TAWNEY. And I make the point that the appeal is dilatory.

The CHAIRMAN. The Chair declines to entertain the appeal.

Mr. WILLIAMS. Upon what ground?

The CHAIRMAN. That it is a dilatory motion, and if an appeal were entertained on a dilatory motion there would be no end of appeals.

Mr. WILLIAMS. But upon what ground does the Chair decide?

Several MEMBERS. Regular order!

The CHAIRMAN. The question now is on the motion of the gentleman from Minnesota, that all debate be now closed.

The question was taken; and before it was announced Mr. FITZGERALD demanded a division.

Mr. TAWNEY. I demand tellers.

The CHAIRMAN. All those in favor of ordering tellers will rise and stand until counted. [After counting.] Evidently a sufficient number, and tellers are ordered.

Mr. WILLIAMS. I demand the other side.

The CHAIRMAN. Twenty are all that are necessary. The gentleman from Massachusetts [Mr. SULLIVAN] and the gentleman from Minnesota [Mr. TAWNEY] will take their places as tellers.

The committee again divided; and the tellers announced—ayes 79, noes 25.

So the motion was agreed to.

The CHAIRMAN. The question now recurs on the amendment to the paragraph offered by the gentleman from New York, which, without objection, the Clerk will again report.

There was no objection; and the Clerk again reported the amendment.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 33, noes 79.

Mr. WILLIAMS. Mr. Chairman, I demand tellers.

Tellers were ordered; and Mr. TAWNEY and Mr. WILLIAMS were appointed.

The committee again divided; and the tellers reported—ayes 36, noes 70.

So the amendment was rejected.

The Clerk read as follows:

To pay to Henry John Wright, of England, for information furnished, which information led to the collection of $500 fine for importing aliens under contract from England in violation of the immigration acts, to be paid from the permanent appropriation for expenses of regulating immigration, $250.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the sundry civil appropriation bill and had come to no resolution thereon.

COMMITTEE ON FOREIGN AFFAIRS.

The SPEAKER announced the appointment of Mr. COOPER of Pennsylvania upon the Committee on Foreign Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leaves of absence were granted to—

Mr. GRAHAM, indefinitely, on account of important business.

Mr. STEPHENS of Texas, indefinitely, on account of sickness in family.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8410. An act to authorize the Charleston Light and Water Company to construct and maintain a dam across Goose Creek, in Berkeley County, in the State of South Carolina;

S. 5357. An act permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn.; and

S. 2418. An act to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 239. An act relating to liability of common carriers in the District of Columbia and Territories and common carriers engaged in commerce between the States and between the States and foreign nations to their employees;

H. R. 18592. An act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto;

H. R. 13917. An act to remove the order of dismissal from the military record of Robert W. Liggett;

H. R. 14397. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1907;

H. R. 4546. An act ceding to the city of Canon City, Colo., certain lands for park purposes;

H. R. 11543. An act to correct the military record of Benjamin F. Graham;

H. R. 15332. An act to incorporate the National Society of the Sons of the American Revolution; and

H. R. 17576. An act to provide for the entry of agricultural lands within forest reserves.

ADJOURNMENT.

Then, on motion of Mr. TAWNEY (at 5 o'clock and 43 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of State, transmitting copies of ordinances of the executive council of Porto Rico granting certain franchises—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for rent of the old custom-house in New York City—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for a property clerk in the office of Commissioner of Fisheries—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 20019) restricting the right of entry under the desert-land law to surveyed public lands, and limiting the right of assignment of such entries, reported the same without amendment, accompanied by a report (No. 4896); which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19850) to authorize the Monongahela Connecting Railroad Company to construct a bridge across the Monongahela River in the State of Pennsylvania, reported the same without amendment, accompanied by a report (No. 4898); which said bill and report were referred to the House Calendar.

Mr. RUSSELL, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19854) to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across Sunflower River, reported the same without amendment, accompanied by a report (No. 4899); which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3044) to promote the efficiency of the Revenue-Cutter Service, reported the same with amendment, accompanied by a report (No. 4902); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GREENE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 17564) to amend an act entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States," reported the same with amendment, accompanied by a report (No. 4903); which said bill and report, together with views of the minority, were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20017) to regulate the checking of baggage by common carriers, reported the same with amendment, accompanied by a report (No. 4904); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 18924) for the relief of George M. Esterly, reported the same without amendment, accompanied by a report (No. 4889); which said bill and report were referred to the Private Calendar.

Mr. McGAVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 9778) for the relief of Philip Loney, reported the same without amendment, accompanied by a report (No. 4890); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 8080) for the relief of S. Kate Fisher, reported the same without amendment, accompanied by a report (No. 4891); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8078) for the relief of Miss Bernice Farrell, reported the same without amendment, accompanied by a report (No. 4892); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 3820) for the relief of Eunice Tripler, reported the same without amendment, accompanied by a report (No. 4893); which said bill and report were referred to the Private Calendar.

Mr. WELBORN, from the Committee on Claims, to which was referred the bill of the House (H. R. 8749) to refund a fine of $200 imposed upon and paid by Charles H. Marsden, owner of the tug *Owen*, reported the same with amendment, accompanied by a report (No. 4894); which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 714) for the relief of Charles B. Bentley, reported the same with amendment, accompanied by a report (No. 4895); which said bill and report were referred to the Private Calendar.

Mr. WILLIAM W. KITCHIN, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 369) to authorize the appointment of Acting Asst. Surg. Reuben A. Campbell, United States Navy, as an assistant surgeon in the United States Navy, reported the same without amendment, accompanied by a report (No. 4897); which said bill and report were referred to the Private Calendar.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1476) granting certain lands to the town of Tincup, Colo., for cemetery purposes, reported the same with amendment, accompanied by a report (No. 4901); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 20066) to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch—to the Committee on the District of Columbia.

Also, a bill (H. R. 20067) to remove dirt, gravel, sand, and other obstructions from the paved sidewalks and alleys in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. RIXEY (by request): A bill (H. R. 20068) to purchase land for a public park in northeastern section of Washington City—to the Committee on Public Buildings and Grounds.

By Mr. SIMS: A bill (H. R. 20069) for the opening of Macomb street NW., District of Columbia—to the Committee on the District of Columbia.

By Mr. MOON of Tennessee: A bill (H. R. 20070) to authorize the Chattapoogn Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: A bill (H. R. 20071) to provide for a survey for a ship canal across the State of Florida from

the Atlantic Ocean to the Gulf of Mexico, and making appropriation therefor—to the Committee on Railways and Canals.

By Mr. GOULDEN: A bill (H. R. 20072) for the relief of certain officers of the United States Signal Corps—to the Committee on Claims.

By Mr. BROUSSARD: A resolution (H. Res. 572) for the appointment of a committee to investigate all contracts connected with improvements of waterways—to the Committee on Rules.

By Mr. FULKERSON: A resolution (H. Res. 573) requesting the Secretary of Agriculture to make public certain information concerning meat products, etc.—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 20073) granting an increase of pension to R. J. Terrell—to the Committee on Pensions.

By Mr. BELL of Georgia: A bill (H. R. 20074) for the relief of the heirs of John C. Addison, deceased—to the Committee on War Claims.

By Mr. CURTIS: A bill (H. R. 20075) granting an increase of pension to J. M. G. Maver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20076) granting an increase of pension to John A. Sellman—to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 20077) granting an increase of pension to William C. Knotts—to the Committee on Invalid Pensions.

By Mr. DIXON of Montana: A bill (H. R. 20078) granting an increase of pension to Walter M. English—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 20079) granting an increase of pension to Richard F. Barret—to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 20080) granting a pension to Joseph E. Harvey—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 20081) granting an increase of pension to Charles Bachman—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 20082) granting an increase of pension to William Van Alst—to the Committee on Invalid Pensions.

By Mr. McCLEARY of Minnesota: A bill (H. R. 20083) granting an increase of pension to William Ballard—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 20084) granting a pension to Nelson Yarnall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20085) granting an increase of pension to Robert La Fontaine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20086) authorizing and directing the Secretary of the Interior to issue patent to John D. Sargent for lands embraced in his homestead entry—to the Committee on the Public Lands.

By Mr. PATTERSON of South Carolina: A bill (H. R. 20087) granting an increase of pension to Cassia C. Tyler—to the Committee on Pensions.

Also, a bill (H. R. 20088) granting an increase of pension to Mary J. Thurmond—to the Committee on Pensions.

Also, a bill (H. R. 20089) granting an increase of pension to Elizabeth Ann Langford—to the Committee on Pensions.

By Mr. PAYNE: A bill (H. R. 20090) granting a pension to Kate Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20091) granting an increase of pension to John A. Smith—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 20092) for the relief of John A. Long—to the Committee on War Claims.

Also, a bill (H. R. 20093) granting an increase of pension to Adam Leonard—to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 20094) granting an increase of pension to Seth W. Johnson—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 20095) granting an increase of pension to Ardel C. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20096) granting a pension to Theresia Bell—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of New Jersey: Petition of National German-American Alliance, for installation of a commission to study the matter of immigration and formulate suggestions as to same—to the Committee on Immigration and Naturalization.

By Mr. CURTIS: Petition of Atchison Council, No. 99, United States Travelers' Association, against consolidation of third and fourth class mail matter—to the committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of national executive committee of the German-American Alliance, for a commission to thoroughly study and formulate suggestions relative to best distribution of immigrants over the country—to the Committee on Immigration and Naturalization.

By Mr. DUNWELL: Petition of Charles Colna, favoring a ship railway across Isthmus of Panama—to the Committee on Interstate and Foreign Commerce.

Also, petition of the national executive committee of National German Alliance, for commission to study and report best distribution of immigrants over this country—to the Committee on Immigration and Naturalization.

By Mr. ELLIS: Paper to accompany bill for relief of Richard F. Barrett—to the Committee on Pensions.

By Mr. FITZGERALD: Petition of the National German Alliance, for commission to study and report on best distribution to be made of immigrants—to the Committee on Immigration and Naturalization.

By Mr. FLOYD: Paper to accompany bill for relief of W. H. Linscott—to the Committee on Invalid Pensions.

By Mr. KLEPPER: Petition of business men of Maysville, Stewartsville, Turney, Kearney, Eagleville, Coffeyburg, Lawson, Winston, Liberty, Princeton, Braymer, Pattonsburg, McFall, Lathrop, Smithville, and Henry, Mo., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Petition of national executive committee of National German Alliance, for commission to study and suggest best distribution of immigrants over the country—to the Committee on Immigration and Naturalization.

Also, petition of W. P. Perkins, for passage of bill prohibiting sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Joseph Grosner, against the proposed restrictive immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Immigration Restriction League, for S. 4403, relative to immigration—to the Committee on Immigration and Naturalization.

Also, petition of Glass Bottle Blowers' Association of United States and Canada, for the Pearre bill (H. R. 18752), relative to anti-injunction—to the Committee on the Judiciary.

Also, petition of International Reform Bureau, for Sunday closing of Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of Rev. William Sheafe Chase, for passage of the Tirrell bill, relative to Federal laws interfering with State laws governing sale of liquor—to the Committee on Alcoholic Liquor Traffic.

By Mr. MANN: Resolution of Chicago Live Stock Exchange, relative to Federal inspection—to the Committee on Agriculture.

By Mr. MORRELL: Petitions of the Firemen of Philadelphia; Division No. 71, Brotherhood of Locomotive Engineers, and Enterprise Lodge, No. 75, Brotherhood of Locomotive Firemen, against antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of Elizabeth Ann Longlord—to the Committee on Pensions.

Also, paper to accompany bill for relief of Cassia C. Tyler—to the Committee on Pensions.

By Mr. REYNOLDS: Paper to accompany bill for relief of Burdene Beake—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Adam Leonard—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of national executive committee of National German Alliance, for commission to study and report best distribution to be made of immigrants—to the Committee on Immigration and Naturalization.

By Mr. STEENERSON: Petitions of G. A. Johnson, the Kittson County Enterprise, F. C. Johnson, J. C. Simpson, Charles Gustafson, and A. T. Mills, for amendment to post-office laws and regulations making legal all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

Also, petition of Albert Anderson et al., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. D. Nason, S. N. Bagley, A. E. McDonald, C. J. Sawbridge, and J. P. Coughlin, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SULZER: Petition of national executive committee of National German Alliance, for commission to study and report on best distribution to be made of immigrants over the country—to the Committee on Immigration and Naturalization.

Also, petition of Brotherhood of Railway Trainmen, against the antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ZENOR: Paper to accompany bill for relief of James Allen—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *June 9, 1906.*

Prayer by Rev. CHARLES CUTHBERT HALL, D. D., of the city of New York.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ESTIMATE OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, urging that the estimate heretofore submitted for a deficiency appropriation of $80,000 to meet the amount needed to pay for the manufacture of stamped envelopes and newspaper wrappers be considered and made available as promptly as possible; which was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Edward W. Larabee, administrator of Stephen Larabee, deceased, and Charles H. Greenleaf, administrator of Amos L. Allen, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Antoine Decuir, Joseph Auguste Decuir, and Rosa Decuir Macias, heirs of Antoine Decuir, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 5811) to amend section 3646 of the Revised Statutes of the United States as amended by the act of February 16, 1885, as amended by the act of February 23, 1906.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 2294. An act granting a pension to Michael Reynolds; and

S. 4375. An act granting an increase of pension to David McCredie;

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 1143. An act granting an increase of pension to Ephraim D. Achey;

H. R. 1148. An act granting an increase of pension to Marion F. Halbert;

H. R. 1217. An act granting an increase of pension to Spillard F. Horrall;

H. R. 1549. An act granting an increase of pension to Louis H. Gein;

H. R. 1836. An act granting an increase of pension to Hiram B. Thomas;

H. R. 1871. An act granting an increase of pension to Alonzo Cooper;

H. R. 2014. An act granting an increase of pension to Enoch McCabe;

H. R. 2212. An act granting an increase of pension to John B. Johnson;

H. R. 2315. An act granting a pension to Miranda Berkhead;

H. R. 2715. An act granting an increase of pension to Charles Martine;

H. R. 2772. An act granting an increase of pension to Eli Cero;

H. R. 2789. An act granting an increase of pension to Merrill Johnson;

H. R. 3338. An act granting an increase of pension to Lafayette Franks;

H. R. 4205. An act granting an increase of pension to Amanda W. Ritchie;

H. R. 4292. An act granting a pension to George W. Kelley;

H. R. 4659. An act granting an increase of pension to John F. Morris;

H. R. 4678. An act granting an increase of pension to John F. Casper;

H. R. 4689. An act granting an increase of pension to James Reeder;

H. R. 4690. An act granting an increase of pension to Andrew J. Slinger;

H. R. 4707. An act granting an increase of pension to John H. Pitman;

H. R. 4967. An act granting an increase of pension to Joshua Holcomb;

H. R. 5504. An act for the relief of Jesse Elliott;

H. R. 5728. An act granting an increase of pension to William Harvey;

H. R. 5846. An act granting an increase of pension to John M. Chandler;

H. R. 5913. An act granting a pension to Helen Goll;

H. R. 6201. An act granting an increase of pension to George W. Laking;

H. R. 6495. An act granting an increase of pension to Phineas Hyde;

H. R. 6944. An act granting an increase of pension to David P. Kimball;

H. R. 6956. An act granting an increase of pension to Henry L. Johnson;

H. R. 7254. An act granting an increase of pension to Isom Gwin;

H. R. 7580. An act granting an increase of pension to James W. Stewart;

H. R. 7652. An act granting an increase of pension to Charles W. Timms;

H. R. 7719. An act granting an increase of pension to George Fetterman;

H. R. 7871. An act granting an increase of pension to Jerome L. Brown;

H. R. 8214. An act granting an increase of pension to Joseph Slagg;

H. R. 8215. An act granting an increase of pension to Ira Palmer;

H. R. 8273. An act granting an increase of pension to John M. Pearson;

H. R. 8481. An act granting an increase of pension to Richard Callaghan;

H. R. 8712. An act granting an increase of pension to Josiah Hall;

H. R. 9101. An act granting an increase of pension to James W. Loomis;

H. R. 9107. An act granting a pension to James W. Russell;

H. R. 9262. An act granting an increase of pension to Thomas J. Farrar;

H. R. 9465. An act granting a pension to Ella Q. Parish;

H. R. 9836. An act granting an increase of pension to Dier Collett;

H. R. 10267. An act granting an increase of pension to David W. Farington;

H. R. 10814. An act granting a pension to Eugene A. Myers;

H. R. 11142. An act granting an increase of pension to James McQuade;

H. R. 11483. An act granting a pension to Maria Niles;

H. R. 11888. An act granting an increase of pension to Hemar A. Harris;

H. R. 12021. An act granting a pension to James M. Wood;

H. R. 12100. An act granting a pension to James Wallace Phillips;

H. R. 12128. An act granting an increase of pension to Dennis A. Litzinger;

H. R. 12190. An act granting an increase of pension to Milton R. Dungan;

H. R. 12339. An act granting an increase of pension to Charles T. Murray;

H. R. 12482. An act granting an increase of pension to Samuel B. McLean;

H. R. 12667. An act granting an increase of pension to Charles W. Weber;

H. R. 13057. An act granting an increase of pension to James S. Salsberry;

H. R. 13318. An act granting an increase of pension to Odom Butler;

H. R. 14144. An act granting a pension to Allen M. Cameron;

H. R. 14163. An act granting an increase of pension to Jerome Lang;
H. R. 14190. An act granting an increase of pension to John Ewing;
H. R. 14211. An act granting an increase of pension to Deborah J. Pruitt;
H. R. 14257. An act granting an increase of pension to Fleming H. Freeland;
H. R. 14480. An act granting an increase of pension to Mary C. Moore;
H. R. 14537. An act granting an increase of pension to Robert B. Crawford;
H. R. 14680. An act granting an increase of pension to Sampson Parker;
H. R. 14928. An act for the relief of F. V. Walker;
H. R. 15619. An act granting an increase of pension to Samuel W. Atkinson;
H. R. 15620. An act granting an increase of pension to David D. Owens;
H. R. 15713. An act granting an increase of pension to William McCrea;
H. R. 15763. An act granting an increase of pension to Gainford N. Upton;
H. R. 15856. An act granting a pension to Gordon A. Thurber;
H. R. 15945. An act granting a pension to Cynthia A. Compton;
H. R. 16169. An act granting a pension to Neal O'Donnel Parks;
H. R. 16211. An act granting an increase of pension to John W. Montgomery;
H. R. 16342. An act granting a pension to Matilda Foster;
H. R. 16397. An act granting an increase of pension to Allie Williams;
H. R. 16411. An act granting an increase of pension to Newton Moore;
H. R. 16513. An act granting an increase of pension to Bridget M. Duffy;
H. R. 16575. An act granting a pension to Taylor Bates, alias Baits;
H. R. 16741. An act granting an increase of pension to William J. Girvan;
H. R. 16747. An act granting a pension to Sherman Jacobs;
H. R. 16748. An act granting an increase of pension to Lucius C. Fletcher;
H. R. 16856. An act granting an increase of pension to Joseph McBride;
H. R. 16875. An act granting an increase of pension to John K. Hart;
H. R. 17015. An act granting an increase of pension to Osbert D. Dickey;
H. R. 17266. An act granting an increase of pension to Henry W. Alspach;
H. R. 17481. An act granting a pension to Eliza F. Wadsworth;
H. R. 17651. An act granting an increase of pension to Mary A. Riley;
H. R. 17675. An act granting an increase of pension to Jonas M. Sees;
H. R. 17691. An act granting an increase of pension to George W. Henrie;
H. R. 17732. An act granting an increase of pension to Joseph Scott;
H. R. 17740. An act granting an increase of pension to Charles M. Sexton;
H. R. 17874. An act granting an increase of pension to Roseanna Hughes;
H. R. 17918. An act granting a pension to Walter S. Harman;
H. R. 18018. An act granting an increase of pension to David Evans;
H. R. 18045. An act granting an increase of pension to John M. Webb;
H. R. 18066. An act granting an increase of pension to Alexander M. Fergus;
H. R. 18113. An act granting an increase of pension to Louisa M. Sees;
H. R. 18193. An act granting an increase of pension to Walden Kelly;
H. R. 18214. An act granting an increase of pension to John Ingram;
H. R. 18227. An act granting an increase of pension to Catharine F. Fitzgerald;
H. R. 18343. An act granting an increase of pension to John N. Oliver;
H. R. 18363. An act granting an increase of pension to Rudolph Bentz;
H. R. 18403. An act granting an increase of pension to Mary Jane Ragan;
H. R. 18429. An act granting an increase of pension to David Mitchell;
H. R. 18432. An act granting an increase of pension to David Dirck;
H. R. 18493. An act granting an increase of pension to George H. Reeder;
H. R. 18543. An act granting an increase of pension to James M. Follin;
H. R. 18544. An act granting an increase of pension to John W. Coates;
H. R. 18545. An act granting an increase of pension to David Upham;
H. R. 18601. An act granting an increase of pension to Edward A. Barnes;
H. R. 18606. An act granting an increase of pension to Maria A. Maher;
H. R. 18657. An act granting an increase of pension to Nicholas Schue;
H. R. 18685. An act granting an increase of pension to Francis G. Fuller;
H. R. 18705. An act granting an increase of pension to Thomas T. Page;
H. R. 18769. An act granting an increase of pension to Louisa Story;
H. R. 18816. An act granting an increase of pension to Harriet Wetherby;
H. R. 18860. An act granting an increase of pension to Andrew J. Anderson;
H. R. 19033. An act granting an increase of pension to Moses S. Rockwood;
H. R. 19035. An act granting a pension to Elizabeth Moore Morgan;
H. R. 19067. An act granting an increase of pension to Thomas J. Smith;
H. R. 19080. An act granting an increase of pension to Frederick Fienop;
H. R. 19091. An act granting an increase of pension to Ernst Langeneck;
H. R. 19100. An act granting an increase of pension to Asa G. Brooks;
H. R. 19101. An act granting an increase of pension to Sarah C. A. Scott;
H. R. 19105. An act granting an increase of pension to William H. Moser;
H. R. 19118. An act granting an increase of pension to Effingham Vanderburgh;
H. R. 19119. An act granting an increase of pension to Susan M. Osborn;
H. R. 19161. An act granting an increase of pension to Marcus D. Tenney;
H. R. 19162. An act granting an increase of pension to Charles Van Tine;
H. R. 19163. An act granting an increase of pension to Margaret Munson;
H. R. 19174. An act granting an increase of pension to Martha A. Billings;
H. R. 19215. An act granting an increase of pension to John Lingenfelder;
H. R. 19241. An act granting an increase of pension to Henry A. Conant;
H. R. 19245. An act granting an increase of pension to William C. Hoover;
H. R. 19256. An act granting an increase of pension to Louisa J. Birthright;
H. R. 19293. An act granting an increase of pension to William Colvin;
H. R. 19298. An act granting an increase of pension to Job B. Crabtree;
H. R. 19300. An act granting an increase of pension to P. Easley;
H. R. 19317. An act granting an increase of pension to Samantha B. Marshall;
H. R. 19318. An act granting an increase of pension to Mary E. Rivers;
H. R. 19319. An act granting an increase of pension to Elizabeth Spruell;
H. R. 19320. An act granting an increase of pension to Louise J. Pratt;
H. R. 19321. An act granting an increase of pension to Mary E. Turner;
H. R. 19322. An act granting an increase of pension to Mary Isabella Rykard;

H. R. 19323. An act granting an increase of pension to Orlando L. Levy;
H. R. 19324. An act granting an increase of pension to Susan M. Long;
H. R. 19325. An act granting an increase of pension to George Oppel;
H. R. 19326. An act granting an increase of pension to Margaret R. Van Diver;
H. R. 19337. An act granting an increase of pension to Elizabeth C. Kennedy;
H. R. 19352. An act granting an increase of pension to Philip Killey;
H. R. 19357. An act granting an increase of pension to Anna Lamar Walker;
H. R. 19359. An act granting an increase of pension to Levi Brader;
H. R. 19389. An act granting an increase of pension to Lewis Marquis;
H. R. 19404. An act granting an increase of pension to Elias S. Falkenburg;
H. R. 19415. An act granting an increase of pension to Sara Ann Reavis;
H. R. 19416. An act granting an increase of pension to Antonio Macello;
H. R. 19462. An act granting an increase of pension to Emily Fox;
H. R. 19463. An act granting an increase of pension to Emma L. Patterson;
H. R. 19483. An act granting a pension to Lydia A. Patnaude;
H. R. 19503. An act granting an increase of pension to David S. Jones;
H. R. 19504. An act granting an increase of pension to Margaret E. Walker;
H. R. 19511. An act granting an increase of pension to Alexander Dixson;
H. R. 19514. An act granting an increase of pension to James H. Stimpson;
H. R. 19528. An act granting an increase of pension to Elizabeth Maddox;
H. R. 19529. An act granting an increase of pension to Nancy Elizabeth Hutcheson;
H. R. 19530. An act granting an increase of pension to Charles P. Gray;
H. R. 19533. An act granting an increase of pension to Mary A. Hall;
H. R. 19534. An act granting an increase of pension to Noah Ressequie;
H. R. 19538. An act granting an increase of pension to Sarah Jane Dougherty;
H. R. 19587. An act granting an increase of pension to Martha Ann Jones;
H. R. 19601. An act granting an increase of pension to John E. Kingsbury;
H. R. 19604. An act granting an increase of pension to Beverley McK. Lacey;
H. R. 19626. An act granting an increase of pension to Samuel Campbell;
H. R. 19659. An act granting an increase of pension to Margaret S. Miller;
H. R. 19662. An act granting an increase of pension to Joseph Kircher;
H. R. 19670. An act granting a pension to Maria Rogers;
H. R. 19686. An act granting an increase of pension to Orin S. Rarick;
H. R. 19743. An act granting an increase of pension to W. P. McMichael;
H. R. 19744. An act granting an increase of pension to George Casper Homan Hummel, alias George C. Homan;
H. R. 19819. An act granting an increase of pension to Johanna Kearney;
H. R. 19889. An act granting an increase of pension to John M. Melson;
H. R. 19922. An act granting an increase of pension to Mary A. Sutherland; and
H. R. 19926. An act granting an increase of pension to Andrew Leopold.

Subsequently, the foregoing pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 2418. An act to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes.

S. 5357. An act permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn; and

H. R. 8410. An act to authorize the Charleston Light and Water Company to construct and maintain a dam across Goose Creek, in Berkley County, in the State of South Carolina.

PETITIONS AND MEMORIALS.

Mr. SPOONER presented a petition of the District Convention of Congregational Churches, held at Racine, Wis., praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

Mr. FLINT presented memorials of sundry railroad employees of Oakland, Kern City, Truckee, Sacramento, Bakersfield, San Bernardino, Needles, San Diego, San Luis Obispo, San Francisco, and Los Angeles, all in the State of California; of Chicago, Ill., and of Memphis, Tenn., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. KNOX presented memorials of sundry railroad employees of Renovo, Pittston, Bellwood, Dubois, and Altoona, and of sundry employees of the Pennsylvania lines west of Pittsburg, all in the State of Pennsylvania, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. STONE presented petitions of L. L. Sullins, editor Rustler, Russellville; C. S. Dragoo, editor Journal, Rockport; C. C. Mitchim, editor Press, De Soto; J. E. Dismukes, editor Democrat, Salisbury; Concordia Publishing House, St. Louis; Oliver Chilton, editor Current Local, Van Buren; J. W. Morris, editor Wave, Hopkins; Lawrence Gelweer, publisher Architect and Builder, Kansas City; Miss Anna Coen, editor Herald, Bucklin; J. H. Kohrs, editor Times, Billings; O. C. Williams, editor Record, Benton; G. B. Cowley, editor The Chief, Cowgill; W. G. Warner, editor Leader, Lamar; W. C. Long, editor Owl, Stanberry; Ernest E. Smith, editor Daily Record, Kansas City; and Cyrus H. Ray, Purdy, all in the State of Missouri, praying for certain amendments to the postal laws regulating publications admitted to the second class; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a memorial of Brotherhood of Railroad Trainmen, No. 336, of Pittsfield, Mass., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

Mr. PERKINS presented a memorial of Trainmen's Lodge of Kern, Cal., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

Mr. ALLEE presented memorials of sundry employees of the Pennsylvania Railroad Company, of Wilmington, Del., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. NELSON presented a petition of sundry citizens of Minneapolis, Minn., praying for the passage of the so-called "free alcohol bill;" which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, to report it with amendments, and I submit a report thereon. I give notice that I shall try to get the bill up the first thing on Monday morning.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. DOLLIVER, from the Committee on Education and Labor, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5469) to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States; and

A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. KNOX, from the Committee on the Judiciary, to whom was referred the bill (H. R. 18330) transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa, reported it with an amendment, and submitted a report thereon.

Mr. HOPKINS, from the Committee on Fisheries, to whom was referred the bill of the House (H. R. 13543) for the protection and regulation of the fisheries of Alaska, reported it with an amendment.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 19255) granting an increase of pension to John Bradford; and

A bill (H. R. 14930) granting a pension to Mary Whisler.

CROW WING RIVER DAM, MINNESOTA.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 17881) permitting the building of a dam across the Crow Wing River between the counties of Morrison and Cass, State of Minnesota, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MALLORY introduced a bill (S. 6414) granting a pension to Daniel Cannon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 6415) granting an increase of pension to Henry M. McMachan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 6416) for the relief of certain officers of the Signal Service; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. KNOX introduced a bill (S. 6417) to amend "An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, and so forth, under the act of June 13, 1898, and for other purposes," approved June 27, 1902; which was read twice by its title, and referred to the Committee on Finance.

Mr. CLAPP introduced a bill (S. 6418) to establish an additional recording district in Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PETTUS introduced a bill (S. 6419) for the relief of the Chestnut Grove Church, of Decatur, Ala.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CLARK of Wyoming introduced a bill (S. 6420) to provide for the acknowledgment of deeds and other instruments in Guam, Samoa, and the Panama Canal Zone to affect lands in the District of Columbia and the Territories; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate $10,000 for designs for a memorial in the Vicksburg National Military Park, commemorating the services of the Union Navy in the western waters during the civil war, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. WETMORE submitted an amendment proposing to appropriate $225,000 for constructing a steam revenue cutter to be stationed at Newport, R. I., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. TELLER submitted an amendment proposing to amend section 4 of the act approved April 26, 1906, relative to the reexamination of the enrollment records of the Five Civilized Tribes of Indians, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ACCOUNTS OF POSTMASTERS IN TEXAS.

Mr. CULBERSON submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to have stated in the Sixth Auditor's Office the salary accounts of former postmasters, named on annexed memorandum schedule, who served at post-offices in Texas in terms between July 1, 1864, and July 1, 1874, and who applied to the Postmaster-General prior to January 1, 1887, for payment of increased salary under the act of March 3, 1883, such salary accounts to be stated upon the registered returns of each postmaster for each term of service specified on memorandum schedule hereto attached, and by the method and rule laid down by the Postmaster-General for the statement and payment of salary accounts of former postmasters under the act of March 3, 1883, in his public order of February 16, 1884, directing payment of salaries by commissions and box rents, less the salaries paid at time of service; and to enable the Secretary of the Treasury the better to comply with this resolution, the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim specified on the memorandum schedule hereto attached; and the Secretary of the Treasury is hereby directed to report to the Senate such stated salary accounts of former postmasters as soon as they can be made ready.

Memorandum schedule, Texas.

Post-office in Texas.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
Acton	Benj. T. Tipton	1885	1870-1872	$135	$24	$111
Alleyton	H. Gaedcke	1885	1868-1870	175	100	75
Do	T. W. Thompson	1885	1872-1874	250	220	30
Alvarado	John J. Ramsey	1886	1872-1874	100	25	75
Anderson	Thos. Reiling	1883	1866-1868	480	220	260
Aransas	W. R. Hay	1884	1870-1874	100	48	52
Athens	Jeff. E. Thompson.	1883	1870-1872	340	88	252
Bagdad	John D. Mason	1883	1868-1870	70	50	20
Do	do	1883	1870-1872	125	50	75
Do	do	1883	1872-1874	200	150	50
Bandera	Chas. Schmidtke	1885	1872-1874	68	24	44
Banquete	Mary A. Madray	1886	1868-1872	56	32	24
Bastrop	Chas. Wertzmer	1886	1866-1868	1,257	680	577
Beeville	T. R. Atkins	1886	1868-1870	177	21	156
Bellville	Wm. Alexander	1886	1870-1872	507	360	147
Belmont	John B. Chester	1885	1870-1872	320	240	80
Belton	Harvey S. Webb	1883	1868-1870	1,240	859	381
Do	W. A. Miller	1884	1866-1868	840	440	400
Ben Franklin	H. M. Taylor	1884	1872-1874	70	24	46
Birdville	T. Hardisty	1884	1872-1874	64	24	40
Black Jack Grove.	W. A. Green	1885	1866-1868	63	8	55
Do	do	1885	1868-1870	112	63	49
Blanco	Jno. M. Comparet	1884	1872-1874	175	77	98
Do	M. F. Bell	1885	1866-1868	92	50	42
Do	do	1885	1868-1870	116	96	20
Do	do	1885	1870-1872	206	115	91
Do	do	1885	1872-1874	160	103	57
Blossom Prairie	Jas. Jordan	1885	1870-1872	100	24	76
Boerne	J. G. O'Grady	1886	1866-1868	229	144	85
Do	Bertha Staffel	1884	1870-1872	225	162	63
Bonham	T. H. Lydston	1884	1870-1872	1,450	1,180	270
Boston	M. J. Odell	1885	1868-1870	194	100	94
Do	do	1885	1870-1872	445	320	125
Brenham	D. A. Allen	1884	1866-1868	3,260	1,980	1,220
Do	do	1884	1868-1870	4,700	3,800	900
Buena Vista	Ransom Wheeler	1886	1868-1870	69	16	53
Burnett	Mrs. M. E. Coffee	1885	1870-1872	200	126	74
Do	do	1885	1872-1874	200	136	100
Burton	H. Knittel	1885	1870-1872	380	24	356
Caldwell	Thos. F. Hudson	1885	1866-1868	311	138	173
Do	do	1885	1868-1870	523	311	212
Do	M. H. Addison	1884	1872-1874	550	460	90
Calvert	P. W. Hall	1883	1868-1870	1,100	100	1,000
Cameron	Porter Rice	1885	1866-1868	189	84	105
Do	W. K. Homan	1885	1868-1870	384	72	312
Do	do	1885	1870-1872	700	600	100
Caney	Julius Glatz	1886	1866-1868	174	98	76
Do	do	1886	1870-1872	160	126	34
Canton	F. M. Hobbs	1885	1870-1872	351	116	235
Carolina	Edward H. Featherston.	1886	1870-1872	96	24	72
Cartersville	H. C. Vardy	1886	1868-1870	88	8	80
Do	do	1886	1870-1872	108	88	20
Castroville	Jno. Vance	1886	1866-1868	200	138	62
Do	do	1886	1868-1870	296	188	108
Do	do	1886	1870-1872	371	296	75
Cedar Grove	W. F. McGuire	1885	1870-1872	106	24	82
Cedar Hill	Susan E. Merrifield.	1886	1868-1870	94	38	56
Center	Benjamin Harkness.	1885	1866-1868	60	9	51
Do	do	1885	1868-1870	111	72	39
Centerville	H. M. Cook	1883	1870-1872	235	163	72
Do	H. Keller	1885	1866-1868	444	100	344
Do	do	1885	1870-1872	235	163	72
Chapel Hill	J. S. Haller	1885	1870-1872	650	500	150
Charleston	Z. R. Terrell	1886	1870-1872	83	24	59
Chatfield	Wm. M. Molloy	1885	1870-1872	155	16	139
Cherry Springs	Christian Kothe	1886	1866-1868	29	10	19
Clarksville	Mary W. Donoho	1885	1866-1868	292	85	207
Cleburne	Sol Lockett	1886	1870-1872	1,200	500	700
Do	B. S. Greenham	1884	1868-1870	450	24	426
Do	Benj. F. Harris	1884	1872-1874			150
Clifton	F. M. Browning	1886	1870-1872	160	16	144
Cold Spring	J. N. Harris	1885	1870-1872	380	200	180
Columbia	H. Stevens	1885	1868-1870	481	421	61
Do	do	1885	1870-1872	300	240	60
Do	T. J. Roberts	1886	1866-1868	455	260	195
Do	J. P. Underwood	1886	1870-1872	225	180	45

Memorandum schedule, Texas—Continued.

Post-office in Texas.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
Columbus	H. H. Haskell	1885	1866-1868	$1,229	$800	$429
Do	do	1885	1868-1870	917	717	200
Comanche	T. J. Nabors	1885	1870-1872	200	30	200
Comfort	F. Hardenbrock	1886	1866-1868	220	130	90
Do	do	1886	1868-1870	275	220	55
Content	F. Boettcher	1885	1866-1868	91	42	49
Do	do	1885	1868-1870	161	96	65
Do	do	1885	1870-1872	190	161	29
Do	do	1885	1872-1874	260	200	60
Corpus Christi	J. L. Marsh	1885	1866-1868	1,570	740	830
Cottongin	M. E. Roberts	1886	1870-1872	300	200	100
Do	Mattie Ficklin	1885	1866-1868	175	81	94
Courtney	Edward Grinnes	1885	1868-1870	371	220	151
Do	do	1885	1870-1872	375	96	279
Do	W. J. Callaway	1884	1872-1874	520	420	100
Crockett	Mark Miller	1885	1870-1872	910	680	230
Do	do	1886	1872-1874	1,300	1,020	280
Do	S. V. Halls	1885	1866-1868	368	240	128
Cuero	R. Franke	1886	1872-1874	750	538	212
Cummings	John A. McKenney.	1886	1868-1870	81	33	48
Cuthand	W. L. Garvin	1886	1868-1870	47	16	31
Daingerfield	John T. Turrentin.	1885	1868-1870	297	184	113
Do	do	1885	1870-1872	470	320	150
Dallas	Wm. Jones	1885	1870-1872	3,200	2,200	1,000
Decatur	H. M. Hardwick	1885	1870-1872	450	142	308
Denton	John Stanfield	1885	1870-1872	703	260	443
Do	do	1885	1872-1874	820	703	117
Do	L. M. Fry	1885	1866-1868	217	112	105
Eagle Pass	Geo. Enderle	1886	1866-1868	134	5	129
Do	do	1886	1868-1870	85	33	52
Do	G. McKay	1886	1868-1870	421	167	254
El Paso	Frank C. Marsh	1884	1872-1874	1,250	1,000	250
Do	Edward Stine	1883	1868-1870	480	120	360
Ennis	J. M. Dixon	1884	1872-1874	1,100	820	280
Fayetteville	Reiner Zimmerman.	1885	1866-1868	305	200	105
Fincastle	B. P. Adams	1886	1870-1874	100	48	52
Flatonia	F. W. Flato	1884	1870-1872	96	24	72
Do	do	1884	1872-1874	298	98	200
Florence	Smith Brown	1884	1866-1868	80	22	58
Do	P. H. Adams	1884	1870-1872	185	96	89
Fort Quitman	G. W. Wahl	1885	1868-1870	373	40	333
Fort Worth	P. J. Bowdry	1884	1872-1874	1,700	1,120	580
Do	C. J. Louchx	1886	1866-1868	200	84	116
Do	do	1886	1870-1872	1,320	1,120	200
Fredericksburg	Aug. Schild	1885	1868-1870	1,000	790	210
Do	Henry C. Lochte	1885	1866-1868	600	340	260
Frelsburg	Mathew Malsch	1885	1866-1868	246	168	78
Do	do	1885	1868-1870	309	246	63
Gainesville	Mary Carpenter	1886	1866-1868	256	210	46
Do	do	1886	1868-1870	466	340	126
Do	do	1886	1870-1872	550	466	84
Do	do	1886	1872-1874			100
Gatesville	Luther M. Allen	1884	1870-1872	330	60	270
Georgetown	J. B. Napier	1884	1870-1872	750	400	350
Do	do	1884	1872-1874	1,100	900	200
Do	E. H. Napier	1885	1866-1868	460	340	120
Goliad	Lucius McCain	1885	1870-1872	680	520	160
Do	C. H. Baker	1884	1872-1874	900	680	220
Granbury	Jesse F. Nutt	1884	1870-1872	200	24	176
Do	J. C. Haynes	1885	1872-1874	375	287	88
Do	C. C. Fornwalt	1885	1872-1874			50
Gray Rock	J. E. Carr	1885	1870-1872	128	40	88
Greenville	W. H. B. Orr	1885	1868-1870			150
Hackberry	Mrs. A. Newhams	1886	1868-1870	107	70	37
Harmony Hill	W. L. Fainbrough	1884	1868-1870	96	18	78
Harrisburg	Josiah Paul	1885	1870-1872	690	340	350
Helena	L. B. Russell	1884	1868-1870	420	250	170
Helotes	Chas. Mueller	1884	1872-1874			50
Hempstead	T. G. Patrick	1885	1866-1868	707	316	391
Do	Wm. Ahrenbeck	1885	1868-1870	1,360	1,180	180
Do	A. B. Coggshall	1885	1863-1870	850	737	113
Do	do	1885	1870-1872	1,550	1,360	190
Hickory Hill	D. L. Hendriks	1886	1868-1870	92	44	48
Do	do	1886	1870-1872	106	92	14
Hockley	Jas. Horman	1886	1866-1868	207	140	67
Do	do	1886	1868-1870	385	260	125
Honey Grove	Geo. A. Dailey	1885	1868-1870	201	171	30
Hopkinsville	Jas. Taylor	1886	1868-1870	78	40	38
Huntsville	E. F. Josey	1883	1866-1868	1,466	1,300	166
Hutchins	M. O. Bledsoe	1884	1872-1874			75
Independence	C. Heidenheimer	1886	1868-1870	385	96	289
Do	do	1886	1870-1872	520	440	80
Indianola	Julius Wagner	1885	1868-1870	1,278	970	308
Industry	G. Hennings	1884	1866-1868	250	158	92
Do	do	1884	1870-1872	280	240	40
Jacksonboro	S. F. Stinson	1884	1872-1874	1,150	1,040	110
Jacksboro	Louisa J. Baggett	1886	1868-1870	285	18	167
Jamestown	John L. Bacon	1885	1870-1872	60	24	36
Jefferson	Donald Campbell	1886	1866-1868	3,190	2,322	868
Do	do	1886	1868-1870	4,400	3,600	800
Jasper	D. J. Henderson	1884	1868-1870	190	132	58
Kaufman	M. A. Morris	1884	1870-1872	700	440	260
Do	V. I. Stirman	1884	1872-1874	1,200	800	400
Kerrville	Christian Dietert	1885	1870-1872	74	40	34
Do	do	1885	1872-1874	180	132	48
Knoxville	Jas. G. Bell	1886	1868-1870	34	8	26
Do	do	1886	1870-1872	89	44	45

Memorandum schedule, Texas—Continued.

Post-office in Texas.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
Ladonia	D. S. Redner	1885	1868-1870	$155	$82	$73
Do	do	1885	1870-1872	350	172	178
Lamar	Peter Johnson	1885	1872-1874	60	38	22
Lampassas	John Markward	1885	1868-1870	266	154	112
Do	do	1885	1870-1872	470	320	150
Do	L. D. Nichols	1886	1872-1874	650	540	110
Lancaster	Paul Henry	1883	1868-1870	479	344	135
Do	do	1883	1870-1872	768	479	289
Lavernia	Jas. H. McMahon	1885	1870-1872	180	28	152
Lewisville	S. A. Kealy	1884	1870-1872	216	176	40
Lexington	H. J. Hester	1885	1866-1868	177	66	111
Do	do	1885	1868-1870	426	260	166
Do	do	1885	1870-1872	521	426	95
Liberty Hill	W. R. Bratton	1884	1870-1872	200	32	168
Linden	Andrew Nelson	1885	1870-1872	150	48	102
Livingston	John Herring	1884	1868-1870	184	70	114
Lockhart	Champion Cowan	1885	1866-1868	585	420	165
Do	J. W. Laney	1885	1872-1874	775	660	115
Longview	J. M. Taylor	1886	1870-1872	684	24	660
Lynchburg	T. C. Landon	1885	1870-1872	210	60	150
Do	do	1885	1872-1874	350	300	50
McDade	A. M. Beall	1885	1870-1872	650	480	170
McKinney	Jos. I. Chastain	1884	1870-1872			200
Do	do	1884	1872-1874	2,300	1,880	420
Do	Jos. W. Thomas	1886	1866-1868	976	800	176
Madisonville	R. Mahorner	1884	1872-1874	220	178	42
Marlin	W. Killebrew	1885	1866-1868			75
Do	do	1885	1872-1874			200
Marshall	Henry Rawson	1886	1866-1868	3,300	1,940	360
Marquez	A. D. Boggs	1883	1872-1874			75
Mason	Benj. F. Gooch	1883	1866-1868			284
Menardsville	Wm. Prescott, jr.	1885	1870-1872	113	24	89
Meridian	T. T. Angel	1885	1870-1872	345	240	105
Do	S. W. Billingslee	1885	1868-1870	320	180	140
Middleton	John J. Marshall	1885	1870-1872	72	6	66
Minnesola	Thos. L. Scruggs	1883	1872-1874			200
Montgomery	J. W. McRae	1884	1868-1870	250	150	100
Moscow	Sol Bergman	1883	1870-1872	200	143	57
Mountain City	A. B. Crossthwaite.	1883	1868-1870	250	122	128
Mount Pleasant	S. P. Adams	1885	1870-1872	251	200	51
Do	John F. Berry	1883	1868-1870			75
Do	do	1883	1870-1872	251	200	51
Navasota	Aaron Poer	1885	1870-1872	2,700	2,000	700
Do	Verplan K. Ackerman.	1884	1866-1868	1,400	620	780
New Braunfels	C. H. Holtz	1885	1866-1868	1,100	760	340
New Waverly	Wm. Whitley	1884	1872-1874	76	48	28
Nockenut	P. W. Hoblee	1886	1870-1872	68	34	34
Norman Hill	Ole Canneteson	1886	1866-1868	24	6	18
Do	do	1886	1868-1870	20	8	12
Oakland	Henry Bock	1886	1870-1872	176	152	24
Orange	L. C. R. Scott	1885	1866-1868	282	138	144
Do	do	1885	1879-1872	362	217	145
Palestine	Geo. D. Kelley	1884	1870-1872	2,300	1,200	1,100
Do	Thos. Cuthbertson.	1883	1868-1870	875	700	175
Paris	J. T. Craigo	1886	1872-1874	2,600	2,200	400
Pennington	G. W. Holland	1886	1866-1868	84	25	59
Do	do	1886	1868-1870	95	40	55
Peoria	Jenkins Davis	1886	1868-1870	112	28	84
Do	do	1886	1870-1872	143	28	115
Petersburg	Henry R. Judd	1886	1866-1868	52	30	22
Do	do	1886	1868-1870	80	52	28
Pilot Point	Jacob Martin	1885	1866-1868	168	64	104
Do	do	1885	186 -1870	300	200	100
Do	Mattison A. Dale	1885	1870-1872	352	224	128
Pine Grove	E. Thompson	1883	1868-1870	43	6	37
Do	do	1883	1872-1874			25
Pine Oak	F. M. Smith	1885	1872-1874	90	64	26
Pittsburg	Mrs. L. F. Crawford.	1886	1866-1868	144	76	68
Do	do	1886	1868-1870	228	104	124
Plano	J. W. Brock	1885	1872-1874			200
Do	Jas. H. Martin	1886	1868-1870	121	56	65
Pleasanton	Coleman Lyons	1883	1870-1872	137	28	109
Port Lavacca	Franklin Beaumont.	1885	1866-1868	1,760	1,040	720
Prairieville	James Boulden	1885	1870-1872	220	48	172
Do	do	1885	1872-1874	360	320	40
Quitman	P. T. Shuford	1884	1870-1872	420	280	140
Do	Oscar Pabst	1885	1866-1868	300	170	130
Rancho	J. L. Patterson	1886	1868-1870	60	24	36
Reagan	R. S. Harper	1885	1872-1874			75
Refugio	Hugh Rea	1885	1868-1870	60	20	40
Do	do	1885	1870-1872	122	40	82
Richmond	Matilda Hingham	1885	1866-1868	233	97	136
Rio Grande City	Geo. Spencer	1884	1866-1868	118	75	43
Do	do	1884	1868-1870	370	200	170
Do	do	1884	1870-1872	460	340	120
Do	H. G. Tachan	1884	1872-1874	650	520	130
Rockport	L. B. Russell	1884	1872-1874	1,080	980	100
Do	J. W. Moses	1885	1870-1872	890	740	150
Rockwall	B. F. Boydston	1884	1866-1868	220	74	146
Do	do	1884	1870-1872	450	280	170
Rusk	Jos. W. Vining	1885	1868-1870	596	420	176
Do	do	1885	1870-1872	672	596	74
St. Marys	Geo. Howard	1883	1872-1874	280	186	94
Salado	John T. Eubank	1885	1870-1872	540	380	160
San Augustine	A. E. Baker	1885	1866-1868	485	140	325

Memorandum schedule, Texas—Continued.

Post-office in Texas.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
San Augustine	A. E. Baker	1885	1868-1870	$578	$380	$198
Sand Flie	Mrs. M. H. Parkhurst.	1885	1868-1870	172	58	114
San Diego	Jas. O. Luby	1885	1868-1870	37	24	13
Do	do	1885	1872-1874	80	48	32
Sandy Point	Wm. Richardson	1885	1872-1874	50	24	26
Do	Chas. Love	1886	1868-1870	49	24	25
San Marcos	O. J. Driskell	1885	1866-1868	140	50	90
Do	Alfred Von Stein	1885	1870-1872	850	500	350
Do	do	1885	1872-1874	1,200	1,000	200
Do	Geo. W. Donaldson.	1884	1866-1868	250	94	156
San Saba	J. C. Rogan	1885	1872-1874	400	200	200
Scyene	Amon McCommas.	1885	1870-1872	110	40	70
Seguin	Julius Wagner	1884	1872-1874	1,300	1,180	120
Sherman	John Dorchester	1884	1868-1870	1,582	760	822
Do	do	1884	1870-1872	2,600	1,920	680
Do	do	1884	1872-1874	4,500	3,000	1,500
Do	Wm. L. Taylor	1885	1868-1868	730	285	445
Springfield	Dessie K. Houston	1884	1868-1870	255	150	105
Do	do	1884	1870-1872	550	380	170
Spring Hill	A. Hansom	1886	1868-1868	74	22	52
Do	do	1886	1868-1870	60	20	40
Do	E. J. Ward	1883	1870-1872	142	40	102
Do	do	1883	1872-1874	180	142	38
Sulphur Springs	Daniel Gunn	1885	1870-1872	535	388	147
Sweet Home	Clement Foster	1886	1870-1872	236	179	57
Texana	R. J. Brackenridge.	1884	1870-1872	220	188	32
Do	do	1884	1872-1874	300	240	60
Towash	S. C. Dyer	1885	1870-1872	132	24	108
Tyler	John Flynne	1885	1870-1872	2,400	1,720	680
Valley	Geo. Bergfeld	1886	1868-1870	57	24	33
Do	do	1886	1870-1872	91	57	34
Valley Mills	A. M. Barnett	1883	1872-1874	200	150	50
Do	I. T. O'Bryan	1885	1868-1870	150	48	102
Victoria	Henry F. Kuhne	1885	1870-1872	2,200	1,629	571
Waco	Isaac H. Caldwell	1885	1870-1872			250
Do	N. W. Harris	1885	1866-1868	2,740	2,000	740
Do	do	1885	1868-1870			200
Washington	J. Alexander	1885	1868-1868	330	240	90
Waxahachie	Julius Angleman	1885	1866-1868			72
Do	Wm. W. Knight	1885	1868-1870	440	260	180
Do	do	1885	1870-1872	1,440	800	640
Do	do	1885	1872-1874	1,880	1,680	200
Do	Harlan Rowan	1885	1866-1868	487	287	200
Do	do	1885	1868-1870	445	389	56
Weatherford	John Norton	1885	1866-1868	896	600	296
Webberville	J. S. Flaniken	1886	1870-1872	300	320	80
Weston	A. L. Patterson	1885	1870-1872	190	113	77
Wharton	J. R. Minnis	1885	1866-1868	210	44	166
Wheelock	John Sheets	1886	1866-1868			103
White Oak	E. R. Merrell	1886	1868-1870	90	24	66
White Rock	D. C. Kennedy	1886	1870-1872	119	96	23
Do	do	1886	1872-1874	160	128	32
Willis	J. E. George	1884	1872-1874	700	480	220
Winchester	C. B. Moore	1885	1866-1868	118	20	98
Woodville	W. G. McDaniel	1884	1870-1872	122	76	46
Do	do	1884	1872-1874	180	144	36
Yorktown	Jacob Gugenheimer.	1884	1866-1868	320	200	60
Do	do	1884	1870-1872	350	280	70

COMMITTEE SERVICE.

Mr. BLACKBURN. Mr. President, I am directed to ask that the senior Senator from Texas [Mr. CULBERSON] be assigned to the vacancy on the minority side of the Committee on Interoceanic Canals, in place of the late Senator from Maryland, Mr. Gorman.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Commitee on Military Affairs:

H. R. 5504. An act for the relief of Jesse Elliott; and

H. R. 14928. An act for the relief of F. V. Walker.

MICHAEL REYNOLDS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2294) granting a pension to Michael Reynolds; which was, in line 8, before the word "dollars," to strike out "twelve" and insert "eight."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DAVID M'CREDIE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4373) granting an increase of pension to David McCredie; which was, in line 7, after "Volunteers," to insert "Florida Indian war."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE-PRESIDENT. The morning business is closed.

Mr. GALLINGER. I ask unanimous consent that the District of Columbia appropriation bill be taken up for consideration.

Mr. BURKETT. Let me ask the Senator from New Hampshire if he is not willing that we should complete the school bill before going on with the appropriation bill?

Mr. GALLINGER. I am quite willing that the Senator should complete it when we get the appropriation bill through, which I hope will be very soon. I will help the Senator then to get up the school bill.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from New Hampshire? The Chair hears none, and the District of Columbia appropriation bill is before the Senate.

YOSEMITE VALLEY GRANT AND MARIPOSA BIG TREE GROVE.

Mr. PERKINS. I ask my friend from New Hampshire to yield to me for the purpose of requesting the Senate to proceed to the consideration of House joint resolution 118.

Mr. GALLINGER. As I understand that is an urgent matter, I will yield to the Senator.

Mr. PERKINS. I ask the Senate to proceed to the consideration of the joint resolution (H. J. Res. 118) accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from South Dakota?

Mr. PERKINS. Certainly.

Mr. KITTREDGE. I ask that the regular order be proceeded with.

Mr. PERKINS. Notwithstanding the objection of the Senator from South Dakota I will ask the Senate to proceed to the consideration of the joint resolution, for the reason that the legislature of California is now in session and it is very important that the joint resolution shall be passed at this time.

Mr. KITTREDGE. I still call for the regular order.

Mr. PERKINS. The Senator from New Hampshire has yielded to me.

The VICE-PRESIDENT. The Senator from South Dakota demands the regular order, which is the District of Columbia appropriation bill.

Mr. GALLINGER. Let the Secretary proceed with the reading of the appropriation bill.

Mr. PERKINS. Mr. President, have I not the right under the rule to move that notwithstanding the objection of the Senator from South Dakota the Senate shall proceed to the consideration of the joint resolution?

The VICE-PRESIDENT. The Senator has that right.

Mr. PERKINS. That is my motion.

The VICE-PRESIDENT. Objection is made to unanimous consent, and the Senator from California moves that the Senate proceed to the consideration of the joint resolution.

Mr. PERKINS. I hope the motion will prevail, for the reason that there is no possible objection to the joint resolution that I can conceive of. The legislature of California has unanimously passed a joint resolution receding——

The VICE-PRESIDENT. The Chair will state that the motion is not debatable. The question is on agreeing to the motion of the Senator from California to proceed to the consideration of the joint resolution.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. KITTREDGE. The joint resolution may lead to some debate. It was considered at quite considerable length before the Committee on Forest Reservations, and I think it should not be pressed this morning.

The VICE-PRESIDENT. But the Senate has voted to proceed to its consideration.

Mr. KITTREDGE. I understand that.

The VICE-PRESIDENT. It is not before the Senate by unanimous consent. The Secretary will read the joint resolution.

The Secretary read the joint resolution.

Mr. PERKINS. Mr. President, I wish to explain briefly

H. R. 19323. An act granting an increase of pension to Orlando L. Levy;
H. R. 19324. An act granting an increase of pension to Susan M. Long;
H. R. 19325. An act granting an increase of pension to George Oppel;
H. R. 19326. An act granting an increase of pension to Margaret R. Van Diver;
H. R. 19337. An act granting an increase of pension to Elizabeth C. Kennedy;
H. R. 19352. An act granting an increase of pension to Philip Killey;
H. R. 19357. An act granting an increase of pension to Anna Lamar Walker;
H. R. 19359. An act granting an increase of pension to Levi Brader;
H. R. 19389. An act granting an increase of pension to Lewis Marquis;
H. R. 19404. An act granting an increase of pension to Elias S. Falkenburg;
H. R. 19415. An act granting an increase of pension to Sara Ann Reavis;
H. R. 19416. An act granting an increase of pension to Antonio Macello;
H. R. 19462. An act granting an increase of pension to Emily Fox;
H. R. 19463. An act granting an increase of pension to Emma L. Patterson;
H. R. 19483. An act granting a pension to Lydia A. Patnaude;
H. R. 19503. An act granting an increase of pension to David S. Jones;
H. R. 19504. An act granting an increase of pension to Margaret E. Walker;
H. R. 19511. An act granting an increase of pension to Alexander Dixson;
H. R. 19514. An act granting an increase of pension to James H. Stimpson;
H. R. 19528. An act granting an increase of pension to Elizabeth Maddox;
H. R. 19529. An act granting an increase of pension to Nancy Elizabeth Hutcheson;
H. R. 19530. An act granting an increase of pension to Charles P. Gray;
H. R. 19533. An act granting an increase of pension to Mary A. Hall;
H. R. 19534. An act granting an increase of pension to Noah Ressequie;
H. R. 19538. An act granting an increase of pension to Sarah Jane Dougherty;
H. R. 19587. An act granting an increase of pension to Martha Ann Jones;
H. R. 19601. An act granting an increase of pension to John E. Kingsbury;
H. R. 19604. An act granting an increase of pension to Beverley McK. Lacey;
H. R. 19626. An act granting an increase of pension to Samuel Campbell;
H. R. 19659. An act granting an increase of pension to Margaret S. Miller;
H. R. 19662. An act granting an increase of pension to Joseph Kircher;
H. R. 19670. An act granting a pension to Maria Rogers;
H. R. 19686. An act granting an increase of pension to Orin S. Rarick;
H. R. 19743. An act granting an increase of pension to W. P. McMichael;
H. R. 19744. An act granting an increase of pension to George Casper Homan Hummel, alias George C. Homan;
H. R. 19819. An act granting an increase of pension to Johanna Kearney;
H. R. 19889. An act granting an increase of pension to John M. Melson;
H. R. 19922. An act granting an increase of pension to Mary A. Sutherland; and
H. R. 19926. An act granting an increase of pension to Andrew Leopold.

Subsequently, the foregoing pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 2418. An act to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes.

S. 5357. An act permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn; and

H. R. 8410. An act to authorize the Charleston Light and Water Company to construct and maintain a dam across Goose Creek, in Berkley County, in the State of South Carolina.

PETITIONS AND MEMORIALS.

Mr. SPOONER presented a petition of the District Convention of Congregational Churches, held at Racine, Wis., praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

Mr. FLINT presented memorials of sundry railroad employees of Oakland, Kern City, Truckee, Sacramento, Bakersfield, San Bernardino, Needles, San Diego, San Luis Obispo, San Francisco, and Los Angeles, all in the State of California; of Chicago, Ill., and of Memphis, Tenn., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. KNOX presented memorials of sundry railroad employees of Renovo, Pittston, Bellwood, Dubois, and Altoona, and of sundry employees of the Pennsylvania lines west of Pittsburg, all in the State of Pennsylvania, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. STONE presented petitions of L. L. Sullins, editor Rustler, Russellville; C. S. Dragoo, editor Journal, Rockport; C. C. Mitchim, editor Press, De Soto; J. E. Dismukes, editor Democrat, Salisbury; Concordia Publishing House, St. Louis; Oliver Chilton, editor Current Local, Van Buren; J. W. Morris, editor Wave, Hopkins; Lawrence Gelweer, publisher Architect and Builder, Kansas City; Miss Anna Coen, editor Herald, Bucklin; J. H. Kohrs, editor Times, Billings; O. C. Williams, editor Record, Benton; G. B. Cowley, editor The Chief, Cowgill; W. G. Warner, editor Leader, Lamar; W. C. Long, editor Owl, Stanberry; Ernest E. Smith, editor Daily Record, Kansas City; and Cyrus H. Ray, Purdy, all in the State of Missouri, praying for certain amendments to the postal laws regulating publications admitted to the second class; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a memorial of Brotherhood of Railroad Trainmen, No. 336, of Pittsfield, Mass., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

Mr. PERKINS presented a memorial of Trainmen's Lodge of Kern, Cal., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

Mr. ALLEE presented memorials of sundry employees of the Pennsylvania Railroad Company, of Wilmington, Del., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. NELSON presented a petition of sundry citizens of Minneapolis, Minn., praying for the passage of the so-called "free alcohol bill;" which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, to report it with amendments, and I submit a report thereon. I give notice that I shall try to get the bill up the first thing on Monday morning.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. DOLLIVER, from the Committee on Education and Labor, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5469) to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States; and

A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. KNOX, from the Committee on the Judiciary, to whom was referred the bill (H. R. 18330) transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa, reported it with an amendment, and submitted a report thereon.

Mr. HOPKINS, from the Committee on Fisheries, to whom was referred the bill of the House (H. R. 13543) for the protection and regulation of the fisheries of Alaska, reported it with an amendment.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 19255) granting an increase of pension to John Bradford; and

A bill (H. R. 14930) granting a pension to Mary Whisler.

CROW WING RIVER DAM, MINNESOTA.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 17881) permitting the building of a dam across the Crow Wing River between the counties of Morrison and Cass, State of Minnesota, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MALLORY introduced a bill (S. 6414) granting a pension to Daniel Cannon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 6415) granting an increase of pension to Henry M. McMachan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 6416) for the relief of certain officers of the Signal Service; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. KNOX introduced a bill (S. 6417) to amend "An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, and so forth, under the act of June 13, 1898, and for other purposes," approved June 27, 1902; which was read twice by its title, and referred to the Committee on Finance.

Mr. CLAPP introduced a bill (S. 6418) to establish an additional recording district in Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PETTUS introduced a bill (S. 6419) for the relief of the Chestnut Grove Church, of Decatur, Ala.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CLARK of Wyoming introduced a bill (S. 6420) to provide for the acknowledgment of deeds and other instruments in Guam, Samoa, and the Panama Canal Zone to affect lands in the District of Columbia and the Territories; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate $10,000 for designs for a memorial in the Vicksburg National Military Park, commemorating the services of the Union Navy in the western waters during the civil war, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. WETMORE submitted an amendment proposing to appropriate $225,000 for constructing a steam revenue cutter to be stationed at Newport, R. I., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. TELLER submitted an amendment proposing to amend section 4 of the act approved April 26, 1906, relative to the reexamination of the enrollment records of the Five Civilized Tribes of Indians, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ACCOUNTS OF POSTMASTERS IN TEXAS.

Mr. CULBERSON submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to have stated in the Sixth Auditor's Office the salary accounts of former postmasters, named on annexed memorandum schedule, who served at post-offices in Texas in terms between July 1, 1864, and July 1, 1874, and who applied to the Postmaster-General prior to January 1, 1887, for payment of increased salary under the act of March 3, 1883, such salary accounts to be stated upon the registered returns of each postmaster for each term of service specified on memorandum schedule hereto attached, and by the method and rule laid down by the Postmaster-General for the statement and payment of salary accounts of former postmasters under the act of March 3, 1883, in his public order of February 16, 1884, directing payment of salaries by commissions and box rents, less the salaries paid at time of service; and to enable the Secretary of the Treasury the better to comply with this resolution, the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim specified on the memorandum schedule hereto attached; and the Secretary of the Treasury is hereby directed to report to the Senate such stated salary accounts of former postmasters as soon as they can be made ready.

Memorandum schedule, Texas.

Post-office in Texas.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
Acton	Benj. T. Tipton	1885	1870-1872	$135	$24	$111
Alleyton	H. Gaedcke	1885	1868-1870	175	100	75
Do	T. W. Thompson	1885	1872-1874	250	220	30
Alvarado	John J. Ramsey	1886	1872-1874	100	25	75
Anderson	Thos. Reiling	1883	1866-1868	480	220	260
Aransas	W. R. Hay	1884	1870-1874	100	48	52
Athens	Jeff. E. Thompson.	1883	1870-1872	340	88	252
Bagdad	John D. Mason	1883	1868-1870	70	50	20
Do	do	1883	1870-1872	125	50	75
Do	do	1883	1872-1874	200	150	50
Bandera	Chas. Schmidtke	1885	1872-1874	68	24	44
Banquete	Mary A. Madray	1886	1868-1872	56	32	24
Bastrop	Chas. Wertzmer	1886	1866-1868	1,257	680	577
Beeville	T. R. Atkins	1886	1868-1870	177	21	156
Bellville	Wm. Alexander	1886	1870-1872	507	360	147
Belmont	John B. Chester	1885	1870-1872	320	240	80
Belton	Harvey S. Webb	1883	1868-1870	1,240	859	381
Do	W. A. Miller	1884	1866-1868	840	440	400
Ben Franklin	H. M. Taylor	1884	1872-1874	70	24	46
Birdville	T. Hardisty	1884	1872-1874	64	24	40
Black Jack Grove.	W. A. Green	1885	1866-1868	63	8	55
Do	do	1885	1868-1870	112	63	49
Blanco	Jno. M. Comparet	1884	1872-1874	175	77	98
Do	M. F. Bell	1885	1866-1868	92	50	42
Do	do	1885	1868-1870	116	96	20
Do	do	1885	1870-1872	206	115	91
Do	do	1885	1872-1874	160	103	57
Blossom Prairie	Jas. Jordan	1885	1870-1872	100	24	76
Boerne	J. G. O'Grady	1886	1866-1868	229	144	85
Do	Bertha Staffel	1884	1870-1872	225	162	63
Bonham	T. H. Lydston	1884	1870-1872	1,450	1,180	270
Boston	M. J. Odell	1885	1868-1870	194	100	94
Do	do	1885	1870-1872	445	320	125
Brenham	D. A. Allen	1884	1866-1868	3,200	1,980	1,220
Do	do	1884	1868-1870	4,700	3,800	900
Buena Vista	Ransom Wheeler	1886	1868-1870	69	16	53
Burnett	Mrs. M. E. Coffee	1885	1870-1872	200	126	74
Do	do	1885	1872-1874	200	126	100
Burton	H. Knittel	1885	1870-1872	380	24	356
Caldwell	Thos. F. Hudson	1885	1866-1868	311	138	173
Do	do	1885	1868-1870	523	311	212
Do	M. H. Addison	1884	1872-1874	550	460	90
Calvert	P. W. Hall	1883	1868-1870	1,100	100	1,000
Cameron	Porter Rice	1885	1866-1868	189	84	105
Do	W. K. Homan	1885	1868-1870	384	72	312
Do	do	1885	1870-1872	700	600	100
Caney	Julius Glatz	1886	1866-1868	174	98	76
Do	do	1886	1870-1872	160	126	34
Canton	F. M. Hobbs	1885	1870-1872	351	116	235
Carolina	Edward H. Featherston.	1886	1870-1872	96	24	72
Cartersville	H. C. Vardy	1886	1868-1870	88	8	80
Do	do	1886	1870-1872	108	88	20
Castroville	Jno. Vance	1886	1866-1868	200	138	62
Do	do	1886	1868-1870	296	188	108
Do	do	1886	1870-1872	371	296	75
Cedar Grove	W. F. McGuire	1885	1870-1872	106	24	82
Cedar Hill	Susan E. Merrifield.	1886	1868-1870	94	38	56
Center	Benjamin Harkness.	1885	1866-1868	60	9	51
Do	do	1885	1868-1870	111	72	39
Centerville	H. M. Cook	1883	1870-1872	235	163	72
Do	H. Keller	1885	1866-1868	444	100	344
Do	do	1885	1870-1872	235	163	72
Chapel Hill	J. S. Haller	1885	1870-1872	650	500	150
Charleston	Z. R. Terrell	1886	1870-1872	83	24	59
Chatfield	Wm. M. Molloy	1885	1870-1872	155	16	139
Cherry Springs	Christian Kothe	1886	1866-1868	29	10	19
Clarksville	Mary W. Donoho	1885	1866-1868	292	85	207
Cleburne	Sol Lockett	1886	1870-1872	1,200	500	700
Do	B. S. Greenham	1884	1868-1870	450	24	426
Do	Benj. F. Harris	1884	1872-1874			150
Clifton	F. M. Browning	1885	1870-1872	160	16	144
Cold Spring	J. N. Harris	1885	1870-1872	380	200	180
Columbia	H. Stevens	1885	1868-1870	481	421	61
Do	do	1885	1870-1872	300	240	60
Do	T. J. Roberts	1886	1866-1868	455	260	195
Do	J. P. Underwood	1886	1870-1872	225	180	45

Memorandum schedule, Texas—Continued.

Post-office in Texas.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
Columbus	H. H. Haskell	1885	1866-1868	$1,229	$800	$429
Do	do	1885	1868-1870	917	717	200
Comanche	T. J. Nabors	1885	1870-1872	290	30	260
Comfort	F. Hardenbrock	1886	1866-1868	220	130	90
Do	do	1886	1868-1870	275	220	55
Content	F. Boettcher	1885	1866-1868	91	42	49
Do	do	1885	1868-1870	161	96	65
Do	do	1885	1870-1872	190	161	29
Do	do	1885	1872-1874	260	200	60
Corpus Christi	J. L. Marsh	1885	1866-1868	1,570	740	830
Cottongin	M. E. Roberts	1886	1870-1872	300	200	100
Do	Mattie Ficklin	1885	1866-1868	175	81	94
Courtney	Edward Grinnez	1885	1868-1870	371	220	151
Do	do	1885	1870-1872	375	96	279
Do	W. J. Callaway	1884	1872-1874	520	420	100
Crockett	Mark Miller	1885	1870-1872	910	680	230
Do	do	1885	1872-1874	1,300	1,020	280
Do	S. V. Halls	1885	1866-1868	368	240	128
Cuero	R. Franke	1886	1872-1874	750	538	212
Cummings	John A. McKenney.	1886	1868-1870	81	33	48
Cuthand	W. L. Garvin	1886	1868-1870	47	16	31
Daingerfield	John T. Turrentin.	1885	1868-1870	297	184	113
Do	do	1885	1870-1872	470	320	150
Dallas	Wm. Jones	1885	1870-1872	3,200	2,200	1,000
Decatur	H. M. Hardwick	1885	1870-1872	450	142	308
Denton	John Stanfield	1885	1870-1872	703	260	443
Do	do	1885	1872-1874	820	703	117
Do	L. M. Fry	1885	1866-1868	217	112	105
Eagle Pass	Geo. Enderle	1886	1866-1868	134	5	129
Do	do	1886	1868-1870	85	33	52
Do	G. McKay	1886	1868-1870	421	167	254
El Paso	Frank C. Marsh	1884	1872-1874	1,250	1,000	250
Do	Edward Stine	1883	1868-1870	480	120	360
Ennis	J. M. Dixon	1884	1872-1874	1,100	820	280
Fayetteville	Reiner Zimmerman.	1885	1866-1868	305	200	105
Fincastle	B. P. Adams	1886	1870-1874	100	48	52
Flatonia	F. W. Flato	1884	1870-1872	96	24	72
Do	do	1884	1872-1874	298	98	200
Florence	Smith Brown	1884	1866-1868	80	22	58
Do	P. H. Adams	1884	1870-1872	185	96	89
Fort Quitman	G. W. Wahl	1885	1868-1870	373	40	333
Fort Worth	P. J. Bowdry	1884	1872-1874	1,700	1,120	580
Do	C. J. Louchx	1886	1866-1868	200	84	116
Do	do	1886	1870-1872	1,320	1,120	200
Fredericksburg	Aug. Schild	1885	1868-1870	1,000	790	210
Do	Henry C. Lochte	1885	1866-1868	600	340	260
Frelsburg	Mathew Malsch	1885	1866-1868	246	168	78
Do	do	1885	1868-1870	309	246	63
Gainesville	Mary Carpenter	1886	1866-1868	256	210	46
Do	do	1886	1868-1870	466	340	126
Do	do	1886	1870-1872	550	466	84
Do	do	1886	1872-1874			100
Gatesville	Luther M. Allen	1884	1870-1872	330	60	270
Georgetown	J. B. Napier	1884	1870-1872	750	400	350
Do	do	1884	1872-1874	1,100	900	200
Do	E. H. Napier	1885	1866-1868	460	340	120
Goliad	Lucius McCain	1885	1870-1872	680	520	160
Do	C. H. Baker	1884	1872-1874	900	680	220
Granbury	Jesse F. Nutt	1884	1870-1872	200	24	176
Do	J. C. Haynes	1885	1872-1874	375	287	88
Do	C. C. Fornwalt	1885	1872-1874			50
Gray Rock	J. E. Carr	1885	1870-1872	128	40	88
Greenville	W. H. B. Orr	1885	1868-1870			150
Hackberry	Mrs. A. Newhams	1886	1868-1870	107	70	37
Harmony Hill	W. L. Fainbrough	1884	1868-1870	96	18	78
Harrisburg	Josiah Paul	1885	1870-1872	690	340	350
Helena	L. B. Russell	1884	1868-1870	420	250	170
Helotes	Chas. Mueller	1884	1872-1874			50
Hempstead	T. G. Patrick	1885	1866-1868	707	316	391
Do	Wm. Ahrenbeck	1885	1868-1870	1,360	1,180	180
Do	A. B. Coggshall	1885	1863-1870	850	737	113
Do	do	1885	1870-1872	1,550	1,360	190
Hickory Hill	D. L. Hendriks	1886	1868-1870	92	44	48
Do	do	1886	1870-1872	106	92	14
Hockley	Jas. Horman	1886	1866-1868	207	140	67
Do	do	1886	1868-1870	385	260	125
Honey Grove	Geo. A. Dailey	1885	1868-1870	201	171	30
Hopkinsville	Jas. Taylor	1886	1868-1870	78	40	38
Huntsville	E. F. Josey	1883	1866-1868	1,466	1,300	166
Hutchins	M. O. Bledsoe	1884	1872-1874			75
Independence	C. Heidenheimer	1886	1868-1870	385	96	289
Do	do	1886	1870-1872	520	440	80
Indianola	Julius Wagner	1885	1868-1870	1,278	970	308
Industry	G. Hennings	1884	1866-1868	250	158	92
Do	do	1884	1870-1872	280	240	40
Jacksonboro	S. F. Stinson	1884	1872-1874	1,150	1,040	110
Jacksboro	Louisa J. Baggett	1886	1868-1870	285	18	167
Jamestown	John L. Bacon	1885	1870-1872	60	24	36
Jefferson	Donald Campbell	1886	1866-1868	3,190	2,322	868
Do	do	1886	1868-1870	4,400	3,600	800
Jasper	D. J. Henderson	1884	1868-1870	190	132	58
Kaufman	M. A. Morris	1884	1870-1872	700	440	260
Do	V. I. Stirman	1884	1872-1874	1,200	800	400
Kerrville	Christian Dietert	1885	1870-1872	74	40	34
Do	do	1885	1872-1874	180	132	48
Knoxville	Jas. G. Bell	1886	1868-1870	34	8	26
Do	do	1886	1870-1872	99	44	45

Memorandum schedule, Texas—Continued.

Post-office in Texas.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
Ladonia	D. S. Redner	1885	1868-1870	$155	$82	$73
Do	do	1885	1870-1872	350	172	178
Lamar	Peter Johnson	1885	1872-1874	60	38	22
Lampassas	John Markward	1885	1868-1870	266	154	112
Do	do	1885	1870-1872	470	320	150
Do	L. D. Nichols	1886	1872-1874	650	540	110
Lancaster	Paul Henry	1883	1868-1870	479	344	135
Do	do	1883	1870-1872	768	479	289
Lavernia	Jas. H. McMahon	1885	1870-1872	180	28	152
Lewisville	S. A. Kealy	1884	1870-1872	216	176	40
Lexington	H. J. Hester	1885	1866-1868	177	66	111
Do	do	1885	1868-1870	426	260	166
Do	do	1885	1870-1872	521	426	95
Liberty Hill	W. R. Bratton	1884	1870-1872	200	32	168
Linden	Andrew Nelson	1885	1870-1872	150	48	102
Livingston	John Herring	1884	1868-1870	184	70	114
Lockhart	Champion Cowan	1885	1866-1868	585	420	165
Do	J. W. Laney	1885	1872-1874	775	660	115
Longview	J. M. Taylor	1886	1870-1872	684	24	660
Lynchburg	T. C. Landon	1885	1870-1872	210	60	150
Do	do	1885	1872-1874	350	300	50
McDade	A. M. Beall	1885	1870-1872	650	480	170
McKinney	Jos. I. Chastain	1884	1870-1872			200
Do	do	1884	1872-1874	2,300	1,880	420
Do	Jos. W. Thomas	1886	1866-1868	976	800	176
Madisonville	R. Mahorner	1884	1872-1874	220	178	42
Marlin	W. Killebrew	1885	1866-1868			75
Do	do	1885	1872-1874			200
Marshall	Henry Rawson	1886	1866-1868	3,300	1,940	360
Marquez	A. D. Boggs	1883	1872-1874			75
Mason	Benj. F. Gooch	1883	1866-1868			234
Menardsville	Wm. Prescott, jr.	1885	1870-1872	113	24	89
Meridian	T. T. Angel	1885	1870-1872	345	240	105
Do	S. W. Billingslee	1885	1868-1870	320	180	140
Middleton	John J. Marshall	1885	1870-1872	72	6	66
Minnesola	Thos. L. Scruggs	1883	1872-1874			200
Montgomery	J. W. McRae	1884	1868-1870	250	150	100
Moscow	Sol Bergman	1883	1870-1872	200	143	57
Mountain City	A. B. Crossthwaite.	1883	1868-1870	250	122	128
Mount Pleasant	S. P. Adams	1885	1870-1872	251	200	51
Do	John F. Berry	1883	1868-1870			75
Do	do	1883	1870-1872	251	200	51
Navasota	Aaron Poer	1885	1870-1872	2,700	2,000	700
Do	Verplan K. Ackerman.	1884	1866-1868	1,400	620	780
New Braunfels	C. H. Holtz	1885	1866-1868	1,100	760	340
New Waverly	Wm. Whitley	1884	1872-1874	76	48	28
Nockenut	P. W. Hoblee	1886	1870-1872	68	34	34
Norman Hill	Ole Cannteson	1886	1866-1868	24	6	18
Do	do	1886	1868-1870	20	8	12
Oakland	Henry Bock	1886	1870-1872	176	152	24
Orange	L. C. R. Scott	1885	1866-1868	282	138	144
Do	do	1885	1879-1872	362	217	145
Palestine	Geo. D. Kelley	1884	1870-1872	2,300	1,200	1,100
Do	Thos. Cuthbertson.	1883	1868-1870	875	700	175
Paris	J. T. Craigo	1886	1872-1874	2,600	2,200	400
Pennington	G. W. Holland	1886	1866-1868	84	25	59
Do	do	1886	1868-1870	95	40	55
Peoria	Jenkins Davis	1886	1868-1870	112	28	84
Do	do	1886	1870-1872	143	28	115
Petersburg	Henry R. Judd	1886	1866-1868	52	30	22
Do	do	1886	1868-1870	80	52	28
Pilot Point	Jacob Martin	1885	1866-1868	168	64	104
Do	do	1885	186 -1870	300	200	100
Do	Mattison A. Dale	1885	1870-1872	352	224	128
Pine Grove	E. Thompson	1883	1868-1870	43	6	37
Do	do	1883	1872-1874			25
Pine Oak	F. M. Smith	1885	1872-1874	90	64	26
Pittsburg	Mrs. L. F. Crawford.	1886	1866-1868	144	76	68
Do	do	1886	1868-1870	228	104	124
Plano	J. W. Brock	1885	1872-1874			200
Do	Jas. H. Martin	1886	1868-1870	121	56	65
Pleasanton	Coleman Lyons	1883	1870-1872	137	28	109
Port Lavacca	Franklin Beaumont.	1885	1866-1868	1,760	1,040	720
Prairieville	James Boulden	1885	1870-1872	220	48	172
Do	do	1885	1872-1874	360	320	40
Quitman	P. T. Shuford	1884	1870-1872	420	280	140
Do	Oscar Pabst	1885	1866-1868	300	170	130
Rancho	J. L. Patterson	1886	1868-1870	60	24	36
Reagan	R. S. Harper	1885	1872-1874			75
Refugio	Hugh Rea	1885	1868-1870	60	20	40
Do	do	1885	1870-1872	122	40	82
Richmond	Matilda Hingham	1885	1866-1868	233	97	136
Rio Grande City	Geo. Spencer	1884	1866-1868	118	75	43
Do	do	1884	1868-1870	370	200	170
Do	do	1884	1870-1872	460	340	120
Do	H. G. Tachan	1884	1872-1874	650	520	130
Rockport	L. B. Russell	1884	1872-1874	1,080	980	100
Do	J. W. Moses	1885	1870-1872	890	740	150
Rockwall	B. F. Boydston	1884	1866-1868	220	74	146
Do	do	1884	1870-1872	450	280	170
Rusk	Jos. W. Vining	1885	1868-1870	596	420	176
Do	do	1885	1870-1872	672	596	74
St. Marys	Geo. Howard	1883	1872-1874	280	186	94
Salado	John T. Eubank	1885	1870-1872	540	380	160
San Augustine	A. E. Baker	1885	1866-1868	435	140	295

Memorandum schedule, Texas—Continued.

Post-office in Texas.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
San Augustine	A. E. Baker	1885	1868-1870	$578	$380	$198
Sand Flie	Mrs. M. H. Parkhurst.	1885	1868-1870	172	58	114
San Diego	Jas. O. Luby	1885	1868-1870	37	24	13
Do	do	1885	1872-1874	80	48	32
Sandy Point	Wm. Richardson	1885	1872-1874	50	24	26
Do	Chas. Love	1886	1868-1870	49	24	25
San Marcos	O. J. Driskell	1885	1866-1868	140	50	90
Do	Alfred Von Stein	1885	1870-1872	850	500	350
Do	do	1885	1872-1874	1,200	1,000	200
Do	Geo. W. Donaldson.	1884	1866-1868	250	94	156
San Saba	J. C. Rogan	1885	1872-1874	400	200	200
Scyene	Amon McCommas.	1885	1870-1872	110	40	70
Seguin	Julius Wagner	1884	1872-1874	1,300	1,180	120
Sherman	John Dorchester	1884	1868-1870	1,582	760	822
Do	do	1884	1870-1872	2,000	1,320	680
Do	do	1884	1872-1874	4,500	3,000	1,500
Do	Wm. L. Taylor	1885	1866-1868	730	285	445
Springfield	Dessie K. Houston	1884	1868-1870	255	150	105
Do	do	1884	1870-1872	550	380	170
Spring Hill	A. Hansom	1886	1866-1868	74	22	52
Do	do	1886	1868-1870	60	20	40
Do	E. J. Ward	1883	1870-1872	142	40	102
Do	do	1883	1872-1874	180	142	38
Sulphur Springs	Daniel Gunn	1885	1870-1872	535	388	147
Sweet Home	Clement Foster	1886	1870-1872	236	179	57
Texana	R. J. Brackenridge.	1884	1870-1872	220	188	32
Do	do	1884	1872-1874	300	240	60
Towash	S. C. Dyer	1885	1870-1872	132	24	108
Tyler	John Flynne	1885	1870-1872	2,400	1,720	680
Valley	Geo. Bergfeld	1886	1868-1870	57	24	33
Do	do	1886	1870-1872	91	57	34
Valley Mills	A. M. Barnett	1883	1872-1874	200	150	50
Do	I. T. O'Bryan	1885	1868-1870	150	48	102
Victoria	Henry F. Kuhne	1885	1870-1872	2,200	1,629	571
Waco	Isaac H. Caldwell	1886	1870-1872			250
Do	N. W. Harris	1885	1866-1868	2,740	2,000	740
Do	do	1885	1868-1870			200
Washington	J. Alexander	1885	1866-1868	330	240	90
Waxahachie	Julius Angleman	1885	1866-1868			72
Do	Wm. W. Knight	1885	1868-1870	440	260	180
Do	do	1885	1870-1872	1,440	800	640
Do	do	1885	1872-1874	1,880	1,680	200
Do	Harlan Rowan	1885	1866-1868	487	287	200
Do	do	1885	1868-1870	445	389	56
Weatherford	John Norton	1885	1866-1868	896	600	296
Webberville	J. S. Flaniken	1886	1870-1872	300	320	80
Weston	A. L. Patterson	1885	1870-1872	190	113	77
Wharton	J. R. Minnis	1885	1866-1868	210	44	166
Wheelock	John Sheets	1886	1866-1868			103
White Oak	E. R. Merrell	1886	1868-1870	90	24	66
White Rock	D. C. Kennedy	1886	1870-1872	119	96	23
Do	do	1886	1872-1874	160	128	32
Willis	J. E. George	1884	1872-1874	700	480	220
Winchester	C. B. Moore	1885	1866-1868	118	20	98
Woodville	W. G. McDaniel	1884	1870-1872	122	76	46
Do	do	1884	1872-1874	180	144	36
Yorktown	Jacob Gugenheimer.	1884	1866-1868	320	260	60
Do	do	1884	1870-1872	350	280	70

COMMITTEE SERVICE.

Mr. BLACKBURN. Mr. President, I am directed to ask that the senior Senator from Texas [Mr. CULBERSON] be assigned to the vacancy on the minority side of the Committee on Interoceanic Canals, in place of the late Senator from Maryland, Mr. Gorman.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Commitee on Military Affairs:

H. R. 5504. An act for the relief of Jesse Elliott; and

H. R. 14928. An act for the relief of F. V. Walker.

MICHAEL REYNOLDS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2294) granting a pension to Michael Reynolds; which was, in line 8, before the word "dollars," to strike out "twelve" and insert "eight."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DAVID M'CREDIE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4375) granting an increase of pension to David McCredie; which was, in line 7, after "Volunteers," to insert "Florida Indian war."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE-PRESIDENT. The morning business is closed.

Mr. GALLINGER. I ask unanimous consent that the District of Columbia appropriation bill be taken up for consideration.

Mr. BURKETT. Let me ask the Senator from New Hampshire if he is not willing that we should complete the school bill before going on with the appropriation bill?

Mr. GALLINGER. I am quite willing that the Senator should complete it when we get the appropriation bill through, which I hope will be very soon. I will help the Senator then to get up the school bill.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from New Hampshire? The Chair hears none, and the District of Columbia appropriation bill is before the Senate.

YOSEMITE VALLEY GRANT AND MARIPOSA BIG TREE GROVE.

Mr. PERKINS. I ask my friend from New Hampshire to yield to me for the purpose of requesting the Senate to proceed to the consideration of House joint resolution 118.

Mr. GALLINGER. As I understand that is an urgent matter, I will yield to the Senator.

Mr. PERKINS. I ask the Senate to proceed to the consideration of the joint resolution (H. J. Res. 118) accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from South Dakota?

Mr. PERKINS. Certainly.

Mr. KITTREDGE. I ask that the regular order be proceeded with.

Mr. PERKINS. Notwithstanding the objection of the Senator from South Dakota I will ask the Senate to proceed to the consideration of the joint resolution, for the reason that the legislature of California is now in session and it is very important that the joint resolution shall be passed at this time.

Mr. KITTREDGE. I still call for the regular order.

Mr. PERKINS. The Senator from New Hampshire has yielded to me.

The VICE-PRESIDENT. The Senator from South Dakota demands the regular order, which is the District of Columbia appropriation bill.

Mr. GALLINGER. Let the Secretary proceed with the reading of the appropriation bill.

Mr. PERKINS. Mr. President, have I not the right under the rule to move that notwithstanding the objection of the Senator from South Dakota the Senate shall proceed to the consideration of the joint resolution?

The VICE-PRESIDENT. The Senator has that right.

Mr. PERKINS. That is my motion.

The VICE-PRESIDENT. Objection is made to unanimous consent, and the Senator from California moves that the Senate proceed to the consideration of the joint resolution.

Mr. PERKINS. I hope the motion will prevail, for the reason that there is no possible objection to the joint resolution that I can conceive of. The legislature of California has unanimously passed a joint resolution receding——

The VICE-PRESIDENT. The Chair will state that the motion is not debatable. The question is on agreeing to the motion of the Senator from California to proceed to the consideration of the joint resolution.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. KITTREDGE. The joint resolution may lead to some debate. It was considered at quite considerable length before the Committee on Forest Reservations, and I think it should not be pressed this morning.

The VICE-PRESIDENT. But the Senate has voted to proceed to its consideration.

Mr. KITTREDGE. I understand that.

The VICE-PRESIDENT. It is not before the Senate by unanimous consent. The Secretary will read the joint resolution.

The Secretary read the joint resolution.

Mr. PERKINS. Mr. President, I wish to explain briefly

what the joint resolution is. It passed the House some time since unanimously. It has been considered in the Senate committee for several months. The Secretary of the Interior, as it appears from the report, has strongly recommended the passage of the joint resolution. There is but one person to my knowledge in the country who has been opposed to the acceptance of this recession from the State of California.

Briefly stated, Mr. President, in 1864 the General Government ceded to California in trust for recreation and pleasure what is known as the Yosemite Valley and the Mariposa Big Tree Grove. The Yosemite Valley embraces an area of 56 square miles. The Mariposa Big Tree Grove consists of 2,560 acres, and contains the largest trees and the most ancient living things on the globe, the *Sequoia gigantea*—trees which are said to be from six to seven thousand years old. The Yosemite Valley is a cleft or gorge in the crest of the Sierra Mountains. It comprises, as I said, 56 square miles.

The State of California during forty years have had possession and have administered the trust the best they could. They have expended $496,000 during the past forty years for the care and management of the Yosemite Valley. They would have continued to administer this trust to the best of their ability, but in 1890 Congress in its wisdom saw proper——

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Will the Senator from California yield to the Senator from New Hampshire?

Mr. PERKINS. Certainly.

Mr. GALLINGER. I beg the indulgence of the Senator from California. The Senator appealed to me to allow him to ask for the consideration of the joint resolution, and I agreed to do so, with the stipulation that it would not lead to debate. I regret that the Senator moved to take it up. He has displaced a very important appropriation bill, which it is very necessary should be passed at an early day, because the appropriation bill is going to take a good while in conference. I hope that the debate on the joint resolution will be as brief as possible.

Mr. PERKINS. I shall detain the Senate but three minutes. There is no possible objection to the joint resolution that my colleagues in either House of Congress can conceive of. It is very important, I will say to my friend from New Hampshire, because the legislature of California has been convened in extra session, and if Congress is not going to accept the act of recession that has been passed by the legislature of California, some other provision must be made.

The legislature, by an almost unanimous vote, passed a resolution granting this concession to the General Government. Every commercial organization in our State is in favor of it. The Sierra Club, composed of naturalists and scientists, of which Prof. John Muir is the president, wired me a few days since that it would be a great misfortune to the country if this joint resolution should not be passed.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from South Dakota?

Mr. PERKINS. Certainly.

Mr. KITTREDGE. I ask the Senator from California how much he is asking from the Government at this session of Congress in the way of an appropriation to carry out the purposes of the recession?

Mr. PERKINS. We are not asking one single dollar at this session of Congress. The Secretary of the Interior states that he has sufficient funds for all purposes for the present year.

But, Mr. President, be that as it may, it is one of the great natural wonders of the world. California would have continued to retain it and to administer its affairs, but, as I was proceeding to say, in 1890 Congress passed an act setting aside 1,000 square miles surrounding the Yosemite Valley as a national park. The result is that there is to-day a conflict there—a dual jurisdiction. Only last year a fire occurred in the Yosemite Valley, on the boundary line of that national park. The guardian of the valley, appointed by the State, said that it belonged to the General Government; that it was in the national park. The captain commanding the soldiers said, "No; it is in the Yosemite Valley." The result was that the fire got such headway before they jointly took hold of it that thousands of trees were destroyed.

Mr. President, as I said before, the Members of the House, the joint California delegation in Congress, the legislature of California, and every Californian I know of is in favor of the proposed recession to the General Government.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from South Dakota?

Mr. PERKINS. Certainly.

Mr. KITTREDGE. I ask the Senator from California if it is not a fact that $180,000 has been suggested as the amount that it will be necessary to appropriate for the benefit of this recession?

Mr. PERKINS. Mr. President, I gave the answer that the Secretary of the Interior gave to me, and if the Senator is not satisfied with it I will ask for the reading of the report. But I believe the Senate understands the measure, and, there being a unanimous demand for it, I ask to have it passed.

Mr. KITTREDGE. Mr. President, I feel that I would not be doing justice to the pending resolution if I failed to present to the Senate a document sent to the chairman and members of the Committee on Forest Reservations and the Protection of Game of the United States Senate. I send it to the desk, and ask that it be read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SAN FRANCISCO, *April 10, 1906.*

To the honorable chairman and members of the Committee on Forestry, United States Senate.

DEAR SIRS: There is pending before your committee, House joint resolution No. 118, entitled, "Joint resolution accepting the recession by the State of California of the Yosemite Valley," etc.

Attached hereto is a copy of the act of the legislature of the State of California offering to recede and regrant the Yosemite Valley unto the United States of America.

Apart from the objections to the recession of Yosemite Valley that have hitherto been urged, based upon practical reasons as well as upon sentimental grounds, are some objections to the legal conditions that will surely result from the acceptance of the regrant of Yosemite Valley according to the terms of the act of the State legislature.

It will be assumed, as conceded, that the regrant must be accepted according to the terms of the act of the State legislature or not at all. In this connection attention is drawn to the fact that the grant is without any reservations whatsoever, nor is it coupled with any conditions except such as are set forth in section 3 of the act, namely, that the premises shall be "held for all time by the United States of America for public use, resort, and recreation, and imposing upon the United States of America the cost of maintaining the same as a national park."

In this respect this cession of territory differs from every other cession of territory made by a State to the General Government of which we have any record. Invariably in the past, when States have ceded to the General Government any part of their lands there is a reservation in the legislative act of the right to serve civil or criminal process within the lands ceded in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in the State, but outside of the cession or reservation.

A number of cases of cession of State territory to the General Government are collated in the case of Fort Leavenworth Railroad Company *v.* Lowe (114 U. S., 925), and are there commented upon in the learned opinion of Mr. Justice Field.

The language of the act of the Kansas legislature ceding the Fort Leavenworth Military Reservation to the United States can be found at page 95 of the laws of Kansas, 1875, as well also at page 528 of 114 U. S. in the case referred to.

Justice Field, in commenting upon the reservation to the State of the right to serve civil or criminal process within the ceded territory, stated:

"The reservation which has usually accompanied the consent of the States that civil and criminal process of the State courts may be served in the places purchased is not considered as interfering in any respect with the supremacy of the United States over them, but is admitted to prevent them from becoming an asylum for fugitives from justice." (114 U. S., 533.)

The learned justice then proceeds to quote from various similar cases, incorporating in his opinion the language of the preceding cases by way of illustrating the meaning, as well as the reason, for such a reservation of State authority. Quoting from United States *v.* Cornell (2 Mason, 60), and commenting upon the reservation of the right of service of civil and criminal process, it is held:

"In its terms it certainly does not contain any reservation of concurrent jurisdiction or legislation. It provides only that civil and criminal process issued under the authority of the State, which must, of course, be for acts done within and cognizable by the State, may be executed within the ceded lands, notwithstanding the cession. Not a word is said from which we can infer that it was intended that the State should have a right to punish for acts done within the ceded lands. The whole apparent object is answered by considering the clause as meant to prevent these lands from becoming a sanctuary for fugitives from justice for acts done within the acknowledged jurisdiction of the State. Now, there is nothing incompatible with the exclusive sovereignty or jurisdiction of one State that it should permit another State in such cases to execute its process within its limits. And a cession of exclusive jurisdiction may well be made with a reservation of a right of this nature, which then operates only as a condition annexed to the cession and as an agreement of the new sovereign to permit its free exercise as quoad hoc his own process. This is the light in which clauses of this nature (which are very frequent in grants made by the States to the United States) have been received by this court on various occasions on which the subject has been heretofore brought before it for consideration, and it is the same light in which it has also been received by a very learned State court."

Again, commenting upon the case of Commonwealth *v.* Clary (8 Mass., 72), the opinion quotes as follows:

"The assent of the Commonwealth to the purchase of this territory by the United States had this condition annexed to it, that civil and criminal process might be served therein by the officers of the Commonwealth. This condition was made with a view to prevent the territory from becoming a sanctuary for debtors and criminals; and from the subsequent assent of the United States to the said condition, evidenced by their making the purchase, it results that the officers of the Commonwealth, in executing such process, act under the authority of the United States. No offenses committed within that Territory are committed against the laws of this Commonwealth, nor can such offenses be punishable by the courts of the Commonwealth, unless the Congress of the United States should give to said courts jurisdiction thereof."

Again the learned Justice refers to the opinion of the Attorney-General in the Harpers Ferry case, and repeats the same apparently with approval, namely, "that the sole object and effort of the reservation was to prevent the place from becoming a sanctuary for fugitives from justice, for acts done within the acknowledged jurisdiction of the State." (See p. 537.)

In 1854 the State of California ceded to the General Government political jurisdiction over Mare Island, but the State retained the right to serve process in the territory thus ceded. (See California Statutes, 1854.) And besides the case of the Fort Leavenworth Military Reservation, above referred to, similar reservations were made in the legislative acts ceding to the General Government Fort Riley, Mo.; Brooklyn Navy-Yard, in New York; Fort Dearborn, Ill.; Harpers Ferry, Va.; National Asylum for Disabled Volunteer Soldiers, Ohio; Charlestown Navy-Yard, Mass.; Fort Adams, R. I.; Fort Porter Military Reservation, N. Y., and others hardly necessary to mention.

In each one of these cases the question of sovereignty over the territory ceded has been before the courts, and it has been uniformly held that the retention by the State of political sovereignty over the territory ceded and the right to serve within the ceded territory criminal or civil process issued by authority of law, had the effect "to prevent the places from becoming a sanctuary for fugitives from justice for acts done by them within the acknowledged jurisdiction of the State."

It is easy to contemplate, therefore, in the light of these authorities, the deplorable result surely to flow from an acceptance of this regrant in its present form.

Other objections have been raised on both legal and sentimental grounds to the acceptance of this regrant, but perhaps no better exposition of them has ever been made than by the Hon. John B. Curtin, State senator, in his speech before the State senate of California on January 25, 1905. A copy of this speech is attached hereto, and a careful reading of the same is urged, to the end that an intelligent understanding of the entire situation might be arrived at by the gentlemen of your honorable committee.

We beg leave to remain, very respectfully, yours,

W. H. METSON.
C. S. GIDENS.

An act to recede and regrant unto the United States of America the "Yosemite Valley" and the land embracing the "Mariposa Big Tree Grove."

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The State of California does hereby recede and regrant unto the United States of America the "cleft" or "gorge" in the granite peak of the Sierra Nevada Mountains, situated in the county of Mariposa, State of California, and the headwaters of the Merced River, and known as the "Yosemite Valley," with its branches or spurs, granted unto the State of California in trust for public use, resort, and recreation by the act of Congress entitled "An act authorizing a grant to the State of California of the Yosemite Valley and of the land embracing the 'Mariposa Big Tree Grove,'" approved June 30, 1864; and the State of California does hereby relinquish unto the United States of America and resign the trusts created and granted by the said act of Congress.

SEC. 2. The State of California does hereby recede and regrant unto the United States of America the tracts embracing what is known as the "Mariposa Big Tree Grove," granted unto the State of California in trust for public use, resort, and recreation by the act of Congress referred to in section 1 of this act; and the State of California does hereby relinquish unto the United States of America and resign the trusts created and granted by the said act of Congress.

SEC. 3. This act shall take effect from and after acceptance by the United States of America of the recessions and regrants herein made, thereby forever releasing the State of California from further cost of maintaining the said premises, the same to be held for all time by the United States of America for public use, resort, and recreation, and imposing on the United States of America the cost of maintaining the same as a national park: *Provided, however,* That the recession and regrant hereby made shall not affect vested rights and interests of third persons.

Approved March 3, 1905.

Mr. PERKINS. As against the paper which has been read, I ask to have printed in the RECORD the report of the committee, which contains the recommendation of the Secretary of the Interior that the joint resolution pass. I do not ask that it be read at this time.

The VICE-PRESIDENT. Without objection, the report will be inserted in the RECORD.

The report is as follows:

[Senate Report No. 3623, Fifty-ninth Congress, first session.]

The Committee on Forest Reservations and the Protection of Game, to whom was referred the resolution (H. J. Res. 118) accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and making the same, with certain fractional townships, a part of the Yosemite National Park, have carefully considered the same and herewith submit their report:

The Yosemite Valley, as is well known, is one of the greatest wonders of the world, second only to which are the giant trees of the Mariposa and Calaveras big tree groves. California early recognized the importance of taking these two beautiful regions under public protection in order that they might be preserved intact for the enjoyment of all lovers of grandeur in nature. At that time the National Government had not established the policy of creating national parks, and as the civil war was then at its height it was not thought best to urge Congress to take action in the matter, other than to relinquish its claims upon the Yosemite Valley to the State of California, which was willing to bear the expense of caring for the reserve and keep it open for the use of the people. A bill introduced by Senator Conness, making the transfer to the State of California, was passed by Congress, and was approved by the President April 30, 1864. This grant by the National Government was upon the express provision that the tract conveyed should be held for "public use, resort, and recreation," and should be inalienable for all time, and that the reservation should be managed by the governor of the State, with eight other commissioners to be appointed by him, to serve without salary.

Section 2 of the same act transferred to the State of California the Mariposa Big Tree Grove upon the same stipulation and provisions that govern the Yosemite Valley. The Yosemite Valley grant comprises the whole of the valley proper, and extends back from the brink of the precipice an average distance of 1 mile, the total area within the boundaries thus fixed being 56 square miles. The Mariposa Big Tree Grove grant comprised only 2,560 acres.

September 28, 1864, Governor F. F. Low issued a proclamation reciting the act of Congress making the grants, appointed eight commissioners, and the board thus formed formally took possession of the tracts, and the State legislature accepted the trust by an act approved April 2, 1866. By the enactment of these laws the State of California became vested as trustee for the people with the "cleft or gorge" known as the "Yosemite Valley and the Mariposa Big Tree Grove."

Since that time the commissioners chosen by the different governors to supervise the management of the valley and grove have been selected from among the best citizens of California, and have invariably been men of culture, refinement, and education. With the limited appropriations made by the State legislature, the commissioners have done all that lay in their power to improve the conditions, build roads, trails, and approaches, and to provide facilities for the entertainment of tourists, the number of whom has increased steadily from year to year. The appropriations by the State of California for the care and management of the Yosemite Valley since its cession to the State have aggregated $495,622, including traveling expenses, salary of the guardian, and $60,000 appropriated to pay claims of so-called "squatters." Of this sum $40,000 was expended in the erection of a hotel for tourists and $25,000 for an electric-light plant. All the money expended was, of necessity, within the boundaries of the grant, leaving the approaches by road or trail in the hands of private transportation companies.

The consequence has been that the roads and trails leading to the valley have not been of the best, while travel over them has been made expensive. Notwithstanding this disadvantage, however, the number of visitors has increased yearly. In 1864 there were only 147 visitors to the valley, but in 1903 there were 8,376, and in the latter year so great was the travel to the valley that the commissioners were compelled to notify transportation companies at the height of the season to book no more tourists, as the limits of accommodation had been reached and hotels, camps, and tents were filled to overflowing.

The status of the Yosemite Valley and Mariposa Big Tree Grove, surrounded as they are by forest-reserve lands, is such that it has been impossible to develop the scenic resources of the region and make them as accessible to the public as could be wished. It has been demonstrated that the words of President Roosevelt regarding the Yellowstone Park apply with equal force to the Yosemite Valley. In regard to the former he says:

"The only way the people as a whole can secure to themselves and their children the enjoyment in perpetuity of what the Yellowstone Park has to give is by assuming the ownership in the name of the nation and by jealously safeguarding the scenery, the forests, and the creatures."

As long as the Yosemite Valley occupies its present relation to the surrounding national-park lands, there will be obstacles in the way of uniform protection and development which will prevent it from becoming a great national resort such as the Yellowstone Park has become, and it was with a view of placing it in a position where it could be brought under proper supervision and control that the California legislature has passed an act receding the valley and the grove to the United States. Had the Yosemite Valley grant not been in existence at the time the Yosemite National Park was established, a proposition to set apart under State jurisdiction a tract in the very heart of the park area would not have been entertained for an instant. But it is now possible to bring about a normal relation between the two areas by accepting the recession authorized by the State of California.

The recession of the Yosemite Valley to the Government is favored by the President, who, in an article published in July, 1904, says:

"As to the Yosemite Valley, if the people of California desire it, as many of them certainly do, it should also be taken by the National Government to be kept as a national park."

And in a message to Congress he makes the unqualified statement that "the national-park system should include the Yosemite and as many as possible of the groves of giant trees in California."

The boundaries of the Yosemite National Park, as fixed by the act of February 7, 1905, included within the area of the park a strip of land in the southwest corner which is one of the very few available routes for a trolley line to the valley, and in order to open this route to construction it will be necessary to exclude it from the park and add it to the forest-reserve area. The area eliminated from the park and added to the forest reserve aggregates 10,480 acres, of which 2,640 are patented.

In order to make this available, certain changes of boundary are provided for in the resolution, as is more fully set forth in the report of the Committee on the Public Lands of the House of Representatives, which is herewith made a part of this report.

The acceptance of the recession of the Yosemite Valley is clearly in the public interest, and your committee therefore recommend the adoption of the resolution.

[House Report No. 2339, Fifty-ninth Congress, first session.]

The Committee on the Public Lands, to whom was referred the resolution (H. J. Res. No. 118) accepting the recession of the Yosemite Valley grant and the Mariposa Big Tree Grove, and for other purposes, have had the same under consideration and report thereon with a recommendation that the same be adopted.

In 1864 Congress granted to the State of California the land commonly known as the "Yosemite Valley" and the "Mariposa Big Tree Grove" in trust for public use, resort, and recreation. In 1890 Congress created the "Yosemite National Park," embracing over 1,000 square miles and entirely surrounding "Yosemite Valley," which contains but 56 square miles. This creation of an "imperium in imperio" produced such a conflict of authority in matters of road building, policing, etc., that in 1905 the State of California receded to the United States the two parcels of land above named by an act of the legislature, as follows:

"SECTION 1. The State of California does hereby recede and regrant unto the United States of America the 'cleft' or 'gorge' in the granite peak of the Sierra Nevada Mountains, situated in the county of Mariposa, State of California, and the headwaters of the Merced River, and known as the 'Yosemite Valley,' with its branches or spurs, granted unto the State of California in trust for public use, resort, and recrea-

tion by the act of Congress entitled 'An act authorizing a grant to the State of California of the Yosemite Valley and of the land embracing the "Mariposa Big Tree Grove,"' approved June 30, 1864; and the State of California does hereby relinquish unto the United States of America and resign the trusts created and granted by the said act of Congress.

"SEC. 2. The State of California does hereby recede and regrant unto the United States of America the tracts embracing what is known as the 'Mariposa Big Tree Grove,' granted unto the State of California in trust for public use, resort, and recreation by the act of Congress referred to in section 1 of this act; and the State of California does hereby relinquish unto the United States of America and resign the trusts created and granted by said act of Congress.

"SEC. 3. This act shall take effect from and after acceptance by the United States of America of the recessions and regrants herein made." * * *

This resolution is to accept the recession tendered by the State of California. It also withdraws from entry part of two sections of land in order to square out the boundaries at one point.

The resolution also makes a slight change in the boundary of Yosemite National Park, the purpose of which is explained in the following letter from the honorable Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1906.

SIR: Your letter has been received, inclosing, for such explanations and suggestions as may be deemed advisable, House joint resolution No. 116, entitled "Joint resolution accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof."

In response thereto I have the honor to state that in the last annual report of the operations of this Department a recommendation was made that Congress accept the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and that the same be included, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park; and joint resolutions (S. R. 14 and H. J. Res. 77) were introduced in Congress looking to the effectuation of the recommendation of the Department in the premises.

Subsequently a conference was held at the Department with the California delegation in relation to Senate joint resolution 14, at which it was suggested that the southwestern boundaries of the Yosemite National Park be changed so as to eliminate a portion and include the same in the Sierra Forest Reserve, to permit of the construction of an electric road through the same to enable the people of southern California to have ready access to the Yosemite Valley; furthermore, that the line of the proposed road through the tract of land to be eliminated would not mar the natural curiosities or wonders within the reservation, and its operation would result in the preservation of the fine groves of timber in the southern portion of the park rather than in their destruction.

In this view of the case, therefore, the Department prepared an amendment to Senate joint resolution 14, eliminating from the Yosemite National Park and including in the Sierra Forest Reserve 10,480 acres. Of these lands, 2,640 acres are patented, and of the latter, 1,880 acres are heavy sugar and yellow pine, fir, spruce, and cedar forests. In this amendment a paragraph was also inserted providing that in the grant of any right of way for railway purposes across the lands thus placed in the Sierra Forest Reserve it shall be stipulated that no logs or timber shall be hauled over the same without the consent of the Secretary of the Interior.

House joint resolution 116, on which you request a report, is substantially in accord with the legislation recommended in the report of the Secretary of the Interior for 1905, and the amendment thereof as submitted to Hon. GEORGE C. PERKINS, United States Senate, under date of February 26, 1906. On page 5, line 2, of the bill, however, there is one typographical error, to wit, the fifth word in said line reads "lands," whereas it should read "acts."

If the resolution is amended in accordance with this suggestion, it is recommended that the measure receive favorable consideration and be enacted into law at the earliest practicable date.

In this connection it is proper to add that the Department is advised that in House joint resolution 118, introduced by Mr. GILLETT of California, referred to on page 3780, No. 67, volume 40, of the CONGRESSIONAL RECORD, the error occurring in House joint resolution 116, above mentioned, is corrected.

Very respectfully,
E. A. HITCHCOCK,
Secretary.

Hon. JOHN F. LACEY,
Chairman Committee on Public Lands, House of Representatives.

APPENDIX A.

A statement concerning the proposed recession of Yosemite Valley and Mariposa Big Tree Grove by the State of California to the United States.

[Prepared by the secretary of the Sierra Club under the direction of the board of directors, and adopted by said board as its official expression of opinion.]

The Yosemite Valley and the Mariposa Big Tree Grove were granted by Congress, in 1864, to the State in trust, "to be held for public use, resort, and recreation." Little was known of the valley at that time, and it was many years before it acquired a national reputation. At the present time it is world-famed, and is one of the valuable assets of the nation. Its loss or destruction would affect the entire United States, and every citizen of our country has a direct, vital concern in the welfare of the valley. In 1890 the much larger Yosemite National Park was created by Congress. This latter park includes in its very heart and surrounds on all sides the State park.

There has thus been created an imperium in imperio which has already given rise to much friction. This deplorable state of affairs was emphasized about a year ago, when a fire was permitted to burn some of the finest timber along both sides of the northern boundary of the State park. Both State and Federal officials insisted that the fire was outside of their respective jurisdictions. The Federal Government will always be hampered in its administration of the national park as long as the State park is under separate management. In order to reach the surrounding country, its guardians must pass through the State park, which is the natural base of operations for that whole surrounding region, and yet the Federal Government can maintain no permanent camp and base of supplies in Yosemite Valley because of the State control.

With these conditions existing, Congress is loath to make appropriations for the construction of extensive improvements, which would really result in the improvement of State property at national expense. As a result, all the roads entering the national and State parks are private toll roads, and tribute is levied on every visitor to this region. This condition of affairs is most unfortunate, and would have been remedied long ago but for the existing state of dual government.

But once reinvest the United States with authority over this heart and center of the national park, and headquarters will be established in the valley proper. A system of telephone lines will be constructed radiating from this natural center and extending to all portions of the territory embraced in the present State and national parks. This will insure an effective system of fire protection and will increase the efficiency of the patrol and policing of the park many times. We have assurance that this will be done by President Roosevelt himself, also from the Federal Commission recently appointed to investigate conditions there, and from various other Federal officials.

Maj. John Bigelow, jr., superintendent of Yosemite National Park, in his recent annual report, recommends:

First. The acquisition by the United States Government of Yosemite Valley, now owned by the State of California.

Second. The purchase of toll roads in the park leading to the valley.

Third. The purchase by the Government of certain patented lands, which are scattered over the park and constitute a considerable part of its area.

"The first of these measures," says Major Bigelow, "is believed to be necessary to secure from Congress an appropriation adequate to the improvement of roads and trails and of the park generally. It is a palpable anomaly for the valley to be under State government and the ground around it under the National Government. The valley would be rendered more attractive, and, therefore, financially more productive to the State, under National than it is under State government. The acquisition of the valley by the National Government is a matter, to be sure, in which the initiative must be taken by the State government, but I have good reasons to believe the idea that the National Government should own the valley has for some time been gaining in favor with the people of California."

2. The State is unable to properly care for Yosemite Valley.

Though the park has been under the control of the State for upward of forty years, yet even the main stage roads on the floor of the valley leading to the village are in a deplorable condition. The accommodations provided for visitors have been inadequate for years. In the summer of 1903 the State commissioners of the valley were, by reason of the congestion in accommodations provided for visitors, compelled to notify the various transportation companies not to allow any more tourists to enter the valley until the overcrowded conditions were relieved.

The State commissioners have done as well as could be expected. They receive no salary. All the time they give to the affairs of Yosemite Valley must be sacrificed from the time devoted to their regular vocations. Very few have had any previous experience which would specially fit them for the discharge of their peculiar and onerous duties. The paltry ten or fifteen thousand dollars annually at their disposal is entirely inadequate for the needs of the park. It is with difficulty that even this amount is "squeezed out" of the State treasury. The State commissioners are entitled to praise for what they have accomplished in the face of such adverse conditions.

3. In marked contrast to all this is the management of the Yellowstone National Park by the Federal Government.

The Yellowstone is in charge of Federal engineers and Army officers, who have received a life training to qualify them to perform their duties. They all receive salaries, and devote their entire time to the care and management of the park. During the three years 1901–1903 Congress appropriated nearly $700,000 for the care and maintenance of the Yellowstone. The best of skilled engineers are employed in the construction of the roads and trails of the Yellowstone, and they are kept in perfect repair. The roads are broad highways, with steel and concrete bridges.

The hotels of the Yellowstone are large, commodious establishments, first class in every respect, and with ample accommodation for its visitors.

4. State pride and sentiment is the strongest argument that has been advanced against this proposed change. But when analyzed it is found to be an entire misconception. If anything, sentiment should be all the other way. The Yosemite Valley is the property of the United States, and it has all along been the owner of the paramount title. It has, by Congressional act, allowed the State to take possession under a trust merely. To recede the valley only means to terminate the trust. The United States will not take the valley away nor close it up; but, on the contrary, will render it in every way more accessible and more enjoyable to visit, by reason of better accommodation for visitors. This sentimental argument savors too much of the "dog in the manger" policy to be considered seriously.

5. Our honored president, John Muir, who has devoted his life of activity to the best interests of our forests and natural scenery, has strongly advocated this proposed change for years. In a letter to the acting governor, written last July, he says:

"The Yosemite Valley, in the heart of the park, and essentially a part of it, should, I think, be ceded to the Federal Government and put under one management, thus insuring great improvement in present conditions through increased appropriations for roads, trails, and expert work on the valley floor, etc., thus increasing and facilitating travel, to the advantage of the entire country." (Sacramento Union, July 16, 1904.)

6. President Roosevelt favors the recession. In an article entitled "Wilderness Reserves," written for the Forest and Stream Publishing Company shortly after his western trip in 1903, reprinted in Forestry and Irrigation for July, 1904, he says:

"As to the Yosemite Valley, if the people of California desire it, as many of them certainly do, it should also be taken by the National Government to be kept as a national park."

And in his recent message to Congress he makes the unqualified statement that, "the national-park system should include the Yosemite and as many as possible of the groves of giant trees in California."

7. The Native Sons are strongly in favor of the recession. Grand President McNoble made this recommendation the strongest feature of his annual report.

8. A committee of the State board of trade reports that—

" * * * the board has been impressed by the arguments made

by the Native Sons of the Golden West in favor of recession to the Federal Government, and the incorporation of the valley and Big Tree Grove with existing national park and forest reservations; also, that such recession will put an end to the inconvenience and risks of a divided jurisdiction now existing by reason of the State control of the valley and the Big Tree Grove, while each is surrounded by Federal reservations under the jurisdiction of the United States." (San Francisco Call, September 14, 1904.)

9. The board of directors of the Sierra Club, by unanimous vote, authorized the appointment of this committee to urge such action.

10. The California Water and Forest Association adopted the following resolution at its annual convention on December 2, 1904:

"*Resolved*, That the proposition to cede the Yosemite Valley back to the United States Government should receive the earnest consideration of the legislature, to the end that more commodious accommodations may be provided for making such valley accessible to the general public, and we recommend such transfer."

11. The San Francisco Chamber of Commerce, that of Oakland, and other cities, and many other influential bodies have also favored the recession.

12. The various newspapers throughout the State have almost without exception indorsed the proposed change in editorial comment. Not one dissenting opinion has come to our notice. Since these comments outline some of the arguments to be given in favor of the proposed change, and since they voice in a degree the sentiment of the people on the question, extracts from a few of these expressions of opinion are given in the appendix hereto.

13. In conclusion, the past has demonstrated that the Yosemite Valley is of a national character, and every citizen of the United States is vitally interested in its welfare. The State assumed the burden of caring for it, and has expended its money for the benefit of every citizen of the United States. Forty years has proven that the State can not afford to appropriate out of the funds at its disposal a sufficient amount to adequately care for this national park. California has vital interests which concern her alone. She has forests to protect from fire; she has flood-water problems; she has a State Redwood Park; she has multitudinous interests which demand the expenditure of her own money. She can obtain no funds elsewhere for this work, for her citizens only are vitally affected by such expenditures. Her funds even now are far short of being adequate to meet the growing necessities of this great State. The Yosemite Valley requires the expenditure of at least $100,000 every year for its proper care and management. A hotel is absolutely required to be constructed in the valley at a cost of at least $200,000. The State can not afford to appropriate this amount.

But the United States is amply able to do this, and will, if given the opportunity. Therefore, the Yosemite Valley and Mariposa Big Tree Grove should be receded to the United States, and thereby become a part of the national park, to which it naturally belongs. The result would be the improvement of the valley and national park by the construction of the best of roads, bridges, and trails. Ample hotel accommodations of the best quality would be provided. A telephone system for the entire park to guard against forests fires would be inaugurated. The patrol system of the national park would be rendered far more effective and the valley itself placed under the same system, so that perfect order would prevail, no matter how great the number of visitors. The toll-road system would be abolished, and in all probability a splendid boulevard constructed up the Merced Canyon, which would reduce the time and expense of travel one-half and greatly increase the comfort. This would attract immense numbers of tourists from all parts of the world who are now deterred by the arduous nature of the trip and the lack of accommodation.

Each of these tourists would not only learn something of our great State, but would spend money in it. Few of us even begin to dream of the wealth that will some day be poured into California by the multitude of travelers who will annually come to enjoy our unparalleled scenic attractions. We want to hasten that day, and we trust that the members of the State legislature will do their part in aiding to bring about this result by receding the Yosemite Valley and the Mariposa Grove of Big Trees to the National Government.

Respectfully submitted.

JOHN MUIR, *President*,
WM. E. COLBY, *Secretary*,
GEORGE DAVIDSON,
WM. R. DUDLEY,
J. S. HUTCHISON, Jr.,
J. N. LE CONTE,
A. G. MCADIE,
ELLIOTT MCALLISTER,
WARREN OLNEY,
Board of Directors of the Sierra Club.

APPENDIX B.

The Yosemite Valley is a wonder of nature of really national magnitude, and, like the Yellowstone Park, more fitly cared for by the nation than by any State. It also happens that the valley is actually inclosed within a much larger national park, and that conflicts of jurisdiction, involving serious results, have already occurred. The entire area of both parks constitutes one natural administrative unit, and it is believed that there is a growing feeling in Congress that such an arrangement should be made. (San Francisco Chronicle, Aug. 21, 1904.)

If the reports from the mountains last summer were true, there is danger in divided jurisdiction, for it was said that when the most destructive fire that ever visited the vicinity of the valley was raging, the State superintendent of the valley and the military superintendent of the park stood for days disputing whether the fire was on Federal or State territory, until it gained such headway that their combined forces could not master it until it had destroyed the fine forest extending from the Wawona road to Glacier Point. A single jurisdiction would render such a catastrophe from such a cause impossible. (San Francisco Call, Nov. 18, 1903.)

Major Chittenden, United States Army, chairman of the Federal commission appointed to investigate and report on matters pertaining to the Yosemite National Park, said that in case the valley was ceded to the United States, and that the Government would agree to assume the care and management of the valley, a fort would be erected in the valley and a system of permanent telephone stations established to give proper protection to the forests from fire. (San Francisco Examiner, July 16, 1904.)

It would be better for Yosemite if it were in the hands of the Federal Government. The Interior Department has control of the great Yosemite Reserve encircling the valley for miles in all directions, and could, without extra expense, supervise the valley as well. Yosemite Valley really belongs to the United States. It should be looked upon as a possession of all the people, and should be made more easily accessible to all. It should receive the attention that the Federal Government could give it. More money would be expended upon it, more care devoted to it, and the expenses of visitors should be greatly reduced. It would become what it should be—a people's park. (Oakland Enquirer, July 28, 1904.)

The failure of the State to provide for the proper accommodation of visitors to the valley has provoked a widespread demand that the reservation be receded to the Federal Government. Should the recession be made, there is no doubt that Congress would speedily provide the necessary accommodations as well as the other facilities to enable sight-seers to visit the valley and its surroundings under the most favorable conditions. The valley should be managed in the interest of the public to whom it belongs, and the convenience of the public should be the first consideration in making improvements. (Oakland Tribune, Sept. 14, 1904.)

State pride may prevent the legislature taking any such action, but there is no question that it ought to be done. The present system of divided jurisdiction paralyses all effort for the satisfactory administration of this greatest of natural wonders. Since it is out of the question for the nation to cede the park to the State, the State ought to cede the valley to the nation. (Fresno Republican, July 16, 1904.)

Under the absolute control of the United States Government the valley would have the best of care. Money for every needed improvement would be forthcoming. It would be carefully policed, and the chances for graft or political jobs would be reduced to a minimum. The citizens of California would enjoy every right in the valley that liberal but well-enforced regulations would permit. It would be "our" valley still. Uncle Sam could not run away with it, and he would certainly be a careful and at the same time indulgent guardian. The fact that the Government is willing to accept the trust is fortunate, and those who appreciate the situation will doubtless hope to see favorable action by the next legislature on Muir's proposal. (Stockton Record, July 12, 1904.)

Up to this time State management has been reasonably efficient, but in State hands the administration of the park must always more or less be involved in politics, whereas the Government would be able to administer it through the Army precisely as it administers the national park in the Yellowstone country. (Sacramento Union, April 22, 1902.)

There is a strong probability that the Yosemite Valley will be receded to the Federal Government by the State of California in the near future. Such a move would probably tend to a greater improvement of the park, as the expenses connected with keeping the great natural wonder open to the public are considerable and can be better sustained by Uncle Sam than the State of California. It would also tend to a quick abolition of toll roads, make a trip to the valley fraught with less expense to travelers and in the reach of almost everyone. (The New Era, Tuolumne, Cal., May 7, 1904.)

The only arguments that have been presented opposing the transfer are along the line of State pride. When this is analyzed, however, it does not appear justifiable. The park must necessarily remain forever in California, and the retention of title by the State means merely the inadequate continuance of a struggle to meet the obligations demanded by the magnitude of the situation and the traveling public. Public opinion largely favors the transfer. (Los Angeles Times, November 9, 1904.)

Yosemite is one of California's best assets. Every visitor it attracts from abroad is a source of profit to the people of this State, consequently the more sight-seers for the valley the more profit to Californians. The Government will do what the State has neglected to do, and do it better. (Oakland Tribune, November 26, 1904.)

"Whereas the Yosemite Valley and the Mariposa Big Tree Grove are among the scenic wonders of the world, and the pride, not only of California, but of the whole Union; and

"Whereas their proper maintenance and improvement imposes upon the people of California a burden which, in view of the fact that said valley and grove are national exhibits, should be borne by the National Government; and

"Whereas we believe that the National Government is alone able to undertake the expenditures necessary to properly improve said valley and grove by providing easy means of access, well-planned roads, trails, and other attractive features:

"*Resolved*, That the board of directors of the Chamber of Commerce of Santa Barbara County hereby desires to go on record as favoring the recession to the National Government of the Yosemite Valley and the Mariposa Grove, to the end that these natural wonders may receive the improvements which they deserve and the consequent attention from the world that they merit." (Santa Barbara Press, December 3, 1904.)

It is rumored that, moved by the admirable conduct and supervision of the Yosemite National Park, the State of California is likely, at the approaching session of the legislature, to recede to the United States the smaller Yosemite grant of 1864, which is in the park but not of it. It is absurd and wasteful that there should be two jurisdictions within one boundary, and the people of California are to be congratulated on the prospect of this wise consummation, which Congress should facilitate by a prompt acceptance of the duty of caring for the whole of the Yosemite wonderland. (Century Magazine, December, 1904.)

The superintendent of the Yosemite National Park recommends that the Federal Government "acquire" the Yosemite Valley, which it once gave to the State of California. It is to be hoped that this most desirable end may be accomplished at the coming session of the California legislature. The reasons for this course are abundant and conclusive. In the first place it is really, as its name implies, a "national" and not a State park. Its natural wonders are national in their magnitude, national in their interest, and national in the scale of expenditure required to make them accessible and protect them from impairment. They should be national, also, in their custody. This sentimental view would perhaps not be altogether conclusive were California rich enough to incur the expenditure involved in the ownership and protection of the park. Unfortunately this State is not rich enough, and practical considerations coincide with the sentimental in requiring that this wonderful valley be restored to the nation, which alone is able to care for it. From all sides come imperative demands for largely increased expenditures on the park, with which this State is positively unable to comply. For the next quarter of a century the State will be compelled to tax itself to the full limit of endurance for purposes essential to our material prosperity or for the fulfillment of moral obligations which must take precedence even of so noble an object as the Yosemite Valley. We have recently acquired a State park in the Big Basin of Santa Cruz County, and the forest fires of last summer admonished us that if we are to preserve that magnificent body of timber for the enjoyment of future generations we must incur heavy

expense in protecting it from fire. The State, in fact, can not afford for the present to expend any more money on parks than it will be absolutely compelled to expend to prevent the destruction by fire of the forests of the Big Basin. The Federal Government should—and probably will, if desired—assume charge of the Yosemite Park as it has of the Yellowstone Park, and the legislation required for that purpose by our legislature should be enacted at the coming session. (San Francisco Chronicle, November 28, 1904.)

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND IN PENSACOLA, FLA.

Mr. GALLINGER. I ask the Secretary to turn to page 28 of the appropriation bill.

Mr. MALLORY. I ask the Senator from New Hampshire to yield to me to take up a bill of half a dozen lines. I do not think it will take five minutes.

Mr. GALLINGER. I will ask the Senator what the bill is, if he pleases.

Mr. MALLORY. It is a bill to relinquish the interest of the United States to certain land in the city of Pensacola, Fla.

Mr. GALLINGER. If it does not lead to debate I will yield, and then I shall insist on proceeding with the appropriation bill.

Mr. MALLORY. I ask the Senate to proceed to the consideration of the bill (S. 360) to relinquish the interest of the United States in and to certain land in the city of Pensacola, Fla., to the Right Rev. Edwin P. Allen, Catholic bishop of the diocese of Mobile, Ala., in trust for the Catholic congregation of Pensacola, Fla.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with an amendment, at the end of the bill, in line 11, after the word "Florida," to insert "and his successors;" so as to make the bill read:

Be it enacted, etc., That all the interest of the United States in and to the land in the city of Pensacola, in the State of Florida, known and described on the plat of said city of Pensacola as lots 1 and 2, between the squares and the lot on the east side of the Square of Ferdinand the Seventh, known as the "Catholic Church lot," is hereby relinquished and released to the Right Rev. Edwin P. Allen, Catholic bishop of the diocese of Mobile, Ala., trustee for the Catholic congregation of Pensacola, Fla., and his successors.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. MALLORY, the title was amended so as to read: "A bill to relinquish the interest of the United States in and to certain land in the city of Pensacola, Fla., to the Right Rev. Edwin P. Allen, Catholic bishop of the diocese of Mobile, Ala., and his successors, in trust for the Catholic congregation of Pensacola, Fla."

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18198) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes.

Mr. GALLINGER. I ask the Secretary to go back to page 28 for a moment. I move to amend the amendment so that it will read:

Massachusetts avenue from Sheridan circle to S street, $6,900.

The VICE-PRESIDENT. Without objection, the amendment will be agreed to.

Mr. GALLINGER. I suggest that the total will have to be changed.

The VICE-PRESIDENT. The total will be changed to correspond.

Mr. GALLINGER. Now, if the Secretary will turn to page 41, there is a committee amendment which was passed over. I ask that the date be made June 8. Let the Secretary read the amendment with this date filled in the blank.

The SECRETARY. On page 41, after line 7, the committee report to insert the following paragraph:

For two attendance officers, authorized by the act providing for compulsory education in the District of Columbia, approved June 8, 1906, at $600 each, $1,200.

The amendment was agreed to.

Mr. GALLINGER. Now, if the Secretary will turn to page 50, line 23, in the item for text-books and school supplies; let "$53,000" be changed to "$54,000."

The VICE-PRESIDENT. Without objection, the amendment will be agreed to.

Mr. GALLINGER. Now, let the reading be continued on page 56.

The Secretary resumed the reading of the bill at line 14, page 56.

The next amendment of the Committee on Appropriations was, on page 56, line 16, to increase the appropriation for fuel for the police department from $3,500 to $4,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 11, to insert:

For purchase of a site for a station house in Anacostia, $2,400.

The amendment was agreed to.

The next amendment was, on page 57, line 14, to increase the total of the appropriation for miscellaneous expenses of the police department from $43,755 to $46,655.

The amendment was agreed to.

The next amendment was, on page 58, line 3, before the word "salaries," to insert "$120 additional yearly compensation to the person acting as superintendent of the house of detention, and;" in line 4, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred;" in line 6, before the word "dollars," to strike out "four hundred" and insert "five hundred and forty;" and in line 9, before the word "dollars," to strike out "eleven thousand one hundred and twenty" and insert "twelve thousand eight hundred and sixty;" so as to make the clause read:

House of detention: To enable the Commissioners of the District of Columbia to provide transportation, including the purchase and maintenance of necessary horses, wagons, and harness, and a suitable place for the reception, transportation, and detention of children under 17 years of age and, in the discretion of the Commissioners, of girls and women over 17 years of age, arrested by the police on charge of offense against any law in force in the District of Columbia, or held as witnesses, or held pending final investigation or examination, or otherwise, including $120 additional yearly compensation to the person acting as superintendent of the house of detention, and salaries of two clerks, at $900 each; four drivers, at $540 each; one hostler, $540; six guards, at $600 each; and two matrons, at $600 each; $12,860, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 58, line 11, after the word "For" where it occurs the second time, to strike out "one lieutenant in the police department, who shall also be harbor master, $1,320; one sergeant, $1,140;" and in line 19, before the word "dollars," to strike out "four thousand six hundred and eighty" and insert "two thousand two hundred and twenty;" so as to make the clause read:

For harbor patrol: For one engineer, $840; one fireman, $480; one watchman, $420; one deck hand, $480; in all, $2,220.

The amendment was agreed to.

The next amendment was, on page 58, line 21, to increase the appropriation for fuel, construction, maintenance, repairs, and incidentals for harbor patrol from $1,500 to $2,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 21, to insert:

For repair of the patrol and harbor boat Vigilant, $700.

The amendment was agreed to.

The next amendment was, on page 58, line 24, to reduce the total appropriation for harbor patrol from $6,180 to $4,920.

The amendment was agreed to.

The next amendment was, in the items "For the fire department," on page 59, line 22, to increase the appropriation for repairs and improvements to engine houses and grounds from $8,000 to $9,000.

The amendment was agreed to.

The next amendment was, on page 59, line 24, to increase the appropriation for repairs to apparatus and for new apparatus and new appliances from $9,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 59, line 25, to increase the appropriation for purchase of hose for the fire department from $12,000 to $13,000.

The amendment was agreed to.

The next amendment was, on page 60, line 1, to increase the appropriation for fuel for the fire department from $12,000 to $14,000.

The amendment was agreed to.

The next amendment was, on page 60, line 2, to increase the appropriation for the purchase of horses for the fire department from $13,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 60, line 9, to increase the total appropriation for miscellaneous expenses of the fire department from $96,360 to $103,360.

The amendment was agreed to.

The next amendment was, on page 60, line 13, before the word "Benning," to insert "or near;" and in line 15, before the

word "thousand," to strike out "twelve" and insert "twenty-four;" so as to make the clause read:

Increase, fire department: For house and furniture for chemical engine company to be located at or near Benning, D. C., including cost of connecting said house with fire-alarm headquarters, $24,000.

The amendment was agreed to.

The next amendment was, on page 60, line 20, before the word "thousand," to strike out "thirty-five" and insert "forty;" so as to make the clause read:

For site, house, and furniture for a combination house, engine and truck, to be located north of Florida avenue, east of Rock Creek and west of Eighteenth street, including cost of connecting said house with fire-alarm headquarters, $40,000.

The amendment was agreed to.

The next amendment was, on page 61, after line 2, to insert:

For one second size steam fire engine, $5,300.

The amendment was agreed to.

The next amendment was, on page 61, line 5, to increase the total appropriation for the increase in the fire department from $57,000 to $79,300.

The amendment was agreed to.

The next amendment was, under the head of "Health department," on page 61, line 11, after the word "each," to insert "two sanitary and food inspectors, at $1,000 each;" in line 17, after the word "dollars," to insert "inspector of marine products, $1,200;" in line 22, after the word "each" where it occurs the second time, to insert "clerk, $900;" and on page 62, line 7, before the word "hundred," to strike out "forty-seven thousand three" and insert "fifty-one thousand four;" so as to make the clause read:

For health officer, $3,500; chief inspector and deputy health officer, $1,800; fourteen sanitary and food inspectors, at $1,200 each; two sanitary and food inspectors, at $1,000 each; sanitary and food inspector, who shall also inspect dairy products and shall be a practical chemist, $1,800; sanitary and food inspector, who shall be a veterinary surgeon and act as inspector of live stock and dairy farms, $1,200; inspector of marine products, $1,200; chief clerk and deputy health officer, $2,200; clerk, $1,400; four clerks, two of whom may act as sanitary and food inspectors, at $1,200 each; two clerks, at $1,000 each; clerk, $900; clerk, $600; messenger and janitor, $600; pound master, $1,500; laborers, at not exceeding $40 per month, $1,920; driver, $540; four sanitary and food inspectors, who shall be veterinary surgeons, at $1,000 each, and three sanitary and food inspectors, at $900 each, to assist in the enforcement of the milk and pure-food laws and the regulations relating thereto; in all $51,460.

The amendment was agreed to.

The next amendment was, in the items of appropriation for miscellaneous expenses of the health department, on page 63, line 10, to increase the appropriation for the enforcement of the provisions of an act to prevent the spread of scarlet fever and diphtheria in the District of Columbia, approved December 20, 1890, from $20,300 to $30,000.

The amendment was agreed to.

Mr. GALLINGER. In line 8, on page 63, after the word "harness" I move to insert the words "rent of stable."

The amendment was agreed to.

Mr. GALLINGER. After line 11, as a separate paragraph, I move to insert:

For rent of stable, $120.

The amendment was agreed to.

The next amendment was, on page 63 after line 11, to strike out:

For one medical inspector at smallpox hospital, $2,000; one cook at smallpox hospital, $300; one laundress at smallpox hospital, $300; one engineer at smallpox hospital, $720; in all, $3,320; and said medical inspector and other employees shall give bond, suitable to the Commissioners, conditional upon the faithful performance of the respective duties which may be required of them by the health officer, and particularly of such duties as they may be called upon to perform at the smallpox hospital and the quarantine station.

The amendment was agreed to.

The next amendment was, on page 64, after line 3, to insert:

For maintenance of an additional pound wagon, $500.

Mr. GALLINGER. After the word "wagon" I move to insert "including personal services."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 64, line 7, after the word "of," to strike out "section 4 of;" in line 9, after the word "ninety-six," to insert "and an act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906;" and in line 13, before the word "thousand," to strike out "two" and insert "three;" so as to make the clause read:

For emergency fund for the enforcement of the provisions of an act to provide for the drainage of lots in the District of Columbia, approved May 19, 1896, and an act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906, $3,500.

The amendment was agreed to.

The next amendment was, under the head of "Courts," on page 66, line 3, after the word "dollars," to insert "janitor, $540;" and in line 4, before the word "dollars," to strike out "four hundred" and insert "nine hundred and forty;" so as to make the clause read:

Juvenile court: For judge, $3,000; clerk, $2,000; chief probation officer, $1,500; probation officer, $900; janitor, $540; in all, $7,940.

The amendment was agreed to.

The next amendment was, on page 66, line 6, before the word "dollars," to strike out "two hundred" and insert "one thousand;" so as to make the clause read:

Miscellaneous: For compensation of jurors, $1,000.

The amendment was agreed to.

The next amendment was, on page 66, line 7, before the word "hundred," to strike out "three" and insert "six;" so as to make the clause read:

For rent, $600.

The amendment was agreed to.

The next amendment was, on page 66, line 8, after the word "furniture," to insert "fixtures and equipments;" so as to make the clause read:

For furniture, fixtures, and equipments, $600.

The amendment was agreed to.

The next amendment was, on page 66, line 13, after the word "refuse," to insert "telephone service, traveling expenses;" and in line 16, before the word "hundred," to strike out "nine" and insert "one thousand two;" so as to make the clause read:

For fuel, ice, gas, and laundry work, stationery, printing, law books, books of reference, periodicals, typewriter and repairs thereto, binding and rebinding, preservation of records, mops, brooms, and buckets, removal of ashes and refuse, telephone service, traveling expenses, and other incidental expenses not otherwise provided for, $1,200.

The amendment was agreed to.

The next amendment was, in the items of appropriation for miscellaneous expenses of the courts of the District of Columbia, on page 66, line 17, to increase the total appropriation for miscellaneous expenses from $2,000 to $3,400.

The amendment was agreed to.

The next amendment was, on page 67, line 1, after the word "dollars," to insert "assistant engineer, $720; fireman, $360;" in line 4, after the word "dollars," to strike out "bailiff, $600," and insert "five bailiffs, at $600 each; night watchman, $630; one matron for women's toilet, $600; three charmen, at $360 each;" and in line 9, before the word "dollars," to strike out "twenty-one thousand and ninety" and insert "twenty-six thousand eight hundred and eighty;" so as to make the clause read:

Police court: For two judges, at $3,000 each; clerk, $2,000; two deputy clerks, at $1,500 each; two deputy clerks, at $1,200 each; deputy clerk, to be known as financial clerk, $1,500; three bailiffs, at $900 each; deputy marshal, $1,000; janitor, $540; engineer, $900; assistant engineer, $720; fireman, $360; assistant janitors, $450; five bailiffs, at $600 each; night watchman, $630; one matron for women's toilet, $600; three charmen, at $360 each; in all, $26,880.

The amendment was agreed to.

The next amendment was, on page 67, line 17, to increase the appropriation for repairs to the building in use as the police court from $300 to $500.

The amendment was agreed to.

The next amendment was, on page 67, line 19, to increase the appropriation for fitting up and furnishing complete the new police court building from $5,000 to $8,000.

The amendment was agreed to.

The next amendment was, on page 67, line 22, to increase the total appropriation for miscellaneous expenses of the police court from $17,700 to $20,900.

The amendment was agreed to.

The next amendment was, under the head of "For courts and prisons," on page 69, line 11, after the word "and," to strike out "three messengers" and insert "seven assistant messengers;" and in line 14, before the word "dollars," to strike out "ten thousand and eighty" and insert "twelve thousand nine hundred and sixty;" so as to make the clause read:

Court-house, District of Columbia: For the following force necessary for the care and protection of the court-house in the District of Columbia, under the direction of the United States marshal of the District of Columbia: Engineer, $1,200; three watchmen, at $720 each; three firemen, at $720 each; five laborers, at $480 each; and seven assistant messengers, at $720 each; in all, $12,960, to be expended under the direction of the Attorney-General.

The amendment was agreed to.

The next amendment was, under the head of "Charities and corrections," on page 70, line 2, before the word "dollars," to strike out "and eighty" and insert "two hundred;" in line 6, before the word "hundred," to strike out "two" and insert

"four;" and in line 8, before the word "dollars," to strike out "thirteen thousand three hundred and forty" and insert "fourteen thousand five hundred and sixty;" so as to make the clause read:

Board of charities: For secretary, $3,000; clerk, $1,200; stenographer, $1,200; messenger, $600; one inspector, $900; six inspectors, at $720 each; four drivers, at $600 each; hostler, $540; traveling expenses, $400; in all, $14,560.

The amendment was agreed to.

The next amendment was, on page 70, after line 8, to strike out:

Provided, That from and after July 1, 1906, all appropriations under the general head of "Charities and corrections," any portion of which is payable from the revenues of the District of Columbia, for medical charities, for child-caring institutions, for temporary homes, and for other institutions of like character, shall be expended under the direction of the Commissioners of the District of Columbia, and shall be disbursed by the disbursing officer of the District of Columbia upon itemized vouchers duly audited and approved by the auditor of said District, in the manner now prescribed by law.

The amendment was agreed to.

The next amendment was, under the subhead "Reformatories and correctional institutions," on page 71, line 3, to increase the appropriation for engineer at the Washington Asylum from $600 to $720.

The amendment was agreed to.

The next amendment was, on page 72, line 5, to increase the total appropriation for the maintenance of the Washington Asylum from $34,561 to $34,681.

The amendment was agreed to.

The next amendment was, on page 72, after line 13, to insert:

For payment to the beneficiaries named in section 3 of "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances," approved March 23, 1906, $200, or so much thereof as may be necessary, to be disbursed by the disbursing officer of the District of Columbia on itemized vouchers duly audited and approved by the auditor of said District.

The amendment was agreed to.

The next amendment was, on page 73, line 3, before the word "dollars," to strike out "one hundred and eighty" and insert "two hundred and forty;" in line 5, before the word "dollars," to strike out "three hundred and sixty" and insert "four hundred and eighty;" in line 6, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty;" in line 8, after the word "dollars," to strike out "one nurse, $360," and insert "two nurses, at $360 each;" in line 12, after the word "each," to insert "blacksmith and woodworker, $500;" in line 15, after the word "dollars," to insert "four servants, at $144 each;" and in line 19, before the word "dollars," to strike out "nine thousand three hundred and sixty" and insert "eleven thousand two hundred and seventy-six;" so as to make the clause read:

Home for the aged and infirm: Superintendent, $1,200; matron, $600; clerk, $900; baker, $420; two female attendants, at $240 each; chief cook, $600; two male attendants, at $480 each; chief engineer, $720; assistant engineer, $480; physician and pharmacist, $480; two nurses, at $360 each; two assistant cooks, at $180 each; farmer, $540; two farm hands, at $360 each; blacksmith and woodworker, $500; tailor, $240; seamstress, $240; laundryman, $300; four servants, at $144 each; hostler and driver, $240; in all, $11,276.

The amendment was agreed to.

The next amendment was, at the top of page 74, to insert:

For installing a laundry plant, including washers, extractors, mangle, and all necessary machinery and equipment, $4,000.

The amendment was agreed to.

The next amendment was, on page 74, line 15, before the word "thousand," to strike out "four" and insert "five;" so as to make the clause read:

For acquiring, by purchase or condemnation, additional ground, being part of lot 7 in the subdivision of Bellevue or Blue Plains, containing 19 acres, more or less, bounded on three sides by the ground purchased by the District of Columbia for a site for a municipal almshouse and a burial place for the indigent dead, or so much thereof as may be necessary, $5,000.

The amendment was agreed to.

The next amendment was, on page 75, line 1, before the word "teachers," to strike out "five" and insert "seven;" and in line 6, before the word "dollars," to strike out "eight thousand four hundred and five" and insert "nine thousand three hundred and sixty-five;" so as to make the clause read:

Reform School for Girls: Superintendent, $1,200; treasurer, $600; matron, $600; two teachers, at $600 each; overseer, $720; seven teachers of industries, at $480 each; engineer, $600; assistant engineer, $420; night watchman, $365; laborer, $300; in all, $9,365.

The amendment was agreed to.

The next amendment was, on page 75, line 12, before the word "dollars," to strike out "ten" and insert "twelve;" so as to make the clause read:

For groceries, provisions, light, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicines, medical attendance, hack hire, transportation, labor, sewing machines, fixtures, books, stationery, horses, vehicles, harness, cows, pigs, fowls, sheds, fences, repairs, and other necessary items, $12,000.

The amendment was agreed to.

The next amendment was, on page 75, after line 12, to insert:

For repairs to building, $3,000.

The amendment was agreed to.

The next amendment was, on page 75, line 14, to increase the total appropriation for the maintenance of the Reform School for Girls from $18,405 to $24,365.

The amendment was agreed to.

The next amendment was, under the subhead "Medical charities," on page 75, after line 21, to strike out:

To enable the board of charities to provide for care and treatment of, and free dispensary service to, indigent patients, under contracts or agreements to be made with hospitals and dispensaries, including the Home for Incurables, and in carrying into effect this appropriation the board of charities may contract with any hospital or dispensary, or said Home, existing in the District of Columbia April 1, 1906, and organized or established prior to that date, and with no others, $104,000; and the board of charities shall report to Congress at the beginning of its next session the terms of all contracts or agreements made hereunder up to December 1 next, the institutions with whom made, and the amount per annum involved in each contract or agreement.

And in lieu thereof to insert:

For the care and treatment of indigent patients, under a contract to be made with the Freedmen's Hospital and Asylum by the board of charities, $25,500, or so much thereof as may be necessary.

For the care and treatment of indigent patients, under a contract to be made with the Columbia Hospital for Women and Lying-in Asylum by the board of charities, not to exceed $20,000.

For repairs to Columbia Hospital building, $2,000.

For the care and treatment of indigent patients, under a contract to be made with the Children's Hospital by the board of charities, not to exceed $15,000.

For the care and treatment of indigent patients, under a contract to be made with the National Homeopathic Hospital Association by the board of charities, not to exceed $8,500.

For emergency care and treatment of, and free dispensary service to, indigent patients under a contract or agreement to be made with the Central Dispensary and Emergency Hospital by the board of charities, $10,000.

For emergency care and treatment of, and free dispensary service to, indigent patients under a contract or agreement to be made with the Eastern Dispensary by the board of charities, $2,000.

For the Women's Clinic, maintenance, $750.

For Washington Home for Incurables, maintenance, including elevator, $7,000.

For care and treatment of indigent patients, under a contract to be made with the Georgetown University Hospital by the board of charities, $4,000.

For care and treatment of indigent patients, under a contract to be made with the George Washington University Hospital by the board of charities, $4,000.

To enable the board of charities to provide for emergency care and treatment of, and free dispensary service to, indigent patients, under contracts or agreements with hospitals and dispensaries, $5,000: *Provided*, That no part of this sum shall be used to establish or maintain any hospital or dispensary not now existing in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 78, line 16, before the word "dollars," to strike out "five" and insert "eight;" in the same line, after the word "dollars," to insert "probation officer, $1,200;" and in line 24, before the word "hundred," to strike out "six thousand four" and insert "seven thousand nine;" so as to make the clause read:

For agent, $1,800; probation officer, $1,200; executive clerk, $1,080; placing officer, $900; placing officer $720; investigating clerk, $720; record clerk, $660; visiting inspector, $480; messenger, $360; in all, $7,920.

The amendment was agreed to.

The next amendment was, on page 79, line 11, to increase the total appropriation for the maintenance of the Board of Children's Guardians from $79,520 to $81,020.

The amendment was agreed to.

Mr. GALLINGER. On page 79, line 23, before the word "dollars," I move to strike out "six hundred" and insert "seven hundred and twenty."

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 79, line 23, before the word "dollars," it is proposed to strike out "six hundred" and insert "seven hundred and twenty;" so as to read:

Engineer, $720.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 79, line 25, before the word "dollars," to strike out "three hundred and sixty" and insert "four hundred and eighty;" on page 80, line 1, before the word "dollars," to strike out "two hundred and sixteen" and insert "two hundred and forty;" and in line 5, before the word "dollars," to strike out "three hundred and twenty-four" and insert "four hundred and sixty-eight;" so as to make the clause read:

For the Industrial Home School: For superintendent, $1,200; matron, $480; two matrons, at $360 each; two assistant matrons, at $300 each;

housekeeper, $360; sewing teacher, $360; nurse, $300; manual training teacher, $600; florist, $600; engineer, $600; farmer, $480; cook, $240; laundress, $240; two housemaids, at $144 each; temporary labor, not to exceed $400; in all, $7,468.

Mr. GALLINGER. On page 80, line 4, before the word "dollars," I move to amend the amendment by striking out the words "four hundred and sixty-eight" and inserting "five hundred and eighty-eight," so as to make the total $7,588.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from New Hampshire to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 80, line 10, before the word "dollars," to insert "one hundred and forty-four;" so as to make the clause read:

In all, $17,144.

The VICE-PRESIDENT. To correspond with the amendment heretofore made, the total will be changed to $264. The question is on the amendment as thus modified.

The amendment as modified was agreed to.

The next amendment was, on page 80, line 12, before the word "thousand," to strike out "one" and insert "two;" so as to make the clause read:

For repairs and improvements to buildings and grounds, $2,000.

The amendment was agreed to.

The next amendment was, on page 80, after line 14, to insert:

For a reserve pump and motor for the sewage-pumping plant of the Industrial Home School, $800.

The amendment was agreed to.

The next amendment was, on page 81, line 2, to increase the appropriation for care and maintenance of children under a contract to be made with the Washington Hospital for Foundlings by the board of chafities from $5,000 to $6,000.

The amendment was agreed to.

The next amendment was, on page 81, line 5, to increase the appropriation for the care and maintenance of children under a contract to be made with St. Ann's Infant Asylum by the board of charities from $5,000 to $6,000.

The amendment was agreed to.

The next amendment was, under the subhead "Temporary Homes," on page 81, line 13, before the word "dollars," to insert "two hundred;" in line 14, before the word "cook," to insert "clerk, $720;" and in line 18, before the word "dollars," to strike out "three thousand five hundred," and insert "four thousand four hundred and twenty;" so as to make the clause read:

For municipal lodging house and wood and stone yard, namely: For superintendent, $1,200; clerk, $720; cook, $360; and laborer, $360; maintenance, including rent, $1,780; in all, $4,420.

The amendment was agreed to.

The next amendment was, on page 81, line 21, before the word "dollars," to insert "two hundred;" in line 23, before the word "hundred," to strike out "seven" and insert "five;" and in line 24, after the word "thousand," to insert "five hundred;" so as to make the clause read:

For temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, namely: For superintendent, $1,200; janitor, $360; and cook, $360; maintenance, $3,580; in all, $5,500, to be expended under the direction of the Commissioners of the District of Columbia, and ex soldiers and sailors of the Spanish war shall also be admitted to the Home.

The amendment was agreed to.

The next amendment was, on page 82, line 10, after the word "provided," to strike out "in sections 4844 and 4850 of the Revised Statutes" and insert "by law;" so as to make the clause read:

Hospital for the Insane: For support of the indigent insane of the District of Columbia in the Government Hospital for the Insane in said District, as provided by law, $272,800.

The amendment was agreed to.

The next amendment was, under the head of "Militia of the District of Columbia," on page 83, line 22, before the word "hundred," to strike out "four" and insert "one thousand five;" so as to make the clause read:

For lockers, furniture, and gymnastic apparatus for armories, $1,500.

The amendment was agreed to.

The next amendment was, on page 84, line 4, before the word "dollars," to strike out "nine hundred" and insert "one thousand;" so as to make the clause read:

For custodian in charge of United States property and storerooms, $1,000.

The amendment was agreed to.

The next amendment was, on page 84, line 13, before the word "thousand," to strike out "fifteen" and insert "seventeen;" and in the same line, after the word "dollars," to insert "and $4,000, or so much thereof as may be necessary, of the sum appropriated for these objects for the fiscal year 1906 shall be available for expenses of rifle practice and matches and for repair of practice ships for that year;" so as to make the clause read:

For expenses of camps, instruction, practice marches, and practice cruises, $17,000; and $4,000, or so much thereof as may be necessary, of the sum appropriated for these objects for the fiscal year 1906 shall be available for expenses of rifle practice and matches and for repair of practice ships for that year.

The amendment was agreed to.

The next amendment was, on page 85, line 19, before the word "hundred," to strike out "three" and insert "five;" so as to make the clause read:

For general incidental expenses of the service, $500.

The amendment was agreed to.

The next amendment was, on page 85, after line 19, to insert:

For building for use of the naval battalion, with the necessary lockers and other equipments, $6,300.

The amendment was agreed to.

The next amendment was, on page 85, after line 22, to insert:

WATER METERS.

For the purchase, installation, and maintenance of water meters to be placed in such private residences as may be directed by the Commissioners of the District of Columbia; said meters at all times to remain the property of the District of Columbia; to be repaid from revenues of the water department at the rate of $20,000 per annum, beginning with the fiscal year to end June 30, 1908, $100,000.

The amendment was agreed to.

The next amendment was, under the head of "Water department," on page 86, line 14, to increase the number of clerks at $1,000 each in the revenue and inspection branch from two to three.

The amendment was agreed to.

The next amendment was, on page 88, line 6, to increase the total appropriation for the distribution branch of the water department from $84,666 to $85,666.

The amendment was agreed to.

The next amendment was, on page 88, line 23, before the word "trunk," to insert "service and;" and on page 89, line 5, after the word "appropriated," to insert the following proviso:

Provided, That the Commissioners of the District of Columbia are hereby authorized and directed to cause to be paid from the appropriation for the water department, District of Columbia, extension of the high-service system, to the Holly Manufacturing Company, of Buffalo, N. Y., the sum of $6,880, deducted by the Commissioners of the District of Columbia as a penalty under contract No. 3324, dated November 11, 1903, and supplemental contract No. 3324, dated February 24, 1905.

The amendment was agreed to.

Mr. GALLINGER. On line 8, page 90, section 2, at the end of the line, I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 2, page 90, line 8, after the word "exceed," it is proposed to strike out "fifty" and insert "sixty."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 93, after line 18, to insert as a new section the following:

SEC. 7. That until and including June 30, 1907, the Secretary of the Treasury is authorized and directed to advance, on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, as authorized by Congress, and to reimburse the Treasury for the portion of said advances payable by the District of Columbia out of the taxes and revenues collected for the support of the government thereof: *Provided*, That all advances made under this act and under the acts of February 11, 1901, June 1, 1902, March 3, 1903, April 27, 1904, and March 3, 1905, not reimbursed to the Treasury of the United States on or before June 30, 1907, shall be reimbursed to said Treasury out of the revenues of the District of Columbia from time to time, within five years, beginning July 1, 1907, together with interest thereon at the rate of 2 per cent per annum until so reimbursed: *Provided further*, That the Auditor for the State and other Departments and the auditor of the District of Columbia shall each annually report the amount of such advances, stating the account for each fiscal year separately, and also the reimbursements made under this section, together with the balances remaining, if any, due to the United States: *And provided further*, That nothing contained herein shall be so construed as to require the United States to bear any part of the cost of street extensions, and all advances heretofore or hereafter made for this purpose by the Secretary of the Treasury shall be repaid in full from the revenues of the District of Columbia.

Mr. GALLINGER. On page 94, line 24, of the committee amendment, I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In section 7, page 94, line 24, before the

word "street," it is proposed to insert "acquisition of land for;" so that it will read:

The cost of acquisition of land for street extensions, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 95, line 3, to change the number of the section from 7 to 8.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. GALLINGER. Yesterday the provisions relating to public schools, on page 41, were stricken out. With those provisions went an amendment that the committee had proposed to the bill. This morning I moved to insert that amendment with an amendment. I simply mention this that the clerks may get the matter right. The amendment was in relation to two attendance officers, etc. It is now in the bill with an amendment inserting the date "June 8" in the blank. That is understood.

The VICE-PRESIDENT. That is understood.

Mr. NELSON. I offer the amendment which I send to the desk, to come in on page 68, line 7, after the word "thousand."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 68, under the subheading "Justices of the peace," line 7, after the word "thousand," it is proposed to insert "five hundred;" so as to read:

For six justices of the peace, at $2,500 each.

Mr. GALLINGER. Mr. President, in reference to that amendment I desire to make an observation. The Code of Law of the District of Columbia provided that there should be ten justices of the peace, at a salary of $3,000 each. That salary was paid for, I think, about six months, when in an appropriation bill the salary was reduced to $2,000 each a year, which has been paid since that date—I think since June 30, 1902. Last year the number of justices was reduced from ten to six, and the salary was allowed to remain at $2,000. There is a very strong argument, I will suggest, in favor of giving an increase of salary to these six men, they doing the work now that ten men formerly did. They act as judges of the police court in the absence or disability of the judges of that court, and we have established a new court for juvenile offenders, and one of these justices will have to preside there in the event of the judge of that court being absent or incapacitated for service. So that I will not resist the amendment the Senator from Minnesota has offered. It will go to conference, and we will give the matter careful consideration.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. NELSON. In support of the amendment, I ask that the statement which I send to the desk may be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

[Senate Document No. 423, Fifty-ninth Congress, first session.]

Salaries paid justices of the peace in the District of Columbia.

STATEMENT OF FACTS.

I. Under the code, providing for the appointment of justices of the peace, approved March 3, 1901, and amended January 31 and June 30, 1902, it is provided that each of said justices of the peace shall receive an annual salary of $3,000, and the further sum of $250 annually for rent, stationery, and other expenses, etc.

It will be seen that this amendment is asking that the salary as fixed by law be given to these justices of the peace. Six months after this law first went into effect, and for six months after the justices qualified, they were paid at the rate of $3,000 per annum; but subsequent appropriations only provided $2,000 instead of the $3,000.

II. Under the said code as amended the justices of the peace in and for the District of Columbia are given jurisdiction in all civil cases in which the amount involved, or claimed to be due, for debt or damage arising out of contracts, express or implied, or damages for wrongs or injuries to persons or property, does not exceed $300, including all proceedings by attachment or in replevin, where the amount claimed or the value of the property involved does not exceed said sum. * * * And said jurisdiction shall be exclusive when the amount claimed for debt or damage or the value of personal property claimed does not exceed $50, and concurrent with the supreme court of the District of Columbia when it exceeds $50.

All landlord and tenant proceedings are instituted in and determined by the justices of the peace courts in this District. It will be seen that the justices of the peace in and for the District of Columbia have to deal with about as many difficult and complex questions of law and practice as any of the justices sitting in the supreme court of the District of Columbia. The chief difference between the litigation that is carried on in the justice of the peace court and that of the supreme court of the District of Columbia is found in the amounts involved.

III. When the code was first adopted, ten justices of the peace were provided for this District, but under the amendment adopted June 30, 1902, it was provided that on and after January 1, 1906, there should be but six justices of the peace in and for this District.

It will therefore be seen that six justices of the peace are now performing the labor that ten performed originally under the code. While it might be argued that there were, perhaps, too many justices of the peace provided for under the code as originally adopted, yet it is now perfectly apparent that with the increasing litigation before the justice of the peace courts from year to year the six which now exist here are, indeed, overworked. The records of the justice of the peace courts show that each justice is disposing of more than 2,500 cases annually.

The amount of work entailed upon the justices in the matter of entering these suits, as the law requires they shall be entered, into a docket kept by him for such purpose; entering every step taken in the matter of issuing writs and of the returns made thereon; entering continuances; entering motion, etc., and so on, to final judgment and execution; in addition to that, entering appeals and making the proper certifications of the records from that court to the supreme court of the District of Columbia; entering the nonresident and appeal bonds given, as well as those in attachment and replevin suits; also issuing summons for witnesses and the returns made thereon, besides the time which is consumed in the hearing of the contested cases, which means more than 50 per cent of the number of suits filed before him, one-fourth of which represent damage and debt cases, where the same are contested, of necessity casts upon the justices of the peace in and for the District of Columbia a burden which no other judicial officer is called upon to bear in this District. Their hours cover from 9 to 4 o'clock each secular day, exclusive of legal holidays and Sundays.

In this connection I might add that under the law when a vacancy occurs in the police court in this District, or when one or both of the judges presiding in said court is absent on vacation or by reason of sickness, the supreme court of the District of Columbia designates one or more of the justices of the peace to preside in said police court during the temporary absence of such judge or judges. By reason of this fact there is an average of about two and one-half months each year in which the justices of the peace perform the duty of the judges in the police court without one cent of compensation therefor. The judges in the police court receive a salary of $3,000 a year, and their court lasts, upon an average, from 9.30 in the morning to about 1 or 2 o'clock in the afternoon. Surely, when it is found that the qualifications of the justices of the peace are equal to that of the judges in the police court, and when it is found that his work is equally as important as that of the judges in the police court, and also, when his duties are very much more arduous and his hours longer in the discharge of his official duties than those entailed upon the judges in the police court, there is no justice in paying the judge in the police court a single cent more than is paid to a justice of the peace. If quantity and quality of work are to be the basis for fixing the salary that should be paid, it is submitted that the justices of the peace should receive the full $3,000, as fixed by law; in other words, his statutory salary.

One other matter I might suggest here, that it is proposed in the present House bill 18198 to provide for the judge's salary in the recently created juvenile court for the District of Columbia. Heretofore the police court judges have been holding said juvenile court, and it has usually taken about two hours a day to dispose of the cases. In the light of the past it is not likely that the judge sitting in the juvenile court will be called upon to sit for more than three hours a day for some time to come. Notwithstanding these short hours and notwithstanding the fact that his knowledge of the law is in no wise superior to that of the justice of the peace, the present pending appropriation bill is providing a salary of $3,000 per annum for the judge in said juvenile court, and also providing a salary of $2,000 for a clerk, and a salary of $1,500 for a chief probation officer, and $900 for a probation officer, in all $7,400. In other words, the present pending appropriation bill provides for this court, which has few writs to issue and only one character of cases to deal with, in which the rights of property are not considered and where the duties of the officers in said court will, perhaps, not exceed three hours a day for several years to come in the actual discharge of official duties, more than one-half of the sum which it has provided for a half dozen different courts in this District, where the litigation in the matter of damage, debt, replevin, and attachment suits aggregated during the last year over $1,250,000.

I merely mention this to call attention to the lack of due consideration given to the merits of the justice of the peace claim. Surely this inequality ought not to exist. Each justice of the peace ought, as a matter of right, be given a clerk at a salary of not less than $50 per month. They ought to be also given an appropriation for office rent and office expenditures, in the way of dockets and other supplies, absolutely necessary for the business of the office, of not less than $50 per month. They can not get an office suitable for their business under at least $30 or $40 per month. Yet the present pending appropiation bill sets apart the meager little sum of $250 per annum to cover the whole of these expenses and then the little sum of $2,000 a year for their services. In other words, they have not even put them on the same footing that they have put the clerk in the juvenile court, for the reason that that clerk will not have to pay anything out of his salary for the expenses of his court, whereas the justices of the peace must, of necessity, as they have done in the last few years, pay out of his private pocket such moneys as are necessary over and above the $250 allowed to meet the expenses of his office.

It does not seem possible to me that Congress, when its attention is called to this situation, will tolerate it. It will be found that the Attorney-General, Mr. Moody, has written a letter in which he has advocated remedial legislation for the justices of the peace along these lines.

IV. I take it that the committee, or at least some members of the Committee on Appropriations, must have regarded justices of the peace in and for the District of Columbia in the same light that a justice of the peace is regarded in the States.

There not only their qualifications but their jurisdiction is exceedingly limited. The average justice of the peace in the States is not required to have an office and is permitted to follow the ordinary vocations or business in which he is engaged, and his duties as justice of the peace are merely side issues, which he disposes of at his leisure. His work is of such small consequence, to start with, in character and in quantity, to end with, that no one looks upon the ordinary country justice of the peace than anything more than a man of very ordinary intelligence and ability. But in this jurisdiction it is entirely different.

The character of the work is such, to begin with, and the quantity of the work is such, to end with, that it not only requires a high degree of skill and knowledge on his part of law and legal proceedings, but it consumes his entire time, so that he can not pursue any other line of business while he is serving as justice of the peace.

I might add, in this connection, that every one of these justices of the peace was a lawyer by education and by profession before they were made justices of the peace, having received their degrees from the law schools and passed their examinations for admission to the bar before the courts of the District of Columbia.

Mr. NELSON. The total for that item, on page 68, will have to be changed. I move to strike out "thirteen" and insert "sixteen," in line 9.

Mr. GALLINGER. There is another amendment to be offered to that paragraph.

Mr. SPOONER. I desire to offer an amendment. What was the amendment of the Senator from Minnesota?

Mr. GALLINGER. It was to increase the salaries of the justices of the peace from $2,000 to $2,500 each.

Mr. SPOONER. Is that paragraph still open to amendment?

Mr. GALLINGER. It is open to amendment.

Mr. SPOONER. On page 68, line 8, I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. On page 68, line 8, before the word "hundred," it is proposed to strike out "two" and insert "nine;" and in the same line, after the word "hundred," to strike out "and fifty;" so as to read:

And the further sum of $900 each for rent, stationery, and other expenses

Mr. GALLINGER. I will suggest to the Senator that if his amendment is to go in this bill—and I know the appeal that has been made in its behalf—the words "clerical services" should go in after the word "rent."

Mr. SPOONER. I intend to move that after the amendment I have proposed is acted upon.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

The amendment was agreed to.

Mr. SPOONER. In line 8, after the word "rent," I move to insert the words "clerk hire."

Mr. GALLINGER. I would suggest that the words "clerical services" would be better.

Mr. SPOONER. Very well. Let it read "clerical services."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 68, line 8, after the word "rent," it is proposed to insert "clerical services."

The amendment was agreed to.

Mr. SPOONER. In line 9 I move to strike out "thirteen" and insert "twenty," which is a change of the total; and also in the same line to strike out "five" and insert "four," before the word "hundred;" so that the total will read: "$20,400."

Mr. GALLINGER. The clerk of the committee figures the total a little different, and if the Senator will wait a moment we will correct the total. I suggest that the Secretary correct the total.

The VICE-PRESIDENT. Without objection it is so ordered.

Mr. GALLINGER. Now, let the bill be passed, Mr. President.

Mr. BURKETT. I want to offer an amendment to the bill, if the Senator will permit me. On page 28, after line 9, I move to insert:

For completing the paving of Florida avenue from Eighteenth street to Connecticut avenue, $2,500.

I call the attention of the chairman to the fact that that street is about two-thirds paved, one-third on each side, but the middle third was left open to put in street-car tracks. The street-car tracks have never gone in there, and it is to finish the paving of the street.

Mr. GALLINGER. Will the Senator state the streets.

Mr. BURKETT. It is between Eighteenth street and Connecticut avenue on Florida avenue.

Mr. GALLINGER. That is not, I suggest to the Senator, outside of the boundary, is it?

Mr. BURKETT. It is boundary street.

Mr. GALLINGER. The item in the paragraph to which the Senator has proposed the amendment is for the construction of county roads, and those roads are outside of boundary.

We have never in that paragraph, I will say to the Senator, undertaken to deal with streets inside of the boundary. We have made schedules for the different sections of the city——

Mr. BURKETT. Will the Senator from New Hampshire suggest where it should come in?

Mr. GALLINGER. If the Senator wishes to insert it, let it be on page 25, after line 19.

Mr. BURKETT. All right; page 25, after line 19.

The SECRETARY. On page 25, after line 19, it is proposed to insert:

For completing the paving of Florida avenue from Eighteenth street to Connecticut avenue, $2,500.

The amendment was agreed to.

Mr. BURKETT. I desire to offer another amendment. On page 11, at the top of the page, I move to strike out "or municipality."

The VICE-PRESIDENT. The Senator from Nebraska proposes an amendment, which will be stated.

The SECRETARY. On page 11, line 2, after the word "corporation," it is proposed to strike out the words "or municipality."

Mr. BURKETT. Mr. Presiednt, I will say, if there is any objection to the amendment, that this is the paragraph which provides that the inspector of asphalt paving shall not render any service to any corporation. But some municipalities write to him which can not afford to have an inspector of asphalt, and this precludes him from offering any advice. I have in mind one place where he rendered some very valuable service.

Mr. GALLINGER. Mr. President, there is very serious objection to the Senator's amendment. The Senator probably knows the history of this matter, and it is time, it seems to me, that this official of the Government, who is paid a good salary, should attend to his duties here in Washington, and not be interfering with matters outside and deciding between different kinds of asphalt. I hope the amendment will not prevail.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

The amendment was rejected.

Mr. HALE. On page 76, in line 13, I move to strike out the words "by the board of charities."

The SECRETARY. On page 76, in the committee amendment already agreed to——

The VICE-PRESIDENT. The Chair will regard the committee amendment already agreed to as open to amendment.

Mr. HALE. Yes.

The VICE-PRESIDENT. The Senator from Maine moves an amendment, which will be stated.

The SECRETARY. On page 76, line 13, after the word "Asylum," strike out "by the board of charities."

Mr. HALE. As my purpose covers several clauses, I will also move, in line 17, to strike out "by the board of charities."

The VICE-PRESIDENT. Without objection, the two amendments will be agreed to.

Mr. GALLINGER. Not agreed to, Mr. President. I do not think the Senator from Maine asks for that just now.

Mr. HALE. No. They will all come up in connection with a subsequent amendment I will offer, which covers the whole case. In lines 22 and 23 I move to strike out "by the board of charities;" also on page 77, in line 1, also in line 6, also in lines 9 and 10, also in line 17, also in line 20 I move to strike out the same words.

On page 76, at the end of line 20, I move to insert what I send to the desk.

The SECRETARY. On page 76, after line 20, it is proposed to insert:

All appropriations from and including line 11, page 76, of this bill shall be spent under the authority and direction of the officers of each of said charities.

Mr. HALE. Mr. President, I offer these amendments because I think almost everybody who has had anything to do with these charities is very tired of the board of charities. Every year it appears here or in the other branch and insists that instead of Congress appropriating in detail for these charities, which are well conducted and under conservative management, the whole discretion as to the apportionment of the amount shall be left to this ambitious and engrossing board of charities. For one having had something to do with considering these appropriation bills for years, as I have said, I am very tired of the importunities of the board of charities, which seeks to interfere with the actual management of these different charitable associations. There is not one of those associations which is not well conducted. The management is prudent and conservative and satisfactory to Congress.

Every year this board of charities comes to us and asks Congress to take everything away and to leave entirely discretionary with the board of charities the apportionment of the moneys. I am bound to say that when this ambitious board presents its requests—I will not say demands—to the Senate and to the Senate committee, they do not appeal to the Senate committee; and I have offered these amendments leaving not only, as the committee proposes to do, the amounts specified for each institution, but the management and expenditure of the money to the officers, trustees, and managers of those institutions, so that hereafter we will not be beset by the demands of the board of charities that everything shall be left to their omnipotent hands.

I hope the chairman of the Committee on the District of Columbia, who has had great experience and knows a great deal more about the details of these matters than perhaps any other Senator, will be willing to accept the amendments I have offered.

Mr. GALLINGER. Mr. President, the board of charities,

consisting of five members, was created under the provisions of an act approved June 6, 1900, taking the place of an officer who was then known as superintendent of charities, as I remember it. They had duties imposed upon them which were largely of a supervisory character. They were to be appointed by the President, to serve without pay, and they were to examine into the various charitable institutions of the District, when requested to do so by the Commissioners of the District of Columbia, and make recommendations. They did not have the direct expenditure of money. In fact, their jurisdiction extended only to making investigations along charitable lines and advising in the matters of new buildings for charitable purposes. Up to the present year Congress appropriated the money for these various eleemosynary institutions—the various hospitals and other institutions of that kind—in the city. The board has had supervision of them in a general way, but we have designated the amount of money that should go to each institution.

The board is composed of most excellent gentlemen, some of the leading citizens of this city being upon it—such men as Mr. Edson, Mr. Woodward, and others. Doctor Neill is now on the board, and he is a very efficient man. They have done a great deal of good work without financial compensation. But, like all other boards, certainly in this District, and, I suppose, everywhere else in the world, they have been reaching out for increased power. To carry out a long-cherished purpose, they induced the House of Representatives to appropriate a lump sum in the District of Columbia appropriation bill of the present year, to be distributed by the board upon the various institutions as they saw fit. It is an unfortunate fact that at times the board have expressed themselves as being opposed to giving aid to certain very worthy charities. For instance, they have taken ground against an appropriation to the Home for Incurables, an institution to which one woman gave $50,000, and where patients suffering from cancer and other incurable diseases, excluded from the other hospitals of the city, find a home and are tenderly cared for. We have been giving that institution from two to four thousand dollars a year, and this board has on two or three occasions objected to that, saying it was not a proper appropriation of public money.

During the present year they went into print, as I remember, saying we should not make an appropriation for the Columbia Hospital for Women, etc., an institution that belongs to the Government, land and buildings alike. They have intimated that they thought that institution ought to go out of business, and the patients be distributed among the other hospitals of the city. Some antagonisims have arisen because of the attitude of the board in these matters. I have no doubt they have meant well; I have no doubt they believe it would be a better system of administration if we would yield to their wishes in this regard.

But I call the attention of the Senator from Maine to a matter which, of course, he understands, that the subcommittee of the Committee on Appropriations struck out the item putting all this money in the hands of the board of charities, to be dispensed by them as they saw fit, and they have provided for each hospital by name, making a specific appropriation in each case, so that the board will be compelled, if this bill shall become a law, to have this money dispensed next year as it has been done in the past.

I doubt very much the propriety of striking out the words that the Senator from Maine suggests ought to come out of the bill. I doubt very much the propriety of raising as sharp an issue as that with the board of charities at the present time. I think if we succeed in keeping in the bill what the committee have placed in it, caring specifically for each institution this year, we will be able to reach an amicable adjustment of this entire matter, and that there will be less friction in the future than there will be if we raise the question as sharply as the Senator from Maine proposes to do. I assure him personally that I will do what I can to bring about an adjustment that will not do harm to anyone, and that will be of the highest possible benefit to these most excellent institutions in the District for which we are making appropriations. So I trust the Senator will not press his amendments any further.

Mr. TELLER. I should like to know what the amendment is. I did not quite catch it.

Mr. GALLINGER. The amendment, I will say to the Senator, is to strike out in the items providing specifically for each institutions the words "by the board of charities," so that the money will go direct to each institution and be dispensed by the officers of those institutions.

Mr. HALE. The Senator from Colorado, an old member of the committee, I know has always had an active and intelligent interest in this whole matter. My object is to prevent, both now and hereafter, the intervention of these ambitious gentlemen comprising the board of charities to take entire possession of the eleemosynary institutions and dole out as they think fitting and best the amount of moneys to each institution, and also, as they claim, to give them the power to close up and abandon certain institutions. I am not for that. I do not think the Senator from Colorado is for that. I do not think the Senator from New Hampshire, who has had great experience and has great knowledge on this subject, is for that.

I see the force of his appeal to me that, as, under his advice, the old rule has been restored in the bill and the amounts are specially appropriated for the different institutions, I shall not now insist on going further and striking out all of the nominal control of the board of charities. I hope that as a result of the action of the Senate and of this debate we will hear less hereafter of this board, which comes here every year to change what has been the practice for years and years, and that they will be content to perform the duties that are now given to them by Congress, which are large enough, without seeking to subvert everything Congress has always done, showing confidence in these institutions and maintaining them distinctively in the judgment of Congress and not in the judgment of the board of charities.

Mr. TELLER. Mr. President, I confess I sympathize very greatly with the feeling of the Senator from Maine, but we did not think it was wise at this time to entirely ignore the board. I have a good deal of feeling that the board are quite out of place in insisting that they shall determine how the money shall be expended in the first instance. This is an old claim of theirs which has been made for some time. They have now made the first step which is direct and efficient by persuading the House to put it in their hands. I feel very much that we are quite as capable of doing that duty of distribution as are the board, and I so stated to the board when they were before the committee, and that I did not myself believe that Congress would at any time turn over that duty to them. The way they have insisted upon handling this money for several years is proof enough that they ought not to handle it at all, except in a perfunctory way.

The Senator from New Hampshire [Mr. GALLINGER] has mentioned the fact that they have been hostile to the Home for Incurables. It is a private charity established in Georgetown by the good people to take care of persons who could not get into the ordinary hospitals. It is a home for incurables of all kinds. We have appropriated only a few thousand dollars annually for that charity, and it has been maintained by the good people of this city. As the Senator from New Hampshire has said, one lady gave $50,000. That was the beginning. Others have contributed, and the women of this District have looked after these incurable people—not always incurable. Sometimes when they were supposed to be incurable it has turned out that they were not. At least within a short time, three persons who were thought to be incurable, and were so pronounced, have been sufficiently relieved of their disabilities to be self-supporting in this city, and are now earning enough to support themselves, and are away from the institution. And yet there was no other place in the city where they could have gone. I have visited this Home for Incurables, which has in it now people who, if turned out, would have no place to go. They would have to go to the pauper home.

Mr. GALLINGER. There are some forty or fifty, are there not?

Mr. TELLER. Forty-five, or such a matter, I believe. All classes are taken in. It is not a sectarian institution. Catholics, Protestants, Jews—every class are taken in if they come within the rule. It is, I think, the most worthy and deserving charity in the city, without exception. We have made an appropriation this year for a little extra help—$3,000 for an elevator, which they need very much, because they have a large number of persons who can not go up and down stairs and who must be taken in the elevator and carried up and down. They have permanent cripples there. Some of them are partly supported by their friends, but many of them are supported entirely by the contributions of the good people, save and except the small sum the Government gives, which never heretofore has been more than $4,000 a year.

For these great institutions we have appropriated as high as a hundred and fifty thousand dollars a year. With respect to this little establishment, which is doing as much good as any other in the city, the board of charities came before us and actually said they thought it ought to be disbanded and abandoned. I said: "What will you do with the patients?" They said: "Let the Government build a building." This institution would take care of these unhappy people for a tithe of what the Government could take care of them for. It is economy for us to help in this case. We give only a moiety out of the whole.

I must confess that the attitude of the board heretofore and now has prejudiced me somewhat against the board, and I should very much dislike to see the bill pass and become a law as it came to us from the House. I think it would be very disastrous and hurtful. There is one thing we ought to insist upon, and that is that the control of appropriations belongs to the Congress of the United States, and not to any tribunal or board to which we may intrust the simple payment of it. We should say when and where and how it should be expended. It is enough for them to distribute it. That is all the power they ought to have. We should determine the amount that should go to each institution.

The VICE-PRESIDENT. Does the Senator from Maine withdraw his amendments?

Mr. HALE. Mr. President, I can see plainly that in a matter of this kind a mistake might be made in seeking to go too far. The Senator in charge of the bill has shown very plainly that, so far as he is concerned, he does not believe in turning over the entire disposition of this aggregate sum to the discretion of the board of charities, and I trust that when this matter goes into conference between the two Houses we shall find as a result of the conference that the present rule will be maintained and that the disposition and the amount for each of the eleemosynary institutions shall be, as the Senator from Colorado has indicated, controlled by Congress, and not by the board of charities.

Under these circumstances I will not insist on my amendment, but I notify the Senator that if importunity is kept up and there is this determination to take this subject-matter not only away from us, but away from the very sensible, benevolent, and intelligent persons who have charge of these institutions, on the next appropriation bill I shall certainly try to see that not only shall we distribute the amount of the funds, but that the expenditure of the sums shall be left to the good people who are managing these institutions and the very charitable and benevolent people who have given their benefactions to maintain and sustain them. For the present I withdraw the amendments.

The VICE-PRESIDENT. The Senator from Maine withdraws the amendments.

Mr. MALLORY. Mr. President, I have an amendment which I should like to submit.

The VICE-PRESIDENT. The Senator from Florida submits an amendment, which will be stated.

The SECRETARY. In line 23, page 18, after the word "shall," insert the word "not;" strike out all of line 24, on page 18, after the word "used," and insert the following:

By the Commissioners for any purpose other than to visit such points within the District of Columbia as it may be necessary to visit in order to enable them to inspect or inform themselves concerning any public work or property belonging to the said District or connected with its administration.

Mr. MALLORY. Mr. President, the amendment proposed to line 23, on page 18, is to insert the word "not" after the word "shall;" and in line 24 to strike out all after the word "used" and insert new matter; so that it will read:

That horses and vehicles appropriated for in this act shall not be used by the Commissioners for any purpose other than to visit such points within the District of Columbia as it may be necessary to visit in order to enable them to inspect or inform themselves concerning any public work or property belonging to the said District or connected with its administration.

My reason for offering this amendment is that it came to the attention of the Committee on the District of Columbia the past winter that notwithstanding the fact that the language which is now in the bill, which prohibits the use of these horses and vehicles except for official purposes, has been regularly in the District of Columbia appropriation bill since 1903, the Commissioners, or at least two of them, have been using the horses belonging to certain departments of the city government—the department of streets and the fire department—for the purpose of conveying them and their families whenever they thought proper to indulge in that sort of entertainment. In fact, it was shown to the satisfaction of the committee that these vehicles and horses purchased for public use were regularly used by certain of the Commissioners for the purpose of driving to entertainments, to receptions, to theaters, to Chevy Chase, and generally for their own personal pleasure as well as for the performance of their public duties.

If Congress had any object in inserting this provision restricting the use of these horses and vehicles by the Commissioners only when they were engaged in official business, it certainly could not be consistently construed to mean that they could also use these horses and vehicles for pleasure.

If it is the wish of Congress to permit these gentlemen to use drivers and horses paid and purchased at the public expense for their personal pleasure and entertainment, Congress may do it, but in the face of a positive inhibition which can be construed into nothing but a prohibition against using these horses and vehicles for their personal use, it strikes me that it is the duty of Congress to enact the law in such a shape that it can not possibly be ignored on any pretext.

The amendment which I propose does not prevent them from using these horses and vehicles when it is necessary for them to visit public works or the public property, but if its mandate is observed, they will not use them to visit the theater, to drive to receptions and to entertainments during the winter.

The system which is in vogue to-day is objectionable in addition to this, because it is a fact with which the members of the Committee on the District of Columbia are acquainted that the time of employees of the street department and employees of the fire department is taken up by these Commissioners in using them as drivers for these vehicles.

It is unnecessary for me to say anything to the Senate about the wrong, the impropriety, of such practices on the part of the Commissioners. They may be "potent, grave, and reverend seigniors," and very worthy gentlemen, but they illustrate a tendency which is a growing one in this country to-day, to so construe the laws which they themselves have to put into effect as to allow them privileges which the legislature not only does not permit, but, in fact, positively prohibits.

I had hoped that this amendment would have been adopted by the committee. I introduced it on April 25 and had it sent to the committee, hoping that it would be adopted and save me the necessity of making this statement. But inasmuch as the committee did not think proper to do it—I did not go before them and urge it at all, and possibly they may have overlooked it—I deemed it my duty to call the attention of the Senate to the practice, which has been indulged in for many years past, which is an abuse, a scandal, and practically a petty piece of graft, which ought to be abolished peremptorily and effectually.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA.

Mr. BURKETT. Now I desire to call up and to continue the consideration of the bill (H. R. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia—the bill that we laid aside last night.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The pending amendment is the second amendment on page 4. It will be stated.

The next amendment of the Committee on the District of Columbia was, on page 4, line 15, after the word "taught," to insert:

And he is specifically charged, under the direction of the superintendent, with the unification, so far as may be practicable, of the educational work of the colored high schools, and of all the academic and scientific subjects of the Armstrong Manual Training School. And he also shall be charged specifically, under the direction of the superintendent, with the unification of the educational work of the intermediary grades of the colored schools.

So as to make the paragraph read:

The colored assistant superintendent, under the direction of the superintendent of schools, shall have sole charge of all teachers, classes, and schools in which colored children are taught. And he is specifically charged, under the direction of the superintendent, with the unification, so far as may be practicable, of the educational work of the colored high schools, and of all the academic and scientific subjects of the Armstrong Manual Training School. And he also shall be charged specifically, under the direction of the superintendent, with the unification of the educational work of the intermediary grades of the colored schools.

Mr. BURKETT. I move to strike out "intermediary" and insert the word "intermediate" at the end of line 21.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 4, line 24, after the words "appoint a," to strike out "supervisor of high schools, who shall have charge of all subjects in the white high schools and of all academic and scientific subjects in the McKinley Manual Training School," and insert "director of intermediate instruction for the white schools who shall have charge under the direction of the superintendent of the unification of educational work of grades 5 to 8, inclusive;" so as to make the paragraph read:

The board, upon the written recommendation of the superintendent of schools, shall appoint a director of intermediate instruction for the

white schools who shall have charge under the direction of the superintendent of the unification of educational work of grades 5 to 8, inclusive.

The amendment was agreed to.

The next amendment was, on page 5, after line 6, to insert:

There shall be appointed by the board a director of manual training, who, under the direction of the superintendent, shall have supervision of manual training instruction in the grades.

Mr. BURKETT. In line 7, I move to strike out the word "director" and insert "supervisor;" so as to make it conform with the rest of the bill.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 5, after line 10, to insert:

The board shall also appoint a superintendent of buildings and supplies, who shall give such security for the faithful performance of the duties of his office as the board of education shall prescribe. He shall have entire jurisdiction of the care of all school buildings and premises, and shall purchase and have the care and distribution of all supplies needed for the schools, under such regulations as the board of education shall prescribe. He shall have as assistants one clerk, one inspector of janitors, and one stenographer and typewriter. The assistants to the superintendent of buildings and supplies shall be appointed by the board of education upon the written recommendation of the superintendent of buildings and supplies.

Mr. BURKETT. I move, as a substitute for the amendment, to insert what I send to the desk. This I do by direction of the committee.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nebraska will be read.

The SECRETARY. In lieu of the amendment on page 5, beginning with line 11 and ending with line 23, insert:

The board shall also appoint a superintendent of buildings and supplies, at a salary of $3,000 per annum, who shall give such security for the faithful performance of the duties of his office as the board of education shall prescribe, and be subject to removal at the will of the board. He shall have charge of the sanitation and care of all school buildings and premises, and shall purchase and have the care and distribution of all supplies needed for the schools, under such regulations as the board of education shall prescribe. He shall have as assistants one clerk, one inspector of janitors, and one stenographer and typewriter, who shall be appointed by the board of education upon the written recommendation of the superintendent of buildings and supplies.

The amendment was agreed to.

The VICE-PRESIDENT. The amendment of the committee will be disagreed to.

The next amendment was, on page 6, after line 4, to strike out:

Assistants to eighth-grade principals, classes 1 and 2.

The amendment was agreed to.

The next amendment was, on page 6, line 6, before the word "kindergarten," to insert "of;" so as to make the paragraph read:

Model teachers of first and second grades, and of kindergarten, class 4.

The amendment was agreed to.

The next amendment was, on page 6, line 15, after the word "classes," to strike out "two" and insert "three;" and in the same line, after the word "to," to strike out "five" and insert "four, inclusive;" so as to make the paragraph read:

Teachers of manual training, drawing, physical culture, music, domestic science, domestic art, in the graded schools, classes 3 to 4, inclusive.

The amendment was agreed to.

The next amendment was, on page 6, after line 15, to insert:

Teachers of domestic art and domestic science in high and manual training schools, classes 4 and 5.

The amendment was agreed to.

The next amendment was, on page 7, line 2, after the word "music," to strike out "domestic science, and domestic art;" in the same line, after the word "schools," to insert "and manual training schools;" and in line 3, after the words "four to," to strike out "five" and insert "Group A, class 6, inclusive;" so as to make the paragraph read:

Teachers of manual training, drawing, physical culture, music, in the high schools, and manual training schools, classes 4 to Group A, class 6, inclusive.

The amendment was agreed to.

Mr. CARTER. The bill is being read for action on the committee amendments?

The VICE-PRESIDENT. For action on the committee amendments.

Mr. CARTER. And other amendments are not now in order?

The VICE-PRESIDENT. None except the committee amendments.

The next amendment was, on page 7, line 8, to insert in the clause for "Head teachers and teachers of normal, high, and manual training schools, Group A, class 6" the following proviso:

Provided, That teachers of the normal, high, and manual training schools now receiving less than $800 shall receive an annual increase not to exceed $150 until the minimum salary of class 6 is reached, when they shall thereafter receive the increase provided in said class: *And provided further*, That special beginning teachers in the normal school may be appointed for a two years' probationary period upon the recommendation of the principal of the normal school at a salary of $800 for the first year and $900 for the second year, and thereafter, if continued, they shall receive the increase provided for in this class.

The amendment was agreed to.

The next amendment was, on page 7, line 24, after the word "librarian," to strike out "to the board of education" and insert "of the teachers library;" and in line 25, after the word "class," to strike out "five" and insert "four;" so as to make the paragraph read:

Librarian of the teachers library, class 4.

The amendment was agreed to.

The next amendment was, in section 5, on page 8, line 11, before the word "departments," to strike out "five" and insert "three;" so as to read:

That the board of education shall classify all academic and scientific subjects in the Central, Eastern, Western, and Business high schools and the McKinley Manual Training School into eight departments, so that each department shall contain correlated subjects, and the M Street High School and the Armstrong Manual Training School shall be similarly classified into three departments, so that each department shall contain correlated subjects.

The amendment was agreed to.

The next amendment was, in section 5, page 8, line 17, after the words "head teacher," to insert the following proviso:

Provided, That heads of departments as such shall have only an advisory capacity in educational matters, and upon all questions shall be inferior in authority to the principal of each particular school: *Provided further*, That no class shall be formed in the high schools with less than ten pupils, except in the M Street High School in the case of subjects not offered as well in the Armstrong Manual Training School.

So as to make the paragraph read:

Whenever a department includes two or more high schools, then the teacher in charge of the department shall be designated "head of the department," otherwise the teacher in charge of the department shall be designated "head teacher:" *Provided*, That heads of departments as such shall have only an advisory capacity, etc.

The amendment was agreed to.

The next amendment was, on page 9, line 20, after the word "another," to strike out "or from one group in class 6 to another, or from one grade of salary to another within Group B;" in line 22, after the word "the" where it occurs the third time, to strike out "supervisor of high schools, or" and insert "officer having direct supervision of said teacher and;" on page 10, line 1, before the word "recommendation," to insert "additional;" and in line 2, after the word "superintendent," to strike out "or supervising principal having supervision of the teacher;" so as to make the clause read:

A teacher shall not be promoted from one class to another except by the board of education, upon the recommendation of the officer having direct supervision of said teacher, and in the case of colored teachers upon the additional recommendation of the colored assistant superintendent. Such recommendations shall in each case be made through and with the approval of the superintendent of schools.

The amendment was agreed to.

PANAMA CANAL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE. I will inquire as to whether any Senator is ready to address the Senate on the unfinished business? No one has advised me of such a desire. [A pause.] I send to the desk an order, and I ask for its adoption.

The VICE-PRESIDENT. The Senator from South Dakota proposes an agreement, which will be read.

The Secretary read as follows:

It is agreed by unanimous consent that on Wednesday, June 13, 1906, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction, and continue the consideration thereof until 3 o'clock p. m., when debate shall cease and a vote be taken upon all amendments then pending or to be offered, and that a vote be taken on the bill before adjournment on that day.

Mr. CULBERSON. What is the proposition?

The VICE-PRESIDENT. The request is for unanimous consent for a final disposition of the bill on Wednesday, June 13.

Mr. CULBERSON. Is unanimous consent asked at this time?

Mr. KITTREDGE. Yes, sir.

The VICE-PRESIDENT. It is.

Mr. CULBERSON. There is a very meager attendance of Senators at this time. There may be no objection to the agreement; but the Senator from Alabama [Mr. MORGAN], who has

taken quite an interest in this matter, is not present in the Chamber.

Mr. KITTREDGE. I feel sure that I am authorized to state that the date named is entirely satisfactory to the Senator from Alabama.

Mr. CULBERSON. Very well.

Mr. MILLARD. Mr. President, I feel authorized to say that the proposition is entirely unsatisfactory to other Senators who wish to speak upon this question, and I object to the order being made.

The VICE-PRESIDENT. Objection is made.

Mr. KITTREDGE. I ask the Senator from Nebraska to suggest a date when a final vote may be taken on the bill.

Mr. MILLARD. I am not prepared to-day to name a date, but perhaps I may be by Tuesday next. I know of four or five Senators on the lock side of this proposition who wish to speak, which will certainly carry the time beyond Wednesday or Thursday of next week. So I would not be warranted in making any positive suggestion to-day as to a time when the bill could be voted on. I will endeavor to do so as soon as I can confer with one or two Senators who I know desire to speak on this subject, and who are absent from the Senate at this time.

Mr. KITTREDGE. Can the Senator assure me that somebody will be ready to address the Senate upon the bill on Monday?

Mr. MILLARD. I could not say positively that anyone will be ready on that day. I think there will be some one ready to address the Senate on Wednesday.

Mr. KITTREDGE. In the light of the statement of the Senator from Nebraska, I feel compelled to give notice that I shall begin on Monday to push the bill, and that I shall ask for a vote or that some one representing the minority shall address the Senate upon the subject.

Mr. BURKETT. Now, Mr. President——

The VICE-PRESIDENT. What disposition shall be made of the unfinished business?

Mr. KITTREDGE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia.

The next amendment of the Committee on the District of Columbia was, on page 10, line 7, after the letter "B," to strike out "as follows" and insert "of class 6 only after oral and written examinations by the board of examiners upon recommendation as follows;" so as to make the paragraph read:

Teachers shall be promoted for superior work from Group A to Group B of class 6 only after oral and written examinations by the board of examiners upon recommendation as follows.

The amendment was agreed to.

The next amendment was, on page 10, after line 9, to strike out the following:

First. All high school teachers upon the recommendation of the supervisor of high schools in the case of white high schools, or upon the recommendation of the colored assistant superintendent in the case of colored high schools.

Second. Upon the recommendation of the director of manual training in the case of manual training schools.

Third. Upon the recommendation of the principal of the normal schools in the case of the normal schools.

And to insert:

All high and normal school teachers and teachers of the manual training schools upon the recommendation of their respective principals.

The amendment was agreed to.

The next amendment was, on page 10, line 22, after the word "schools," to insert "and with the additional recommendation of the colored assistant superintendent for the colored teachers;" so as to make the paragraph read:

Such recommendations shall in each case be made through and with the approval of the superintendent of schools, and with the additional recommendation of the colored assistant superintendent for the colored teachers.

The amendment was agreed to.

The next amendment was, on page 10, line 25, after the word "teacher," to insert "head of department;" on page 11, line 3, after the word "director," to strike out "and" and insert "or;" in line 4, after the word "until," to strike out "they" and insert "he shall;" in line 5, after the word "board," to insert "of examiners. No person without a degree from an accredited college shall hereafter be appointed to teach academic or scientific subjects in the high schools;" in line 8, after the word "provision," to insert "for examination;" in line 11, after the word "schools," to strike out "or from one group to another in the high, normal, or manual training schools;" and in line 17, after the word "service," to insert "The board of examiners for carrying out the above provisions with reference to examinations shall consist of the suprintendent and two heads of departments of the white schools for the white teachers and of the superintendent and two heads of departments of the colored schools for colored teachers, the designation of such heads of departments for membership on this board to be made by the board of education annually;" so as to make the paragraph read:

No teacher, head of department, principal, or supervising principal shall be appointed to any position in the graded schools, high schools, manual training schools, or normal schools, or no director, assistant director, or teacher of special studies shall be appointed until he shall have passed an examination prescribed by the board of examiners. No person without a degree from an accredited college shall hereafter be appointed to teach academic or scientific subjects in the high schools. This provision for examination shall not apply to teachers coming from the normal schools, or teachers being advanced from the different classes in the grade schools: *Provided*, That no teacher or officer in the service of the public schools of the District of Columbia at the time of the passage of this act shall, by the operation of this act, be required to take any examination, either mental or physical, to be continued in the service. The board of examiners for carrying out the above provisions with reference to examinations, etc.

The amendment was agreed to.

The next amendment was, on page 12, line 6, after the word "grade," to insert "or of the kindergarten;" so as to make the paragraph read:

For the purpose of this act a model teacher shall be held to be a teacher of the first or second grade, or of the kindergarten, whose special aptitude for primary teaching makes it desirable to retain him in said grades with the pay of a higher grade.

The amendment was agreed to.

The next amendment was, on page 12, line 11, after the word "years," to insert "or until the maximum is reached;" so as to read:

Teachers of classes 1 and 2 shall receive an annual increase of salary of $25 for four years, or until the maximum is reached.

The amendment was agreed to.

The next amendment was, on page 12, line 14, after the word "years," to insert "or until the maximum is reached;" so as to read:

Teachers of class 3 shall receive an annual increase of salary of $25 for ten years, or until the maximum is reached.

The amendment was agreed to.

The next amendment was, on page 12, line 17, after the word "years," to insert "or until the maximum is reached;" so as to read:

Teachers of class 4 shall receive an annual increase of salary of $30 for ten years, or until the maximum is reached.

The amendment was agreed to.

The next amendment was, on page 12, line 20, after the word "years," to insert "or until the maximum is reached;" so as to read:

Teachers of class 5 shall receive an annual increase of salary of $40 for ten years, or until the maximum is reached.

The amendment was agreed to.

The next amendment was, on page 13, line 11, after the word "all," to insert "such;" and in line 12, after the word "salary," to insert "and each shall have entire control of his school, both executive and educational, subject only in authority to the superintendent of schools for the white schools and to the colored assistant superintendent for the colored schools, to whom in each case he shall be directly responsible;" so as to make the paragraph read:

Principals of normal, high, and manual training schools shall receive a salary of $2,000 per annum, together with an annual increase of $100 for five years. All such principals shall be appointed at the minimum salary, and each shall have entire control of his school, both executive and educational, subject only in authority to the superintendent of schools for the white schools and to the colored assistant superintendent for the colored schools, to whom in each case he shall be directly responsible.

The amendment was agreed to.

The next amendment was, on page 13, line 19, after the word "music," to insert "fifteen hundred dollars, with an annual increase of $100 for five years;" so as to read:

That the salary of the directors shall be as follows: Directors of drawing, physical culture, music, $1,500, with an annual increase of $100 for five years; domestic science, domestic art, and kindergartens shall receive a salary of $1,500 per annum with an annual increase of $50 per year for five years, etc.

The amendment was agreed to.

The next amendment was, on page 14, line 5, before the word "hundred," to strike out "six" and insert "eight;" so as to read:

The director of primary instruction shall receive a salary of $1,800 per year, with an increase of $50 per year for five years, etc.

The amendment was agreed to.

The next amendment was, on page 14, line 15, after the word "each," to strike out "supervisors of high schools, supervisors," and insert "director of intermediate instruction, supervisor;" so as to make the paragraph read:

PAY OF OFFICERS.

SEC. 9. That the pay of officers shall be as follows: The superintendent, $5,000; the assistant superintendents, $3,000 each; director of intermediate instruction, supervisor of manual training schools, and supervising principals, $2,200 per annum, with an increase of $100 per year for five years.

Mr. BURKETT. In line 17, page 14, I move to strike out the word "schools" after the words "manual training."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. McCUMBER. In line 19 on page 14, after the words "for five years," I move to insert the following proviso:

Provided, That the assistant superintendent shall have had at least two years' experience as instructor in high schools of the same or equal grade, or as superintendent or director of such high schools.

This amendment is, I understand, satisfactory to the Senator in charge of the bill.

Mr. BURKETT. I would not want to say that it was agreed to, because the committee has not agreed to it. It is a qualifition, of course, that is put on the assistant superintendent. The Senate has a right to put it on. We can put on special qualifications for any officer we are going to employ. The amendment provides that an assistant superintendent must have had two years' experience in high school. If the Senate desires to do it, it is all right, but I could not agree to it, because I have no authority from the committee.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from North Dakota.

The amendment was agreed to.

The next amendment of the Committee on the District of Columbia was, on page 14, line 20, before the word "supervisors," to strike out "supervisors of high schools" and insert "director of intermediate instruction;" and in line 23, after the word "act," to insert "unless the said salary is less than that received at the time of his appointment;" so as to make the paragraph read:

Director of intermediate instruction, supervisors of manual training, and supervising principals who may be hereafter appointed shall be appointed at the minimum salary provided in this act unless the said salary is less than that received at the time of his appointment.

The amendment was agreed to.

Mr. BURKETT. In line 21, on page 14, I move to strike out the final "s" in the word "supervisors;" so as to make it read "supervisor."

The amendment was agreed to.

The reading of the bill was concluded.

Mr. NELSON. Mr. President, I offer an amendment to the bill. On page 7, line 3, I move to strike out the word "four" and insert the word "five" after the word "classes." I trust the Senator from Nebraska will agree to it, so the matter can, at all events, go into conference.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, line 3, after the word "classes," strike out "four" and insert "five;" so as to read: "classes five to Group A, class six, inclusive."

The amendment was agreed to.

Mr. DILLINGHAM. I should like to inquire of the Senator from Nebraska by whom the appointment of assistants to eighth grade principals is made?

Mr. BURKETT. This bill does not provide for any, I will say to the Senator from Vermont.

Mr. DILLINGHAM. I understand that with the amendment adopted it does not provide for any, but I understand that there is a considerable number of assistants to eighth grade principals.

Mr. BURKETT. There are twenty of them in the District—thirteen white and seven colored.

Mr. DILLINGHAM. The provision in line 5, page 6, which was stricken out when my attention was attracted elsewhere, is a provision simply fixing their salaries.

Mr. BURKETT. Yes.

Mr. DILLINGHAM. I do not understand that it directs the appointment of such assistants.

Mr. BURKETT. It does not, but we took it that if we did away with the salary that the board would not be liable to appoint anyone to the position. That was the object of the committee.

Mr. DILLINGHAM. I do not understand that it interferes with the salary, if appointed legally, but the bill proposes to fix what the salary shall be if they are appointed. So I am inquiring of the Senator as to the source of the appointments—that is, who makes them and under what conditions they may be made?

Mr. BURKETT. The board of education, of course, has been appointing. There are about a hundred and twenty grade schools here. I can not state the exact figures at this moment. These schools run all the way from four-room schools to twenty-room schools. Now, out of the hundred and twenty grade schools there are just twenty of them that have these assistant principals. We could not find any reason why such assistants should be appointed in any particular place, because there are twelve-room schools which do not have them and there are eight-room schools which do have them. Such assistants have been placed here and there apparently without any particular account of the work that is to be done. When the matter was up in the other House the committee in charge went very thoroughly into the question of these supervising principals, and in the House hearings the superintendent said—and I want to say that he in no place recommends a discontinuance of the assistant, but he did say that the supervising principal of these schools is the real principal in fact for the organization of the work and the supervising of instruction, and all that kind of thing. Each of these supervising principals will be in charge of half a dozen or more of these grade schools, and he is the principal in the ordinary sense.

Your committee felt upon this showing and from these hearings—the thirteen supervising principals being the real principals—that the nominal principal of the school, as a matter of fact, is an assistant principal. He does not have anything particularly to do except to teach; he is merely the head teacher, what is called the head teacher of a particular school. But the man in charge of that school is the supervising principal, and the committee thought to give to the head teacher of that school an assistant was not necessary. Furthermore, we thought if it was necessary, that all the schools ought to have an assistant or else none of them should have them. That is the reason the committee left them out. There has never been anywhere in any of the hearing, so far as we can find, any particular reason given for an assistant principal.

I will say to the Senator that some of these assistant principals and some of the principals who have them are looking out, of course, in their own interest for the reinstatement of this provision for their salary.

They would get a little more wages if they were called assistant principals. They have been to members of the committee, as I have no doubt they have been to other Senators, urging that they be retained. They are not, in the judgment of the committee, necessary for the welfare of the schools. They will draw more salaries under this bill anyway; and your committee thought it best to leave them out. That is the object of it.

Mr. DILLINGHAM. Mr. President, I find that there are thirteen of these great school buildings where there is an assistant principal, and that in none of these buildings are there fewer than twelve classes. The principal of that building herself teaches a class and has from forty to forty-five pupils to teach and to carry along until they are prepared to enter the high school. I can conceive very easily why it is that, in certain cases, the board of education has seen fit to give these teachers an assistant; I can understand why, perhaps, in some cases they have seen fit not to appoint an assistant; but when you remember that there is placed upon the shoulders of a lady the duty of teaching a class of forty-five pupils all the hours of the day and at the same time she has charge of the building, with over twelve to twenty teachers under her, having charge of all the rooms, being the first to whom complaints are made, supervising and caring for the building and the grounds, receiving supplies and distributing them to the pupils, and making the requisitions, and at the same time making elaborate reports to officers above her—it seems to me that it is all wrong to cut out the right of the board of education to appoint an assistant where, in their judgment, they think one is necessary. I do not understand that the amendment forbids the right to appoint such assistant, but that it simply cuts out the provision saying what their salaries shall be when they are appointed. I was wondering if the Senator having the bill in charge would not prefer to leave that matter just as it is, so that if the board of education sees fit in any case to appoint an assistant, where the board thinks an assistant is required, that the salary for such assistant shall be defined in the law.

Mr. BURKETT. Well, I would say, Mr. President, in response to the Senator, that I have a list here of thirteen schools. For instance, the Sumner School, a nine-room school, has a principal; the next is the Briggs School, which has thirteen rooms and has no principal; the next is the Mott School, which has twenty rooms, and that has no principal. We found that these principals have not been assigned with reference, apparently, to the amount of work; they have apparently been appointed—I do not want to say it—but where a good person

ought to have more salary—to provide for them. We have, however, provided salaries for these good persons under this proposed law. Let me read what the superintendent says on this subject. You see this principal does not have the regular duty of a principal of schools. Here is what Superintendent Stuart said before the House committee:

Mr. MORRELL. *Referring to these supervising principals,* can you give the committee some idea of what their duties are?

Mr. STUART. The elementary schools, as I have stated, are divided into thirteen groups—four colored and nine white. That is to say, there are practically thirteen districts.

You may call this man a district superintendent, if you please, instead of a supervising principal. *He is called a district superintendent* in New York and so called in Philadelphia. He is the executive officer for that group of schools. He will have from 75 to 100 elementary school teachers under his charge. He has his office in one of the buildings, and his duties consist in organizing, when the schools are opened in September, the schools of that district, making necessary recommendations as to assignments of teachers, promotions of teachers, classification of pupils, and he also attends to all administrative matters relating to discipline. These thirteen men, if I could find a parallel in any other department of the District government, would correspond, we will say, to the lieutenants in the police force, each having his jurisdiction and having entire administrative responsibility for his district, and reporting to the central head.

Mr. MORRELL. Let me ask you, what extra compensation does the principal of a building get?

Mr. STUART. I was about to state in regard to the duties of these principals of buildings that are principals only in the sense that they are the chief teachers—the teachers of the highest grade within the building, usually without an assistant, and consequently they have no supervisory power over the instruction, none whatever. The principals of these small buildings having no control over the instruction, in fact no authority in any schoolrooms except their own, has necessitated the supervision by the supervising principal. *It is the supervising principal who in his group of schools looks after matters of instructions.* He visits the schools; examines the schools. It is the supervising principal who does that. He attends to cases of discipline which are appealed from the teacher, the principal of the building being without an independent authority which a principal of a building in the city of New York would have or in any other great cities where he has an assistant.

It is the superintendent of schools who uses those words. The principal of a school so designated is simply a head teacher.

We give them in this bill $30 more salary for each room in such a school because they are principals, but such principals have no authority in any other room than their own, as the superintendent says, and no particular duty, except as head teacher over eight or ten or twelve teachers who may happen to be in that school. What in the world the duties of assistants would be unless it might be to answer the telehone or to attend the door, or something of that sort, I am unable to see. If anything happens in the school, they send for the supervising principal, who is the real principal. The principal does not have anything to do with it, and there is no need for an assistant, in our judgment.

Mr. DILLINGHAM. Mr. President, I am informed that that is not the fact; that the calls made upon the principal of the school come from the other schools in the same building; that she must be constantly prepared to leave her room to look after one thing or another, the calls of other teachers, etc., and that in this additional work, the care of buildings and grounds, receiving supplies and of making the reports, all that immense work devolves upon her, so that she really requires an assistant. I have called attention to the matter, because I thought, perhaps, the committee had not full information in regard to it.

Mr. President, I move to reconsider the vote by which the amendment striking out line 5, on page 6, was agreed to.

The VICE-PRESIDENT. The Senator from Vermont [Mr. DILLINGHAM] moves to reconsider the vote by which the amendment, which will be stated, was agreed to.

The SECRETARY. On page 6, after line 4, an amendment was heretofore agreed to striking out line 5, as follows:

Assistants to eighth-grade principals, classes 1 and 2.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont [Mr. DILLINGHAM] to reconsider the vote by which the amendment just stated was agreed to.

The motion was rejected.

Mr. CARTER. Mr. President, I offer an amendment to come in on page 7, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 7, line 10, of the committee amendment which has been agreed to, it is proposed to insert——

The VICE-PRESIDENT. The committee amendment having been agreed to, without objection, it will be considered as open to amendment. The Secretary will state the amendment proposed by the Senator from Montana.

The SECRETARY. On page 7, line 10, in the amendment proposed by the committee, after the word "dollars," it is proposed to insert "who have not taught five years or more in graded or high schools."

Mr. BURKETT. Mr. President, I want to explain to the Senate just what that amendment is. I am not authorized by the committee to accept it.

The committee found that there were seventy-two teachers in the District who had been appointed at salaries away down to $500; in fact, there are some who receive from $500 to $550, and from that on up to $725. There would be seventy-two of them, as I now recall, whose salaries would be increased all the way from $250 up to $500 the very first year. The bill as it came from the House provided that where school-teachers of a high school now receive $500 they shall be advanced to $1,000 next year. Our committee thought that the increase was too much. We provided that any teacher whose salary is less than $800 should be increased only $150 each year until the salary reached is the thousand-dollar minimum in that particular class.

The Senator offers an amendment to make an exception, and the Senator proposes that, because a teacher has taught five years or more and is receiving less than $800, that on account of having taught five years he shall be immediately promoted to $1,000. The objection to that is this: Simply because the teacher has been here a number of years does not make him a good teacher. The particular teacher the Senator has in mind is no doubt a good teacher, but, take it as a whole, these teachers ought not to be raised from $250 to $500 the first year. The increase is too much, your committee believes.

The committee thought that the better way to do was to limit that increase to $150. That was an unusually large increase. It is four times larger than the average increase of salaries of teachers in this bill. In fact, there is not anybody who gets that much increase except these teachers who have been hired at a less salary, coming into the school without any examination and without any requisite preparation for teaching in the high school, at a salary of $500 a year.

I could not accept the amendment, because I am not authorized to do so by the committee, and it seems to me it is an amendment that ought not to be passed. I think $150 increase for a teacher is enough in the first year, and it is all that should be allowed.

Mr. CARTER. Mr. President, the Senator has stated the reasons which impel me to offer the amendment, although he is mistaken with reference to the limitation provided in the amendment itself. I understand the fact to be that teachers hereafter hired will be employed at $1,000 per year. We will have the anomalous condition of teachers of more than five years' experience—and I am told in the list of seventy-two there are about ten such—who are now receiving $700 per annum, being compelled to work for $850 the coming year, whereas the teacher hired next September, of like experience, will be receiving $1,000.

I can readily perceive that a teacher might quickly evade the law by resigning and being reappointed, but it is desirable that such subterfuge should not be rendered necessary as to experienced teachers. The teachers of the $500 class would not chance resigning and passing an examination, but a teacher who has taught in a graded or high school for five years is presumably by virtue of that long experience a thoroughly competent teacher. If during the five years' period of teaching a proper standard of excellence has not been made manifest on the part of the individual, the teacher would evidently be dropped from the position.

The injustice of it, Mr. President, is so gross that I am compelled to offer this amendment, and to insist that the committee of conference shall consider the extent to which this five-year limitation shall apply, and to consult with the superintendent of schools with a view to ascertaining whether or not this limitation is not in the interest of justice and fair dealing. If they ascertain that it is a proper amendment, I think the committee of conference will gladly retain it. I would not have this amendment accepted without investigation. I am informed that but eight or ten teachers, and no greater number, who have been performing faithful service in the graded and high schools here for over five years will be embraced within the amendment.

Mr. GALLINGER. How many?

Mr. CARTER. Between seven and ten. It would be manifestly improper to compel these teachers, in order to evade the law, to first resign their positions and then get reappointed. I think the minimum salary ought to attach to these experienced teachers without the intervention of any such subterfuge.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Montana [Mr. CARTER]. [Putting the question.] By the sound, the "noes" have it.

Mr. CARTER. I call for the yeas and nays on the amendment.

Mr. SCOTT and others. Oh, no.

Mr. CARTER. I will not insist upon the yeas and nays,

but I am satisfied this amendment is just. I only ask the courtesy of an examination by the conference committee into its merits. The statement of the Senator from Nebraska [Mr. BURKETT] that seventy-two persons would instantly have their salaries increased is not correct. The amendment would only apply, I am informed, to from seven to ten persons who have been engaged in this class of work for over five years.

The VICE-PRESIDENT. The Chair will again put the question on the amendment of the Senator from Montana [Mr. CARTER] to the amendment of the committee.

Mr. BURKETT. I know the Senator does not want to state that I would make a statement that I did not think was correct in any way. The report on the bill contains some information on this feature, which, I will say, was furnished me by the superintendent at my request. The committee has gone all over this matter with the superintendent of schools, and has canvassed it very thoroughly. Action was not taken hastily at all. It was submitted and read aloud at the hearing of the teachers. On page 5 of the committee report you will find just the number in each class. I will read it.

There will be three teachers who will advance from $500 to $1,000; one teacher who will advance from $525 to $1,000; one teacher from $550 to $1,000——

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. BURKETT. Just as soon as I finish my statement I will yield to the Senator.

Seventeen teachers will advance from $600 to $1,000; fourteen teachers will advance from $650 to $1,000; one teacher will advance from $675 to $1,000; sixteen teachers will advance from $700 to $1,000; seventeen teachers will advance from $750 to $1,000; and two teachers will advance from $775 to $1,000.

There is a total of seventy-two teachers who will have an advance the very first year without this amendment of from $225 to $500 each. The committee thought that we ought to limit a teacher's increase to $150.

Mr. CARTER. Under the amendment which designates teachers who have taught for five years or more, it is obvious that the Senator does not understand that the salaries of these seventy-two would instantly be increased.

Mr. BURKETT. Oh, no; I did not so state, Mr. President.

Mr. CARTER. My information may be inaccurate, but I was informed that the amendment I have proposed would result in fixing at the minimum on the new basis the salaries of from seven to ten teachers who would come in the classification contemplated by the amendment.

Mr. BURKETT. Does the Senator know what the salary is of the particular teacher whom he has in mind?

Mr. CARTER. I do not know.

Mr. BURKETT. I did not know but what the Senator might know.

Mr. CARTER. The teacher who brought the matter to me said that it had the approval of the superintendent. She is a young lady, whom I have known for many years, a citizen of Montana, a teacher of Latin, German, and English literature in one of the high schools, and a graduate, I think, of a college in Germany. She is a very thoroughly competent lady.

Mr. BURKETT. Of course, a teacher who has been in the schools five years ought not to fall below this, as a matter of fact. A teacher with such qualifications can very easily take an examination and come in as a new teacher in the high school. It would not be subterfuge. In fact, the schools should welcome the proposition to have the teachers on these low salaries resign, and then only those could get back who could pass the examination.

Mr. SCOTT. That is exactly what we want.

Mr. BURKETT. That is exactly what we are trying to do. We are trying to build up the tone and standard of the schools.

Mr. CARTER. Then the amendment, as I understand it, would only operate to obviate the necessity of an examination. Is that the Senator's proposition?

Mr. BURKETT. Yes; that would get some of them in without taking an examination.

Mr. CARTER. I had no purpose of having any teacher who could not pass an examination, if an examination is required, legislated into an increase of salary.

Mr. BURKETT. That might be the effect of the Senator's amendment. As he stated in the beginning of his remarks, they could resign and take an examination, and come in at a thousand dollars, if they could pass the requirements of a thousand-dollar teacher.

Mr. CARTER. I suggest that the Senator accept the amendment and take it into conference, and let the facts be very clearly and distinctly ascertained from the school authorities of the District. I can perceive no injury to result from that, and some injustice might be avoided.

Mr. GALLINGER. Mr. President, I have not participated in this debate for the reason that the Senator from Nebraska [Mr. BURKETT] is in charge of the bill, and he knows infinitely more about it than I do; but I want to appeal to him to let the amendment the Senator from Montana has offered be agreed to. Then it will go into conference, and if, upon further examination, the committee find that it ought not to remain in the bill, I am sure the Senator from Montana will graciously agree that it shall go out.

Mr. BURKETT. Mr. President, since the chairman of the committee advises it, I will very gladly accept the amendment.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Montana.

Mr. TELLER. I should like to have it read.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. After the word "dollars," on page 7, line 10, it is proposed to insert "who have not taught five years or more in graded or high schools."

Mr. TELLER. It is pretty difficult to understand the connection unless the context is read.

The VICE-PRESIDENT. The Secretary will read the provision as proposed to be amended.

The Secretary read as follows:

Provided, That teachers of normal, high, and manual training schools now receiving less than $800, who have not taught five years or more in graded or high schools, shall receive an annual increase not to exceed $150 until the minimum salary of class 6 is reached.

Mr. TELLER. Mr. President, it seems to me it is a little difficult to tell what the effect of that will be. I want to call the attention of the Senator who has the bill in charge to a fact in this connection. I notice that he said that a teacher receiving a less salary than $800 might resign and then be examined. There is no reason why a teacher who is getting $750 should be required to resign before he or she is allowed to take the examination. If they are able to qualify themselves for the thousand-dollar position, they ought to be allowed to do it without resigning. In other words, this bill appears to give the outsider some opportunities that it does not give to the teacher already in the schools.

Here is a teacher, for instance, who may have taught five or six years, and she is still below the $800 grade. She wants to be examined. She is told, "Well, you can not be examined so long as you are on the roll of teachers. You must resign; you must abandon your position." Mr. President, there is no reason on the face of the earth for that.

Mr. BURKETT. The committee took the position that $150 was enough increase for any teacher. The teachers to whom the Senator referred in the main are teachers—there may be an exception here and there, but you can not make a bill for exceptional cases—in the main they are teachers who have been taken in at a low salary and have been educated and trained by these supervisors and special teachers and normal schools all the way along and prepared for this work. They have received promotions also. The teacher to whom we are going to give a thousand-dollar salary must have a college education and a college degree, and he must pass an examination before the board of examiners. The seventy-two teachers never passed any examination when they were appointed; they never had to have a college degree, and many of them do not have a college degree. There may be exceptions. No doubt the Senator has one in mind. I think I have the same one in mind who may have a college degree. But, as I have said, you can not make a bill for exceptions.

It seemed to your committee that for a teacher who has been receiving from $500 a year up to $725, to give such a one $150 increase the first year and another $150 the next year was enough for most of them.

Mr. TELLER. Teachers should be taken into the force according to their qualifications. If a teacher has been instructed, as the Senator says, by teaching five years, if she is able to pass the examination, she should not be excluded because she has been teaching for a less sum. The door to the $1,000 position ought to be open to every teacher, provided she has, as the Senator says, a college education and shall be able to pass the examination. There are teachers in the lower grades with good education, with experience of some years, and with college certificates, and they are excluded.

Mr. President, I attach some importance to the examination, but I attach very little importance to the college certificate. I have had some experience with college certificates. I think the certificates of certain classes of colleges can be relied on with some degree of confidence, but not the certificates of all colleges. You may have a certificate from some college where they

do not make very scholarly graduates. There are some such in this country, and there have been more in the past than there are now.

While I am not going to attempt to reform this bill, because I know how difficult it is to interfere with it, I insist that there is a defect in the bill; that the $1,000 position is not open to everyone who possesses the qualification of having a certificate from some college and is able to pass the examination.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

The bill was reported to the Senate as amended.

Mr. McCUMBER. Is the bill before the Senate, Mr. President?

The VICE-PRESIDENT. The bill is in the Senate and open to amendment.

Mr. McCUMBER. I desire to offer an amendment. On page 13, I move to insert the word "assistant" before "superintendent," in line 14.

I wish to state briefly the reasons for it, and if the Senator who is in charge of the bill still thinks I am in error, I shall not greatly insist upon the amendment; but I think I can satisfy the Senator that I certainly am not in error, as far as concerns the object sought.

On page 4 of this bill we have this provision:

The white assistant, under the direction of the superintendent of schools, shall have general supervision over the white schools.

A second proposition:

And is specifically charged, under the direction of the superintendent, with the unification, as far as may be practicable, of the educational work of the white high schools.

One of the duties that is imposed upon the assistant superintendent is the unification of the high schools. If we will turn to page 13 we will find this provision:

Principals of * * * high * * * schools—

I am omitting all except that which bears directly on the point—

Principals of * * * high * * * schools * * * each shall have entire control of his school, both executive and educational, subject only in authority to the superintendent of schools for the white schools.

How can the assistant superintendent have supervision and be specifically charged with the unification of the educational work of the high schools if in the same bill you provide that the principal of the high school shall have both executive and educational authority, subject only to the superintendent? In other words, how can the assistant supervise the work of the principal of a high school if that principal is not subject to his authority? We have in this two systems. The assistant superintendent, under the provision on page 4, is given authority and it is made his duty to unify the system of study and all matters pertaining to those high schools.

Now, the only way, it seems to me, in which he can enforce obedience to any order or requirement he may make with reference to such unification is to have the authority to compel it to be obeyed. And yet, turning to page 13, the bill specifically provides that the principal of the school shall be supreme so far as the educational work is concerned. That being the case, certainly the Senator must agree with me that the assistant superintendent could not compel the unification and that it would be thrown upon the general superintendent.

The general superintendent ordinarily, I assume, has business enough of his own without attending specifically to the unification of the system in the high schools. This unification not only covers branches of study, but the text-books which shall be used, the rules that shall govern in the admission of students and in their expulsion, the military exercises, and everything of that character. They should be exactly the same in every one of the high schools, so that a certificate of graduation from one high school will be evidence that the student has passed through the same course that any other student would be required to pass through in graduating from any other high school. Of course, I understand that the Senator expects that the system will be unified, and while there is to be a degree of independence on the part of the principal of the school in reference to promotions, in reference to the method by which the instruction is to be carried on, yet, notwithstanding that, the Senator will agree with me, I think, that they are totally without any head or any governing power unless that governing power is the general superintendent of all the schools.

In order to make this one section consistent with the other, I ask that the word "assistant" be used before the word "superintendent," so that the assistant superintendent of the white high schools shall have just the same power that the assistant superintendent of the colored schools has.

Mr. BURKETT. Mr. President, I regret that I did not make myself plain to the Senator from North Dakota with respect to why the colored assistant superintendent is given more power apparently than the white assistant superintendent. As the bill came from the House, it had right at the beginning of the section pertaining to the duties of the colored assistant the word "sole," giving the colored assistant superintendent sole power over the colored schools. The Senator from North Dakota complains because the colored assistant superintendent has authority over the colored principals and that the white assistant superintendent does not have authority over the white principals. The point is this: The colored assistant superintendent is, in practice, as the House has made the bill and as the Senate has adopted it, the acting superintendent. He is the real boss of the colored schools, so to speak. On the other hand, in the case of the white schools, the white superintendent himself is the head in name and in fact. If on page 13 you provide that the principal shall be inferior to the assistant superintendent, and the assistant superintendent shall be inferior to the superintendent, and then below the principal is the teacher, it will place the pupil five steps off from the superintendent.

What the committee wanted to do all the time was to take up the coupling; to check up the lost motion, so to speak; to make nobody responsible for the Western High School or the Central High School or the Eastern High School above the principal but the superintendent, and not to have any intermediate steps.

The superintendent occupies practically the same position all the way through the bill that the colored assistant superintendent does. If I had had my way in framing the bill, I would have checked them all up to the superintendent. But the House established the other policy, and the Senate committee thought it best, and I think after consideration of the hearings probably it is best. We make a principal directly responsible to the superintendent in the white schools and to the colored assistant in the colored schools. Of course in both schools the superintendent has final authority.

If the Senator will notice, on page 4, the white assistant superintendent is not given authority to do anything except under the direction of the superintendent. On page 13 it says that the white principal shall be responsible to the superintendent. Suppose you made him responsible to the assistant superintendent, as the Senator from North Dakota proposes; you would make him responsible to a man who can not do anything, according to the bill, on page 4, except under the direction of the superintendent. What is the use of fooling about it? Let him be responsible to the man who has the power to direct.

That was done after a good deal of consideration, I will say to the Senator from North Dakota, in order to make those two paragraphs absolutely conform in authority and in duty. So that it is absolutely essential in there. You would spoil the whole bill if you changed that clause. That runs all the way through to make the superintendent the real head.

Let me use an illustration. A Senator may have an assistant as a secretary. He gives that secretary certain prerogatives, certain duties, certain functions. The assistant performs them; and yet the Senator would not want to abdicate the throne or to make the secretary supreme in any matter. And yet the Senator does give him certain things to do, which he perhaps hardly ever checks up himself; about which the Senator does not give him any directions except in a general way. The secretary performs those duties. Perhaps he hardly ever calls the attention of the Senator to them. Yet the Senator would not want to give absolute authority to the assistant in those matters. In short, he wants to keep within himself the power of checking the matter up.

The result of this will be that the assistant superintendent will be the director of the high schools. He will perform that function. The chances are the superintendent will never have to call him down on anything. But if anything came up, if he did anything which, in the judgment of the superintendent, he ought not to do, the committee believed that the superintendent ought to have the final authority. The committee believed that we should make the superintendent responsible for the schools and at the same time give him authority.

Mr. McCUMBER. Mr. President, the Senator from Nebraska says the result which is evidenced by this amendment is what he thinks after thinking. I again call the Senator's attention to the principal question I asked him, Why give the assistant superintendent supervision over the unification of a school and at the same time say that he shall have no power to enforce the orders in reference to the unification?

Mr. BURKETT. He has all the power of the superintendent behind him.

Mr. McCUMBER. Let us see what the powers are. The assistant superintendent under this bill directs the principal of the high school to instruct in certain branches. The principal of the high school declines to give instruction in those branches. What can the assistant superintendent do? He can not do a thing except report the matter to the general superintendent, and the general superintendent therefore would have to perform the functions and the duties that are given to the assistant superintendent. If the assistant superintendent is to have no power in the matter, why give him the function if he can not exercise it? Why say to him that he shall be charged with the unification of the system when you also say that any order that he may make in reference to such unification he shall have no power to enforce, but must always go to the superintendent?

Of course I assume that the general superintendent should be given authority over the assistant superintendent, and the appeal would lie from his decision to the general superintendent. But that proposition, it seems to me, leaves the bill not in the very best shape and with a conflict of authority. For my part, if I was framing the bill, in order to make it consistent, I would strike out that section charging him with the unification of the high schools and place it where it really is placed—in the hands of the general superintendent.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

The amendment was rejected.

Mr. McCUMBER. I wish to ask one more question of the Senator from Nebraska. On page 11 of the bill provision is made for an examining board for the examination of teachers. Will the Senator inform the Senate what has heretofore been the method with reference to the examination of teachers for our schools?

Mr. BURKETT. I will say to the Senator that there has not been much examination, I regret to say, in the schools heretofore. There has been some talk of a plan of examination, but as near as I can find out, it has not been adhered to very closely.

Mr. McCUMBER. Very well. Let me suggest this to the Senator: He is thoroughly acquainted with the school systems throughout the country, as is evidenced by his debate upon this bill. The superintendent calls to his assistance, in the matter of the examination, the heads of departments, and those, as I understand, are the principals of the high schools.

Mr. BURKETT. Not necessarily; and, in fact, I think they are not.

Mr. McCUMBER. What are they?

Mr. BURKETT. For instance, in English the head of the department is some especially good teacher in English whom the board designates as the head. The head of mathematics may be a teacher in the Central School, but the board of education designates him as the head of mathematics. Then they may combine French and German and Spanish and call it a department of modern languages, and appoint some teacher in one of those languages as the head in all the schools. In no instance, I think, is it a principal. I would not say positively that it is not, but I think not.

Mr. McCUMBER. Then, as I understand, the principal will call to his assistance, say, a teacher in mathematics in the higher grades?

Mr. BURKETT. No. The board, at the beginning——

Mr. McCUMBER. He may do so.

Mr. BURKETT. The board, at the beginning of each year, will select two white persons to be members of the white board of examiners and two colored persons to be members of the colored board of examiners, and they would select these from the heads of departments. We said heads of departments because we thought that the best teachers would always be heads of departments and would make the best examining board, probably.

Mr. McCUMBER. Do not those heads of departments and those who are very proficient in their own line of work become specialists in that line, and would a person who has taught, we will say, for eight or ten or fifteen years, English or the higher branches of mathematics, necessarily be the proper person to conduct an examination for teachers for the kindergarten, for instance, or for other grades? Would it not be better to leave it entirely to the board as to whom they shall select for the examination of teachers for the high schools and the examination of teachers for the graded schools, instead of naming the particular individuals who shall fill these places?

Mr. BURKETT. In reply to the Senator I will say that we thought of that, and the objection to it is this: I never saw a greater demand among teachers for examinations than appeared on the part of the teachers of this school. But all with whom I talked expressed the wish that a board might be made definite and certain, at least at the beginning of each year. They would rather have a definite and certain board, however constructed, than to have a board that might be created at any time for any special examination or for any particular class of teachers. In short, if you leave it open, it has been suggested that there might be favoritism here and there. Therefore, if the board of examiners is created at the beginning of the year for all the examinations to be made in that year, there is less possibility of a board being created with an eye single to the examination of some special persons. And that is why we specify of whom it shall consist.

Mr. McCUMBER. Can the Senator give me any idea as to the number of examinations that will be had in a year?

Mr. BURKETT. No; I can not, because there are——

Mr. McCUMBER. It occurs to me that placing this extra work upon these heads of departments, as you call them, may seriously interfere with their own work.

Mr. BURKETT. I will say to the Senator that we have looked that matter up, and it is quite the usual custom to have somebody connected with the schools do it. The number of examinations will not be excessive, we think, in any year. It will only be for the new teachers coming in and those desiring to take the examination for the purpose of securing a promotion from one group to another, etc. The number will not be excessive.

Mr. McCUMBER. I accept the Senator's statement.

Mr. BURKETT. We have considered that a good deal.

The VICE-PRESIDENT. The question is, Shall the amendments be ordered to be engrossed and the bill read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I move that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907.

The motion was agreed to.

Mr. CARTER. I ask the Senator from Minnesota to yield to me for a moment.

Mr. CLAPP. I yield.

MISSOURI RIVER BRIDGE, LEWIS AND CLARKE COUNTY, MONT.

Mr. CARTER. I ask for the present consideration of the bill (S. 6234) to authorize the Chicago, Milwaukee and St. Paul Railway Company of Montana to construct a bridge across the Missouri River in Lewis and Clarke County, Mont. It is a bridge bill and will require but a few moments to pass.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAM ACROSS NIOBRARA RIVER, NEBRASKA.

Mr. MILLARD. I ask the Senator from Minnesota to yield to me for a moment.

Mr. CLAPP. I yield to the Senator from Nebraska.

Mr. MILLARD. I ask unanimous consent for the consideration of the bill (H. R. 17982) to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone line across said reservation.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORPORATE CONTRIBUTIONS FOR CAMPAIGN PURPOSES.

Mr. FORAKER. Will the Senator from Minnesota yield to me for a moment?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. CLAPP. I realize that we are getting near the close of the session, and that it will perhaps do no harm to yield for the consideration of some of these short bills, but I can not yield to many of them. I must get along with the conference report.

Mr. FORAKER. I will be very glad if the Senator will yield to this one, because there is a great moral purpose to be subserved, and it ought not to be longer delayed.

Mr. CLAPP. I yield.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 4563) to prohibit corporations from making money contributions in connection with political elections.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Privileges and Elections with amendments.

The PRESIDING OFFICER. The Chair suggests to the Senator from Ohio that the bill has been read two or three times heretofore.

Mr. FORAKER. It has been read. There are some amendments.

The PRESIDING OFFICER. The amendments will be stated.

The amendments of the Committee on Privileges and Elections were, on page 1, line 3, after the word "bank," to strike out "or any corporation engaged in interstate or foreign commerce;" in line 9, after the word "which," to insert "Presidential and Vice-Presidential electors or;" in line 11, before the word "any," to strike out the word "with;" in the same line, after the word "election," to strike out "or attempted election" and insert "by any State legislature;" on page 2, line 3, after the word "officer," to strike out "stockholder" and insert "or;" and in line 4, before the word "of," to strike out "or employee;" so as to make the bill read:

Be it enacted, etc., That it shall be unlawful for any national bank, or any corporation organized by authority of any laws of Congress, to make a money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which Presidential and Vice-Presidential electors or a Representative in Congress is to be voted for, or any election by any State legislature of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be subject to a fine not exceeding $5,000, and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall be subject to a fine of not exceeding $1,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND ON DEER ISLAND, MASSACHUSETTS.

Mr. LODGE. I ask for the present consideration of the bill (S. 6333) authorizing the Secretary of War to acquire, for fortification purposes, certain tracts of land on Deer Island, in Boston Harbor, Massachusetts.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with amendments, in section 1, page 1, line 12, after the word "wall," to insert "which shall be approved by the Secretary of War;" in section 2, page 2, line 21, after the word "ascertain," to insert "and determine;" in line 23, after the word "and," to strike out "transmit an estimate of" and insert "shall certify;" and in line 24, after the word "Congress," to strike out "with his recommendation in the premises" and insert "for consideration;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized to acquire for fortification purposes, from the city of Boston, two certain tracts of land on Deer Island, in Boston Harbor, Massachusetts, containing together about 100 acres above mean low-water mark, the said tracts being marked on the ground by certain monuments, and to pay for the same not to exceed the sum of $250,000 from funds heretofore appropriated for purchase of sites for fortifications and seacoast defenses: *Provided*, That the city of Boston shall build a masonry wall, which shall be approved by the Secretary of War, at least 10 feet in height above the ground level, extending across said Deer Island, to separate the portion of said island hereby authorized to be acquired from the remaining portion of said island; and shall remove the piggery from the portion of the island hereby authorized to be acquired, and discontinue interments in the cemetery within said area, and shall permit the United States Government to connect its water mains with the city's water-supply mains on said island, and furnish water to the Government at current rates: *Provided further*, That before making payment for the said land the Secretary of War may require the city of Boston to execute such valid agreement or obligation as he may consider necessary to insure full compliance with all the requirements of the foregoing proviso.

SEC. 2. That the United States shall be liable for any damage to the property of the city of Boston or to the works of the North Metropolitan Sewerage System located on said island that may be caused by the firing of guns in time of peace from batteries erected within the area that may be acquired as aforesaid; and the Secretary of War is authorized and directed, whenever any such damage occurs, to ascertain and determine what would be a reasonable and proper compensation to pay the city of Boston and shall certify the same to Congress for consideration.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INFORMATION CONCERNING CROPS BY DEPARTMENTAL OFFICERS.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (S. 6248) to amend section 5501 of the Revised Statutes of the United States.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 5501 of the Revised Statutes of the United States is hereby amended by adding thereto the following:

"SEC. 5501a. Every officer and employee of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of the authority of any department or office of the Government, who shall, by virtue of the office or position held by him, become possessed of any information which might exert an influence upon or affect the market value of any product of the soil grown within the United States, which information is required by law or under the rules and practices of any department of the Government to be withheld from publication until a fixed time, who shall willfully impart, either directly or indirectly, said information, or any part thereof, to any person not entitled under the law or rules and practices of the department of the Government to receive same, shall be punished by imprisonment for not more than ten years and may be fined in any sum not to exceed $10,000.

"SEC. 5501b. Every officer of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of any department of office of the Government, who shall, by virtue of the office or position held by him, become possessed of any information which might exert an influence upon or affect the under or by virtue of any department or office of the Government, who shall, before said information is made public through regular official channels, either directly or indirectly, speculate in said product by selling or buying same in any quantity, shall be punished by a fine of not more than $10,000 and may be imprisoned for not more than ten years."

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. HALE. Mr. President, that is a very remarkable bill. I can not consent to its consideration. I have not examined it.

Mr. CULBERSON. I will say to the Senator from Maine that this identical bill has passed the Senate, with the exception that it is now sought to apply the rule to the information that may be given out with respect to products of the soil. In other words, it relates to the case which the Senator will recall as having occurred last year in the Department of Agriculture, to speculating on information given out in regard to cotton by the officials of that Department. A similar bill has passed the Senate heretofore, and the objection to it in another body was that it included speculation in stocks and bonds and included Members of the two Houses. This bill has been so framed as to eliminate those objections, so that it is confined now to giving out information from the Department; for instance, as to how many bales of cotton will be produced, and to speculating in cotton upon the strength of those reports given out by the officials of the Agricultural Department. I trust the Senator will not object to its consideration.

Mr. HALE. It seems to be here considered an answer to every Senator's serious objection that some day or other the Senate has inadvertently passed a bill. My surprise is that the Senator from Texas, who is a careful Senator, a conservative Senator, and who, I hope, does not believe in these extreme far-reaching measures of the Government taking control and punishing men for giving information, punishing them largely, has reported such a bill. I am very sorry that such a bill ever passed the Senate. It never ought to pass the Senate again.

I can not consent to its consideration until I have an opportunity of examining it and seeing how far it goes. But I am continually amazed at the bills which are brought in here taking possession of almost every avenue of business and providing penalties with regard to matters that a few years ago never would have been brought into the domain of national legislation. I must insist on my objection.

The PRESIDING OFFICER. The Senator from Maine objects to the consideration of the bill.

STEPHENSON GRAND ARMY MEMORIAL.

Mr. WARNER. I ask unanimous consent for the consideration of the joint resolution (S. R. 29) authorizing the selection of a site and the erection of a pedestal for the Stephenson Grand Army memorial in Washington, D. C.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported from the Committee on the Library with amendments.

The first amendment was, in section 1, page 1, line 5, after the word "the" where it occurs the third time, to strike out "chairman" and insert "secretary;" and in the same line,

before the word "treasurer," to insert "the;" so as to make the section read:

That the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, the Secretary of War, and the secretary and the treasurer of the Stephenson memorial committee of the Grand Army of the Republic are hereby created a commission and authorized to select a site upon the property belonging to the United States in the city of Washington, other than the Capitol and Library grounds, for the erection of the Stephenson Grand Army memorial, to be presented by the Grand Army of the Republic to the people of the United States.

The amendment was agreed to.

The next amendment was, to add as an additional section the following:

SEC. 3. That the joint resolution granting permission for the erection of a monument or statue in Washington City, D. C., in honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic, approved May 3, 1902, is hereby repealed.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL—CONFERENCE REPORT.

Mr. BULKELEY. I ask unanimous consent——

Mr. CLAPP. I shall have to object to unanimous consent for the consideration of further bills.

Mr. BULKELEY. It will not take three minutes to dispose of this bill.

Mr. CLAPP. When I called up the conference report on the Indian appropriation bill I knew of three Senators who I understood wanted to make objections to it, and as I found none of them were in the Chamber I had no objection to consuming a little time until they should arrive. I did not care to press the report in their absence. They have now arrived in the Senate, and I must ask for the consideration of the report.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. TILLMAN. Mr. President, I have been trying to find the amendment of the conferees on which I raise a point of order. This report on the Indian appropriation bill is not altogether as lucid in its explanation of what has been done as was the report on the rate bill. If Senators will get the pamphlet print of the conference report and will then look on page 61 of the bill they will find amendment No. 191, which relates to the Colville Reservation and reads as follows:

COLVILLE RESERVATION.

To carry into effect the agreement bearing date May 9, 1891, entered into between the Indians residing on the Colville Reservation and commissioners appointed by the President of the United States under authority of the act of Congress approved August 19, 1890, to negotiate with the Colville and other bands of Indians on said Colville Reservation for the cession of such portion of said reservation as said Indians might be willing to dispose of, there shall be set aside and held in the Treasury of the United States for the use and benefit of said Indians, which shall at all times be subject to the appropriation of Congress and payment to said Indians, in full payment for 1,500,000 acres of land opened to settlement by the act of Congress "To provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes," approved July 1, 1892, the sum of $1,500,000, of which sum $150,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the benefit of said Indians.

Mr. President, this is a Senate amendment and it relates to the purchase of these lands and the payment therefor. The conference committee have brought in the provision which I shall read, and I wish Senators would pay attention to it, because they can not get the gist of the point of order that I make unless they do.

Mr. NELSON. What is the amendment? Will the Senator be kind enough to state it?

Mr. TILLMAN. It is amendment No. 191.

Mr. NELSON. On what page?

Mr. TILLMAN. On page 61 of the bill. I now read the action of the conference committee:

That the House recede from its disagreement to the amendment of the Senate No. 191, and agree to the same with an amendment as follows: Strike out all after the word "dollars," in line 18, down to and including the word "Indians," at the end of line 21, and insert—

Senators will see that the words stricken out here cover the appropriation of $150,000, and in place of that we have the following inserted:

"And jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment in the name of Butler & Vale (Marion Butler and Josiah M. Vale), attorneys and counselors at law, of the city of Washington, D. C., for the amount of compensation which shall be paid to the attorneys who have performed services as counsel on behalf of said Indians in the prosecution of the claim of said Indians for payment for said land, and in determining the amount of compensation for such services the court may consider all contracts or agreements heretofore entered into by said Indians with attorneys who have represented them in the prosecution of said claim, and also all services rendered by said attorneys for said Indians in the matter of said claim. Petition hereunder shall be filed in said court by the said attorneys (Butler & Vale) within thirty days from the passage of this act, and the Attorney-General shall appear on behalf of the defendants, and said cause shall be given preference for immediate hearing in said court, and the Secretary of the Treasury is hereby authorized and directed to pay the sum of money so awarded by said court to the said attorneys (Butler & Vale) upon the rendition of final judgment, out of the said sum herein set apart or appropriated for the benefit of said Indians, and payment of said judgment shall be in full compensation to all attorneys who have rendered services to said Indians in the matter of their said claim, the same to be apportioned among said attorneys by said Butler & Vale as agreed among themselves: *Provided*, That before any money is paid to any attorney having an agreement with Butler & Vale as to the distribution of said fees each of the same shall execute and deliver to the Secretary of the Interior a satisfaction and discharge of all claims and demands for services rendered said Indians in the matter of their said claim;" and the Senate agree to the same.

Now, Mr. President, the Senate inserted a provision here providing for the payment to the Indians of one million and a half dollars, and appropriated $150,000 as a first installment. The conferees report back here an absolutely new and distinct matter, not mentioned in the bill as passed by the House, never considered by either House, a matter belonging in fact to the Committee on Claims of this body, and we are asked to authorize this suit to begin in the Court of Claims in behalf of these two lawyers—Marion Butler, formerly a Senator in this Chamber, and Vale. The whole thing is so extraordinary that I can not see how the conferees, considering the powers and limitations upon conference committees, can usurp the functions of the Committee on Claims and put in motion the instrumentality by which these lawyers shall be paid $150,000 from the funds of these Indians without Congress having ever heard of it.

While it may be not subject to the point of order as being new matter entirely, it is absolutely out of the jurisdiction of the conference committee, as I take it, to insert into the bill a provision authorizing a claim to be put into the Court of Claims for the setting apart, if judgment shall be found, of some of this Indian money. I should like to have an explanation of it, Mr. President, if anybody is ready to offer it.

Mr. DUBOIS. Mr. President, it is quite common in the Indian appropriation bills to appropriate money directly to attorneys and by name. In this particular case the Government entered into an agreement with these Indians by the terms of which, if the Indians should lease a million and a half acres of land, the Government would pay them a million and a half dollars, a dollar an acre. That was a part of the agreement.

Mr. TILLMAN. Who made the agreement?

Mr. DUBOIS. Officers of the Government made it with the Indians. Congress ratified all the agreement, taking the lands from the Indians. They took the lands and disposed of the lands, but they did not ratify the part paying the Indians the million and a half dollars which they had agreed to pay.

The Indians then employed counsel. They made a contract with Maish and Gordon agreeing to give them 15 per cent of the million and a half dollars if they recovered it. The Department approved that contract, cutting it down, however, from 15 per cent to 10 per cent, and these attorneys worked diligently. The bill passed the Senate two years ago, and I am not sure but that it passed before that time. It failed to pass both branches of Congress and this contract expired by limitation, being a ten years' contract.

The attorneys then, through some Washington attorneys also, who became interested in it, made a new contract with these Indians for 10 per cent. The attorneys showed that they had worked diligently, and it was perfectly plain to the committee that if it had not been for the attorneys the Indians would never have gotten the million and a half dollars which the Government agreed to pay them.

Even this last summer the Government sent its agents out there to make another contract with these same Colville Indians for the relinquishment of a million and a half acres more of their lands, but the Indians only made this new agreement with the express provision, which was put in the new agreement, that they should be paid the million and a half dollars which the Government had been owing them all these years.

The evidence before the committee showed conclusively, as I said, the services performed by these attorneys, and the committee thought it was the least it could do in fairness to send the matter to the Court of Claims to let the Court of Claims determine, on the facts what these attorneys are entitled to receive.

Mr. TILLMAN. Mr. President——

Mr. DUBOIS. As I said, time and time again, under circumstances not nearly so clear and plain as these, Congress has put in the Indian appropriation bill a direct appropriation to pay money to attorneys by name.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. DUBOIS. I do.

Mr. TILLMAN. If this appropriation were a righteous, a just, and a legitimate one, why was it not included in the Senate amendments when the Senate had the bill under consideration? Why was it necessary to put the bill into conference and then have this recognition, and passing upon and reference to the Court of Claims made by the committee of conference rather than by the Senate Committee on Indian Affairs?

Mr. DUBOIS. Perhaps that was due to the negligence of the attorneys, or perhaps they relied upon the committee to insert it. We knew about their claim, and we failed to insert it. After the bill passed, the attorneys made the presentation and the committee thought there would be no objection on the part of the Senate, the facts being set forth, to allowing the Court of Claims to determine on the facts in regard to the attorneys' fees.

Mr. TILLMAN. Why was the $150,000 appropriated in the Senate amendment stricken out and this recommendation of the claim of these lawyers put in instead of it?

Mr. DUBOIS. The $150,000 that was stricken out has nothing to do with it.

Mr. TILLMAN. If it has nothing to do with it, then it seems that we have no use for committees. There is $1,500,000 of this fund in the hands of the Government. The first payment provided for in the Senate amendment is simply a recognition of the obligation of the debt, to set aside the money in the Treasury for the use of these Indians, and then to appropriate $150,000 for their immediate use. But, instead of letting that stand as the Senate put it in the bill, the Senate conferees insert a provision sending to the Court of Claims the claim of these lawyers for services rendered. I ask why not let that go to the Committee on Claims like any other claim?

Mr. DUBOIS. Because I do not think, as a rule, that such claims go to the Committee on Claims. Such a reference would be unprecedented.

Mr. CLAPP. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. DUBOIS. Certainly.

Mr. CLAPP. Where the claim is a claim against the Indians and not against the Government, I think it has been the universal custom—it certainly has in the brief time I have been in the Senate—to deal with such matters through the Indian Committee.

Mr. TILLMAN. Then why did not the Indian Committee put this in instead of the conference committee doing it?

Mr. CLAPP. The Claims Committee would have nothing to do with a claim of this kind. The Claims Committee considers claims against the United States Government. You will find where there have been Indian claims which have reached a position where it is thought advisable to send them to the Court of Claims or to make a direct appropriation for them, the universal custom has been for the Committee on Indian Affairs to deal with them, because that committee deals with the affairs of the Indians, whilst the Claims Committee deals with claims against the Government.

Mr. TILLMAN. What I complain of, Mr. President, is that, instead of the Indian Committee sitting as a committee, examining into this matter, having all the facts brought out, and inserting this in the ordinary and legitimate way, they did not touch it; but the conference committee, after the bill got through the Senate and the amount of $150,000 was appropriated for the immediate use of the Indians, hatches up this entirely new stuff and puts it into the conference report, knowing that it is the custom of the Senate to trust its committees and to adopt conference reports almost always without objection.

Mr. CLAPP. Since the Senator, then, has abandoned his first criticism, that this matter ought to have gone to the Committee on Claims——

Mr. TILLMAN. I have not abandoned it altogether.

Mr. CLAPP. The object of a conference is to bring together the two Houses and reconcile their differences. Everything that is added in conference, no matter how absolutely and completely it is within the scope of the conference, comes there after the bill has passed the respective Houses. The fact that this amendment was put on in the Senate shows that it had not reached that point where the House of Representatives would consider it at that time. These things as they grow go on and develop. After this amendment was put on in the Senate it went into conference. There was this claim of these parties, and it seemed to the conferees—and it was clearly the sense of the House conferees, who had much more experience in this matter than the chairman of the Senate conferees has had—that it was within the limit of the authority of the conferees. This claim was pending, and it seemed to the conferees that it was better to send it to the Court of Claims and have it settled one way or other.

Mr. TILLMAN. Will the Senator allow me to interrupt him?

Mr. CLAPP. Certainly.

Mr. TILLMAN. It was pending, but it had not been considered by the Senate Committee on Indian Affairs; it had not been considered by the House Committee on Indian Affairs; it had not been put on in the Senate; and yet the conferees—six men—take out the $150,000 item which was put in by the Senate in this amendment, and insert instead the provision that the Court of Claims shall consider this claim; that it shall give it precedence, and apportion the money through the instrumentality of Mr. Marion Butler and Mr. Vale if judgment is rendered.

Mr. CLAPP. As to the instrumentalities, the evidence was very clear that those gentlemen had authority to deal with this entire matter.

Mr. TILLMAN. What did the Commissioner of Indian Affairs have to say about this?

Mr. CLAPP. He had nothing whatever to say about it.

Mr. TILLMAN. Is it ordinary, is it proper, for a conference committee, without authority or without consulting with those in charge of Indian affairs and trying to protect them, to take this matter in hand and transfer to the Court of Claims a provision of this sort for a claim of this kind and put it into a conference report, rather than to present it to the Senate in the consideration of the Indian appropriation bill?

Mr. CLAPP. Inasmuch as the important matter of sending claims to the Court of Claims is not within the purview of the Indian Department, it would hardly be expected that this matter would be suggested by or referred to that department. This was a matter for Congress to settle.

The Senate amendment provided that $150,000 should be appropriated for the benefit of these Indians. We provide in this amendment, as reported from the conference committee, for expediting this matter in the hope, at least, that by the time Congress meets next winter they will have settled this matter in the Court of Claims, and then we can close up the affairs of the Colville Indians. That was our reason for putting it in.

Mr. TILLMAN. The trouble with it is that all the Senate amendment did, as I understand, was to recognize the debt of the Colville Indians and set apart $1,500,000 to be paid to them as occasion arises and as necessity appears; but, instead of doing that, the Senate conferees struck out the provision for $150,000 set apart or appropriated in the Senate amendment and inserted in lieu thereof a provision looking to the lawyers getting $150,000 instead of the Indians.

Mr. CLAPP. The provision looks to having the lawyers get whatever the court may say they are entitled to; and I submit if they are entitled to anything, they should get it.

Mr. TILLMAN. The point is rather whether it is within the legitimate function and power of the conferees to do this thing.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. With pleasure.

Mr. HALE. Where did the original matter touching this subject originate—in the House or in the Senate?

Mr. CLAPP. In the Senate.

Mr. HALE. In what way did it originate?

Mr. TILLMAN. I just read it. I will read it again for the Senator.

Mr. HALE. I was temporarily out of the Chamber.

Mr. TILLMAN. It is on page 161 of the Indian appropriation bill printed with Senate amendments numbered. I will read it again. It is not very long:

To carry into effect the agreement bearing date May 9, 1891, entered into between the Indians residing on the Colville Reservation and commissioners appointed by the President of the United States under authority of the act of Congress approved August 19, 1890, to negotiate with the Colville and other bands of Indians on said Colville Reservation for the cession of such portion of said reservation as said Indians might be willing to dispose of, there shall be set aside and held in the Treasury of the United States for the use and benefit of said Indians, which shall at all times be subject to the appropriation of Congress and payment to said Indians, in full payment for 1,500,000 acres of land opened to settlement by the act of Congress "To provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes," approved July 1, 1892, the sum of $1,500,000, of which sum $150,000 is hereby appropriated, out of any

money in the Treasury not otherwise appropriated, for the benefit of said Indians.

It seems, therefore, that some years ago commissioners of the United States went to these Indians and bought their lands, but they did not pay them immediately.

Mr. CLAY. If the Senator will allow me, I will ask him is it not true that when this land was purchased the law provided that the funds should be held in the Treasury for the benefit of the Indians, and only should be paid out by an act of Congress?

Mr. TILLMAN. By an act of Congress. That is what I judge from the context.

Mr. CLAY. Is it not also true that this money has been held in the Treasury all the while and that the Indians have not received it simply because there has been no appropriation made for it, and in all probability Congress thought it was not best to appropriate? Why was it necessary to have lawyers or anybody else to go and secure the payment of an honest, straight debt of the United States?

Mr. TILLMAN. That I have been unable to discover.

Mr. CLAPP. If the Senator, right there, will pardon me a moment, both Senators are mistaken. The Government did agree, at least that seems to be the settled conviction now, to pay these Indians $1,500,000 for their land; but the Government never did agree, and the Government never has recognized that claim to this day. There is a bill pending in Congress ratifying a treaty with those Indians, whereby they agree to cede the south half of the reservation, at a dollar an acre, I think, to be paid for as sold by the Government on condition that they get this $1,500,000. Congress passed that law without the condition; and to-day there is not a scrap of law on the statute book of the United States that recognizes the claim of those Indians. It is part of the history of this matter and the experience of members of the Committee on Indian Affairs that this claim has been pressed by these men for years.

Mr. TILLMAN. Pressed where?

Mr. CLAPP. Pressed before the committees of both Houses of Congress.

Mr. TILLMAN. And yet the Indian Affairs Committee, which had the preparation of the Indian appropriation bill, did not see fit to insert in that bill the provision that the claim should go to the Court of Claims, but the conferees have done it.

Mr. CLAPP. That is very true. When we went into conference and studied this matter over, it seemed to us that between now and next December it would be better to settle this matter once for all.

Mr. OVERMAN. May I interrupt the Senator?

Mr. CLAPP. I am talking by the courtesy of the Senator from Maine [Mr. HALE].

Mr. OVERMAN. I wish to know what these lawyers had to do with this matter, so that they should be paid $150,000?

Mr. CLAPP. They do not get $150,000.

Mr. OVERMAN. It seems to me they get 10 or 15 per cent of the amount to be paid the Indians. I want to know for what they get it?

Mr. CLAPP. They had a contract for 10 per cent.

Mr. OVERMAN. Well, 10 per cent on $1,500,000 is $150,000.

Mr. CLAPP. That was the contract that existed at that time.

Mr. OVERMAN. To do what?

Mr. CLAPP. To prosecute these claims.

Mr. OVERMAN. To prosecute them where?

Mr. CLAPP. In the Department and in Congress.

Mr. OVERMAN. To come up here before Congress and before the Departments and get $150,000?

Mr. CLAPP. There are hundreds of thousands of dollars due different tribes of Indians in this country to-day, and it is impossible to get them paid. If they had no attorneys to appear for them they would not get these things.

Mr. TILLMAN. The trouble about it is the lawyers get it and the Indians never see it.

Mr. HALE. What I am troubled about is this: Here seem to be rights or equities that this tribe has against the Government. A provision is passed by the Senate recognizing that right of these Indians to a certain extent and appropriating $150,000 in recognition of that right. The conference committee can only justify inserting here the claim for attorneys upon the proposition that it is a part of the transaction with the Indians, and that in the transaction the Indians ought to pay their attorneys for services. But it is going very far, Mr. President——

Mr. TILLMAN. What evidence have we that that is the situation? What evidence is there that the attorneys have any claim?

Mr. OVERMAN. Mr. President, may I interrupt the Senator?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from North Carolina?

Mr. TILLMAN. Certainly.

Mr. OVERMAN. Did not the Supreme Court decide at its last term that such contracts are against public policy and in the nature of lobbying?

Mr. HALE. I thought I had the floor, Mr. President.

Mr. OVERMAN. I thought the Senator had yielded. I beg the Senator's pardon.

Mr. HALE. I was trying to bring out what is in my mind; but in the practice here in the Senate no man can do that. He is interrupted and taken off his feet, and then the interrupter yields to somebody else, and that interrupter yields to a third interrupter, and no human thought here is consecutive; it is utterly impossible to project any line of thought a Senator may have into a discussion of this kind.

I say that the conferees had no right to take this claim of the attorneys and put it in; it makes no difference whether they put it in the shape of an appropriation or send it to the Court of Claims. It is a question whether they have put into it new matter which was not considered by either House, and unless it is a part of the transaction and connected with it, on which the Senate acted in putting the amendment on the appropriation bill—and as to that I do not know—if that is the ground the conferees take, it clearly raises a question.

The conferees, I think, would have been much wiser if they had let it go and let the Committee on Indian Affairs at some time report that this claim ought to be paid out of these funds. It is doubtful at least—I do not say so for certain, as I am not sufficiently apprised of all the facts to know—and if it is a part of the transaction and a part of the claim the conferees had a right to consider it as much as they had to consider the $150,000 appropriated for the tribe itself. That is a question which I do not know about. But I do not think that the conferees ought to have stretched their authority to introduce new matter unless they were very confident about that. I do not think the fact that they propose to send the claim to the Court of Claims cuts a figure at all in the question. It is just as bad to introduce an appropriation, if it is new matter, as it is to introduce a proposition that a claim shall be sent to the Court of Claims. The question how it is done does not cut any figure. It is a question whether—and I hate to repeat it—this was so connected with the whole transaction which the Senate introduced in this amendment that the conferees had a right to put this in as a part of that transaction.

Mr. McCUMBER. Mr. President, I understand that the Senator from Idaho [Mr. DUBOIS] before I came in explained the matter of the obtaining of this concession from the Indians by the Government, and fully explained the debt due from the United States to this Indian tribe. The only other question is whether we have inserted new matter in the conference report.

There can be no question but that $1,500,000 is due the Indians. Both the committee of the House and the committee of the Senate are satisfied that were it not for the efforts of attorneys for now almost fifteen years this proposition would never have been before the Senate in the shape it now is. Therefore there was a provision made, as I understand, in the bill when it passed the Senate appropriating $150,000 immediately. What was that for? What was the object of appropriating that $150,000, which was made immediately available? These attorneys and other attorneys had first a contract for 15 per cent. That contract was ratified by the Secretary of the Interior at 10 per cent. They worked for some ten full years under that. That contract expired, and they entered into a new contract, which was never ratified. Under the new contract the attorneys expected undoubtedly that out of this $150,000, which is made immediately available for payment to those Indians, they would get the same provision whereby that would be turned over to them as their fee.

Mr. TILLMAN. Will the Senator allow me to interrupt him?

Mr. McCUMBER. Just one word more, and then I will allow the Senator to do so.

When the matter came again before the committee of conference, the question of the value of these attorneys' fees was gone into very thoroughly and the names and the number of persons who had acted at attorneys in the matter, and it was made clear to the committee that not more than $15,000 out of any sum, no matter what should be recovered, even if the full amount should be recovered, could go to any one attorney or firm of attorneys, as appears by the testimony. But it was thought by the House members and by the Senate members of the conference committee that it was best, instead of taking that $150,000 and paying it over to those Indians who had signed the contract and who, as soon as they had received it, would undoubtedly comply with their contract if the agents were on hand, we made

a provision that if there was doubt as to the value of those attorneys' fees, in no possible way could they be over $150,000—that we had better let the court take testimony and say whether or not the sum was reasonable; then take its findings of fact, and refer the matter again to the Senate next year, when we could take the testimony that was obtained by the Court of Claims, and then determine ourselves whether the judgment of the Court of Claims was reasonable and proper.

Mr. TILLMAN. Will the Senator now allow me?

Mr. McCUMBER. Certainly.

Mr. TILLMAN. I do not understand the Senator's statement in the light of the Senate amendment on page 161. That amendment reads:

To carry into effect the agreement bearing date May 9, 1891.

That agreement was reached, if I understand, by commissioners appointed by the Government to buy these Indian lands?

Mr. McCUMBER. Yes.

Mr. TILLMAN. Yet the Senator talks about an agreement made fifteen years ago by the Indians with some lawyers to collect a claim. It is only five years ago. How does the Senator explain the contradiction?

Mr. McCUMBER. Between what?

Mr. TILLMAN. I say the language of this amendment on page 161 is:

To carry into effect the agreement bearing date May 9, 1891.

Mr. McCUMBER. It was made in 1891. That is fifteen years ago, is it not?

Mr. TILLMAN. Yes, that is true. I was thinking of 1901.

Mr. McCUMBER. Very well.

Mr. DUBOIS. I can answer, I think, the Senator's question. Congress failed to ratify that part of the agreement to pay the Indians a million and a half of dollars; so, in 1894, three years afterwards, they employed these attorneys.

Mr. TILLMAN. To do what?

Mr. DUBOIS. To come to Congress and present their claim and try and secure its payment.

Mr. TILLMAN. Does the Senator say that Congress paid the Indians a million and a half and then would not do anything more about it?

Mr. DUBOIS. Yes; I do very positively.

Mr. McCUMBER. That is exactly what was done.

Mr. TILLMAN. It is only on a parity with the policy which has been heretofore pursued. They not only stole the land, but stole the money after it was appropriated to buy it.

Mr. McCUMBER. That is about all I wanted to explain to the Senate. The Committee on Indian Affairs has had some experience in getting through treaties. No matter how good or how just a treaty may be, it will oftentimes take ten to twelve years to get it through the Senate and through the other House.

Mr. TILLMAN. Then I understand the Senator to mean that the "$150,000 hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the benefit of said Indians," was not designed to be paid over to these lawyers, and the conferees discovered that that probably would be illegal and that they could not get their money.

Mr. McCUMBER. Oh, no; the Senator certainly could not have so understood me. The money will be appropriated and paid to the Indians. These Indians had made a contract, which might be good as between the Indians and the attorneys, to pay this $150,000, and that contract was signed by their leading men. If the attorneys had had their agents there when that money was paid over to the Indians, in all probability they would have got the full amount, according to the contract.

The conferees, after due deliberation—the House not agreeing to the amendment placed in the bill by the Senate—thought that this ought to be modified in such a manner that the Court of Claims should determine what would be a reasonable attorneys' fee, and that no appropriation should be made to pay the attorneys' fee until we found the amount which would be necessary.

Mr. CLAY. Will the Senator allow me to ask him a question?

Mr. McCUMBER. Certainly.

Mr. CLAY. I understand the Senator to state that this land was purchased by the Government of the United States for $1,500,000. Congress did not pay for it; then the Indians employed counsel, and made contracts with the counsel for the purpose of recovering the sum due them, and agreed in the contract that the compensation should be 10 per cent of the amount recovered?

Mr. McCUMBER. Fifteen per cent in the first place.

Mr. CLAY. Yes; I understand that was the original contract; but the Secretary of the Interior declined to approve that contract. Then they made a second contract with the attorneys and agreed to pay them 10 per cent of the recovery, and the Secretary of the Interior approved that contract.

Mr. McCUMBER. The Senator seems to have forgotten one thing, and that is, there were two halves to this Indian Reservation.

Mr. CLAY. I understand that.

Mr. McCUMBER. And that one half was taken at a certain price, with the understanding that the Government should take the other half at a certain price. The Government took the first half, and since then has never done anything toward taking the other portion and paying for it. That is the proposition.

Mr. CLAY. I understand that. They entered into a contract for certain fees for the recovery of this money. The contract specially provided that the counsel were to proceed to recover this money in a certain length of time. I ask the Senator, Is it not true that nothing was done; that the contract expired; that it was at an end, and then Congress itself took this matter up and provided for the payment of this claim? Is not this simply to refer this case to the Court of Claims to determine whether or not these attorneys shall be paid a certain sum of money, regardless of that contract, after that contract has expired? The contract specially provided that the money must be recovered within a certain time; otherwise the contract was to be void. The contract came to an end, Congress took the matter up, investigated it, and appropriated this money. Now, this is an effort to permit these people to go to the Court of Claims to get this money.

Mr. McCUMBER. Now, let the Senator look at the equity part of it. We will say that good, honest attorneys entered into a contract with their clients to take 10 per cent of a claim which they would prosecute to completion. They worked on it for ten years. In four years they had the matter before Congress fully completed; but Congress refused to do its duty and to make the payment until after the contract had expired. Then, after the attorneys had put in their work for all of these years, Congress by its own act practically let the contract lapse by reason of length of time. Notwithstanding that contract could not be enforced, nor the subsequent contract—because there was a subsequent contract, which, so far as the Indians are concerned, is in force to-day, although it has not received the approbation of the Secretary of the Interior—the attorneys have gone right on with their work; they have completed the work, and they will have secured, when we get through with this bill, what they started out to secure; and in equity the conferees thought, and the Senate committee in the first instance intended, that the attorneys should be paid a reasonable attorney's fee.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. McCUMBER. Certainly.

Mr. SPOONER. I will ask the Senator from North Dakota if he has read those contracts?

Mr. McCUMBER. If I have read the contracts?

Mr. SPOONER. Yes; has he seen the contracts?

Mr. McCUMBER. I think I have. It has been before the committee a great many times, and I can recall the particular contract. The contract expired, of course, at the expiration of——

Mr. SPOONER. Where were the services to be rendered—in court?

Mr. McCUMBER. They were to be rendered in securing not only the action of the Department, which was necessary in the first instance, but to secure this claim for the Indians.

Mr. SPOONER. To procure the passage of a bill through Congress?

Mr. McCUMBER. Of course, to follow it through Congress.

Mr. SPOONER. To secure the passage of a bill through Congress?

Mr. McCUMBER. Certainly.

Mr. SPOONER. Is that included in the contract?

Mr. McCUMBER. I do not recall the exact words. Possibly the Senator from Idaho can give the information.

Mr. CLAY (to Mr. SPOONER). I have sent for the contract.

Mr. OVERMAN. Will the Senator from North Dakota allow me to interrupt him?

Mr. McCUMBER. Certainly.

Mr. OVERMAN. The Senator from North Dakota says the services to be rendered were services to be performed before the head of the Department and also in Congress in getting through this claim. If that is true, the contract is absolutely void, and it has been so held for a hundred years, as being against public policy. In the case of Hazelton *v.* Miller, decided April 23, 1906, by the Supreme Court of the United States, the court says:

The bill alleges that a part of the consideration for the contract "was services rendered both before and after the making of said contract by the plaintiff in bringing the property to the attention of the committees of Congress as a suitable and appropriate site for a hall of

records." It sets forth that the plaintiff, before and after the same date, expended much time, labor, and money in rendering those services, and what they were, viz, collecting and printing facts for the information of the committees and Members of Congress, making briefs and arguments, and drawing a bill for the purchase or condemnation of the square.

They declared the contract void, as against public policy; and in concluding their opinion the court say:

The general principle was laid down broadly in Tool Company *v.* Norris (2 Wall., 45, 54), that an agreement for compensation to procure a contract from the Government to furnish its supplies could not be enforced irrespective of the question whether improper means were contemplated or used for procuring it. (McMullen *v.* Hoffman, 174 U. S., 639, 648.) And it was said that there is no real difference in principle between agreements to procure favors from legislative bodies, and agreements to procure favors in the shape of contracts from the heads of Departments. (2 Wall., 55.)

In Marshall *v.* Baltimore and Ohio Railroad (16 How., 314, 336), it was said that all contracts for a contingent compensation for obtaining legislation were void, citing, among other cases, Clippinger *v.* Hepbaugh (5 W. and S., 315) and Wood *v.* McCann (6 Danna (Ky.), 366). (See also Mills *v.* Mills, 40 N. Y., 543.) There are other objections which would have to be answered before the bill could be sustained, but that which we have stated goes to the root of the contract and is enough to dispose of the case under the decisions heretofore made.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Massachusetts?

Mr. McCUMBER. I yield.

Mr. LODGE. Mr. President, I do not know the circumstances of the case which the Senator from North Carolina [Mr. OVERMAN] has just cited, but I do know that nothing is commoner than the payment of fees to lawyers who make contracts for services which are rendered entirely by arguments in the Departments and before committees of Congress. Within the last three years there was a claim of the State of Massachusetts in connection with the late war. It was one of a series of State claims. There was nothing really to be done but to determine the amount and liquidate it at the Treasury Department. A very improvident contract was made—there was some doubt about its legality—by which the attorney was to have 10 per cent on the payment made to the State. The amount of the debt of the United States to the State of Massachusetts was one million six hundred and odd thousand dollars. The Secretary of the Treasury turned over a check for $1,640,000, I think it was, to the attorney. He never had done anything except to argue the case before the Treasury Department.

Mr. GALLINGER. Was it not for the full amount?

Mr. LODGE. He turned over the check for $1,640,000 to the attorney. The check was drawn payable to the governor of the Commonwealth. There was some doubt about the lawfulness of the contract. The State was entirely prepared to pay all that was proper, and when it was assessed, no matter how improvident the contract was, she was prepared to fulfill it. An effort was made in court to get that check, which could only have been cashed by the governor of the Commonwealth, and the courts refused.

Now, all that was done by that attorney, as I have said, was to make an argument as to the liquidation of this claim, as to the amount. There was not any doubt about the claim. Similar claims had been paid to other States. It was a mere matter of liquidation, and all the work in Congress was done by the representatives of the State in either House in getting the bill through. In fact, after it was liquidated and certified by the Secretary of the Treasury, there was very little trouble in getting it through. The courts would not compel the attorney to give up to the Commonwealth that check for $1,640,000, and the Commonwealth finally had to pay him the fee of $160,000 in order to get the money that was due it. There are other States which have had the same experience, I am sure.

It is idle to say that attorneys are not paid, and properly paid, when the amount is reasonable, for work done in the Departments and before the committees of Congress for the recovery of claims.

I have broken in on the Senator from North Dakota. I was going to say something about the character of this amendment.

Mr. McCUMBER. I would rather the Senator would go on.

Mr. LODGE. I want to say a word in regard to this amendment. This amendment, as it passed the Senate, was to appropriate $150,000, to be immediately available, for the benefit of those Indians, and I understood at the time, and I think other Senators understood, too, that that sum or a portion of it was to be used to settle the claims which these attorneys had in equity undoubtedly upon the Indians for the work they had performed.

Now, in dealing with that appropriation, which was made for the benefit of the Indians, the conference committee has provided how the amount shall be determined, and they have done what seems to me to be for the protection of the Indians. They have left it to the court to assess what the proper fee is. I wish we could have had a court assess the value of the work done for the State of Massachusetts in securing the payment of the claim to which I have already referred. It seems to me the committee has acted in that way out of an abundance of caution.

The Senator from Maine said he was very doubtful whether this could be construed as new matter. I think there may be some doubt, but it seems to me clear that it was within their province, when dealing with an appropriation of this character, to say how the appropriation should be disposed of or what process should be adopted in settling any claim against the fund appropriated. It seems to me that if we take points of order made in the other House on similar questions, on which I have heard rulings many times, we will find that it is always in order to attach to an appropriation an instruction as to how the money shall be spent or under what restrictions it shall be expended by the Government. I think the clause is in order, moreover, and on its merits, it seems to me, the committee acted with the greatest possible caution. If any point of order would lie, I am inclined to think the Senator from South Carolina [Mr. TILLMAN] made it when he said that part of these fees, if they were assessed by the court, would be paid to our former colleague in this body, ex-Senator Marion Butler.

Mr. CLAPP. Mr. President, I desire to say a word in reply to the Senator from North Carolina [Mr. OVERMAN]. One reason why the conferees preferred to send this to the Court of Claims instead of disposing of it here was that the court might pass upon all these questions.

Mr. OVERMAN. Would the court pass upon the question whether the contract was void?

Mr. CLAPP. They have to pass on that question. You can not recover a judgment in a court on a void contract.

Mr. PATTERSON. Mr. President, I think it is very clearly against public policy for Congress to recognize in any way, directly or indirectly, claims of this character. As I understand the situation, after listening with considerable attention to the various statements that have been made upon the subject, it amounts to this: Somewhere about 1890 or 1891 the United States entered into a contract with a certain Indian tribe, by which it obligated itself to pay that tribe one million and a half of dollars. So if the Government was honest, and stood to carry out its contract with the Indians, there was nothing that the United States could do through its Department or through Congress but to make arrangements for the payment of the money.

I can not conceive what duties these attorneys would perform in dealing with the Department which would entitle them to compensation, if it was the plain, unqualified duty of the Department to do what was necessary upon its part to get to the Indians the money that belonged to them. It was a plain, unqualified contractual obligation. There were no damages to be assessed. Everything was liquidated. It was all a matter of contract.

Now, can it be said that it is wise policy upon the part of Congress to recognize a claim, even under a contract with a claimant, the consideration of which is to induce an officer of the Government, or one of the great Departments of the Government, to do its plain duty to a citizen or to an Indian tribe? If there was any room for controversy—and I understand there was none in this case—if there was any unsettled question to be disposed of, if there was any light to be thrown upon the intelligence of the head of the Department, then perhaps somebody would earn something in performing the duty that would shed the light or convey the information. But if a system of this kind is to be adopted, what have we? The head of the Department omitting to do his duty; an attorney collecting a claim, simply to stir the head of the Department to do his duty, about the doing of which there is absolutely no room for controversy, no real light to be shed, no real argument to be made, no real duty to be performed.

Now, then, when we come to Congress, what was the duty of Congress? The duty of Congress was to make the appropriation, and the Supreme Court of the United States has well declared that contracts for the payment of services of that character are against public policy and should not be enforced, either in courts of law or courts of equity.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. PATTERSON. With pleasure.

Mr. McCUMBER. May I call the attention of the Senator to the fact that the Revised Statutes do not declare it against public policy, because they provide for making contracts with the Indians for just such purposes. But the statute contains a provision that the Secretary of the Interior shall agree to such contracts.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to his colleague?

Mr. PATTERSON. Certainly.

Mr. TELLER. I want to call the attention of the Senator to the fact that in this case the contract was approved by the Department. Then, I want to call his attention to the fact, which I will later bring to the attention of the Senate, that it was a disputed question whether the Indians owned the land and whether they ought to have any pay for it.

Mr. CLAY. With the permission of the Senator from Colorado——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. PATTERSON. Certainly.

Mr. CLAY. I can not see how there can be any dispute or how any dispute could have arisen about the fact that this money was due to the Indians by the Government of the United States. I hold in my hand the agreement between the Indians and our Commissioners, and that agreement especially says:

The said Colville Indians, residing and having their homes on the said Colville Indian Reservation upon the conditions hereinafter expressed, do hereby surrender and relinquish to the United States all their right, title, claim, and interest in and to and over the following-described tract of country on the Colville Indian Reservation in the State of Washington.

Turn to article 5, and it provides:

That in consideration of the cession, surrender, and relinquishment to the United States of all the title, claim, right, estate, and interest of said Indians in and to the tract of land above described, the United States will pay to the said Indians, the beneficiaries of this agreement, to be distributed per capita, the sum of $1,500,000, payable in five annual installments of $300,000 each, with interest thereon at 5 per cent after this agreement shall take effect.

Now, here is a solemn agreement on the part of the United States to pay this money, and why any counsel should be needed for the purpose of enforcing this contract, or why Congress should doubt a minute that this was a legal claim against our Government, I am unable to understand. Here is a solemn contract, signed by our Commissioners and signed by those representing the Indians, agreeing upon the amount of land that was conveyed to our Government and the price to be paid. It was clearly a legal and valid claim against the Government of the United States, and expressed by contract in writing and approved by the Secretary of the Interior.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield further to his colleague?

Mr. PATTERSON. With pleasure.

Mr. TELLER. If my colleague will yield a moment, I will say to the Senator from Georgia that it was not a contract until Congress recognized it as a contract. The Secretary of the Interior has no authority to approve it. It lacked that recognition and it lacks it to this day. I desire to explain this matter somewhat when my colleague gets through. I can not do it at this time.

Mr. PATTERSON. In the light of the statement made by the Senator and my lack of information, except what I have gathered during the discussion, I would a great deal rather defer any remarks that I may make until I hear from my colleague, because I have gone upon the theory up to this time that it was a plain contractual obligation; the contract made; the lands relinquished to the Government; the obligation resting upon the United States to fulfill its part of the contract. If such was the case, I can well understand how a delinquent head of a Department might imagine for a purpose obstacles in the way, and some friendly attorney enter into a very large contract with the Indians in order to remove that imaginary obstacle. I can imagine that. I have not the slightest idea that such a thing occurred. But I can well understand that it might, and for that reason, if the basis of my remarks should prove to be true, I have no hesitation in saying that a contract for services of that character is against public policy, and Congress should have nothing whatever to do with enforcing it.

Mr. CLAPP. Will the Senator from Colorado yield to me for a moment?

Mr. PATTERSON. Certainly.

Mr. CLAPP. The suggestion regarding the head of a Department would apply to Congress; it would apply to the House of Representatives, which this very winter, if I remember correctly, refused to recognize this, although coupled with a proposition of the Indians to cede the other half of their reservation.

Mr. PATTERSON. I had reference only to the head of a Department, and that as a mere possibility; but the presumption should always be that Congress, so far as contractual obligations are concerned, will perform its duty. If it should become the custom of Congress to fail to perform its duty until some ex-Senator or ex-Representative or private attorney appeared upon the scene for the purpose of inciting Congress to activity, it would be a very poor policy indeed, and one the country would resent.

Mr. TILLMAN. If the Senator from Colorado will permit me, I should like to ask why it is any more necessary to have lawyers to collect contractual obligations of the Government to the Indians than it is to have lawyers employed to collect the interest on the public debt or any other debt of the United States?

Mr. PATTERSON. If there is any——

Mr. TILLMAN. Our bonds are contracts. Does anybody have to go to the Court of Claims to collect the interest on his bonds?

Mr. PATTERSON. I have discovered since I have been in the Senate that there are two classes who are either required to pay great fees or voluntarily pay great fees—the great corporations of the country and the Indian tribes. If an attorney happens to have relations with a great corporation, he can earn a hundred-thousand-dollar fee; if he happens to have business relations with an Indian tribe, one single fee will enable him to retire from business and to set himself up as a millionaire in prospect.

I notice that some Senators, who stand guard, with bayonet on their rifles, over the public Treasury in behalf of the people, the dear people—I would use the term "dear," but that it might be presumed that I am sarcastic, which I am not—have no hesitation, with voice and energy and influence, in urging steps to be taken to compel an Indian tribe to pay enough to set up the head of a principality for services that are not in reality legal services, but for services that are simply services of influence, if I may use that term.

Mr. TILLMAN. Lobbying, in other words.

Mr. PATTERSON. Because certain persons happen to have a pull in some direction or great powers of persuasion to induce people to do their plain duty, they are able to secure for services of this character enormous sums of money.

Now, services such as are said to have been rendered in this case, if I am correctly informed, are not legal services at all. It does not require a lawyer to perform them. A man with a glib tongue and with persuasive powers, with friends at court, can do just as much as a lawyer, though he may never have read a page of a statute or a section of Blackstone in bringing about settlements for their so-called "clients" in cases of this kind. They are not legal services. They are services that either should not be rendered or, if rendered at all, should be rendered as acts of friendship from a sense of duty, and not upon the theory——

Mr. CLAY. Will the Senator from Colorado permit me?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. PATTERSON. With pleasure.

Mr. CLAY. The Senator from Colorado [Mr. TELLER] said this would have to be approved by Congress. I find that Congress has approved it.

Articles of agreement made and entered into on the 9th day of May, A. D. 1891, at the Colville Indian Reservation, in the State of Washington, by Mark A. Fullerton, W. H. H. Dufur, and James F. Payne, commissioners on the part of the United States appointed for the purpose, and the Indians residing on said reservation.

Then setting forth the agreement, it proceeds:

Therefore,
Be it enacted, etc., That said agreement be, and the same is hereby, accepted, ratified, and confirmed.

Mr. PATTERSON. What is the date of that?

Mr. CLAY. 1891.

Articles of agreement made and entered into on the 9th day of May, A. D. 1891, at the Colville Indian Reservation, in the State of Washington, by Mark A. Fullerton, W. H. H. Dufur, and James F. Payne, commissioners on the part of the United States appointed for the purpose, and the Indians residing on said reservation.

ARTICLE 1. The said Colville Indians residing and having their homes on the said Colville Indian Reservation, upon the conditions hereinafter expressed, do hereby surrender and relinquish to the United States all their right, title, claim, and interest in and to and over the following-described tract of country on the Colville Indian Reservation, in the State of Washington,

I will get the date directly. The Indians have all signed it—by their mark mostly. The commissioners first signed it, and then the Indians signed it.

Mr. TELLER. What did Congress do about it?

Mr. CLAY. Congress ratified and approved it.

Mr. TELLER. Congress has not paid the money.

Mr. CLAY. I did not say that. Congress ought to have paid the money. It was clearly a debt against the Government of

the United States, and I do not see how there can be any doubt about it. Here is a copy of the act of Congress:

Therefore,
Be it enacted, etc., That said agreement be, and the same is hereby, accepted, ratified, and confirmed.
SEC. 2. That for the purpose of carrying out the terms and stipulations of said agreement the following sums be, and the same are hereby, appropriated out of any money in the Treasury of the United States not otherwise appropriated.

That is the act of Congress itself.

Mr. TILLMAN. What is the date of that? When was it approved?

Mr. CLAY. I do not see the date, but I will find it in a minute.

Mr. CLAPP. If the Senator will permit me, the act of Congress which opened a part of the reservation became a law July 1, 1892.

Mr. PATTERSON. Congress did ratify the agreement by act of Congress and the land was opened to the public.

Mr. CLAY. This is dated December 26, 1891.

Mr. CLAPP. If the Senator had read the evidence of the efforts for fifteen years to get Congress to pay for this land, he would realize that somebody had done some work. It is equally true, perhaps, that Congress has not done its duty.

Mr. PATTERSON. What obstacle was there in the way of making the appropriation, will the chairman of the committee inform us?

Mr. CLAPP. Because it was difficult to make the committees and Congress and the House this winter recognize the claim of these Colville Indians. The Senator from Washington who retired last March I think attempted twice, once I am very certain, to get the Senate to recognize that obligation, and he was unable to do it. The effort has been made repeatedly in one House or the other, but Congress would not, and up to this hour has not done it.

Mr. PATTERSON. What inspiration in the end did influence Congress to do a duty that was so plain?

Mr. CLAPP. The constant presentation of the evidence of the merits of the claim of these Indians.

Mr. PATTERSON. The constant presentation of the plain letter and obligation of a contract.

Mr. CLAPP. Not at all.

Mr. PATTERSON. That is all I see which could have been done.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Washington?

Mr. PATTERSON. I yield.

Mr. PILES. I think I can explain this matter to the Senator from Colorado. An arrangement was made, as I understand, with the Indians with reference to the northern half of the Colville Indian Reservation by which the Indians agreed to surrender to the Government the north half of that reservation in consideration of certain lands which were to be allotted to the Indians and the payment of $1,500,000. This $1,500,000 it was supposed the Government would raise by the sale of the unallotted land. The Government took possession of the north half of the reservation and allotted certain lands to the Indians and it threw the remainder of the north half open to settlement at a dollar and a half an acre, I think it was. Subsequently Congress repealed the law requiring setlers to pay a dollar and a half an acre for the land which they had taken, holding that inasmuch as other homesteaders had received their homes free it would be unjust to require homesteaders on the north half of this Indian reservation to pay for their homes.

Subsequently, as I understand it, the contention was made that the Colville Indian Reservation was not, as a matter of fact, the land of the Indians; that they were in possession of the reservation by virtue of an Executive order, and they had no title to the land.

Mr. PATTERSON. Mr. President, so far as that claim is concerned, that was all wiped out by the terms of the agreement itself, because it is nothing more than a quit claim so far as the agreement is concerned; we sell all the right and title and nothing more.

Mr. PILES. To the Indians?

Mr. PATTERSON. Yes.

Mr. PILES. I am endeavoring to show why these Indians had to employ lawyers to prosecute their claim. My recollection is that one of the judges in the circuit court of the United States in my State held that the Indians did not have title to lands because they had been sent on the reservation by Executive order.

Now, there came a great pressure upon Congress from the people of the State of Washington to open the south half of the reservation to settlement, because it is one of the most beautiful and fertile countries in the world. I myself have traveled over it and know whereof I speak. The Indians were unwilling to cede the south half of the reservation until their brother Indians on the north half were paid what they claimed to be their just right, $1,500,000, and they refused to consent to the opening of the south half until the money was paid.

In the meantime the Indians employed lawyers in my State, gentlemen of great ability, to represent them and see if they could not get the Government to pay them the $1,500,000. They had been raising the question here, there, and everywhere that they were entitled to this money, and that they owned this land, notwithstanding the Executive order.

Mr. TILLMAN. Will the Senator from Washington yield for a question?

Mr. PILES. With pleasure.

Mr. TILLMAN. I presume that the north half, which we did agree to buy, is equally as fertile and beautiful as the Senator says the south half is.

Mr. PILES. I think it is.

Mr. TILLMAN. Yet we force the Indians to employ lawyers to get a pitiful dollar and a half an acre for land which we gave to these men.

Mr. PILES. To get a dollar and a half an acre.

Mr. TILLMAN. And here is a treaty signed by the commissioners of the United States and the Indian chiefs, which the Senator from Georgia has just quoted, and the Government ratified it through Congress and we were to pay a dollar and a half for lands which the white men of Washington occupy and want, and when they want the other half, and the Indian says, "I will not sell you the land until you pay for the other," it took lawyers to collect it.

Mr. PILES. No; it did not take any lawyers to collect it. These lawyers had already been employed.

Now, Mr. President, this is not singular. This is not a peculiar case. Fifty years ago this Government took from the Indians in my State a tract of land greater than all New England, which the Indians ceded to the Government.

Mr. PATTERSON. Mr. President——

Mr. PILES. Fifty years the Government agreed in consideration of that cession.

Mr. PATTERSON. I did not yield to the Senator for a speech.

Mr. PILES. I do not wish to occupy the Senator's time, but I wanted to make a statement.

Mr. PATTERSON. And really the Senator has made it.

Mr. PILES. I wanted to show how the Indians have been deprived of their rights in certain instances, and have been compelled to employ counsel to assert those rights.

Mr. PATTERSON. Mr. President, I do not profess to have knowledge from a personal investigation of any duties that might be legitimately or necessarily required in order to bring about a settlement with the Indians for the sum of money that the Government agreed to pay. I have no knowledge of the legal or other difficulties that legitimately arose to require the employment of attorneys either to appear before a Department or before committees of Congress. I went upon the theory that the statement which was repeatedly made was true without reserve, namely, that here was a plain contractual obligation resting upon the Government, that from sheer negligence or indifference the Government refused or failed to pay, and that somebody was employed to stir up the different branches of the Government, so that those branches might do their duty. What I wanted to enforce was that services of that character are not legal services in any sense of the word.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. PATTERSON. Well, for a question.

Mr. McCUMBER. May I ask the Senator how he would differentiate that case from the one I will state? The Government granted certain lands to Indians somewhere about seventy-five years ago. The Indians had a fee simple to that land. They transferred it to one person. I think it was the Eli Ayres case; I am not certain. The Senator from Colorado will know.

Mr. PATTERSON. No.

Mr. McCUMBER. He purchased those lands. The Government then refused to issue its regular patent and resold the lands to others. For seventy-five years the owner of those lands, who had sought to get back his money that he had paid, was unable to get it. I do not know that he has got it yet.

Now, would the Senator think that in a case of that kind it was public policy for the heirs of that estate to pay an attorney for getting a bill through Congress and getting Congress to take hold of the matter?

Mr. PATTERSON. The two cases are very easily differentiated, Mr. President.

Mr. McCUMBER. On the ground of public policy, I mean.

Mr. PATTERSON. Yes; on the ground of public policy. The one I am supposing and that I presume exists is different from the one suggested by the Senator from North Dakota in many material particulars, but it is not at all necessary that time should be consumed in entering into a discussion of the differences.

What I wanted to enforce was the proposition that if the services to be rendered are simply to induce a department to do its plain duty, or a committee of Congress to do its plain duty, or the Senate and House to do its plain duty, those services are not professional in the sense of being legal services. They are services of a lobbyist, pure and simple. It depends upon the influence and the persistency of the individual who may assume to endeavor to set the different branches of the Government into motion. Services of that kind should not be recognized. They should be esteemed by every Senator and Member and the head of a Department as they are regarded by the courts of the country, as against public policy.

If that is the character of the claim that is provided for in the section of the conference report which is being discussed, then I have no hesitation whatever in saying that so far as my vote is concerned it will receive no countenance at all. If an attorney performs legitimate services, whether before a Department, or possibly before a committee of Congress if a committee was seeking enlightenment upon a question of law, then morally at least, an attorney deserves to be paid fair compensation in proportion to the quality of the services that he rendered and the time that was necessarily consumed; but for services that can only be characterized as the services of a lobbyist Congress ought not to contaminate itself, directly or indirectly, by even seeming to give credit to claims based upon such services.

Mr. McCUMBER. Does the Senator consider that an attorney engaged in ascertaining the title that Indians had to land, and spending years in getting the history of the tribe and everything bearing on the question of the Indian title to the lands is a lobbyist?

Mr. PATTERSON. I did not inject that into my proposition.

Mr. McCUMBER. But that is a part of the services that are sought to be paid in this case.

Mr. PATTERSON. My proposition was—and I heard no serious contention of it until I raised the issue—that it was a clear cut, unequivocal contractual obligation by the Government with this Indian tribe to pay them a million and a half dollars; that there was no legal obstacle in the way; and that the services which were rendered were simply calculated to move the Department and to move Congress in a direction in which they should have moved voluntarily in the performance of a plain, simple, official duty.

Mr. TELLER. Mr. President, I wish to call the attention of the Senate to the statutes of the United States, which some Senators certainly have overlooked. If Senators will turn to section 2103 of the Revised Statutes, they will find the following:

SEC. 2103. No agreement shall be made by any person with any tribe of Indians, or individual Indians not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him, or any other person in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to, annuities, installments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows.

Now, Mr. President, there is authority enough for anyone to make a contract under the conditions that existed in this case or almost any other that may be considered.

First. Such agreement shall be in writing, and a duplicate of it delivered to each party.

Second. It shall be executed before a judge of a court of record, and bear the approval of the Secretary of the Interior and the Commissioner of Indian Affairs indorsed upon it.

Third. It shall contain the names of all parties in interest, their residence and occupation; and if made with a tribe, by their tribal authorities, the scope of authority and the reason for exercising that authority, shall be given specifically.

Fourth. It shall state the time when and place where made, the particular purpose for which made, the special thing or things to be done under it, and, if for the collection of money, the basis of the claim, the source from which it is to be collected, the disposition to be made of it when collected, the amount or rate per cent of the fee in all cases; and if any contingent matter or condition constitutes a part of the contract or agreement, it shall be specifically set forth.

Fifth. It shall have a fixed limited time to run, which shall be distinctly stated.

That is about all of that. A reference to the particular contract in this case will be found by looking at a letter in the report of the Committee on Indian Affairs which accompanied this bill. On page 138 of that report I find the following:

On May 12, 1894, the Indians of the Colville Reservation entered into a contract with Messrs. Levi Maish and Hugh H. Gordon, attorneys, stipulating for their employment to prosecute the claim of these Indians against the United States for payment of their interest claimed by them in the lands of their reservation that were restored to the public domain by the act of July 1, 1892, supra—

That act I have here if any one desires to look at it—

and which were opened to settlement by proclamation of the President.

Mr. PATTERSON. May I ask my colleague if the act restoring the land to the public domain describes the land that was contracted for by the Government with this tribe of Indians?

Mr. TELLER. The Senator can look at it right there. It is rather difficult to state what it does provide. It is the act of July 1, 1892, and will be found on page 62, volume 27, United States Statutes at Large.

The letter of the Commissioner of Indian Affairs from which I have been reading continues:

Said contract was approved by this office on July 17, 1894—

The Department must have believed that there was a necessity for these lawyers, that there was something for them to do—

limiting the fees to be paid the attorneys to 10 per cent of the recoveries, and was similarly approved by the Department on July 25, 1894.

That is, by both the Commissioner and the Secretary of the Interior.

This contract expired by limitation on May 12, 1904.

The Department, on April 2, 1904, referred to this Office, for report, a bill (S. 5293) for the relief of the Colville Indians. This bill provided, among other things, that the Secretary of the Treasury should state an account of the Colville Indians against the United States, in which credit was to be given the Indians for the amount provided under the agreement of May 9, 1891, and were to be charged with the amount allowed them under the terms of the act approved July 1, 1902. (27 Stat. L., 62.)

In the report of the bill, dated April 14, 1904 (Finance), the Office again reviewed the entire case, and recommended the passage of the bill. With that report was a copy of Office letter dated March 25, 1899 (see committee hearings on Indian appropriation bill, 58th Cong., 3d sess., p. 133), in which the Office reviewed at some length the matter of the title of the Colville Indians to the reservation set apart for them by the Executive order of July 2, 1872, and stated that it had not the slightest doubt as to the possessory rights of said Indians to the lands within the reservation, "rights which the courts have always recognized without qualification, and which it was the uniform practice of the legislative and executive branches of our Government to observe and respect during nearly a century of its history."

Mr. President, without going into any elaborate discussion of this matter, which I do not propose to do, in 1872 the President set aside, by an Executive order, an extensive reservation containing at least three or four million acres of land. In that order he included a settlement of several hundred white people. There was great complaint up there, of course, about it, and then it was modified. Another Executive order was issued, changing the boundaries so as to leave out those white people.

Now, that has been the question. The question was, Did these Indians own that land when the Executive order was made out, or was it an attempt on the part of the President of the United States to give them a tract of land which did not belong to them? It was asserted by those who did not want the Indians there that it never had belonged to them, that they had never owned the land, and, Mr. President, there was some force in that declaration, undoubtedly. But it was a recognition by the President that they did own that land, because they were there in possession of it and had been in possession of it since anyone knew anything about that section of country.

There was a report made May 12, 1892, by the Committee on Indian Affairs of the Senate, Mr. Manderson, then a Senator from Nebraska, making the report, in which the question came up as to their rights to the ground. It is an extensive report, and I will not attempt to read it. They did not in that bill recognize the right of the Indians to that land. We proceeded in spite of that to open the land, and in spite of the fact that we had already an inchoate treaty with these Indians, or an arrangement which was not then consummated, and I do not believe it has ever been consummated since, although there may have been some recognition of their right, because in the bill of the House I have just handed my colleague it was provided, as I recollect, that the Indians might take allotments inside of this land opened to the public at large.

Mr. President, this matter has been here a long time. It has had all the time, I think, the approval of the Department of the Interior that the money ought to be paid. I myself was not very friendly to the payment of the money originally. I thought it was rather an unfair proposition in the first place to include these white people; and then, again, I thought it was rather unfair to give to the Indians the benefit of all the lands there were in that section of the country. But the Department has steadily

and repeatedly declared that, in their opinion, they were entitled to it; and in this letter sent to the Senate February 11 the Department again declared that the Indians are entitled to this money—money, Mr. President, which they did not get, money which they have not got to the present hour, and judging from the disposition of some Senators, at least, money they are not likely to get for some time to come.

It may be that it is a very improper thing to allow men to come here and present the claims of the Indians against the Government, but it has been done ever since I have been in the Senate.

Mr. MORGAN. They have no other place to make application.

Mr. TELLER. As the Senator from Alabama well says, they have no other place to make the application. They can not sue the United States. The history of our dealing with the Indians is full of cases where the Government of the United States has finally acknowledged its liability by the persistent efforts, not of lobbyists, but of men who brought before the committees evidence that the Government was under moral and legal obligation to render to the Indians what they claimed. Not long ago the Supreme Court of the United States rendered a judgment for nearly $4,000,000 that we had been refusing to pay for many years.

Mr. President, you can not get a case against the United States until you come here and first get a committee to look it over or get permission to go into a court and bring a suit. That is what has been done repeatedly; and that is what every man connected with the Indian affairs of this country knows has been an absolute necessity. Recognizing that, the statutes of the United States have provided carefully and prudently and properly under what terms attorneys should be allowed to present the claims of the Indians here. There is no decision of the United States Supreme Court or of any other court that will deny that he who has brought himself within the provision of that statute is not entitled to as much credit as anybody else who prosecutes a claim against an offending debtor.

Mr. President, I stated a few moments ago that away back years ago I questioned the right of the President of the United States to recognize that these people were the owners of that land to the extent that he did. But he did it by sending men there who made a contract with them, not one that binds us, but we never repudiated it except when we took the lands which they were occupying, which they were claiming, without paying for it, but recognizing by the very act that they were entitled to something, because we gave them permission to segregate a portion of that land and take it as their own, and we did not give to any white man who went upon that land the same terms.

Mr. President, our official bodies and officers charged with the duty of looking after the interests of these Indians have recognized such claims. They have recognized the right of the Indians to have their attorneys come before the Senate committees to plead their cause. The Senate has in innumerable instances provided for the payment of attorneys without going to the court when there was no question about the sum to be paid, and when there was a difficulty of that kind we have sent them to the court.

Within the last two years we paid attorneys in the Indian Territory $750,000 upon a contract approved by the Department of the Interior, as the law required, which gave them a million and a half dollars. They had secured from this Government the payment to the Indians of—well, I will not say from the Government—but they had settled a controversy in favor of the claimants that was worth to them at least $3,000,000, because it was a question of the ownership of land. They had brought to their clients a great fortune—not to a few men only, but to a large number of clients.

Mr. SPOONER. Seven hundred and fifty thousand dollars is a pretty large percentage of $3,000,000.

Mr. TELLER. Mr. President, I have myself never had any relation with the prosecution of any claim of this kind, but I have been where I have seen it. I am told by one of these men—and he is a reputable man—that he had broken himself up and was bankrupt because of his efforts to get that controversy righted long before he got a dollar out of it.

The attorneys prosecuting such claims put up the money; they come here and they hang around. Sometimes, I will admit, they become offensive and objectionable; and yet, after all, when they get through, when they have got permission to go to court, as they have again and again, and when the court, the place of last resort to settle these questions, has determined that the Government has been wrongfully withholding from the Indian money which belongs to him, nobody can complain of their persistency. The attorneys ought to be paid such a sum as, in the judgment of Congress, they are entitled to, or such a sum as the court shall determine they are entitled to for the services rendered. This is the first time, Mr. President, in the Senate or anywhere else, that I have heard that such conduct on the part of attorneys was forbidden, either by the unwritten moral law or any other law. It is authorized by statute and authorized by at least fifty years of practice.

Mr. President, I ask to be allowed to add to what I have said a letter from the Commissioner of Indian Affairs, dated February 11, 1905.

The VICE-PRESIDENT. Without objection, permission is granted.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 11, 1905.

THE SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge the receipt, by Department reference, for report, of a communication dated February 4, 1905, from Hon. W. M. Stewart, chairman of the Senate Committee on Indian Affairs, inclosing copy of amendment to be proposed by Mr. Foster, of Washington, to the bill (H. R. 17474) making appropriations for the current and contingent expenses of the Indian Department, etc., for the fiscal year 1906.

The amendment is intended to carry into effect the agreement, dated May 9, 1891, between the Indians residing on the Colville Reservation and the commissioners appointed by the President, under authority of the act of Congress approved August 19, 1890, to negotiate with said Indians for the cession of a portion of their reservation. The amendment provides that there shall be set aside and held in the Treasury of the United States for the use and benefit of said Indians, which shall at all times be subject to the appropriation of Congress, the sum of $1,500,000, in full payment for 1,500,000 acres of land ceded by said agreement.

* * * * * * *

In order to furnish the information called for it will be necessary to refer to some of the history relative to the establishment of this reservation. The Executive order of April 9, 1872, set apart for the use and occupancy of the Colville and other Indians residing in that vicinity the tract of country in the then Territory of Washington lying between the Columbia River as the western boundary and the Pend Oreille (or Clarks Fork) and one hundred and seventeenth meridian (Idaho Territory line) as the eastern boundary, and between the Spokane River as the southern and the British possessions as the northern boundary.

Soon after the issuance of said order it was alleged, by correspondence received in this Office, that the lands covered thereby embraced almost the entire white population of Stephens County, numbering about 600 people, two villages, 100 farms, several saw and flour mills, a court-house, jail, etc., and it was desirable that the Executive order should be revoked. Upon the recommendation of the Department, the President, by Executive order of July 2, 1872, revoked said order of April 9, 1872, and directed that in lieu thereof a country bounded by the Columbia River on the east and south, by the Okanogan River on the west, and by the British possessions on the north be set apart as a reservation for said Indians. This was the boundary of the reservation at the time that the agreement was entered into with said Indians to cede a portion of their reservation to the United States.

The Indian appropriation act approved August 19, 1890 (26 Stat. L., 355), authorized the President to appoint a commission to negotiate with said Indians for such portion of their reservation "as said Indians may be willing to dispose of, that the same may be opened to white settlers." A commission was appointed by the President, and on May 9, 1891, they entered into an agreement with the Indians residing on the Colville Reservation for the cession by said Indians of an area of country comprising 1,500,000 acres of land, at a consideration of $1,500,000 in money payable in five equal annual installments, to be distributed per capita among the Indians entitled to receive it, and other benefits of value, the deferred payments to draw interest at the rate of 5 per cent per annum.

This agreement was, by letter of January 6, 1892, with a draft of a bill prepared by this Office, transmitted by the President to Congress for its action. The correspondence relative to this matter up to the submission of the agreement to Congress is printed in Executive Document No. 15, Fifty-second Congress, first session.

The Senate Committee on Indian Affairs refused to recommend the ratification of the agreement, taking the ground that the Indians had no title to the reservation set apart for them by the Executive order of July 2, 1872, which the Government was bound to recognize and which would, in effect, be recognized by the ratification of the agreement. (See Senate Report No. 664, 52d Cong., 1st sess.)

In lieu of ratifying the agreement a bill was reported by the Senate committee vacating the north one-half of the reservation (the part proposed to be ceded by the agreement), which bill became a law July 1, 1892, without the President's approval. (27 Stat. L., 62.)

That act provides for the disposal of the vacated land under the homestead laws at $1.50 per acre, in addition to the fee provided by law, and that the net proceeds arising from the sale and disposition of the lands to be opened to settlement and entry shall be set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to the expenditure by the Secretary of the Interior, from time to time, in such amount as he shall deem best in the building of schoolhouses, maintenance of schools for such Indians, and in such other manner as he may deem proper for the promotion of education, civilization, and self-support among said Indians.

The act also provides for the making of allotments in severalty to the Indians located on the lands restored to the public domain, the title of such allotments to be held in trust by the United States for the period of twenty-five years.

By the act of February 20, 1896 (29 Stats., 9), Congress extended the mineral-land laws of the United States to the lands embraced in the north one-half of the Colville Reservation.

On February 7, 1903, the President approved "An act providing for free homesteads on the public lands for actual and bona fide settlers in the north one-half of the Colville Indian Reservation, State of Wash-

lington, and reserving the public lands for that purpose." (32 Stats., 803.)

In February, 1903, the Department referred to this Office, for report, a communication, dated February 16, 1903, from Hon. William M. Stewart, chairman of the Senate Committee on Indian Affairs, inclosing a copy of bill (S. 7264) "conferring jurisdiction upon the Court of Claims to hear and determine the claim of the Colville Indians in the State of Washington," with request for a report thereon for the information of the committee.

On February 25, 1903, this Office submitted to the Department a report setting forth at considerable length a history of the case, and in support of the bill the Office said it would seem that the Indians of the Colville Reservation are asking, not without reason, that their claim for compensation of lands excluded from their reservation be referred to the Court of Claims for determination, and so far as this Office was concerned it had no objection to offer to the enactment of the bill (S. 7264) having that end in view. It expressed the opinion, however, that the Indians would have difficulty in recovering compensation through the action of the courts, in view of the decision of the United States Supreme Court in the case of Lone Wolf et al. *v.* Hitchcock (reported in Senate Ex. Doc. No. 147, 57th Cong., 2d sess.; also Compilation of Laws and Treaties Relating to Indian Affairs, 2d ed., Kappler, Vol. I, p. 1058), in which it was held in effect that Congress, in the exercise of its administrative authority over tribal Indian property, possesses full power in the premises which the judiciary may not question or inquire into.

The bill provided that the Indians might bring suit in the Court of Claims by an attorney or attorneys authorized to represent them, whose compensation should be fixed by the court; also that the Attorney-General should appear and defend such suit. The Office strongly recommended that in order to afford the Indians full protection in the employment of counsel the bill be so amended as to provide for the employment and compensation of counsel by the Indians under section 2103 of the Revised Statutes, instead of allowing the Court of Claims to fix the compensation of the attorneys. The bill in question, however, did not pass.

On May 12, 1894, the Indians of the Colville Reservation entered into a contract with Messrs. Levi Maish and Hugh H. Gordon, attorneys, stipulating for their employment to prosecute the claim of these Indians against the United States, for payment of their interest claimed by them in the lands of their reservation that were restored to the public domain by the act of July 1, 1892, supra, and which were opened to settlement by proclamation of the President. Said contract was approved by this Office on July 17, 1894, limiting the fees to be paid the attorneys to 10 per cent of the recoveries, and was similarly approved by the Department on July 25, 1894. This contract expired by limitation on May 12, 1904.

The Department, on April 2, 1904, referred to this Office, for report, a bill (S. 5293) for the relief of the Colville Indians. This bill provided, among other things, that the Secretary of the Treasury should state an account of the Colville Indians against the United States, in which credit was to be given the Indians for the amount provided under the agreement of May 9, 1891, and were to be charged with the amount allowed them under the terms of the act approved July 1, 1902. (27 Stat. L., 62.)

In the report of the bill, dated April 14, 1904 (Finance), the Office again reviewed the entire case and recommended the passage of the bill. With that report was a copy of Office letter dated March 25, 1899 (see committee hearings on Indian appropriation bill, 58th Cong., 3d sess., p. 133), in which the Office reviewed at some length the matter of the title of the Colville Indians to the reservation set apart for them by the Executive order of July 2, 1872, and stated that it had not the slightest doubt as to the possessory rights of said Indians to the lands within the reservation, "rights which the courts have always recognized without qualification, and which it was the uniform practice of the legislative and executive branches of our Government to observe and respect during nearly a century of its history."

The letter of March 25, 1899, is too lengthy to be copied at this time, but if the copy heretofore furnished can be procured, the Office would desire very much that it be considered in connection with this report.

In all of the reports made by this Office in regard to the rights of the Indians to that part of the reservation ceded to the United States in the agreement dated May 9, 1901, it has expressed the opinion that the Indians had a good and valid title to the land in question, and that they ought to be paid the amount stated in the agreement made with them by the commission appointed for that purpose. Therefore that part of the amendment which provides for carrying into effect the agreement of May 9, 1891, meets with the hearty approval of this Office.

* * * * * * *

Very respectfully,

F. E. LEUPP, *Commissioner.*

The VICE-PRESIDENT. The question is on agreeing to the conference report. [Putting the question.] By the sound the "ayes" have it; and the report is agreed to.

Mr. TILLMAN. Mr. President, there are two or three other matters in the report that will have to be explained.

The VICE-PRESIDENT. Does the Senator rise to the conference report?

Mr. TILLMAN. Yes, sir; I rise to speak in reference to the report.

The VICE-PRESIDENT. The Chair will, then, consider the report as before the Senate.

Mr. TILLMAN. Mr. President, the provision under discussion may not be subject to a point of order as being entirely new matter, though neither House considered it; but it is tacked onto and made part of an amendment which relates to the Colville Reservation. Possibly it would not be technically subject to the point of order, though it is really extraneous and entirely new and relates to a subject with which neither the Senate nor the House has dealt.

The question of morality, honesty, and decency, I suppose, can not be well brought in here; but it does really look to be extraordinary that a treaty made with these Indians for the purchase of their land, and signed by the commissioners representing the Government and by the Indian chiefs, and ratified by Congress, the debt being recognized as a perfectly valid obligation of the Government—I say it does seem extraordinary that, after such a proceeding, it then becomes necessary for lawyers to step in and get some kind of an agreement, which has never been produced—we are told it exists, and I suppose it must exist—but some kind of a contract is entered into by attorneys to collect this claim from the Government. The claim goes on until it runs out of date, Congress neglecting its duty to pay its just obligations, and then, finally, here, in the closing days of this session, without the Indian Committee having considered it this year, this provision is brought in recognizing a claim of lawyers, and reference is made to the Court of Claims to determine the character and justice and legality, I presume, of the claim of these attorneys.

What I complain of, Mr. President, is that the committee did not put this provision in regard to the claim of these attorneys into the bill, but that it must go in through the back window, so to speak, of the conference committee. Leaving out all considerations of the legitimacy and propriety of the action, it does look to me to be extraordinary and a disgrace to this Government that such a proceeding is necessary or is permissible.

I do not know how we are going to stop it, unless the Senate should at some time take steps to take cognizance of what is being done here and take up such provisions as this and kick them out. I myself should like to get an opportunity to vote against any such scheme of spoliation as this. I do not want to call it "a steal," but it has every appearance of one; and while the Court of Claims may report that it is not a valid obligation of the Indians, still it is a system, a method of dealing with this question that ought not to be permited.

The VICE-PRESIDENT. The question is on agreeing to the report.

Mr. LA FOLLETTE. Mr. President, there is another provision of the conference report to which I ask the attention of the conferees of the Senate. Amendment numbered 56, on page 6 of their report, amends the act for the final disposition of the affairs of the Five Civilized Tribes. Section 2 of that act, or the portion of it to which I wish to direct attention, is as follows:

SEC. 2. That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March 4, 1906, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof.

Omitting the balance of the section down to the second provision of that section, I read as follows:

Provided further, That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: *Provided*, That nothing herein shall apply to the intermarried whites in the Cherokee Nation whose cases are now pending in the Supreme Court of the United States.

When the Indian appropriation bill was pending in committee an amendment was inserted striking out of this section of the act for the final disposition of the affairs of the Five Civilized Tribes what I have just read. The reason assigned at the time for adopting this amendment was that the minors or infants who were provided for in the beginning of the section would probably be considered as "persons," and it was deemed advisable to amend the act by striking out the provision leaving the law as it stood with all of the limitations therein, which afforded ample protection to the tribes and to the people.

The conference report, amendment No. 56, strikes out that provision and introduces another that reverses the action of the committee which reported the bill and of the Senate in passing it.

Mr. PATTERSON. To what amendment does the Senator refer?

Mr. LA FOLLETTE. Amendment numbered 56, on page 6 of the conference report. The new matter proposed to be substituted for the proviso which was embraced in the appropriation bill is this:

Provided further, That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment, entitled to enrollment, in any of said tribes, except for minors, the children of Indians by blood, or of freedmen members of said tribes, or of Mississippi Choctaws identified under the fourteenth article of the treaty of 1830, as herein otherwise provided.

And I call especial attention to the concluding lines, which are as follows:

And the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment.

Now, note the distinction. The act of April 26, 1906, known as the "Five Civilized Tribes act," which this proposes to

amend, or the proviso sought to be eliminated from it, dealt wholly with applications for enrollment. This amendment reads:

That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes.

The insertion of the words "or to be entitled to enrollment" contemplates a legislative judgment to take effect at the date of the passage of the act now before us.

This amendment of the conference report, if adopted, will work a great injustice to a large number of Indians. There are now pending before the Department of the Interior and the Commissioner to the Five Civilized Tribes, for adjudication, a final determination of the rights of at least 2,000 persons. These are in every instance the application of parties in relation to whose cases special investigation was required prior to a final determination. When the applications were taken by the Commissioner to the Five Civilized Tribes, if any question was raised as to their right to be enrolled, whether of fact or law, the Commissioner listed them upon what is called a "doubtful card," using a card index for that purpose. This was done in some cases where there appeared scarcely a doubt as to the right of the party making the application, but where the nation, through its representative, questioned the right of the claimant, desiring to look the matter up and determine in the future, or desiring to produce further testimony, or being in doubt as to the application of the law. The names of the people whose rights were thus questioned were placed upon doubtful cards, without the formality of sworn complaint, alleging either fraud, mistake of law, or mistake of fact.

This doubtful card list is naturally the only list to be handled by the Commissioner. These cases, if taken up for consideration, would be disposed of, under the legislation heretofore enacted, before March 4 next. This amendment, however, provides that no person shall be entitled to enrollment after the date of the passage of this act. These cases are still pending, awaiting investigation. They had no hearing at the times the rolls were being made. They have had none since. The adoption of this amendment will exclude them from any opportunity to show that they are entitled to enrollment. It makes no difference that they are of Indian blood, that they have been recognized as members of the tribes, that they have always resided with them, that their tribal rights have never been questioned. If this amendment is adopted their cases will never be heard and their rights never determined.

There is another class of cases that will be foreclosed from any hearing if this conference report is adopted. Under the act of 1896 the rolls established by the different tribes were recognized, and Indians whose names were entered upon those rolls by the tribal courts or tribal commissions that were recognized by the act were entitled to participate in the tribal funds and tribal property, unless some question was raised with respect to the regularity of their enrollment. There are about 150 cases of Indians entered upon the rolls by the tribal authorities, with respect to whose enrollment, however, within three months some question was raised by some Indian or some attorney for some Indian tribe. Those cases are still pending. The Interior Department has recognized the validity of those rolls so made up. The opinion of the assistant attorney-general of the Interior Department has been recently rendered, and holds that entry upon tribal roll was an application under the law within the three months' period and that the Commission to the Five Civilized Tribes should so consider it, but that he was authorized to investigate each case upon its merits and under existing law to strike from the rolls any names which were placed there by fraud or without authority. The Secretary of the Interior approved this opinion. This conference amendment will deny the right to these people which the Interior Department says they are entitled to have tried out and determined.

Furthermore, there are a number of cases pending in the United States Supreme Court which were taken care of in the second proviso at the end of section 2 in the act for the settlement of the affairs of the Five Civilized Tribes, the language there being as follows:

Provided, That nothing herein shall apply to the intermarried whites in the Cherokee Nation, whose cases are now pending in the Supreme Court of the United States.

There are several of those cases. It is proposed now by this conference report to cut out those people. Amendment No. 56 repeals that provision of section 2 of the act for the settlement of the affairs of the Five Civilized Tribes.

Mr. CLAPP. Will the Senator pardon me a moment?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. LA FOLLETTE. Certainly.

Mr. CLAPP. I think the Senator is laboring under a mistake as to the effect of these provisions. The first prohibition in the act known as the "Five Civilized Tribes act" provided that no one should be enrolled as a citizen unless he had made application. The intermarried citizens have made application. In section 2 we expressly provide that the rolls should not be closed finally until March 4, 1907, on account of that case pending in the Supreme Court. The case has been argued and submitted. We had—and have now—every reason to suppose it would be determined. The right would not go back as to applications. If they had made their applications—and if they had not, of course they could not come in—they would have a right by any act that we passed between the 1st day of December and the 4th day of March to extend the time.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LA FOLLETTE. Certainly.

Mr. LODGE. If the Senator will allow me, in connection with what the Senator from Minnesota [Mr. CLAPP] has stated, I should like to ask whether the proviso that is now adopted by the conference report forecloses the right of these people to be heard between now and March 4 next?

Mr. CLAPP. I do not see how it can foreclose anybody. Of course, under this provision we simply enact that tribal rolls shall not in themselves constitute evidence that application was made to the Commission for enrollment. That is the provision that is put in the conference report. Section 2 provides—that portion of it which is unaffected:

That for ninety days after approval hereof applications shall be received for enrollment of children.

And then it provides in section 1:

Provided, That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes show application was made prior to December 1, 1905, and which was not allowed solely because not made within the time prescribed by law.

Now, section 2, even if it had not been changed, would not have affected those rights at all, but in recasting section 2, which we could not do in conference because of the complications, and in making the prohibition correspond to the first two lines of section 2, which provides for the enrollment of children, we simply provide:

Provided further, That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes——

Mr. LA FOLLETTE. That is exactly the point. The proviso in section 1 of the act for the settlement of the affairs of the Five Civilized Tribes is as follows:

Provided, That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes show application was made prior to December 1, 1905.

Now, where Indians appeared before the Indian authority recognized by the act of 1896 and had their names entered upon the tribal rolls, they went away satisfied that their cases were provided for, and, of course, made no application within the three months' period to the Dawes Commission, because the act of 1896 recognized enrollment upon the tribal rolls. Now, this amendment proposes——

Mr. CLAPP. If the Senator will pardon me, the bill already passed, in April, I think it was, limited it to the tribal rolls practically in charge of the commissioner. It says:

Upon any of the tribal rolls and for whom the records in charge of the commissioner to the Five Civilized Tribes show application was made prior to December 1, 1905.

Mr. LA FOLLETTE. Yes.

Mr. CLAPP. Nothing in this amendment one way or the other can touch that.

Mr. LA FOLLETTE. Yes; but unless there was a distinct application to the Commission and some record of it preserved independently of the entry of the names upon the tribal rolls, section 1 of the Five Civilized Tribes act does not authorize the Secretary of the Interior to enroll persons applying. If it is not the purpose of this amendment to exclude these Indians, what is the significance of the words:

Or to be entitled to enrollment in any of said tribes.

Furthermore, if it is not the purpose to exclude those who were entered on the Indian rolls by the Indian authority recognized under the act of 1896 and whose entry there was understood by them, and I think fairly contemplated by the act, to establish their tribal rights, why is this provision incorporated in the conference report:

And the fact that the name of a person appears on the tribal roll of any said tribes shall not be construed to be an application for enrollment.

If any Indian, pursuant to the act of 1896, secured the entry of his name upon the tribal roll, but did not, in addition, file a formal application with the Dawes Commission, he would be excluded, because the Secretary of the Interior is only authorized by section 1 of the Five Civilized Tribes act to enroll those whose names appear on a tribal roll "*and for whom the records in the charge of the Commission to the Five Civilized Tribes show application was made prior to December 1, 1905.*"

Mr. CLAPP. What rolls do you refer to? Do you refer to the rolls in charge of the Commissioner, and inferentially in the Department? They are retained as proof, as records in the hands of the Commission. But the rolls that have been taken out among the tribes, as to which nobody knows what may have been done, are prohibited from being evidence in themselves.

Mr. LA FOLLETTE. I refer to the rolls that were recognized by the act of 1896, and I say there are 150 Indians, at least, who were enrolled under that act, but as to whose rights some question was made at the time, so that they were not certified by the Dawes Commission; I say that their cases are still pending; that they made no other application, and that there is no record with the Commission, which is required in addition to the tribal roll, to entitle the Secretary of the Interior to enroll an applicant.

Mr. CLAPP. The Senator must be mistaken. They are applications; they are records in the office of the Department.

Mr. LA FOLLETTE. But the amendment of the conferees provides:

The fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment.

What is the purpose of that if it is not to shut them out?

Mr. CLAPP. If the Senator will permit me, I will answer once more. In the first place, any application that is pending is reserved under these two laws, with the conference amendment as we have it.

Mr. LA FOLLETTE. That is, if it is an application inpedendent of the mere entry of the Indian's name upon the roll.

Mr. CLAPP. Not necessarily. If that roll is now in the office, if that roll is in the charge, in the custody, of the Commissioner or the Department here, it is construed as an application, and the Secretary is recognizing it, and he has until the 4th of next March to complete it. If it consists of a card left with the Commission, it is an application. But these rolls that are not there, which may never have been there, rolls over which there is no control by the Government, which may have been tampered with ad libitum, this provides, wisely, and as it justly should, shall not, of themselves, constitute evidence of application. It seems to me the plainest proposition in the world.

Mr. LA FOLLETTE. There is nothing in the amendment of the conferees with reference to those rolls which makes the distinction the Senator draws. It is a broad, sweeping provision.

Mr. CLAPP. I will state it once more.

Mr. LA FOLLETTE. Do not state your construction of the law, just read the provision of the law, and allow Senators to make their own construction of it.

Mr. CLAPP. It reads:

That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes—

It is not even limited to the official records—any records—

show application was made prior to December 1, 1905, and which was not allowed solely because not made within the time prescribed by law: *Provided further*, That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes, except for minors, the children of Indians by blood, or of freedmen members of said tribes, or of Mississippi Choctaws identified under the fourteenth article of the treaty of 1830, as herein otherwise provided, and the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment.

That has to be read into the law which we passed in April. I insist that if the conference report becomes a part of the law, it simply will prevent rolls which have passed out of the control of the Department, being received as evidence not only of enrollment, but of application for enrollment.

Mr. LODGE. May I ask is this an amendment to the act in regard to the Five Civilized Tribes?

Mr. CLAPP. Yes, sir. Because in the Five Civilized Tribes act——

Mr. LODGE. That is the act we passed this winter?

Mr. CLAPP. Yes, sir.

Mr. LODGE. The whole act will have to be construed as one instrument.

Mr. CLAPP. Certainly.

Now, further, the reason why we had to pass that is this: When we got into conference we provided in section 2:

That for ninety days after approval hereof, applications shall be received for enrollment of children.

Then we went on down here:

That nothing herein shall be construed so as to hereafter permit any person to file an application.

There was nothing we could take into conference, and, as I stated when the amendment was before the Senate during the pendency of the Indian appropriation bill, it was put in so as to have the matter a subject of conference. I certainly would not knowingly deprive anyone down there of his rights. That is why we left it until next March to complete these rolls.

Mr. BAILEY. I should like to ask the Senator from Minnesota if there is anything in this bill to affect the status of what are known as "children of intermarried whites?"

Mr. CLAPP. I do not think there is. I certainly do not recall it.

Mr. BAILEY. I have had my attention called to a general statement that amendment No. 56 was intended to deprive children of intermarried whites of their rights, but I can not read that amendment to mean that. Of course I take the Senator's assurance.

Mr. CLAPP. I certainly can not be mistaken, so far as that is concerned. We had no such thought in mind.

Mr. TILLMAN. There is another provision here which I should like to have the Senator in charge of the bill explain.

Senate amendment No. 50, at the bottom of page 42, provides as follows:

That the Secretary of the Interior shall have prepared and printed in a permanent record book the tribal rolls of the Five Civilized Tribes and that one copy of such record book shall be deposited in the office of the recorder in each of the recording districts for public inspection free of charge.

The Senator will recall that when this bill was in the Senate, I suggested this very amendment to him, and I prepared an amendment of this character. But he, after communicating with the Department, declared they were very much opposed to it. It seemed to me a very wise and reasonable and just provision that the names of the landowners as recognized by the Government, not the persons who have been suggested by the Senator from Wisconsin as entitled to enrollment, but those who were actually recognized as participating in the allotment of lands, should be accessible at each county seat, or other place of record, so that any person desiring to buy from an Indian could find out whether he was buying from an Indian recognized as such or was buying from an imposter or from some one whose claim to land had been disallowed.

This amendment went on the bill in the Senate, and it comes back in the conference report with this proviso. I want Senators to listen, for a more drastic and extraordinary provision I have never heard of:

That any person who shall copy any roll of citizenship of the Creek, Cherokee, Choctaw, Chickasaw, or Seminole tribes of Indians, prepared by or under the direction of the Secretary of the Interior, the Commission to the Five Civilized Tribes, or the Commissioner to the Five Civilized Tribes, whether completed or not, or any person who shall, directly or indirectly, exhibit, sell, offer to sell, give away, offer to give away, or in any manner or by any means offer to dispose of, or who shall have in his possession, any such roll or rolls, any copy of the same, or a copy of any portion thereof, shall be deemed guilty of a misdemeanor, and punished by imprisonment for not exceeding two years: *Provided*, That this act shall not apply to any persons authorized by the Secretary of the Interior, the Commissioner of Indian Affairs, or the Commissioner to the Five Civilized Tribes to copy, exhibit, or use such rolls, or a copy thereof, for any purpose necessary or required by law.

It appears to me that the Senate amendment, which provided for the deposit in an accessible place for the benefit of the public of these tribal rolls, is not only destroyed, but that this penal statute, which is so sweeping and drastic in its provisions, has no justification whatsoever. The only interpretation I can put upon it is that those who are interested in being go-betweens between the Indian owners of land and the white persons who may want to buy lands are determined to keep up the system of fees, or blackmail, or whatever else you may term it, for what ought to be information accessible to anyone. I should like to have an explanation why this provision was put in here.

Mr. CLAPP. That is very easy indeed, Mr. President, and I do it with a good deal of pleasure.

Pending the passage of this bill there was a great deal of trouble in the Indian Territory; parties were arrested, I think indicted, although I would not say how far the proceeding went, for surreptitiously getting the rolls. They were liable to make—although I do not say they got that far with it—what would seem to be copies of the rolls, with no responsibility attaching to the person who did it, and use those false rolls, improper rolls, for the purpose of dealing in land down there. A bill was pending in the Senate—I think it had passed the

House—making it a misdemeanor to use the rolls, and the Senate amendment on this subject was as follows:

That the Secretary of the Interior shall have prepared and printed in a permanent record book the tribal rolls of the Five Civilized Tribes, and that one copy of such record book shall be deposited in the office of the recorder in each of the recording districts for public inspection free of charge.

That also was very liable to lead to trouble until those rolls are absolutely completed, and so the conferees inserted the words "upon completion of the approved rolls."

Experience has abundantly proved down there that access to these rolls before they are completed, while they are the subject of review, perhaps the subject of examination in the Department on appeal, and still subject to review, may lead and does lead to a great deal of trouble and difficulty. Until the rolls are completed no person should be placed where he or she may rely upon their correctness, because it is liable to mislead them and lead them into trouble. When these rolls are completed, there should be one place where they can be found and examined, their authenticity absolute and unquestioned, and that is in the recording offices of the Territory. So we provided that after the rolls were completed, one copy of each book should be deposited in the office of the recorder in each of the recording districts for public inspection.

I wish to say in this connection that this was at the urgent solicitation of the Department of the Interior. I never knew a man who worked as hard and incessantly, actuated by such an absolute sense of duty to his trust, as this man does. I never knew a man who worked surrounded by greater difficulties than he does, and with more difficult problems to solve, and while we may not always agree with him—there are very often times when I do not myself—at the same time when it comes to administering the affairs of that Territory, which is particularly and peculiarly within his jurisdiction, I feel that his judgment is entitled to a great deal of weight. I believe now that we have it adjusted so that when the roll is safe, and it is never safe for inspection until it is finished, it will become open to public inspection, and copies of it will be put in the various recording offices. At the same time we make it a misdemeanor for people to peddle around unauthorized, unauthenticated, and untrue rolls, upon which they may speculate in real estate and entangle people in the meshes of litigation.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. CLAPP. Certainly.

Mr. SPOONER. The proviso to section 2 of act No. 129 is as follows:

That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States.

Now, the conference committee has inserted these words:

Or to be entitled to enrollment in.

Where applications have been filed and not acted on, does not this language, "or to be entitled to enrollment in," preclude action upon the application?

Mr. CLAPP. That does not seem possible.

Mr. SPOONER. Why were those words put in?

Mr. CLAPP. That clause is used in connection with the applications, perhaps not necessarily. We have made ample provision for applications for enrollment and for completing the rolls. As the law for the Five Civilized Tribes passed the Senate, whatever is done here is an enlargement of the right and not a restriction. It is enlarged as to minors. That is the sum total of the effect of the amendment.

Mr. SPOONER. There is an exception in this act as to minors.

Mr. CLAPP. I know; but that is at the beginning of section 2.

Mr. SPOONER. What I want to get from the Senator is the effect. What effect is it intended by the conference committee that shall be given to these words after the word "enrollment," "or to be entitled to enrollment in any of said tribes?" We have already covered applications. Are these new words necessary; and what is the legal effect of them unless they mean that even if the application had been made they shall not be entitled to be enrolled under the application?

Mr. CLAPP. The Senator refers to the proviso:

That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes.

Mr. SPOONER. That is what I refer to.

Mr. CLAPP. They can not qualify the law, which expressly provides for no enrollment where applications were not made prior to the 1st day of December, 1905.

Mr. SPOONER. What purpose was intended by the insertion of the words?

Mr. CLAPP. I presume it is just as in a number of other cases where at this session we have inserted the words "fair and reasonable." One could not possibly qualify the other. If a thing is fair, it is reasonable; and if it is reasonable, it is fair. Two words in that unnecessary manner are constantly occurring in legislation.

Mr. SPOONER. The court will not hold it to be unnecessary. The court will not hold these words to have been incorporated without a purpose. Now, what was that purpose? It is not dealing with applications. That is taken care of:

That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment.

That is new.

Mr. CLAPP. Yes; that is right, unless they made application as provided in section 1 prior to the 1st day of December, 1905.

Mr. SPOONER. Does it say that?

Mr. CLAPP. The entire act says that.

Mr. LA FOLLETTE. Will the Senator permit me a question?

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Wisconsin?

Mr. CLAPP. Certainly.

Mr. LA FOLLETTE. I understood the Senator to say that unless they have filed their application with the Secretary of the Interior prior to December 1, 1905——

Mr. CLAPP. I think that is the date. The Senator will understand that all of this section 1 is an enlargement of time.

Mr. LA FOLLETTE. In just one matter.

Mr. CLAPP. It enlarges it several times.

Mr. LA FOLLETTE. May I direct the Senator's attention to one point?

Mr. CLAPP. Yes, sir; I am listening.

Mr. LA FOLLETTE. Under what conditions may the Secretary receive an application for enrollment?

Mr. CLAPP. He can only receive an application if this amendment is adopted——

Mr. LA FOLLETTE. Without this amendment, under section 1 of the act for the Five Civilized Tribes.

Mr. CLAPP. He could not receive any application unless the application was made prior to December 1, 1905.

Mr. LA FOLLETTE. And could he receive any application unless the name appeared upon the rolls and there was record evidence additional to the rolls with the Commissioner to the Five Civilized Tribes that he had made application?

Mr. CLAPP. Certainly, if his application was made prior to December 1, 1905, under the language here broadened, as it is, by "records," instead of saying "official record." Anything that was in his office as documentary would be evidence that he had made application.

Mr. LA FOLLETTE. But suppose there was nothing in the office of the Commissioner except the tribal rolls with the man's name on it, would he have a right to have his application considered to be enrolled?

Mr. CLAPP. Unquestionably. If he did not, I do not know how to frame a law to give him that right.

Mr. LA FOLLETTE. If the Senator will yield further, I submit to him, if he will just give attention for one moment to the reading of the proviso, it is perfectly plain that no application can be considered simply because the name of the applicant appears upon the roll.

Mr. CLAPP. I absolutely agree with that.

Mr. LA FOLLETTE. And in addition to that there must be some record. Now listen to the language of the act No. 129:

Provided, That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner of the Five Civilized Tribes show application was made prior to December 1, 1905, and which was not allowed solely because not made within the time prescribed by law.

As I stated before, there are about 150 who made no record in the office of the Commissioner, who simply had their names entered upon the rolls and rested with that.

Mr. CLAPP. I ask the Senator if that roll was in the office——

Mr. LA FOLLETTE. I do not care where the roll was. It does not make any difference. They are not entitled to enrollment. They are plainly, under the language of that proviso of section 1 of the Five Civilized Tribes act, not entitled to be enrolled unless their names shall appear upon the tribal roll *and unless, in addition to that, they made a record with the Commissioner with the Five Civilized Tribes.* The last lines of the conference report plainly aim to exclude and cut off those who have only the record of their names upon the tribal roll, notwithstanding the fact the Attorney-General has rendered an

opinion, and the Secretary of the Interior has approved it, that the mere entry of those names upon the tribal roll gives them a rightful claim, upon which they ought to have their cases investigated without any additional record in the office of the Commissioner to the Five Civilized Tribes.

Mr. TILLMAN. Mr. President, I do not want to have the appearance of being obstinate, and I know Senators are very much interested in getting this bill out of the way. I had hoped that it was ended, having twice, as I thought, succeeded in preventing an infamous outrage from being perpetrated in this act and in the act for the final disposition of the affairs of the Five Civilized Tribes; and yet it sneaks back. Senators will recall the fact that when——

Mr. CLAPP. Mr. President, I call the Senator to order. I take exception to his language. He charges that this provision "sneaks back." I submit, Mr. President, that is not parliamentary language. It is not warranted by the facts of the case. The Senator's own experience in the conference on the rate bill ought to estop him from making charges of that kind, for he knows that the Senate conferees must either let amendments which the Senate puts on go out or bring back the bill, and that would involve the bringing back here of an appropriation bill.

Mr. TILLMAN. Mr. President, if I have transgressed the rules of the Senate and spoken words that are amenable to the criticism which the Senator just made, of course I desire to withdraw them. I always try to say what I think and what I believe, and I can not help it. It is my misfortune rather than my fault. I am only speaking of the fact that when the bill for the final disposition of the affairs of the Five Civilized Tribes was under consideration I found in it this provision:

> The disbursements, in the sum of $186,000, to and on account of the loyal Seminole Indians, by James E. Jenkins, special agent appointed by the Secretary of the Interior, and by A. J. Brown as administrator de bonis non, under an act of Congress approved May 31, 1900, appropriating said sum, be, and the same are hereby, ratified and confirmed: *Provided*, That this shall not prevent any individual from bringing suit in his own behalf to recover any sum really due him.

Senators will recall the fact that I had what I thought were the assurances of the chairman of the Indian Affairs Committee, who must know that I have no animosity or personal feeling toward him other than that of good will and friendship. I was assured that the Senator and the Senate conferees would endeavor to get those words out or would be willing to let them go out, as they were a Senate amendment. When the bill came back they were in, and the explanation given was that the House conferees insisted on having them stay in. Of course, being a Senate amendment, the Senate conferees could not insist on their own amendment going out. I recognize the difficulties under which they labored, and that when the House conferees agreed that they must stay in it left the Senate conferees more or less helpless.

Having in mind, however, the fact that the Indian appropriation bill, which we now have under consideration, was amended in several particulars to change the statute relating to the Five Civilized Tribes, which had not then been approved, I thought I could get this obnoxious provision eliminated. I therefore offered an amendment to the bill which is now under consideration, which will be found on the top of page 47, striking out of the bill for the Five Civilized Tribes the provision relating to Brown and Jenkins.

Again the Senate conferees accepted it. They assured me that they would endeavor to get the matter agreed to in conference and these words striken out of the bill in conference; but again it returns. So having tried twice to get this outrageous provision, as I call it, taken out of the law, first in the Five Civilized Tribes bill and then out of the Indian appropriation bill, when it comes back here again I thought I was justified a little while ago in using the language that somehow or other it sneaked back. It does not sneak, of course, except that unless one reads the conference report and then goes back to the original matter and examines into it he can not understand what is being done; and that is what I had in mind when I spoke of the sneaking process. In the first instance, the Senate conferees had to accept the House's mind, because the House did not object to the Senate amendment and accepted it, and the Senate conferees were helpless. But in this case the conditions are reversed, and we find that instead of the House conferees accepting our amendments and leaving our conferees helpless, our conferees surrendered to the House on this remarkable provision.

Now, why do I call it remarkable? I send to the desk, Mr. President, to have read, a couple of letters officially dealing with the subject, one from the Indian Commissioner, which I will send up first, in relation to this matter of A. J. Brown and Jenkins, dated away back in February.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary proceeded to read the letter of the Commissioner of Indian Affairs, dated February 28, 1906.

Mr. KEAN. I ask the Senator from South Carolina whether he would not just as lief have the letters go in the RECORD without being read?

Mr. TILLMAN. That depends entirely upon whether the Senator in charge of the conference report will consent to have this matter go over until Monday, when we will have more time to explain and discuss this question. If so, I will put that letter in the RECORD without reading and also this other letter, so that Senators who wish to take any interest in the matter at all can examine them for themselves and see how infamous this transaction is.

Mr. CLAPP. With the consent of the Senate, I will put papers in the RECORD also; the papers which I send to the desk.

Mr. TILLMAN. I am perfectly willing to have all papers bearing on the subject put in the RECORD, for we want to see both sides of the question, because it appears to be an extraordinary proceeding that litigation instituted by the Indian Office and the Secretary of the Interior for the protection of orphans should be taken out of court. It is an extraordinary thing to go in by just simply having the act ratified, on the facts shown by the letters I have sent to the desk.

Mr. KEAN. I hope the Senators will consent to that course.

The VICE-PRESIDENT. Without objection, the papers submitted by the Senator from South Carolina and the Senator from Minnesota will be printed in the RECORD.

The letters submitted by Mr. TILLMAN are as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 28, 1906.

The honorable the SECRETARY OF THE INTERIOR.

SIR: * * * Attention is respectfully invited to the amendment beginning with line 9, page 11, and ending with line 18. This amendment has reference to the money disbursed by A. J. Brown as administrator de bonis non under the act of May 31, 1900, and proposes to ratify and confirm his action in disbursing the money. In connection therewith attention is invited to office report of February 6, 1905, Land 10810, reporting on an amendment intended to be proposed to House bill 5976, which is identical with the amendment as it appears here. The amendment is quoted in full in said report.

This subject has been investigated under the direction of the Department of Justice, and papers before this Office on April 13, 1904, showed that Andrew Jackson Brown collected from himself as administrator of Seminole estates for the Wewoka Trading Company, of which firm he was a partner, and for which he acted as agent, $72,783.84; that he paid Samuel J. Crawford, as attorney, $27,392.82; and that both payments were apparently made without authority of law. The question of the distribution by Mr. Brown is pending before the probate commissioner, under the supervision and jurisdiction of the United States court for the western judicial district of the Indian Territory. The Government has recently retained the former United States district attorney for the northern district of the Indian Territory, who is familiar with the subject, as special counsel in the case, and I believe that the question as to whether Mr. Brown properly disbursed the funds may safely be left to the court.

Furthermore, the Seminole agreement, approved by act of July 1, 1898 (30 Stats., 567), provides, among other things, that—

"The town site of Wewoka shall be controlled and disposed of according to the provisions of an act of the general council of the Seminole Nation, approved April 23, 1897, relative thereto, and on extinguishment of the tribal government deeds of conveyance shall issue to owners of lots as herein provided for allottees and all lots remaining unsold at that time may be sold in such manner as may be prescribed by the Secretary of the Interior."

A. J. Brown, brother of the principal chief, was made secretary of the commission to dispose of the Wewoka town site. This commission selected a tract of 640 acres, within the boundaries of which were permanent improvements claimed by the said Secretary Brown, and 160 acres within the town-site limits were set aside for said Brown, as provided by section 3 of the Seminole act.

In February, 1900, John F. Brown, principal chief of the nation, submitted to the commission a proposition on behalf of himself and his brother A. J. Brown, to purchase the lots remaining unsold for the lump sum of $12,000. During about three years following the organization of the commission and prior to February, 1900, only seven lots were sold, and the proposal of John F. Brown was accepted and the transaction concluded by the execution of a deed dated February 12, 1900, to John F. Brown, purporting to convey all of the lots in the town site of Wewoka remaining unsold and not otherwise disposed of. The legality of these proceedings was questioned and the Seminole Nation made an investigation, and on December 16, 1903, passed an act declaring that the sale of the town site by the town-site commission "was done in accordance with the law governing the same."

There was still a question as to the validity of the sale of the town site of Wewoka, and Congress, by the act of March 3, 1903 (33 Stats., 1048, 1068), confirmed and ratified the action of the town-site commissioners in disposing of the unsold lots in the town to John F. Brown. The records of this office show that A. J. Brown was interested in the purchase and, in my opinion, Congress has been very lenient with the Browns; so I earnestly recommend that you request that the amendment herein mentioned be eliminated from the bill and that the question of determining whether the distribution was properly made by Mr. Brown be left to the courts.

* * * * * * *

Very respectfully,

F. E. LEUPP, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
SECRETARY'S OFFICE,
Washington, D. C., February 7, 1906.

CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

SIR: There is inclosed herewith copy of a report of the Commissioner of Indian Affairs upon the amendment intended to be proposed by Mr. TELLER to the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

Said amendment provides:

"That the disbursements of the sum of $186,000 to and on account of the loyal Seminole Indians, by James E. Jenkins, special agent, appointed by the Secretary of the Interior, and by A. J. Brown, as administrator de bonis non, under an act of Congress approved May 31, 1900, appropriating said sum, be, and the same are hereby, ratified and confirmed."

The Commissioner of Indian Affairs recommends, for reasons stated by him, that said amendment should not be enacted into law.

I fully concur with the Commissioner in his recommendation.

Respectfully,

E. A. HITCHCOCK, *Secretary.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 6, 1906.

The honorable the SECRETARY OF THE INTERIOR.

SIR: The Office is in receipt of Department letter of February 2, 1906, transmitting, for immediate report and recommendation, an "Amendment intended to be proposed by Mr. TELLER to the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes."

The proposed amendment is as follows:

"*And provided*, That the disbursements of the sum of $186,000 to and on account of the loyal Seminole Indians, by James E. Jenkins, special agent, appointed by the Secretary of the Interior, and by A. J. Brown as administrator de bonis non, under an act of Congress approved May 31, 1900, appropriating said sum, be, and the same are hereby, ratified and confirmed."

By the act of May 31, 1900 (31 Stats., 221, 240) the sum of $186,000 was appropriated "to pay the balance of awards made to loyal Seminole Indians, under the direction of the Secretary of the Interior, with interest thereon, as per articles 3 and 4 of the treaty of March 21, 1866, and paragraph 14 of the agreement of December 16, 1897, under payments to be in full settlement and satisfaction of all claims under said articles and paragraph."

The appropriation was disbursed during April, May, and June, 1901, under departmental direction, by James E. Jenkins, who was then a special agent of this Office, and on April 13, 1904, the Office made report on a communication from Acting Attorney-General McReynolds, dated March 31, 1904, concerning the recommendations of Pliny L. Soper, esq., special assistant United States attorney, in the matter of the loyal Seminole claims made to the probate commissioner on exceptions of the lawful heirs of deceased loyal Seminoles to the report of Andrew Jackson Brown, administrator de bonis non of the estates of deceased loyal Seminoles, relating to the moneys handled by him appropriated by Congress for the payment of the loyal Seminole claims.

From the papers before the Office at that time it appeared that the judge of the United States court for the northern district of the Indian Territory during vacation issued an order of distribution of the money thus appropriated. This order was issued on the report of Z. T. Walrond, probate commissioner. Mr. Soper said that he was positive that the court was not in session at Wewoka at the time the order was issued, and that there was no record of an order of distribution having been made by the court; he considered the order absolutely null and void, as being in violation of chapter 149 of Mansfield's Digest of the Statutes of Arkansas, since it was issued by a judge and not by the court.

From said papers it did not seem that the order had been approved by the court when in session.

The cases are on the probate docket in the United States court for the western judicial district of the Indian Territory, and are numbered 22 to 284, both inclusive.

Andrew Jackson Brown was at the time of the distribution a member of the Wewoka Trading Company, and the papers before the Office on April 13, 1904, showed that, of the amount distributed by him as administrator de bonis non, $72,783.84 was paid to the Wewoka Trading Company; that Samuel J. Crawford, as attorney, was paid $27,392.82, and that the cost of administration was $3,007.04. The amount paid Mr. Crawford apparently included a charge of $1,003.42 against minors unpaid and a charge of $1,185.49 against adults unpaid, making a total of $2,188.91.

It appeared that the administrator, Andrew Jackson Brown, was to have been allowed 3 per cent of the amount of each estate for his services, and Mr. Soper said that he would therefore be entitled to the sum of $4,538.98; but the figures attached as an exhibit did not balance, and the papers showed that in many instances, where the amounts alleged to be due Samuel J. Crawford and the Wewoka Trading Company were the entire amount due individuals, no charge was made for the cost of administration.

It also appeared that Andrew Jackson Brown, as administrator, acted as agent for the Wewoka Trading Company, of which firm he was a partner, and that in his capacity as agent he collected for the Wewoka Trading Company from himself, as administrator of Seminole estates, the sum above mentioned, to wit, $72,783.84.

Special Agent Jenkins paid Andrew Jackson Brown, as administrator of the estates of deceased Seminoles, $151,299.60, of which amount he paid to the Wewoka Trading Company, Samuel J. Crawford, and for cost of administration $103,183.70, which is about 69 per cent of the amount paid him by the special agent.

The Office said that the payment to Mr. Crawford seemed to have been made without authority of law; that in most of the cases payments were made without the consent of the persons from whose estates the deductions were made, and that proper action should be taken to recover the amount so paid Mr. Crawford.

It also said that, in its opinion, Andrew Jackson Brown should be required to pay into court all of the money received by him, in order that it might be properly distributed, and that such payment should include the money paid Mr. Crawford, the amount Andrew Jackson Brown, as administrator, paid himself as agent for the Wewoka Company, and the amount collected by him for his services.

The question of the validity of the distribution by Mr. Brown of the amounts herein mentioned is pending before the probate commissioner under the jurisdiction and supervision of the United States court for the western judicial district of the Indian Territory, and the Government has recently retained the former United States district attorney for the northern district of the Indian Territory, who is entirely familiar with the cases, as special counsel therein. As I believe that the question whether Mr. Brown properly disbursed the funds may safely be left to the court, I respectfully recommend that the chairman of the Senate Committee on Indian Affairs be advised that, in the opinion of the Department, the intended amendment should not be enacted into law.

Very respectfully, F. E. LEUPP, *Commissioner.*

The papers submitted by Mr. CLAPP are as follows:

EBBITT HOUSE,
Washington, D. C., May 14, 1906.

Hon. M. E. CLAPP,
United States Senate.

DEAR SENATOR: Referring to an item in the Indian appropriation bill repealing section 9 of the act approved April 26, 1906, I beg to say that if the honorable Senators who are supporting that item were correctly informed as to the facts, they would not for a moment favor its retention in the bill, but on the contrary they would earnestly oppose it. In 1866 the Government made a treaty with the Seminole Nation, wherein it agreed to pay the loyal Seminoles for property lost and destroyed during the civil war. For thirty-odd years the Government neglected and failed to fulfill that provision of the treaty. The said losses amounted to $163,000, less the amount previously paid.

By the treaty this sum was to draw interest at the rate of 5 per cent until paid. During this long period of waiting the loyal Seminoles often petitioned and asked for payment, but as often they were refused, until 1897, when the Seminole council took hold of the matter and employed attorneys to represent the claimants. The attorneys so employed immediately prepared the claims and presented them orally and by printed briefs to the proper officers of the Interior Department and to committees of Congress, and finally after three years of continuous work succeeded in securing an appropriation of $186,000 by agreeing to compromise, whereby they were forced to reduce the aggregate amount of said claims, principal and interest, from $438,402.69 to $186,000. This sum was appropriated by an act of Congress approved May 31, 1900. The act making this appropriation, as will be observed, authorized the Secretary of the Treasury to pay this money under the direction of the Secretary of the Interior to the claimants, if living, and if not, then to their legal heirs.

At that time it was thought the laws of Arkansas had been extended over the Seminole country, but as a matter of fact they had not. The Seminole government was still working under its own constitution, and its agreement with the United States, ratified by Congress July 1, 1898. Nevertheless, A. J. Brown was appointed administrator for the minors of deceased claimants, and gave bonds amounting in the aggregate to $300,000 for the faithful performance of his duty.

The disbursing officer for the Government, Mr. Jenkins, paid the adult claimants (all of whom were citizens of the United States) with checks, which were cashed some by the trading house of which Mr. Brown was a member, and others elsewhere. If the Indians were in debt, they paid their debts, just as they had always been in the habit of doing.

The money belonging to the minors was turned over to the administrator (Mr. Brown) and by him paid to the parents or natural guardians of said minors, who in turn paid the debts they had contracted for the support of their wards and also the attorneys' fees for services in securing the payment of said claims. Every dollar of that money handled by the administrator was honestly and properly paid out.

At first the attorneys were employed by the Seminole council, but the claim not being a tribal matter, it was subsequently deemed advisable for the claimants to act for themselves, which they did by meeting in convention and appointing a committee with full power to employ attorneys and enter into a written contract for the payment of their fees. All these matters were fully understood by the claimants and perfectly satisfactory to them. Not the slightest complaint was made or a word of objection offered by any one of them until some one discovered the fact that the judge of the United States district court had approved the reports of the administrator at chambers, while the laws of Arkansas (which did not apply to the Seminoles) required such proceedings to be approved in open court. Then the claimants were informed that the whole proceedings were irregular, and that if they would stand together the administrator would have to pay them a second time.

The disbursing officer, Mr. Jenkins, acted in good faith and in obedience to his instructions when he paid the claims.

The administrator, Mr. Brown, did the same when he paid the claimants, and so also did the United States district judge when he approved the reports and proceedings of said administrator.

The only hope of those who would undo this work, which was honestly done under a law that was supposed to be applicable, lies in the remote possibility of their being able to proceed under a new law enacted three years after the payments were made, extending the laws of Arkansas over the Seminole country.

On the 1st day of January, 1900, these claims, principal and interest, amounted to $438,402.69. In full payment thereof Congress, on May 31, 1900, appropriated the sum of $186,000, leaving a balance of $252,402.69 lawfully due the loyal Seminoles.

Would it not be more honorable for the Government to pay this balance rather than try to compel the administrator to again pay that which he has already paid? This, it seems to me, would be better for the Indians than if the Government should adopt a course calculated to impress upon their minds the fact that they are under no moral obligations to pay their honest debts.

It has ever been the custom of the trading houses in the Seminole country to trust the Indians for the necessaries of life in anticipation of their payments from the Government, and when such payments were made the Indians as a rule paid their debts, and so they did when the loyal Seminole claims were paid.

I trust, therefore, that the law as it is may be permitted to stand.

Very truly, yours,

SAML. J. CRAWFORD.

Memorandum of facts in regard to the payment of the loyal Seminole claim.

Certain individual Seminole Indians remained loyal to the United States during the war of the rebellion and suffered loss of their prop-

erty from depredations by their disloyal neighbors. To compensate these loyal individuals Congress appropriated, by act approved May 31, 1900, the sum of $186,000, which sum was disbursed by James E. Jenkins, special agent, under the authority of the Secretary of the Interior dated May 7, 1901.

At the time of this disbursement the individual claimants were citizens of the United States.

Special Agent Jenkins was instructed, in making payments on behalf of deceased beneficiaries, to require administration papers from a court of proper jurisdiction. He was further instructed to make all payments by check payable to the order of the persons entitled thereto, and that the check should be placed directly in the hands of the individual beneficiaries. He was also instructed not to make any arrangements to favor in the slightest degree any merchant, trader, or other creditor, and neither they nor their representatives, nor any collector of any description were allowed to be in his office while payment was in progress.

These instructions were attempted to be complied with to the letter, but the administrator who was appointed to receive the money of the minor beneficiaries was so appointed under the laws of the State of Arkansas, which were not in force in the Seminole Nation at the time of such payment and therefore the administrator was without authority in the premises. However, Andrew Jackson Brown, who was thus appointed administrator, gave bond in the sum of $300,000.

For the purpose of securing this claim, the individual claimants, assembled in council or convention, had employed a competent attorney to conduct their case, who rendered services in that behalf for many years, and the claimants were all willing and anxious to compensate him.

These individual claimants, following the usual custom of the tribe, had contracted debts on the strength of their expected payment and in anticipation thereof with the Wewoka Trading Company and others.

In making the payments, checks were issued to those of full age and delivered to the individual beneficiaries, who, following their own inclinations, took the same to the Wewoka Trading Company and there had the checks cashed and paid their debts, including the amounts which the claimants had authorized to be paid to their attorney and were perfectly satisfied with the transaction. The beneficiaries of decedents were in like manner paid to the administrator, who settled for amount of debts contracted, in accordance with the custom of the tribe, by the parents and guardians for nurture of the minors and also paid the fair share of these minors of the amount due to the attorney for the claimants.

The administrator made up his accounts and the same were approved by Judge Gill sitting in chambers, and the matter was supposed to be finally ended.

At this time one Crane, a brother-in-law of Andrew Jackson Brown, and an ex-convict, conceived the plan of securing to himself an informer's share, under section 2103 of the Revised Statutes of the United States, upon the theory that this money had been disbursed, so far as the attorney's compensation was concerned, in violation of that section, which share is one-half of the amount of money which might be recovered by the person sueing for the same. Upon his representations suits were instituted to recover the money paid through the administrator upon the technical ground that the order confirming the acts of the administrator had been executed in chambers instead of in open court, as required by the laws of the State of Arkansas, which were supposed to govern the proceeding. Upon these suits large sums of money have been paid from the fund to court officers, and payment of further charges amounting in the aggregate to $5,000 or over were pending at the passage of the act confirming the payments by Special Agent Jenkins and by Administrator Brown.

The improvident payment by Inspector Jenkins was that to an administrator appointed by a court having no jurisdiction. Unquestionably the right of recovery by the United States would lie against Jenkins's bond for this money if it was wrongfully paid. The confirmatory act heals this defect.

The money paid to adults was paid direct to the individuals, who were each citizens of the United States, who made such use thereof as he himself elected. The fact that the money was used in the payment of debts is not a reasonable criticism of the payment.

The money disbursed by Brown as administrator for the payment of the debts contracted by the parents and guardians for nurture of minors, was paid in accordance with the customs of the tribe and in accordance with the long-continued custom of giving credit by trading companies to the parents and guardians for nurture of those expecting funds from the Government as in the case of annuities and other payments. It has never been charged or suggested that the money so paid was not actually due to the Wewoka Trading Company, where most of the indebtedness was contracted. Every cent of the money was honestly and properly applied either by the individual beneficiaries themselves or by the administrator appointed for the purpose of receiving and applying the fund.

The proceeding instituted by the Government through the Interior Department was so instituted upon false and misleading statements on the part of the convict Crane, and have been maintained under the mistaken idea that the fund, particularly of minors, had been misapplied. This, however, is distinctly erroneous, and if the parties to whom this money has been paid in the payment of the debts of these people were required to refund the same, the individuals for whose benefit the recovery would be had would be encouraged in an unwarrantable and dishonest proceeding—that is, the repudiation of their just debts.

It is not contended but that the court which approved the accounts of the administrator, Brown, in chambers acted in good faith under the supposition that authority was vested in him to thus approve said accounts. The approving judge has never since sat in that district and never had an opportunity to approve the accounts in open court nunc pro tunc, another judge having set aside the order made in chambers, thus reopening the administrator's accounts.

It is now conceded that the appointment of Brown as administrator was without authority of law and improvidently made, and that the money of minors was paid over to him by Jenkins without legal authority. The object of the act confirming and ratifying both the action of Jenkins and the action of the administrator, Brown, was to heal these technical irregularities. The confirming act leaves to any person aggrieved the individual right of action, and it is substantially just in the premises and no more. The object of the confirmatory act was to not only relieve Special Agent Jenkins from liability, but also to confirm the improvident appointment of Brown and to confirm the act of Judge Gill, who approved his accounts in chambers instead of in open court, with the further object to prevent litigation which has already eaten deeply into the fund and which, if continued, will exhaust any part of the fund now remaining in the hands of the administrator, Brown.

BUTLER & HALE,
(For administrator).

The following is a copy of the instructions to Mr. Jenkins, under which the loyal Seminole payments were made, to wit:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 7, 1901.

Mr. JAMES E. JENKINS,
Special United States Indian Agent, Present.

SIR: Upon the completion of your report upon the investigation recently made by you, you are directed to proceed to Perry, Okla., in order to arrive there not later than the morning of the 13th instant, for the purpose of testifying in the case of The United States *v.* Asa C. Sharp.

Upon the completion of this duty, you will proceed to the Indian Territory for the purpose of making payment to the loyal Seminole Indians of the $186,000 appropriated in the Indian appropriation act approved May 31, 1900, page 22.

Report your arrival at Perry, your departure therefrom, and your arrival in the Indian Territory by wire.

Steps will at once be taken to place to your official credit the sum above referred to, in installemtns, to enable you to pay the balance of the awards made to the loyal Seminole Indians, per articles 3 and 4 of the treaty of March 21, 1866, and paragraph 14 of the agreement on December 16, 1897, such payment to be in full settlement and satisfaction of all claims under said articles and paragraph.

The roll containing the names of the persons entitled to payment, together with the census roll prepared by you, are handed you herewith.

You will make two copies of the pay roll, and, after making the payment, return two copies to this Office with your accounts. A separate account must be rendered for this payment.

In making payment in behalf of deceased beneficiaries, you will require administration papers from court of proper jurisdiction.

The shares of all who are entitled to receive and receipt for their own, but which, for any reason, you are unable to pay, should be returned to the United States Treasury, to be afterwards paid through this Office.

All payments are to be made by check, payable to the order of the persons entitled, and must be placed directly in their hands.

You are not allowed to make any arrangements to favor, in the slightest degree, and merchant, trader, or other creditor, and neither they, their representatives, nor any collector of any description are to be allowed in your office while payment is in progress.

In no case will you recognize a power of attorney.

You will be careful to make full and clear notes on the pay rolls, explaining any matters that are unusual, such as date of death of anyone who may have died since the roll was prepared, reason for returning to the Treasury the share of any person entitled, etc.

You will also be careful to enter in the column prepared for that purpose the date on which each payment is made, also to indicate the depository on which you draw your checks, and to place the number of the check opposite the name of each person paid.

Upon your arrival in the Indian Territory you will commence the payment without delay, and as soon as the first installment placed to your credit is exhausted you will wire this Office, when another installment will be placed to your credit.

Very respectfully,

A. C. TONNER,
Acting Commissioncr.

Mr. KEAN. I ask the Senator from Minnesota [Mr. CLAPP] if he will yield now for a motion to adjourn?

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Colorado?

Mr. KEAN. Certainly.

Mr. TELLER. I did not know the Senator from New Jersey had the floor.

Mr. KEAN. I did not know that I had the floor, either.

Mr. TELLER. I did not understand that the Senator from New Jersey had the floor.

The VICE-PRESIDENT. The Chair understood the Senator from New Jersey to address the Chair.

Mr. KEAN. But he only addressed the Chair in the time of the Senator from Minnesota [Mr. CLAPP].

Mr. TELLER. He yielded the floor.

Mr. KEAN. I yield.

The VICE-PRESIDENT. The Senator from Colorado [Mr. TELLER] is recognized.

Mr. TELLER. Mr. President, if the consideration of the conference report is to go over, I will address myself to it at some other time. I simply want to say that there is nothing in this transaction that justifies the Senator from South Carolina [Mr. TILLMAN] or anybody else in calling it an infamous transaction. The Senator, from some statements which people have made to him, makes a statement here that I know and the committee know can not be supported. I shall, however, address myself to this matter when I have an opportunity; but I do not intend to allow the Senator from South Carolina to charge the committee with presenting an infamous transaction here. He may do it, I suppose, but he shall not do it, at least, without having a denial put upon record by me, Mr. President.

Mr. TILLMAN. Mr. President, I was not aware that the Senator from Colorado [Mr. TELLER] had any interest in this matter at all. As I said a moment ago, the matter appeared to me extraordinary; and if the word "infamous" is too strong I will use some milder phrase. I will think up one, probably, or try to do so, and insert it in my remarks. But what appears

to me to be strange, unaccountable, unreasonable, and unjust is that Congress should step in and by enactment cause to be stopped the litigation and lawsuits now pending in the courts to recover from this man Brown money that is claimed or alleged to be due to these Indian orphans; and that these lawsuits should be stopped and the action of Brown and Jenkins should be ratified, when the Commissioner of Indian Affairs and the Secretary of the Interior send an official communication, in which they point out the fact that Brown, as the agent of the Wewoka Trading Company, paid to himself or to his own concern or his own store $72,783.24 of this money, and then paid to some one—I do not know on what pretense or for what reason—$27,392.82 out of the $186,000 appropriated by Congress to settle these just claims—I suppose they must have been just, although some lawyer may have manipulated them, but I will take it for granted that they were honest and just claims—I say it is extraordinary to my mind and unreasonable; but I will stop for fear my adjectives may get too hot. [Laughter.]

Mr. TELLER. I will not allow the Senator to assert that I have been interested in this claim.

Mr. TILLMAN. I did not say that. I said I was not aware that the Senator was interested in this matter.

Mr. TELLER. I have got only the interest in it which any Senator who is a member of the committee would have. We attempted to discharge our duties properly, and we know more about this case than does the Senator from South Carolina. I assert here that there is nothing disreputable in this case in any shape or manner.

Mr. TILLMAN. Why, then, not let the court settle it?

Mr. TELLER. We propose to let the court settle it. We have put that in ex industria that it should not prevent anybody from going to the court. Even if the Senator is a cornfield lawyer, he ought to know that. We could not take that right away even if we had tried to do so. It is one of the rights of these people. They are not Indians; every one of them is a citizen of the United States. The Government of the United States can bring as many suits as it chooses, and each individual can bring his suit.

I will not, however, go into this question now; but the Senator from South Carolina, from what he has just stated as facts—which I do not believe are facts—must have a very unfortunate opinion of the transaction, and he must have a very unfortunate opinion of the committee, or he must believe the committee dishonest—one or the other.

Mr. TILLMAN. The Senator from Colorado is angry, and I have too much respect and admiration for him to in any wise say or do anything to offend him or give him a reasonable excuse for any such language.

Mr. TELLER. I do not allow anybody to taunt me with dishonesty, either directly or indirectly.

Mr. TILLMAN. I have not charged the Senator with dishonesty.

Mr. KEAN. Mr. President, am I recognized?

The VICE-PRESIDENT. The Senator from New Jersey.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, June 11, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 9, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

AMENDING SECTION 3646, REVISED STATUTES.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 5811) to amend section 3646 of the Revised Statutes of the United States, as amended by act of February 16, 1885, as amended by act of March 23, 1906.

Be it enacted, etc., That section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885, as amended by act of March 23, 1906, be amended by striking out the words "check or warrant" wherever said words appear in said amended act, and by substituting in lieu thereof the words "disbursing officer's check," so as to make the section read as follows:

"SEC. 3646. Whenever any original disbursing officer's check is lost, stolen, or destroyed, the Secretary of the Treasury may authorize the officer issuing the same, after the expiration of six months and within three years from the date of such disbursing officer's check, to issue a duplicate thereof upon the execution of such bond to indemnify the United States as the Secretary of the Treasury may prescribe: *Provided*, That when such original disbursing officer's check does not exceed in amount the sum of $50 the Secretary of the Treasury may authorize the issuance of a duplicate at any time after the expiration of thirty days and within three years from the date of such disbursing officer's check."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have the gentleman explain what this bill does.

Mr. DALZELL. At this present session of Congress we passed a law amending section 3646 of the Revised Statutes, which section of the Revised Statutes imposed a limitation upon the discretion of the Secretary of the Treasury upon issuing lost checks.

Mr. MANN. I thought it increased the authority.

Mr. DALZELL. It increased the authority by removing the limitation. Now, the Secretary of the Treasury says the words used in that amending statute were too broad; that we used the words "check or warrant," whereas we ought to have used only the words "disbursing officers' checks," and that the purpose sought to be accomplished by the amendment has been in part defeated by reason thereof, and it is to correct that error which he claims is in the law which passed that this bill is presented.

Mr. MANN. I can not quite understand how using words too broad defeats the purpose of the amendment. This is restrictive. We have had so much trouble heretofore about these lost checks that I want to see the Secretary of the Treasury have as broad power as possible.

Mr. DALZELL. So do I; and he will have as broad power as we want him to have, he claims, under the law as it is now proposed to amend it.

Mr. MANN. How does he know what power we want him to have? And you are limiting his power by this legislation.

Mr. DALZELL. Not at all.

Mr. MANN. That is what the gentleman stated.

Mr. DALZELL. The words necessary to be used in order to give him the power that we want to give him by the act which we passed at this session of Congress ought to have been "disbursing officers' checks." Now, we did not use the words "disbursing officers' checks," but used the words "check or warrant."

Mr. MANN. Does the Secretary of the Treasury hold that the word "check" does not include disbursing officers' checks?

Mr. DALZELL. The Secretary of the Treasury holds that the law substantially has been wrong for about twenty years. I was the introducer of the bill, and when I introduced the bill I followed the language of the Revised Statutes we wanted to amend. Now the Secretary says that the language ought to be "disbursing officers' checks" instead of "check or warrant."

Mr. PAYNE. What he says is now it includes warrants passing between officers of the Government, and in order to have those renewed and have a duplicate issued, it requires the officer to give bond, as the statute is to-day. They discovered it since we amended it, and the statute has been that way all the time, and this is simply to relieve those warrants issued between Government officers and the officers having to give bond and security against duplicates.

Mr. MANN. I will say to the gentleman, after his lucid explanation, it is just as clear as mud; but if he insists he has investigated it and it is extending the power, I am perfectly satisfied.

Mr. DALZELL. I am perfectly clear about it.

Mr. LACEY. I know what my own purpose was when I voted for the bill, and that was to allow all sorts of Government checks to be duplicated under the limitation and authority. For instance, you get a draft drawn by the Treasurer or assistant treasurer of the United States on the assistant treasurer at New York and that is lost. Now, we do not want to come to Congress to get authority to get a duplicate, and that bill was introduced undertaking to cover that sort of a check. Now you limit it to disbursing checks and disbursing checks only and do away with the advantage of the bill we passed——

Mr. DALZELL. Not at all. All checks to which the gentleman refers are disbursing checks, and on all those checks, of course, duplicates are issued upon proper indemnity being given, but there must be proper indemnity.

Mr. LACEY. That is, providing the amount is under $2,500. But suppose the amount is over that?

Mr. DALZELL. We struck out the limitation upon the amount in the law we passed. The indemnity clause still stays, but we struck out the amount. In the old law the Secretary of the Treasury could not issue a duplicate check for an amount over $2,500.

The law as we amended it allowed him to issue a duplicate check, without reference to the amount, upon proper indemnity

being furnished. Now, then, he says—and he is correct in that—that the operation of that law is to compel him to issue certain duplicates upon indemnity being given; but the language of the law also covers warrants passing between officers of the Department to be duplicated on giving indemnity, and therefore it is not a restriction that is here, but an enlargement of the Secretary's authority.

In further explanation I submit the following letter from the Secretary of the Treasury:

TREASURY DEPARTMENT,
Washington, June 8, 1906.

MY DEAR MR. PAYNE: I think a matter of very great importance to this Department has escaped your attention. Under the law as it now stands the Treasurer can not issue a duplicate warrant for six months. There is scarcely a week when duplicate warrants are not well-nigh necessary. I will give one illustration: The Apalachicola National Bank has purchased $50,000, 2 per cent Government bonds as a basis for a deposit of that amount. The bonds were deposited with the Treasurer. A warrant was sent the bank. It has not been received. No duplicate can be issued for two months, nor can the bank withdraw its bonds. There are a dozen similar cases pending. There was one amendment passed at this session, but by a grievous oversight on the part of the originator of the bill, and an even worse oversight on the part of this Department, the amendment was made to apply to warrants as well as to disbursing officers' checks. It should have applied to disbursing officers' checks only. I wrote you about this some time ago. I think the bill has been reported, and I wish you would urge its passage.

Very truly, yours, L. M. SHAW.

Hon. SERENO E. PAYNE,
House of Representatives.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, Mr. WATSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill. The Clerk will read:

The Clerk read as follows:

For revolving doors for entrances to the Capitol building, $6,000.

Mr. BARTLETT. I move to strike out the last word. I want to ask the gentleman from Minnesota about this matter of revolving doors. Can the gentleman tell us how much they cost apiece and how many we are to have?

Mr. TAWNEY. Mr. Woods, Superintendent of the Capitol, stated that he intended or wanted to have constructed four revolving doors, at the north and south ends of the building on the basement floor. Then I asked him:

What do you call the basement floor?

And Mr. Woods replied:

The ground floor.

Then I asked him:

At the main entrance on the west?

Mr. WOODS. That is the one opening out on the terrace. The other is on the main rotunda entrance at the east. We have a great deal of trouble in the winter season with the ordinary fly door.

The CHAIRMAN. I was thinking about this door which we all enter in front of the House post-office.

Mr. WOODS. When the doors on the east are opened it causes a strong draft, and that causes a great deal of complaint. I think you can see the necessity of putting revolving doors on the west side.

The CHAIRMAN. What do you estimate for these doors, separately?

Mr. WOODS. About $1,500 apiece, I think. The rotunda door would cost about $2,400 or $2,500. That has to be treated specially, on account of the architecture of the rotunda. That would be the most expensive door.

Mr. BARTLETT. The reason I asked the question is that I have made some inquiry about it, and I understand that these revolving doors which we see at the entrances of the large hotels cost about $650 apiece. That is the reason I asked how many we were to have. I understand we are only to have four, for which we have to pay $6,000.

Mr. TAWNEY. The Superintendent informed the committee that the door at the post-office entrance, where there are no architectural difficulties in the way of constructing a plain door, would cost about $900. The door at the Rotunda here will be a very expensive door on account of the formation of the doors that are now there and which, of course, will have to remain there. It is on account of the peculiar architectural difficulties that will have to be overcome in these different places that the doors will be a little more expensive than they would if constructed in an ordinary building.

Mr. BARTLETT. I have the utmost confidence in the Superintendent of the Capitol, Mr. Woods, and know he will get them as cheaply as he can. I wanted to know how many there were, because it occurred to me that it was a very large amount, growing out of the fact doubtless that this is Government property and out of the fact that, as I understand it, these doors are patented. I merely wanted the information, because it seemed to me that in comparison with the cost of these doors put in at other places the figures were rather high.

The Clerk read as follows:

Toward the construction of the fireproof building for committee rooms and offices for the House of Representatives, provided for in the sundry civil appropriations act approved March 3, 1903, including not exceeding $500 for the purchase of necessary technical and other books, $500,000, to continue available until expended.

Mr. MANN. Mr. Chairman, I move to strike out the last word. A day or two ago there was some question raised in the House as to whether a bill passed authorized the Secretary of the Treasury to have constructed a vessel at a cost not to exceed a certain amount, giving authority to make contracts, or whether it was necessary, in order to give him authority, to appropriate the full sum of money or further authorization. I asked the Comptroller of the Treasury in reference to that matter, and I desire to have read at the Clerk's desk the opinion of the Comptroller of the Treasury.

Mr. TAWNEY. Mr. Chairman, before that letter is read I want to submit to the gentleman from Illinois and to ask him that he withhold the reading of that letter for the present. The letter is one that I have seen embracing the opinion of the Comptroller on that question. That did not involve the position at all, but I have seen a letter this morning from the Post-Office Department which I want to submit to the gentleman from Illinois, which does involve the same question; and if the judgment expressed in the opinion of the Comptroller is correct, if it is the law, then it takes out from under existing law the Departments of the Government in respect to contracting for material and for everything for which there is no appropriation. I refer particularly to the deficiency estimate which the Speaker received this morning from the Post-Office Department; and I would like to have the gentleman withhold the letter from the RECORD until I can have a further conference with him in regard to the matter. It is a matter of far greater importance than we understood it to be a few days ago when the gentleman first presented it.

Mr. MANN. Mr. Chairman, I am perfectly willing to withhold the letter; but I may say to the gentleman that I do not think he yet has appreciated the distinction which I draw, and which the Comptroller would draw, and which I think the gentleman from Minnesota will draw, when he comes to a further consideration of the subject, between appropriating and the matter of contracting for the construction or authority to construct a vessel.

Mr. TAWNEY. Let me state this to illustrate what I mean. Here is a service authorized by Congress, statutory, requiring the head of a Department to contract for certain materials or supplies. Appropriations are made upon the estimates of the head of the Department asking the amount that will be required. His judgment proves defective, or, for some reason which could not be anticipated at the time of making the estimates, the appropriation is not sufficient. Now, the logic of the ruling or opinion of the Comptroller is that the Department should go on contracting, regardless of the amount appropriated, and say to the contractor: "If Congress fails to appropriate the money, you can go into the Court of Claims and of your own motion obtain judgment, which judgment will draw 4 per cent from the time you get it until Congress appropriates the money."

Mr. MANN. I beg the gentleman's pardon. The logic of the situation does not go to that extent at all. I have no objection to withholding the letter for the present.

Mr. TAWNEY. I can show you the letter from the Postmaster-General, which shows conclusively that fact.

Mr. MANN. I may be able to convince the gentleman if the Comptroller did not convince him. I did not have to convince the Comptroller. I did not see him; I simply sent him a letter. I wish they would return the letter to me.

Mr. WILLIAMS. I would like to ask the gentleman from Minnesota a question. I notice here a provision for a sum of not more than $500 for books of a technical character in connection with the construction of this building over here. For whom are those books, and what is the necessity for them?

Mr. TAWNEY. They are books used by the Architect and Superintendent of the Capitol and by the architects and the men who are employed in drafting the plans of the interior, for the construction. They relate particularly to detail plans and drawings.

Mr. WILLIAMS. They are purely for the use of our employees of the Architect of the Capitol?

Mr. TAWNEY. Oh, yes; entirely so.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EXPENSES OF THE COLLECTION OF REVENUE FROM SALES OF PUBLIC LANDS.

Mr. LACEY. Mr. Chairman, I ask unanimous consent that the following paragraph, relating to land matters, be passed without prejudice.

Mr. TAWNEY. I understand the gentleman only wants to pass the first paragraph.

The CHAIRMAN. Will the gentleman from Iowa kindly specify the lines he would like to have passed without prejudice?

Mr. LACEY. Down to line 15 on page 73.

Mr. TAWNEY. On the subject of the public lands. That covers how many pages? Will the gentleman indicate what he desires to have passed?

Mr. LIVINGSTON. And let him also indicate why he wants it passed.

Mr. LACEY. To line 18, page 73.

Mr. LIVINGSTON. What is the reason for this?

Mr. LACEY. The subject will involve some discussion——

The CHAIRMAN. Will the gentleman kindly state his request?

Mr. LACEY. If there is any objection at all, I will only ask that the first paragraph be passed without prejudice.

Mr. LIVINGSTON. On what page?

Mr. LACEY. Page 66.

Mr. TAWNEY. The first paragraph.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the lines from 5 to 9, on page 66, be passed without prejudice. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, while we are on this matter, a number of the Members of the House have requested me to have passed without prejudice all of the items under the head of the United States Geological Survey, to be taken up on Monday. There are a number of Members who will be absent from the House this afternoon, and they have requested me to pass that until Monday or until the matter may be called up—all of the items under the head of the Geological Survey.

The CHAIRMAN. The gentleman from Minnesota, chairman of the committee, asks unanimous consent that all of the items under the general head of the United States Geological Survey, beginning on page 73, be passed without prejudice until Monday.

Mr. GROSVENOR. I have some remarks in writing that I desire to make on the general topic covering all the branches of that paragraph of the bill. I should like to have the privilege of speaking briefly and then putting these observations into the RECORD.

Mr. TAWNEY. I will cheerfully consent to the gentleman's request.

Mr. GROSVENOR. I can not be here on Monday.

Mr. TAWNEY. I will consent that the gentleman may have the time to-day.

The CHAIRMAN. The Chair would suggest to the gentleman from Minnesota that Monday will be District day.

Mr. TAWNEY. Well, I ask that it go over until the next session at which the sundry civil bill is taken up.

Mr. BARTLETT. That will be satisfactory.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GROSVENOR. I desire to be recognized now.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. GROSVENOR. Mr. Chairman, the subject of the Geological Survey is one that the people of Ohio, and very especially the people whom I have the honor to represent here, feel a great deal of interest in. The State of Ohio has expended very large sums of money in the development of the survey of the State, and has now for a number of years been cooperating with the General Government by an appropriation of money which is expended practically in the administration of the Geological Survey department of the Federal Government. Therefore it is natural that they should very greatly regret any reduction of the expenditure in that direction. It is because of my interest in the matter that I have asked permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD.

Mr. TAWNEY. I simply want to ask the gentleman from Ohio if the document that he intends to insert in the RECORD is the brief that has been prepared by the Geological Survey and distributed here among Members of the House?

Mr. GROSVENOR. I do not know whether it has been generally distributed or not, but I will state to the gentleman that I sought a conversation with a member of the corps, and he came and had a talk with me at the hotel, and I made memoranda of the subjects that I desired to have the figures and information about, and he has furnished me with the document which I propose to print.

Mr. TAWNEY. The reason I ask is that, judging from its appearance, it is a copy of one that I myself have, and which has been handed to me by a Member of the House.

Mr. GROSVENOR. I think it is more than likely.

Mr. TAWNEY. And one that has been very generally distributed.

Mr. GROSVENOR. I only use it for the purpose of attracting the attention of the House, and I trust that the great States that are interested in this matter and which are not so much interested in a great many other matters that seem extravagant in this bill, will see to it that this particularly important branch of the public service shall not be impaired in its usefulness.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GROSVENOR. The matter referred to heretofore is as follows:

APPROPRIATIONS FOR GEOLOGICAL SURVEY, 1906–7.

Total appropriation, 1905–6, $1,484,420. Reduction made by the Committee on Appropriations, $307,000, or over one-fifth.

So great a reduction for the maintenance of one of the permanent bureaus of the Government will seriously cripple it. The injury is not for this year alone. Several years will be required to gather together again and train the skilled surveyors in mining engineering, geologic surveying, topographic surveying, hydrographic surveying, etc., who will be affected. This Survey has been a bureau of the Department of the Interior for twenty-five years. From time to time its appropriations have been increased to meet the growth of the country, as have appropriations for other bureaus. The Secretary of the Department and the Director of the Bureau had no prior intimation of the intention of the committee to make this reduction, and therefore had no opportunity to explain to the committee how vitally so great a reduction in appropriations and approved estimates would affect the Survey. Every item in the bill should be restored to the estimates, which means to restore the amount appropriated last year with one or two exceptions noted below.

The following reductions were made and restorations asked:

Topographic surveys.—Appropriations last year and submitted in approved estimates, $350,000; reported from committee, $300,000—a reduction of $50,000. There has been a strong and persistent demand for increased topographic surveying from all parts of the country, and an increase of $50,000 at least is essential if important work, asked through Members of Congress and others, is to be carried out. This item should not only be restored to $350,000, but should be increased to $400,000.

Surveys of forest reserves.—Current appropriation and approved for 1906–7, $130,000. Reported from committee, $100,000. Should be restored to full amount, for the reason that of the total area (98,000,000 acres) only 44,000,000 acres have been surveyed, and the lack of maps is holding back the proper valuation of the lands and all plans for the management of the reserves by the Government.

Preparation of report on mineral resources.—Appropriated last year, $75,000. On account of the extra expenses involved in the investigation of the recovery of valuable metals from black-sand deposits, this was increased to $100,000 by an addition of $25,000 in the urgent deficiency bill, approved February 27, 1906. The amount asked for 1906–7, and submitted in approved estimates, was $75,000. Reported by committee, $50,000; a reduction of $25,000 from the estimates as necessary and of $50,000 from the total appropriated for present fiscal year. This item should be restored to $75,000, which is 25 per cent less than the total amount appropriated for the fiscal year ending June 30, 1906.

Gaging streams.—Appropriated for several seasons past and submitted in approved estimates, $200,000. Reported from committee, $100,000; a cut of one-half. This item should be restored to the former figure. The proposed decrease will make necessary the abandonment of more than one-half of the river stations, the equipment of which will fall into disuse and become worthless, and the records of which will be broken and thereby lose greatly in value.

Investigation of fuel resources.—Appropriation for current year, $202,000; reported from committee, $100,000; a reduction

of $102,000. The amount recommended by the Department was $250,000, including $200,000 for operating expenses and $50,000 to cover the cost of additional equipment and the removal of the plant from its present site. Both the removal and the additional equipment are necessary to the proper work of the plant, and the appropriation should be raised to the $250,000, as recommended by the Department. The reduction proposed by the committee would mean the abandonment of many unfinished investigations of far-reaching importance in relation to coals and lignites underlying 70,000 square miles of land owned by the Government, the utilization of the peats and low-grade coals in many parts of the country, and the comparison of these with other special fuels.

Stationery, printing and binding, and contingent supplies.—The bill provides in the first clause for the payment, *out of the appropriations to the Geological Survey*, for necessary expenses, including telegrams, furniture, stationery, telephone service, and all other necessary articles required in the field. The estimates show that $50,000 will be required for the above items for office and field use, that would have been paid from appropriations for the Department of the Interior except for the Comptroller's decision and this legislation. The effect of this amendment, which is an essential one in view of a decision by the Comptroller of the Treasury, will be a further reduction in the lump-sum appropriations for topographic surveying, gauging streams, etc., of $50,000. *The total reduction in funds available to field work is therefore $307,000 plus $50,000, or $357,000.*

Statement given by the Director of the Geological Survey in hearing before the committee.

STATIONERY SUPPLIES.

For the fiscal year ending June 30, 1905, the Geological Survey received, through the Department of the Interior, stationery supplies, nonrepay	$10,162.53
Repay from Survey appropriations	3,921.73
Purchased in open market, under authority from the Secretary of the Interior, payment being made from Survey appropriations	342.83
Total	14,427.09
Allowing for probable increase for the two years 1906 and 1907, it is estimated that the Survey will need, for the fiscal year ending June 30, 1907, stationery supplies amounting to	17,500.00

PRINTING AND BINDING.

For the fiscal year ending June 30, 1905, the Geological Survey received, through the Department of the Interior, supplies (printed and bound, including stationery forms, blanks, blank books, etc.) for which it was charged	21,262.62
Allowing for probable increase for the two years 1906 and 1907, it is estimated that the Survey will need, for the fiscal year ending June 30, 1907, supplies (printed and bound, including stationery forms, blanks, blank books, etc.) amounting to	27,500.00

CONTINGENT SUPPLIES.

For the fiscal year ending June 30, 1905, the Geological Survey received, through the Department of the Interior, contingent supplies, nonrepay	8,639.39
Purchased in open market, under authority from the Secretary of the Interior, payment being made from Survey appropriations	11,593.19
Repay from Survey appropriations	194.64
Total	20,427.22
Allowing for probable increase for the two years 1906 and 1907, it is estimated that the Survey will need, for the fiscal year ending June 30, 1907, for contingent supplies	25,000.00

ESTIMATED NEEDS.

For stationery supplies	17,500.00
For printing and binding	27,500.00
For contingent supplies	25,000.00
Total for fiscal year 1907	70,000.00

TOPOGRAPHIC SURVEYS.

Sundry civil bill:	
Appropriation recommended	$400,000
Current appropriation	350,000
Reported by committee	300,000

The total area of the United States is 3,024,880 square miles, of which 955,996 square miles have been mapped topographically, or 32 per cent of the total area. The topographic map is the essential basis on which to classify the lands as required in the enabling act of the Geological Survey, and to study the mineral resources, the water supply, the forest resources, soil surveys, good-roads improvements, and on which to plan great engineering works, as the location of railways, sources of water supply of cities, military defenses of the nation, etc.

About fifteen of the larger States, including New York, Pennsylvania, Ohio, West Virginia, Maine, Maryland, Kentucky, Illinois, Michigan, California, etc., find this work of such vital importance that their legislatures appropriate annually sums ranging from $5,000 to $25,000 to aid the Government in hastening the completion of this work. The Congressional delegations from those States, as well as those from other States, are therefore vitally interested in order that a reduction in topographic appropriations shall not affect continuation of this work. Elsewhere the demands for this work come chiefly from those interested in the development of mineral resources, water supply, and water powers.

Argument has been used that the States should make these surveys, as they are willing to appropriate for cooperation. This is impossible. Several States—notably Massachusetts, New Hampshire, Pennsylvania, and Kentucky—attempted to organize their own surveys, but found that they were not able to do so on a large enough basis to command the services of the most skilled engineers, and to train and maintain the necessary corps of topographers, and procure the necessary uniformity in the maps produced for all States. After costly and unsatisfactory experience and delay, such State efforts have been abandoned.

All those States realized that the Federal Government alone can build up an organization competent to handle the work and carry it forward on one systematic plan, and prefer to aid the Government by appropriations to its use. The making of these surveys and maps is conceded in this as well as in all other countries to be a national matter.

The impression has gone forth that topography could stand a reduction because topographic mapping was ahead of geologic mapping and might wait until the latter caught up. This is utterly misleading and incorrect. In places the topographic surveys are slightly in advance of geologic surveys, because the demands for topographic surveying have been for other purposes than the study of mineral resources, as the study of the soils in many parts of the country; studies of the forests in the forest reservations of the West and in New Hampshire, Maine, and the Appalachian region; studies of the water resources along the Piedmont country of the Atlantic coast, and for the planning of public works and exploitation of natural resources in general.

FORESTRY SURVEYS.

Sundry civil bill:	
Current appropriation	$130,000
Reported by committee	100,000
Should be restored to	130,000

It is essential for the intelligent care and study of forest reserves that accurate maps be provided on which the boundaries and kinds of timber can be platted, routes selected for roads or trails, or other public or private development. With the maps estimates may be made of the amount of timber, its commercial value, and plans prepared for improving the stand or for the sale of the mature growth. The mapping and geologic examination of forest reserves are necessary in order to determine what areas are more valuable for their minerals or for cultivation than for the timber, in order that such tracts may be opened up to settlement.

Forest reserves are usually in the most inaccessible places and in the roughest parts of the country. For a large part of the reserves no surveys of any kind have ever been made; consequently no adequate maps are available.

During the past year over 36,000 square miles of timbered area was added to the reserves, while the survey of forested areas by the Geological Survey only amounted to 7,824 square miles. It is thus evident that the reserves are increasing more rapidly than the mapping can be carried forward with the funds provided by Congress.

The total area of forest reserves in the United States on April 1 was nearly 100,000,000 acres (98,836,383), while the area that had been mapped by the Geological Survey only amounted to a little more than 44,000,000 acres. The cost of mapping the reserves ranges from 1 to 4 cents per acre, depending on local conditions, the average being about 2 cents per acre, an amount which seems trivial when compared with the actual values of the timbered areas, which range from about $3 to $50 per acre.

In order to prevent trespassing or illegal timber cutting it is necessary that the boundaries of the reserves be surveyed and marked. The total linear miles in the boundaries of existing reserves is over 20,000. Of these, the Geological Survey has marked but little more than one-tenth, while requests from other branches of the Government now on file call for the marking of over 3,000 additional miles of line.

Besides the requests for boundary surveys, there are also requests for topographic mapping of over 15,000 square miles of timbered country. It is therefore evident that if the best interests of the Government are to be served the appropriation for forest-reserve surveys should be increased rather than diminished.

MINERAL RESOURCES OF THE UNITED STATES.

Sundry civil bill:	
Appropriation recommended	$75,000
Current appropriation	100,000
Reported by committee	50,000

During the past few years there has been a rapid growth in the development of mineral lands throughout the United States, resulting in a very large increase in the amount of the mineral production and number of producers. This has caused a much larger demand not only for the statistical reports, but for information relating to the location, occurrence, value, and use of the various economic minerals. With this increase in the mineral production of the country there has been a corresponding increase in the correspondence and field work necessary for the preparation of the reports. It is essential for this division to keep in touch with all the old and new mining operations, to keep track of mineral localities of all kinds, and to make many special investigations relating to certain minerals in order to be in a position to publish complete statistical reports and to answer the many inquiries that are constantly being received regarding minerals and mineral lands.

These requests by their scope indicate a proper and increasing appreciation of the value of these investigations and furnish proof of the need of their continuance and extension.

Since 1901, when the sum of $50,000 was first appropriated, the value of the mineral production has increased over 50 per cent, or in a somewhat larger ratio than the increase has been in the appropriation. The sum of $75,000, the amount appropriated for this work during the last fiscal year, represents less than one two-thousandths of 1 per cent of the annual value of the products of our mines. It will be impossible to keep up the work of the division in accord with the needs of the country on an appropriation smaller than $75,000.

The closest estimates for the work of the next fiscal year show that the sum required for salaries alone will be	$56,970
For administration, apportioned to office of the Director	5,255
Making a total of	62,225

To this must be added all expenses of printing blank forms, lists of mines, etc., which only during the last year have been charged against this appropriation. It is also absolutely necessary to provide for certain traveling and miscellaneous expenses, as it is impossible to secure all the desired statistical returns by mail, particularly from new mining operations, the owners of which are not already familiar with the character of the work carried on by this division. If the appropriation as estimated is not made, it will be necessary to reduce materially the present force. Experts and clerical salaries to the sum of $18,000 would have to be dropped or transferred from the work of this division, as traveling and miscellaneous expenses, such as printing, telegrams, purchase of supplies, etc., *must* be provided for in any event. It will not be possible to gather data complete, and the preparation and publication of the various chapters will be much delayed. Next to accuracy, the chief value of these reports lies in prompt publication. If the appropriation is reduced to the sum of $50,000, it will be impossible to keep the work up to the standard or to publish the results in time to be of value except as history.

GAUGING STREAMS.

Sundry civil bill:	
Appropriation recommended	$200,000
Current appropriation	200,000
Reported by committee	100,000

The appropriation for gauging streams is used for the maintenance of the extensive studies that the Geological Survey has made into the amount and character of the water flowing in interstate rivers, its availability for power development, and for municipal, irrigation, and industrial purposes. The immediate object of this work is to show to the people of the country their water resources and how these resources may be better used and protected, and by furnishing this definite information to stimulate the development of water powers and conserving systems, and thereby assist in the industrial building up of localities which, without these data, could not induce the investment of the necessary capital.

The work is also of value to cities that are seeking for water supplies of suitable amount and character, and in the construction of waterways, like the New York barge canal, it has resulted in the saving of at least $100,000 and years of delay.

In the development of rivers for navigation, information concerning the amount of water and the amount and nature of the sediment which it carries is necessary in determining the size and grade of the channel in plans for permanent navigation improvements.

This work must be conducted by the General Government, because the most of our important rivers are interstate, and the value of these streams is national in both extent and character. Nor can it be performed by private individuals, for such work is short lived, irregular, always done for some local, special purpose, and the results are seldom available to the public and never accepted as impartial. The work of the Federal Government is, on the other hand, uniformly accepted because it is unbiased. In confirmation of this it may be cited that each year since 1901 several million dollars have been invested in power plants and mills as a result of official data obtained from the Geological Survey reports.

Investigations of the character of underground waters, and the depth at which they can be found in quantities sufficient for domestic and industrial purposes, constitute one of the important features of the work under this appropriation.

Expenditures from the appropriation for the fiscal year 1905 "For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources."

Arid States, west of one hundredth meridian:		
Gauging surface streams	$51,945.01	
Underground waters	22,738.04	
		$74,683.05
Humid States, east of one hundredth meridian:		
Gauging surface streams	58,567.12	
Underground waters	13,920.65	
River profile surveys	830.23	
		73,318.00
Computations, maps, reports, inspection, and administration, Washington office		37,548.96
Quality of water (hydro-economics)		14,286.26
Unexpended		163.73
		200,000.00

In the Western States the gauging of streams involved in the irrigation projects is paid for out of the reclamation fund, but under the reclamation act no expenditures can be lawfully made except those to be charged against lands irrigated. Accordingly the greater portion of the stream gauging in the Western States must be carried on by specific appropriation in the sundry civil bill, and can not be paid from the reclamation fund.

APPROPRIATION FOR THE INVESTIGATION OF FUELS.

Sundry civil bill:	
Appropriation recommended	$250,000
Current appropriation	202,000
Reported by committee	100,000

1. *Purposes of the investigation:*

(1) To lessen the waste of the nation's fuel supply, by showing how these fuels can be mined and used more efficiently.

(2) To extend the nation's supply of fuel, and lessen the transportation cost in fuel by indicating how lignite, peat, and other materials, now little used, may become valuable as fuels in portions of the country having no ordinary coal.

(3) To find how to prevent the spontaneous combustion of coals in storage, on ships, naval stations, at the mines, etc.

(4) To remedy the loss sustained in the production of fine coal in mining through slacking, etc.

(5) To demonstrate the saving of by-products now wasted in the manufacture of coke, which if completely saved would be worth at present prices more than $50,000,000 yearly, and prevent large imports of such by-products.

2. *The present waste of fuel:*

(*a*) Approximately 25 to 50 per cent of the possible coal supply is now lost by being left underground or wasted before reaching furnace.

(*b*) Of many Mississippi Valley and western coals, from 30 to 50 per cent of the total product mined comes out in the form of "slack," which is often sold at less than cost, or accumulates and is burned about the mines.

(*c*) Of the fine portion of these Mississippi Valley and western coals put into furnaces, often 10 to 25 per cent is lost in the ashes unconsumed.

(*d*) Of all the coal actually burned, about 5 per cent of its heat units are actually converted into work.

(*e*) In the coking of 40,000,000 tons of coal yearly there are now wasted ammonium sulphate enough to fertilize our crops, creosote enough to preserve our timbers, pitch and tar enough to roof our houses and briquette our slack or waste coals.

3. *Some benefits resulting from this work.*—It has demonstrated—

(1) The possibility of utilizing for power purposes the large and undeveloped areas of lignite and low-grade coals of the West and Southwest.

(2) The practicability of using in gas producers for power purposes ordinary bituminous coals, and of thus obtaining from each ton of coal more than two and one-half times as much power as is obtainable in ordinary steam-power plants.

(3) The possibility of making coke from a number of coals not considered generally as coking coals.

Some of these results are not only new, but were believed to be impracticable when these investigations were begun. These and other results are worth to the country many hundred times the total cost of this work.

4. *Importance of increasing the appropriation:*

(1) The value of the results already obtained.

(2) The importance of the investigations now pending. (See sections 1 and 2, above.)

(3) The enormous yearly waste in the production and use of coal. (See section 2, above.)

(2) The fact that these fuel supplies are the basis of all the country's great manufacturing industries, and are the main source of heat and light for all the country.

(5) The magnitude of the financial interests involved (these fuels cost the people of the United States $1,500,000,000 yearly).

These all combine to show the importance of continuing these investi-

gations on a larger scale, as the annual money losses to the people from this large waste and lack of efficiency constitute a large per cent of this enormous expenditure.

The cost of removing the plant from its present location (in the public park at St. Louis) and necessary additional equipment will be $50,000. The operating expenses of the plant now average $15,000 monthly; the cost of necessary additional experts and incidental expenses for investigating the following subjects will amount to more than $2,000 monthly additional, or $204,000 for the year:

(a) Briquetting the dry coals and lignites of the West and Southwest.

(b) The utilization of the peat beds in the northern Mississippi Valley and New England States, and those in the great swamp regions bordering the Atlantic and Gulf coasts.

(c) Saving the by-products from coke.

(d) Improvements in the quality of coal by washing and other methods.

(e) Investigations of the use of different explosives in the presence of coal dust and coal gas, and the prevention of accidents therefrom.

Why this work should be done by the Government:

(1) The Government itself still owns about 70,000 square miles of coal lands in the Dakotas, Montana, Wyoming, and other States, of which but little is known concerning the character and value of the coals and lignites.

(2) The present terrible waste in the fuel resources of the country is becoming a matter of serious national concern. The prevention of this waste is worthy of the best efforts of the Government.

(3) These investigations deal with one of the basal industries of the country—with the fundamental problems having to do with the nation's fuel supplies.

(4) Other industries and all classes of citizens, including the coal producers and the coal consumers, are interested in the proper solution of these problems which serve as a basis of the production of heat, power, and light.

(5) The Government is the only organization that can be reasonably expected to investigate problems of such general interest.

(6) No State should be expected to conduct these investigations, for the reason that the general results would be of almost equal value to other coal-producing States and to all the neighboring coal-consuming States, while the great cost of the work would fall on one State, and among the different States there would be great and unnecessary costly duplication.

(7) Private corporations may make such examinations for their own special purposes; but their examinations are incomplete, made for private purposes, and would not be accepted even if made public.

(8) The Government's investigations command confidence as giving both to the producers and consumers impartial information as to the correct values of different classes of coals and the purposes for which they can be used most efficiently.

(9) The demonstration of the fact that by improved processes 1 pound of bituminous coal may be made to yield power now requiring 2 to 3 pounds; and investigations as to the prevention of spontaneous combustion of coals, with a view to their safe storage on board ship or elsewhere can not fail to be of value to the Navy and other Departments of the Government which now expend several millions of dollars yearly for fuels.

(10) Inasmuch as these investigations are (1) indicating how even the good coals of the country can be used more efficiently, and (2) are making available for efficient use through improved processes many low-grade fuels in remote regions, they are enormously increasing the fuel wealth of the country.

(11) Agriculture and mining are two fundamental industries, and they receive the fostering care of the Government in every civilized country. In the United States agricultural education and agricultural investigation are generously cared for by the Federal Government. The Government now spends about $1,000,000, and will soon be spending $1,500,000, yearly in the several States for agricultural experiments in addition to the large expenditure for agricultural investigations by the Department at Washington. In like manner, these fuel investigations, as representing our greatest mining industry, and as the basis of so many other important industries, deserve the liberal treatment of the Government.

(12) Germany, France, Austria, Switzerland, and other European countries, as a result of such investigations by each of the several Governments are lessening the waste and conserving their national supply of fuels. And confidence in the results of such European governmental investigations is greatly helping to introduce the products of these countries into the foreign markets.

APPROPRIATION FOR THE INVESTIGATION OF STRUCTURAL MATERIALS.

Sundry civil bill:

Appropriation recommended	$100,000
Reported by committee	50,000

These investigations are to be conducted in connection with the Geological Survey, but under a board on which are representatives of the Navy Department, the War Department (Isthmian Canal Commission and Corps of Engineers), and the Treasury Department (Supervising Architect.) This arrangement will prevent unnecessary duplication in the work.

The purposes of these investigations are:

(1) An investigation of (a) the nature and extent of the materials available for use in building and construction work, giving special attention to materials available for Government work; (b) where they can be best obtained, and (c) how they can be used most efficiently, under different conditions; (d) their strength at different temperatures, and the fire-resisting qualities of materials; (e) strength of steel frame of buildings at different high temperatures, and how the steel can be protected best from fire by inclosing it with different materials; (f) extent to which concrete, made from cement and local materials, can be safely and efficiently used under different conditions; (g) materials in different parts of the country suitable for the manufacture of cement, and other similar problems.

(2) The publication of these results for the benefit of the general public.

The urgent need for this work:

The fire and earthquake experiences of the last few years have shown the lack and urgent need of accurate data concerning the strength, fire-resisting, and other properties of building materials, and the need of revising our systems of construction and building laws.

The Government is now expending $20,000,000, and the country is expending $1,000,000,000 yearly in building and construction work.

As indicating the need of fireproofing and fire-resistance investigations, it may be stated that: (1) During the past ten years losses from fires in the United States aggregated $1,250,000,000; (2) the insurance companies paid out during this period $897,000,000, and it is reasonable to assume that the premiums paid during this period by the people of the country for protection against fires exceeded these figures.

The Geological Survey investigations of the past year have indicated great possibilities in increased economy and safety. A number of architects and engineers have estimated that a thorough knowledge of the materials of construction and fireproofing, and the resulting increased economies in our systems of construction, may be expected to save annually more than 5 per cent of these total expenditures.

This would mean saving annually to the Government a million dollars or more, and to the people of the country many million dollars in this building and construction work. This saving will come mainly from (1) improvements in the quality of materials; (2) use of less material, without lessening the safety; (3) use of new and cheaper materials, largely prepared from local supplies of material, with steel in reenforced concrete, etc. And still more important would be the increase in safety from fire and in general efficiency.

Indirectly the results of these investigations should largely diminish the cost of insurance, and also the loss of life and property from fire, and they will serve as a basis of wiser building laws. In these respects they will benefit not only the Goverment, but also every State, city, county, and small town and every citizen who builds a house. The greater safety and economy may be expected from the use of new building material, such as cement, concrete, steel, and terra cotta, and new combinations of old materials; but recent fires and earthquakes have shown how inadequate is our knowledge concerning these and how costly is our ignorance.

The Government should conduct these investigations:

(1) Because the Government is itself interested in building and construction work to the extent of $20,000,000 per annum; (2) every State, county, city, and town is interested, but no one of these should be expected to make investigations for the benefit of all when all alike are to be benefited by the result; (3) every citizen is interested; (4) the Government work is impartial, commands the confidence of all parties. And the doing of this work by the Government not only guarantees greater accuracy, owing to better facilities, but avoids endless, costly duplication.

The reasons for the increase in appropriations are that:

The present appropriation is inadequate for the large amount of work to be done and out of proportion to the magnitude of the financial interests involved.

The larger appropriation is necessary to supply both additional men and equipment, in order that early results may be obtained and made available for use in the large amount of Government construction work now being authorized by Congress.

The yearly loss by the Government from waste in material, time, and labor, due to the lack of reliable information concerning building materials, is greatly in excess of the cost of this work.

The yearly loss by the people from using an excess of material, from preventable fires, and from high insurance rates, due to poor materials and construction, amounts to many million dollars.

These industries, along with agriculture, are basal industries, upon which the future welfare of other industries and of the country depends.

The Clerk read as follows:

Expenses of depositing public moneys: For expenses of depositing money received from the disposal of public lands, by registered mail, bank exchange, or otherwise, as may be directed by the Secretary of the Interior, $2,000.

Mr. TAWNEY. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 67, after the word "Interior," at the end of line 2, insert "and under rules to be approved by the Secretary of the Treasury."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was considered and agreed to.

The Clerk read as follows:

For the completion of the ascertainment, survey, marking, and permanent establishment of that portion of the boundary line between the States of Idaho and Montana from the intersection of the thirty-fourth meridian of west longitude from Washington with the continental divide; thence northwestwardly following said continental divide and the crest of the Bitter Root Range of mountains to the intersection with the thirty-ninth meridian of west longitude from Washington, an estimated distance of 150 miles, including the expense of an examination of the survey in the field, the rate of compensation per mile to the surveyor to be fixed by the Secretary of the Interior, the same to include the cost of the preparation of the plats and field notes of the survey in triplicate, to be immediately available, $15,000.

Mr. SMITH of Arizona. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

On page 73, at end of line 8, insert:

"The Secretary of the Interior is hereby authorized to resurvey township 22 south, range 16 east, Gila and Salt River meridian, and also township 1 north, range 2 west, same base and meridian, located in the Territory of Arizona."

Mr. TAWNEY. To that, Mr. Chairman, I reserve a point of order, in order that the gentleman from Arizona may make some explanation.

Mr. SMITH of Arizona. I am glad to make it. There are two townships mentioned in the amendment that a resurvey of is required, because the locators of the homesteads can not perfect their entries on account of the survey being invalid. Now, the Committee on Public Lands, when this matter was before them, instructed me to make a report on the bill for the resurvey of both of these townships; and I have a letter from the Commissioner of the General Land Office, in which he says, in effect, that while this ought to be done, the Secretary of the Interior had no power to do it except by authorization from Congress, and recommends that I offer an amendment to this

bill. He says that they could do it, for they have got the money to make it; but they didn't have the power to do it unless authorized by Congress, and requested the authority of Congress to make the resurvey of these townships.

Mr. TAWNEY. Does the gentleman's amendment carry any appropriation?

Mr. SMITH of Arizona. No; only the authorization.

Mr. TAWNEY. He can do it out of the $400,000?

Mr. SMITH of Arizona. He says he can do it if he has the authority. He has got money enough.

Mr. TAWNEY. Mr. Chairman, I withdraw the point of order.

The amendment was considered, and agreed to.

The Clerk read as follows:

Government Hospital for the Insane: For current expenses of the Government Hospital for the Insane: For support, clothing, and treatment in the Government Hospital for the Insane of the insane from the Army and Navy, Marine Corps, Revenue-Cutter Service, inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military and naval service of the United States who have been admitted to the hospital and who are indigent, including purchase, maintenance, and driving of necessary horses and vehicles and of horses and vehicle for official use of the superintendent, $305,800; and not exceeding $1,500 of this sum may be expended in defraying the expense of the removal of patients to their friends; not exceeding $1,000 may be expended in the purchase of such books, periodicals, and papers as may be required for the purposes of the hospital, and not exceeding $1,500 for actual and necessary expenses incurred in the apprehension and return to the hospital of escaped patients.

Mr. HEFLIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding, at the end of line 3, page 83, the words "*Provided*, That no salary or wages whatever shall be paid to any patient for any kind of labor or service."

Mr. TAWNEY. I make a point of order against that amendment.

The CHAIRMAN. Does the gentleman from Alabama desire to be heard on the point of order?

Mr. HEFLIN. I would like to have the Chair rule. First, however, I would like to know what the ground of the gentleman's point of order is.

Mr. TAWNEY. On the ground that the amendment changes existing law.

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent that the amendment may be again read.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again read the amendment.

The CHAIRMAN. It seems to the Chair that the amendment merely makes what would be permanent law, and the Chair therefore sustains the point of order.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding, after the word "superintendent," line 20, page 82, the following words: "*Provided*, That but one horse and vehicle or one automobile shall be kept for the use of the superintendent, and that used only on official business."

Mr. TAWNEY. I will reserve a point of order on that for the gentleman to make an explanation.

Mr. CLARK of Florida. Mr. Chairman, I do not think the point of order will lie as to this amendment, for the paragraph appropriates three hundred and some odd thousand dollars for certain purposes. These purposes are as follows:

For current expenses of the Government Hospital for the Insane: For support, clothing, and treatment in the Government Hospital for the Insane of the insane from the Army and Navy, Marine Corps, Revenue-Cutter Service, inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military and naval service of the United States who have been admitted to the hospital and who are indigent, including purchase, maintenance, and driving of necessary horses and vehicles and of horses and vehicles for official use of the superintendent, $305,800.

The purpose of this amendment is to limit the vehicles for the use of the superintendent of the hospital to one. I have been led to offer the amendment because the testimony before the special committee which has been appointed, and which is now sitting to investigate the affairs of the St. Elizabeth Asylum, shows that the present superintendent of that asylum has three carriages, two horses, and two automobiles for his personal use. I say that this is an outrage upon the taxpayers of this country. I say that the superintendent of that asylum has no use for two automobiles, three carriages, and two horses for his personal individual use.

Mr. RUCKER. Are they all at Government expense?

Mr. CLARK of Florida. Yes.

Mr. SULLIVAN of Massachusetts. I would like to inquire if the superintendent made any justification for the maintenance of these vehicles?

Mr. CLARK of Florida. None at all. The purchasing agent of the institution swore before that committee that the superintendent had three carriages, two horses, and two automobiles for his personal use. There are three automobiles now at the institution, and the money for the care of the institution ran so low that the inmates had to be deprived of turkey for a Thanksgiving dinner year before last for the first time in the history of the institution.

Mr. TAWNEY. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. TAWNEY. Are these horses used by the superintendent for his own personal service, or are they used in connection with the service for the institution?

Mr. CLARK of Florida. These two horses are used, as the testimony shows, solely for his personal use.

Mr. TAWNEY. I think the gentleman must be mistaken about that, in view of the testimony of the superintendent before the Committee on Appropriations, in which he says that he had one horse and carriage.

Mr. CLARK of Florida. I want to say to the gentleman from Minnesota that I have been following the testimony before the special committee very closely, and I heard the purchasing agent of that institution testify and swear positively that there were two horses, three carriages, and two automobiles for the personal use of the superintendent. They have about forty horses over there.

Mr. Chairman, I do not care to say anything further except this: I have been moved to offer that amendment in the interest of economy. I say that it is wrong; I say that it is unheard of; I say that it is an outrage upon the taxpayers of this country to provide this superintendent with these various means of locomotion. One vehicle and one horse or one automobile is certainly sufficient for all of the official travel that that gentleman has to do in this community, and I move the adoption of the amendment.

Mr. MANN. Mr. Chairman, it seems to me that the difficulty has been with the insane asylum that Congress has been too stingy instead of too liberal. I have an idea that if the superintendent of the hospital would maintain another automobile and get the visiting board and bring them over there to examine the hospital more often, it would not do any damage and it might be a help. We expect people to serve on the board and go out to the hospital and make an examination and they ought to be provided with some way of getting there and getting away from there, and they should not be required to wander over there one at a time by means of a street car line. I have no doubt that the conveyances they have there are used for such purposes as that, and properly used for such purposes. A few years ago, of course, the maintenance of an automobile was supposed to be only done by some multimillionaire, but now when clerks in Departments own them and clerks in some cases of the House of Representatives own them, and it goes without saying they are not extra well paid, it might be very proper and it is very proper, for St. Elizabeths to have some automobiles by which these people can be conveyed back and forth. The gentleman's statement that these are maintained solely for the superintendent I understand is incorrect. I do not know what testimony has been presented before his committee. It might be well to wait until the committee has made a report to the House.

Mr. CLARK of Florida. Mr. Chairman, I simply want to state to the gentleman that there are three automobiles over there.

Mr. MANN. It may be, I have no doubt of it. If there are three automobiles there, I have no doubt that there is necessity for three. I have had occasion several times to visit patients at St. Elizabeth's Asylum, and I have no doubt, from my observation over there, that these automobiles or whatever other conveyances they have are properly kept and kept for proper reasons. Let the gentleman's committee bring in its report based upon all the facts in the case, and if the report shows extravagance there, let us correct it, but I do not think we ought to start in to correct imaginary extravagances before the report is brought in.

Mr. SLAYDEN. Mr. Chairman, I would ask the gentleman from Illinois if the committee to which he refers, and from which he suggests there should be a report brought into the House, was appointed for the purpose of investigating the question of an economic administration of the asylum? Was it not appointed for a more particular purpose, and is it not likely

that such a report as will be made will not cover these points?

Mr. MANN. I assume, Mr. Chairman, that if the committee is hearing testimony upon a point it has authority to do so, and if it has authority to hear testimony it has authority to bring in a report. I do not know what the resolution of appointment was.

Mr. HAY. The committee has full authority to report on every question connected with the institution, and I would say that the gentleman is mistaken in his idea that the Board of Visitors use these automobiles. They do not use them at all.

Mr. MANN. Well, perhaps it would be better if they did.

Mr. HAY. That may be. I am not talking about that.

Mr. SULLIVAN of Massachusetts. Does the gentleman think that an inspection as a result of an invitation by the superintendent, the inspector going in the superintendent's automobile, would be as effective as though the inspector went there unannounced?

Mr. MANN. I think that if the inspectors who are Government officials in a way go in a Government official vehicle, they are under no special obligation to the superintendent. These are not the automobiles of the superintendent; these are the automobiles of the Government. They are not under obligation to the superintendent if they have a right to them.

Mr. HAY. Mr. Chairman, there seems to be some misapprehension about the Board of Visitors. The Board of Visitors of this institution in their evidence before the special committee took the position that they visited that institution at stated periods as provided by law; that there is no law which authorizes them to go there except at stated periods.

Mr. SULLIVAN of Massachusetts. When everybody is ready to receive them.

Mr. HAY. When everybody is ready to receive them.

Mr. SULLIVAN of Massachusetts. And when it is known the exact moment at which they will arrive, and of course when everything is in readiness.

Mr. HAY. Yes; and Judge Maury, a member of the board, states that it is a farcical way of undertaking to inspect the institution, and I presume the special committee will probably bring in some recommendations about future inspections of the institution, but I do not think it is altogether a proper thing to go into a discussion of the management of this institution at this time until the investigation is concluded. It is not concluded now and will not be for some little time to come.

Mr. TAWNEY. Mr. Chairman, will the gentleman permit an interruption there?

Mr. HAY. Certainly.

Mr. TAWNEY. I have had conversations with the gentleman from Virginia and other members of the committee which is now engaged in the investigation of this institution respecting certain changes that ought to be made, and when asked a few days ago by the gentleman from Virginia if we had included some suggestions which had been made, I stated to him the committee felt, in view of the fact, that this whole subject was being investigated, that we were not in a position in the first place where we could act intelligently, and we did not want to anticipate the work of the committee, and the gentleman from Virginia acquiesced by saying that he thought that would be the better policy.

Mr. HAY. That is what I have just stated.

Mr. TAWNEY. And I think that is also true of this particular item.

Mr. HAY. About this particular item there is the bare statement of fact that there are these carriages and automobiles and no reason was given why they were there.

Mr. TAWNEY. Mr. Chairman, I wish to say I withdraw the point of order.

The CHAIRMAN. The gentleman from Minnesota withdraws the point of order.

Mr. MANN. Well, I reserve the point of order.

Mr. HAY. I believe I have the floor, Mr. Chairman.

Mr. MANN. You have not the floor on the point of order.

Mr. SLAYDEN. I rise to ask the gentleman from Virginia a question. It seems to be in the mind of the gentleman from Illinois that provision should be made in this direction for the transportation of the board of visitors, and I want to find out if an appropriation is not made in some other place, perhaps, to meet the expenses of the visits of the board of visitors.

Mr. TAWNEY. There is no appropriation whatever.

Mr. HAY. There is no appropriation, because the statute provides these people shall serve without pay; they are honorary appointees, and there is no provision for expenses whatever.

Mr. TAWNEY. Mr. Chairman——

The CHAIRMAN. Before the gentleman from Minnesota proceeds, the Chair would like the attention of the gentleman from Illinois. The Chair understood the gentleman from Minnesota to withdraw the point of order. Did the gentleman from Illinois renew it?

Mr. MANN. I reserved the point of order. I would like to have the amendment again reported. I really do not know——

Mr. TAWNEY. Mr. Chairman, the language carried in this appropriation bill respecting horses and vehicles for the use of the superintendent of the hospital is the same language carried in previous appropriation bills with respect to this same subject. It reads:

> Including purchase, maintenance, and driving of necessary horses and vehicles and of horses and vehicles for official use of the superintendent, $305,800.

When before the Committee on Appropriations, the superintendent was interrogated with respect to this particular item.

> Mr. TAYLOR. Before you get to that, let me ask him what he wants to do with these words on page 160 included in brackets. I suppose they go out because you have purchased your horses and vehicles. Do you want those words to go out, Doctor: "Including purchase, maintenance, and driving of necessary horses and vehicles and of horses and vehicles for official use of the superintendent."

Now, the words there referred to are the words which are included in brackets in the form of the bill submitted to the committee, because in nearly all estimates from the Departments they are trying to get away from that limitation in respect to the use of horses and carriages. Many Members of the House will recall the controversy that arose here several years ago over this subject, which resulted in the insertion of that language with respect to all the appropriations for this service.

Strange as it may seem, in nearly every instance the estimates recommend the omission of this language, but the committee has not accepted the recommendation of the omission.

Doctor White, in answer to a question from Mr. Taylor, said:

> The superintendent always has had a horse and carriage, and still has in the bill. My recollection was that he was provided for on the legislative, executive, and judicial bill, but perhaps I was wrong. Now, he has got to have a horse and carriage. I do not see how he can get along without a horse and carriage.
>
> The CHAIRMAN. He gets it now?
>
> Doctor WHITE. Yes; but on page 160 they contemplate the crossing out of that provision.
>
> The CHAIRMAN. I do not know why it is, but some clerk who made up the estimates omitted that language in all of them. You have this horse and carriage now?
>
> Doctor WHITE. Yes.
>
> Mr. TAYLOR. What has the superintendent in the way of vehicles and horses?
>
> Doctor WHITE. I have a horse and carriage and also an automobile, which I bought since I have been there, to replace one that was there when I got there. Then I have a small runabout that I use in inspecting the grounds.

Now, Mr. Chairman, it will be seen from the statement of Doctor White that he is using practically no more than is contemplated in the amendment offered by the gentleman from Florida. But gentlemen must bear in mind that that institution is at least 3½ miles from the Department of the Interior, which has general supervision over the institution, and under whose authority Doctor White acts, and to whom the Doctor must report; and it is necessary for the superintendent to come into the city in the ordinary transaction of the business of that institution, so that it is impossible for anybody to criticise the superintendent for having one or two horses and a carriage or two carriages and an automobile, and then the automobile that he is using in going around in those grounds, which is practically a city of 3,000 inhabitants. Take the language as it is in the law to-day, or in all the appropriation bills, respecting all the other Departments; they are all precisely the same thing.

Mr. RUCKER. As I understand the statement of the chairman of the committee, this is the same language that has been carried for a number of years in this bill?

Mr. TAWNEY. Ever since the controversy arose over the abuse of the right of the use of horses and carriages by the Departments.

Mr. RUCKER. As I understood from remarks on the floor, the institution has about forty horses.

Mr. TAWNEY. I understand it has about forty horses.

Mr. RUCKER. Now, the horses having already been purchased, having forty-odd horses on hand and two or three automobiles and a number of buggies and carriages, is it necessary to continue buying them every year?

Mr. TAWNEY. Oh, no; they do not.

Mr. MANN. If they have got to keep up forty horses, they have got to buy horses.

Mr. RUCKER. Forty horses?

Mr. MANN. You have to buy some every year if you keep forty horses.

Mr. RUCKER. He is a mighty poor manager if he has to buy forty horses every year.

Mr. MANN. Nobody can use forty horses without having to buy a number of them every year.

Mr. RUCKER. You might have to buy some, but would not

have to buy forty. How much of this appropriation is needed to buy horses every year?

Mr. TAWNEY. I am unable to explain to the gentleman how much has been used. A large number of the horses purchased are being used in teams and for draying.

Mr. RUCKER. I appreciate the fact that it is necessary to keep up the supply.

Mr. TAWNEY (continuing). And it is necessary to have some to take the patients out for an airing, and other purposes.

Mr. RUCKER. There ought to be some ascertainment made as to the amount of money necessary to be expended to keep up the stable and not make the same appropriation each year, having already purchased the stock.

Mr. TAWNEY. This is not a question of buying this stock each year, but of continuing authority to purchase if it is found that new horses are needed; then they are bought and paid for out of this general fund. The question is on the amendment.

Mr. MANN. I make the point of order.

Mr. SULZER. Mr. Chairman, just a few words in regard to this matter. In the beginning of this session of Congress, from information which came to me of a reliable and trustworthy character, I felt impelled to address the House on two occasions concerning the mismanagement of this governmental institution for the insane at St. Elizabeth's. Subsequently an investigation was ordered. That investigation has been dragging its slow length along for some time. I want to say, however, that from the testimony which has been thus far adduced everything which I said on the floor of this House in regard to the intolerable conditions existing at the St. Elizabeth's Insane Asylum has been more than justified. My charges have been overwhelmingly sustained. My case has been proven.

Now, I do not want at this time to speak at length about the investigation, because it has not as yet been concluded; but I want to say to the members of the committee and to this House that I indulge the hope that the investigation will be concluded and the report of the committee made to us before this session of Congress adjourns, so that when Congress convenes again we will be able to legislate quickly and intelligently for a complete reformation of administration at that institution. I know it is imperative. The facts so far brought out by this investigation demonstrate it conclusively.

Now, just a word more, Mr. Chairman, in regard to the amendment offered by the gentleman from Florida [Mr. CLARK]. I think the amendment ought to be adopted. I do not think it is necessary for this superintendent to have three automobiles for his own use, any more than it is essential for a dog to have five legs. The people living in the District of Columbia have witnessed this superintendent, with his friends, time and again going around the city of Washington at all hours of the day and all hours of the night in these very fine automobiles. Instead of staying over at the insane institution and attending to his official duties—looking after the welfare of those poor insane persons—as he should do, he goes all around the town with his friends, having a most enjoyable time in Government automobiles.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. SULZER. Why, of course I yield to the gentleman.

Mr. TAWNEY. Are you aware of the fact that that automobile is used by the purchasing agent of the St. Elizabeth's Hospital, who is over here in the District of Columbia purchasing supplies and materials every day, and that it is not used exclusively by the superintendent?

Mr. SULZER. I doubt if anybody else uses it, especially if the superintendent knows it. Of course, he can not use three automobiles at the same time. There are three fine automobiles over there, and perhaps when he does not use the other two somebody else uses them; but what I wanted to call to the attention of the House is that he has three automobiles, and it is not necessary for him to have more than one, and that instead of using that all the time, going around and giving his friends a good time, he ought to be attending to his duties at the institution, attending to the matters he is paid to look after in connection with the care of these poor indigent insane people. It has been testified over and over again during the investigation that he does not visit the insane patients at the asylum more than once a month, and sometimes not more than once in two or three months. Some of these inmates have never seen him. Matters are in a bad shape at St. Elizabeth's. The investigation was ordered none too soon.

Mr. RUCKER. Will the gentleman allow me to ask him a question?

Mr. SULZER. Yes.

Mr. RUCKER. Assuming that the newspaper statements with reference to the developments at this institution are true, do you not think it would be advisable for the superintendent to spend more money for wholesome food and less for automobiles?

Mr. SULZER. Yes; I agree with my friend. The point is well taken. The things which have been going on for years in this insane asylum are a disgrace to the Government. Let me say again that I do not care to discuss at this time the testimony which has already been adduced before the special committee of the House that has been investigating the sad and the intolerable conditions existing at the St. Elizabeth's Insane Asylum, but I hope that the report will be made before this session of Congress adjourns, so that we shall have an opportunity to discuss the testimony in detail. But, sir, I want to repeat in closing that everything that the gentleman from Florida [Mr. CLARK] and myself charged on the floor of this House concerning the mismanagement of St. Elizabeth's Insane Asylum before this investigation was begun has been more than proven, more than justified by the testimony which has been thus far adduced. [Applause.]

[Here the hammer fell.]

Mr. CLARK of Florida rose and was recognized.

Mr. TAWNEY. Mr. Chairman, I shall object to any more discussion on the merits of the amendment until the point of order is determined.

The CHAIRMAN. The gentleman's objection is proper, and the gentleman from Florida [Mr. CLARK] having spoken once upon the amendment, the Chair wishes to ask if the point of order is to be insisted upon?

Mr. MANN. I make the point of order on the amendment, that it is clearly a change of existing law.

The CHAIRMAN. Does the gentleman from Florida wish to be heard on the point of order?

Mr. CLARK of Florida. Yes; I do.

The CHAIRMAN. The gentleman from Florida.

Mr. CLARK of Florida. Mr. Chairman, the amendment does not change existing law. It simply limits the use of property which it is proposed to buy, own, and control. Now, this paragraph, to which the amendment is offered, in addition to providing for other things, says that these funds are to be used for certain purposes, and among them this purpose:

Including purchase, maintenance, and driving of necessary horses and vehicles, and of horses and vehicle for official use of the superintendent.

Now, I propose to amend that by prescribing the number of vehicles and horses that the superintendent shall have for his official use. How does that change existing law? How is it new law? It is entirely in keeping with the paragraph. It is of the same character as the paragraph, and it only limits the provision of law.

And, Mr. Chairman, I want to say that gentlemen may talk as they please about the Board of Visitors and the uses to which these vehicles are put. The testimony in this case, uncontradicted, uncontroverted, and unquestioned, is that this man has three carriages, two horses, and two automobiles for his personal use. That is the testimony, and it is unquestioned by any witness. If this House intends to clothe this man, whom the testimony in this case will show to be the greatest autocrat in all this country——

Mr. TAWNEY. I make the point of order that the gentleman is not discussing the point of order.

The CHAIRMAN (Mr. LAWRENCE). The Chair, in any event, is ready to rule. To the amendment offered by the gentleman from Florida [Mr. CLARK] the gentleman from Illinois [Mr. MANN] raises the point of order that it is legislation on a general appropriation bill, and therefore contrary to the rules of the House. The amendment reads as follows:

Add after the word "superintendent," in line 20, page 22, the following words: "*Provided*, That but one horse and vehicle or one automobile shall be kept for the use of the superintendent, and that to be used only on official business."

The only way in which this amendment would be in order at this time would be on the ground that it is a limitation, and it seems to the Chair that the reading of the amendment clearly shows that it is not a limitation on this appropriation, but if enacted would make permanent law on the subject, and the Chair, therefore, sustains the point of order. The Clerk will read.

The Clerk read as follows:

For change of location on part of railroad switch to overcome the present difficulty with settling and sliding, $3,000.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word, simply for the purpose of repeating a criticism that I have heretofore made as to the method in which appropriations are made for this institution.

As a matter of fact, Congress, under the present system, has no control whatever over the appropriations for St. Elizabeth's

Hospital for the Insane. Appropriations for this institution are carried in two bills, $305,000 in this sundry civil bill and $279,000 in the District of Columbia appropriation bill.

When the District of Columbia appropriation bill was being made up, the subcommittee found that an estimate had been made that so much money would be required for the support of patients whose care is chargeable against the District of Columbia, and there was nothing for the committee to do but to appropriate the sum asked. An estimate is made for the support of the institution in certain respects, to be carried in this bill, and there is nothing for the committee to do but to grant the estimates asked by the authorities of the asylum.

The law authorizes the superintendent, subject to the approval of the board of visitors, to fix the number of employees and to fix their compensation. This is not usual in the public institutions of the Government of the United States. It is not usual in the appropriation bills in which appropriations are carried for the support of institutions to designate the number of employees of the different classes and the compensation to which those employees shall be entitled. I sincerely trust that one of the results of the investigation of the management of the insane hospital will be some recommendation, as a result of which Congress will resume control of the appropriations for the support and maintenance of that institution, and that hereafter, in some bill, the number of employees will be designated and their compensation settled by Congress, and that the institution will be provided for in the same manner that nearly all other institutions maintained by the Government are.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 267) to prohibit aliens from fishing in the waters of Alaska.

The message also announced that the Senate had passed without amendment bill and joint resolutions of the following titles:

H. R. 17881. An act permitting the building of a dam across the Crow Wing River between the counties of Morrison and Cass, State of Minnesota;

H. J. Res. 118. Joint resolution accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof; and

H. J. Res. 170. Joint resolution to supply a deficiency in the appropriation for assistant custodians and janitors of public buildings.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5684. An act for the relief of the Compañía de los Ferrocarriles de Puerto Rico; and

S. 5365. An act to appoint Joseph Y. Porter a lieutenant-colonel and deputy surgeon-general, and to place him on the retired list of the Army.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

All moneys belonging to deceased inmates of the Government Hospital for the Insane and deposited in the Treasury by the superintendent as agent prior to February 20, 1905, shall, if unclaimed by the legal heirs of such inmate within the period of five years from the date of the passage of this act, be covered into the Treasury, and all moneys so deposited by the superintendent as agent after February 20, 1905, and belonging to inmates who have died since that time, or may hereafter die, shall likewise be covered into the Treasury unless claimed by his or her legal heirs within five years from the death of the inmate. And the superintendent of the Government Hospital for the Insane is hereby authorized and directed, under such regulations as may be prescribed by the Secretary of the Interior, to make diligent inquiry in every instance after the death of an inmate to ascertain the whereabouts of his or her legal heirs. Claims may be presented hereunder at any time, and when established by competent proof in any case more than five years after the death of an inmate shall be certified to Congress for consideration.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word. Suppose the heirs or relatives of the deceased person are minors. You make a hard and fast rule in reference to the time in which the legal representatives of the deceased person may recover. They can not get the money after the expiration of five years. That is all right with reference to people who are sui juris, but it looks to me like a hardship to the representatives or heirs of a deceased person if they are minors or infants at law to say that they shall be barred.

Mr. TAWNEY. If the gentleman will observe the reading of the provision, he will see that they are not barred. They can at any time after five years, if they establish proof of the fact that they are heirs of the deceased, have an investigation by the Treasury Department, and the Secretary of the Treasury will then certify the facts to Congress and Congress will appropriate the amount that has previously been turned into the Treasury. The object of this is to prevent two things. One is the accumulation in the Treasury of money that is not claimed by anybody, and therefore can not be used, and, secondly, as long as that money is there it is always a temptation to those in charge of the institution to try to induce Congress to let them use it for the benefit of the institution and to that extent increase their appropriations. Now, this provision protects everybody. They have five years in which to get the money, and then after the expiration of the five years if they prove that they are heirs of the deceased and entitled to the money the Secretary of the Treasury will certify that to Congress and Congress will appropriate the money.

Mr. GROSVENOR. Mr. Chairman, I think the gentleman from Georgia did not read carefully the last sentence of the paragraph. The first part of it provides that within five years' time the heirs may apply while the money is held in the hands of the institution, and the latter sentence provides that claims may be presented hereunder at any time and, when established by competent proof, in any case more than five years after the death of the inmate, it shall be certified to Congress for their consideration, and that covers the whole ground. The first proposition, that within five years the heirs shall be, if found, allowed the money, and, secondly, if five years have elapsed, it shall go into the Treasury as a special fund, and during all the time the statute of limitation never runs against the heirs of the deceased.

Mr. BARTLETT. Mr. Chairman, answering the gentleman from Minnesota and also the gentleman from Ohio, I think the provision is a most commendable one, and I did not rise for the purpose of antagonizing it. But it occurred to me that in case the heirs of the deceased person were minors or infants in law, that they were not wholly protected. If the gentleman from Ohio and the gentleman from Minnesota think they are protected under this provision, then I am content.

Mr. TAWNEY. If the gentleman from Georgia will look at the hearings on the subject, he will find that there is something over $40,000 lying in the Treasury of the United States that has been accumulating for a great many years. The committee thought that ought to be turned into the Treasury.

Mr. BARTLETT. I think so myself, but I want the heirs, if minors, protected.

Mr. TAWNEY. There is no question about the heirs being protected, whether minors or not. Even if they are adults, they can obtain it after five years, under this provision.

The Clerk read as follows:

Rock Island Arsenal, Rock Island, Ill.: For general care, preservation, and improvements; for painting and care and preservation of permanent buildings; for building fences and sewers, grading grounds and roads, $25,000.

Mr. WILLIAMS. Mr. Chairman, I notice an increase of $15,000 in the appropriation for Rock Island Arsenal. What was the cause of the increase?

Mr. TAWNEY. The increase is for the purpose of providing quarters for the hospital steward and also an additional separate quarters to be used for emergency hospital purposes.

Mr. WILLIAMS. For new buildings?

Mr. TAWNEY. For new buildings; yes.

The Clerk read as follows:

For quarters for hospital steward, with necessary accommodations for dispensary, emergency hospital treatment, and surgeons' office, $10,000.

Mr. WILLIAMS. Here seems to be a new provision for quarters for hospital steward.

Mr. TAWNEY. I beg the gentleman's pardon, but this is the paragraph that I thought he was interrogating me about. The other increase to which he referred a moment ago has connection with the general repairs of the plant.

This item is for quarters for a hospital steward and an addition for an emergency hospital. They employ in the neighborhood of 5,000 men in that institution and there are frequently accidents happen to the men. They sustain injuries and they are some 3 miles from any one of the three towns right around Rock Island. Rock Island, as the gentleman knows, is an island in the Mississippi River. This is for the purpose of giving the steward quarters and providing sufficient accommodation for hospital purposes. The other item is for general repairs.

Mr. WILLIAMS. Mr. Chairman, under the head of general care, preservation, and improvement; for painting and care and preservation of permanent buildings, etc., there is an increase of $15,000. Then there is a new provision carrying $10,000 for quarters for hospital steward, necessary compensation for dispensary, etc. Then here is a provision for a stable, $9,000. That is new. Here is an increase of water supply for fire protection, enlargement of present pump house, extra machinery, $18,692—also new. That makes some $52,000 increase at the Rock Island Arsenal. I do not desire to make the point of order, because I think frequently in legislative halls, as elsewhere, men uniformed "rush in where angels dare not tread," but it does seem to me that that is an immense increase upon last year's appropriation of $10,000. There is an increase of $52,000 on a basis of $10,000. It seems to me that ought to be justified to the House, and I have called attention to all of it so that it might all be discussed at one time.

Mr. TAWNEY. Mr. Chairman, the first item of $15,000 is made necessary by reason of transfer from the Army appropriation bill for the purchase of machinery to be used in the manufacture of small arms ammunition.

Mr. WILLIAMS. That is really not an increase at all?

Mr. TAWNEY. It is not an increase. It is a transfer from the Army appropriation bill to this bill. This second is, as I have explained, for the building of quarters of the hospital steward and emergency hospital purposes. The third is for a stable. The old stable that was there was burned down last October or November—I do not now recall the month—and the increased water supply for fire protection is, as it states in the item, an enlargement of the present pump house, including extra machinery, $8,962. Now, I want to call the attention of the gentleman to the fact that, in my judgment, that is a very small increase in this appropriation. The Government's investments there exceed $10,000,000, and the fire protection is absolutely inadequate.

Mr. SULLIVAN of Massachusetts. They have had a two-million dollar fire already.

Mr. TAWNEY. They have had a two-million dollar fire in consequence of not having adequate fire protection.

Mr. WILLIAMS. I have no quarrel with that. I see that that is justified, but is not $9,000 rather expensive for a stable to be put there?

Mr. TAWNEY. I think that is $11,000 less than the estimate, if my memory serves me right.

Mr. SULLIVAN of Massachusetts. Nine thousand dollars less. They asked $18,000.

Mr. TAWNEY. Yes; $18,000 was the estimate, and we allowed them just 50 per cent of the estimate.

Mr. SLAYDEN. How many horses are kept there?

Mr. TAWNEY. My recollection is twenty.

Mr. WILLIAMS. The note here says the building now used as a stable is one of the old prison structures of the war, and that it is now in a condition almost beyond repair and is improperly located, and that a new brick structure upon a suitable site should be erected, etc. How many horses are to be accommodated there?

Mr. TAWNEY. About twenty. The gentleman from Illinois [Mr. MCKINNEY] resides near there and is more familiar with the facts than I am, and I would ask the gentleman to make an explanation.

Mr. WILLIAMS. Of course if it is very near the gentleman's home; the gentleman wants the stable; for my own experience in Congress is that whatever is expected in one's own "deestrict," as the darkies say in Mississippi, is always, in his opinion, something to be patriotically desired; but it seems to me that $9,000 is a pretty good price for a stable for twenty horses, unless you want to make it ornamental.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Minnesota or the gentleman from Illinois about this stable. Is it to complete the stable? It is not so much what we appropriate now, but hereafter, that concerns me. It is in the hereafter that I always see these big appropriations coming.

Mr. MCKINNEY. Mr. Chairman, I will say to the gentleman that it is expected to keep within the limit of that appropriation and to complete it. There is no question about the stable used heretofore having been burned down, and the horses have been kept recently in a temporary building.

Mr. GAINES of Tennessee. Will the gentleman object to inserting the word "completion?"

Mr. SULLIVAN of Massachusetts. That would apply only to a structure in process of erection.

Mr. TAWNEY. The language, I will say, implies the completion of the building. They can not go beyond $9,000.

Mr. GAINES of Tennessee. Why not?

Mr. TAWNEY. They have got to either build that or not any.

Mr. GAINES of Tennessee. That has not been either my observation or experience.

Mr. TAWNEY. Well, it has been your observation and your experience in respect to all items of this character when you are building——

Mr. GAINES of Tennessee. I do not know how many stables we have built in the last ten years, but I venture to say to the gentleman there has not been a public building ordered to be built in the last ten years that we have not had to add an extra appropriation to it.

Mr. TAWNEY. Now, that statement is just as near the truth and being the fact——

Mr. GAINES of Tennessee. Now, the gentleman does not want to use that language to me.

Mr. TAWNEY. I would say just as near the fact as a great many other statements the gentleman makes about things he does not know anything about.

Mr. GAINES of Tennessee. Well, the gentleman has cut off general debate in this House; he cut off everything he could, so we could not discuss these matters before taking them up, and now he quarrels because I am inquiring, as I have a right to, about the expenditure of public money.

Mr. TAWNEY. The gentleman from Minnesota has not cut off the gentleman from Tennessee from talking.

Mr. GAINES of Tennessee. The gentleman did cut off the gentleman from Tennessee by the rule made here, and against which Democrats voted. Now, I have the floor, and I propose to make this comment. I cite the gentleman to a case he does not know anything about, I dare say; and that is, we appropriated $8,000,000 to build the Annapolis improvements down there, and the Secretary came back and said he would not move a foot until we gave him $2,000,000 more, and we gave it. Now, there is one case, not a stable exactly; possibly in the estimation of the gentleman it is.

The Clerk read as follows:

For the Rock Island Bridge, as follows: For operating and care and preservation of Rock Island bridge and viaduct, $12,500.

Mr. SULZER. Mr. Chairman, while we are considering this sundry civil appropriation bill, which legislates out of the Treasury millions and millions of dollars annually of the people's money for all sorts of purposes and conditions of things—except the one I am going to talk about—I desire to call to the attention of the Members of this House a matter that I consider of much moment to all the people, and of far-reaching importance to the general welfare of the entire country—I refer to the construction of good roads as an aid to national progress.

Let me say that I have given this matter of national good highways careful study and considerable investigation, and I believe it is one of the most important questions now before the American people.

From time immemorable good road building has been one of the leading factors in advancing civilization, and it is a matter for general congratulation that the country is again earnestly urging the necessity, from an economic standpoint, of better roadways, and that we are all beginning to realize the industrial advantages that are sure to follow the construction of better transportation facilities throughout the land.

The appeal for good roads is a patriotic demand that comes to us from every section of the land—from our most intelligent and far-sighted and disinterested citizens—and I assert that the time is at hand when the Congress of the United States must take up the matter seriously and legislate intelligently on the subject. The question will not down, and it can not much longer be ignored. The people want it, and what the people want they generally get. As President Roosevelt recently said:

Merely from the standpoint of historical analogy we should have a right to ask that this people which has tamed a continent, which has built up a country with a continent for its base, which boasts itself with truth as the mightiest Republic that the world has ever seen, which we firmly believe will in the century now opening rise to a position of headship and leadership such as no other nation has ever yet attained—merely from historical analogy, I say, we should have a right to demand that such a nation build good roads. Much more have we a right to demand it from the practical standpoint. The difference between the semibarbarism of the middle ages and the civilization which succeeded it was the difference between poor and good means of communication. And we, to whom space is less of an obstacle than ever before in the history of any nation; we who have spanned a continent, who have thrust our border westward in the course of a century and a quarter until it has gone from the Atlantic over the Alleghenies, down into the valley of the Mississippi, across the Great Plains, over the Rockies to where the Golden Gate lets through the long-heaving waters of the Pacific; we, who take so little account of mere space, must see to it that the best means of nullifying the existence of space are at our command.

I agree with the President in what he has said concerning this matter, and I hope ere long he will send to the Congress a spe-

cial message urging us to take some immediate and definite action regarding Government aid to good road building throughout the United States. The fathers of the Republic wisely recognized the importance of this question. Washington and Jefferson advocated good roads and projected the construction of the great highway from the capital to the Mississippi Valley. The far-seeing statesmen of the early days of our national existence championed and passed measures to better the means of transportation. They knew that of all human agencies the one which has done most for humanity and civilization has been the building of good roads—the abridgment of distance in the facility of communication.. They realized the necessity of good roads—how important they were to the country—to its growth and its development, and to mankind, morally, physically, intellectually, and industrially, removing national and provincial antipathies and binding together all the branches of the great human family.

Mr. Chairman, we appropriate a great deal of money every year for the Army. That is necessary. I am a member of the Committee on Military Affairs, and I have always been liberal to the boys in blue—to the brave and heroic soldiers of our country. We appropriate upward of $100,000,000 every year for the Navy; and I am, and always have been, a friend of our gallant and glorious Navy, which has illumined with its immortal achievements every page of American history. We spend millions annually for pensions to the soldiers and sailors of the Union, and that is entirely just and proper, and in accordance with the solemn promise of the country. We vote a great deal of money every year for public buildings and grounds, and a stately Federal structure adorns almost every city in the land. We appropriate millions and millions of dollars for fortifications and coast defenses—no doubt necessary. The Government has spent thus far over $500,000,000 for river and harbor improvements, and at times, since I have been a Member of this House, I have felt impelled to oppose some of these appropriations because I believed in certain instances they were unnecessary and extravagant. But in more than fifty years we have not appropriated a dollar for good roads for our common highways. The record will demonstrate, I think, that there is appropriated annually a great deal of money from the pockets of the taxpayers for purposes that bring very little material return or lasting benefit to the rank and file of the people of the country.

I call attention to these vast annual expenditures of money by way of contrast—and we are a country of great contrasts—to show how important to the men and women of the land to-day is the proposition for the building of good roads for their own use and benefit, and for the progress and the prosperity of our expanding Republic—the greatest the sun of noon has ever smiled upon in all the annals of the past. [Applause.]

Now, sir, I declare that the history of civilization demonstrates that the rise of great governments and the growth of powerful dynasties were coincident with the construction of good roads and the resulting facility of communication and transportation. The Romans were the greatest road builders the world has ever seen, and the highways they built in the palmy days of their greatness constitute the most lasting monument to their constructive genius; and the marvelous thing about it all is that these roads are practically just as good to-day as they were when they were built. The far-sighted wisdom of Julius Cæsar built from the imperial exchequer the magnificent roads that led from all directions to eternal Rome. The great Napoleon—Cæsar like—built the roads of France that center in Paris from the general funds of the Government, and these French roads have done more than any other single agency to encourage the thrift and increase the industry and insure the contentment of the people of France. Cæsar and Napoleon were the great road builders of the modern world, and their foresight and their judgment demonstrated the beneficent results that follow, as the night the day, the construction of governmental highways.

England's good roads are to-day famous. They were not always so. Let me read to you what a celebrated English author said about Britain's bad roads less than a century ago. Macaulay, writing of the condition of the public roads of England previous to 1835, says:

> The fruits of the earth were sometimes suffered to rot in one place, while a few miles distant the supplies fell short of the demand. One chief cause of the badness of the roads was the defective state of the law. Every parish was bound to repair the roads which passed through it, and thus a sparse and impoverished population was often compelled to maintain highways between rich and populous towns.

Then came Telford and Macadam—the great road builders of Britain. They pointed out the cause of stagnation and decay; they fought and agitated for good roads by parliamentary appropriations; they predicted the beneficent results sure to follow the construction of better highways; and through their foresight and endeavors England has to-day good roads from one end of her domain to the other—as good as any thoroughfares in all the world.

The United States must build and possess good roads. The General Government must lend its aid to their construction. They must be free to all the people and stretching away in all directions throughout the length and the breadth of the land. It is essential to our development. We are the greatest and the grandest and the richest Republic in all the ages, and only on the threshold of our glorious destiny; but yet, I am sorry to say, we are far behind the other great governments of the world in the construction and maintenance of good roads. Every person who has traveled abroad is at once impressed with this unfortunate fact. It is a reflection on our energy, a sad commentary on our sagacity, and a humiliating comparison with our progressive enterprise in every other field of endeavor. We must not lag behind the European states in this important matter; and yet, if we start now, it will take us years and years to equal the good roads of continental governments and distant oriental countries.

Good roads, sir, are the arteries of the industrial life of a great and powerful people. In a Government such as ours, all sorts and conditions of men and women are more or less absolutely dependent upon the best and speediest means of communication and transportation. If you say good roads will only help the farmers, I deny it. The farmers, who produce the necessaries of life, are less dependent than the millions and millions of people who live in our cities and towns. The most superficial investigation of this subject will clearly prove that good roads are just as important to the consumers, if not more so, than they are to the producers of the country.

Now, it may be claimed by some unthinking individual that the railroads answer all requirements, or at least have decreased the need of good roads. Let us see. Last year it cost about $1,850,000,000 to transport the products of the country over dirt roads to the nearest shipping point, while the railroads received, all told, in gross receipts, from every source for the same period of time, considerably less; so that it will readily be perceived that the railroad systems fall far short of supplying the transportation needs of the people; and besides the difference in the cost of transporting freight over good roads and bad roads is enormous as it is startling. The statistics show it costs about 25 cents a ton a mile, on an average, to transport merchandise over the dirt roads of the United States, and that the average cost over the improved roads of twenty European states is less than 10 cents a ton a mile. Here is a difference of over a billion dollars a year between the cost of transportation over good roads and bad roads, and every dollar of it to-day comes out of the pockets of the toilers and producers of America and is a dead financial loss. The difference in cost of transportation by steam, horsepower, and electricity over the highways of the United States is illustrated by the following table, based on the most careful estimates, which shows how far $1.25 will go to pay for transporting a ton of freight in four different ways:

Cost of transportation per ton.

Horsepower, 5 miles	$1.25
Electric power, 25 miles	1.25
Steam cars, 250 miles	1.25
Steamships on the Lakes, 1,000 miles	1.25

Now, sir, in this connection I want to read a brief extract from an eloquent speech delivered last year by Hon. William J. Bryan before the annual convention of the National Good Roads Association. Mr. Bryan said:

> I have become exceedingly interested in this subject. * * * The expenditure of money for the permanent improvement of the common roads can be defended, first, as a matter of justice to the people who live in the country; second, as a matter of advantage to the people who do not live in the country; and, third, on the ground that the welfare of the nation demands that the comforts of country life shall, as far as possible, keep pace with the comforts of city life.
>
> It is a well-known fact, or a fact easily ascertained, that the people in the country, while paying their full share of the Federal taxes, receive, as a rule, only the general benefits of government; while the people in the cities have, in addition to the protection of the Government, the advantages arising from the expenditure of public moneys in their midst. The farmer not only pays his share of the taxes, but more than his share; yet very little of what he pays gets back to him. * * * The farmer has nothing that escapes taxation. The improvement of the country roads can be justified also on the ground that the farmer, the first and most important producer of wealth, ought to be in position to hold his crop and market it at the most favorable opportunity, whereas at present he is virtually under compulsion to sell it as soon as it is matured, because the roads may become impassable at any time during the fall, winter, or spring. The farmer has a right to insist upon roads that will enable him to go to town, church, schoolhouse, and to the homes of his neighbors, as occasion may require; and with the extension of the rural delivery he has an additional need for good roads in order that he may be kept in communication with the outside world.

Mr. Chairman, I agree with what Mr. Bryan has so well said. The farmer gets very little benefit from the General Government and is taxed on everything. The burdens of life fall hardest on the farmer. The least the Government can do for him is to help him get decent highways. I am with the farmers in this fight for good roads. I am with the rural districts of our land in their struggle for better transportation facilities, and in Congress or out of Congress I shall do all in my power to hasten the consummation they desire—the ability to go and come along decent roads without exhausting the time and the effort and the utility of man and beast. I know farm life. My boyhood days were spent on a farm doing farm work. I know the farmer's joys and sorrows—his trials and his troubles and his triumphs. We owe much to the farmers and producers of our country—much that we can never repay. Whatever will aid them will benefit the people in every community.

To-day I represent in Congress a great district in the very heart of the city of New York—a great, patriotic people, of whom I am justly proud—but I am broad-minded enough and farseeing enough to realize that what will help one part of our country will benefit every other section of our land, and I deprecate the narrow view that is often expressed concerning the local character of this important question of good-road building. It is not local or sectional. It is national in all its aspects; it is for the public weal; it will promote the general welfare, and the Government should give its legislative sanction to the project and render all the aid within its power. I say it is the duty of the Federal Government to lend our rural population a helping hand to remove the curse of bad roads. [Applause.]

I am glad to note that there is revival of interest all along the line in the making of good roads. The Government at the present time is committed to the policy of highway improvements and the construction of good roads in Porto Rico, in the Hawaiian Islands, and in the Philippines. We are spending millions and millions of dollars every year for the building of good roads in our insular possessions, but not one dollar for the same purpose in our own continental country. Let us keep up the fight for good roads at home, ever bearing in mind that no country now enjoys good roads without governmental aid in their construction.

Good road building is a public matter, a national necessity, and it closely concerns the general welfare of the whole country. I am in favor of Government aid in the construction of good roads for all the people. [Applause.] These roads will be postal highways for the delivery of the mails, military channels in case of war, the great arteries of interstate commercial life, and the avenues through which the chariot of progress shall drive ever and anon, bringing the products of plenty to the rich and the poor alike and untold benefits to all the land for ages yet to come.

Speaking on the subject of good roads and national greatness, Gen. Nelson A. Miles said recently:

I know of no one element of civilization in our country that has been more neglected than the improvement of our roads, yet this is the element that marks the line between barbarism and civilization in any country. The founders of our Government strongly advocated the necessity of opening up and improving the means of internal communication. The immortal Washington retired from the pomp and circumstance of glorious war to occupy the honorable position of a sovereign citizen, and while conducting the affairs of his plantation was president of a transportation company. The author of the Declaration of Independence, the founder of one of our great universities and the eminent statesman who gave to us this vast empire west of the Mississippi, was right when he said in a letter addressed to Humboldt:

"It is more remunerative, splendid, and noble for the people to spend money on canals and roads that will build and promote social intercourse and commercial facilities than to expend it on armies and navies." He was right again when he said, in a letter to James Ross: "I experience great satisfaction in seeing my country proceed to facilitate intercommunication of several parts by opening rivers, canals, and roads. How much more rational is this disposition of public money than that of waging war."

How true are the words of immortal Jefferson regarding the disposition of public money. We appropriate millions and millions of dollars every year for war—not a dollar for peace. We spend millions and millions of dollars annually for the improvement of our rivers, and not a dollar for the improvement of our roads. We have negected this important work too long. It is all to our shame. Let us begin; let us follow in the footsteps of the builders of the Republic, and commence now to do something to improve our national roadways. [Applause.]

Mr. Chairman, let me call the attention of the House to a bill I introduced in Congress to promote the building of good Government roads. It is H. R. 19470, introduced by me on May 18, 1906, and entitled "A bill to promote good roads and the efficiency of the postal service in the States and Territories of the United States." It is a very short bill, and I send it to the Clerk's desk to be read in my time, so that it will go in the RECORD and be a part of my speech.

The Clerk read as follows:

A bill to promote the construction of good roads and the efficiency of the postal service in the States and Territories of the United States.

Be it enacted, etc., That upon the application of the proper authorities representing any State or Territory of the United States, the Secretary of the Treasury shall loan to such State or Territory for the construction or improvement of post-roads within such State or Territory and outside the limits of any city or incorporated village the actual cost of such construction or improvement: *Provided,* That the construction or improvement of said post-roads shall be under the general supervision of the Post-Office Department and according to specifications approved by it, and the Postmaster-General is hereby authorized and directed to make all needful rules and regulations relating thereto: *Provided further,* That one twenty-fifth part of all money received from the United States Government under the provisions of this act shall be each year returned to the Treasury of the United States by the State or Territory receiving the same until the whole amount received by such State or Territory shall have been returned.

SEC. 2. That no interest shall be charged upon money loaned under the provisions of this act when return to the Treasury is promptly made as provided for by this act, but a 5 per cent per annum interest charge shall be added to all deferred payments. And the Secretary of the Treasury is hereby authorized and directed to make all necessary arrangements with the States and Territories with respect to the said loan.

SEC. 3. That the President is directed to cause to be laid before Congress, as soon as convenience will permit after the commencement of each session, a statement of all proceedings under this act.

SEC. 4. That this act shall take effect immediately.

Mr. SULZER. Mr. Chairman, that bill speaks for itself. It is a short bill, a concise bill, and to my mind it embodies a most comprehensive plan for the building of good roads throughout the country by Government aid, and yet ultimately it will not take one dollar from the Treasury of the United States. This bill of mine provides a simple way and an expedient plan to accomplish immediate better governmental highway construction. In a nutshell, the bill authorizes the General Government to loan its surplus money without interest to the States and Territories to build good roads, the work to be done under the general supervision of the Post-Office Department and in accordance with its rules and regulations, and the money thus loaned to be repaid to the Government in small annual installments. The bill is not subject to constitutional objection, for the reason that under its provisions the States and Territories borrow the money, furnish the right of way, and are required to protect and maintain the roads after they are built. None of the powers of the States are interfered with in any way. It is Government cooperation, and the right of the Government to loan its surplus money to aid in the construction of good roads for all the people has been held over and over again to be constitutional. This plan of mine is as simple as it is feasible.

My bill may not be perfect—I am willing to change it if anyone can suggest an amendment to make it better—but I believe it is far-reaching in its possibilities for immediate and economical good-road building. Its object is plain. It will build the roads, give us better postal facilities, cheapen transportation, keep money in circulation, give employment to the idle workmen of the country, initiate the undertaking demanded by the people, restore to life every languishing local industry, market the products of our producers, aid our commerce, increase our wealth, extend our prosperity, solve the problem, and give our country the best highways in all the world in less than twenty-five years, without in the end actually costing the Federal Government a single dollar.

Mr. Chairman, let me assure all my colleagues that I have no vanity in this matter. I am seeking results—the speedy accomplishment of the thing desired. I want to say that I am wedded to no particular plan for governmental improvement of our national highways, although I think my bill is by far the simplest, the most practicable, and the most comprehensive proposition which has thus far been presented to bring about Congressional action for the building of good roads; and I submit the measure to the candid consideration of the people of the country, who are thinking about and investigating this subject, in order that they may study it and approve it if they think it is an honest and a just way to aid in the establishment of good avenues of transportation from the Atlantic to the Pacific and from the Great Lakes to the Gulf; and I submit it to the Members of Congress, hoping that they will study its practicability and take some action on the bill in the very near future. I have no ambition in this matter save to serve the people and comply with their wishes. As I said, I am simply seeking to accomplish results. I am in favor of good roads. I know it is an impossibility for the counties or the States of the Union to build good roads without some help from the National Government. My plan is to have the Government aid the States and Territories by loaning them, in the first instance, the money to build these good roads and let the States pay back the money in small annual installments. In this way we will soon have good roads without finally depleting the National Treasury a single dollar, because every dollar which will be spent from the National Treasury will come back again. I know there are other bills pending in Congress in regard to this matter, and I know that there have been bills pending in Con-

gress for years and years seeking to do something for the construction of good roads, but thus far not one of these bills has ever been favorably acted upon.

In my opinion, there can be no serious objection to the provisions of my bill, and I believe if it should become a law the whole problem would be solved, and in less than a quarter of a century we would have the grandest highways that exist in all the world, and it would do more than any other single agency I can think of to develop our resources, benefit all our people, and make us greater and grander and more prosperous in a commercial and industrial way. [Applause.]

Sir, the people of the country know the importance of good road building. They are familiar with the truths of history. They know the past. They realize that often the difference between good roads and bad roads is the difference between profit and loss. Good roads have a money value far beyond our ordinary conception. Bad roads constitute our greatest drawback to internal development and material progress. Good roads mean prosperous farmers; bad roads mean abandoned farms, sparsely settled country districts, and congested, populated cities, where the poor are destined to become poorer. Good roads mean more cultivated farms and cheaper food products for the toilers in the towns; bad roads mean poor transportation, lack of communication, high prices for the necessaries of life, the loss of untold millions, and idle workmen seeking employment. Good roads will help those who cultivate the soil and feed the multitude, and whatever aids the producers of our country will increase our wealth and our greatness and benefit all the people of the land. We can not destroy our farms without general decay and final deterioration. They are to-day the heart of our national life and the chief source of our material greatness. Tear down every edifice in our towns and labor will rebuild them, but abandon the farms and our cities will crumble away and disappear forever.

Gentlemen of the House of Representatives, I appeal to you in the name of patriotism, for our common weal, for our commercial supremacy, in the name of 20,000,000 of our fellow-citizens, to do something, and do it quickly, for good roads; lend the States the money; begin the construction; put the unemployed to work, and a grateful and responsive people will rise up and call you blessed.

Now, Mr. Chairman, I want to say, in conclusion, that I take an abiding interest in this all-absorbing question for better highways throughout the land by some plan of governmental assistance. I am for the cause, and in the fight to stay. I am now, always have been, and always will be, a friend of good road building. It means progress and prosperity, a benefit to the people who live in the cities, and an advantage to the people who live in the country, and it will help every section of our vast domain. Good roads, like good streets, make habitation along them most desirable; they enhance the value of farm lands, facilitate transportation, and add untold wealth to the producers and consumers of the country; they are the milestones marking the march of civilization; they economize time and labor and money; they save wear and tear and worry and waste; they beautify the country, bring it in touch with the city, and aid the social and religious and educational and industrial advancement of the people; they make better homes and happier hearthsides; they are the avenues of trade, the highways of commerce, the mail routes of information, and the agencies of speedy communication; they mean the economical transportation of marketable products—the maximum burden at the minimum cost; they are the ligaments that bind the country together in thrift and industry and intelligence and patriotism; they promote social intercourse, prevent intellectual stagnation, and increase the happiness and the prosperity of our producing masses; they contribute to the glory of the country, give employment to our idle workmen, distribute the necessaries of life—the products of the fields and the forests and the factories—encourage energy and husbandry, inculcate love for our scenic grandeur, and make mankind better and greater and grander. Good roads have made the glory of the nations of the past, and good roads will add to our greater glory and make us all that we hope to be, the most beneficent power that ever blessed an advancing and progressive humanity. [Loud applause.]

The Clerk read as follows:

For improvement, care, and maintenance of reservation No. 17, and site of old canal northwest of same, $2,500: *Provided*, That no part thereof shall be expended upon other than property belonging to the United States.

Mr. RUCKER. I move to strike out the last word. A few days ago, when I was somewhat embarrassed by my peculiar environment, I listened to some discussion from the floor, and I remember that the gentleman from New York [Mr. PAYNE] announced seriously and solemnly on that occasion that it was the sworn duty, as I recollect his language, of a Member to remain in his seat from the time the House convened until it adjourned each day.

Now, I have no desire to cause the gentleman any inconvenience, but if this Chair had the power to issue warrants I believe I would make the point of no quorum in order that the gentleman from New York might be arrested and brought into this committee. But as I do not care to obstruct and as I am very anxious to proceed with this business, I merely call attention to the fact that the gentleman is derelict in his duty to-day. [Laughter and applause.]

The Clerk read as follows:

For constructing a macadam roadway along the north and west sides of the tidal reservoir in Potomac Park from the terminus of the Seventeenth street roadway opposite the bathing beach to the Potomac River entrance to the reservoir, and for improving the grounds on either side of the said roadway in accordance with plans prepared in the office of public buildings and grounds, to be expended under the direction of the officer in charge of that office, $60,000.

Mr. WILLIAMS. Mr. Chairman, I notice a new item here of $60,000 for the construction of a macadam roadway along the north and west sides of the tidal reservoir in Potomac Park. Is that where they are contemplating having that new park?

Mr. SMITH of Iowa. It is not strictly a new item. At the last session of Congress there was about the same amount given—$50,000, if I recollect correctly—for the driveway, which extends along the southeast portion of the tidal basin, and other improvement there, and this will be along the southwest of the tidal basin, corresponding therewith.

Mr. WILLIAMS. How long is that road to be? If it is not for a road—this includes the road, does it not?

Mr. SULLIVAN of Massachusetts. About 4,000 feet.

Mr. SMITH of Iowa. About 4,000 feet.

Mr. WILLIAMS. The provision reads:

For construction of a macadam roadway along the north and west sides of the tidal reservoir, in Potomac Park, from the terminus of the Seventeenth street roadway opposite the bathing beach to the Potomac River entrance to the reservoir, and for improving the grounds on either side of the said roadway.

Mr. SMITH of Iowa. That is very different from building a road.

Mr. WILLIAMS. Now, is that a matter of improving the new park here, as I asked a moment ago?

Mr. SMITH of Iowa. The part to the southeast of the tidal basin.

Mr. WILLIAMS. It says:

On either side of the said roadway.

Does this include the whole park?

Mr. SMITH of Iowa. Yes; and it includes piping water there and improving the grounds to the southwest of the tidal basin; in a general way similar to that to the southeast of the tidal basin.

Mr. WILLIAMS. All right. I suppose you have looked into it.

Mr. SULLIVAN of Massachusetts. It includes the improvement of 50 feet on each side of the roadway.

Mr. WILLIAMS. How long is the roadway?

Mr. SULLIVAN of Massachusetts. About 4,000 feet.

Mr. WILLIAMS. Sixty thousand dollars for a roadway 4,000 feet long and the improvement of 50 feet on each side of it.

Mr. SMITH of Iowa. If my colleague [Mr. SULLIVAN of Massachusetts] will pardon me, $10,000 of this is for the putting in of water pipes. This road is to be constructed, and the ground on each side of the road is to be put into sod or grass in some way, similar to what has been done on the other side of the tidal basin, and it is an estimate of practically the same amount of money that was expended last year upon the part southeast of the tidal basin, aside from the expense of putting in these water pipes.

Mr. CLARK of Missouri. Mr. Chairman, how much do they expect to pay for that macadam road?

Mr. SMITH of Iowa. Oh, the macadam road will not cost much.

Mr. CLARK of Missouri. Macadam road ought not to cost over $2,500 a mile.

Mr. SMITH of Iowa. Oh, no; more than that, certainly; but this road is to be graded, as the ground is not in suitable condition on which to lay the road. In addition to that, it appears here from a communication which, I think, is not in the printed hearings, having arrived after the regular hearings, that it will be necessary to repair or replace a portion of the wall which holds the earth back from the tidal basin, what would ordinarily be called a sea wall. It includes the carrying onto this ground of soil on which something will grow.

Mr. CLARK of Missouri. Where are they going to get that kind of soil around here?

Mr. SMITH of Iowa. I can not imagine. I presume they will have to bring it a great distance.

Mr. CLARK of Missouri. They will have to go to Iowa or Missouri to get it.

Mr. SMITH of Iowa. I can not imagine where they could get anything of that kind near Washington.

Mr. TAWNEY. They can not get anything so good near Washington.

Mr. SMITH of Iowa. This ground has been made by digging up sand from the bottom of the Potomac, and nothing will grow there until they cover it with fertile soil.

Mr. CLARK of Missouri. Four thousand feet is only about four-fifths of a mile. I know a good deal about macadam roads, because a hundred miles of the finest road in the world is in my country. You can get good macadam roads made for $2,000 a mile.

Mr. CAPRON. How wide?

Mr. CLARK of Missouri. I would say 16 or 18 feet wide.

Mr. CAPRON. This is to be a hundred feet wide.

Mr. SMITH of Iowa. You can not get any such road as that built down there for $2,000 or $4,000 a mile.

Mr. CLARK of Missouri. You can build as good a macadam road as there is in the United States for $2,000 a mile, wide enough for two wagons to pass each other easily. Of course, they will make it wider here; but I know something about macadam roads, because a hundred miles of the finest road in the world is in my own county. My recollection is that the last road that was built in that county, where they had to make the roadbed, was built for $1,800 a mile. Now, if they are going to make an asphalt street, or something of that kind, I do not know anything about that; but to save my soul I do not see how they could reasonably spend $6,000 on that piece of ground.

Mr. SMITH of Iowa. I have explained to the gentleman from Missouri that it is not to be spent upon the road; that only a portion of it is to be spent on the road. It includes building waterworks, or putting in water pipes down there. It also includes putting in earth, and the gentleman has said that they will have to go a long way to get good earth.

Mr. CLARK of Missouri. How much does it cost to put in 4,000 feet of water pipe?

Mr. SMITH of Iowa. Oh, it is not a question of 4,000 feet of water pipe; it is a question of extending the water main from this city over to that territory beyond the tidal basin.

Mr. RUCKER. What is it good for after it is improved?

Mr. SMITH of Iowa. It is a part of a beautiful park system that is now highly developed over a portion of it.

Mr. PRINCE. A driveway.

Mr. RUCKER. Where is it?

Mr. PRINCE. Over south of the White House and Monument.

Mr. RUCKER. I am asking for information. We Democrats, who have to stay here and work all the while, can not go out and take in the suburbs. I notice now, notwithstanding the great membership of this House, at the hour of 2 o'clock p. m. there are only about thirty of the "faithful" present to consider important matters before the House. Probably the others are looking at these beautiful parks. I do not know; but we Democrats must stay here, because if we do not the Sergeant-at-Arms will go after us. I sincerely hope, however, that the Sergeant-at-Arms will not be directed to arrest and bring to the bar of the House the distinguished gentleman from New York [Mr. PAYNE], who is not now in his seat.

Mr. GAINES of Tennessee. What time were you arrested the other day by the Sergeant-at-Arms?

Mr. RUCKER. Oh, about 6 o'clock—after supper time.

The Clerk read as follows:

For new steam roller, $3,000.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry. Can the gentleman tell us how much we are appropriating in this bill for machinery for public improvements? I should like to have that information.

Mr. SMITH of Iowa. It would be impossible for me to tell the gentleman how much is appropriated in various items for machinery.

Mr. GAINES of Tennessee. I thought, as the gentleman seems to have mastered this bill so well, that, possibly, he might be able to tell us. I should like to know. This bill carries about $94,000,000 and provides for millions to be spent in buying machinery. Mr. Chairman, of course we have a right to know, and the public has the right to know.

I had the pleasure a few evenings ago, in whiling away some of the hot evenings that we have experienced, to examine the volumes of testimony taken by the Industrial Commission, to find in Volume XIV, pages 528 and 533, a most intelligent statement on the prices of machinery, made by the gentleman from Massachusetts [Mr. LOVERING], treasurer of the Merrimac Mills, He said "protection" had so protected the machine builders that "they have a scheme whereby there is but one price for anything in this country." He said he wanted the tariff revised, so he could import machinery. "I am an exporter. I want the world." He exported to South America, China, Africa, and competed with England and other countries, he stated. His mills paid a semiannual dividend of 3 per cent. His concerns—several mills—were capitalized between six and seven millions. I regret that I have not the statement here, but I ask unanimous consent to print it in the RECORD. It is short.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

BOSTON, MASS., *February 20, 1901.*

Testimony of Mr. Charles L. Lovering, treasurer of the Merrimac Mills.

The subcommission being in session in the rooms of the Home Market Club, Mr. Clarke presiding, at 3 o'clock p. m. Mr. Charles L. Lovering, of Boston, treasurer of the Merrimac and other mills, was introduced as a witness, and, being duly sworn, testified as follows:

Q. (By Mr. Clarke.) Please give your name and post-office address.—A. Charles L. Lovering; Taunton is my voting place and Boston my living place; post-office box 2344, Boston.

Q. Please state your official relation to manufacturing companies.—A. I am treasurer of several corporations.

Q. Name them or some of them.—A. Yes; of the Massachusetts Cotton Mills, of Lowell; the Merrimac Manufacturing Company, of Lowell; the Massachusetts, in Georgetown, Ga.; the Merrimac Manufacturing Company, at Huntsville, Ala. The Alabama concern is not a separate corporation; it is a part of the northern mills; it is a property I am not particularly familiar with.

Q. Any other mill in Massachusetts except at Lowell?—A. I am treasurer of the Whittington Manufacturing Company, at Taunton, but it so happens that my brother does most of the work. He is the assistant treasurer and does whatever has to be done there except when we want a little money or cotton.

Q. Are all these mills engaged in manufacturing cotton goods?—A. Entirely.

A VICTIM OF PROTECTION WANTED TARIFF REVISION.

Mr. GAINES of Tennessee. The distinguished, intelligent, and very frank witness under oath, the gentleman from Massachusetts [Mr. LOVERING] on tariff revision, said:

Q. (By Mr. CLARKE.) Would you like to have the tariff revised or let alone?—A. I would like to have it revised. I am an exporter. I want the world.

Q. How would you like to have it changed?—A. That I am not able to tell you. I can not go into that discussion, but I know there are places where we are a little bit handicapped. For instance, if I want to make a repair up here at the mill at Lowell or in the South I am handicapped with the high cost of machinery—two and a half times as much as the English price. The English can build a mill and capitalize it at a third of what we can here. That means something in the cost of goods in the long run.

Q. You would like to be able to get cheaper machinery?—A. I would like the machinery somewhat reduced. The machinery builders of this country are so well protected that under the protection they have a scheme whereby there is but one price for anything in this country.

Q. Does this fact apply to machinery on which they have patents, or otherwise?—A. I do not refer to the patent part of it. The time was, a few years ago, when you could get two or three prices on machinery. They said they did not make money that way. I am not going to dispute that, but when you get the price of goods way down below, we can not get the machinery down to help us out any.

Q. You think the high price of machinery, then, is largely on account of the duties on it?—A. I think the manufacturers are enabled under the duties to combine. For instance, several years ago I was interested in a large cotton-yarn concern; and at that time we could bring all our cards from England at a low price because we could bring them here and pay the duties and save quite a little amount and get as good a card. A ring spinning frame is better built in this country than abroad. A large proportion of the machinery all through the carding room is equally good abroad, and could be got at a less figure at that time. But I am not a complainer in any sense. I do not think we can go on in this country making cotton goods at the rate we are now making them without an outside market and a much larger one than we have to-day.

Q. Do you think there is anything in the way of getting that market except the high cost of machinery?—A. I do not know that I would say that there is not. There are some countries I imagine we can not get into. I have not much knowledge about it. There are countries we can not put our goods into.

Q. Then any change in our tariff would not affect that?—A. It might. We might be able to get into other countries.

Q. (By Mr. LITCHMAN.) Have not they got the advantage of the importation of machinery without the payment of duty?—A. Oh, yes; Germany has.

Q. How could you possibly get into those countries?—A. We do not expect to put any cloth into Germany or England.

Q. How could you get into the ccuntries that Germany supplies, except by a reduction in the price of labor?—A. I tell you now I honestly think that notwithstanding the high cost of labor per yard in this country a great many goods are made at as low a price as they are made in Germany with low-price labor.

Q. On account of superior skill and production?—A. Yes; better climate, etc. But I am not much of a talker on the tariff, except that I want all the outside markets we can get; and I am free to say we can not go on and make goods as we are now doing without such market.

Q. (By Mr. CLARKE.) Does the prospect of revising the tariff have any effect on business generally?—A. It does, but it is a thing which

the poeple will get over after a while. Sometimes you have to have a herculean operation to cure a man—cut off his leg or something.

Q. The business depression, then, incident to a revision would not deter you from advising a revision?—A. No; it does not. I should not be intelligent enough to make the revision; I do not know enough about it, but I think that to live and let live the world over is rather the best way to get along.

Q. You think the cotton-goods schedule can stand any reduction?—A. Almost everything I make can get along without any tariff, because we can beat England now in many markets. The English can not make a drill of the same capacity, of the same standard as we make, and compete with us in China. They make an inferior drill and therefore get there.

Q. If you had no duties would there be any danger of the dumping of the surplus stocks in this country so as to demoralize the market?—A. I do not think so. But everybody must be treated with the same consideration, in my opinion. I do not think you can discriminate in my favor against somebody else making finer yarn.

Q. Notwithstanding the practical difficulty of revising the tariff you would still recommend it?—A. I would recommend a lower tariff. It occurs to me if there was a lower rate of duty properly applied to all productions it might be better for the country. We go to work and make goods at a high cost, and then raise the labor; and everything that labor has to buy it has to pay more for, so that it is not much better off. I think, however, labor is as well paid to-day as I have known it to be in this country.

Q. Are the goods you sell more expensive than a while ago?—A. A good deal. It is not two years since that our goods have increased in cost at Lowell 20 per cent. The increase is 25 per cent since 1888.

Q. What is that increase in cost due to?—A. To two 10 per cent advances in labor, which makes 20 per cent; and in the supplies that go into it.

Q. If the tariff was reduced, would not labor have to be content with a less wage?—A. Yes; but it could buy what it gets for less. The point is, the lower you can offer a commodity to the world the bigger business you can do. You can do twice as much business with China with a drill at 5 cents as at 7 cents. The same is true in South America; it is also true in Africa. Those are the great consuming countries of the coarse products made North and South in this country.

Q. Before this present war in China, were the Chinese manufacturing cotton goods to some extent?—A. Yes; to some extent. I do not know to how great an extent, but their goods never interfered with well-made and well-constructed American goods. They did not take the same place. They went to parts of China where they were willing to wear an inferior article.

Q. Do you know of any reason why they can not produce as good goods there as you can here?—A. I do not think they can. The morale of the country or of the labor there is not at all commensurate or to be compared with ours. The very idea that a man can live on a cent's or two-thirds of a cent's worth of rice does not to my mind permit him to compete with the man that lives on a piece of beef.

Q. Are you familiar with cotton goods made in India?—A. I have seen them.

Q. How do they compare?—A. I do not think they are as good as goods made in England.

Q. Have you seen any of the Japanese cottons?—A. Yes.

Q. How do they compare?—A. Very well made, indeed.

Q. Do you understand the cotton manufacturing industry is rapidly increasing in Japan?—A. It is said to be and must be, because I believe the Japanese took something like 100,000 bales of cotton from this country last year.

Q. Do you know what it costs per yard to bring cotton North from Alabama to New York?—A. No; I can not tell you. I was shipping some goods to Shanghai; I believe that is where they were to go. We had already contracted to ship some by way of California direct from the Southern mill, making the New York allowance of freight 53 points. We made some shipments that way, but it came out we could send the goods by way of New York and by way of the Suez Canal for 98 points, whereas they went for 115 from the Southern mill, against which we allowed 53 points.

Q. You understand Japan is exporting some cotton yarns and cotton cloths? A. I have heard so.

Q. Do you know how wages compare in Japan with Massachusetts?—A. I do not. I suppose they must be a great deal less.

Mr. SIMS. Mr. Chairman, where is the Clerk now reading?

The CHAIRMAN. Page 93, line 12.

Mr. SIMS. Mr. Chairman, three days ago the chairman of the committee agreed that I might have fifteen minutes for discussion of a particular subject not in this bill, and I have been waiting until such time as he was willing that I might have it, and having reached the time when there is nobody here but the leaders of the House, he has consented that I shall have it at the present time. [Laughter.]

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that he may address the committee for fifteen minutes. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, my purpose in rising at the present time is to make some comment upon a matter that has just been given out by the Post-Office Department on the question of rural mail boxes. I will read from it, and then comment on a portion of it and add it in full at the conclusion of my remarks. I would like to have the attention of the leaders of the House as I comment upon what the Post-Office Department has given out as a justification for requiring rural mail patrons to use and put up prescribed boxes. I now read from said statement, in part, as follows:

When rural delivery was first introduced as an experiment, and up to August 1, 1901, there was no requirement as to the kind of boxes to be used for the reception of mail on rural routes, but patrons could and did erect any sort of receptacle for the purpose that suited their fancies, and those included every conceivable sort—cigar and cracker boxes, oil and powder cans, old bootlegs, tiling, rabbit gums, and shingles nailed together—affording no protection from the weather, and were as unsightly as they were inappropriate.

As a result of this condition the Department was constantly in receipt of complaints of losses of or damages to mail, necessitating investigations involving both time and expense, and also of complaints from the owners of property in front of whose premises such receptacles had been erected by others, and they were a disgrace to the community and to the service, accompanied by demands for their removal.

These complaints became so numerous that the Postmaster-General, with a view to securing the adoption of a standard that would enable patrons to provide themselves with boxes that were weatherproof and fit receptacles for mail, and at the same time would be in keeping with the ideal contemplated for the service, appointed a committee, composed of postal officials, to examine and report upon boxes submitted to it. This committee selected fourteen boxes from the number submitted, and these were approved by Department order of March 28, 1901, and it was required that in all rural free-delivery service established on and after August 1, 1901, only these boxes should be erected and used.

It having developed that the order of March 28, 1901, gave the manufacturers of the fourteen approved boxes an advantage in the business of supplying boxes, another order was issued by the Postmaster-General, dated July 9, 1902, providing that in all service established on and after October 1, 1902, patrons must provide themselves with and erect boxes conforming to the specifications therein set forth and approved by the Postmaster-General, as provided in the order. By the terms of this order any person or firm could secure the approval of and manufacture boxes, provided they conformed to the specifications and requirements.

In a former part of said statement the following appears:

It is true that patrons of the star-route mail service are permitted to erect and receive their mail in any sort of receptacle they may see fit to erect, while patrons of rural delivery are required to provide themselves with "approved" boxes, but the purposes and requirements of the two services are essentially different. In the star-route mail service the primary object is to furnish post-offices with a supply and dispatch of mail, which service is rendered by a contractor, and incidentally to deliver to and collect mail from the boxes of patrons along the lines of these routes, wholly at the risk of the patrons, but this latter service is not general.

Mr. Chairman, I want to say that I do not rise for the purpose of using hard language toward the Fourth Assistant Postmaster-General. I have not the honor nor pleasure of his personal acquaintance. I never met him. I do not know Mr. Spillman, the superintendent of rural delivery, and I never met a more pleasant gentleman and never talked with an official that seemed to understand better his duties and to perform them more faithfully.

I take it that these regulations have been inherited by the present officials, that they came down to them from their predecessors, and I will not hold them responsible for the institution of these regulations; but I do hold them responsible for not modifying and abolishing them where they are not found to be justified or for the best interests of the service, and to that end I introduced a bill on the 30th of April last which reads as follows:

A bill (H. R. 18802) providing for the construction and erection of rural free-delivery mail boxes.

Be it enacted, etc., That patrons on all rural free-delivery mail routes now established or that may hereafter be established may put up for their individual use boxes constructed of such material, either wood or metal, as they desire, subject to all existing and such future regulations of the Post-Office Department as may be prescribed by the Postmaster-General, and that carriers on all rural mail routes shall deposit mail in such boxes in like manner as in boxes now in use.

I have been unable to get the Committee on the Post-Office and Post-Roads to act on this bill. The chairman of the committee is opposed to this bill. But in the Senate the bill was put on as an amendment to the Post-Office appropriation bill, except that it left out the provision for the regulation of the boxes by the Department. Now, this statement from the Post-Office Department leaves the impression upon the public that the patrons of the rural free-delivery service, when not required by ironbound regulations, put up old boot legs, cigar boxes, oil cans, powder cans, and tiling.

As every Congressional district in the United States is represented on this floor, I want some gentleman to rise and inform me if the people of his district had no more pride and no more self-interest than to be guilty of that which is here charged. I want to say that, so far as my own district is concerned, there is not a word of truth in it. There is neither white nor colored, Caucasian or negro, in my district to whom the service was extended that has no more self-interest and pride than to put up the kind of box here charged. I ask the Fourth Assistant Postmaster-General to specify and let us know where the people live, whether North, East, West, or South, that are guilty of what is here openly charged. If people who are furnished this service at the Government expense have no more appreciation of it, the right treatment would be to discontinue it instead of prescribing that they must buy an approved box.

Mr. Chairman, if the question were that the Department should prescribe the essential features or dimensions or manner of putting up, the manner of opening and fastening boxes, leaving the patron to make them, as my bill provides, there would be no objection made.

The Department has approved boxes made by certain indi-

viduals and manufacturers, and every time we send in a petition signed approving the establishment of a rural route directions are sent out, including a sheet upon which the names and addresses of manufacturers are given whose make of boxes has been approved from whom the patron can procure the box. The Post-Office Department by this act is advertising at public expense the business of private individuals and corporations. Why can not the Department provide that these boxes may be either of wood or metal, 14, 15, or 20 inches long, a foot deep if necessary, and a foot wide, and shall be so constructed as to protect the mail from the weather, and leave the citizen, the patron, to make the box himself or have it made according to the regulations, without prescribing that he must buy the box of a selected manufacturer, corporation, or individual?

Mr. TIRRELL. May I ask the gentleman a question?

Mr. SIMS. Certainly.

Mr. TIRRELL. Does not the gentleman think it would be desirable to have a uniform box, so that it would be recognized as the United States post-office box, and so that you would have a uniform box, and how could you get a uniform box without the method adopted by the Post-Office Department?

Mr. SIMS. They are not now uniform, as stated in that communication. The price ranges from 50 cents to $4. This of itself shows they are not uniform. I have read to you that the Department permits boxes to go up on the star routes without any kind of regulation. Now, I want to make the charge, and it can not escape the common sense of any Member of this House, that if the same people on the rural route, unrestrained, will put up boot legs for boxes that they will do it on the star routes where unrestrained. Yet they are not required to put up any kind of an approved box on the star route, but the Department says the dignity of the carrier ought to be considered—in substance, that he is appointed by the Civil Service Commission, and that he is this, that, and the other. Why, if the President of the United States were going to deliver a letter in a box, does it make any difference to the President whether that box was made by the patron or by his neighbor, or has the approving stamp of an autocratic individual upon it from the Department?

Mr. LLOYD. Mr. Chairman, I would like to ask the gentleman a question. If you were to change the law, would you require the Government to follow the directions of the Fourth Assistant Postmaster-General and the law relating to rural carriers in this, that when the mail is put in the box the individual who takes that mail from the box, who performs any depredation upon the mail or to that box, shall be criminally liable; or would you carry out the other idea, as advocated by the Second Assistant Postmaster-General, that so soon as the mail is deposited the Government has lost all control over it and there is no liability for any depredations to it, except such liabilities as would come under the State law for depredation in the way of stealing or purloining?

Mr. SIMS. I would adopt the action and ruling of the Second Assistant Postmaster-General instead of the Fourth Assistant, if I could do so, but even if we have United States supervision in the nature of the extension of criminal statutes to the boxes it still does not necessarily follow that the Department must approve the identical box used.

Mr. LLOYD. Is the letter to which the gentleman referred one that was received from the Postmaster-General or from the Fourth Assistant?

Mr. SIMS. It was given out to the newspapers by the Post-Office Department. A newspaper man gave it to me and said it came from the Fourth Assistant.

Mr. LLOYD. The gentleman is aware, is he not, that the Postmaster-General says that they have now under consideration a method of determining which system shall be adopted, that which is now adopted by the Second Assistant Postmaster-General, to wit, that a man can put up any kind of a box he pleases, or that which follows the rural system, requiring a certain specified box?

Mr. SIMS. No; I did not know that.

Mr. LLOYD. The Postmaster-General now has that under advisement, as he said to us, and is to settle the matter some way very soon.

Mr. SIMS. I am very glad the Postmaster-General is giving this his attention, but I do not want to get away from my point, although I thank the gentleman for his lucid statement.

If people unrestrained will use a box that is a disgrace, as is herein set forth, then they must now be using them along star routes. The Fourth Assistant Postmaster-General has refused in my district to establish a rural route because part of the route was served by star route.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LLOYD. Mr. Chairman, I ask that the gentleman's time be extended for five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time of the gentleman from Tennessee may be extended for five minutes. Is there objection?

There was no objection.

Mr. SIMS. At the present time the Fourth Assistant Postmaster-General, by refusing to establish rural service over territory served by a star route, is virtually admitting that the star route box service is equal to the rural service. If not, he should establish rural routes where they are served by the star routes, and this he refuses to do. I wish now to read a letter to the House. I know the impression is that this trouble comes from the South. I have received more letters from the North than I have from the South, approving my bill. I will read one which was sent here to me and the one which inclosed it. They are as follows:

LEWIS F. LINDAL,
ATTORNEY AND COUNSELOR AT LAW,
Washington, D. C., June 4, 1906.

Hon. T. W. SIMS,
House of Representatives, Washington, D. C.

DEAR MR. SIMS: I received your letter of recent date and also copies of your speech on the rural mail-box question. I wish to thank you heartily for the same.

This question is beginning to come to the notice of the people of western New York (my native State), they having learned only a short time ago of your bill to do away with "approved" boxes. I inclose you a letter which I received this morning which explains itself, and which I hope you can make some use of. The writer is the secretary of the county grange, a very strong organization in that section of the State. I suggested to him that this matter be taken up by the grange If you have any literature which you would care to send to New York for the purpose of agitating this question, I should be pleased to furnish you the names of persons for that purpose who would be apt to push the matter.

Yours, very truly, LEWIS F. LINDAL.

CHAUTAUQUA COUNTY POMONA GRANGE,
Jamestown, N. Y., June 1, 1906.

LEWIS F. LINDAL, *Washington, D. C.*

MY DEAR SIR: I noticed in a local paper to-day that a bill had been introduced in Congress for the relief of patrons of rural free-delivery service who do not happen to have "approved" boxes. In this section one of the patrons has made 75 or 100 boxes for his neighbors. They were made of galvanized iron, the same dimensions of an "approved" box. My box was used first August 16, 1900, almost six years ago, and is just as good as the day it was erected. Now, I have received notice from the Post-Office Department I must get an "approved" box or not receive mail by carrier. It is certainly most unreasonable, as my box is much better than my nearest neighbor's, who has an "approved" box, but has had it painted three times to keep it from rusting out entirely, but that box is all right because it is "approved." I sincerely hope a bill for our relief will pass Congress. I shall be very glad to hear from you in regard to this bill, and what may be done by the patrons who do not have "approved" boxes to secure its passage.

Most sincerely, yours,

A. A. VANVLECK.

It will be seen that where patrons put up galvanized-iron boxes, that were better than the approved boxes, before the Department made the order for the approved box, they were compelled to take them down and to lay aside a box in every respect better and more protective to their mail than the boxes approved by the Department. Besides, these approved by the Department are nearly all patented; I don't know but that they all are patented. A patent is a monopoly, and when you prescribe that the citizen shall only use patented boxes you say he must patronize a monopoly; and what could appeal to a free citizen as a greater outrage or a more tyrannous practice than for a Government official to say that he must lay aside a box he had already put up of superior make and quality and put up an inferior box simply because the word "approved" was not stamped on the first box?

Mr. POU. May I ask the gentleman a question?

Mr. SIMS. Certainly.

Mr. POU. I understand on reliable authority that some of these boxes that are sold for $1.25 do not cost over 25 cents. If the Government is going to require patrons of this service to use a particular kind of box, do you not think it but fair and just the Government should furnish the boxes to the people at a fair cost?

Mr. SIMS. Mr. Chairman, that is exactly what it is going to lead to, and the gentleman who has addressed me has introduced a bill along that line. It is more logical and just than to require them to put up a patented article with a Department approval, but I am not in favor of that. The people are willing to make and erect their own boxes and put them where convenient for the carrier—boxes that are a protection to the mail and which in all respects serve the purpose as good as any patented monopolistic box now in existence made of steel and iron, which we know to-day is controlled by one of the most gigantic trusts of this nation. This matter is now in conference on the post-office appropriation bill, and the conference committee can shape the Senate amendment in the bill so as to

make it apply. Why not provide in general terms that boxes must be of certain dimensions that will answer the service, without saying to patrons you must buy from certain manufacturers, and give a list and advertise these manufacturers free of cost to themselves, who are in the first instance protected by Government monopoly in the way of patents?

Mr. Chairman, to go into this matter further would require more time than I feel like asking the committee to give me at this time. [Applause.]

The following is the full text of the paper from which I have quoted:

There has recently been considerable discussion on the subject of the requirements of the Post-Office Department affecting rural mail boxes, such discussion including suggestions that patrons of the service be permitted to make their own boxes and that the boxes may be either of metal or wood, no restrictions as to size, material, and manner of construction to be imposed. Most of the arguments advanced against the existing practice of the Department have been to the effect that as any kind of mail box may be used in the star-route mail service, patrons of rural delivery should be accorded the same privilege and that they should not be required to buy "a patented box at an excessively exorbitant price."

It is learned, upon inquiry at the Post-Office Department, that in return for the vast sums of money expended in maintaining rural delivery and the inestimable benefits derived through it patrons of the service are asked to do but two things, namely, to provide themselves with and properly erect suitable boxes, which are weatherproof and fit receptacles for mail, not necessarily boxes that are patented, and to maintain the roads over which rural routes are laid out in condition to be traveled with facility and safety at all seasons of the year.

It is true that patrons of the star-route mail service are permitted to erect and receive their mail in any sort of receptacle they may see fit to erect, while patrons of rural delivery are required to provide themselves with "approved" boxes, but the purposes and requirements of the two services are essentially different. In the star-route mail service the primary object is to furnish post-offices with a supply and dispatch of mail, which service is rendered by a contractor, and, incidentally, to deliver to and collect mail from the boxes of patrons along the lines of these routes, wholly at the risk of the patrons, but this latter service is not general.

In the rural delivery service the delivery of mail to and the collection of mail from patrons is the principal object, the supplying of intermediate post-offices being purely incidental to the service, where rendered necessary owing to the discontinuance of such supply by star-route carrier. But besides this, rural delivery affords to its patrons all the postal facilities to be had at post-offices—the sale of stamps, stamped envelopes, stamped paper and postal cards, the registry of mail, and issuance of money orders. Rural carriers are appointed upon certification from the Civil Service Commission, and from the nature of the service they are required to perform must possess higher qualifications than those necessary or demanded in the star-route mail service.

When rural delivery was first introduced as an experiment, and up to August 1, 1901, there was no requirement as to the kind of boxes to be used for the reception of mail on rural routes, but patrons could and did erect any sort of receptacle for the purpose that suited their fancies, and those included every conceivable sort—cigar and cracker boxes, oil and powder cans, old bootlegs, tiling, rabbit gums, and shingles nailed together, affording no protection from the weather, and were as unsightly as they were inappropriate.

As a result of this condition the Department was constantly in receipt of complaints of losses of or damages to mail, necessitating investigations involving both time and expense, and also of complaints from the owners of property in front of whose premises such receptacles had been erected by others, that they were a disgrace to the community and to the service, accompanied by demands for their removal.

These complaints became so numerous that the Postmaster-General, with a view to securing the adoption of a standard that would enable patrons to provide themselves with boxes that were weatherproof and fit receptacles for mail and at the same time would be in keeping with the ideals contemplated for the service, appointed a committee composed of postal officials to examine and report upon boxes submitted to it. This committee selected fourteen boxes from the number submitted, and these were approved by Department order of March 28, 1901, and it was required that in all rural-delivery service established on and after August 1, 1901, only these boxes should be erected and used.

It having developed that the order of March 28, 1901, gave the manufacturers of the fourteen approved boxes an advantage in the business of supplying boxes, another order was issued by the Postmaster-General, dated July 9, 1902, providing that in all service established on and after October 1, 1902, patrons must provide themselves with and erect boxes conforming to the specifications therein set forth and approved by the Postmaster-General as provided in the order. *By the terms of this order any person or firm could secure the approval of and manufacture boxes, provided they conformed to the specifications and requirements.*

Since the promulgation of this order, 199 individuals and firms have qualified as the manufacturers of 299 different styles of approved boxes, varying in price from 50 cents to $4 each, the average price per box being about $1.

Since its promulgation on July 9, 1902, the Department has been steadily, but without undue harshness, enforcing the order and eliminating all nonapproved rural mail boxes, whether erected prior or subsequent to October 1, 1902, the date the order became effective, and out of the thousands of boxes condemned complaints have been received from not more than one-tenth of 1 per cent of the patrons affected.

The process of eliminating the nonapproved and otherwise unsuitable boxes has been nearly completed, and practically all of the boxes now in use on rural routes are those which have been approved. A relaxation of the rule described would undoubtedly within a short period reestablish the discreditable conditions which prevailed in the matter of boxes before approved boxes were required.

The Clerk read as follows:

For extraordinary repairs of the Executive Mansion, to be expended by contract or otherwise, as the President may determine, $35,000.

Mr. PADGETT. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee what expenditures or extraordinary repairs are contemplated by this provision?

Mr. TAWNEY. If the gentleman will turn to the hearings, Colonel Bromwell, when before the committee, gave a detailed statement——

Mr. PADGETT. Is it not a fact that within four years we have spent about $700,000 repairing the Executive Mansion and putting it in condition?

Mr. TAWNEY. I do not think it is a fact; I do not know the exact amount that has been expended.

Mr. PADGETT. Something like six hundred thousand or seven hundred thousand dollars.

Mr. TAWNEY. Six hundred and eighty thousand dollars is the exact amount.

Mr. PADGETT. That is nearly $700,000, and I did not suppose we would be called upon for extraordinary repairs so early.

Mr. TAWNEY. My colleague on the committee [Mr. SMITH of Iowa] is more familiar with the details of that extraordinary expenditure than I am, and I will ask him to explain the matter.

Mr. SMITH of Iowa. At the ordinary east entrance of the White House, where guests are received at formal functions, the gentleman will remember that guests pass back through a narrow hall, with cloakrooms upon both sides. Just south of that building is a covered way, or a way with columns, to the south, along which some of the guests are escorted and allowed to enter directly to the basement of the old building. It is proposed to inclose that covered way, so as to vastly increase the facilities for getting people into the White House at receptions and other functions there.

Mr. PADGETT. Open that way to more people than now?

Mr. SMITH of Iowa. Oh, it will accommodate several times as many people, in my judgment, as it does now, and it is believed, and experience has demonstrated, that this entrance is so narrow and the accommodations so poor and delay so great to the guests who are being received there, it is only proper that this means of ingress and egress from the White House should be widened so as to expedite the movement of the crowd both ways.

Mr. RUCKER. May I ask the gentleman a question? How long is it likely to be before the improvement will be completed?

Mr. SMITH of Iowa. Oh, during the next fiscal year.

Mr. RUCKER. I am glad of it, because, from present indications, a great many people are going to the White House in the next few years. This item also covers other extraordinary improvements at the White House.

Mr. POU. Mr. Chairman, I wish to say a few words, supplementing the remarks of my friend from Tennessee, respecting the ruling of the Post-Office Department, that patrons of the rural free-delivery service shall not make their own boxes, but must buy boxes put on the market by the trusts. I am not making these remarks for home consumption, either; I want to appeal to the Members of this House to pass a bill allowing the patrons of this service to make their own boxes or have them made. Gentlemen, why should these people not be allowed to make their own boxes? The Post-Office Department could say what kind of a box should be made, and the patrons of the service could easily have boxes made conforming to such requirements; and they could have boxes made just as good as those sold by the trusts, just as good as those the Postmaster-General requires them to use, at about one-third of the price they are compelled to pay now.

A few weeks ago I went into a hardware store where a large number of these boxes were on sale, and I was told by the proprietor of that establishment that boxes which he was compelled to sell for $1.50 could be manufactured for 30 cents. He said he was forced to sell at a profit and could not afford to charge less than $1.50 for one class of boxes and $1.25 for another, but that either kind of box shown could be made for about 30 cents. I am told that a worthless sort of box is offered for 50 cents, but the point I am trying to make is this: It is wrong to allow the Post-Office Department to say to the patrons of this service, "You must use boxes prescribed by this Department or you shall not have your mail delivered to you. You shall not make your own boxes. You shall not employ some one else to make them, but you must buy from manufacturers who enjoy the favor of this Department or you shall be denied the benefit of a service which you yourselves largely pay for." This, Mr. Chairman, is in effect what we allow the Post-Office Department to say, and I declare to you it is wrong.

Why shouldn't the people be allowed to provide their own boxes in accordance with reasonable requirements? Will any gentleman rise here and now and give one single reason why they should not be accorded this privilege?

Let the truth come out. Is it not because the Department

wishes to help certain manufacturers? It can not be because of the necessity for uniformity in the kind of boxes used, for there is no uniformity nor is there any necessity for such uniformity. I believe I have myself seen half a dozen different shapes of boxes. All that is necessary is a box which will keep the mail dry. I see no reason why wooden boxes may not be used, but I will not press that suggestion. Let the boxes be made of sheet iron or any other metal; let the Department make any reasonable and sensible requirement, and then if the trusts can put their boxes on the market cheaper than the people can have them made, then the people will probably buy from the trusts; but in the name of common decency don't let a ruling stand which requires, compels, forces millions of American people to patronize the trusts. God knows we are largely at the mercy of the trusts anyway, but let us frame a law which will stimulate the manufacture of these boxes in every town in the land. There are men in almost every town who would be glad of the chance to make these boxes at prices less than those charged by the trusts.

I wonder if the companies which make these boxes contributed anything to the great fund our present Postmaster-General raised in the last campaign as chairman of the Republican National Committee? They certainly should have contributed to that fund, for they are allowed to charge a profit of 100, 200, and even 300 per cent for goods manufactured by them and which the people are forced to use.

In conclusion, I say, Mr. Chairman, if the people of this country who use the rural free-delivery service are not allowed to have their own boxes made, then the Government should at least see to it that they get their trust-made boxes at actual cost. I have introduced a bill, now pending before the Committee on the Post-Office and Post-Roads, which requires the Postmaster-General to buy these boxes from the lowest bidder and then furnish them to the people through the post-offices of the country at actual cost. I do not know why some action is not taken to prevent the trusts from extorting money from our constituents. I suppose my bill will sleep the eternal sleep of nearly all antitrust bills introduced since I have been a Member of this body; but let me tell you, the people are restless under this great injustice, and the day is not far distant when you will hear from them. This unjust requirement of the Department is one reason why this service is not patronized by many of the people. They can not understand why they are not allowed to manufacture their own boxes. They know they are forced to pay more than the boxes are worth, and rather than submit to a flagrant wrong many of them refuse to buy boxes.

Gentlemen, this is an important matter. Thousands, it is true, have already paid tribute to the trusts by purchasing boxes, but there are thousands who have not, and in the name of ordinary decency, I say, let us emancipate our constituents in this matter, at least, as far as possible from the domination of monopoly. [Applause.]

The Clerk read as follows:

For the traveling expenses of the President of the United States, his attendants and invited guests traveling with him, to be disbursed at the discretion of the President, $25,000.

Mr. WILLIAMS. I want to reserve the point of order upon the clause just read.

The CHAIRMAN. On lines 3 to 6, inclusive, on page 94.

Mr. SULZER. Mr. Chairman, I want to offer a substitute for that provision.

Mr. WILLIAMS. Well, I am reserving the point of order.

Mr. SULZER. I offer the following as a substitute.

Mr. WILLIAMS. The point of order is first. Mr. Chairman, I reserve the point of order, and I wish to ask for unanimous consent for ten minutes in which to give my reasons for making the point of order.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent for ten minutes. Is there objection?

Mr. TAWNEY. On the point of order?

The CHAIRMAN. For the purpose of explaining why he makes the point of order.

Mr. WILLIAMS. I reserve the point of order, and ask for ten minutes to give my reason for making it.

The CHAIRMAN. Is there objection? [After a pause.] The chair hears none.

Mr. WILLIAMS. Now, Mr. Chairman, this is really, substantially, and in effect an addition to the salary of the President. It is put here, in the language just read by the Clerk, as "traveling expenses." But it means an increase of the salary of 50 per cent.

Now, Mr. Chairman, there are a great many salaries that ought to be increased. It is very doubtful, indeed, if Members of the House of Representatives and the Senate ought to serve the people at the present cost of rent and living generally in Washington upon as small a salary as they do. They get nothing but the salary, and every other year Members of this House must run again if they intend to stay in the House. Even in a Mississippi district, where it costs no money to go into an election, where there is no use of money in any wrong way, or even in any ostentatious, legitimate way one can not go through one's district, pay the livery bill, railway fare, hotel bills, and the balance of it for less than $800 or $1,000. That reduces the salary of a Member of Congress, say $1,000 every two years, or to $4,500 a year, say, in round numbers. In addition to that, he must pay for his speeches which go out to his constituents, and must go in order that they may have adequate knowledge of what he is doing here and sometimes they cost a good deal. In my own case, for example—not a perfectly fair average example, perhaps—I paid out over $250 in one week—last week. That, however, is above the average, because of the peculiar party situation which I hold. But no Member can escape a very considerable expenditure for speeches. Then most Members must in a Congressional or Presidential year go on the stump to help their party away from home. Seldom, in a Presidential year, do I get over for less than $700 to $1,000. There are many other expenses attached to the place. One's net salary, after deducting all these, is between $3,500 and $4,000 per year.

Now, then, Members of Congress can not—or, at any rate, I feel as if I could not—vote to take money out of the Treasury and put it in my own pocket, no matter how much it was needed, no matter how much it were deserved, no matter how inadequate. I have seen but one way by which an increase of Congressmen's salaries might be arrived at. That is for Congress to pass a resolution asking the defferent States to have inserted on the State ticket, when they elect Congressmen at the next election, a clause submitting the proposition if Congressmen shall have $7,500 a year, with a place to vote "Yes" and a place to vote "No," a sort of plebiscite, so that Congressmen might not themselves be put in the attitude of voting upon a question where they had a direct interest, so that the people themselves, who pay the money, may decide the question. The question if presented here would be a question I could not meet by an affirmative vote with my view of what I ought to do. But, although there are many insufficient salaries under the Government—some of the Cabinet officers are perhaps paid too little; undoubtedly the Speaker of the House of Representatives is paid far too little; undoubtedly the Vice-President of the United States is not paid enough—although there are some inadequate salaries, the President's salary is not one of them. The President of the United States is paid an abundant salary. In the first place, he gets $50,000 a year. In the next place, he gets all of his clerical aid of every description. He gets upon the rolls of the Government nearly every servant, if not every one, who is employed about the White House. He gets a house free at the public expense. He gets it furnished at the public expense. He gets at the public expense fuel and light and horses and carriages, and even his flowers. We, the people, as I understand, pay the expense of all public functions—dinners to ambassadors, etc. There is almost nothing that the President pays for except his marketing, traveling, and clothes. So that his salary is almost entirely free. Then, all the maintenance is paid for, and this is growing, because I notice that while White House expenses under Mr. McKinley were about $162,000, in round numbers, they are now about $228,000, in found numbers, as I rapidly compute it by adding the figures in this bill and in other bills that pertain to the subject-matter.

Now, Mr. Speaker, to leave the point of view that this is an increase of salary, and argue it simply as if it were altogether and truly just what it appears to be, to wit, traveling expenses, I want gentlemen to note how this reads—not traveling expenses for the President alone, but "for the President of the United States, his attendants;" and not that alone, but "his invited guests, traveling with him, to be disbursed at the discretion of the President."

But if it were simply traveling expenses for the President himself, I would not be in favor of it. The President might probably have mileage, like Members of the House or Senate, when traveling upon necessary official business, to cover his expenses going to his home from the capital and back. But, Mr. Chairman, what we want to do is to encourage executive, judicial, and legislative officers not to travel, but to stay at their posts of duty. It is getting so that the President of the United States and Cabinet officers are constantly jaunting about the country, very frequently for social purposes and purposes of recreation, still more frequently for political or party reasons—some gentleman says for purposes of edification—getting acquainted with the country, of which one is Chief Magistrate

and the others are Cabinet officers. If a man has reached as high a station as that and has reached the age that these men, generally, have reached and yet needs to be taught the geography of the United States of America, he is a hopeless case; and if, as some gentlemen say, the object of providing traveling expenses is that they may "get acquainted with the people of the United States, their wishes, and their sentiments," the same remark applies. If a man has been big enough and broad enough to be President of the United States, he ought to be acquainted with the sentiments and the views and the interests of the people of the United States as fully as a little bit of jaunting about in a private car could acquaint him, and if he needs to be educated in acquaintanceship with the people and their interests at the expense of the people, then he is the wrong man in the wrong place.

Mr. Chairman, a distinguished American once said—and it made the plutocratic gods on the American Olympus shake their sides with laughter and scorn and hatred—that the President of the United States was "the people's hired man."

In a certain sense that utterance is too narrow; but in another sense it is absolutely true. He and you and I are the people's hired men, and we are hired to do certain work; we are paid certain wages to do it; we are, moreover, paid to remain at our respective posts of duty. There is entirely too much traveling around for recreation and sport and for private business and on party business, not only upon the part of the President and the Cabinet officers, but upon the part of Senators and Members of the House of Representatives as well. [Applause on the Democratic side.] Men may just as well get the plebeian notion, if you choose to call it so, in their heads, that they owe service when they are paid money, just as anybody else owes service when he is paid money to attend to a certain job; call it a "job," if you want to, and make the expression as plebeian as you choose. A man goes to the people of a district, or he goes to the people of the entire country and he says: "I consider myself competent to do certain work. I ask you to pay me so much money, title, and honor, and to send me to such a place to do it;" and then after he gets to the place he seems to think he is a sort of a privileged character who is at liberty to do the work or not, just as he chooses. He does not consider the people at liberty to pay the money or not, just as they choose. He always collects the money; I notice that.

Now, Mr. Chairman, I want to continue to reserve the point of order in order that others may be heard upon the subject-matter, if they choose.

The CHAIRMAN. The gentleman from Mississippi reserves the point of order.

Mr. SULZER. Mr. Chairman, I offer the following as a substitute, and send it to the Clerk's desk to be read.

Mr. WILLIAMS. There will be nothing to substitute if the point of order is sustained.

Mr. SULZER. In that case I will offer it as an amendment, and to be a new section in the bill.

The CHAIRMAN. The substitute is not in order, inasmuch as the point of order is pending.

Mr. SULZER. I should like to have it read now for information, and be considered as pending.

The CHAIRMAN. Without objection, it will be read for the information of the House.

The Clerk read as follows:

That on and after March 4, 1909, the salary of the President of the United States shall be $100,000 per annum, and the salary of the Vice-President of the United States shall be $25,000 per annum, and that the President of the United States shall after his retirement from office receive an annual salary of $25,000 per annum for the remainder of his life; and that any former President of the United States living at the time of the passage of this act shall also receive a salary of $25,000 per annum during the remainder of his life.

Mr. SMITH of Iowa. Mr. Chairman——

Mr. TAWNEY. Mr. Chairman, is that offered as an amendment?

The CHAIRMAN. It is read for information——

Mr. SULZER. That is all at present. I want to have it pending.

Mr. TAWNEY. As I understand, it is just read for information?

The CHAIRMAN. The gentleman from New York asks that it be read for the information of the House, and serves notice that later on he would offer it as a substitute or as an amendment.

Mr. SULZER. Mr. Chairman, have I the floor?

The CHAIRMAN. The gentleman has not. The gentleman from Iowa [Mr. SMITH] has the floor.

Mr. SMITH of Iowa. The gentleman from Mississippi requests me to yield to him to make an additional statement, and I yield simply for that statement.

The CHAIRMAN. The gentleman from Mississippi.

Mr. WILLIAMS. Mr. Chairman, I desire to say this before I take my seat, that I am sincerely sorry that there happens to be a Republican President when I make the objection, and I beg gentlemen will believe that. I would make it much more freely if it were a Democratic President, because then my motive could not possibly be suspected. [Applause on the Democratic side.]

Mr. SMITH of Iowa. Mr. Chairman, it has been stated by the gentleman from Mississippi [Mr. WILLIAMS] that this would amount to an increase of salary of the President of the United States. If I believed that he were right in that, I would not vote for this proposition myself, for I am opposed to any increase in the salary of the President of the United States. I do not so regard this appropriation. From the day that railroads first came to be operated it has been the practice to extend the privilege of free transportation over them to the President of the United States. Whatever may be thought of the system as applied to others, in my judgment the President owes nothing to a railroad company when it hauls him free over its lines. There is not a place in the United States where a President, of any political party, can travel away from this capital that patriotic people will not hurry to the stations where he is to stop to welcome him and to give him generous greeting.

The result is that when the President is about to start upon one of these semiofficial trips, the railroads of the country are anxious that his special train shall travel free over their respective lines. It brings great revenue to the company, because of the great number of persons who crowd into the towns along the line of the route to welcome the Chief Magistrate. The President's trip being thus a means of revenue and not an expense to the railroad company, I personally see no objection to his riding in a special train without paying for it, though I concede the soundness of all the arguments that are made against free transportation for others. It will scarcely be claimed that when other public officials, beneath the rank of President, travel free over the roads they attract such attention as to compensate the company for whatever expense is incident to hauling them. I therefore think there is no impropriety in the President riding in free trains, even though there be an impropriety in other people riding free over the railroads of the United States.

Mr. SIMS. May I ask the gentleman a question?

Mr. SMITH of Iowa. Yes.

Mr. SIMS. Then why not, right now, when we are legislating on the pass question, make the President exempt from it? I think you are exactly right about it, and I do not see any sense and never have seen any in prohibiting the President from accepting the courtesies of a railroad company under the circumstances you name.

Mr. SMITH of Iowa. I am not on the conference committee on the rate bill, and I do not know what can or what can not be done; but I do know that by the rate bill as it passed the Senate and came to this House, and by the rate bill as it came from the committee of conference, as I understand it, the President is deprived of the privilege of riding over any railroad in the United States. Thus, by this material change in the law, his expenses have been vastly increased.

Mr. GAINES of Tennessee. May I make an inquiry?

Mr. SMITH of Iowa. This bill does not provide for increasing the salary of the President of the United States, but it provides for the payment of an expense which has been imposed upon the President of the United States by legislation at this session of Congress about to pass into law.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Tennessee?

Mr. SMITH of Iowa. Certainly.

Mr. GAINES of Tennessee. I want to suggest to the gentleman that under the present law the President has not the right to take free transportation.

Mr. SMITH of Iowa. I am not prepared, Mr. Chairman, to express an opinion upon the much-mooted question whether that is true or not.

Mr. GAINES of Tennessee. It has been passed upon in a general way by the Cooley Commission and by the Federal courts, and from the construction of the statute by them clearly the President has no right to use free passes in interstate transportation.

Mr. SMITH of Iowa. I have heard that it was illegal for him to ride in a free train. I have heard it disputed. I have heard no one claim that he could not buy a single ticket and then ride in a special train.

Nobody claims, so far as I know, that he could not pay a nominal price for a special train. Now, we have swelled his expenses. The question is whether we pay those expenses or

are we going to contract the salary of the President of the United States 50 per cent at this session of Congress? It is not becoming that the President of the United States when he travels to greet these people should be compelled to travel without the conveniences of modern railroad life. The places where his schedule requires him to stop are not places where regular trains make sufficient stop for his purpose. It is absolutely essential upon one of these tours that he should travel in a special train. It is absolutely essential that he shall take with him some of his attendants. It is in accordance with all precedent that he shall take with him representatives of the press, his invited guests. It is customary for him when he reaches the boundaries of a State there to meet representatives of that State to welcome him to its soil. It is customary for the governor, the highest functionaries of state, to come to the State line to greet him and to ride upon his train. Are we going to penuriously say that we will pay the expenses of the President that we have imposed upon him by our own legislation, but we will not let him take his wife or his children with him, we will not let him take his attendants with him, we will not let him take with him the representatives of the press on his train, and when distinguished citizens of the State come to meet and welcome him to the State he must not invite them to ride upon his train because the train is paid for by the Federal Government?

It seemed to this committee that this was a provision to prevent the reduction of the salary of the President of the United States, and that the language here chosen covered just the classes of people that a generous, patriotic people would want to provide for during the trip of the President throughout this land. I know of no section of this country in which the President for the time being is not welcome, and it was gratifying to the people of all the country to see the splendid reception accorded the present President on his last tour through the Southern States. Are we to be told now after this splendid welcome that these trips are of no value; that they ought not to be made; that the American people do not want an opportunity to see their Chief Magistrate and have him see them, but that it is his duty to place himself at the capital, not to venture out of it for the term of his service as President, and for that reason we will not pay his traveling expenses? [Applause.]

Mr. SULZER. Mr. Chairman, I want to say a few words in regard to the matter now under consideration. I do not desire to discuss this provision appropriating $25,000 a year to pay the President's traveling expenses. It is undoubtedly subject to a point of order. What I want to talk briefly about is the subject-matter contained in the bill which has just been read at the Clerk's desk—a bill that I introduced at the beginning of this session of Congress—to increase the salary of the President of the United States so that he can afford to pay his own expenses wherever he goes and whenever he travels.

Now, I agree in part with the remarks of the gentleman from Mississippi, that the salaries of most of the officials of the Government are inadequate and too small at the present time. They should in many instances be increased. The Congress should appoint a joint committee, in my opinion, before we adjourn, consisting of the Members of the House and of the Senate, to revise the salary list of the officials of the United States and report their conclusions and recommendations to us at the beginning of the next session.

There is a demand to-day by the people of this country in favor of increasing the salary of the President. We all know the expenses at the White House are very large, and I do not believe that the Chief Magistrate of the land can save a dollar out of the salary of $50,000 a year. My bill provides that the salary of the President shall be $100,000 a year, but by reason of the prohibition of the Constitution it can not take effect during the incumbency of the present occupant. I do not believe there is an intelligent taxpayer in the country to-day who objects to paying the President a salary of $100,000 a year. It is little enough, all things considered. In comparison with the salaries of Presidents of other countries, the salary of $50,000 a year that we are now paying the President is simply ridiculous. I have no doubt that if the Members of this House were given an opportunity to vote on this bill of mine in accordance with the wishes of their constituents it would be adopted by an overwhelming majority. This bill provides that it shall not take effect until the 4th of March, 1909. It can not apply by virtue of the terms of the Constitution to the present incumbent. It gives the Vice-President a salary of $25,000 a year, and ex-Presidents during their lives a salary of $25,000 annually. It is a good and a just bill, and it should be the law.

It will be remembered that before the last Congress adjourned there was a bill of a similar character pending in this House, and the people all over the country sent up a cry in favor of passing it. The newspapers generally of the country—voicing public opinion—were in favor of it. It failed to pass, however, during the closing days of the last session of the Fifty-eighth Congress. Now, we ought to pass this bill. It ought to be made a law now, so that the next President will receive a salary commensurate with the great duties and the high responsibilities of the great office of President of the United States. The bill has been pending for months in the Committee on Appropriations. I have done all I could to get it reported, but thus far without avail. I hope no objection will be made to it now and that it will be adopted as an amendment to this appropriation bill. We are a rich country and a great country, and we can afford to pay our President and our Vice-President a decent salary. We are entirely too parsimonious in regard to this matter, all things considered. We are paying our officials to-day practically the same amounts that we paid years and years ago. Many of the salaries paid to-day to great officials of the Government are ludicrous when we consider what these officials could earn in private life. The people of this country want honest officials and competent employees, and, in my judgment, they do not object to paying them comparatively fair and just compensation for the services they render.

Now, sir, I believe that if we adopt this bill, if we agree to this amendment offered by me, that it will meet with the approval of the people of the country. I do not believe they want to be small or mean or niggardly in regard to the pay of the great officials of this Government. We are paying practically, as I said, many of them to-day just what their predecessors received at the beginning of the Government, when we were a small Republic of thirteen States, with a population of only a few millions. To-day we are the greatest Republic in the world. To-day we are the greatest power on earth. To-day we are the richest country in all the ages, and destined to grow greater and richer. We ought to pay our officials compensation commensurate with their responsibilities and adequate to the duties they are obliged to perform. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I dislike exceedingly to differ upon any question with the distinguished leader of the minority party, but the duty of disagreement in this case is rendered less disagreeable by reason of the fact that this is not and can not be regarded in any sense of the word as a party question. It is true that the expenses of maintaining the Executive Office have greatly increased since the beginning of the Government, but the country itself has grown marvelously in the interval. It has increased from 3,000,000 to 80,000,000 in population. Its wealth has vastly increased, the habits of our people have become more expensive, and there is a greater demand for greater expenditure on the part of the President than there has been before in the history of the country.

I can not regard this item for traveling expenses as in any sense an increase of the salary of the President. To prove that it is an increase of the salary we would have to be shown that the President has in the past been paying his traveling expenses out of his private purse. I believe the contrary is the fact. It can not be regarded as an increase of the salary, but only a proper provision for the traveling expenses of the incumbent of the highest office in the country. The President is obliged to give great public entertainments, and this must come, if his salary is not sufficient to pay it, out of his private purse. I can not agree with the statement that it is not reprehensible on the part of the President to ride upon a railroad pass. He is obliged to sign or veto laws affecting railroads, and riding at the favor of a railroad certainly puts him under some obligation to that railroad, high as his office is, and makes it more difficult to discharge justly his duties to the whole people, in the event of railroad legislation being brought to him for his signature or veto. I believe that we ought not to require the President to ride upon a railroad pass. A few years ago there was much criticism of the President's extensive travel throughout the country because of the fact that the railroads provided him and his friends, his political as well as his personal friends, with free transportation, with food, with drink, and with cigars. That bill was borne by the railroads. I do not think that is a good practice. I would like to see it discontinued, and I trust that if this money is voted no President of the United States will use it for political purposes, but will use it only for legitimate purposes, according to the intent of the act. If he does not find it necessary to use the whole $25,000, the unused portion will go back into the Treasury.

I find that the expense of maintaining the President's office has very largely increased, and I think it is well to read the items to the House, so that we may know exactly what the

bill is for maintaining that office. First, there is $50,000 for salary, $4,000 for the improvement and maintenance of the Executive Mansion grounds, $35,000 for repairs to the White House and refurnishing it, and for the furnishing and driving of horses, etc., $35,000 this year for extraordinary repairs to the White House, $6,000 for fuel, $9,000 for conservatory and greenhouses, $3,000 for repairs to greenhouses, $25,000 for traveling expenses, $18,800 for lighting the Executive Mansion and grounds, $510 for six arc lights on the grounds, $20,000 for the contingent fund of the President, $66,000 for clerk hire, etc., and $11,000 for the protection of the person of the President. There is an aggregate of $283,310. That is a very large sum, but, in my judgment, a sum that is justified, in view of the great growth of the nation. If we had a system of taxation that would cause all taxes to fall equally on the shoulders of the people, then the proportionate share of each of our 80,000,000 citizens for maintaining the expenses of this office would be one-third of 1 cent in each year, and for my part I would gladly contribute my one-third of 1 cent.

Now, Mr. Chairman, I believe that the President ought to travel when Congress is not in session. There is a legitimate demand for his presence in all sections of the country. I think it would be difficult to overestimate the value from an educational standpoint, and otherwise, of the visits of the Executive among the people of the United States. I believe he ought to be allowed to travel in such a way as to leave him entirely free of all obligations to the railroads of the country. It is much better, it is much more decent, in my judgment, for the people to pay the bills themselves, and I will gladly vote for this trifling sum of $25,000 for that purpose. [Applause.]

Mr. GARDNER of Michigan. Mr. Chairman, it seems to me we are confronted with a situation that deserves at least our thoughtful consideration of this subject. It looks now as though it is soon to be illegal for any public official to ride upon a pass. Not only that, but that measure seems to have the approval of the great mass of our countrymen. Now, the President will be placed in this anomalous position. He must remain at home and have no traveling expenses or he must, if he travels, pay his own expenses, or the Government must pay them, or he must accept the courtesies of the railroads, and doing the last named he does as President that which Representatives, Senators, and members of the Supreme Court are not allowed by law to do. Do we want to place him in that position before the country where from the time he starts upon a journey he is confronted by the declaration: "You are doing that which is illegal in accepting transportation from the railroads;" or compel him to pay his own expenses? I was very glad to hear in the remarks made by the gentleman from Massachusetts, who always says something when he talks, a timely suggestion, that no Chief Executive ought to be allowed to use one dollar of this money, if it is voted, for political purposes in traveling about the country, promoting in a partisan way his own political fortunes. It would be a prostitution of the public money of the country did he take that advantage of the people's generosity toward him, but he should use it, not as a politician, not as a Republican, not as a Democrat, but as the chiefest of Americans.

Mr. SIMS. Who could possibly, with any kind of delicacy, raise any such question upon the President of the United States?

Mr. GARDNER of Michigan. Oh, a great many things have happened in this country we did not expect to happen, and that might. I think the suggestion is a good one, and if this item is to pass, here is the time and place to make it, not in the heat of a political campaign, when some one may be misconstrued or construed for partisan purposes as abusing this privilege. I do not agree with the gentleman from Iowa, if I understood him rightly, that the President virtually pays his own way by the popularity and increased traffic he gives to the road.

There is scarcely a Member of Congress who does not pay his own way to every political meeting he attends, on the same theory that he carries enough passengers to that meeting who would not otherwise go to reimburse the railroad for carrying him, and oftentimes much more. I hope that in future years, when our Presidents retire from that great office, they will not have to be like two or three of their predecessors were—virtually buried at the public expense; others compelled to sell their libraries and their personal effects to eke out an existance in comparative poverty after having held the greatest office in the Republic. Let us pay enough that our Presidents may at least live in dignified retirement when they go out of office, and have enough left to give them respectful burial.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER of Michigan. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan. [After a pause.] The Chair hears none.

Mr. GARDNER of Michigan. I thoroughly agree with the gentleman from Mississippi that we are not receiving enough as Members of this House. One of the saddest things to me is to see a man who has held honorable position in public life, who has given years of honest and faithful service to his country, paid simply enough to meet his current expenses, and when no longer able to serve, is compelled to live at the roadside in comparative poverty while others pass and repass who have grown rich while he has been serving his country for just enough to meet his actual necessities. I am not extravagant, but there has not been a month since this Congress convened that I have lived within my salary allowance, and I am willing to open my books to my constituents or to the country to show them that not one single dollar has been squandered or misused.

So with many Members here on both sides of the Chamber; yet if the honorable gentleman from Mississippi would submit his proposition, with a referendum clause, to the vote of the people, I predict that not 10 per cent in his district or in mine would vote $7,500 as the salary to a Member of Congress; nor in other districts. Not because the people are penurious, but because they do not understand the necessity for the large expenses which a Member must incur.

The Vice-President and the Cabinet officers are not receiving enough. We are sending them back to private life with their fortunes depleted, or in debt, after having demanded of them a certain style of living, to comport with the dignity of the position they are called to fill, by expending several times more than they receive. It ought not to be so. The gentleman from New York has said that this is a great country; a rich country. I would not take advantage of its greatness or its richness, but I do believe that the servant is worthy of his hire, whether it be in public life or elsewhere, not that salaries should be extravagant, but that they should be commensurate with the situation we are called to fill and the day and age in which we live.

I confess I feel like criticising the members of the subcommittee in reporting the large amount that they do for White House repairs. After we had expended nearly $700,000 upon that mansion, then to bring in a bill of $70,000 in a single twelve months to reupholster furniture that you can scarcely see a tarnish on; to regild furniture and pictures that do not need it. The President does not ask it. An attaché, taking a pride in his position, who wanted to see the White House a gilded palace, says: "It is at my suggestion, and not the President's, that I am asking this $70,000." I say, with my friend, make this appropriation and let the President pay his fare, and let him ride as we ride—by paying our way—and not put him under obligation to the railroads nor impoverish his private exchequer. [Loud applause.]

Mr. SHERLEY. Mr. Chairman, some few days ago some remarks I made in the House touching ambassadors' salaries, while understood by the House, were so inaccurately reported in the press as to produce an impression entirely different from that I desired to convey. Inasmuch as there has been considerable editorial comment, I have taken advantage of this opportunity to state my views in regard to salaries generally, and the attitude that Congress ought to take.

In my humble judgment there ought not to be any office within the gift of the people that can not be accepted by any man possessed of the mental and moral qualifications without any sacrifice in any unreasonable degree in a financial way. I believed when I spoke before, I believe now, that our ambassadors should be supplied with legations, and that in many instances their salaries should be increased. I want to do away with the condition of affairs that makes possible the acceptance of such offices by men of large means only. But I took occasion then, I think not inappropriately, to call attention to the idea that this Government was a government of democracy and simplicity; and that while the people believe in good living, they do not believe in any extravagant display of wealth, neither do they believe that a man should be appointed to high place because of his ability to expend large sums from his private purse in public entertainment.

In regard to the item now before the committee, I have no doubt. I believe that this Congress ought to pass such a provision, and I hope that the point of order will not be made. I believe the President of the United States ought to visit different parts of the country. I believe it is good for him; I believe it is good for the people among whom he goes. Much of the misunderstanding that grows up, and which causes nearly all the political bitterness that exists in American public life is due to the lack of understanding between the different sections of the country.

If the men from the North could travel south during the recess of Congress and the men from the South could travel north, we would see an end forever of the bitterness which at times has divided this House, a bitterness often due to geographical causes rather than anything else. [Applause.] Therefore I am heartily in favor of making it possible for the President to travel, and to travel in dignity. He could not take the time from his duties here unless during his traveling he was provided with facilities that would enable him to transact business en route from place to place. To do that requires special accommodations—a special train, special equipment—and that should not be asked either as a gratuity from the railroad companies or as a private expenditure on the part of the President himself, but should be borne by the country at large. [Applause.] I want to see a proper provision made, not only in regard to the President's salary, but in regard to some other salaries. I believe that while this Congress could not vote to increase the salaries of its Members during the life of this Congress, nor could it follow that detestable example once set of voting back pay to its Members, there is no reason in morals, in delicacy, or in anything else that should estop this Congress from fixing the salary to be paid to Congressmen in the future and then let every man go back to his constituents and justify his vote according as he sees fit. I for one believe the constituency that I have the honor to represent would gladly see an increase in the salaries of Members. I want the increase, because there has been a corresponding increase in the cost of living, not because I want to see Members of Congress, the President, or Cabinet officers, or our foreign representatives living in any extravagant style. No man who knows me will doubt that I am sincere in what I have had to say in regard to plain living. The distinction between the living of men of refinement and culture and the living of men whose wealth is so newly acquired as to make them desire to parade it before the world is apparent to any one of sound judgment——

Mr. SPERRY. Mr. Chairman, I should like to ask the gentleman one question.

Mr. SHERLEY. Certainly.

Mr. SPERRY. You are advocating an increase of salary for Members of Congress at a proper time. Now, here are the Members' clerks. Would you increase the salaries of Members at a proper time and leave the clerks on $1,200 a year, who are the assistants of Congressmen?

Mr. SHERLEY. If I was going to control the matter, I would do away with a great many makeshifts. I would do away with mileage, which is an outrage, because it gives to one Member who lives a thousand miles away from Washington a very large addition to his salary and gives to a Member who lives close to Washington practically no addition to his salary. I would do away with the stationery account, which is a relic of the past. I would do away with all the little accessories, and I would come out in the open and vote ourselves $7,500 a year, believing that we are entitled to it, and then I might consider the proposition with regard to Members' clerks, but I do not consider that it is anything like as pressing a proposition. I think it is perfectly possible to get good men, glad to have the place, at that sum. I do not consider that that is anything like as pressing as the other. And in speaking in regard to the salaries of Congressmen, I was not undertaking to determine what should be the salary of every particular man who is employed by the Government. That is a little bit bigger contract than I should like to undertake now.

Mr. SPERRY. I think there is far more necessity for increasing the salaries of Members' clerks than for increasing the salaries of Members of Congress.

Mr. SHERLEY. Well, of course, the gentleman has his own opinion in regard to what clerks should be paid, but I am not discussing that question.

Mr. SPERRY. Would you not favor that?

Mr. SHERLEY. I will meet that question when it is presented, I will say to the gentleman. The one thing that I desire to impress upon this committee is this fact—that the true test in regard to the salary that should be paid to any officer in the public service is this: Is that salary such a one as will enable the man, without regard to his private fortune, to accept the place and live with the dignity that the demands of the office place upon him without necessitating his making a great pecuniary sacrifice? If the salary is sufficient for that, it ought not to be raised beyond it. If it is insufficient under that test, it ought to be raised so that the man shall have a proper compensation and not be required to serve the public at a personal disadvantage to himself.

Mr. SIMS. You would not raise the salary of yourself, a Member, for the term for which you have been elected?

Mr. SHERLEY. Of course not. No honest man would break faith with his people. Having accepted the office on the terms of $5,000 a year, if he does not want to serve on the terms under which he took it, he can resign.

Mr. SIMS. But a Senator holds his office for six years. What are you going to do about him?

Mr. SHERLEY. I would give him the same salary that I would give to Members of this House. The point I make is that there is no reason why the House should hesitate to legislate in regard to our salaries in future Congresses. We are the only body on earth that can legislate as to the salaries of Congressmen. And shall we be so cowardly that, believing in our own souls it should be done, we are not willing to vote for it for fear some man might impugn our motives? I for one would be willing to vote to-morrow for a bill increasing the salaries of Congressmen to $7,500, and making it take effect at the beginning of the Sixtieth Congress, and let the Members of this House then go back to their constituents, as all of us have to go back, and justify our vote.

Mr. SIMMS. What about Senators who hold through the Sixtieth Congress?

Mr. SHERLEY. The Senate would await the verdict of the people at this election, and then vote on the bill at the short session following.

Mr. HENRY of Texas. In former Congresses the Senators increased the hire of their clerks to $1,500 a year, and recently, at this session of Congress, they have increased their salaries to $1,800 a year.

Mr. SHERLEY. My response to the gentleman is simply that I do not desire to broaden out this discussion so as to include that proposition.

Mr. HENRY of Texas. It is along the same lines.

Mr. SHERLEY. I have no objection to the gentleman stating his own views of that subject.

Mr. HENRY of Texas. I thought it ought to go into the RECORD.

Mr. WILLIAMS. I differ with the fundamental principle laid down by the gentleman from Kentucky. I would like to see a state of things where, whenever a man accepts a public office, of high legislative or executive character, he would know beforehand that he had to hold it at some personal or financial sacrifice, because that would weed out and keep out very many greedy, selfish, and purely self-seeking and money-seeking people from the public service.

Now, Mr. Chairman, as to whether the people of the United States would or would not indorse a proposition to increase the salaries of Members of the House and Senate if submitted to them on a plebiscite, I, of course, can not say, but I believe that they would, and I believe that they are the proper parties to pass upon it. I think still that the question ought to be submitted to them and not to us ourselves, the parties interested. I agree with the gentleman from Kentucky that there ought to be "proper provision for the salary of the President," but I have just argued that there is "a proper provision" for the President's salary.

Now, Mr. Chairman, in this connection I want to read a part of the language of section 1, article 2, of the Constitution of the United States:

> The President shall, at stated times, receive for his services a *compensation* which shall neither be increased nor diminished during the period for which he shall have been elected.

Now, if it stopped there there might be some reasonable room for constructive doubt about the meaning, but it goes on:

> And he shall not receive, within that period, any other *emolument* from the United States or any of them.

Mr. TAWNEY. Will the gentleman from Mississippi right there explain how an appropriation to pay the traveling expenses of the President, to be expended only when he does actually travel, constitutes an emolument?

Mr. WILLIAMS. By the simplest course of reasoning in the world. If we did not pay it, he would have to. That is a very simple answer. He gets exactly the same pecuniary advantage both ways.

Mr. YOUNG. Will the gentleman permit me?

Mr. WILLIAMS. Yes.

Mr. YOUNG. Will the gentleman from Mississippi explain how it differs from the provision furnishing a residence for the President, which he would have to pay for if we did not furnish it?

Mr. WILLIAMS. It does not differ at all, but that was done by general law. Before any President ever lived there we provided by law for a mansion; for furnishing and keeping it furnished and repaired. It is our house and not the President's. Now, Mr. Chairman, the gentleman from Massachusetts seems to think that the only alternative—if the country does not pay

the President's traveling expenses—is they should be paid by the railroad companies. That is not the alternative. The alternative, and a very right one, is that he should act as any other American gentleman does when he goes traveling. He can ride down to the depot, buy him a section in a Pullman palace car and a railroad ticket, and go on. Now, immediately I know that in some of your minds arises the idea that he would be in personal danger. Gentleman, as sure as you are born, if you look at the matter from a psychological standpoint, you will conclude with me that the President who was not surrounded by any degree of mystery would be absolutely safer to-day than the President who is surrounded by it. General Grant could walk out on the streets when he chose, step over to the Riggs House and buy a cigar, and loiter down Pennsylvania avenue.

The human mind is a curious thing. The old idea of forbidden fruit and the effect of the fruit being forbidden prevails throughout it. The man that anybody can kill nobody wants to kill. If you and I to-day, as Members of the House, or if Senators, were surrounded by detectives and by guards; if whenever we went traveling it was thought that we had to go in such a way as that, nobody could get at us—there would be anarchists of all sorts, lunatics and fools taking pop shots at you and me all the time. [Laughter.] That may seem curious, but from my knowledge of psychology I believe every word of it. It might perhaps work hard for the first President who tried it, but after getting accustomed to it, I know that on the whole it would be safer for everybody.

Now, Mr. Chairman, my friend from Michigan [Mr. GARDNER], as I said, says that the Presidents when they are going around on these tours to be paid for by the people, if this provision is enacted, ought not to make political speeches. Of course they ought not to make party speeches, but they are bound to; they can't help it; it is human nature. Suppose the gentleman was a Republican President, and he was going around making speeches to the country. What would he make speeches on? Public questions; and he could not possibly make a speech on a public question from any other standpoint than a Republican standpoint.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Mississippi asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. WILLIAMS. If I were President and going around making speeches upon public issues and public questions, and those are the only questions the people want to hear a President upon, as a rule—he may go now and then to an exposition and open something [great laughter]—I mean the fair, though other things are sometimes opened there, things with corks in them—I notice that even there the President's speech is always seasoned with his political bias or cast of thinking. If I were President going around making speeches they would bear the political cast of my party for the simple reason that I would not know how to make them any other way, if I were talking about public questions at all. My Democracy is absolutely ingrained in me and just as much a part of my mental fiber as one of these muscles is of my bodily fiber, and there would be no possibility of my divorcing myself from it, and so it is with all of them.

So it comes down practically to this, that the country does to a large extent—if it undertakes to do it at all—the country will to a very large extent pay the traveling expenses of the President for the purpose of making party speeches, speeches tinged with partisanship, but that would be as fair for one party as the other, and I would not complain about that.

Now, Mr. Chairman, I want to call attention to something else. There is my friend Mr. GARDNER, from Michigan. He is one of the best Democrats spelled with a little "d" that I know of, and yet unconsciously so much has this modern spirit inhabited within us, unconsciously this morning he spoke of the Presidents of the United States after they had retired from office going back to private positions after having worn the "American crown." There is no American crown; that idea is what we want to get rid of. We want to get rid of that idea. And my friend from New York, Mr. SULZER, compares the President's salary with that of "other potentates," and this spirit is all around in the air. We ought not to pension Presidents, either. I disagree with the gentleman from Michigan there, too.

A good deal has been said lately about what we are going to do with our ex-Presidents. What are we going to do with our blacksmiths, what are we going to do with our Senators, what are we going to do with our Members of Congress, our judges, our carpenters, our dentists, our doctors, and lawyers? Give them equal opportunities and equal burdens under a free government! That is what we are going to do with them, and that is all we ought to do with them. [Applause on the Democratic side.] Is a man to be forever the favored of a nation because he has been for a while its favorite? Gentlemen have come and talked to me about putting Presidents or officials here in Washington on a pension list, and I have said to them, "All right, if you will adopt the same rule for everybody—for the poor old blacksmith and the poor old carpenter, who have worn themselves down working for a scanty livelihood, and in old age are unable to support themselves. If you are going to rank paternalism like they have in Germany, your position is at least debatable; but when you want to select the already favored ones to make them more favored and to keep up the favoritism for life, regardless of the question of service, it is not even debatable." [Applause on the Democratic side.]

Mr. FITZGERALD. Mr. Chairman, I believe that Congress should appropriate for the traveling expenses of the President. I stated that frankly when consulted about it a short time ago. I am unable to distinguish in principle between paying his traveling expenses and furnishing him with a house, with servants, with horses, with carriages, and with the other conveniences and comforts necessary for him to live in a proper way. It is not possible for the President of the United States to travel in the same manner that an ordinary citizen does. It is necessary that he be in a position to transact public business wherever he be, and for that reason he necessarily is accompanied by certain attendants and assistants. The American people have come to regard it as a right to know all of the time what the President is doing, and what his particular status happens to be. For that reason it has always been the custom to have a certain number of representatives of the press accompany the President upon his trips about the country. I am not in entire sympathy with the committee in the form in which this item appears in the bill, and I think I am safe in saying that the minority of the committee were more inclined to support a provision which, if no point had been made to this provision, would have been offered as an amendment, and which would have provided "for the traveling expenses of the President, members of his family, attendants, representatives of the press, and officials of the United States accompanying him" on his travels. Beyond that, Mr. Chairman, I do not believe we should go. If the President desires to have some personal friend, some man in private life, accompany him upon a part or upon all of a trip to some portion of the country, there is not only no obligation, but no reason to expect the American people to bear that expense.

Mr. TAWNEY. Mr. Chairman, will my colleague permit an interruption?

Mr. FITZGERALD. Yes.

Mr. TAWNEY. I want just to make a statement as to the committee's purpose in using the language it has in carrying this appropriation. We all know that in traveling from one State to another it is the custom for the President to invite the governor and other State officials to accompany him through that State or through a part of the State, and he must necessarily, therefore, have some invited guests, guests that he would be practically compelled to have. It was to meet that condition, in order to avoid any complication in the Auditor's office or the Comptroller's office, that we put in the words "invited guests," and I think everybody recognizes the fact that the President traveling throughout the country must necessarily have a smaller or greater number of invited guests.

Mr. FITZGERALD. I understood that was the purpose, but I know of no reason why the Federal Government should pay the traveling expenses of the governor of some State or of some distinguished gentlemen who wish the privilege of riding a portion of the distance through the State with the President. I would be only too happy to pay my traveling expenses for an opportunity to travel upon a train with a Democratic President throughout the entire State of New York. [Laughter and applause.] I know that any Democratic governor of that State would be equally pleased to pay his expenses, not only with a Democratic President, but with a Republican President.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent to continue for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may continue for five minutes. Is there objection?

There was no objection.

Mr. SMITH of Iowa rose.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Iowa?

Mr. FITZGERALD. Yes.

Mr. SMITH of Iowa. The gentleman from New York speaks

about invited guests being paid for by the President or somebody.

Mr. FITZGERALD. No; by the people; by the Government.

Mr. SMITH of Iowa. The gentleman said if the President wanted to invite his guests to go with him, the Government ought not to pay for it. Could the gentleman suggest any practical way in which that could be arranged, in view of the fact that no fares are collected on special trains. What would he expect the President to do? To put back into the Treasury an amount equal to the fare of each invited guest when it cost no extra money to have this guest with him? Would he expect the President to make a computation of what the board of each guest cost at his table and to turn that into the Treasury?

Mr. FITZGERALD. If it does not cost anything to carry these people, there is no necessity for authority to pay for them. If it does cost, it is objectionable. I understand that the train is furnished—I am not in the habit of hiring special trains—but that the practice is to charge so much for the train or car regardless of the number of persons occupying it, so that if the President would be charged so much regardless of whether he had Tom Smith or John Jones with him, then there is no additional pay for the fact that John Jones accompanied him.

Mr. SMITH of Iowa. But suppose this guest sits at the President's table on this train and eats a portion of the food? Are you going to require the President to make an accounting and ascertain how much that is worth which his guest eats?

Mr. FITZGERALD. Oh, no; I think that is quibbling.

Mr. SMITH of Iowa. It may seem like quibbling, but that is just why the language was put in to cover identically that class of transaction, and it seems to me that it is a small matter to complain of being paid along with the other expenses of the trip.

Mr. FITZGERALD. Mr. Chairman, my objection is, as already stated, upon the ground that it goes beyond what Congress should do. I am inclined always to accept the estimate of the President of the money required for his comfort and convenience as President of the United States. I am not inclined to inquire too closely as to whether one sum or another will be proper. I am willing to let the President determine that. But in legislating, in determining the particular use to which money can be put, I think that the same care and particularity should be used and exercised regardless of whether it be the President or some other official. It seems to me that if provision were made for the traveling expenses to cover the classes indicated that there could not be objection that it was not sufficiently broad. I believe that it is wise, from my point of view—I may differ from others—for the President to go about. I recollect some years ago I stood on a very cold day for many hours in order simply to get a glimpse of a man who was at that time the governor of the State of New York. It is a very rare thing for the President to visit many sections of the country, and my opinion is that it contributes to the welfare and is beneficial to the entire country to have the people, if possible, see and rejoice in the presence of the Chief Magistrate of the country. For that reason I heartily favor provision for him to go about the country. I do not fear that this can be construed as an "emolument" under the provisions of the Constitution, because the term "emolument" as defined in the dictionaries means reward for labor, compensation for services; and this can in no sense be taken in that light.

Mr. WILLIAMS. It says, "either compensation or emolument."

Mr. FITZGERALD. The Constitution says he shall receive no increased compensation or any other emolument. Now, the term "emolument," as defined in Worcester's Dictionary, is "profit from labor," or "compensation for services, pecuniary gain, profit, lucre, pay." I can not see in any way how there can be any personal gain to an occupant of the White House by having the President's expenses paid when traveling, any more than you could say that it would be personal gain to him if Congress would authorize an additional horse or an additional carriage or additional clerk or servant.

Mr. TAWNEY. I move that all debate on the pending paragraph and amendments thereto be closed.

Mr. SIMS. Mr. Chairman, a parliamentary inquiry. Is not this on the point of order?

The CHAIRMAN. No; the point of order was reserved.

Mr. TAWNEY. This motion is on closing debate.

Mr. WILLIAMS. I now make the point of order.

Mr. SIMS. I would ask the gentleman from Minnesota if he will allow me just three minutes?

Mr. TAWNEY. The gentleman used about half an hour's time this afternoon.

Mr. SIMS. That was on the mail boxes; this is on something more important.

Mr. TAWNEY. This matter has been discussed now over an hour.

The CHAIRMAN. The Chair is of opinion, inasmuch as the gentleman from Mississippi has made the point of order, it is the duty of the Chair to decide, unless some gentleman desires to address the Chair on the point of order.

Mr. WILLIAMS. I wish to state the point of order; first, it is the change of existing law, and, secondly, it is in contravention of the Constitution of the United States.

Mr. SMITH of Iowa. A parliamentary inquiry. Was not the motion to close debate made before the gentleman from Mississippi made the point of order?

The CHAIRMAN. The power to close debate rests with the committee; the power to close debate on a point of order rests with the Chair.

Mr. SMITH of Iowa. Mr. Chairman, a parliamentary inquiry. When a motion is made to close debate and a point of order is made thereafter, would the point of order take precedence of the motion to close debate?

The CHAIRMAN. The Chair thinks so, because if the paragraph is ruled out there is no necessity for the motion. The gentleman from Mississippi makes the point of order——

Mr. SMITH of Iowa. Mr. Chairman, I desire to be heard briefly on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SMITH of Iowa. The Government of the United States has for many years borne in part the traveling expenses of the President of the United States. We annually carry a $20,000 appropriation to provide, among other things, carriages and horses to him, as Commander in Chief of the Army, and we constantly furnish the *Mayflower* or some other vessel for water transportation to him as Commander in Chief of the Navy.

We have for many years borne a portion of the traveling expenses of the President of the United States. This is simply a proposition to increase the expenditures for the traveling expenses of the President of the United States, a large portion of which expenses are already borne. I can not think that it is new legislation so as to make it subject to the point of order. The suggestion is made that it is in violation of the Constitution. Webster's International Dictionary defines the word "emolument" as follows——

Mr. SMITH of Kentucky. Will the gentleman allow me to ask him a question?

Mr. SMITH of Iowa. Certainly.

Mr. SMITH of Kentucky. Is there any law by which the traveling expenses of the President could now be paid?

Mr. SMITH of Iowa. I have just answered when I stated that for many years a large portion of his traveling expenses have been paid and are paid.

Mr. MACON. Will the gentleman permit me to ask him a question?

Mr. SMITH of Iowa. Oh, certainly.

Mr. MACON. Is there any public statute that provides for the payment of the traveling expenses of the invited guests of the President?

Mr. SMITH of Iowa. I am inclined to think there is, in the sense of his invited guests that have always traveled with him on the *Mayflower*, or whatever naval vessel is furnished to him now. Nobody has contended that he is not now accorded transportation under existing law. I shall now turn to the question whether this is "emolument" or not.

The CHAIRMAN. Before the gentleman leaves that, can the Chair ask him a question?

Mr. SMITH of Iowa. Oh, certainly.

The CHAIRMAN. Has it ever been stated in any appropriation bill, or authorization in an appropriation bill, to say nothing of express authorization by statute, that the President should have permission to travel on the *Mayflower* or any other Government vessel?

Mr. SMITH of Iowa. In my judgment it was so written in the Constitution of the United States, when it declared the President to be Commander in Chief of the Army and the Navy. He has the right, in my judgment, to take the cavalry horses of the Army and use them at the Executive stables, and, as I understand, that very thing is done. I may be in error as to that, but that is my impression. His position as Commander in Chief of the Army and the Navy entitles him to use the means of transportation of the Army and the means of transportation of the Navy, and this appropriation simply gives him an additional sum for the same purpose that he is now entitled to out of the Army and Navy appropriations.

Now, then, is this an "emolument?"

The word "emolument," as defined by Webster's International Dictionary, is:

Profit arising from office, employment, or labor; gain, compensation, advantage, perquisites, fees, or salary.

If this money is not wholly expended in traveling expenses, it is covered back into the Treasury. This is an extraordinary sum, covering a certain contemplated trip of the Presidents over the country, visiting numerous colleges and other institutions of learning. It is probable that in ordinary years it would not exceed $5,000. He is not to receive a dime of it; and if this be "emolument," then it was an increase of emolument when we put $680,000 in repairs upon the White House during this Administration, and gave him the right to occupy a much better house than he had theretofore occupied, or any of his predecessors.

Mr. GARDNER of Michigan. May I interrupt the gentleman?

Mr. SMITH of Iowa. Certainly.

Mr. GARDNER of Michigan. I would like to ask the gentleman whether fuel for the Executive Mansion, lights, ordinary household expenses, come under emoluments in the same sense?

Mr. SMITH of Iowa. They are none of them emoluments. We have increased the various items. We increased the contingent fund of the White House $2,000 at this session of Congress. We have increased the appropriation for clerk hire time and time again for the White House. These would not come within the definition of emolument, as I understand it, as it was used in the Constitution of the United States. I say this is an appropriation increasing the allowance to the President for traveling expenses that he is entitled to now by his being Commander in Chief of the Army and the Navy out of the appropriations for the transportation of the Army and out of the appropriations for the maintenance of the Navy, and therefore it is not new legislation, but simply an increase of the appropriation now being made for this purpose, and there is no increase in the "emolument" within the meaning of the Constitution, and the paragraph ought to be adopted.

Mr. WILLIAMS. Mr. Chairman, I listened with a great deal of interest to the argument of the gentleman. The President of the United States has the right to order the Eleventh Cavalry, let us say, to come from somewhere and parade itself in front of the White House and drill for his amusement if he wanted it to do so, and the President has the right to order a vessel of the Navy up the Potomac and then to get on it and go on a trip if he wants to. He also undoubtedly has the full right as Commander in Chief of the Army and Navy to reduce the chief officer in rank and command of the regiment or of the vessel and as Commander in Chief act himself as colonel or captain; but this is the first time that I have ever heard anybody suggest that the could commandeer the railroad system of the country. [Laughter.]

Mr. Chairman, there is no law now, no general law now, outside of this appropriation bill, providing for the traveling expenses of the President of the United States, and providing still further for the traveling expenses of his attendants or guests.

This provision would not only change existing statute law, but the fundamental law—the Constitution itself.

Now, in connection with the meaning of the word "emolument" used in the Constitution, my friend from New York did not read quite far enough. The Constitution says, not that an emolument is compensation, but as if to show that it means more than compensation, it says, in the first part of this clause, that the "compensation" shall not be increased or decreased during the President's term, and then later on it says, nor shall any "emolument" be given to the President during the same time. Now, the gentleman did not read quite far enough in Worcester's definition of the word "emolument." If he had, he would have found this next definition:

Advantage, good, or gain, in a general sense.

And it is illustrated by a quotation from that master of good English, the author of the Tattler, old Samuel Johnson, who says:

Nothing gives greater satisfaction than the sense of having dispatched a great deal of business to the public emolument.

Emolument means advantage. It is just a longer word; that is all; a little different, because it leans toward pecuniary advantage. Of course it is just as much pecuniary advantage to me to give me a ticket from here to Yazoo City, which would cost me $27.50, as it is to give me $27.50. That is my plain, common-sense way of looking at it. I insist upon the point of order, Mr. Chairman, that the provision is contrary to existing law, as expressed both in the Constitution and upon the statute books, and new legislation.

The CHAIRMAN. If there be no objection, the Clerk will read clause 2 of Rule XXI.

The Clerk read as follows:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The CHAIRMAN. The Chair desires to ask the chairman of the Committee on Appropriations, or the gentleman having this item in charge, whether he can furnish the Chair with any statute authorizing this appropriation?

Mr. TAWNEY. I will frankly say to the Chair that I know of no specific authority in law for this appropriation. If there is any authority in law, it is to be drawn inferentially from the office and from the appropriations that are made for other branches of the service in connection with the office.

The CHAIRMAN. The Chair is clearly of the opinion that this item is not authorized by existing law, and therefore the Chair sustains the point of order.

Mr. SULZER. Mr. Chairman, I now ask to have the amendment I offered read again. I offer it now as a new section to the bill.

Mr. TAWNEY. I make the point of order against it.

The CHAIRMAN. The gentleman from New York offers a new section.

Mr. SULZER. I should like to have it reported.

Mr. TAWNEY. It has been reported once.

The CHAIRMAN. The gentleman from New York offers a new section which will be reported to the House.

The Clerk read as follows:

That on and after March 4, 1909, the salary of the President of the United States shall be $100,000 per annum, and the salary of the Vice-President of the United States shall be $25,000 per annum, and that the President of the United States shall after his retirement from office receive an annual salary of $25,000 per annum for the remainder of his life; and that any former President of the United States living at that the time of the passage of this act shall also receive a salary of $25,000 per annum during the remainder of his life.

Mr. TAWNEY. I make the point of order that this is new legislation.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. SULZER. Mr. Chairman, just a word on the point of order. I indulged the hope that the gentleman from Minnesota, who reported this appropriation bill, would have included in its provisions this bill of mine, which is pending in his committee. He did not do so. I am constrained to believe he is opposed to it. Of course it is subject to a point of order, and if the gentleman from Minnesota insists on his point of order we can not get a vote on it. I am sorry for this. I hope the gentleman will withdraw the point of order and give us all a chance to vote on the question. Let those in favor of it vote accordingly and those opposed to it against it. I am in favor of it, and believe the majority of the Members of this House are in favor of it—in favor of paying the President a decent salary. But, sir, I say that sooner or later this bill of mine to pay the President $100,000 a year salary will be a law. The people want it a law, and what the people want they generally get in the long run. That is all I care to say now.

The CHAIRMAN. The Chair thinks the paragraph is clearly new legislation, and the Chair sustains the point of order.

The Clerk read as follows:

Repairs of building where Abraham Lincoln died: For painting and miscellaneous repairs, $200.

Mr. TAWNEY. Mr. Chairman, I have a number of verbal amendments that I wish to offer to this and subsequent paragraphs, and I ask unanimous consent that they may be considered as agreed to and inserted at the places indicated in the amendments which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Minnesota states that he has various verbal amendments that he desires to offer, and asks unanimous consent that they may be considered as agreed to and inserted at the proper places. Is there objection?

There was no objection.

The amendments are as follows:

On page 97, after line 16, insert "Under Engineer Department."

Strike out the words "in completion of contract authorization" where they occur in lines 24 and 25, on page 98; in line 4, on page 103; in line 10, on page 103; in lines 4 and 5, on page 105; in line 1, on page 106; in line 20, on page 106; in lines 6 and 7, on page 108; in line 9, on page 108, and in line 14, on page 108.

Strike out the word "completing" and insert in lieu thereof the word "continuing" in line 8, on page 100; in line 1, on page 105; in line 8, on page 107; in lines 16 and 17, on page 107, and in lines 21 and 22, on page 108.

Strike out the word "completion" and insert in lieu thereof the word "construction" in line 25, on page 102; and in line 4, on page 106.

The amendments were agreed to.

The Clerk read as follows:

Improving Ohio River below Pittsburg, Pa: For continuing improvement by the completion of Locks and Dams Nos. 2, 3, 4, and 5, and the modification of said locks and dams, and of Lock and Dam No. 6, so as to secure a stage of 9 feet in the pools belonging thereto, $1,281,376.

Mr. BARTHOLDT. Mr. Chairman, it will be noticed that the bill under consideration carries no appropriation whatever for the improvement of the Mississippi River from the mouth of the Missouri to the mouth of the Ohio—that is, from St. Louis to Cairo. The failure to further provide for continuing work on that important stretch of the river at this time is explained by the War Department, whose recommendations, I understand, have been generally followed by the committee, on the ground of an unexpended balance which, it is said, will be sufficient to carry on the present work of dredging and so forth, until the river and harbor bill to be passed at the winter session of Congress will take effect. Reverting to the last report of the Chief of Engineers, I find that on July 1, 1905, there was on hand an available balance of $857,067.04. Assuming that about $400,000 in round figures were expended in the course of the current fiscal year, the amount available for the fiscal year from July 1, 1906, to June 30, 1907, would be about $450,000. I should like to ask my friend from Minnesota, the chairman of the committee, whether I am correct in this?

Mr. TAWNEY. The figures cited by the gentleman from Missouri are substantially correct.

Mr. BARTHOLDT. Very well. The last sundry civil act, approved March 3, 1905, appropriated $650,000 for this work, but the local officer in charge of it has declined to expend this amount, and states that only "$400,000 should be provided annually for the purpose of maintaining an 8-foot channel by dredging, with such auxiliary works as temporary diking, bank protection, and occasional hurdle building." In other words, he construes the river and harbor act of March 3, 1905, to mean an entirely new departure, in that more attention should be devoted to dredging and less to works of permanent improvement.

I want to say here and now, Mr. Chairman, that the people of the Mississippi Valley are not only not satisfied with this construction of the act referred to, but that they most emphatically resent the failure to adhere to the project of 1881, which contemplated works of permanent improvement, to secure by confinement of the flow of the river to a single channel, the required depth during all stages while the river is open to navigation.

For the present we content ourselves with the use of the unexpended balance for dredging and maintenance, with the mental reservation, however, that this is merely a transitory period, to be followed by an era of real, permanent improvement, which alone can convert the Mississippi River, by its navigation, into that great artery of commerce which nature has destined it to be.

We are told that the present traffic on the river does not justify the expenditure of large amounts of money. How unspeakably absurd! Did the traffic across the prairies of the great West justify the enormous outlay for the construction of railroads at the time they were actually built? There was comparatively little traffic there until the rails were laid. There will be comparatively little traffic on the Mississippi until it is made really navigable, and by that I mean until the necessary depth is secured for the larger type of steamers.

Is there any reason why there should not be a great tonnage for commerce on the Mississippi except it be the unimproved condition of the river? While it is true that railroad transportation is cheap, river transportation is incomparably cheaper, and this one factor would fill the river with boats the same as it does the Lakes, if the facilities of navigation were the same. On January 1, 1905, the river at St. Louis fell to a low-water stage of 4.3 feet below standard low water. It was during the closed season, but it is needless to say that such a stage of water would put St. Louis and its great commerce outside of the range of navigation, temporarily at least, and we claim that unless you enable the great city of St. Louis to pour her commerce into the bottoms of the Mississippi boats traffic on that stream will remain the insignificant fraction which it now is of the grand total of transportation. And what a future reveals itself to us when we contemplate the possibility of bringing the great city on the Lakes, Chicago, within the range of Mississippi navigation! We talk about the benefits of the Panama Canal. Why, to our own country a ship canal from the Lakes to the Gulf will certainly be of more immediate, if not of far greater, benefit.

If the men who invested their capital in the great transcontinental railway lines had waited until the traffic had grown large enough to render such investments profitable, these lines would perhaps not have been built up to the present day. But when the rails were laid—I repeat it—the commerce followed, and with the same mathematical certainty as commerce follows the rail it follows the river, provided the river is navigable. I venture to say that if the Mississippi were given over to a private corporation with the privilege to levy tribute upon the tonnage carried on it, it would have been improved at as early a date as the country was given the great benefit of land transportation from ocean to ocean. The absolute certainty of profit would have attracted all the capital required for such a great enterprise. As it is, we must solely rely upon the National Government, and the people are compelled to await its pleasure. It seems to me they have waited long enough, and the time is fast approaching when patience ceases to be a virtue. The parsimony of Congress with respect to river improvements should be changed to a more liberal policy, and instead of continuing to build unnecessary battle ships we should make our great rivers navigable in order to relieve our commerce from the monopoly of railroads by river competition on the one hand and to benefit the railroads by stimulation of trade on the other. It is well to prepare for the possibility of war by providing an adequate navy, but it is immeasurably better to prepare for the exigencies of peace by providing new channels of commerce. To-day we are spending over $100,000,000 annually for the Navy, while the beggarly sum of $15,000,000 is grudgingly given for the improvement of our waterways. From the viewpoint of our national safety these figures could well be reversed, and in the interest of our commerce and the welfare of our people they ought to be reversed. Every dollar spent for preparation for war is lost forever, while the dollar expended to secure water transportation for our products will come back to the pockets of the people with compound interest.

It was a great step forward in the history of our national development when both great parties, after a long-continued wrangle, finally came to the conclusion that under the Constitution it was the province of the Government to undertake internal improvements. But while, as I say, this is now generally admitted, the Government has never come up to either our expectations or the necessities of the case, and compared with the munificent sums the European countries—for instance, England, Germany, France, Holland, and Belgium—have expended in the improvement and building of their waterways, the appropriations made by the American Congress for this purpose really pale into insignificance. Since the Franco-Prussian war France alone has expended nearly $800,000,000 for her rivers, harbors, and canals, which is more than twice the total expenditure by our Government for the same purposes from its origin down to the present moment. "The result, in the countries referred to, of having fostered their waterways," said a speaker at the recent La Crosse convention, "has been a tremendous increase of commerce and tonnage both by rail and by water. With a like liberal policy by our Government toward the improvement of all of our inland waterways—the grandest waterways in the world—who could estimate the growth of commerce of our country that would follow and the good that would thereby come to all the people?"

It is generally known that our trade with Latin America is not what it ought to be, but the real facts are a source of actual humiliation to every good American. The fact is that upward of three-fourths of the imports into the Latin-American countries are furnished by Europe, while the share of the United States is but one-fourth. No Monroe doctrine can change this misproportion. We can say "hands off" to Europe when it attempts to seize American territory, but we can not stop the hand that distributes European products, because the people of Central and South America have a right to buy where they can buy best and cheapest. But why is it they will not deal with us even to the extent of equalizing our mutual balance sheet, which to-day shows a sum of $450,000,000 against us? There is no doubt some truth in the assertion that we neglect to cater to the peculiar tastes and preferences of these people, but that does not tell the whole story. The main reason is lack of transportation facilities and excessive cost of transportation. It was recently stated on this floor that freight from the West to Latin America costs about $30 per ton. If this be true, no other cause need be mentioned for our inability to compete with Europe in these markets. It has also been asserted that if deep water were secured in the Mississippi and the proposed ship canal from Chicago to New Orleans were in operation, freight could be transported to Latin America for $10 a ton, a difference of $20. Is there any further argument necessary to convince us that the improvement of the Mississippi should go hand in hand with the construction of the Panama Canal?

I assert, Mr. Chairman, that the very moment Congress enters upon a policy of liberal appropriations for permanent improvements, especially with a view to bringing St. Louis, Chicago,

St. Paul, Minneapolis, and other large cities within the reach of river transportation to the Gulf, capital will be forthcoming for the construction of boats, barges, and steamers of the larger type; but this need not be looked for as long as there is the same uncertainty with respect to such a policy as there is with respect to navigation to-day.

To give the House an idea of what the commerce of the great city of St. Louis alone amounts to, I will cite a few facts and figures which have been compiled on behalf of the Business Men's League of St. Louis, by Mr. William Flewellyn Saunders, its secretary:

"In 1890 St. Louis received and shipped 16,405,733 tons of goods, and in 1905 this had increased to 39,512,088.

"The increase in population for the ten years of this period, shown by the United States census of St. Louis, was 27.3 per cent. The population of 714,290, estimated for 1905, gives an annual average growth of 4.8 per cent in population since 1900. This increased percentage of growth in population in the five years of the city's "world's fair period" is still only a little over half the average rate of annual increase in business since 1890. The average rate of increase of business annually is nearly three times the average rate of annual increase in population in the decade prior to the world's fair period. Greatly increased in population by the growth of its supporting territory, the city, as a result of the increasing demand from this territory, is stimulated in growth of business far beyond its growth of population.

"During the ten years from 1890 to 1900, St. Louis gained only $40,000,000 in value of manufactured products. In the five years since 1900, St. Louis has gained more than $73,000,000 in value of products, or 37.8 per cent. During 1905 the total value of products was $267,004,314. St. Louis, by these figures announced from Washington, is the fourth manufacturing city of the United States, following New York, Chicago, and Philadelphia, considerably ranking Pittsburg, the tonnage of whose manufactured product, while heavier, is not as valuable.

"During the last three years, 1903, 1904, and 1905, 259 factories were added to the city, with an operating capital of $36,196,900, and during 1905 alone eighty new factories came there, employing a capital of $12,764,000. The most of them were attracted by the reputation of St. Louis as a point where manufacturing is cheap. This reputation is growing.

"During 1904 new mercantile concerns with operating capital of $8,712,000 were established in St. Louis, and during 1905 fifty-one new mercantile establishments, with an operating capital of $11,083,000, began business there.

"There is a demand on the city for manufactures of its own in every line, but especially in the lines of light and fine manufacturing, as well as in glass, crockery, pottery, canned goods, cereal foods, woodenware, furniture, vehicles, farm machinery, drugs, chemicals and paints, light iron and tinware, clothing, hats, and dry goods in general, and perhaps more especially in cotton goods of all kinds, for which both the demand and the supply of raw material are increasing far beyond the response in manufactured supply.

"The city covers 61.5 square miles of territory within its present limits and the great amount of this territory left still unoccupied as the result of the rapid movement of the residence section westward to and beyond the city limits, gives a range of choice for manufacturing sites in St. Louis such as no other large city of the country can offer.

"Inside its present limits St. Louis has 19 miles of river frontage, along which sites for factories can be selected so as to secure the advantage of both water and rail for freights.

"The whole length of its river frontage is paralleled by railroad tracks.

"The entire circumference of the city is inclosed by the belt railroad, to give terminal connections with the twenty-six great railroads which terminate in St. Louis.

"A great part of the Belt line runs through suburban territory, immediately adjacent to the city and still unoccupied, giving opportunity for the location of factories, with modern factory villages for operatives. The Missouri Pacific, the Iron Mountain, the St. Louis and San Francisco, the Wabash, and all the great western roads have tracks through the same territory, reenforcing the Belt line in supplying terminal facilities for factories.

"Practically all this territory is high lands, offering ideal sites for the homes of operatives as well as for factories. Practically the whole territory covered by St. Louis and its Missouri suburbs in high land, becoming so on the Missouri side within an average of not over 300 yards of the Mississippi River.

"Besides its steam railroads, with their passenger service connecting its suburbs with a union station of thirty-two tracks and eleven acres in area, St. Louis has electric roads with 337.67 miles of single track, connecting with a rapidly increasing mileage of electric roads beyond its limits and reaching all its principal suburban districts.

"The great area of building stone, fire and other clays, inside and adjacent to the limits of the city and the water connection of the city, with the principal sources of still unexhausted lumber supply, give the city a greater probability of continued cheapness for building material than can be expected in Chicago, New York, Philadelphia, Boston, or in the Atlantic States generally.

"Fuel is cheaper in St. Louis than in any other large city. Actually in sight of the city there are coal fields with an unlimited supply of coal. Coal is delivered to manufacturers at their furnaces in St. Louis at $1.55 a ton, when it is quoted in Pittsburg at $1.65; in Toledo at $2.10; in Detroit, $2.15; in Cincinnati, $2.50, and in Chicago, $1.95.

"No other city of the country has such a railroad connection already established or one which is so rapidly increasing.

"Of the whole railroad building in the United States during 1905, which was 4,388.2 miles, against 3,822.26 in 1904, 1,690 miles, or nearly 40 per cent, was done in the St. Louis trade section of the country, and a very large part of the building of 1906 is planned for this territory.

"Summaries published in October, 1905, by Mr. H. T. Newcome, 'For the railroads,' from reports of the Interstate Commerce Commission, showing reduction in freights per ton per mile in the three great groups of States in St. Louis territory, put the average rates notably below the rate per ton per mile in New England. He gives the reduction for New England in thirteen years as from 18.73 mills per ton per mile to 11.67. In Group VI, including Missouri north of St. Louis, the reduction is from 9.61 to 7.74 in the same period. In the other groups in the St. Louis territory, the rate per ton per mile is stated at from 1.87 to 3.40 mills lower than the lowest New England rate for the period.

"Texas, in this grouping, constitutes a group of itself, with a part of New Mexico added. The relation of southwestern growth in population and shipping capacity to decrease in mileage charges per ton is indicated by the fact that the annual average growth of Texas in a census period of two decades is 4.5 per cent a year in population, while the decrease in the rate per ton per mile for Texas during thirteen years is between 16 and 17 per cent.

"Reenforcing its railroads, St. Louis waterways give it connection with the territory of the upper and lower Mississippi, the Illinois, the Missouri, the Ohio, the Tennessee, and the Cumberland rivers, whose craft in actual service gave it a tonnage by river in 1904 of 377,935. This tonnage has been doubled in years reported since 1900.

"The navigable mileage of these rivers is: For the Mississippi, 2,200; the Missouri, 1,253; the Ohio, 1,053; the Illinois, the Tennessee, and the Cumberland, 1,309. These rivers alone, excluding other navigable streams such as the Arkansas, give St. Louis a mileage of 5,815 miles of navigable rivers actually in service in the last year.

"No other city in the world has such advantages of combined river and railroad mileage.

"The combined deposits of the banks and trust companies of St. Louis, according to the last statement made, the banks February 6, 1906, and the trust companies November 9, 1905, amount to $268,480,084.40. The surplus and profits on the same date were $47,444,076.57. The capital was $37,050,000.

"St. Louis bank clearings for 1905, amounting to $2,899,798,979, showed an increase of 3.8 per cent over the preceding year.

"The 30,000,000 people within a radius of 500 miles of St. Louis are chiefly buyers of manufactured goods and producers of the food stuffs and raw materials most necessary for the support of successful manufactures. The trade territory of St. Louis is thus an ideal "home market" for manufactured goods, offering, first, the largest local demand with the least local competition, and, second, the largest supply of food stuffs and raw material.

"The increase of the trade territory of St. Louis in population shows the certainty of increasing demand on the city as a distributing point for manufactured goods of all kinds. In two decades, as shown by the Federal census, Missouri increased from 2,168,000 to 3,108,000; Arkansas from 302,000 to 1,311,000; Kansas from 996,000 to 1,476,000, and Texas from 1,591,000 to 3,048,000. Similar increases appear for Iowa, Colorado, southern Illinois, southern Indiana, Kentucky, Tennessee, northern Alabama, and Mississippi, as well as for the whole trans-Mississippi Southwest.

"With an increase of over 43 per cent in two decades, Missouri is surpassed by Texas, which showed a rate of 91

per cent increase in the same period, and even this rate is greatly exceeded by that of Oklahoma, whose population of 398,000 at the last census represented an increase of over 500 per cent in a single decade.

"Increase in power to support and purchase manufactures has more than kept pace with increased population in the whole territory for which St. Louis railroads and rivers make it the natural home market. The last census makes Missouri the geographical center of production for the leading agricultural staples of the United States, except cotton, the center of production for which also lies within St. Louis trade territory.

"In five leading cereals, the annual product of the single State of Missouri has exceeded that of all the Atlantic and Gulf States.

"An increase of over 100 per cent in the four staples of wealth in direct production took place, between 1890 and 1904, between the Mississippi River and the Rocky Mountains, with a corresponding increase in purchasing power for manufactured goods.

"Between 1890 and 1904, Missouri, Kansas, Iowa, Texas, and the nine other States and Territories of this trans-Mississippi group increased the value of their product of corn, wheat, oats, and cotton from $701,072,224 to $1,713,696,000, or more than double. The greatest increase in population made by any single State in this area during the same period was betewen 60 and 70 per cent. The heavy increase in population is exceeded by the increase per capita in purchasing power.

"During the same time the same States added 149,000,000 acres to the total of their improved farming lands. Their banks and trust companies during the same period showed an increase of over 300 per cent in resources.

"The general increase for the same periods in staple breadstuffs, the center of production for which is in the immediate neighborhood of St. Louis, was between 50 and 60 per cent. The general increase in cotton production was 47 per cent. The excess of the increased percentage of production in the immediate territory of St. Louis over the general is a marked feature of the possibilities of cheapening the cost of production in St. Louis manufactures.

"In thirteen States of the South Central group within the radius of St. Louis trade territory the annual output of iron reaches $10,000,000; of coal, $45,000,000; of metallic ores, other than iron, $16,000,000, with an annual output of mining products raised to the point of raw material aggregating between $90,000,000 and $100,000,000. From these States in 1904, the report of the Southern Lumber Manufacturers' Association, with headquarters in St. Louis, shows the year's output of yellow-pine lumber to have been 5,237,000,000 feet.

"The increase in the actual purchase of manufactured goods as the result of the increasing demand largely from the territory of which St. Louis is the central market raised the percentage of manufactured goods in the total of railroad tonnage from 13.45 in 1899 to 14.39 in 1903, in spite of the great increase in the gross tonnage of agricultural and mining products during the same period.

"The increasing demand for manufactured goods resulted during two census decades in an increase of 243 per cent in the manufactured products of ten North-Central Western States, including Missouri and Kansas, with the States north of them. This increase gives an annual total of $4,311,000,000 for the gross annual output of all manufactures from these States. It is, however, still $2,238,000,000 below the output of the Atlantic States. The character of the product is also different. The advance to the general manufacture of lighter and finer goods lies largely in the future for the whole group of States within the St. Louis radius.

"The growth of St. Louis trade, including with shipments of its own products goods received and forwarded from other markets and manufacturing points, gave a tonnage for 1904 of 39,512,088, an increase of 5,000,000 tons over 1903 and of more than 10,000,000 tons over the tonnage of 1902.

"WHY ST. LOUIS IS GAINING POPULATION.

"The figures above, of course, deal entirely with the commerce of St. Louis; but it must not be forgotten how good a place to live in St. Louis is. This city and Philadelphia lead every other city in the United States in the percentage of residents who own their own homes.

"The increase in the kind of population a city needs to make it strong is shown by the fact that while in 1904, which was the World's Fair year, there were 10,172 real estate transactions, representing $40,289,256, in the year after the World's Fair, when surprise would not have been created had the movement of real estate been languid, the record of the World's Fair was beaten by 15,315 sales being made, representing $78,949,532. This, of course, means simply that the city grew much faster in population during the year after the World's Fair than it did during the World's Fair year itself, and that these people were, many of them, people who wanted to buy homes.

"This is further shown by the enormous increase in building in St. Louis for 1905 over 1904. In 1904, $14,283,732 was spent on building, and in 1905, $23,591,012 was spent on building. This is an increase for St. Louis of 65 per cent, a larger percentage of increase than that of Chicago, which was 32 per cent; Philadelphia, which was 37 per cent, or New York, which was 60 per cent.

"St. Louis is located on high ground, and it has been exempt from all epidemic diseases peculiar to southern America. Its total deaths reported from malarial fever in 1903 were only 61, as against 77 for New York City in the same year. (Report of the Department of Commerce and Labor on American Cities, 1905.)

"The health of the city is due not only to its location on a series of hills rising progressively from the river and to its 579 miles of completed sewers, but to a climate whose averages for thirty-four years give it one hundred and thirty-seven entirely clear days annually and one hundred and thirty-one days in addition to this without precipitation.

"The short period during which it has actually severe winter cold gives it more than nine months of "open-air weather" and materially reduces the expense for fuel for heating purposes as compared with the Northeastern States.

"In more than doubling the area of its residence district since 1890 St. Louis has established close and rapid connection between all parts of the city and suburbs by a complete system of electric railroads. A single fare with free transfers carries a passenger the length and breadth of the city.

"The advantage of residence in St. Louis to a taxpaying citizen is shown very well by comparison of St. Louis with other large cities with respect to its per capita debt, as follows:

	Population (census 1900).	Gross indebtedness.	Per capita debt.
New York City	3,437,202	$593,550,573	$172.69
Chicago	1,698,575	63,488,560	37.32
Boston	560,892	88,164,906	157.15
Cincinnati	325,902	32,884,142	110.87
Buffalo	352,387	18,234,449	51.80
Cleveland	381,768	22,016,294	57.64
Baltimore	508,957	39,964,483	78.51
Pittsburg	321,616	20,178,201	62.66
Philadelphia	1,296,697	50,337,245	48.56
St. Louis	575,238	22,539,278	39.19

"The Department of Commerce and Labor reports the per capita of taxes spent for schools, libraries, and other educational purposes at $4.67 for St. Louis and $4.52 for Chicago.

"Residence property in the city and its immediate suburbs, with all advantages of sewer connection, electric lighting, gas, water, schools, and street-car service, is always available, not only in single lots, but in areas which allow development on the plan characteristic of St. Louis's residence growth—that of the parked city place, or the still more extensive residence parks of the suburbs.

"The same development during the past fifteen years of rapid transit, which left large areas available for factory sites and opened up other still more extensive areas for the same purpose, has insured the future of St. Louis as one of the most beautiful and comfortable residence cities of the country or of the world."

This remarkable array of facts and figures shows what St. Louis alone can and will contribute to the navigation of the Mississippi River when a permanent channel of from 8 to 10 feet will have been secured.

On the strength of this showing the Business Men's League, under date of December 21, 1905, addressed a communication to President Roosevelt, of which the following is a copy:

DECEMBER 21, 1905.

His Excellency THEODORE ROOSEVELT,
President of the United States.

SIR: The Business Men's League of St. Louis, representing the commercial interests, not only of St. Louis, but in this matter the people of the whole Mississippi Valley, to the number of more than 27,000,000, respectfully ask that you will direct your attention to the commercial necessity of improving the Mississippi River, so as to make it permanently navigable for freight-carrying steamboats and barges, thereby causing it to become an effective competitor with the railways.

The United States Board of Engineers in Washington and the Mississippi River Commission, which two bodies have to pass finally upon all plans for improvement of the Mississippi River, are agreed that the weak point in the navigation of the river is that part of it between the mouth of the Missouri and the mouth of the Ohio, or, in other words, between St. Louis and Cairo.

The United States Board of Engineers is agreed upon the conclusion that it is practicable to procure a channel from the mouth of the

Missouri to the mouth of the Ohio 8 feet deep and 200 feet wide, and to keep it in this condition always, so as to secure safe navigation, for $20,000,000, with an annual expenditure after it is so secured of $400,000 a year for maintenance. This estimate provides, of course, for the proper contraction and protection of the banks of the river. (See Appendix 10 of the Annual Report of the Chief of Engineers for 1904, page 2147, paragraphs A, B, and C.)

If this plan be carried into effect it will in a short time bring back full navigation of the river and the establishment of packet lines and freight-carrying lines between St. Louis and New Orleans, and the river will become within a short time a true competitor with the railways and will regulate the railway rates thoroughly.

The effect of the competition of the river on freight rates north and south is shown at a glance by the comparison by river in 1897, when a line of steamboats, known as the Anchor Line, regularly carried freight between St. Louis and New Orleans, and the present rate by railway, there being now no freight line from St. Louis to New Orleans because of uncertainty in the channel.

	Per 100 pounds.
First-class rate in 1897	$0. 75
Present rate	.90
Second-class rate in 1897	.63
Present rate	.75
Third-class rate in 1897	.55
Present rate	.65
Fourth-class rate in 1897	.42
Present rate	.50
Fifth-class rate in 1897	.33
Present rate	.40
Sixth-class rate in 1897	.28
Present rate	.35

It is conceded that if the Government will assume all responsibility for maintaining a channel between St. Louis and Cairo 8 feet deep and 200 feet wide, so that shipping capital will have confidence in the situation, freight and packet lines will be reestablished and the river will become again an active competitor with the railways.

The fact that when the river is safely and certainly navigable it regulates the railway rates not only north and south from St. Paul to New Orleans, but also east and west from San Francisco to New York, is shown conclusively by the attached statement of Mr. M. C. Markham. Mr. Markham is at present a traffic expert of the Missouri Pacific Railway Company, stationed in St. Louis, and at the time he made this explanation of the river's influence upon railway rates he was the assistant traffic manager of the Illinois Central Railway, a line paralleling the Mississippi River north and south. The statement was made in 1901, before the United States Industrial Commission.

We respectfully bring these facts before the President, because unless he urges this appropriation for the improvement of the Mississippi River there is a possibility that it will not be made, as the passage of a rivers and harbors bill is uncertain.

We have the honor to be, with great respect, your obedient servants,

JAMES E. SMITH, *President.*
WM. FLEWELLYN SAUNDERS,
Secretary and General Manager.

The statement of Mr. M. C. Markham, traffic expert, as to the influence of the Mississippi River in regulating freight rates, is as follows:

The river, as can be readily understood, makes the rates from St. Louis to Memphis or New Orleans. The railroads running between those points, to get a share of the traffic, must necessarily offer rates approximating those made by the river craft. Chicago is not situated on the river, but it would be placed at a disadvantage as regards the Memphis or New Orleans trade if it were not put upon a relatively fair rate plane with St. Louis. A railroad company having a line running from Chicago to Memphis or from Chicago to New Orleans may have no interest whatever in St. Louis industries, and for this reason might be glad to give Chicago such rates as would enable it to compete with them. By so doing the Chicago railroad builds up the enterprises of the town it is interested in and reaps the benefit of getting an increased traffic therefrom.

There are many outlying towns of importance contiguous to Chicago. These also have their merchants and manufacturers who are seeking markets for their wares. Demands will be made upon the railroads which serve these outlying towns for such favorable rates as will enable them to market their products as against Chicago or St. Louis. It may be to the best interest of one or more of the railroads that these demands be complied with. Rival industries and manufacturing cities farther removed, that would be affected in the sale of their products by the favorable rates given the others, would follow in making like demands upon the particular railroads which they support, with the result that relief would at once forthcome.

Then, too, railroads running from other towns situated on the rivers, such as Cairo, Paducah, Evansville, Louisville, and Cincinnati, are obliged to make rates to river points approximating those made by the boats; and inland towns, whose trade may be affected by these, make claims on the railroads which serve them for such an adjustment of their rates as will equalize their disadvantages. Thus the demand would spread step by step, until almost the entire northern country had partaken in a measure of the low rates made necessary in the first instance by the river influence.

Nor is this all, for, taking the converse of the situation described, the rail carriers are confronted with a condition that abridges their power to uphold rates to and from the inland towns of the Southern States fully as much as in the Northern States.

Mobile is situated on the Gulf of Mexico, 149 miles east of the Mississippi River. It has railroads reaching it which have no interest in New Orleans or its commercial growth. Its merchants and manufacturers compete for trade with those of New Orleans at common markets. The representatives of the railroads running from St. Louis to Mobile say: "While we have not the competition of the river to force a reduction of the rates to Mobile, we have the fact before us that New Orleans gets low rates by river and by rail.

It is in this way that specific rate differentials are established between trade centers interested in effecting sales of their products in common territory. By these means industrial enterprises remote from the river are enabled to trade at business centers situated on the river in competition with those on the river; and, further, inland towns remote from the river are enabled to interchange trade between each other at much more favorable rates than the railroads would be justified in making if the river influence did not exist.

These river rates also affect the rail rates east and west, as well as those north and south. Take grain, for instance, from the Missouri River trade center, Kansas City, to New York; the rates that would apply on such traffic would have to approximate the rates from Kansas City to St. Louis plus the low barge rate from St. Louis to New Orleans. This latter was as low as 4 cents per bushel the past year. Whatever rate is made from Kansas City to the Atlantic seaboard must be made also from the Missouri River gateways, such as St. Joseph, Leavenworth, Nebraska City, and Omaha, or else all the grain west of the Missouri River would be funneled through Kansas City.

In conclusion, Mr. Chairman, permit me to say that if the improvement of the Mississippi River has ever been a local issue, it is no longer a question of locality. It concerns the whole country, and all the people, North and South, East and West, are vitally interested in it. The great States of Missouri, Illinois, Iowa, Wisconsin, and Minnesota alone produce 25 per cent of the agricultural products of the United States and contain 19 per cent of its population. Now, add to these all the other States which will be directly benefited by the improvement of the greatest of American rivers, and you will find that nearly half the people of the country and half the amount of the capital invested in the United States are directly or indirectly concerned in it.

In November the people of the Mississippi Valley will hold a great convention at St. Louis to again direct the attention of Congress and the country to this paramount question of internal improvement. They will demand, earnestly and not in uncertain tones, freight regulation by means of river regulation, cheaper transportation for their products to the markets of the world, and a new Government policy which, by the use of our natural advantages, will enhance our commerce and national wealth and benefit the railroads and the people, producers and consumers alike. And I say, let us listen to the people! [Applause.]

Mr. SOUTHARD. Mr. Chairman, I want to ask the chairman of the committee a question. For a number of years the sundry civil bill has carried an appropriation for Toledo Harbor. I have looked through the bill and I find that it does not carry an appropriation this year. I want to ask if this is because of the fact that there is deemed to be a sufficient balance already appropriated to last during the coming year?

Mr. TAWNEY. I will say that the amount authorized is $800,000. The appropriation up to date is $784,500. Of this there is a balance of $15,500 unexpended. The estimate for the fiscal year submitted by the War Department is $15,000. In other words, they have $500 more available than they estimate will be expended during the fiscal year 1907.

Mr. SOUTHARD. What is the total of unexpended balance?

Mr. TAWNEY. Fifteen thousand five hundred dollars.

Mr. SOUTHARD. I would like to ask the chairman of the Committee on Rivers and Harbors if those figures correspond with his information?

Mr. BURTON of Ohio. Mr. Chairman, I have not examined the figures for a considerable time. At the close of the last fiscal year there was a balance approximately of $294,000 on hand. There were outstanding contracts amounting to $215,000. To complete the work provided for would require about $15,000 in addition to the $215,000 on outstanding contracts, so that the balance on hand was sufficient, not only to meet the work contracted for, but the balance to be done. It would seem that the project can be completed within the estimate and leave a considerable balance on hand.

The Clerk read as follows:

Improving harbor at New Haven, Conn.: For completing improvement in accordance with the adopted and extended projects, $64,926.10.

Mr. BURTON of Ohio. Mr. Chairman, I move to strike out the paragraph, lines 15 to 18 inclusive. I will state in regard to this paragraph that, according to the language of the report which is before us, a point of order would lie. I read from the Report of the Chief of Engineers, part 1, page 100. After giving a brief summary of all the work to be done in the harbor, the report proceeds to say: "The above project was completed April 26, 1904, mainly under continuing contract, and improvement has been maintained."

According to the statement on the opposite page there is a balance available of $48,000. The reason why this item appears here is one which I may state to the committee, if it is desired, but it would take considerable time. I think, however, both justice to other localities which have been refused appropriations this session under similar circumstances, and lack of opportunity to carefully examine this situation, alike make it desirable that this paragraph should be stricken out.

Mr. TAWNEY. Mr. Chairman, I have no objection to the paragraph being stricken out. I wish to say, in justice to the committee, that the committee called on the engineers of the War Department to submit detailed statements of the condition of all the appropriations, the progress of the work, when it

would be completed, and that statement was sent in in detail. Subsequently this item was sent to the committee with the statement of the War Department that it was authorized, and that it was for the continuation and completion of a work already authorized. The committee without further investigation inserted the item. It was not until after the bill was printed that the gentleman from Ohio called the attention of the committee to the fact, or otherwise it would not have appeared in the bill.

The amendment was considered and agreed to.

The Clerk read as follows:

Improving harbor at Boston, Mass.: For continuing improvement by providing channels 35 feet deep, and of authorized widths, from the navy-yard at Charlestown and the Chelsea and Charles River bridges to President roads, and thence by route designated as No. 3 through Broad Sound to the ocean, $600,000.

Mr. LAWRENCE. Mr. Chairman, I move to strike out the last word. This is an appropriation of $600,000 for improvements now being made in Boston Harbor. The river and harbor act of four years ago appropriated $600,000 and authorized an expenditure of $3,000,000 toward the completion of a deep-sea channel there, to be 1,000 feet wide in the upper harbor and 1,200 feet wide in the lower harbor, of a uniform depth of 35 feet. It was expected at that time that all the work would be completed in four years. Based on that authorization there have been appropriations made of $1,470,000. With this proposed appropriation of $600,000 it would make in all $2,070,000. The work is being carried on, as I am informed, under four contracts; and the contracts call for the completion of the work by December 31, 1907. Now, I feared that $600,000 was not a sufficient sum, in view of the fact that it will probably be necessary to appropriate more than one million in the next sundry civil bill if the work is to be completed by the time specified. If $600,000 is not sufficient for carrying on the work expeditiously, I must insist upon an additional amount. I wish to inquire of the chairman of the Committee on Appropriations as to the policy of the committee with reference to appropriating money for river and harbor improvements that are under the continuing-contract plan. Is it the policy of the committee to appropriate whatever the Chief of Engineers says is necessary?

Mr. TAWNEY. Absolutely.

Mr. LAWRENCE. Then this $600,000 appropriated now is all that the Chief of Engineers calls for.

Mr. TAWNEY. If the gentleman will permit me, I will give the committee the information that we had in making this appropriation. It is as follows:

Improving harbor at Boston, Mass. (35-foot channel).

Limit of expenditure authorized by act of June 13, 1902		$3,000,000.00
Amount appropriated under this authority to date		1,470,000.00
Balance remaining unappropriated		1,530,000.00
Present unexpended balance January 1, 1906		854,738.77
Probable expenditures before June 30, 1906:		
For dredging	$255,850.77	
For ledge removal	101,488.00	
		357,338.77
Probable balance June 30, 1906		497,400.00
Probable expenditures during the year ending June 30, 1907:		
Under existing contracts—		
Dredging	$856,069.00	
Ledge removal	166,331.00	
	1,022,400.00	
Under proposed contracts, ledge removal	75,000.00	
		$1,097,400.00
Amount to be appropriated for year ending June 30, 1907		600,000.00

The work to be carried on under the appropriation asked for is a part of the existing approved project.

Work under contract. Estimate based on probable progress.

That is the information we received, and we accepted it without question and inserted the amount.

Mr. LAWRENCE. Mr. Chairman, there has been some disappointment expressed that the work has not gone on there more expeditiously, and I wanted to be assured that enough was being appropriated. I withdraw the pro forma amendment.

The Clerk read as follows:

Improving Columbia River, Washington: For continuing improvement, in completion of contract authorization, between the mouth of Willamette River and the city of Vancouver, Wash., $13,000.

Mr. JONES of Washington. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee why the appropriation here was made $13,000? The amount authorized by the river and harbor act is $30,000, and I would like to know why it is placed at $13,000?

Mr. TAWNEY. The committee has carried in this bill the exact amount of the engineer's estimate to be expended during the fiscal year 1907.

Mr. JONES of Washington. And that is the amount?

Mr. TAWNEY. Yes; that is the estimate of the engineers of the War Department who have the work in charge. I will say as to all of these items that the committee has not changed the estimate of the Dpartment in a single instance.

Mr. JONES of Washington. I want to ask the chairman what significance is in the language "in completion of contract authorization." I notice that in some of these sections the bill authorizes for "continuing improvements," so much money, but in this it says, "for continuing improvement in completion of contract authorization." I notice in the preceding paragraph, with reference to the mouth of the Columbia River, it says "for continuing improvements in completion of contract authorization, $3,000." Now, that is the whole amount.

Mr. TAWNEY. I will say that that language has been corrected by the amendment which I sent to the desk a moment ago and which was agreed to by unanimous consent.

Mr. JONES of Washington. I withdraw the pro forma amendment.

The Clerk read as follows:

Illinois and Mississippi Canal: For completing improvement, $200,000.

Mr. PRINCE. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee a question. If it should appear later that the $200,000 appropriated for completing the Illinois and Mississippi Canal would not be enough to complete that canal, would the Illinois and Mississippi Canal be stopped from asking for any further money by virtue of the language used here in this bill?

Mr. TAWNEY. The parties in interest would have to proceed then just as they proceeded to obtain the original appropriation, by going to the Committee on Rivers and Harbors and securing an increase in authorization..

Mr. BURTON of Ohio. Any appropriation, I would state, made in this sundry civil bill not authorized by the river and harbor bill would be subject to a point of order.

Mr. PRINCE. Have you appropriated here in this bill all that was recommended by the Committee on Rivers and Harbors?

Mr. TAWNEY. We have; all that the engineers recommended.

Mr. PRINCE. And all that was recommended by the River and Harbor Committee?

Mr. TAWNEY. Up to the limit of cost. The amount recommended by the engineers to be appropriated for 1907 was $200,000, which amount, as inserted in the bill, is recommended.

Mr. PRINCE. I withdraw the pro forma amendment.

The Clerk read as follows:

Improving Mississippi River from mouth of Ohio River to Minneapolis, Minn.: For continuing improvement, in completion of contract authorization, from the mouth of the Missouri River to St. Paul, Minn., $300,000.

Mr. RHODES. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if there are other purposes for which the sum appropriated in this paragraph can be used than the dredging of the Mississippi River? I assume that it is improvement by dredging to which this language refers.

Mr. TAWNEY. I did not quite catch the first part of the gentleman's inquiry.

Mr. RHODES. I say I want to know if there are other purposes for which the amount of money carried in this appropriation can be used than the dredging of the Mississippi River. I infer it is dredging to which this language refers.

Mr. TAWNEY. To what item does the gentleman refer? I have not the page.

Mr. RHODES. On page 105, and the language is this:

Improving the Mississippi River from the mouth of the Ohio River to Minneapolis, Minn.: For continuing improvements in completion of contract authorization from the mouth of the Missouri River to St. Paul, Minn., $300,000.

Mr. BURTON of Ohio. If the gentleman will pardon me, there is another question, it seems to me, of more importance than that. Should not this read "from the mouth of the Missouri River to Minneapolis?" The river is divided into three sections for the purpose of appropriation and authorization. One is from the mouth of the Ohio to the Head of the Passes, which is virtually the point at which the Mississippi empties into the Gulf; the second is from the mouth of the Ohio to the mouth of the Missouri, and the third is from the mouth of the Missouri to Minneapolis. It seems to me this is an error here.

Mr. TAWNEY. Well, the gentleman will observe the language in the paragraph is correct. The language he criticises

is the title, and the reason that title is carried that way is on account of the method of bookkeeping.

Mr. BURTON of Ohio. I notice the title is incorrect and the item itself is correct.

Mr. TAWNEY. The item of appropriation is correct.

Mr. RHODES. Mr. Chairman, that does not cover the point. I want to know if there are other purposes for which this money can be expended than the dredging of the Mississippi River from the mouth of the Ohio to Minneapolis?

Mr. TAWNEY. I will say to the gentleman from Missouri, the gentleman from Ohio, chairman of the Committee on Rivers and Harbors, is more familiar with the details of this legislation than I am, and he can answer the question, but I will say it can be used only for the purposes specifically provided for in the river and harbor act.

Mr. BURTON of Ohio. I will state to the gentleman from Missouri this item here has no bearing upon the portion of the river in which he is interested. This only applies to the stretch of the river which extends from the mouth of the Missouri upward to Minneapolis; but answering, however, the spirit of his question, or what he is seeking to know, I will state that the river and harbor act of 1905 contemplated a change in the treatment of the Mississippi River from the mouth of the Missouri to the mouth of the Ohio. The board of engineers who examined the locality made a report in which they stated that to treat the river by revetment, by hurdles, and by the plan recommended in 1881 would cost $20,000,000 in the first instance and would cost $400,000 per annum to maintain. This seems an enormous cost, and the committee in the bill passed a year ago last winter recommended a change in the method of treatment, under which dredging should bear a larger share and the cost would be very much less. Indeed, the commerce has been falling off steadily, and the amounts appropriated seem unduly large. The question is now before the Comptroller of the Treasury whether, under the language inserted in the bill of 1905, any amount on hand for the Mississippi River between the mouth of the Missouri and the mouth of the Ohio, except the appropriations prior to 1905, which are now, for the most part, exhausted, can be applied for the preservation of the work under the old plan. The Comptroller has not yet given his answer. In the case of a negative answer it is the intention of the committee to consider the subject and perhaps introduce a corrective statute here, to be passed this session, for the reason that while the general plan has been materially changed there is some work yet remaining under the old method which should not be neglected.

Mr. RHODES. I am very much obliged to the gentleman from Ohio for this explanation. Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RHODES. Mr. Chairman, I desire a very few minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RHODES. Mr. Chairman, what I desire to say is this: I understand from the remarks of the gentleman from Ohio that it is the policy or the present plan to make whatever improvements are necessary on the Mississippi River between the mouth of the Ohio River and the city of St. Louis by dredging. I am in receipt of a petition signed by a great many citizens residing in three counties in my district bordering on the Mississippi River, and if the facts set out in this petition are true, this plan by which it is proposed to improve the Mississippi River is a gigantic failure.

One of those counties is the county of Ste. Genevieve, in which is situate the city of Ste. Genevieve, the oldest town in the State of Missouri. I know as a matter of fact the boat landing at the city of Ste. Genevieve has long since been destroyed and is now over a mile from the city of Ste. Genevieve. I know also the boat landing at a place called "Cliff Landing," also in Ste. Genevieve County, is practically destroyed on account of certain conditions which need correction. The reason that these conditions exist at these points on the Mississippi River seems to be on account of the great amount of sediment that is being rapidly deposited here and the formation of sand bars, and this plan of dredging has not served the purpose it was intended to serve.

The further fact is, on the Illinois side they have an alluvial shore and on the Missouri side we have a rock shore, and as the current has been deflected from the Missouri side to the Illinois side, the result has been to cut into the Illinois alluvial shore, and also to pile up these immense sand bars, stretching miles and miles on the Missouri shore, which has practically destroyed the boat landings at Cliff Landing and the city of Ste. Genevieve.

I do not know just what should be done, but I do know that something ought be done to prevent this accumulation of sand bars and the destruction of our landings. I desire to read this petition, which is signed by E. E. Swink and numerous other citizens of Ste. Genevieve, St. Francois, and Jefferson counties.

Hon. M. E. RHODES,
Washington, D. C.

SIR: The undersigned, your constituents, beg leave to call your attention to a grievance which, unless promptly remedied, may lead to very serious consequences affecting their interests and the interests of a large part of the people of Ste. Genevieve County and adjoining counties. The blackprint hereto attached, which is made from original surveys on file in the St. Louis office of the United States Engineer Department, in charge of river improvements, will best illustrate the situation.

Brickeys, or Cliff Landing, situated on the Mississippi River about midway between the city of Ste. Genevieve, Ste. Genevieve County, and Crystal City, in Jefferson County, has been for over sixty years one of the best-known and safest landings on the western bank of the Mississippi River between Cairo and St. Louis. It is used very extensively for shipment by the farmers, merchants, and manufacturers of those counties. The channel of the river originally ran close to the Missouri shore for many miles north and south of that landing, but a bar forming many years ago a few miles above the landing developed into what is now known as "Ames Island," a low sand island, overgrown with willows. After the formation of this island the channel still continued along the eastern edge of it until about 1897 and came to the Missouri shore some distance above Morrison Hollow, shown on the attached map. River men uniformly assert that there never was, even at the lowest stages of the river, less than 20 feet of water in this channel between the place where it struck the Missouri bluff and thence for several miles downward.

About six or seven years ago the channel began to sheer off from the lower point of Ames Island southeastwardly toward the Illinois shore, and the United States engineers, in order to prevent the river from cutting into the alluvial soil on the opposite shore in Illinois, constructed a revetment on its eastern bank at Penitentiary Point, about 2½ miles above Brickeys. This revetment, owing to a failure of appropriations to keep similar structures in thorough repair, was permitted to fall into decay, and the high water of succeeding years tore away the lower end of it, in consequence of which the Mississippi washed away several hundred acres of very valuable land in a high state of cultivation in Randolph County, Ill., and the deep channel shifted to the Illinois shore. What was the bed of the river in and prior to 1900, as the annexed plat will show, is now a sand bar, rapidly extending southwardly and threatening to destroy the landing at Brickeys entirely.

The main channel of the river has shifted so far eastward that it is but a very short distance from a levy constructed by the people of Randolph and Monroe counties, in Illinois, at great expense, and protecting the bottom lands along the river for a distance of 40 miles and more. Should the river seriously cut this levy, as it is now threatening to do, these lands are liable to be inundated to the extent of several hundred thousand acres at every high stage of the river, to the incalculable damage of their owners and inhabitants.

The construction placed by the Attorney-General's office upon the river and harbor appropriation act of 1904–5 confines the United States Engineer's office to an improvement of the river by dredging, and prevented the use of any part of the money appropriated for the preservation of landings, or even for the repair of work that had already been done. The dredging has accomplished very little good, while permitting the protecting structures along the river banks to go to decay has, as the foregoing will show, caused great injury, not only to ancient and well-established landings, but also irreparable injury to people living in the bottom lands adjoining the river.

The United States engineer department in St. Louis replies to repeated complaints made to Major Casey, who is in charge of it, that there is no money available under present appropriations to remedy this state of affairs, which the department concedes is deplorable.

The undersigned therefore earnestly request you to confer without delay with the Hon. W. A. RODENBERG, M. C., whose constituents are vitally interested in this matter, in order to secure either a diversion of part of the appropriation made for dredging in the last river and harbor bills to the protection of the landing at Brickeys, and the incidental protection of hundreds of thousands of acres in the opposite bottoms of Illinois, or else try to secure a separate appropriation for that purpose.

All the facts hereinabove stated can be verified by inquiry of Major Casey.

Respectfully,

Geo. S. Yates, Francis L. Jokust, John Herter, Henry A. Baumann, Frank Rogers, Leon Herman, Walter Koehler, Hy. G. Rehm, John F. Lakose, Joseph H. Vorst, Leo. C. Vorst, Fred A. Sixauer, Jos. Lafumoadure, Chris. Naumann, Oliver C. Naumann, Chas. J. Naumann, Leo. Naumann, Charles W. Meyers, E. E. Swink, F. E. Hinch, H. S. Rehm, D. D. S.; E. H. Sutton, C. E.; John L. Boverie, merchant; Henry J. Cocolise, Edw. B. Morean, W. C. Boverie, Henry G. Klein, Wm. Eichenlaub, James F. Berry, Henry Vaeth F. J. Rigdon, Henry J. Janis, Gottlieb Rehm, J. B. Roberts, G. M. Rutledge.

I desire to ask the gentleman from Ohio if, in his opinion, there is any part of the unexpended balance of whatever sum was appropriated for the improvement of this part of the Mississippi River in 1905, or by any prior appropriation, that is available for any purpose at this time other than that of dredging?

Mr. BURTON of Ohio. Mr. Chairman, I will say, in response to the inquiry of the gentleman from Missouri, that under an interpretation put upon the river and harbor act of 1905 by the Judge-Advocate of the War Department there is some doubt as to whether any considerable amount is available for the improvements in his locality. I would say, however, that the committee has had that subject under consideration and has requested a decision from the Comptroller; and if the decision of

the Comptroller, as I already stated, is that none of this balance is available we shall seek to bring in legislation. Both the gentleman from Missouri and the gentleman from Illinois [Mr. RODENBERG] have been giving attention to this subject. But in saying that, however, I do not wish the gentleman to indulge the hope for his district that the shifting and eroding banks in that whole stretch of river will be taken care of, but that only such improvements will be made as are immediately required in the interest of navigation.

Mr. RHODES. Referring to the petition just read, you will observe it is stated that Brickeys, or Cliff Landing, which is about midway between Ste. Genevieve and Crystal City, Mo., is one of the best known and safest landings between Cairo and St. Louis, and has been for over sixty years. This is an important landing, because it is used extensively as a shipping point by farmers, merchants, and manufacturers of Ste. Genevieve, St. Francois, and Jefferson counties. The petition further states, as a result of Ames Island having been formed above the landing, the current has been deflected to the Illinois shore, resulting in great damage not only to the Missouri landing, but, as I said before, resulting in great damage to the Illinois side by cutting into and washing away the alluvial banks. As a result of these conditions, I introduced House bill No. 17457 early in the session, which seeks to protect the landing at Brickeys, or Cliff Landing, at Crystal City, and other points on the Mississippi River in Jefferson County, Mo., by appropriating $200,000 for certain improvements at these points. Similar conditions existing at or near the city of Ste. Genevieve and at other points in Ste. Genevieve County prompted me to introduce House bill No. 17351, appropriating $200,000 for specific and needed improvements at those points in Ste. Genevieve County. The fact is the Missouri side consists of a rock shore practically all the way from Crystal City down to the city of Ste. Genevieve, while the Illinois shore consists of an alluvial soil all the way down, which is easily eroded. On our side we have many of those islands, such as Ames Island, all lying close to the Missouri shore, which tend to obstruct our landings and interfere greatly with navigation. I should not only say these islands interfere with navigation, but at some points navigation has been practically destroyed.

But this is not all. The resulting damage is now and has been for years twofold in its nature, viz, the destruction of our Missouri landings and at the same time the washing away of great stretches of the Illinois shore and submerging hundreds of acres of those splendid Illinois bottom lands and destroying hundreds of thousands of dollars' worth of property. And I here wish to say I trust the bill introduced by the gentleman from Illinois [Mr. PRINCE], which seeks to extend the jurisdiction of the Mississippi River Commission in levee improvement, which, if passed, will permit the extension of the levee system north of the mouth of the Ohio and will, in my opinion, materially relieve the situation in my district, will pass. It has been stated by the chairman of the Committee on Rivers and Harbors [Mr. BURTON] that this particular part of the river has been found difficult to keep in repair, and that perhaps a greater per cent of the total amount of money appropriated for river improvement has been expended on this stretch of the river than on any other equal distance north of the mouth of the Ohio. This is no doubt true, and it will no doubt take a very large sum of money to keep the river in repair between Cairo and St. Louis. However this may be, I take it we must meet the situation as we find it. Two particular unavoidable conditions, in my judgment, contribute to the existing situation, viz, the great amount of sediment which is brought into the Mississippi by the Missouri tends to obstruct the channel of the Mississippi and the inability of the Illinois banks to confine the water within its natural channel on account of the readiness with which the banks erode. The Missouri shore being of a rock formation, we escape injury by erosion and inundation down to Ste. Genevieve, but suffer on account of the current shifting to the opposite shore and the formation of bars and islands near our shores. As I said before, I know something ought to be done, and in my opinion ought to be done quickly. From Ste. Genevieve down to Cape Girardeau the nature of things somewhat change. The rock shore gives way on the Missouri side to low flat bottoms and alluvial banks. The situation in Perry County, Mo., is quite as bad as in the counties of Jefferson and Ste. Genevieve, and with a view to giving relief at Clearyville, Belgique, Crains Island, and other points in this county I introduced H. R. bill No. 17456. This bill provides for river improvement at these points by fencing, revetment, and such other methods as are calculated to protect the banks from erosion and confine the water in its natural channel. The sum which this bill seeks to appropriate for these purposes is also $200,000. I beg to submit a letter from one of the leading citizens of Perry County, Mr. Joseph Fenwick, of Perryville, on this subject, and which is unquestionably well founded in fact, as Mr. Fenwick is a native of the county and knows every foot of the river to which he refers. I ask that the letter be printed in the RECORD.

The letter referred to is as follows:

PERRYVILLE, MO., *February 1, 1906.*

Hon. M. E. RHODES, *Washington, D. C.*

FRIEND RHODES: Replying to yours in regard to Mississippi River improvement, will say that at Clearyville, opposite Chester, Ill., work is needed to protect bank and keep river from washing away Clearyville. At head of Crains Island, being about where township line between townships 36 and 37 north intersects river, there is urgent need of keeping river from going down old chute by way of Belgique, being place where former appropriations have been spent, but work is now going to pieces, and if neglected will not only make a bad river, but ruin the lower end of Bois Brule Bottom. At what is known as Huber and Sutterer Island, being in township 36 north, range 12 east, the fences have been damaged and should be repaired without fail, thus keeping the river in its channel and protecting the banks as well. Between Red Rock and Seventysix, being in township 35 north, range 13 east, some work should be done to keep channel in place where it now is. Parties along river approve the system of fencing as made by the Government, and ask that they be kept up, which could be done at comparatively small costs if attended to at once.

Very truly, yours, JOS. F. FENWICK.

You will observe it is stated the method of improvement by fencing is approved by the people along the river, and it is desired that this method be continued. Mr. Fenwick also states that the little town of Clearyville is in danger of being washed away and the beautiful Bois Brule Bottom inundated. I know it is urged that it is not the policy of the Government to protect private property from damage by our rivers, and perhaps the Government ought not be expected to protect the interests of the private citizen; yet I take it I can consistently ask that these appropriations be granted on the theory of protecting the river in the interest of navigation. The fact is, it matters not where river improvement is had of this character and under like circumstances, there are always certain benefits which incidentally accrue to the private citizen, though primarily the purpose of the improvement is to protect the river in the interest of navigation. Hence I take it the improvements contemplated in my bills are not in violation of the policy of the Government in carrying on our present system of river improvement. The fact that no river and harbor bill is to be reported until next winter of course makes it impossible for my bills to be acted upon at this session, and as the gentleman from Ohio [Mr. BURTON] has kindly agreed to see that the people of my district are to have at least temporary relief we are not only very thankful for this assurance, but shall be satisfied to wait for general relief until the river and harbor bill shall have been made up at the next session of Congress. As I understand the situation from the explanation of the gentleman from Ohio [Mr. BURTON], the question about which there seems to be some doubt in the minds of officials has recently been referred to the Comptroller for an opinion, and in the event the Comptroller holds any part of the unexpended balance now on hand can not be expended for improvements other than dredging, as provided by the river and harbor act of 1905, certain remedial legislation is contemplated the present session to relieve the situation, particularly at Brickeys, or Cliff Landing, and on the Illinois side. If, however, the Comptroller holds, as we hope he will, that a part of this money can be expended for purposes other than dredging, I certainly hope that every place named in my bills will receive favorable consideration at the hands of the Commission. There is no doubt but such action is warranted. I have gone over the whole situation, not only with the River and Harbor Committee, but with the Committee on Levees and Improvements. Messrs. RODENBERG and SMITH, of Illinois, whose districts are also affected, are equally interested, because their constituents have been injured along with mine and have suffered from the same common causes. I will say further, we took this matter up last winter with the War Department, under whose jurisdiction this part of the river is, and had an inspection made by Major Casey, of St. Louis, at some of those points named in my bills, and I am pleased to say the contention set out in the petition of E. E. Swink et al. is sustained by Major Casey in his report to the Department.

I here wish to have printed in the RECORD some of the correspondence leading up to this inspection by Major Casey, a copy of his report to General Mackenzie, Chief of Engineers, and General Mackenzie's letter to me.

ST. LOUIS, MO., *March 17, 1906.*

Hon. M. E. RHODES, M. C.,
Washington, D. C.

DEAR SIR: In conformity with my statement of March 12, plats showing condition at Brickeys are herewith inclosed. I was down there yesterday and find matters getting worse, as the current eats very rapidly into the Illinois shore and destroys a considerable quantity of

valuable farming land. Mr. RODENBERG is sick in East St. Louis, and if I can spare the time I will try to see him, and have him seen by some of his constituents before he returns to Washington.

Very truly, yours,

R. E. ROMBAUER.

ST. LOUIS, *March 21, 1906.*

Hon. M. E. RHODES, M. C.,
Washington, D. C.

DEAR SIR: Your dispatch dated March 20, as follows:

"War Department has instructed Major Casey to inspect river situation at once. See him Wednesday. Letter of explanation by special delivery will reach you Thursday morning."

I have seen Major Casey this morning, and found out that he was in possession of the two petitions sent to you from Ste. Genevieve and St. Francois counties, and of the map showing the situation, which papers were indorsed with instructions from the War Department addressed to him, requesting him to look into the matter at once and report conditions without delay.

Both Major Casey and myself are of opinion that with the present temper of Congress it will be impossible at this late day to get an independent appropriation for improvement of the Mississippi River. There is, however, an unappropriated balance amounting to about $300,000 of the appropriation made by the sundry appropriation bill approved March 3, 1905, of which one-half could be diverted from the object stated therein to the general improvement of the river, which, I think, by proper effort can be done and would meet with the support of Major Casey, which, of course, is important. Major Casey tells me that if this action can be secured he will use a great part of the funds for the purpose of improving the situation at Brickeys.

There are a number of gentlemen, constituents of Mr. RODENBERG, coming up here to-morrow for the purpose of going over with me to see Mr. RODENBERG. I regret that I can not meet them, since I am compelled to leave for Louisville to-night on matters of importance. I will, however, leave specific directions, accompanied by plats and a full statement of the situation, with them, and will authorize people in my office to open your letter and to either read or deliver it to them so that they can make use of it with Mr. RODENBERG and Major Casey.

Very much obliged to you for the zeal displayed in this matter.

Very truly, yours,

R. E. ROMBAUER.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 31, 1906.

Hon. M. E. RHODES,
United States House of Representatives.

SIR: 1. Referring to petition from Mr. Ed. Zeller and others, that steps be taken to secure a diversion of a part of the appropriation made in the last river and harbor act for the Mississippi River, to be applied to protection of the landing at Brickeys, otherwise known as Cliff Landing, between Ste. Genevieve and Crystal City, and the protection of Randolph and Monroe counties, Ill., or that a separate appropriation be secured for the purpose, I have the honor to inform you that I am to-day in receipt of a report on the subject from Maj. Thomas L. Casey, Corps of Engineers, the district engineer, of which a copy is inclosed. It will be seen that in Major Casey's opinion it is desirable that the diversion asked or a special appropriation be made for the work.

2. You are undoubtedly aware of the fact that the river and harbor act approved March 3, 1905, altered the adopted project for the Mississippi River between the mouth of the Ohio and the mouth of the Missouri River by providing that future prosecution of the improvement be by dredging, leaving no funds available for permanent works, except a portion of the balance then remaining on hand to the credit of the improvement. It will therefore require Congressional action to secure such diversion as is the desire of your petitioners, and beyond stating the facts to you, as I have done, it is not in my power to render assistance.

3. The petition is returned herewith.

Very respectfully, A. MACKENZIE,
Brigadier-General, Chief of Engineers, United States Army.

MARCH 29, 1906.

Brig. Gen. A. MACKENZIE,
Chief of Engineers, United States Army, Washington, D. C.

GENERAL: 1. In response to instructions contained in the first indorsement, office of the Chief of Engineers, United States Army, March 19, 1906, on the letter of Ed. Zeller et al. to the Hon. M. E. RHODES (E. D. file 50524–1), petitioning that steps be taken to secure funds for the protection of the landing on the Mississippi River at Brickey, Mo., and of Randolph and Monroe counties, Ill., I have the honor to make the following report:

2. Examination and survey of the locality were made on March 23 and 24, 1906, the results of which are shown on the accompanying map.

3. Brickey Mill has been for many years a principal shipping point for the citizens of that part of Ste. Genevieve County, Mo., and has been accessible to steamers by reason of the deep-water channel past the landing at all navigable seasons of the year.

4. Much work in bank protection and channel contraction has been done by this office in that vicinity, and the extension of those works and the construction of others were in plan when their execution was interrupted by the terms of the river and harbor act of the last Congress.

5. For several years past the erosion of the right bank along Ames Island and the growing bar below it have caused deflection of the channel to the Illinois shore, which, in turn, has suffered such rapid and destructive erosion below the revetment at Penitentiary Point as to greatly widen the river there and draw the channel permanently away from Brickey, tending to the silting up of the depths that formerly obtained along the Missouri shore and to the ultimate extension downstream of the upper bar, to cover and destroy the landing.

6. The construction of the proposed hurdles at Penitentiary Point, as marked upon the map, No. 1 the first season and No. 2 the second, at an estimated cost of $75,000, would materially correct the excessive width of the river at this place, would cause an erosion of the threatening Missouri bar, would restore the channel to its former location in the vicinity of Brickey, and would virtually extend the bank protection already placed at Penitentiary Point by preventing further erosion of the Illinois bank below it, and thus preserve the important levee at present threatened.

7. As the small balance of funds remaining on hand from former appropriations for works of permanent improvement is not sufficient to warrant the construction of new works, and will probably be soon entirely expended in the repair and maintenance of those already begun, it is respectfully recommended that Congress be urged to grant authority for the use of a portion of the last appropriation for dredging—as one-half of the unallotted and unexpended balance on hand, which would amount to about $85,000—to the construction of these hurdles and such other work in the district as may be similarly urgent and beneficial to the interests of navigation, or else to grant a special appropriation for this work.

Very respectfully, your obedient servant,

THOS. L. CASEY,
Major, Corps of Engineers, United States Army.

I submit this correspondence for the purpose of showing how apparent it is that immediate improvements be made at those points named in my bills. I wish to call attention to the maps and plats alluded to in the petition and correspondence. These maps and plats show the present river situation at those points. They show the present location of the channel of the river. They also show the past location of the channel and the shifting of the channel from the Missouri to the Illinois shore at various periods during the last ten years. These maps and plats are copied from the official maps and drawings in the office of the River Commission, and are not only accurately and scientifically drawn, but unquestionably show the exact situation. Mr. Chairman, I shall heed the admonition of the distinguished gentleman from Ohio [Mr. BURTON], who is a well-recognized authority on the subject of waterways and river improvements, viz, that I must not indulge the hope for my district that it is the intention of the committee to recommend that the entire stretch of the river provided for in my bills be taken care of, but only such improvements will be made as are immediately required in the interest of navigation, and, in the name of the good people of my district, I thank him for the information given me from time to time and his assurance that we are to at least have some relief at this session. [Loud applause.]

Mr. BURTON of Ohio. Mr. Chairman, I will say, in response to the inquiry of the gentleman from Missouri, that under an interpretation put upon the river and harbor act of 1905 by the Judge-Advocate of the War Department there is some doubt as to whether any considerable amount is available for the improvements in his locality. I would say, however, that the committee has had that subject under consideration and has requested a decision from the Comptroller; and if the decision of the Comptroller, as I already stated, is that none of this balance is available we shall seek to bring in legislation. Both the gentleman from Missouri and the gentleman from Illinois [Mr. RODENBERG] have been giving attention to this subject. But in saying that, however, I do not wish the gentleman to indulge the hope for his district that the shifting and eroding banks in that whole stretch of river will be taken care of, but that only such improvements will be made as are immediately required in the interest of navigation.

Mr. SMITH of Illinois. Mr. Chairman, I desire the attention of the chairman of the Committee on Appropriations [Mr. TAWNEY], also that of the chairman of the Committee on Rivers and Harbors [Mr. BURTON of Ohio] for a few moments. It is difficult for those sitting in the rear of the House to hear what is said by gentlemen speaking farther down the Hall.

Four counties of my district, namely, Alexander, Union, Jackson, and Randolph border on the Mississippi River. In Alexander County a few years ago, when the Mississippi River was about to cut into Cache River that empties into the Ohio above Cairo, I secured an appropriation of a hundred thousand dollars to prevent this threatened danger; the work was done under that appropriation and the immediate danger prevented. At Willards Landing, in Union County, much work was done, at my request, to prevent the Mississippi from cutting into a chain of lakes there, which would have destroyed navigation if it had occurred. Other work was done under the general appropriation in certain other places on the Mississippi, but much more is needed. Now, the information which I desire is this: Under this provision which has just been read I see the following:

Improving Mississippi River from mouth of Ohio River to Minneapolis, Minn.: For continuing improvement, in completion of contract authorization, from the mouth of the Missouri River to St. Paul, Minn., $300,000.

Now, while this provision is, as specified, for improving the Mississippi River from the mouth of the Ohio to Minneapolis, yet following that it would seem that the $300,000 appropriated by this provision can only be expended for improvements from the mouth of the Missouri up to St. Paul. Am I correct in that?

Mr. TAWNEY. You are.

Mr. BURTON of Ohio. If the gentleman will allow me, I can

answer that question. After very careful consideration of the subject a year ago last winter, when the river and harbor bill was passed, it was not thought that any more money was needed between the mouth of the Ohio and the mouth of the Missouri. It had already been provided for, while the other stretches of the river were not so amply provided for; and this portion of the river, from the mouth of the Missouri to the mouth of the Ohio, was intentionally omitted, so far as any appropriation to be made in this sundry civil bill was concerned. There is no authorization under which the Committee on Appropriations could include any amount in this bill, and I will say to the gentleman from Illinois that if blame attaches to any committee it is not to the Committee on Appropriations, but to the Committee on Rivers and Harbors.

Mr. SMITH of Illinois. I trust the gentleman from Ohio has not understood that I was offering any criticism. I was asking a question for information. Now, one other question to the chairman of the Committee on Rivers and Harbors. As I understand it, under the last river and harbor appropriation bill the remainder of the money remaining under that appropriation can not be expended on work from the mouth of the Ohio up the Mississippi, for any purpose other than dredging. I was unable to catch the gentleman's reply to the gentleman from Missouri.

Mr. BURTON of Ohio. As that question has several times been asked, I think it is best to read the provisions of the act, found on page 27 of the river and harbor appropriation bill, approved March 3, 1905:

> Improving the Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: The Secretary of War may prosecute the improvement of the said section of the Mississippi River by dredging, as set forth in the report of the Board of Engineers for rivers and harbors, submitted November 12, 1903; and the said Secretary of War may purchase or cause to be constructed two dredges, to be employed with those now in use in said section for the purpose of dredging.

Thus money may be expended at any point, under the new method.

Then follows this:

> And the said Secretary may, in his discretion, expend a portion of the balance now remaining on hand to the credit of said improvement for the completion of works already under way or for the construction of other works which will be useful in promoting the navigation of said section of the river; and such balance as remains on hand, together with the amount authorized to be expended in pursuance of contracts to be made, is hereby made available for the purposes set forth in this item.

Mr. SMITH of Illinois. That does not contemplate any other character of work, except dredging.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON of Ohio. I ask unanimous consent that the time of the gentleman from Illinois may be extended five minutes.

There was no objection.

Mr. SMITH of Illinois. I thank the gentleman and the House for the courtesy, and yield to the gentleman from Ohio to continue his explanation.

Mr. BURTON of Ohio. At the time the bill was debated there was an ample balance on hand for the maintenance of these hurdles and all the old forms of improvement, and the committee regarded it as a mere matter of bookkeeping whether the money expended be deducted from the balance on hand or from the amount appropriated on the same day, $650,000, for further prosecution of the work.

A question has been raised in the Department, however, whether the maintenance of the old régime or method is not merely a charge against the balance which they had on hand, which, by their method of bookkeeping, they have exhausted or very nearly so. I will state to the gentleman from Illinois that the question is now before the Department.

Mr. SMITH of Illinois. I was going to ask this additional question. I understood from information coming to me day before yesterday, from the Chief Engineer's Office, that the question had been raised whether or not the balance of the money remaining on hand, considering the language of the provision of the last river and harbor bill, might be expended wherever necessary, and in any manner other than for dredging purposes, and that up to that time the Comptroller had not rendered a decision.

Mr. BURTON of Ohio. He had not rendered a decision in regard to the $650,000 appropriated March 3, 1905, but very clearly the balance remaining over from previous appropriations was available for the purposes mentioned by the gentleman from Illinois. The difficulty about utilizing that amount for any extended improvement, however, is that the balance of it now on hand is very small.

Mr. SMITH of Illinois. I thank the gentleman for the information. I was inquiring for that purpose, because in endeavoring to look after the interests of the river and of the people within my district, I am satisfied, from my personal knowledge, that there is great necessity for much more work to be done at the points mentioned by me and several other points on the Mississippi within my district. I know that to be a fact. But the question with me was whether or not there were any funds available with which the work could be done; but as it does not appear from the statement of the gentleman that there are sufficient funds for the work I have indicated, I sincerely hope that in the near future his committee may make ample appropriations to do the needed work along that stretch of the Mississippi River first mentioned by me, as any effort to secure same on this bill would be subject to a point of order.

Mr. RUCKER. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

> Amend by adding after the last word of the paragraph the following: "For improving Missouri River from St. Joseph, Mo., to its mouth, the sum of $500,000."

Mr. BURTON of Ohio. Mr. Chairman, I make the point of order that that is a river and harbor appropriation.

Mr. RUCKER. Will the gentleman reserve his point of order for a minute?

The CHAIRMAN. Does the gentleman from Ohio make the point of order or reserve it?

Mr. BURTON of Ohio. I am willing to reserve it for a moment.

Mr. RUCKER. Mr. Chairman, I apprehended that as soon as the Missouri River was mentioned it might possibly arouse feelings of hostility on that side of the House. It is a little strange, too. That river is a great stream. It flows through a great, rich, fertile country. Of course, I take it that the greatest State through which it runs or whose shores it washes is, perhaps, the State of Missouri. That great State of Missouri, hoping to cultivate a friendly feeling with gentlemen on that side of the House, began flirting with the party in power two years ago. We even divided our delegation, sending, I believe, nine Republicans and seven Democrats, in the hope that we might reach the hearts of gentlemen on that side and get them to be considerate of our reasonable demands for this river.

Now, Mr. Chairman, let me ask the distinguished gentleman from Ohio [Mr. BURTON] if the Federal Government will not help us, what are we going to do with that river? I say to you, there is not a river in the United States that needs improvement as badly as the Missouri River. It is an incorrigible stream. It ignores the boundaries fixed by nature, washes over them, often leaves its channel and forms a new one, and raises thunder generally; and we ask the assistance of the strong arm of the United States Government to come and help us control this fitful, fickle——

Mr. GAINES of Tennessee. Rambunctious!

Mr. RUCKER. And, as my friend from Tennessee says, rambunctious river that we can not control by State law. Will you not help us? Let this little appropriation go through, and then our people will not so much regret what they did to swell the overwhelming Republican majority here, which I hope will give me a unanimous vote on this just, reasonable, and meritorious amendment.

Mr. RHODES. I wish to thank my colleague for the assistance that he gave to the Republican party in the last campaign. [Laughter.]

Mr. RUCKER. We did it in the hope that it would have some good effect here, but we serve notice now that unless this amendment goes through, we intend to send a fifteen to one delegation here next time—fifteen Democrats to one Republican. [Applause and laughter.]

Mr. JONES of Washington. Did you do it on purpose?

Mr. RUCKER. We did it designedly, hoping thereby to secure some consideration from the Republican majority in this House. [Laughter.]

The CHAIRMAN. Does the gentleman from Ohio make the point of order?

Mr. BURTON of Ohio. It is clearly subject to a point of order, Mr. Chairman, because there is no authorization for it.

The CHAIRMAN. Do I understand the gentleman from Ohio that there is no authorization for it?

Mr. BURTON of Ohio. None whatever.

Mr. RUCKER. We tried awful hard to get one, but the gentleman from Ohio overlooked it in his other bill, and I hope he will not make the point of order here. [Laughter.]

Mr. BURTON of Ohio. I will say that we have had so many

interesting discussions upon the Missouri River that it would be unprofitable now to continue them on the sundry civil bill.

Mr. RUCKER. I sincerely hoped that the gentleman from Ohio would confess that it was due to an oversight that the Missouri River was left out.

Mr. BURTON of Ohio. I would say further that a careful examination convinced the committee that there was some navigation in days before this expensive treatment was begun; that in the olden days it was used for boats, but when we began to spend millions upon it navigation ceased. After mature deliberation it seemed best to go back to the old days of no appropriation in hopes that navigation might again be resumed. [Laughter.]

Mr. RUCKER. Oh, the gentleman is too good a lawyer and too good logician to make that plea. You give us what we ask and I will guarantee that we will again have navigation on the Missouri River that will give satisfaction to our people, at least. [Laughter.]

The Clerk read as follows:

For continuing improvement, in completion of contract authorization, of Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries and clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission, $2,000,000.

Mr. PRINCE. Mr. Chairman, I move to strike out the last word, with a view of making some inquiry. Recently there has been passed and approved by the President a bill extending the jurisdiction of the Mississippi River Commission 50 miles north of the Ohio River to a point called "Cape Girardeau." I wish the chairman of the Rivers and Harbors Committee would give me his impression as to whether this appropriation of $2,000,000 could be used under the law for improving the levee system from the Ohio River to Cape Girardeau, where they have extended the Commission.

Mr. BURTON of Ohio. Mr. Chairman, of course nothing I might say ought to be accepted as expressing the probable decision of the officials of the executive department, because that responsibility rests with them. I am satisfied of one thing, however, which answers the gentleman's question indirectly, namely, that there is no need of amending this provision here, because the statute already passed this session is perfectly plain and distinct. It reads:

Any funds which have been or may hereafter be appropriated by Congress for improving the Mississippi River between the Head of the Passes and the mouth of the Ohio River—

That is in accordance with this provision here—

and which may be allotted to levees may be expended under the direction of the Secretary of War in accordance with plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for levees upon any part of said river between the Head of the Passes and Cape Girardeau, Mo.

That in so many words includes this portion of the river between the mouth of the Ohio and Cape Girardeau in that part from the Ohio down to the Passes. It consolidates the two.

It should be noticed, however, that the statute reads, and it must so read in the very nature of the case, "for continuing improvement in completion of contract authorization." That probably means that the greater share of this $2,000,000 made available under this appropriation has been contracted to be expended already—that is, they have already provided for construction of levees that will exhaust the most of this amount.

Then there is another fact, that before any levees are contracted for by the Mississippi River Commission it is customary to make surveys, also consultations are had with the people of the locality, agreements are generally made under which those owning the abutting property upon the stretch of the river under consideration agree to pay a share—one-half, usually. It would be necessary that all these preliminary steps should be taken before any contracts for levees are made. So, to sum up the whole matter, it is not clear, I may say not probable, that any considerable share of the amount appropriated by this bill would be expended for levees above the mouth of the Ohio; but so far as legislation can consolidate the two portions and provide for expenditure there in the future, the bill reported from the Committee on Levees and Improvements of the Mississippi River, with this bill, accomplishes everything that could be done.

Mr. PRINCE. Mr. Chairman, I want to ask the gentleman a further question. Is there a lump-sum appropriated for the purpose of making surveys?

Mr. BURTON of Ohio. For the Mississippi River there is an allotment by the Commission. It is not separately appropriated. The two millions is appropriated for the Mississippi River below the Ohio, which under the recent law would include that portion of the river from the mouth of the Ohio to Cape Girardeau, at least so far as expenditure for levees is concerned. The members of the Commission make an allotment, so much for surveys, so much for levees, etc. The amount for levees is usually more than half.

Mr. PRINCE. The question I wanted more definitely answered was this: The gentleman intimated that inasmuch as there had not been any survey of the river for levee purposes between the mouth of the Ohio River and Cape Girardeau, to which this law extended the jurisdiction of the Mississippi River Commission, and in view of the further fact that no contracts, they heretofore having no jurisdiction of it, have been made, therefore this one million or no part of it could be used toward levee work from the mouth of the river up to Cape Girardeau——

Mr. BURTON of Ohio. All or most of the amount for levees is probably already allotted to localities below the mouth of the Ohio.

Mr. PRINCE. Is there any way aside from legislation that the river commission can make a survey out of money now appropriated?

Mr. BURTON of Ohio. Oh, yes, indeed. They can allot money. It does not require any legislation. There is no question about that.

Mr. PRINCE. I withdraw the pro forma amendment.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the sundry civil appropriation bill and had come to no resolution thereon.

REGULATING DELIVERY, ETC., OF SPONGES.

Mr. HINSHAW. Mr. Speaker, I present a conference report on the bill (S. 4806) to regulate the landing, delivery, cure, and sale of sponges, together with a statement of the conferees for printing under the rule.

The SPEAKER. The conference report and statement will be printed under the rule.

ELIZA SWORDS.

Mr. CHANEY. Mr. Speaker, I present a conference report on the bill (H. R. 1160) granting an increase of pension to Eliza Swords, together with a statement of the conferees thereon, for printing under the rule.

The SPEAKER. The report will be printed under the rule.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

H. J. Res. 166. Joint resolution providing for payment for dredging the channel and anchorage basin between Ship Island Harbor and Gulfport, Miss., and for other purposes;

H. J. Res. 162. Joint resolution authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan adjoining certain lands in Lake County, Ind.;

H. R. 14604. An act forbidding the importation, exportation, or carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and for other purposes;

H. R. 17455. An act permitting the building of a dam across the Mississippi River at or near the village of Clearwater, Wright County, Minn.;

H. R. 13828. An act granting an increase of pension to John M. Carroll;

H. R. 18135. An act granting an increase of pension to Benedict Sutter;

H. R. 18561. An act granting an increase of pension to Jonathan Skeans;

H. R. 18116. An act granting an increase of pension to Green Evans;

H. R. 3005. An act granting an increase of pension to Jacob C. Shafer;

H. R. 10395. An act granting an increase of pension to Stephen Cundiff;

H. R. 16878. An act granting an increase of pension to James B. Adams;

H. R. 15692. An act granting a pension to Frank M. Dooley;

H. R. 16946. An act releasing the right, title, and interest of the United States to the piece or parcel of land known as the "Cuartel lot" to the city of Monterey, Cal.;

H. J. Res. 170. Joint resolution to supply a deficiency in the

appropriation for assistant custodians and janitors of public buildings; and

H. J. Res. 118. Joint resolution accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5365. An act to appoint Joseph Y. Porter a lieutenant-colonel and deputy surgeon-general, and to place him on the retired list of the Army—to the Committee on Military Affairs.

HARRIET P. SANDERS.

Mr. CHANEY. Mr. Speaker, I present a conference report on the bill (H. R. 9813) granting a pension to Hariet P. Sanders, together with a statement of the conferees thereon, for printing under the rule.

The SPEAKER. The conference report and statement will be printed under the rule.

ADJOURNMENT.

Then, on motion of Mr. TAWNEY (at 5 o'clock and 20 minutes p. m.), the House adjourned until Monday, June 11, 1906, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Assistant Attorney-General for the Post-Office Department, submitting a recommendation of a change of the system of indexing the Federal statutes—to the Committee on Rules, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Commissioners of the District of Columbia, submitting an estimate of appropriation for payment of judgments and for writs of lunacy—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BARTHOLDT, from the Committee on Public Buildings and Grounds, to which was referred the bill of the Senate (S. 4169) to authorize the sale of certain real estate in the District of Columbia belonging to the United States, reported the same without amendment, accompanied by a report (No. 4905); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19566) to authorize the Coraopolis and Osborne Bridge Company to construct a bridge over the Ohio River, reported the same with amendment, accompanied by a report (No. 4906); which said bill and report were referred to the House Calendar.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 19234) for the protection of animals, birds, and fish in the forest reserves in California, and for other purposes, reported the same without amendment, accompanied by a report (No. 4907); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 18760) for the relief of Capt. William N. Hughes; and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 20097) to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Coldwater River—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of South Dakota: A bill (H. R. 20098) validating certain soldiers' additional homestead entries—to the Committee on the Public Lands.

By Mr. STERLING: A bill (H. R. 20099) providing for change of venue in Federal courts—to the Committee on the Judiciary.

By Mr. ANDREWS: A bill (H. R. 20100) amending act of June 27, 1898, permitting payment of pensions to officers and men of Indian wars, and their widows, between 1849 and 1854—to the Committee on Pensions.

Also, a bill (H. R. 20101) providing for the exchange and payment by the United States of certain railroad-aid bonds issued by the counties of Grant and Santa Fe, N. Mex., and for other purposes—to the Committee on Claims.

By Mr. RHODES: A bill (H. R. 20102) to establish a National Commission of Public Highways and to provide for the construction and improvement of the public roads of the several States and Territories of the United States—to the Committee on Agriculture.

By Mr. McGUIRE: A bill (H. R. 20103) authorizing the Secretary of the Interior to reconvene the Kaw Commission as established under the provisions of the act of Congress of July 1, 1902—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BELL of Georgia: A bill (H. R. 20104) granting a pension to Robert Shope—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 20105) for the relief of Daniel Gilbert—to the Committee on Military Affairs.

By Mr. COCKRAN: A bill (H. R. 20106) for the relief of Jacob Palmer—to the Committee on Military Affairs.

By Mr. DRESSER: A bill (H. R. 20107) granting an increase of pension to William A. Brown—to the Committee on Pensions.

By Mr. HASKINS: A bill (H. R. 20108) removing the charge of desertion from the military record of Norris W. Silver, alias Norman W. Silver—to the Committee on Military Affairs.

By Mr. HINSHAW: A bill (H. R. 20109) granting an increase of pension to Garrett V. D. Hageman—to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 20110) granting an increase of pension to John W. Perrine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20111) granting an increase of pension to William Sharboneau—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20112) granting an increase of pension to Alfred Crites—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20113) granting an increase of pension to William Stone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20114) granting an increase of pension to William Shepherd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20115) granting an increase of pension to Elihu L. Miller—to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 20116) for the relief of John S. Madagan—to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: A bill (H. R. 20117) granting an increase of pension to Preston J. Michener—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 20118) granting an increase of pension to George G. Johnston—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREWS: Petition of Archæological Society of Santa Fe, for H. R. 17459—to the Committee on the Public Lands.

By Mr. BROWNLOW: Petition of employees of the South and Western Railway Company, against antipass amendment to the rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of South Dakota: Petition of conductors of Dakota Division, Chicago and Northwestern Railway; L. A. Liedtke and R. H. Woods, Brotherhood of Railway Trainmen; W. R. Foster and R. R. C. and H. C. Noble, Brotherhood of

Locomotive Firemen; Brotherhood of Locomotive Firemen of Huron, S. Dak., and engineers of Dakota Division of Chicago and Northwestern Railway, against antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Ohio: Petition of Frank L. Willcutt, for amendment to post-office laws making legal all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

Also, petition of H. L. Ambler et al., against Mr. Perkins's amendment to section 2 of Senate Army dental bill—to the Committee on Military Affairs.

By Mr. CHANEY: Petition of Davis County Medical Society, of Washington, Ind., for passage of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DAWSON: Petition of German-American Alliance, favoring a commission to study the question of immigration—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of American Manufacturers' Company, American Folding Bed Company, American Parlor Furniture Company, Crocker Chair Company, Dillingham Manufacturing Company, Excelsior Wrapper Company, C. B. Freyberg Lumber Company, Frosts Veneer Seating Company, Gaston Toy Company, J. M. Kohler Sons Company, Northern Furniture Company, Phoenix Chair Company, Ross-Sellinger Company, Sheboygan Chair Company, Sheboygan Novelty Works, Sheboygan Knitting Company, J. J. Vollroth Manufacturing Company, M. Winter Lumber Company, and Sheboygan Light, Power, and Railway Company, against eight-hour law—to the Committee on Rules.

Also, petition of National German-American Alliance, for installation of commission to study and suggest best method of distribution of immigrants—to the Committee on Immigration and Naturalization.

By Mr. GAINES of West Virginia: Petition of J. B. Duke and 54 others, of Thurmond, W. Va., against antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Protests of business men and manufacturers of Boston, Mass.; Menominee, Mich.; Peacedale, R. I., and Allegheny, Pa., against passage of so-called "Gomper's eight-hour bill"—to the Committee on Rules.

Also, petition of Grieb Rubber Company, of Trenton, N. J.; I. Stephenson Company, of Escanaba, Mich., and Ostrander Fire Brick Company, of Troy, N. Y., against the eight-hour bill—to the Committee on Rules.

By Mr. HINSHAW: Paper to accompany bill for relief of Garrett V. D. Hageman—to the Committee on Invalid Pensions.

By Mr. HUFF: Resolution of Chamber of Commerce of Pittsburg, Pa., for continuance of investigation of fuels and structural materials by the Geological Survey Bureau, of Washington, D. C., and requesting that laboratories be located in Pittsburg, Pa.—to the Committee on Appropriations.

By Mr. KINKAID: Petition of Elmer Lowe, of Alliance, Nebr., president of Stock Growers' Association, for meat inspection, expenses of same to be paid by the Government—to the Committee on Agriculture.

Also, petition of citizens and bankers of Kearney and O'Neill, Nebr., urging inspection of meat products—to the Committee on Agriculture.

Also, petition of railway employees, against adoption of antipass amendment to railway rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of Braun & Fitts, for an investigation into the methods of "renovated butter factories" and centralizing plants for production of so-called "creamery butter"—to the Committee on Agriculture.

By Mr. LORIMER: Petition of G. A. Destafano, against the Gardner immigration-restriction bill—to the Committee on Rules.

By Mr. RYAN: Paper to accompany bill for relief of Kate Wright and John A. Smith—to the Committee on Invalid Pensions.

Also, petitions of Brotherhood of Railroad Trainmen, Lodges Nos. 187 and 572; Brotherhood of Locomotive Engineers, Lodge No. 421; Brotherhood of Locomotive Firemen, Lodge No. 472, and Order of Railway Conductors, Division No. 2, protesting against passage of antipass amendment to the rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Maryland: Petition of A. H. Owens & Bro., of Perryville, Md., asking an amendment to pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STERLING: Papers to accompany bill (H. R. 20064) granting an increase of pension to William C. Arnold—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of State legislative board of Brotherhood of Locomotive Engineers, of the State of New York, opposing repeal of Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petition of Brann & Filts, of Chicago, Ill., asking a correction of abuses in the manufacture and handling of butter and cheese—to the Committee on Agriculture.

By Mr. WOOD of New Jersey: Petition of Col. W. A. Roebling Division, No. 373, Brotherhood of Locomotive Engineers, against antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *June 11, 1906.*

Prayer by Rev. CHARLES CUTHBERT HALL, D. D., of the city of New York.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

TRADE CONDITIONS IN CHINA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, reports on the trade conditions in China by Special Agents Harry R. Burrill and Raymond S. Crist; which, with the accompanying reports, was ordered to lie on the table and be printed.

TRADE CONDITIONS IN JAPAN AND KOREA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, reports on trade conditions in Japan and Korea by Special Agent Raymond S. Crist; which, with the accompanying reports, was ordered to lie on the table and be printed.

SENATOR FROM MARYLAND.

Mr. RAYNER. Mr. President, I present the credentials of Hon. William Pinkney Whyte, of Maryland, appointed by the governor of that State successor to the late Senator Gorman for his unexpired term and until the meeting of the next general assembly of Maryland. I ask that the credentials be read, and that Mr. Whyte be qualified.

The VICE-PRESIDENT. The Secretary will read the credentials.

The credentials of William Pinkney Whyte, appointed by the governor of the State of Maryland a Senator from that State to fill, until the next meeting of the legislature thereof, the vacancy occasioned by the death of Arthur Pue Gorman in the term ending March 3, 1909, were read and ordered to be filed.

The VICE-PRESIDENT. The Senator appointed will appear at the Vice-President's desk and take the oath of office.

Mr. Whyte was escorted to the Vice-President's desk by Mr. RAYNER; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 19144) granting an increase of pension to Sarah Louisa Sheppard; in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18024) for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURTON, Mr. BISHOP, and Mr. LESTER managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19681) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. ZENOR managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

H. R. 3005. An act granting an increase of pension to Jacob C. Shafer;

H. R. 10395. An act granting an increase of pension to Stephen Cundiff;

H. R. 13828. An act granting an increase of pension to John M. Carroll;

H. R. 14604. An act forbidding the importation, exportation, or carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and for other purposes;

H. R. 15692. An act granting a pension to Frank M. Dooley;

H. R. 16878. An act granting an increase of pension to James B. Adams;

H. R. 16946. An act releasing the right, title, and interest of the United States to the piece or parcel of land known as the "Cuartel lot" to the city of Monterey, Cal.;

H. R. 17455. An act permitting the building of a dam across the Mississippi River at or near the village of Clearwater, Wright County, Minn.;

H. R. 18116. An act granting an increase of pension to Green Evans;

H. R. 18135. An act granting an increase of pension to Benedict Sutter;

H. R. 18561. An act granting an increase of pension to Jonathan Skeans;

H. J. Res. 118. Joint resolution accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof;

H. J. Res. 162. Joint resolution authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan adjoining certain lands in Lake County, Ind.;

H. J. Res. 166. Joint resolution providing for payment for dredging the channel and anchorage basin between Ship Island Harbor and Gulfport, Miss., and for other purposes; and

H. J. Res. 170. Joint resolution to supply a deficiency in the appropriation for assistant custodians and janitors of public buildings.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the National Woman's Christian Temperance Union of Evanston, Ill., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Baptist Woman's Missionary Union of the District of Columbia, praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Illinois State Dental Society, of Chicago, Ill., praying for the establishment of a corps of dental surgeons in the United States Army; which was referred to the Committee on Military Affairs.

Mr. FORAKER. In behalf of my colleague [Mr. DICK], who is unavoidably absent in the discharge of duties elsewhere, I present memorials of sundry railroad employees of Middleport, Cleveland, Youngstown, Zanesville, Ashtabula, Tiffin, Medina, Dennison, and Painesville, all in the State of Ohio, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families. I move that the memorials lie on the table.

The motion was agreed to.

Mr. DILLINGHAM. In behalf of my colleague [Mr. PROCTOR], who is necessarily absent, I present memorials of sundry railroad employees of Windsor, Newport, Harwick, Rutland, and Bellows Falls, all in the State of Vermont, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families. I move that the memorials lie on the table.

The motion was agreed to.

Mr. PENROSE presented a petition of the Chester Clearing House, of Chester, Pa., and a petition of the Clearing House Association of Wilkes-Barre, Pa., praying for the enactment of legislation permitting national banks to loan 10 per cent of their capital and surplus to an individual borrower; which were referred to the Committee on Finance.

He also presented a petition of the Union City Chair Company, of Union City, Pa., praying for the enactment of legislation to impose a stamp tax of 25 per cent ad valorem on all goods made or partly made in prisons and sold in competition with the product of free labor; which was referred to the Committee on Finance.

Mr. DRYDEN presented the petition of R. J. Caldwell, of New York City, N. Y., praying for the adoption of the so-called "Beveridge meat-inspection amendment" to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Board of Trade of Newark, N. J., praying for the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

Mr. BEVERIDGE presented a memorial of Local Division No. 373, Brotherhood of Locomotive Engineers, of Trenton, N. J., and a memorial of New Jersey Division, No. 294, Order of Railway Conductors, of Trenton, N. J., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

He also presented memorials of sundry railroad employees of Michigan City, Seymour, Indianapolis, Ashley, Janesville, Peru, Elkhart, Bedford, Jefferson, Lafayette, Huntington, Evansville, Logansport, Washington, Tipton, Garrett, Vincennes, and Richmond, all in the State of Indiana, and of Pittsburg, Pa., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

SENATOR FROM UTAH.

Mr. BURROWS. From the Committee on Privileges and Elections, I submit a report with an accompanying resolution. I ask that the resolution be read and placed on the Calendar.

The VICE-PRESIDENT. The resolution reported by the Senator from Michigan from the Committee on Privileges and Elections will be read.

The Secretary read as follows:

Resolved, That REED SMOOT is not entitled to a seat as a Senator of the United States from the State of Utah.

Mr. BURROWS. I ask that the resolution be placed on the Calendar, and I also ask that the hearings in the case be printed as a document for the use of the Senate.

The VICE-PRESIDENT. The resolution will be placed on the Calendar. The Senator from Michigan requests that the testimony taken at the hearings in this matter be printed as a document. Without objection, it is so ordered.

Mr. BURROWS. I also ask that 10,000 copies of the report and the views of the minority which are to be presented be printed, 3,000 for the use of the committee, and the balance for the use of the Senate.

The VICE-PRESIDENT. The Senator from Michigan requests that 10,000 copies of the report of the committee with the views of the minority be printed, 3,000 for the use of the committee, and the residue for the use of the Senate.

Mr. FORAKER. I do not understand that the request of the Senator is that the majority and the minority reports shall be printed as one document.

Mr. BURROWS. Oh, no.

Mr. FORAKER. I suggest that they be printed as separate documents.

The VICE-PRESIDENT. Without objection, it is so ordered. Is there objection to the request made by the Senator from Michigan, that 10,000 copies of the reports be printed as separate documents? The Chair hears none, and it is so ordered.

Mr. FORAKER. On behalf of a minority of the members of the Committee on Privileges and Elections, who dissented from the resolution reported by the majority, I submit a report as their views, and ask that it may be printed.

The VICE-PRESIDENT. The Senator from Ohio submits a minority report on the same subject.

Mr. FORAKER. May I inquire, will these reports be printed, without an order, in the RECORD? They are somewhat extended.

The VICE-PRESIDENT. They will not.

Mr. FORAKER. I think all Senators will want to see them, and I request that they may be printed in the RECORD.

The VICE-PRESIDENT. The Senator from Ohio asks unanimous consent that the reports just made be printed in the RECORD.

Mr. BURROWS. I hope there will be no objection to that request.

The VICE-PRESIDENT. The Chair hears none, and it is so ordered.

The reports are as follows:

[Senate Report No. 4253, part 1, Fifty-ninth Congress, first session.]

Mr. BURROWS, from the Committee on Privileges and Elections, submitted the following report:

The Committee on Privileges and Elections, who were charged by

the Senate with the duty of investigating the right and title of REED SMOOT to a seat in the Senate as a Senator from the State of Utah, respectfully submit the following report:

On the 23d day of February, 1903, the credentials of REED SMOOT as a Senator of the United States from the State of Utah were presented to the Senate. On the same day and at the same hour there was also presented and placed on file a protest from certain citizens of Utah, praying for an investigation into the right of Mr. SMOOT to the seat to which he claimed to have been elected.

Subsequently, and on the 5th day of March, 1903, Mr. SMOOT took the oath of office as Senator from Utah. At the same time the attention of the Senate was, in behalf of the Committee on Privileges and Elections, called to the method of procedure in cases like that of Mr. SMOOT. It was then stated, without question on the part of any member of the Senate, that in cases where the credentials of a Senator consist of "a certificate of his due election from the executive of his State, he is entitled to be sworn in, and that all questions relating to his qualifications should be postponed and acted upon by the Senate afterwards." Under this rule the credentials of Mr. SMOOT, with the protest against his right to a seat in the Senate, were referred to the Committee on Privileges and Elections under a resolution adopted by the Senate January 27, 1904, directing the committee to investigate the right and title of Mr. SMOOT to a seat in the Senate as Senator from the State of Utah.

The resolution is as follows:

"*Resolved*, That the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be authorized and directed to investigate the right and title of REED SMOOT to a seat in the Senate as Senator from the State of Utah; and said committee, or any subcommittee thereof, is authorized to sit during the sessions of the Senate, to employ a stenographer, to send for persons and papers, and to administer oaths; and that the expense of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee."

THE PROTEST AGAINST THE SEATING OF MR. SMOOT.

The protest before referred to against the seating of Mr. SMOOT as a Senator from the State of Utah is stated in such protest to be "upon the ground and for the reason that he is one of a self-perpetuating body of fifteen men who, constituting the ruling authorities of the Church of Jesus Christ of Latter-Day Saints, or 'Mormon Church,' claim, and by their followers are accorded the right to claim, supreme authority, divinely sanctioned, to shape the belief and control the conduct of those under them in all matters whatsoever, civil and religious, temporal and spiritual, and who thus uniting in themselves authority in church and state do so exercise the same as to inculcate and encourage a belief in polygamy and polygamous cohabitation; who countenance and connive at violations of the State law prohibiting the same, regardless of pledges made for the purpose of obtaining statehood and of covenants made with the people of the United States, and who by all the means in their power protect and honor those who, with themselves, violate the laws of the land and are guilty of practices destructive of the family and of the home."

In support of this protest the protestants make certain charges and assertions, the substance of which is as follows:

1. The Mormon priesthood, according to the doctrines of that church, is vested with supreme authority in all things spiritual and temporal.

2. The first presidency and twelve apostles (said REED SMOOT being one of said twelve apostles) are supreme in the exercise of the authority of the Mormon Church in all things temporal and spiritual. In support of this second proposition instances are given of the interference of the first presidency and twelve apostles in the political affairs of the State of Utah, and quotations at length are given from the declarations of officials in the Mormon Church regarding the authority of the leaders in said church to dictate to the membership thereof concerning the political action of said members.

3 and 4. That the first presidency and twelve apostles of the Mormon Church have not abandoned the principles and practice of political dictation; neither have they abandoned their belief in polygamy and polygamous cohabitation.

5. That the first presidency and twelve apostles (of whom REED SMOOT is one) also practice or connive at and encourage the practice of polygamy, and have without protest or objection permitted those who held legislative offices by their will and consent to attempt to nullify enactments against polygamous cohabitation.

6. That the supreme authorities of the Mormon Church, namely, the first presidency and twelve apostles (of whom Mr. SMOOT is one), not only connive at violations of the law against polygamy and polygamous cohabitation, but protect and honor the violators of such laws.

The protest further asserts that the leaders of the Mormon Church (of whom Mr. SMOOT is one) are solemnly banded together against the people of the United States in the endeavor of said leaders to baffle the designs and frustrate the attempts of the Government to eradicate polygamy and polygamous cohabitation.

The protest further charges that the conduct and practices of the first presidency and twelve apostles (of whom Mr. SMOOT is one) are well known to be, first, contrary to the public sentiment of the civilized world; second, contrary to express pledges which were given by the leaders of the Mormon Church in procuring amnesty; third, contrary to the express conditions upon which the escheated property of the Mormon Church was returned; fourth, contrary to the pledges given by the representatives of that church in their plea for statehood; fifth, contrary to the pledges required in the enabling act and given in the State constitution of Utah; sixth, contrary to a provision in the constitution of Utah providing that "there shall be no union of church and state, nor shall any church dominate the State or interfere with its functions," and seventh, contrary to law. The protest concludes by asking that the Senate make inquiry touching the matters stated in said protest.

This protest is followed by certain charges made by one John L. Leilich under oath, which are in the main of the same tenor and effect as the charges made in the protest, with the additional charge that Mr. SMOOT is a polygamist, having a legal wife and a plural wife, and the further charge that Mr. SMOOT has, as an apostle of the Mormon Church, taken an oath "of such a nature and character as that he is thereby disqualified from taking the oath of office required of a United States Senator."

ANSWER OF MR. SMOOT.

To the statements made in the protest and the charges by Mr. Leilich Mr. SMOOT made answer, which answer is in the nature of a demurrer to all the charges contained in the protest and to the charges made by Mr. Leilich, except two, namely, that Mr. SMOOT is a polygamist and that he is bound by some oath or obligation which is inconsistent with the oath taken by him as a Senator. Both these charges he denies, and further denies, specifically and categorically, the charges made in the protest and by Mr. Leilich.

AUTHORITY OF THE SENATE AND NATURE OF THE INVESTIGATION.

Before proceeding to an examination of the protest and answer and the testimony taken by the committee, it may be well to examine, briefly, the authority of the Senate in the premises and the nature and scope of the investigation.

The Constitution provides (art. 1, sec. 5, par. 1) that "Each House shall be the judge of the elections, returns, and qualifications of its own members." It is now well established by the decisions of the Senate in a number of cases that, in order to be a fit representative of a sovereign State of the Union in the Senate of the United States, one must be in all respects obedient to the Constitution and laws of the United States and of the State from which he comes, and must also be desirous of the welfare of his country and in hearty accord and sympathy with its Government and institutions. If he does not possess these qualifications, if his conduct has been such as to be prejudicial to the welfare of society, of the nation, or its Government, he is regarded as being unfit to perform the important and confidential duties of a Senator, and may be deprived of a seat in the Senate, although he may have done no act of which a court of justice could take cognizance. Thus William Blount, a Senator from the State of Tennessee, was, in the year 1797, deprived of his seat in the Senate for conduct "inconsistent with his public trust and duty as a Senator." His offense consisted in the writing of a letter to one Carey, an official interpreter to the Cherokee Nation, the conduct of Mr. Blount in writing said letter being characterized by the committee of investigation in that case as follows:

"The plan hinted at in this extraordinary letter to be executed under the auspices of the British is so capable of different constructions and conjectures that your committee at present forbear giving any decided opinion respecting it, except that to Mr. Blount's own mind it appeared to be inconsistent with the interests of the United States and of Spain, and he was therefore anxious to conceal it from both. But when they consider his attempts to seduce Carey from his duty as a faithful interpreter and to employ him as an engine to alienate the affections and confidence of the Indians from the public officers of the United States residing among them; the measures he has proposed to excite a temper which must produce the recall or expulsion of our superintendent from the Creek Nation; his insidious advice tending to the advancement of his own popularity and consequence, at the expense and hazard of the good opinion which the Indians entertain of this Government and of the treaties subsisting between us and them, your committee have no doubt that Mr. Blount's conduct has been inconsistent with his public duty, renders him unworthy of a further continuance of his present public trust in this body, and amounts to a high misdemeanor."

The vote on the expulsion of Mr. Blount resulted as follows: Yeas, 25, nays, 1. (Senate Election Cases, 3d ed., pp. 929–933.)

In the year 1807, John Smith, a Senator from the State of Ohio, was accused of being associated with Aaron Burr in a conspiracy "against the peace and prosperity" of the United States. In the report of the committee—of which John Quincy Adams was chairman—appointed to investigate the case the committee say:

"In examining the question whether these forms of judicial proceedings or the rules of judicial evidence ought to be applied to the exercise of that censorial authority which the Senate of the United States possesses over the conduct of its members, let us assume as the test of their application either the dictates of unfettered reason, the letter and spirit of the Constitution, or precedents, domestic or foreign, and your committee believe that the result will be the same—that the power of expelling a member must, in its nature, be discretionary, and in its exercise always more summary than the tardy process of judicial tribunals.

"The power of expelling a member for misconduct results on the principles of common sense, from the interest of the nation that the high trust of legislation should be invested in pure hands. When the trust is elective it is not to be presumed that the constituent body will commit the deposit to the keeping of worthless characters. But when a man whom his fellow-citizens have honored with their confidence on the pledge of his spotless reputation has degraded himself by commission of infamous crimes, which become suddenly and unexpectedly revealed to the world, defective indeed would be that institution which should be impotent to discard from its bosom the contagion of such a member, which should have no remedy of amputation to apply until the poison had reached the heart.

"The question upon the trial of a criminal cause before the courts of common law is not between guilt and innocence, but between guilt and the possibility of innocence. If a doubt can possibly be raised, either by the ingenuity of the party or of his counsel, or by the operation of general rules in their unforeseen application to particular cases, that doubt must be decisive for acquital, and the verdict of not guilty perhaps in nine cases out of ten means no more than that the guilt of the party has not been demonstrated in the precise, specific, and narrow forms prescribed by law. The humane spirit of the laws multiplies the barriers for the protection of innocence and freely admits that these barriers may be abused for the shelter of guilt. It avows a strong partiality favorable to the person upon trial and acknowledges the preference that ten guilty should escape rather than that one innocent should suffer. The interest of the public that a particular crime should be punished is but as one to ten compared with the interest of the party that innocence should be spared. Acquittal only restores the party to the common rights of every other citizen; it restores him to no public trust; it invests him with no public confidence; it substitutes the sentence of mercy for the doom of justice, and to the eyes of impartial reason in the great majority of cases must be considered rather as a pardon than a justification.

"But when a member of a legislative body lies under the imputation of aggravated offenses and the determination upon his cause can operate only to remove him from a station of extensive powers and important trust, this disproportion between the interest of the public and the interest of the individual disappears; if any disproportion exists, it is of an opposite kind. It is not better that ten traitors should be members of this Senate than that one innocent man should suffer expulsion. In either case, no doubt, the evil would be great. But in the former it would strike at the vitals of the nations; in the latter it might, though deeply to be lamented, only be the calamity of an individual."

The resolution reported by the said committee declaring "That John Smith, a Senator from the State of Ohio, by his participation in the conspiracy of Aaron Burr against the peace, union, and liberties of the people of the United States, has been guilty of conduct incompatible with his duty and station as a Senator of the United States, and that he be therefore, and hereby is, expelled from the Senate of the United States," received nineteen affirmative votes to ten in the negative. (Senate Election Cases, 3d ed., pp. 934–948.)

In 1862 Jesse D. Bright was expelled from the Senate for writing a letter to Jefferson Davis, "president of the Confederation of States," in March, 1861, introducing one Thomas B. Lincoln, who wished to dispose of an improvement in firearms. Some at least of the Senators who voted for Mr. Bright's expulsion asserted in effect that they did not claim that Mr. Bright had been guilty of treason, misprision of treason, or any other offense against the laws of this country. He was deprived of his seat in the Senate because it was believed that his desires and conduct were opposed to the welfare and interests of the nation.

In the course of the debate upon the question of expelling Mr. Bright Mr. Sumner used the following language:

"* * * But the question may be properly asked if this inquiry is to be conducted as in a court of justice, under all the restrictions and technical rules of judicial proceedings? Clearly not. Under the Constitution the Senate, in a case like the present, is the absolute judge, free to exercise its power according to its own enlightened discretion. It may justly declare a Senator unworthy of a seat in this body on evidence defective in form, or on evidence even which does not constitute positive crime. * * * It is obvious that the Senate may act on any evidence which shall be satisfactory to show that one of its members is unworthy of his seat without bringing it to the test of any rules of law. It is true that the good name of the individual is in question; but so also is the good name of the Senate, not forgetting also the welfare of the country; and if there are generous presumptions of personal innocence, so also are there irresistible instincts of self-defense which compel us to act vigorously, not only to preserve the good name of the Senate, but also to preserve the country." (Congressional Globe, 2d sess. 37th Cong., pt. 1, pp. 412, 413, 414.)

In the same debate Mr. Davis, of Kentucky, said:

"* * * But what is the law? We are not sitting as a court trying the honorable Senator. There are some gentlemen, able men, very able men, men of enlarged patriotism, of eminent public and private virtue that have pursued the profession of the law so long, either as practitioners, counselors and solicitors, or as judges, that their minds have become too contracted for enlarged statesmanship and the great principles of policy and moral justice, upon which governments ought to be administered, and upon which alone they can be wisely administered. They have dwarfed their minds to such an extent that they can not reason upon the expansive principle and sentiment and consideration that ought to guide and control the largest and wisest statesmanship.

"There is no law which defines any particular class of offenses that shall be sufficient to expel a Senator from his seat. The common law does not. There is no statute law that does. There are no rules of evidence establishing technical rules of testimony that are to guide and control and govern this body in getting its lights and reaching its conclusions when a Senator is thus on trial. The general rule and principle of law and of reason and common sense is that whatever disqualifies a member of the Senate from the proper discharge of his duties, whatever it may be, is sufficient, and ought to be held sufficient, for his expulsion, and whatever evidence satisfies the mind reasonably and according to moral certainty and truth of the existence of that cause is sufficient evidence without resorting to the technical rules of testimony upon which to convict him. That is the law of this country. It is the law of England. It is the law of Parliament. I will read from Story's Commentaries on the Constitution, section 836, a short paragraph:

"'* * * In July, 1797, William Blount was expelled from the Senate for a high misdemeanor entirely inconsistent with his public trust and duty as a Senator. The offense charged against him was an attempt to seduce an American agent among the Indians from his duty and to alienate the affections and confidence of the Indians from the public authorities of the United States, and a negotiation for services in behalf of the British Government among the Indians. It was not a statutable offense; nor was it committed in his official character; nor was it committed during the session of Congress, nor at the seat of government. Yet, by an almost unanimous vote [25 yeas to 1 nay] he was expelled from that body and he was afterwards impeached (as has already been stated) for this, among other charges. It seems, therefore, to be settled by the Senate, upon full deliberation, that expulsion may be for any misdemeanor which, though not punished by any statute, is inconsistent with the trust and duty of a Senator.'

"There is the touchstone. Any conduct, any opinions, any line of action as a Senator which is inconsistent with the duty of a Senator, is a sufficient cause for his expulsion and ought to be the rule of reason and of common sense. * * * The principle deduced from the authorities is this: There is no common law, no statutory law, there is no parliamentary law that binds the Senate to any particular definition of crime or offense in acting in this or any other case of the kind. On the contrary, as these authorities establish, it is a matter coming within the discretion of the tribunal trying the Senator." (Congressional Globe, 2d sess. 37th Cong., pt. 1, pp. 434, 435.)

In the progress of the debate Mr. McDougall said:

"* * * It is no question of law. We have not asked whether the Senator from Indiana is guilty or not guilty. We have to judge him in our best judgment, and by that we try him; and we say yea or nay, as we think, whether he be a true man or not to sit in the Federal councils to conduct the affairs of the United States." (Congressional Globe, 2d sess. 37th Cong., pt. 1, p. 655.)

To the same effect were the remarks made in the course of the same debate by Mr. Lane, Mr. Howe, Mr. Johnson, and Mr. Browning. (Congressional Globe, 2d sess. 37th Cong., pt. 1, pp. 417, 418, 560, 584, 623, 624.)

In the year 1867 Philip F. Thomas was denied a seat in the Senate of the United States, to which he had been duly elected, for the reason that he had resigned his seat in the Cabinet of President Buchanan on account of his disagreement with the policy of the President in endeavoring to relieve the garrison of the forts in Charleston Harbor, and also because Mr. Thomas had given to his son, who was about to enter the service of the Confederate States, a sum of money, not to assist the son in going to the camp of the Confederate forces, but "that in case he was imprisoned or suffering he might have a sum of money with him." There was no well-founded claim that Mr. Thomas had been guilty of any act or conduct of which any court would take cognizance; the most that was claimed was that his conduct was such as to give "aid, countenance, and encouragement to persons engaged in armed hostility to the United States." (Senate Election Cases, 3d ed., pp. 333–339.)

In the British Parliament the same principle has been recognized in a number of cases and is now fully established.

In the year 1812 Benjamin Walsh was expelled from the House of Commons as "unworthy and unfit to continue a member of this House," on account of said Walsh having been guilty of "gross fraud and notorious breach of trust," although his offense was one "not amounting to felony." (67 Commons Journal, 175–176.) In that case the chancellor of the exchequer said:

"He could not think that because an act of Parliament did not make a moral crime a legal one the House of Commons should be prevented from taking cognizance of it." (Hansard's Parliamentary Debates, first series, vol. 21, p. 1199.)

In the year 1814 Sir Thomas Cochrane was expelled from the House of Commons for being concerned in a conspiracy to spread the false report that the French army had been defeated, Napolean killed, and that the allied sovereigns were in Paris, the object to be attained by such false report being "to occasion a temporary rise and increase in the prices of the public Government funds," to the injury of those who should purchase such funds "during such last-mentioned temporary rise and increase in the prices thereof." (69 Commons Journal, 427–433.)

THE PROTESTANTS.

The main protest in this case was signed by eighteen reputable citizens of the State of Utah. One of the signers, Dr. W. M. Paden, is the pastor of one of the leading Protestant churches of Salt Lake City and a graduate of Princeton University; another, Mr. P. L. Williams, is the general counsel of a railroad in Utah and the Western States; another, Mr. E. W. Wilson, is the cashier of a national bank in Salt Lake City; another, Mr. C. C. Goodwin, the editor of one of the leading papers of that city; another, Mr. W. S. Neldin, the president of a wholesale drug company doing business not only in Utah, but in other of the Western States; another, Mr. Ezra Thompson, a gentleman who has held the office of mayor of Salt Lake City for two terms; another, Mr. J. J. Corwin, a man engaged in real estate, who has been a resident of Utah for about sixteen years; five others, Mr. George R. Hancock, Mr. W. M. Ferry, Mr. Harry C. Hill, Hon. C. E. Allen, and Mr. H. G. McMillan, are men holding positions in the mining industry of Utah. Mr. Allen was the first Representative in Congress from the State of Utah. Another of the signers of the protest, Mr. G. H. Lewis, was formerly assistant United States attorney and is now master in chancery of the United States circuit court. Rev. Abiel Leonard was, up to the time of his death, which occurred in November, 1903, the bishop of the diocese of Utah of the Protestant Episcopal Church. From the standing and character of the signers, it is evident that the protest is not the offspring of suspicion or prejudice, but that such protest emanates from men of such character and respectability as to be entitled to serious and careful consideration and the facts therein stated to be worthy of investigation by the Senate.

As regards the charge that Mr. SMOOT has a plural wife, this fact, if proved, is conceded by Mr. SMOOT and his counsel to be sufficient to disqualify him from holding a seat in the Senate. But this accusation seems to have been made by Mr. Leilich, unadvisedly and on his own responsibility, and without any sufficient evidence in support of the same. This charge is not made in the main protest, and counsel for the protestants at the outset of the investigation very frankly admitted that they had no proof to offer in support of this allegation.

ENCOURAGEMENT OF POLYGAMY AND POLYGAMOUS COHABITATION BY THE MORMON AUTHORITIES.

The first reason assigned by the protestants why Mr. SMOOT is not entitled to a seat in the Senate is, in effect, that he belongs to a self-perpetuating body of fifteen men who constitute the ruling authorities of the Church of Latter-Day Saints, or "Mormon Church," so called; that this ruling body of the church both claims and exercises the right of shaping the belief and controlling the conduct of the members of that church in all matters whatsoever, civil and religious, temporal and spiritual. It is then alleged that this self-perpetuating body of fifteen men, of whom Mr. SMOOT is one, uniting in themselves authority in both church and state, so exercise this authority as to encourage a belief in polygamy as a divine institution and by both precept and example encourage among their followers the practice of polygamy and polygamous cohabitation.

That the first presidency and twelve apostles of the Mormon Church are a self-perpetuating body of fifteen men seems to be well established by the testimony of the one most competent to speak upon that subject, the president of the Church of Latter-Day Saints, Mr. Joseph F. Smith, who testifies, as will be seen on pages 91 and 92 of volume 1 of the printed copy of the proceedings in the investigation, that vacancies occurring in the number of the twelve apostles are filled by the apostles themselves, with the consent and approval of the first presidency.

The testimony of Mr. Smith is as follows:

"Senator MCCOMAS. And the twelve apostles were then first named?

"Mr. SMITH. Yes, sir.

"Senator MCCOMAS. When vacancies occurred thereafter, by what body were the vacancies in the twelve apostles filled?

"Mr. SMITH. Perhaps I may say in this way: Chosen by the body, the twelve themselves, by and with the consent and approval of the first presidency.

"Senator HOAR. Was there a revelation in regard to each of them?

"Mr. SMITH. No, sir; not in regard to each of them. Do you mean in the beginning?

"Senator HOAR. I understand you to say that the original twelve apostles were selected by revelation?

"Mr. SMITH. Yes, sir; that is right.

"Senator HOAR. Is there any revelation in regard to the subsequent ones?

"Mr. SMITH. No, sir; it has been the choice of the body.

"Senator MCCOMAS. Then the apostles are perpetuated in succession by their own act and the approval of the first presidency?

"Mr. SMITH. That is right."

To the same effect is the testimony of Francis M. Lyman.

It further appears that any one of the twelve apostles may be removed by his fellow-apostles without consulting the members of the church in general. It is also in proof that the first presidency and twelve apostles govern the church by means of so-called "revelations

from God," which revelations are given to the membership of the church as emanating from divine authority. It is also shown that those members of the Mormon Church who refuse to obey the revelations so communicated by the priesthood thereby become out of harmony with the church and are thus practically excluded from the blessings, benefits, and privileges of membership in the church.

It is also well established by the testimony that the members of the Mormon Church are governed in all things by the first presidency and twelve apostles. That this authority is extended to the membership through a series and succession of subordinate officials, consisting of presidents of seventies, presiding bishops, elders, presidents of stakes, bishops, and other officials. That one of the chief requirements by the leaders of the church is that members shall take counsel of their religious superiors in all things whatsoever, whether civil or religious, temporal or spiritual. That the failure to receive and obey counsel in any of these matters subjects the one who refuses to the discipline of the church. That this discipline is administered in the first instance by the subordinate officials, subject to the right to appeal to the higher officials of the church, and ultimately to the first president and twelve apostles. These rules, enforced, as they are, by the discipline of the Mormon Church, constitute the first president and twelve apostles a hierarchy, a body of men at the head of a religious organization governing their followers with absolute and unquestioned authority in all things relating to temporal and political as well as to spiritual affairs.

The testimony taken before the committee also shows beyond a reasonable doubt that this authority of the first presidency and twelve apostles is so exercised over the members of the Mormon Church as to inculcate a belief in the divine origin of polygamy and its rightfulness as a practice, and also to encourage the membership of that church in the practice of polygamy and polygamous cohabitation. While this is denied on the part of the officials of the church, the truthfulness of the claim of the protestants in this regard is shown by a great number of facts and circumstances, no one of which is perhaps conclusive in itself, but when taken together form a volume of testimony so cogent and convincing as to leave no reasonable doubt in the mind that the truth is as stated by the protestants. It is proved without denial that the Book of Doctrine and Covenants, one of the leading authorities of the Mormon Church, and still circulated by that church as a book equal in authority to the Bible and the Book of Mormon, contains the revelation regarding polygamy, of which the following is a part:

"61. And again, as pertaining to the law of the priesthood: If any man espouse a virgin and desires to espouse another and the first give her consent, and if he espouse the second, and they are virgins and have vowed to no other man, then he is justified—he can not commit adultery, for they are given unto him; for he can not commit adultery with that that belongeth to him and to no one else.

"62. And if he have ten virgins given unto him by this law he can not commit adultery, for they belong to him and they are given unto him; therefore is he justified.

"63. But if one or either of the ten virgins, after she is espoused, shall be with another man she has committed adultery and shall be destroyed, for they are given unto him to multiply and replenish the earth, according to my commandment, and to fulfill the promise which was given by my Father before the foundation of the world; and for their exaltation in the eternal worlds, that they may bear the souls of men; for herein is the work of my Father continued, that he may be glorified.

"64. And again, verily, verily, I say unto you, if any man hath a wife who holds the keys of this power and he teaches unto her the law of my priesthood, as pertaining these things, then shall she believe and administer unto him or she shall be destroyed, said the Lord your God, for I will destroy her; for I will mangify my name upon all those who receive and abide in my law.

"65. Therefore, it shall be lawful in me, if she receives not this law for him to receive all things whatsoever I, the Lord his God, will give unto him, because she did not minister unto him according to my word; and she then becomes the transgressor; and he is exempt from the law of Sarah who ministered unto Abraham according to the law when I commanded Abraham to take Hager to wife."

It is also shown that numerous other publications of the Mormon Church are still circulated among the members of that church with the knowledge and by the authority of the church officials, which contain arguments in favor of polygamy. The Book of Doctrine and Covenants is not only still put forth to the members of the church as authoritative in all respects, but the first presidency and twelve apostles have never incorporated therein the manifesto forbidding the practice of polygamy and polygamous cohabitation, nor have they at any time or in any way qualified the reputed revelation to Joseph Smith regarding polygamy. And this Book of Doctrine and Covenants, containing the polygamic revelation is regarded by Mormons as being of higher authority than the manifesto suspending polygamy.

Bearing in mind the authority of the first presidency and twelve apostles over the whole body of the Mormon Church, it is very evident that if polygamy were discountenanced by the leaders of that church it would very soon be a thing of the past among the members of that church. On the contrary, it appears that since the admission of Utah into the Union as a State the authorities of the Mormon Church have countenanced and encouraged the commission of the crime of polygamy instead of preventing it, as they could easily have done.

A sufficient number of specific instances of the taking of plural wives since the "manifesto of 1890," so called, have been shown by the testimony as having taken place among officials of the Mormon Church to demonstrate the fact that the leaders in this church, the first presidency and the twelve apostles, connive at the practice of taking plural wives, and have done so ever since the manifesto was issued which purported to put an end to the practice. It has been shown by the testimony, so clearly as to leave no doubt of the fact, that as late as 1896 one Lillian Hamlin became the plural wife of Abraham H. Cannon, who was then an apostle of the Mormon Church. This is shown by the proof of these facts:

Down to the year 1895 Lillian Hamlin was a single woman. In 1896 she received attentions from Abraham H. Cannon, these attentions being of a character to indicate that there was more than a friendly relation existing between the two. In June, 1896, Abraham H. Cannon informed his plural wife that he was going to California with Joseph F. Smith and Lillian Hamlin to be married to Lillian Hamlin at some place outside the United States. While in California Joseph F. Smith went with Abraham H. Cannon and Lillian Hamlin from Los Angeles to Catalina Island. After the return of the party to Los Angeles, Abraham H. Cannon and Lillian Hamlin lived together as husband and wife. Returning to Salt Lake City, Abraham H. Cannon told his plural wife that he had been married to Lillian Hamlin. From that time it was generally reputed in the community and understood by the families of both Abraham H. Cannon and Lillian Hamlin that a marriage had taken place between them; that they had been married on the high seas by Joseph F. Smith. Lillian Hamlin assumed the name of Cannon, and a child to which she afterwards gave birth bears the name of Cannon and inherited a share of the estate of Abraham H. Cannon. The prominence of Abraham H. Cannon in the church, the publicity given to the fact of his taking Lillian Hamlin as a plural wife, render it practically impossible that this should have been done without the knowledge, the consent, and the connivance of the headship of that church.

George Teasdale, another apostle of the Morman Church, contracted a plural marriage with Marion Scholes since the manifesto of 1890. The president of the Morman Church endeavors to excuse this act upon the pretext that the first marriage of George Teasdale was not a legal marriage, but the testimony taken from the divorce proceedings which separated George Teasdale from his lawful wife wholly controverts this assertion on the part of President Smith.

It is also in evidence that Walter Steed, a prominent Mormon, contracted a plural marriage after the manifesto of 1890. Charles E. Merrill, a bishop of the Mormon Church, took a plural wife in 1891, more than a year after the issuing of the manifesto. The ceremony uniting said Merrill to his plural wife was performed by his father, who was then and until the time of his death an apostle in the Mormon Church. It is also shown that John W. Taylor, another apostle of the Mormon Church, has been married to two plural wives since the issuing of the so-called manifesto.

Matthias F. Cowley, another of the twelve apostles, has also taken one or more plural wives since the manifesto. While the proof that Apostles Taylor and Cowley have married plural wives since the manifesto may not be so free from all possible doubt as is the proof in the case of Abraham Cannon, the fact that the proofs presented to the committee showing such marriages by Taylor and Cannon stand wholly uncontroverted, and the further fact that Apostles Taylor and Cowley, instead of appearing before the committee and denying the allegation, evade service of process issued by the committee for their appearance, and refuse to appear after being requested to do so, warrant the conclusion that the allegation is true and that said Taylor and Cowley have taken plural wives since the manifesto.

While the fact does not appear from any sworn testimony in the case, it is a matter of common report that Taylor and Cowley have recently been dropped from the list of apostles. But this fact in no way counteracts the influence of the Mormon leaders in their encouragement of polygamy. When Taylor and Cowley took their more recent plural wives they were numbered among the apostles in good standing. The fact that they had taken plural wives since the manifesto was well known to their associates for months and years. But they were continued as apostles, and no action was taken in the case of either until the facts were revealed to the world by this investigation. And it is worthy of note that these apostles have not been complained of or brought to trial before the church courts for disobeying the manifesto, nor have they been deprived of their offices or honors in the church (as was done in the case of Moses Thatcher for a political offense), but they are still members of the church in good standing, each still holds the office of an elder in the church, and each is still a member of the high priesthood of the church.

The dropping of Taylor and Cowley from the quorum of the twelve apostles was so evidently done for popular effect that the act merits no consideration whatever, except as an admission by the first presidency and twelve apostles that Apostles Taylor and Cowley have each taken one or more plural wives since the manifesto.

It is also proved that about the year 1896 James Francis Johnson was married to a plural wife, Clara Mabel Barber, the ceremony in this instance being performed by an apostle of the Mormon Church. To these cases must be added that of Marriner W. Merrill, another apostle; J. M. Tanner, superintendent of church schools; Benjamin Cluff, jr., president of Brigham Young University; Thomas Chamberlain, counselor to the president of a stake; Bishop Rathall, John Silver, Winslow Farr, Heber Benion, Samuel S. Newton, a man named Okey, who contracted a plural marriage with Ovena Jorgensen in the year 1897, and Morris Michelson about the year 1902. In the case of Benjamin Cluff, jr., before referred to, the polygamous marriage was tacitly sanctioned by President Joseph F. Smith when he "referred to Sister Cluff and the work she had been doing among the children in Colonia Diaz, Mexico."

It is morally impossible that all these violations of the laws of the State of Utah by the contracting of plural marriages could have been committed without the knowledge of the first presidency and the twelve apostles of the Mormon Church. In two of the above cases, that of George Teasdale and that of Benjamin Cluff, jr., the fact of the plural marriage was directly communicated to the president of the church, Joseph F. Smith, and in the other cases, with the possible exception of James Francis Johnson, the fact of a plural marriage having been celebrated was so well known throughout the community that it is not conceivable that such marriages would not have been called to the attention of the leaders of the church. Indeed, there was no denial on the part of the first president or any one of the twelve apostles that they learned of the fact that plural marriages were being contracted by officials of the Mormon Church and that no attention was paid to the matter. The excuse given by them was that it was not their duty to interfere in such matters; that the law furnished a remedy. Furthermore, it was shown by the testimony of one of the twelve apostles and of other witnesses that "under the established law of the church no person could secure a plural wife except by consent of the president of the church."

SUPPRESSION OF TESTIMONY BY MORMON LEADERS.

It is a fact of no little significance in itself, bearing on the question whether polygamous marriages have been recently contracted in Utah by the connivance of the first presidency and twelve apostles of the Mormon Church, that the authorities of said church have endeavored to suppress, and have succeeded in suppressing, a great deal of testimony by which the fact of plural marriages contracted by those who were high in the councils of the church might have been established beyond the shadow of a doubt. Before the investigation had begun it was well known in Salt Lake City that it was expected to show on the part of the protestants that Apostles George Teasdale, John W. Taylor, and M. F. Cowley, and also Prof. J. M. Tanner, Samuel Newton, and others, who were all high officials of the Mormon Church, had recently taken plural wives, and that in 1896 Lillian Hamlin was sealed to Apostle Abraham H. Cannon as a plural wife by one of the first presidency and twelve apostles of the Mormon Church. All, or nearly all, of these persons except Abraham H. Cannon, who was deceased, were

then within reach of service of process from the committee. But shortly before the investigation began all these witnesses went out of the country.

Subpœnas were issued for each one of the witnesses named, but in the case of Samuel Newton only could the process of the committee be served. Mr. Newton refused to obey the order of the committee, alleging no reason or excuse for not appearing. It is shown that John W. Taylor was sent out of the country by Joseph F. Smith on a real or pretended mission for the church. And it is undeniably true that not only the apostles, but also all other officials of the Mormon Church, are at all times subject to the orders of the governing authorities of the church.

It would be nothing short of self-stultification for one to believe that all these most important witnesses chanced to leave the United States at about the same time and without reference to the investigation. All the facts and circumstances surrounding the transaction point to the conclusion that every one of the witnesses named left the country at the instance of the rulers of the Mormon Church and to avoid testifying before the committee. It is, furthermore, a fact which can not be questioned that every one of these witnesses is under the direction and control of the first presidency and twelve apostles of the Mormon Church. Had those officials seen fit to direct the witnesses named to return to the United States and give their testimony before the committee, they would have been obliged to do so. The reason why the said witnesses left the country and have refused to come before the committee is easy to understand, in view of the testimony showing the contracting of plural marriages by prominent officials of the Mormon Church within the past few years.

It was claimed by the protestants that the records kept in the Mormon temple at Salt Lake City and Logan would disclose the fact that plural marriages have been contracted in Utah since the manifesto with the sanction of the officials of the church. A witness who was required to bring the records in the temple at Salt Lake City refused to do so after consulting with President Smith. It is claimed by counsel for Mr. SMOOT that this witness was not mentally competent to testify; but his testimony may be searched in vain for any internal evidence of such incompetency, and there was nothing in the appearance of the witness when testifying to suggest to the committee that he was not as competent to testify as any witness who was examined during the course of the investigation.

The witness who was required to bring the records kept in the temple at Logan excused himself from attending on the plea of ill health. But the important part of the mandate of the committee—the production of the records—was not obeyed by sending the records, which could easily have been done.

In the case of other witnesses who were believed to have contracted plural marriages since the year 1890 all sorts of shifts, tricks, and evasions were resorted to in order to avoid service of a subpœna to appear before the committee and testify.

These instances of the suppression of testimony by the direct order or tacit consent of the ruling authorities of the Mormon Church warrant the committee in believing that the suppressed testimony would, if produced, strongly corroborate the testimony which was given, showing that those who direct the affairs of the Mormon Church countenance and encourage polygamous marriages, as well as polygamous cohabitation, and that the allegations of the protestants in that regard are true.

MORMON OFFICIALS LIVING IN POLYGAMOUS COHABITATION.

Aside from this it was shown by the testimony, and in such a way that the fact could not possibly be controverted, that a majority of those who give the law to the Mormon Church are now, and have been for years, living in open, notorious, and shameless polygamous cohabitation. The list of those who are thus guilty of violating the laws of the State and the rules of public decency is headed by Joseph F. Smith, the first president, "prophet, seer, and revelator" of the Mormon Church, who testified in regard to that subject as follows:

"Mr. TAYLOR. Is the cohabitation with one who is claimed to be a plural wife a violation of the law of the church as well as of the law of the land?

"Mr. SMITH. That was the case, and is the case even to-day.

"Mr. TAYLOR. What was the case, what you are about to say?

"Mr. SMITH. That it is contrary to the rule of the church, and contrary as well to the law of the land, for a man to cohabit with his wives. * * * I have cohabited with my wives; not openly—that is, not in a manner that I thought would be offensive to my neighbors—but I acknowledged them. I have visited them. They have borne me children since 1890, and I have done it, knowing the responsibility and knowing that I was amenable to the law.

"Mr. TAYLOR. In 1892, Mr. Smith, how many wives did you have?

"Mr. SMITH. In 1892?

"Mr. TAYLOR. Yes.

"Mr. SMITH. I had five. * * *

"Mr. TAYLOR. My question is, How many children have been born to him by these wives since 1890?

"Mr. SMITH. I had eleven children born since 1890.

"Mr. TAYLOR. Those are all the children that have been born to you since 1890?

"Mr. SMITH. Yes, sir; those are all.

"Mr. TAYLOR. Were those children by all of your wives; that is, did all of your wives bear children?

"Mr. SMITH. All of my wives bore children.

"Mr. TAYLOR. Since 1890?

"Mr. SMITH. That is correct.

"The CHAIRMAN. I understand since 1890?

"Mr. SMITH. Since 1890. I said that I have had born to me eleven children since 1890, each of my wives being the mother of from one to two of those children. * * *

"The CHAIRMAN. Mr. Smith, I will not press it, but I will ask you if you have any objection to stating how many children you have in all.

"Mr. SMITH. Altogether?

"The CHAIRMAN. Yes.

"Mr. SMITH. I have had born to me, sir, forty-two children—twenty-one boys and twenty-one girls—and I am proud of every one of them. * * *

"The CHAIRMAN. Do you obey the law in having five wives at this time and having them bear to you eleven children since the manifesto of 1890?

"Mr. SMITH. Mr. Chairman, I have not claimed that in that case I have obeyed the law of the land.

"The CHAIRMAN. That is all.

"Mr. SMITH. I do not claim so, and, as I said before, that I prefer to stand my chances against the law." (Vol. 1, pp. 129, 133, 148, 197, 382.)

The list also includes George Teasdale, an apostle; John W. Taylor, an apostle; John Henry Smith, an apostle; Marriner W. Merrill, also an apostle; Heber J. Grant, an apostle; M. F. Cowley, an apostle; Charles W. Penrose, an apostle, and Francis M. Lyman, who is not only an apostle, but the probable successor of Joseph F. Smith as president of the church. Thus it appears that the first president and eight of the twelve apostles, a considerable majority of the ruling authorities of the Mormon Church, are noted polygamists.

In addition to these, the list includes Brigham H. Roberts, who is one of the presidents of seventies and a leading official of the church; J. M. Tanner, superintendent of the church schools; Andrew Jenson, assistant historian of the church; Thomas H. Merrill, a bishop of the church; Alma Merrill, one of the presidency of a church stake; Angus M. Cannon, patriarch of the Mormon Church; a man named Greenwald, who is at the head of a church school; George Reynolds, one of the first seven presidents of seventies and first assistant superintendent of Sunday schools of the world; George H. Brimhall, president of Brigham Young University, and Joseph Hickman, teacher in Brigham Young University. All the officials named were appointed, either directly or indirectly, by the first presidency and twelve apostles; and in the case of J. M. Tanner his appointment to his present office was made after he had been compelled to resign his position as president of the agricultural college because of the fact that he was a polygamist.

These facts abundantly justify the assertion made in the protest that "the supreme authorities in the church, of whom Senator-elect REED SMOOT is one, to wit, the first presidency and twelve apostles, not only connive at violation of, but protect and honor the violators of the laws against polygamy and polygamous cohabitation."

It will be seen by the foregoing that not only do the first presidency and twelve apostles encourage polygamy by precept and teaching, but that a majority of the members of that body of rulers of the Mormon people give the practice of polygamy still further and greater encouragement by living the lives of polygamists, and this openly and in the sight of all their followers in the Mormon Church. It can not be doubted that this method of encouraging polygamy is much more efficacious than the teaching of that crime by means of the writings and publications of the leaders of the church, and this upon the familiar principle that "actions speak louder than words."

And not only do the president and a majority of the twelve apostles of the Mormon Church practice polygamy, but in the case of each and every one guilty of this crime who testified before the committee the determination was expressed openly and defiantly to continue the commission of this crime without regard to the mandates of the law or the prohibition contained in the manifesto. And it is in evidence that the said first president, addressing a large concourse of the members of the Mormon Church at the tabernacle in Salt Lake City in the month of June, 1904, declared that if he were to discontinue the polygamous relation with his plural wives he should be forever damned, and forever deprived of the companionship of God and those most dear to him throughout eternity. Thus it appears that the "prophet, seer, and revelator" of the Mormon Church pronounces a decree of eternal condemnation throughout all eternity upon all members of the Mormon Church who, having taken plural wives, fail to continue the polygamous relation. So that the testimony upon that subject, taken as a whole, can leave no doubt upon any reasonable mind that the allegations in the protest are true, and that those who are in authority in the Mormon Church, of whom Mr. SMOOT is one, are encouraging the practice of polygamy among the members of that church, and that polygamy is being practiced to such an extent as to call for the severest condemnation in all legitimate ways.

THE MANIFESTO A DECEPTION.

Against these facts the authorities of the Mormon Church urge that in the year 1890 what is generally termed "a manifesto" was issued by the first presidency of that church, suspending the practice of polygamy among the members of that church. It may be said in the first place that this manifesto misstates the facts in regard to the solemnization of plural marriages within a short period preceding the issuing of the manifesto. It now appears that in a number of instances plural marriages had been solemnized in the Mormon Church, and, in the case of those high in authority in that church, within a very few months preceding the issuing of the manifesto.

It is also observable that this manifesto in no way declares the principle of polygamy to be wrong or abrogates it as a doctrine of the Mormon Church, but simply suspends the practice of polygamy to be resumed at some more convenient season, either with or without another revelation. It is now claimed by the first president and other prominent officials of the Mormon Church that the manifesto was not a revelation, but was, at the most, an inspired document, designed "to meet the hard conditions then confronting" those who were practicing polygamy and polygamous cohabitation, leaving what the Mormon leaders are pleased to term "the principle of plural marriage" as much a tenet of their faith and rule of practice when possible, as it was before the manifesto was issued. Upon that subject Joseph F. Smith testified as follows:

"Mr. TAYLOR. The revelation which Wilford Woodruff received in consequence of which the command to take plural wives was suspended did not, as you understand, change the divine view of plural marriage, did it?

"Mr. TAYLOR. It did not change your belief at all?

"Mr. TAYLOR. It did not change your belief?

"Mr. SMITH. Not at all, sir.

"Mr. TAYLOR. You continued to believe that plural marriages were right?

"Mr. SMITH. We did. I did, at least. I do not answer for anybody else. I continue to believe as I did before. (Vol. 1, p. 107.)

"Senator HOAR. The apostle says that a bishop must be sober and must be the husband of one wife.

"Mr. SMITH. At least."

And one of the twelve apostles has declared the fact to be that "the manifesto is only a trick to beat the devil at his own game." Further than this, it is conceded by all that this manifesto was intended to prohibit polygamous cohabitation as strongly as it prohibited the solemnization of plural marriages. In the case of polygamous cohabitation, the manifesto has been wholly disregarded by the members of the Mormon Church. It is hardly reasonable to expect that the members of that church would have any greater regard for the prohibition of plural marriage.

The contention that the practice of polygamy is rightful as a religious ceremony and therefore protected by that provision of the Constitution of the United States which declares that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof," ought to be forever set at rest by the repeated decisions of the Supreme Court of the United States. In the

case of the Mormon Church *v.* The United States, Justice Bradley, in delivering the opinion of the court, said:

"One pretense for this obstinate course is that their belief in the practice of polygamy, or in the right to indulge in it, is a religious belief, and therefore under the protection of the constitutional guaranty of religious freedom. This is altogether a sophistical plea. No doubt the Thugee of India imagined that their belief in the right of assassination was a religious belief; but their thinking so did not make it so. The practice of suttee by the Hindu widows may have sprung from a supposed religious conviction. The offering of human sacrifices by our own ancestors in Britain was no doubt sanctioned by an equally conscientious impulse. But no one on that account would hesitate to brand these practices now as crimes against society and obnoxious to condemnation and punishment by the civil authority."

In the case of Davis *v.* Beason, Justice Field, in delivering the opinion of the court, said:

"Bigamy and polygamy are crimes by the laws of all civilized and Christian countries. They are crimes by the laws of the United States, and they are crimes by the laws of Idaho. They tend to destroy the purity of the marriage relation, to disturb the peace of families, to degrade woman, and to debase man. Few crimes are more pernicious to the best interests of society and receive more general or more deserved punishment. To extend exemption from punishment for such crimes would be to shock the moral judgment of the community. To call their advocacy a tenet of religion is to offend the common sense of mankind."

ONE LIVING IN POLYGAMOUS COHABITATION IS IN LAW A POLYGAMIST.

The members of the first presidency and twelve apostles of the Mormon Church claim that there is a distinction between what they term polygamy—that is, the contracting of plural marriages—and polygamous cohabitation with plural wives. But under the circumstances this distinction is little short of ridiculous. As is demonstrated by the testimony, the so-called manifesto was aimed at polygamous cohabitation, as well as against the taking of plural wives, and it is the veriest sophistry to contend that open notorious cohabitation with plural wives is less offensive to public morals than the taking of additional wives. Indeed, it is the testimony of some of those who reside in communities that are cursed by the evils of polygamy that polygamous cohabitation is fully as offensive to the sense of decency of the inhabitants of those communities as would be the taking of plural wives.

And this excuse of the Mormon leaders is as baseless in law as it is in morals. In the case of Murphy *v.* Ramsay, decided by the Supreme Court of the United States and reported in the United States Supreme Court Reports, volume 114, page 15, it was decided that any man is a polygamist who maintains the relation of husband to a plurality of wives, even though in fact he may cohabit with only one. The court further held in the same case that a man occupying this relation to two or more women can only cease to be a polygamist when he has finally and fully dissolved the relation of husband to several wives. In other words, there is and can be no practical difference in law or in morals between the offense of taking plural wives and the offense of polygamous cohabitation. The same doctrine is affirmed in the case of Cannon *v.* United States (116 U. S. Supreme Court Reports, p. 55).

MR. SMOOT RESPONSIBLE FOR THE CONDUCT OF THE ORGANIZATION TO WHICH HE BELONGS.

It is urged in behalf of Mr. SMOOT that, conceding it to be true that the first president and some of the apostles are living in polygamy and that some of the leaders of the Mormon Church encourage polygamous practices, Mr. SMOOT himself is not a polygamist, does not practice polygamy, and that there is no evidence that he has personally and individually encouraged the practice of polygamy by members of the Mormon Church, and that he ought not to be condemned because of the acts of his associates. This position is wholly untenable. Mr. SMOOT is an inseparable part of the governing body of the Mormon Church—the first presidency and twelve apostles—and those who compose that organization form a unit, an entirety, and whatever is done by that organization is the act of each and every member thereof, and whatever policy is adopted and pursued by the body which controls the Mormon Church Mr. SMOOT must be held to be responsible for as a member of that body. That one may be legally, as well as morally, responsible for unlawful acts which he does not himself commit is a rule of law too elementary to require discussion. "What one does by another he does by himself" is a maxim as old as the common law. And as the first presidency and twelve apostles of the Mormon Church have authority over the spiritual affairs of the members of that church, it follows that such governing body of said church has supreme authority over the members of that church in respect to the practice of polygamy and polygamous cohabitation.

In England in former years, and under the canon law, matters of marriage, divorce, and legitimacy were under the jurisdiction of the ecclesiastical courts of the Kingdom, in which the punishment was in the nature of a spiritual penalty for the good of the soul of the offender, this penalty in many cases being that of excommunication or expulsion from the church. (1 Blackstone's Commentaries, 431; 3 Blackstone's Commentaries, 92; 4 Blackstone's Commentaries, 153 and note; Reynolds *v.* United States, 98 U. S., 145, 164–165.) And in later years, while the civil law now prohibits and punishes bigamy, the authorities of every Christian church in this country take cognizance of matrimonial affairs and by the authority of the church in spiritual matters prevent and punish by censure or expulsion any infraction of the rules of the church regarding marriage.

The testimony taken upon this investigation shows beyond controversy that the authority of the first presidency and the twelve apostles of the Mormon Church over the members of said church is such that were the said first presidency and twelve apostles to prohibit the practice of polygamy and polygamous cohabitation by its members and abandon the practice themselves and expel from the church all who should persist in the practice those offenses would instantly cease in that church. And the fact that not a single member of the Mormon Church has ever fallen into disfavor on account of polygamous practices is conclusive proof that the ruling authorities of that church countenance and encourage polygamy.

The conduct of Mr. SMOOT in this regard can not be separated from that of his associates in the government of the Mormon Church. Whatever his private opinions or his private conduct may be, he stands before the world as an integral part of the organization which encourages, counsels, and approves polygamy, which not only fails to discipline those who break the laws of the country, but, on the contrary, loads with honors and favors those who are among the most noted polygamists within the pale of that church.

It is an elementary principle of law that where two or more persons are associated together in an act, an organization, an enterprise, or a course of conduct which is in its character or purpose unlawful the act of any one of those who are thus associated is the act of all, and the act of any number of the associates is the act of each one of the others.

An eminent legal authority says:

"Every person entering into a conspiracy or common design already formed is deemed in law a party to all acts done by any of the other parties, before or afterwards, in furtherance of the common design. The principle on which the acts and declarations of other conspirators, and acts done at different times, are admitted in evidence against the persons prosecuted is that by the act of conspiring together the conspirators have jointly assumed to themselves, as a body, the attribute of individuality so far as regards the prosecution of the common design, thus rendering whatever is done or said by anyone in furtherance of that design a part of the res gestæ and therefore the act of all. (2 Greenleaf on Evidence, secs. 93, 94. See also Commonwealth *v.* Warren, 6 Mass., 74; People *v.* Mather, 4 Wend., 229, 260; People *v.* Peckens, 153 N. Y., 576, 586, 593; United States *v.* Gooding, 12 Wheaton, 459, 469; American Fur Company *v.* United States, 2 Peters, 358, 365; Nudd et al. *v.* Burrows, 91 U. S., 426, 438; United States *v.* Mitchell, 1 Hughes, 439 (Federal Cases, No. 15790); Stewart *v.* Johnson, 3 Har. (N. J.), 87; Hinchman *v.* Ritchie, Brightley's N. P. (Pa), 143; Freeman *v.* Stine, 34 Leg. Int. (Pa.), 95; Spies et al. *v.* People, 122 Illinois, 1.)"

The case last cited illustrates this principle more forcibly than any of the others referred to. In that case, which is commonly known as "the anarchists' case," there was, as to some of the defendants, very little evidence, and as to others of the defendants no satisfactory evidence that they were present at the commission of the murder with which they were charged, or advised or intended the murder which was committed by an unknown person. But it was proved that the defendants were members of an organization known as the International Association of Chicago, having for its object the destruction of the law and government and incidentally of the police and militia as the representatives of law and government, and that some of the defendants had, by spoken and printed appeals to workingmen and others, urged the use of force, deadly weapons, and dynamite in resistance to the law and its officers.

In denying the motion for a new trial in the anarchists' case the judge who presided at the trial used the following language:

"Now on the question of the instructions, whether these defendants, or any of them, anticipated or expected the throwing of the bomb on the night of the 4th of May is not a question which I need to consider, because the conviction can not be sustained, if that is necessary to a conviction, however much evidence of it there may be, because the instructions do not go upon that ground. The jury were not instructed to find the defendants guilty if they believed they participated in the throwing of that bomb, or advised or encouraged the throwing of that bomb, or anything of that sort. Conviction has not gone upon the ground that they did have any personal participation in the particular act which caused the death of Degan, but the conviction proceeds upon the ground, under the instructions, that they had generally by speech and print, advised large classes of the people, not particular individuals, but large classes, to commit murder, and have left the commission, time, and place, to the individual will and whim, or caprice, or whatever it may be, of each individual man who listened to their advice and, influenced by that advice, somebody not known did throw the bomb which caused Degan's death." (Century Magazine, April, 1893, p. 835.)

It will be seen by the decision of the court upon the motion for a new trial in the case of Spies et al *v.* People that the anarchists were not convicted upon the ground that they had participated in the murder of which they were convicted. Whether they were or were not participants in the commission of this crime was not the main question at issue. They were convicted because they belonged to an organization which, as an organization, advised the commission of acts which would lead to murder.

Of like import is the decision in the case of Davis *v.* Beason, decided by the Supreme Court of the United States in 1889, the decision being reported in volume 133, United States Supreme Court Reports, page 333. At the time of this decision the Revised Statutes of the State of Idaho provided that no person "who is a member of any order, organization, or association which teaches, advises, counsels, or encourages its members, devotees, or any other persons to commit the crime of bigamy or polygamy, or any other crime defined by law, either as a rite or ceremony of such order, organization, or association or otherwise, is permitted to vote at any election or to hold any position or office of honor, trust, or profit within this Territory."

This provision of law the Supreme Court of the United States held to be constitutional and legal. It will be observed that this act disfranchises certain persons and makes them ineligible to any position or office of honor, trust, or profit, not for committing the crime of polygamy, nor for teaching, advising, counseling, or encouraging others to commit the crime, but because of their membership in an organization which teaches, advises, counsels, and encourages others to commit the crime of polygamy. In Wooley *v.* Watkins (2 Idaho Rep., 555, 566), the court say:

"Orders, organizations, and associations, by whatever name they may be called, which teach, advise, counsel, or encourage the practice or commission of acts forbidden by law, are criminal organizations. To become and continue to be members of such organizations or associations are such overt acts of recognition and participation as make them particeps criminis and as guilty, in contemplation of criminal law, as though they actually engaged in furthering their unlawful objects and purposes." (See also Innis *v.* Bolton, 2 Idaho Rep., 407, 414.)

It being a fact that the first presidency and the twelve apostles of the Mormon Church teach, advise, counsel, and encourage the members of that church to practice polygamy and polygamous cohabitation, which are contrary to both law and morals, and Mr. SMOOT, being a member of that organization, he must fall under the same condemnation.

And the rule in civil cases is the same as that which obtains in the administration of criminal law. One who is a member of an association of any nature is bound by the action of his associates, whether he favors or disapproves of such action. He can at any time protect himself from the consequences of any future action of his associates by withdrawing from the association, but while he remains a member of the association he is responsible for whatever his associates may do.

MR. SMOOT HAS COUNTENANCED AND ENCOURAGED POLYGAMY.

But the complicity of Mr. SMOOT in the conduct of the leaders of the Mormon Church in encouraging polygamy and polygamous cohabitation does not consist wholly in the fact that he is one of the governing

body of that church. By repeated acts, and in a number of instances, Mr. SMOOT has, as a member of the quorum of the twelve apostles, given active aid and support to the members of the first presidency and twelve apostles in their defiance of the laws of the State of Utah and of the laws of common decency, and their encouragement of polygamous practices by both precept and example.

It is shown by the testimony of Mr. SMOOT himself that he assisted in the elevation of Joseph F. Smith to the presidency of the Mormon Church. That he has since repeatedly voted to sustain said Joseph F. Smith, and that he so voted after full knowledge that said Joseph F. Smith was living in polygamous cohabitation and had asserted his intention to continue in this course in defiance of the laws of God and man. He also assisted in the selection of Heber J. Grant as president of a mission when it was a matter of common notoriety that said Heber J. Grant was a polygamist. He voted for the election of Charles W. Penrose as an apostle of the Mormon Church after testimony had been given in this investigation showing him to be a polygamist. It is difficult to perceive how Mr. SMOOT could have given greater encouragement to polygamy and polygamous cohabitation than by thus assisting in conferring one of the highest honors and offices in the Mormon Church on one who had been and was then guilty of these crimes. As trustee of an educational institution he made no protest against the continuance in office of Benjamin Cluff, jr., a noted polygamist, as president of that institution, nor made any effort to discover the truth that said Cluff had taken another plural wife long after the manifesto. Nor did he make any protest, as such trustee, against the election of George H. Brimhall, another polygamist, in the place of Benjamin Cluff, jr.

Since his election as an apostle of the Mormon Church Mr. SMOOT has been intimately associated with the first president and with those who—with himself—constitute the counsel of the twelve apostles. The fact that many of these officials were living in polygamous relations with a number of wives was a matter of such common knowledge in the community that it is incredible that Mr. SMOOT should not have had sufficient notice of this condition of affairs to at least have put him on inquiry. If he did not know of these facts it was because he took pains not to be informed of them. At no time has he uttered a syllable of protest against the conduct of his associates in the leadership of the Mormon Church, but, on the contrary, has sustained them in their encouragement of polygamy and polygamous cohabitation, both by his acts (as hereinbefore set forth) and by his silence. In the judgment of the committee, Mr. SMOOT is no more entitled to a seat in the Senate than he would be if he were associating in polygamous cohabitation with a plurality of wives.

DOMINATION OF LEADERS OF THE MORMON CHURCH IN SECULAR AFFAIRS.

A careful examination and consideration of the testimony taken before the committee in this investigation leads to the conclusion that the allegations in the protest concerning the domination of the leaders of the Mormon Church in secular affairs are true, and that the first presidency and twelve apostles of the Church of Jesus Christ of Latter-Day Saints exercise a controlling influence over the action of the members of that church in secular affairs as well as in spiritual matters; and that, contrary to the principles of the common law under which we live and the constitution of the State of Utah, the said first presidency and twelve apostles of the Mormon Church dominate the affairs of the State and constantly interfere in the performance of its functions. The domination by the leaders of the church under their claim to exercise divine authority in all matters is manifested in a general way in innumerable instances.

The right to do so is openly claimed by those who profess to speak in behalf of the church. As late as February 25, 1904, one of the twelve apostles, in a public address, said "that from the view point of the gospel there could be no separation of temporal and spiritual things, and those who object to church people advising and taking part in temporal things have no true conception of the gospel of Christ and the mission of the church."

The method by which the first presidency and twelve apostles of the Mormon Church direct all the temporal affairs of the members of that church under the claim that such direction is by divine authority, is by requiring the members of the church in all their affairs, both spiritual and temporal, and especially the latter, to "take counsel." This means that they are to be advised by their immediate superiors. These superiors in turn take their instructions from those above them, and so on back to the point whence most, if not all, these directions emanate—that is, the first presidency and twelve apostles.

As was said by Mr. Chief Justice Zane, of Utah, in 1887:

"At the head of this corporate body, according to the faith professed, is a seer and revelator, who receives in revelations the will of the infinite God concerning the duty that man owes to himself, to his fellow-beings, to society, to human government, and to God. In subordination to this head are a vast number of officials of various kinds and descriptions, comprising a most minute and complete organization. The people comprising this organization claim to direct and lead by inspiration which is above all human wisdom, subject to a power above all municipal government, above all man-made law." (Vol. 1, p. 809.)

The phrase "take counsel" does not mean that the members of the church shall inquire of those above them in all cases concerning their action, but that they shall receive counsel—that is, direction—from those above them, and this counsel they are to implicitly obey. If they fail to do so they are excommunicated from the church and deprived, not only of the privileges of membership in the church, but, as they are assured and believe, they thereby forfeit all hope of happiness in a future life. The absolute submission of the great mass of the Mormon Church is illustrated by the fact that it is laid down by the leaders of the church as a cardinal principle to the members that, if their file leaders say white is black, "it is their duty to say 'white is black.'"

Instances of the interference of the leaders of the Mormon Church in the secular affairs of their followers could be multiplied almost without number.

In one case a bishop of the church was deposed from his offices in the church because he promised to obey the laws against polygamy.

Another official of the Mormon Church was excommunicated for belonging to an organization for the enforcement of the laws and opposing the interference of the church in public affairs.

Another Mormon official was degraded in the church for refusing to obey his file leader.

In another case the members of a firm doing business in Salt Lake City were expelled from the Mormon Church because they persisted in engaging in mining operations contrary to the command of the authorities of the church.

In another instance the church authorities interfered in the matter of the establishment of an electric-light plant.

In 1903 two members of the Mormon Church who built a dancing pavilion in opposition to the "counsel" of the church authorities were summoned for trial and excommunication, and finally compromised the matter by turning over to the church officials the management of the pavilion and 25 per cent of the net earnings.

In another case there was a general understanding that the church, by its authorities, directed the location of a railroad station. In 1869 four members of the Mormon Church were excommunicated for apostacy in desiring "to open up mines against the teachings of the holy priesthood."

In another and recent instance, occurring as late as the early part of 1903, a Mormon official was deposed from his official position for writing a letter to a newspaper criticising Mr. SMOOT and his political ambitions.

In another instance, occurring in 1897, a Mormon official was deposed from his official relation to the church for distributing at a school election a ticket different from that prescribed by the church authorities.

In the year 1905 a teacher in the Mormon Church was cut off from the church for apostacy, the ostensible foundation for this charge being a criticism of the head of the church for his polygamous practices; the real ground being that the accused had persisted in engaging in the manufacture of salt, against the interests of the president of the church and some of his associates.

In what is known as the Birdsall case the officials of the Mormon Church assumed jurisdiction of a controversy concerning the title to real estate, and not only directed a conveyance of the title to a tract of land, but went further and enforced its decree by spiritual penalties. As has already been stated, no member of the Mormon Church (with possibly a single exception) has ever been disciplined for polygamy or polygamous cohabitation in defiance of the law and of the manifesto; but an obscure and feeble woman was excommunicated from the church and driven to the verge of insanity for refusing to obey the dictates of the church leaders and relinquish the title to a piece of land in favor of one who had no shadow of legal title thereto. As was testified by one of the witnesses for the protestants:

"Whenever a man disregards the teachings and instructions or counsels of the leaders of the church he has the spirit of apostasy."

A forcible illustration of the domination of the leaders of the Mormon Church over the secular affairs of the people is furnished by the fact that while a majority of these leaders have for years been living in polygamous relations, in defiance of law, no one dares to attempt to bring them to justice for fear of the consequences which would be visited by the church on the one who should make the complaint. And whenever one has been daring enough to make complaint for polygamous cohabitation against any member of the church the officers of the law have refused to prosecute, or those who were prosecuted and convicted have been released after the infliction of a merely nominal punishment.

The control which the governing body of the Mormon Church exercises over the secular affairs of the State of Utah is well illustrated by the fact that for many years past what are known as "religion classes" have been taught in connection with the public schools of that State. In these classes the youth of Utah are instructed in the doctrines of the Mormon Church by teachers in the public schools, supported by State taxation, the course of study being prescribed by officials of the church. This course of study includes the lives of noted Mormons whose chief claim to eminence in the church lies in their having taken a multiplicity of wives and in their continuance in the crime of polygamous cohabitation.

The teaching of the doctrines, faith, and practice of the Mormon Church in the public schools of Utah, under the direction of the high priesthood of the church, is not only contrary to the general law governing the use of schoolhouses as expounded by the courts of this country, but is also expressly forbidden by the constitution of the State of Utah, which provides, in article 1, section 4, as follows:

"No public money or property shall be appropriated for or applied to any religious worship, exercises, or instruction, or for the support of any ecclesiastical establishment." (Schofield *v.* School Dist., 27 Conn., 499; Spencer *v.* Joint School Dist., 15 Kans., 259; School District *v.* Arnold, 21 Wis., 657.)

Such teaching is also prohibited by a statute of the State of Utah, which declares that "No atheistic, infidel, sectarian, religious, or denominational doctrines shall be taught in any of the district schools of this State." (Revised Statutes of Utah, sec. 1848.)

The conduct of the ruling authorities of the Mormon Church in directing the teaching of "religion classes" in the schoolhouses of Utah affords a fair illustration of the contempt with which the rulers of that church treat all laws and restrictions which stand in the way of their desires, or of their own interests, or what they conceive to be the interests of the church of which they are the head.

The fact that these religion classes have been discontinued since their existence was revealed by this investigation serves to emphasize the truth that the Mormon Church dominates the affairs of the State of Utah in educational matters as well as in other respects.

POLITICAL DOMINATION OF THE MORMAN CHURCH.

But it is in political affairs that the domination of the first presidency and twelve apostles of the Mormon Church is most efficacious and most injurious to the interests of the State. The constitution of the State of Utah provides "There shall be no union of church and state, nor shall any church dominate the State or interefere with its functions." (Vol. 1, p. 25.) Notwithstanding this plain provision of the constitution of Utah, the proof offered on the investigation demonstrates beyond the possibility of doubt that the hierarchy at the head of the Mormon Church has for years past formed a perfect union between the Mormon Church and the State of Utah, and that the church through its head dominates the affairs of the State in things both great and small. Even before statehood was an accomplished fact, and while the State was in process of formation, and afterwards, during the sessions of the first and succeeding legislatures, it was notorious that a committee appointed by the leaders of the Mormon Church was supervising the legislation of the State.

At about the same time, or shortly prior thereto, it became known throughout Utah that the leading officials of the Mormon Church desired that the voters belonging to that church should so divide on political lines that about one half should belong to one of the great political parties of the nation and the other half to the other party, leaving a considerable number unassigned to either party, so that their votes could be cast for one party or the other, as might be necessary to further the interests of that church.

It is, of course, intended by the leaders of the church that this influence shall be secretly exerted, and this is in many cases, if not in most cases, easily accomplished by means of the perfect machinery of the church, which has been adverted to, by which the will of the first

presidency and twelve apostles is transmitted through ecclesiastical channels, talked over in prayer circles of the high councils of the church, and then promulgated to the members of the church as "the will of the Lord." Notwithstanding this attempt at secrecy, it has for many years been a matter of common knowledge among the people of those States in which the Mormon Church is strongest that political influence is being continually exerted in the matter of State and lower municipal officials. As was said by one of the witnesses who testified on the investigation: "Whenever they indorse a man, he will be elected. Whenever they put upon him the seal of their disapprobation, he will not be."

It was shown in the investigation that in the State of Idaho candidates for office, in order to have any hope of success, must visit Salt Lake City and arrange for such success with the leaders of the Mormon Church. The result of this is that whatever the Mormon Church desires to have done, either by way of legislation or in the way of administration of the affairs of the State, is done, and whatever the Mormon Church desires shall not be done, is not done. So well recognized is this fact that in a State convention held in Idaho in the year 1904 one of the leading Mormons made the proposition that in case a certain resolution should be withdrawn he would go to Utah and ask the president of the Mormon Church to cease interfering in Idaho politics. Thus it appears that the Mormon Church dominates the affairs of the State of Idaho to an extent only less than it does the affairs of the State of Utah. As an illustration of this fact, it was shown that a bill in which the Mormon Church was vitally interested was passed by the legislature of Idaho shortly after the visit of one of the apostles of the Mormon Church, who came there for the purpose of procuring such legislation.

A striking illustration of the power of the Mormon Church in Utah in matters of legislation appears in the history of what is known as the "Evans bill," which was passed by both houses of the legislature of Utah in 1901, in order to prevent prosecutions for polygamous cohabitation. This bill was favored by the president of the Mormon Church and by a majority of the apostles and was passed by a Mormon legislature. It was vetoed by a Mormon governor, the principal reason for the veto being that the attempted legislation would bring about an amendment to the Constitution of the United States under which those guilty of the crime of polygamous cohabitation would be prosecuted and punished in the Federal courts.

Perhaps one of the most instructive instances of the exercise of the power of the Mormon Church in political affairs was in the matter referred to in the protest as the case of Moses Thatcher. In that case the testimony taken before the committee leaves no doubt that not far from the time when the leaders of the Mormon Church required their followers to divide between the two parties, it was ordered by the Mormon leaders that those officials of the church who desired to engage in politics in behalf of one of the political parties should go out and influence the people of the Mormon Church in favor of that party, while those who were of the contrary opinion should remain at home and not attempt to influence the members of that church to adopt their way of thinking. Mr. Thatcher saw fit to disobey this edict and not only to become a candidate for the United States Senate, but to go out among the people and endeavor to win converts to the party of which he was a member. For this offense against the political dictation of the first presidency and twelve apostles, Mr. Thatcher was deposed from his position as an apostle, deprived of all his offices in the Mormon Church, denied the privileges which are accorded to every Mormon in good standing, and the whole influence of the leaders of the Mormon Church was put forth to compass his defeat.

As was well said by Mr. Thatcher at the time of this occurrence, this action on the part of the ruling authorities of the church transformed the Mormon Church into a great political machine, the steering apparatus of which was in the hands of the twelve or fifteen men at the head. All this occurred because Mr. Thatcher refused to "take counsel"—that is, to follow the dictates of the Mormon Church as to who should become candidates for office and who should not become such.

Specific directions given by the heads of the Mormon Church to those under them seem to have varied according to circumstances. Several years ago, and before the admission of Utah into the Union as a State, it would appear that the apostles of the Mormon Church would convey to the members of that church instructions concerning their political action openly and in public addresses. The people would be told from the pulpits of the Mormon Church what ticket they ought to support.

As late as 1892 a bishop of the Mormon Church called together a number of the members of that church who belonged to a party opposing the party of the bishop, and told those whom he had thus called together that he had received a message from the first presidency to the effect that the candidate of the party to which the bishop belonged should be elected to Congress. In the same year and at the same election the president of the Mormon Church took occasion to write a letter to the bishops of his church indorsing the candidacy of a certain gentleman for Representative in Congress. In 1898 one of the apostles of the Mormon Church in a letter to one of the first presidents of seventies virtually advocated the election of a certain candidate for a seat in the United States Senate.

In 1902 an apostle of the Mormon Church went through one of the counties of Idaho, telling the Mormon voters that it was the will of the church that they should vote a certain ticket.

In later years the method of domination by the Mormon Church in political affairs has been, to a great extent, by means of a rule requiring those of any prominence in the church to "take counsel" before becoming candidates for public office. This virtually puts into the hands of the Mormon priesthood the filling of the various offices in the State. If the church takes to itself the right to decide who shall be the candidates for offices, there is no other choice left to either candidates or people. Under this rule the people can not vote for anyone who is a prominent member of the Mormon Church unless the ruling authorities of the church permit him to be a candidate. This rule thereby becomes a species of political usurpation, striking at the very foundation of our Government. Our entire political system is based on the theory that every voter has the right to vote for anyone he pleases, and that the people have a right to call upon whomsoever they will to represent them and to administer the affairs of the nation and of the Commonwealth. But the rule which has been promulgated and enforced by the officials of the Mormon Church precludes any member of that church from serving the nation or the State unless he has been designated for such service by the hierarchy which governs said church. This means that the State shall subsist in all things in and through the "counsel" of the church.

The pretext under which the leaders of the Mormon Church excuse their selection of candidates for public office is that it is a rule of the church designed to prevent high officials in the church from becoming engaged in public affairs to the neglect of their ecclesiastical functions.

This veil is too thin to conceal the real motives and designs of the Mormon priesthood. Were that the true reason for the adoption of the rule, it would be made to apply to all the higher officials of the Mormon Church under all circumstances and all would be prohibited from becoming candidates for public offices. And in such case the object of the rule would be attained by requiring of every church officer who becomes a candidate for public office that he resign his church office, and this without favor or distinction.

But the rule is not so framed or administered. Under this rule one may be a candidate for public office or may not be, according to the will of the first presidency and twelve apostles of the Mormon Church. Under the rule, as it is applied, one of the twelve apostles may be elected to the Senate (as in the case of Mr. SMOOT) or he may be defeated (as in the case of Mr. Thatcher). If one of the higher officials of the Mormon Church becomes a candidate for public office he may retain his official station in the church, as in the case of Mr. SMOOT and Mr. Roberts, or he may be broken of his office and deprived of his privileges in the church, as happened to Mr. Thatcher, these differing applications of the rule depending wholly on the will or caprice of the first presidency and the twelve apostles. Under this rule Mr. Roberts was defeated for the office of Representative in Congress and under the rule he was afterwards elected to the same office.

But the domination of the higher officials in the Mormon Church does not cease with the selection by them of a candidate for public office. It is a fact of no little importance in this case that where the Mormon Church is strong the candidates favored by the ruling authorities of that church are generally elected.

The fact that Gentiles are sometimes elected to office in preference to Mormons in localities where the Mormons are in the ascendency does not tend to prove the absence of church influence. It is shown by the testimony that the officials of the Mormon Church sometimes prefer one Mormon to another and sometimes prefer a Gentile to a Mormon. So well is it understood in Utah that the power of the Mormon Church in political affairs must be recognized and deferred to that in the election of Senators and of other officials the Mormons must be given what they claim as their share of the offices to be filled.

In order to realize the potency of the influence which the ruling authorities of the Mormon Church exercise in political affairs, it must be kept in mind that this influence proceeds from men who are believed by their followers to be oracles of God; that whatsoever they speak is the word of God; and that the first presidency of the Mormon Church and the council of the twelve apostles are "the mouthpiece of God." In the efforts put forth by the rulers of the church to defeat Moses Thatcher, the Mormon people were told that the first presidency and eleven of the apostles were inspired and that Moses Thatcher, the twelfth apostle, was not inspired.

The committee has not overlooked nor failed to give due consideration to the testimony of witnesses called in behalf of Mr. SMOOT, who testified that there was no interference by the Mormon Church in the political affairs of Utah or Idaho. But, leaving out of consideration any political or personal bias for Mr. SMOOT which those witnesses may have manifested, there is very little in their testimony aside from and beyond their individual opinion and judgment as regards the political conditions in the States named. The testimony of these witnesses in no way controverts the facts before referred to, from which facts the conclusion is irresistible that the controlling authorities of the Mormon Church do dominate the political affairs of the State of Utah and control to some extent the political affairs of the State of Idaho. Without disproof of these facts, or strong proof of countervailing facts, mere opinions of witnesses, however intelligent and however candid, do not suffice.

Not only is Mr. SMOOT one of those by and through whom the political affairs of Utah are dominated, but his election to the Senate was, it is believed, the result of such domination.

When Mr. SMOOT concluded to become a candidate for the Senate, he was careful to obtain the "consent" of the first presidency and twelve apostles to his candidacy. But this so-called "consent" of the rulers of the church was naturally regarded by the people of Utah, who were familiar with the ways of the Mormon high-priesthood, as being, under the circumstances, equivalent to an indorsement and made it impossible for anyone else to become an aspirant for the same position with any hope of success.

A PRACTICAL UNION OF CHURCH AND STATE.

The fact that the adherents of the Mormon Church hold the balance of power in politics in some of the States enables the first presidency and twelve apostles to control the political affairs of those States to any extent they may desire. Thus a complete union of church and State is formed. This is in accordance with the teachings of the priesthood of the Mormon Church, as promulgated in the writings of men of high authority in the church, to the effect that the church is supreme in all matters of Government, as well as in all things pertaining to the private life of the citizen. In one of a series of pamphlets, "On the Doctrines of the Gospel," by Apostle Orson Pratt, it is affirmed:

"The kingdom of God is an order of government established by divine authority. It is the only legal government that can exist in any part of the universe. All other governments are illegal and unauthorized. God having made all beings and worlds has the supreme right to govern them by His own laws and by officers of His own appointment. Any people attempting to govern themselves and by laws of their own making and by officers of their own appointment, are in direct rebellion against the kingdom of God." (Vol. 1, p. 666.)

The union of church and state in those States under the domination of the Mormon leaders is most abhorrent to our free institutions. John Adams declared that the attempt of the Church of England to extend its jurisdiction over the colonies "contributed as much as any other cause to arouse the attention, not only of the inquiring mind, but of the common people, and to urge them to close thinking of the constitutional authority of Parliament over the colonies" and to bring on the war of independence. After the colonies had achieved their independence, the complete enfranchisement of the church from the control of the state, and of the state from the control of the church was brought about through the efforts of men like Thomas Jefferson and James Madison in Virginia, and those of almost equal prominence in other States. And thus the natural desire of the people of this nation for the entire separation of church and state was incorporated in the Constitution of the United States by the first amendment to that instrument.

The right to worship God according to the dictates of one's own conscience is one of the most sacred rights of every American citizen. No less sacred is the right of every citizen to vote according to his conscientious convictions without interference on the part of any church, religious organization, or body of ecclesiastics which seeks to control his political opinions or direct in any way his use of the elective franchise.

In the interest of religious freedom and to protect the State from the influence of the Mormon Church, the framers of the constitution of Utah incorporated in that instrument the provision which has been quoted in a preceding part of this report. That provision of the constitution of Utah has been persistently and contemptuously disregarded by the first presidency and the twelve apostles of the Mormon Church ever since Utah was admitted into the Union. They have paid as little regard to this mandate of the constitution of Utah as they have to the law which prohibits polygamy and the law which forbids polygamous cohabitation.

OATH OF VENGEANCE.

In the protest signed and verified by the oath of Mr. Leilich it is claimed that Mr. SMOOT has taken an oath as an apostle of the Mormon Church which is of such a nature as to render him incompetent to hold the office of Senator. From the testimony taken it appears that Mr. SMOOT has taken an obligation which is prescribed by the Mormon Church and administered to those who go through a ceremony known as "taking the endowments." It was testified by a number of witnesses who were examined during the investigation that one part of this obligation is expressed in substantially these words:

"You and each of you do covenant and promise that you will pray and never cease to pray Almighty God to avenge the blood of the prophets upon this nation, and that you will teach the same to your children and to your children's children unto the third and fourth generation."

An effort was made to destroy the effect of the testimony of three of these witnesses by impeachment of their reputation for veracity. This impeaching testimony was not strengthened by the fact that the witnesses by whom it was given were members of the Mormon Church, and would naturally disparage the truthfulness of one who would give testimony unfavorable to that church. The testimony of the witnesses for the protestants, before referred to, was corroborated by the testimony of Mr. Dougall, a witness sworn in behalf of Mr. SMOOT, and no attempt was made to impeach the character of this witness. It is true that a number of witnesses testified that no such obligation is contained in the endowment ceremony; but it is a very suspicious circumstance that every one of the witnesses who made this denial refused to state the obligation imposed on those who take part in the ceremony.

The evidence showing that such an obligation is taken is further supported by proof that during the endowment ceremonies a prayer is offered asking God to avenge the blood of Joseph Smith upon this nation, and certain verses from the Bible are read which are claimed to justify the obligation and the prayer. The fact that such a prayer if offered and that such passages from the Bible are read was not disputed by any witness who was sworn on the investigation. Nor was it questioned that by the term "the prophets" as used in the endowment ceremony reference is made to Joseph and Hyrum Smith.

That an obligation of vengeance is part of the endowment ceremony is further attested by the fact that shortly after testimony had been given on that subject before the committee Bishop Daniel Connelly of the Mormon Church denounced the witnesses who had given this testimony as traitors who had broken their oaths to the church.

The fact that an oath of vengeance is part of the endowment ceremonies and the nature and character of such oath was judicially determined in the third judicial court of Utah in the year 1889 in the matter of the application of John Moore and others to become citizens of the United States. In an opinion denying the application, the court say:

"In these applications the usual evidence on behalf of the applicants as to residence, moral character, etc., was introduced at a former hearing and was deemed sufficient. Objection was made, however, to the admission of John Moore and William J. Edgar upon the ground that they were members of the Mormon Church, and also because they had gone through the endowment house of that church and there had taken an oath or obligation incompatible with the oath of citizenship they would be required to take if admitted. * * *

"Those objecting to the right of these applicants to be admitted to citizenship introduced eleven witnesses who had been members of the Church of Jesus Christ of Latter-Day Saints, commonly called the "Mormon Church." Several of these witnesses had held the position of bishop in the church, and all had gone through the endowment house and participated in its ceremonies. The testimony of these witnesses is to the effect that every member of the church is expected to go through the endowment house, and that nearly all do so; that marriages are usually solemnized there, and that those who are married elsewhere go through the endowment ceremonies at as early date thereafter as practicable in order that the marital relations shall continue throughout eternity.

"On behalf of the applicants fourteen witnesses testified concerning the endowment ceremonies, but all of them declined to state what oaths are taken, or what obligations or covenants are there entered into, or what penalties are attached to their violation; and these witnesses, when asked for their reason for declining to answer, stated that they did so 'on a point of honor,' while several stated they had forgotten what was said about avenging the blood of the prophets. * * *

"The witnesses for the applicants, while refusing to disclose the oaths, promises, and covenants of the endowment ceremonies and the penalties attached thereto, testified generally that there was nothing in the ceremonies inconsistent with loyalty to the Government of the United States, and that the Government was not mentioned. One of the objects of this investigation is to ascertain whether the oaths and obligations of the endowment house are incompatible with good citizenship, and it is not for applicants' witnesses to determine this question. The refusal of applicants' witnesses to state specifically what oath, obligations, or covenants are taken or entered into in the ceremonies renders their testimony of but little value, and tends to confirm rather than contradict the evidence on this point offered by the objectors. The evidence established beyond any reasonable doubt that the endowment ceremonies are inconsistent with the oath an applicant for citizenship is required to take, and that the oaths, obligations, or covenants there made or entered into are incompatible with the obligations and duties of citizens of the United States." (Vol. 4, pp. 340–343.)

The obligation hereinbefore set forth is an oath of disloyalty to the Government which the rules of the Mormon Church require, or at least encourage, every member of that organization to take.

It is in harmony with the views and conduct of the leaders of the Mormon people in former days, when they openly defied the Government of the United States, and is also in harmony with the conduct of those who give the law to the Mormon Church to-day in their defiant disregard of the laws against polygamy and polygamous cohabitation. It may be that many of those who take this obligation do so without realizing its treasonable import; but the fact that the first presidency and twelve apostles retain an obligation of that nature in the ceremonies of the church shows that at heart they are hostile to this nation and disloyal to its Government.

And the same spirit of disloyalty is manifested also in a number of the hymns contained in the collection of hymns put forth by the rulers of the Mormon Church to be sung by Mormon congregations.

There can be no question in regard to the taking of the oath of vengeance by Mr. SMOOT. He testified that he went through the ceremony of taking the endowments in the year 1880, and the head of the Mormon Church stated in his testimony that the ceremony is now the same that it has always been.

An obligation of the nature of the one before mentioned would seem to be wholly incompatible with the duty which Mr. SMOOT as a member of the United States Senate would owe to the nation. It is difficult to conceive how one could discharge the obligation which rests upon every Senator to so perform his official duties as to promote the welfare of the people of the United States and at the same time be calling down the vengeance of heaven on this nation because of the killing of the founders of the Mormon Church sixty years ago.

MR. SMOOT NOT ENTITLED TO A SEAT IN THE SENATE.

The more deliberately and carefully the testimony taken on the investigation is considered, the more irresistibly it leads to the conclusion that the facts stated in the protest are true; that Mr. SMOOT is one of a self-perpetuating body of men, known as the first presidency and twelve apostles of the Church of Jesus Christ of Latter-Day Saints, commonly known as the Mormon Church; that these men claim divine authority to control the members of said church in all things, temporal as well as spiritual; that this authority is, and has been for several years past, so exercised by the said first presidency and twelve apostles as to encourage the practice of polygamy and polygamous cohabitation in the State of Utah and elsewhere, contrary to the constitution and laws of the State of Utah and the law of the land; that the said first presidency and twelve apostles do now control, and for a long time past have controlled, the political affairs of the State of Utah, and have thus brought about in said State a union of church and state, contrary to the constitution of said State of Utah and contrary to the Constitution of the United States, and that said REED SMOOT comes here, not as the accredited representative of the State of Utah in the Senate of the United States, but as the choice of the hierarchy which controls the church and has usurped the functions of the State in said State of Utah.

It follows, as a necessary conclusion from these facts, that Mr. SMOOT is not entitled to a seat in the Senate as a Senator from the State of Utah, and your committee report the following resolution:

Resolved, That REED SMOOT is not entitled to a seat as a Senator of the United States from the State of Utah.

J. C. BURROWS, *Chairman*.

[Senate Report No. 4253, part 2, Fifty-ninth Congress, first session.]

Mr. FORAKER, from the Committee on Privileges and Elections, submitted the following as the views of the minority:

The undersigned, members of the Committee on Privileges and Elections, having had under consideration Senate resolution No. 205, Fifty-seventh Congress, second session, adopted January 27, 1903, being unable to agree with the majority of the committee, submit the following minority report.

They attach hereto and make a part hereof a full statement of the case, showing all charges affecting or intending to affect the right and title of REED SMOOT to a seat in the Senate as a Senator from the State of Utah, together with an abstract of all the material, relevant, and competent testimony offered with respect thereto, and their conclusions deduced therefrom.

They ask that the same may be printed for purposes of reference as a part of this report, and respectfully refer to the same as a more complete statement of the following findings and propositions, and the testimony and arguments in support of the same, upon which they base their dissent from the conclusions and report of the majority of the committee:

I.

REED SMOOT possesses all the qualifications prescribed by the Constitution to make him eligible to a seat in the Senate, and the regularity of his election by the legislature of the State of Utah is not questioned in any manner.

II.

Aside from his connection with the Mormon Church, so far as his private character is concerned, it is, according to all the witnesses, irreproachable, for all who testify on the subject agree or concede that he has led and is leading an upright life, entirely free from immoral practices of every kind. He is not a polygamist; has never had but one wife, and has been noted from early manhood for his opposition to plural marriages, and probably did as much as any other member of the Mormon Church to bring about the prohibition of further plural marriages.

III.

So far as mere belief and membership in the Mormon Church are concerned, he is fully within his rights and privileges under the guaranty of religious freedom given by the Constitution of the United States, for there is no statutory provision, and could not be, prohibiting either such belief or such membership.

Moreover, having special reference to the Mormons residing in Utah and their peculiar belief, it was provided in the act of Congress passed July 16, 1894, that the people of Utah should provide in their constitution "by ordinance irrevocable without the consent of the United States and the people of said States—

"1. That perfect toleration of religious sentiment shall be secured, and that no inhabitants of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, That polygamous or plural marriages are forever prohibited."

In consequence there was embodied in the constitution of the State of Utah a compliance with this requirement, and thereupon the Territory was duly admitted as a State of the Union.

Accordingly, members of the Mormon Church, open and avowed believers in its doctrines and teachings, have been admitted without question to both Houses of Congress as Representatives of the State.

IV.

There remain but two grounds on which the right or title of REED SMOOT to his seat in the Senate is contested. They are:

1. That he is shown to have taken what is spoken of in the record as the "endowment oath," by which he obligated himself to make his allegiance to the church paramount to his allegiance to the United States; and

2. That by reason of his official relation to the church, as one of its apostles, he is responsible for polygamous cohabitation which yet continues among the Mormons, notwithstanding it is prohibited by law.

As to the "endowment oath," it is sufficient in this summary to say that the testimony is collated and analyzed in the annexed statement, and thereby shown to be limited in amount, vague and indefinite in character, and utterly unreliable, because of the disreputable and untrustworthy character of the witnesses.

There were but seven witnesses who made any pretenses of testifying about any such obligation. One of these was shown by the testimony of two uncontradicted witnesses to be mentally unsound. Another, to have committed perjury in the testimony given before the committee on another point. The third was shown by the uncontradicted testimony of a number of witnesses to have a bad reputation for truth and veracity, and to be thoroughly unreliable. A fourth admitted that he had been for years intemperate, and was shown by indisputable testimony to have lost his position on that account, and thereupon and for that reason to have withdrawn from the church and to have assumed such a hostile and revengeful attitude as to entirely discredit him as a reliable witness. The other three witnesses were so indefinite as to their statements that their testimony amounted at most to nothing more than an attempt to state an imperfect and confessedly uncertain recollection.

All that it is attempted to show as to the character of this oath is positively contradicted by REED SMOOT and a great number of witnesses, whose standing and character and whose reputation for truth and veracity are unquestioned, except only in so far as their credibility may be affected by the fact that they are or have been members of the Mormon Church.

Upon this state of evidence we are of opinion that no ground has been established on which to predicate a finding or belief that Mr. SMOOT ever took any obligation involving hostility to the United States, or requiring him to regard his allegiance to the Mormon Church as paramount to his allegiance and duty to the United States.

V.

The only remaining question is whether or not by virtue of his official relation to the church as one of its apostles he has any responsibility for the continuation of polygamous cohabitation by members of that church.

The testimony on this point is also carefully collated and analyzed in the annexed statement.

It will be found by an examination of that testimony that he has never at any time, and particularly he has not since the manifesto of 1890, countenanced or encouraged plural marriages; but that, on the contrary, he has uniformly upheld the policy of the church, as announced by that proclamation, by actively advocating and exerting his influence to effect a complete discontinuance of such marriages, and that in the few instances established by the testimony where plural marriages and polygamous cohabitation, as a result of them, have occurred since 1890 they have been without any encouragement, countenance, or approval whatever on his part.

As to polygamous cohabitation in consequence of plural marriages entered into before the manifesto of 1890, there is no testimony to show that he has ever done more than silently acquiesce in this offense against law. In view of his important and influential position in the church, this acquiescence might be regarded as inexcusable if it were not for the peculiar circumstances attending the commission of this offense.

To understand these circumstances it is necessary to recall some historical facts, among which are some that indicate that the United States Government is not free from responsibility for these violations of the law. Instead of discountenancing and prohibiting polygamy when it was first proclaimed and practiced the Congress remained silent and did nothing in that behalf. While Congress was thus at least manifesting indifference, President Fillmore and the Senate of the United States, in September, 1850, gave both recognition and encouragement by the appointment and confirmation of Brigham Young, the then head of the church, and an open and avowed advocate and representative of polygamy, to be governor of the Territory of Utah. When his term of office expired under this appointment he was reappointed by President Pierce and again confirmed by the Senate.

There was no legislation or action of any kind by Congress on this subject until the act of July 1, 1862, which was in language, as well as legal effect, nothing more than a prohibition of bigamy in the Territories and other places over which the United States had jurisdiction.

After this act, for a period of twenty years, plural marriages and polygamous cohabitation continued in the Territory of Utah practically unrestrained and without any serious effort on the part of the United States to restrict the same.

Finally, in response to an aroused public sentiment, Congress passed the act of March 22, 1882, by which it prohibited both plural marriages and polygamous cohabitation, but legitimized the children of all such marriages born prior to the 1st day of January, 1883. Under this act prosecutions were inaugurated to enforce its provisions, but it was soon demonstrated that public sentiment was such that only partial and very unsatisfactory success could be secured.

Then followed what is known as the "Edmunds-Tucker Act" of March 3, 1887, by which, among other things, the rules of evidence were so changed as to make it less difficult to secure evidence in prosecutions for polygamy and polygamous cohabitation. Again, by the terms of this act all the children born within twelve months after its passage were legitimized.

This statute was upheld by the Supreme Court of the United States, and efforts to prosecute such offenses were redoubled, with such success that on the 26th day of September, 1890, the then president of the church, Wilford Woodruff, issued what is known as the "manifesto of 1890," forbidding further plural marriages. So far as the testimony discloses, there have been but few plural marriages since, perhaps not more than the bigamous marriages during the same period among the same number of non-Mormons.

The evidence shows that there were at this time about 2,400 polygamous families in the Territory of Utah. This number was reduced to five hundred and some odd families in 1905. A few of these families may have removed out of the State of Utah, but so far as the testimony discloses, the great reduction in number has been on account of the deaths of the heads of these families. It will be only a few years at most until all will have passed away. This feature of the situation has had a controlling influence upon public sentiment in the State of Utah with respect to the prosecutions for polygamous cohabitation since the manifesto of 1890.

Whether right or wrong, when plural marriages were stopped and the offense of polygamy was confined to the cohabitation of those who had contracted marriages before 1890, and particularly those who had contracted marriages before the statutes of 1887 and 1882, the disinclination to prosecute for these offenses became so strong, even among the non-Mormons, that such prosecutions were finally practically abandoned.

It was not alone the fact that if no further plural marriages were to be contracted polygamy would necessarily in the course of time die out and pass away, but also the fact that Congress having, by the statutes of 1882 and 1887, specifically legitimized the children of these polygamous marriages, it was inconsistent, if not unwise and impossible, in the opinion of even the non-Mormons, to prohibit the father of such children from living with, supporting, educating, and caring for them; but if the father was thus to live with, support, educate, and care for the children, it seemed harsh and unreasonable to exclude from this relationship the mothers of the children.

Such are some of the reasons assigned for the lack of a public sentiment to uphold successful prosecutions for polygamous cohabitation after 1890. It is unnecessary to recite others, for it is enough to say that whatever the real reason or explanation may be, the fact was that after 1890 it became practically impossible to enforce the law against these offenses, except in flagrant cases.

Such was the situation when the Territory applied for admission to the Union and Congress passed the enabling act of July 16, 1894, by which the people of Utah, in order to entitle them to admission into the Union, on terms prescribed by Congress, were required to incorporate in their constitution a proviso that "polygamous or plural marriages are forever prohibited;" not polygamous cohabitation, it will be observed, but only polygamous marriages. The testimony shows that there was a common understanding both in Congress and Utah that there were not only to be no more plural marriages, but that prosecutions for polygamous cohabitation had become so difficult that there was a practical suspension of them, and that time was the only certain solution of the perplexing problem.

This sentiment has not only ever since continued, but with the constant diminution of the number of polygamous families and the rapid approach of the time when all will have passed away there has come a natural strengthening of the sentiment. The testimony in this respect is set forth at length in the annexed statement, but we make the following quotations in order that it may appear in this summary that there is this common disposition, among non-Mormons as well as Mormons.

Judge William McCarthy of the supreme court of Utah, a non-Mormon and an uncompromising opponent of polygamy, who has held many important offices of trust, among others that of assistant United States attorney for Utah, and who, as such, was charged with the duty of prosecuting these offenses, testified as follows:

"I prosecuted them (offenses of polygamous cohabitation) before the United States commissioners up until 1893, when the United States attorney refused to allow my accounts for services for that kind of work, and then I quit and confined my investigations before the grand jury in those cases."

In explanation of his action he testified—we quote from the annexed statement:

"That he found the press was against the prosecutions; that the public prosecutor, whose attention he invited to the matter, refused to proceed. From this and other facts which came to his knowledge, Judge McCarthy reached the conclusion that the public sentiment was against interfering with men in their polygamous relations who had married before the manifesto."

E. B. Critchlow, a non-Mormon attorney at law of Salt Lake City, one of the principal managers of this proceeding against Mr. SMOOT, who gave the case his personal attention, attending most of the meetings of committee, testified before the committee, again quoting from annexed statement:

"That after the manifesto of 1890 there was no inclination on the part of the prosecuting officer to 'push these matters as to present cohabitation,' 'thinking it was a matter that would immediately die out;' that it was well known that Apostle John Henry Smith was living in unlawful cohabitation; that non-Mormons generally made no objection to it; that they were disposed 'to let things go,' and that that was the general feeling from the time of the manifesto in 1890 'down to very recent times—pretty nearly up to date, or practically up to date.'"

Mr. Critchlow further testified that the non-Mormons were disposed to overlook the continuous polygamous cohabitation of those who had taken plural wives before the manifesto, because they, the non-Mormons, felt satisfied that there would be no more plural marriages; that the thing would work itself out in the future, and that where the polygamists had their wives in separate houses and simply kept up the old relations without the offensive flaunting of them before the public, it had been practically passed over.

Orlando W. Powers, esq., a leading lawyer of Utah, who was associate justice of the supreme court of the Territory, and who showed by his testimony much hostility to the Mormon Church, testified that there was this general feeling after the manifesto not to interfere with those whose marriages were prior thereto. He then added, "There is a question for statesmen to solve. We have not known what was best to do. It has been discussed, and people would say that such and such a man ought to be prosecuted.

"Then they would consider whether anything would be gained; whether we would not delay instead of hastening the time that we hope to live to see; whether the institution would not flourish by reason of what they would term persecution. And so, notwithstanding a protest has been sent down here to you, I will say to you, the people have acquiesced in the condition that exists."

He explained that by "the people" he meant the Gentiles.

The following quotation from a speech by Senator DUBOIS, reported in the CONGRESSIONAL RECORD of February 5, 1903, page 1729 et seq., is to the same general effect:

"Mr. DUBOIS. * * * Various causes operated to cause the Mormons to abandon polygamy. There was a feeling among the younger members of the Mormon Church, and a very strong feeling, that polygamy should be done away with. So here was this pressure within the church against polygamy and the pressure by the Government from outside the church against polygamy. In 1891, I think it was, the president of the Mormon Church issued a manifesto declaring that thereafter there should be no polygamous marriages anywhere in the

Mormon Church. The Mormons were then called together in one of their great conferences, where they meet by the thousands. This manifesto was issued to them by the first presidency, which is their authority; was submitted to them, and all the Mormon people ratified and agreed to this manifesto, doing away with polygamy thereafter.

"The Senator from Maine [Mr. HALE] will recall that I came here as a Senator from Idaho shortly after that, and the Senator from Connecticut [Mr. Platt] will recall how bitter and almost intemperate I was in my language before his committee and on the floor of the other House in the denunciation of these practices of the Mormon Church. But after that manifesto was issued, in common with all of the Gentiles of that section who had made this fight, we said: 'They have admitted the right of our contention and say now, like children who have been unruly, we will obey our parents and those who have a right to guide us; we will do those things no more.' Therefore we could not maintain our position and continue punishing them unless it was afterwards demonstrated that they would not comply with their promise.

"After a few years in Idaho, where the fight was the hottest and the thickest, we wiped all of those laws from our statute books which aimed directly at the Mormon people, and to-day the laws on the statute books of Idaho against polygamy and kindred crimes are less stringent than in almost any other State in the Union. I live among those people; and, so far as I know, in Idaho there has not been a polygamous marriage celebrated since that manifesto was issued, and I have yet to find a man in Idaho or anywhere else who will say that a polygamous marriage has been celebrated anywhere since the issuance of that manifesto.

"Mr. HALE. Then it must follow from that, as the years go by and as the older people disappear, polygamy as a practice will be practically removed.

"Mr. DUBOIS. There is no question about it; and I will say to the Senator, owing to the active part which we took in that fierce contest in Idaho, I with others who had made that fight thought we were justified in making this promise to the Mormon people.

"We had no authority of law, but we took it upon ourselves to assure them that those older men who were living in the polygamous relation, who had growing families which they had reared and were rearing before the manifesto was issued, and at a time when they thought they had a right under the Constitution to enter into polygamous relations—that those older men and women and their children should not be disturbed; that the polygamous man should be allowed to support his numerous wives and their children.

"The polygamous relations, of course, should not continue, but would not compel a man to turn his families adrift. We promised that the older ones, who had contracted those relations before the manifesto was issued, would not be persecuted by the Gentiles; that time would be given for them to pass away, but that the law would be strenuously enforced against any polygamous marriage which might be contracted in the future."

Much more testimony might be quoted of the same general character. It is sufficient, however, for the purpose of this summary to say that there is practically no testimony in conflict with that which has been quoted.

In other words, the conditions existing in Utah since REED SMOOT became an official of the Mormon Church in 1900 have been such that non-Mormons and Mormons alike have acquiesced in polygamous cohabitation on the part of those who married before the manifesto of 1890, as an evil that could best be gotten rid of by simply tolerating it until in the natural course of events it shall have passed out of existence.

With this disposition prevailing everywhere in the State of Utah among all classes—the Gentile or non-Mormon population as well as among the Mormons—the undersigned are of the opinion that there is no just ground for expelling Senator SMOOT or for finding him disqualified to hold the seat he occupies because of the fact that he, in common with all the people of his State, has not made war upon, but has acquiesced in, a condition for which he had no original responsibility. In doing so he has only conformed to what non-Mormons, hostile to his church, as well as Mormons, have concluded is, under all the circumstances, not only the wisest course to pursue, but probably the only course that promises effective and satisfactory results.

J. B. FORAKER.
ALBERT J. BEVERIDGE.
WM. P. DILLINGHAM.
A. J. HOPKINS.
P. C. KNOX.

Statement.

The minority respectfully submit the following statement as a part of their foregoing report:

January 27, 1903, the Senate adopted the following Senate Resolution No. 205:

"*Resolved*, That the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be authorized and directed to investigate the right and title of REED SMOOT to a sent in the Senate as Senator from the State of Utah, and said committee, or any subcommittee thereof, is authorized to sit during the sessions of the Senate, to employ a stenographer, to send for persons and papers, and to administer oaths; and that the expense of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee."

At the time of the adoption of this resolution there were pending in the Senate two formal protests against the admission of REED SMOOT to the Senate, both having been filed before he took his seat. One of these protests is signed by W. M. Paden and seventeen others, and the other by John L. Leilich alone, Mr. Leilich being also one of the seventeen who signed the principal protest.

Shortly before the adoption of the foregoing resolution at a preliminary hearing on the 16th day of January, 1903, of which notice was duly given, counsel appeared before the committee representing Mr. Paden and others who signed the principal protest, and Mr. SMOOT also appeared in person and by counsel. At that time statements were made by counsel for the respective parties stating in a general way what they expected to prove and what their claims were as to the legal aspects of the case. Later the taking of testimony commenced.

Numerous witnesses were produced and examined before the committee, both on behalf of the protestants and on behalf of Mr. SMOOT. The taking of this evidence was continued from time to time until the 25th day of January, 1905, when the further taking of testimony was closed and counsel were heard in argument. The committee took the case under consideration with a view to making a report. Afterwards, at the present session, the case was reopened for the further taking of testimony, after which the case was again argued by counsel.

In the protest signed by Mr. Leilich alone it was charged that REED SMOOT is a polygamist, and that, as an apostle of the Church of Jesus Christ of Latter-Day Saints, commonly called the "Mormon Church," he had taken an oath "of such a nature and character as that he is thereby disqualified from taking the oath of office required of a United States Senator." No one appeared, however, to sustain either of these charges. No evidence has been offered in support of either of them, but, on the contrary, both charges were refuted by a number of witnesses.

The investigation made by the committee has been based chiefly upon the charges made in the protest signed by Mr. Paden and others.

At the preliminary hearing already referred to, counsel for the protestants presented, in a more formal way than had been done in the protest itself, the charges supposed to be embodied in that protest.

The charges thus presented are as follows:

First. The Mormon priesthood, according to the doctrine of that church and the belief and practice of its membership, is vested with, and assumes to exercise, supreme authority in all things temporal and spiritual, civil and political. The head of the church claims to receive divine revelations, and these REED SMOOT, by his covenants and obligations, is bound to accept and obey, whether they affect things spiritual or things temporal.

Second. The first presidency and twelve apostles, of whom REED SMOOT is one, are supreme in the exercise of this authority of the church and in the transmission of that authority to their successors. Each of them is called prophet, seer, and revelator.

Third. As shown by their teaching and by their own lives, this body of men has not abandoned belief in polygamy and polygamous cohabitation. On the contrary—

(*a*) As the ruling authorities of the church they promulgate in the most solemn manner the doctrine of polygamy without reservation.

(*b*) The president of the Mormon Church and a majority of the twelve apostles now practice polygamy and polygamous cohabitation, and some of them have taken polygamous wives since the manifesto of 1890. These things have been done with the knowledge and countenance of REED SMOOT. Plural-marriage ceremonies have been performed by apostles since the manifesto of 1890, and many bishops and other high officials of the church have taken plural wives since that time. All of the first presidency and twelve apostles encourage, countenance, conceal, and connive at polygamy and polygamous cohabitation, and honor and reward by high office and distinguished preferment those who most persistently and defiantly violate the law of the land.

Fourth. Though pledged by the compact and bound by the law of their Commonwealth, this supreme body, whose voice is law to its people and whose members were individually directly responsible for good faith to the American people, permitted, without protest or objection, their legislators to pass a law nullifying the statute against polygamous cohabitation.

In substance these charges, so far as they seem to be a proper subject of inquiry here, are:

1. That the Mormon Church exacts and receives from its members, including REED SMOOT, absolute obedience in all political matters.

2. That the Mormon Church is promulgating the doctrine of polygamy, and that the first presidency and all the twelve apostles, including REED SMOOT, "encourage, countenance, conceal, and connive at polygamy and polygamous cohabitation, and reward those who practice it."

No evidence has been submitted to the committee or has come to its knowledge in anywise affecting injuriously the general character of REED SMOOT. On the contrary, it has been admitted by the protestants, through their counsel, and a number of witnesses on both sides have testified, that his moral character is unimpeachable in every respect. In the protest of Mr. Paden and others it is explicitly stated that they do not charge him with any offense cognizable by law.

SOME HISTORICAL FACTS.

To a proper understanding of the voluminous evidence in the case, in so far as it tends to throw any light upon the question whether REED SMOOT is entitled to retain his seat in the Senate, it will be useful to set forth, in a preliminary way, certain indisputable historical facts.

The Mormon people, under the lead of Brigham Young, in their pilgrimage from Nauvoo, Ill., settled at the place now known as Salt Lake City in the summer of 1847. The place where they located was, at that time, Mexican territory. The Mormons, however, hoisted the Stars and Stripes on an eminence near the city, ever since called Ensign Peak.

On the 20th day of September, 1850, Brigham Young, the then head of the Mormon Church, was nominated for governor of the Territory of Utah by President Fillmore, and his appointment was confirmed by the Senate September 28, 1850. During his term of office under that appointment, and in the year 1852, Brigham Young, as the president of the Mormon Church, formally and publicly proclaimed polygamy as a doctrine of that church.

There is some dispute as to whether polygamy had not been proclaimed in 1844 by Joseph Smith, jr., Brigham Young's predecessor as president of the church; but it is not deemed necessary in this statement to consider the merits of that controversy. The admitted fact is that from the time of Brigham Young's announcement in 1852 polygamy was openly practiced in Utah by many of the Mormon people, including Brigham Young himself.

When his term of office as governor of the Territory expired in 1854 he was appointed for another term of four years by President Pierce, his nomination being again confirmed by the Senate; he served out his second full term of four years. During all of this time he continued to be president of the church and to openly live in polygamous relations with several wives.

ACT OF 1862.

There seems to have been no attempt by the Government of the United States to interfere with the practice of polygamy in Utah until July 1, 1862, on which date an act of Congress entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the legislative assembly of the Territory of Utah," became a law (12 Stat. L., 501).

The first section of that act is as follows:

"That every person having a husband or wife living, who shall marry any other person, whether married or single, in a Territory of the United States, or other place over which the United States have exclusive jurisdiction, shall, except in the cases specified in the proviso to this section, be adjudged guilty of bigamy, and, upon conviction thereof, shall be punished by a fine not exceeding $500, and by imprisonment for a term not exceeding five years: *Provided, nevertheless*, That this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have

been absent for five successive years without being known to such person within that time to be living; nor to any person by reason of any former marriage which shall have been dissolved by the decree of a competent court; nor to any person by reason of any former marriage which shall have been annulled or pronounced void by the sentence or decree of a competent court on the ground of the nullity of the marriage contract."

It will be observed that while this section of the act of 1862 made it a penal offense to take a plural wife or husband it did not punish or in any wise interfere with the continued cohabitation of those who had previously entered into the polygamous relation.

THE EDMUNDS LAW.

Such cohabitation was not made an offense until March 22, 1882, when the so-called "Edmunds Act" became a law (22 Stat. L., 30). This act of 1882 amended the act of July 1, 1862 (which in the meantime had become section 5352 of the Revised Statutes). Section 3 of the amendatory act provided:

"SEC. 3. That if any male person, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $300, or by imprisonment for not more than six months, or by both such punishments, in the discretion of the court."

In the seventh section of the same act it was provided as follows:

"SEC. 7. That the issue of bigamous or polygamous marriages, known as "Mormon marriages," in cases in which such marriages have been solemnized according to the ceremonies of the Mormon sect, in any Territory of the United States, and such issue shall have been born before the 1st day of January, A. D. 1883, are herby legitimated."

Soon after the Edmunds Act became a law prosecutions were instituted in the Territorial courts against persons who were living in polygamy, those prosecutions being nearly all under the third section of the act, which made it an offense for a man to cohabit with more than one woman. From that time until October, 1890, the number of polygamous marriages in Utah decreased, but the practice was not entirely stopped.

THE EDMUNDS-TUCKER ACT.

By what is called the Edmunds-Tucker Act, approved March 3, 1887 (24 Stat. L., 635), the rules of evidence were changed so as to make a lawful husband or wife of a person accused of bigamy, polygamy, or unlawful cohabitation a competent witness.

By section 7 of that act the various acts of the legislative assembly of the Territory of Utah incorporating or continuing the corporation known as the "Church of Jesus Christ of Latter-Day Saints" were disapproved and annulled, and that corporation dissolved; and it was further made the duty of the Attorney-General of the United States to take proper proceedings in the supreme court of the Territory to wind up the affairs of the corporation. Section 11 of this act of 1887 further provided as follows:

"SEC. 11. That the laws enacted by the legislative assembly of the Territory of Utah which provide for or recognize the capacity of illegitimate children to inherit or to be entitled to any distributive share in the estate of the father of any such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father: *Provided*, That this section shall not apply to any illegitimate child born within twelve months after the passage of this act, nor to any child made legitimate by the seventh section of the act entitled 'An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' approved March 22, 1882."

REYNOLDS V. THE UNITED STATES.

Although the act of 1862, above referred to, made it a criminal offense to marry a plural wife in the Territories of the United States, and although polygamy was openly and publicly practiced, there seems to have been little effort on the part of the Government to suppress it in Utah for many years after that time. Finally, however, one George Reynolds was indicted and charged with bigamy under that act, and his case was taken to the Supreme Court of the United States.

The principal question involved was whether, since polygamy was a duty under the religious doctrines of the Mormon Church, an act of Congress punishing the taking of a plural wife was an unconstitutional interference with religion. That case was decided at the October term, 1878 (Reynolds *v.* United States, 97 U. S., 145). The court held that while it was not competent for Congress to make a mere belief a punishable offense, yet it was entirely competent for it to make criminal an act which the person committing it might consider to be a duty under his religious belief.

It is worthy of note that the belief of the Mormons in the unconstitutionality of the act in question was so strong that Reynolds, a member of the church, voluntarily enabled proof of his offense to be obtained in order that the constitutionality of the act might be tested.

THE MANIFESTO OF 1890.

On the 26th of September, 1890, Wilford Woodruff, then president of the Mormon Church, issued what is called "The manifesto," of which the following is a copy:

OFFICIAL DECLARATION.

To whom it may concern:

Press dispatches having been sent for political purposes from Salt Lake City, which have been widely published, to the effect that the Utah Commission, in their recent report to the Secretary of the Interior, allege that plural marriages are still being solemnized, and that forty or more such marriages have been contracted in Utah since last June, or during the past year; also that in public discourses the leaders of the church have taught, encouraged, and urged the continuance of the practice of polygamy;

I, therefore, as president of the Church of Jesus Christ of Latter-Day Saints, do hereby, in the most solemn manner, declare that these charges are false. We are not teaching polygamy, or plural marriage, nor permitting any person to enter into its practice, and I deny that either forty or any other number of plural marriages have during that period been solemnized in our temples or in any other place in the Territory.

One case has been reported in which the parties alleged that the marriage was performed in the endowment house, in Salt Lake City, in the spring of 1899, but I have not been able to learn who performed the ceremony; whatever was done in this matter was without my knowledge. In consequence of this alleged occurrence the endowment house was, by my instructions, taken down without delay.

Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws and to use my influence with the members of the church over which I preside to have them do likewise.

There is nothing in my teachings to the church or in those of my associates during the time specified which can be reasonably construed to inculcate or encourage polygamy, and when any elder of the church has used language which appeared to convey any such teachings he has been promptly reproved. And I now publicly declare that my advice to the Latter-Day Saints is to refrain from contracting any marriage forbidden by the law of the land.

WILFORD WOODRUFF,
President of the Church of Jesus Christ of Latter-Day Saints.

At the semiannual general conference of the members of the Mormon Church, which was held on October 6, 1890, the foregoing declaration was unanimously accepted "as authoritative and binding." Two years later it was again approved by the general conference of the church. Since it was first approved by the general conference, in October, 1890, it has been and still remains a part of the fundamental law of the Mormon Church, which can be repealed or modified only by the action of a similar conference.

As to the effect of the manifesto on the power of the president of the Mormon Church, or any subordinate official, to celebrate a plural marriage, we quote a part of the testimony of James E. Talmage, Doctor Talmage prepared and issued, under the auspices of the church authorities, a work called "Articles of Faith," which authoritatively sets forth the doctrines of the church, having been submitted to, approved by, and published by the church itself. (Vol. III, pp. 47 and 48.)

"Mr. WORTHINGTON. Doctor, you have used the expression here "holding the keys" in connection with that revelation involving polygamy, when it was given to Joseph Smith, jr., that he was the only man who held the keys to that power. He only at that time, or some person delegated by him, could make a plural marriage that would be valid according to the laws of the church. Am I right in that?

"Mr. TALMAGE. Yes, sir.

"Mr. WORTHINGTON. From that time on down to the time that President Woodruff issued this manifesto, which the church approved in conference assembled, the same principle obtained?

"Mr. TALMAGE. Yes, sir.

"Mr. WORTHINGTON. That a plural marriage could not be valid according to the law of the church, only when celebrated by the president or by somebody authorized by him to celebrate it. Is that right?

"Mr. TALMAGE. That is strictly true.

"Mr. WORTHINGTON. Then when this revelation, which is called the 'manifesto,' came and it was submitted to the people and accepted by them, that power was taken away from the president, was it not?

"Mr. TALMAGE. Yes, sir.

"Mr. WORTHINGTON. So that since the 6th of October, 1890, the president of the church had no power to solemnize a plural marriage according to the law of the church, even?

"Mr. TALMAGE. That is true.

"Mr. WORTHINGTON. And no power to authorize anybody else to celebrate one?

"Mr. TALMAGE. That is true.

"Mr. WORTHINGTON. So that if any person has undertaken to enter into plural marriage, if any woman has become the plural wife of a husband since the 6th day of October, 1890, she is no more a wife by the law of the church than she is by the law of the land?

"Mr. TALMAGE. That is true.

"Mr. WORTHINGTON. And it is not in the power of the president to revive the old system so that he can make a valid plural marriage or authorize one, unless he does it through the general conference of the church?

"Mr. TALMAGE. Certainly. It is now a rule of the church that that power shall not be exercised. The power is there, but the exercise of it is entirely stopped, and a rule of the church thus made and sanctioned is equally binding with the law founded upon revelation, and the president therefore has in one sense, half voluntarily, inasmuch as he was the chief individual to bring it before the conference, but by the action of the conference, properly speaking, has surrendered that power as far as its exercise is concerned.

"Mr. WORTHINGTON. It takes the action of the people to restore it, does it not?

"Mr. TALMAGE. Most assuredly——." (3—48, 49.)

THE ENABLING ACT.

The enabling act, under which Utah, in January, 1896, was finally admitted into the Union, was passed by Congress on July 16, 1894 (28 Stat. L., 107). By section 3 of that act it was required that the State convention, which was authorized to be called to organize the State government, should provide:

"By ordinance irrevocable without the consent of the United States and the people of said States—

"First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, That polygamous or plural marriages are forever prohibited.'"

It is very important to observe that while this act made it a condition to the admission of the State that polygamous or plural marriages should not be allowed, no provision of any kind was made against polygamous cohabitation. That offense was left to be governed by the constitution and laws of the State as the inhabitants of the State might determine.

The testimony shows that the distinction thus made by Congress in the enabling act between polygamous marriages and polygamous cohabitation was intentional. Polygamous marriages, as we have seen, were not forbidden by any act of Congress until 1862, ten years after polygamy had become prevalent in Utah. It was twenty years later still, 1882, before Congress prohibited polygamous cohabitation.

From the time polygamy was first promulgated by Brigham Young, as president of the Mormon Church, until about five years thereafter, he was continued in office by the Government as governor of the Territory. Both the Edmunds Act of 1882 and the Edmunds-Tucker Act of 1887 recognized polygamous marriages to the extent of making legitimate all the children born of such marriages prior to the passage of those acts, respectively, who might be born within a period in one case of nine months and nine days and in the other twelve months after the passage of the act.

POLYGAMOUS COHABITATION.

Under these laws families had been created, and children born of polygamous marriages had grown to manhood and womanhood. It is not surprising, under such circumstances, that there was a feeling on the part both of the Government officials in that Territory and of the people of the Territory that if further polygamous marriages should cease the continuance of polygamous relations theretofore created might be tolerated, if they were not openly or flauntingly carried on.

To prohibit such relations would be to deny the parents of legitimated children to dwell together with such children. Some twenty-five or thirty witnesses have been examined on this subject, most of them non-Mormons and several of them witnesses called on behalf of the protestants. There is a practical unanimity among them that at least from the time of the admission of the State into the Union, which occurred on January 4, 1896, there was practically a universal disinclination to prosecute those who had plural families born of relations established before the manifesto of 1890.

As a sample of the evidence on this subject we refer to the testimony of Judge William M. McCarty, one of the associate justices of the supreme court of Utah. He was assistant United States attorney for the Territory of Utah from 1889 until 1902, when he was elected county attorney of Sevier County, in that Territory. He was reelected in 1894. In 1895 he was elected one of the district judges of the State of Utah.

He was reelected to that office in 1900, and in 1902 was elected to his present office. He is a non-Mormon, and has always been an uncompromising opponent of polygamy. He conducted some of the prosecutions for polygamous cohabitation between the date of the manifesto, in 1890, and the admission of the State into the Union in January, 1896. He testified:

"I prosecuted them before the United States commissioners up until 1893, when the United States attorney refused to allow my accounts for services for that kind of work, and then I quit and confined my investigations before the grand jury in those cases."

And Judge McCarty further testified that the superior to whom he referred as stopping the prosecution for polygamous cohabitation was John W. Judd, a Gentile.

In 1897 some prosecutions for polygamous cohabitations against men who were married before the manifesto came before Judge McCarty as district judge of the State. The accused in those cases admitted their guilt and were punished by a fine only, upon agreeing to cease cohabitation with their plural wives. Judge McCarty testified that it was after these prosecutions he obtained the first emphatic expression he had observed as to the state of public opinion in Utah at that time regarding such prosecutions.

He said that he found the press was against such prosecutions; that the public prosecutor, whose attention he invited to the matter, refused to proceed. From this and other facts which came to his knowledge Judge McCarty reached the conclusion that the public sentiment of the State was against interfering with men in their polygamous relations who had married before the manifesto. (Vol. 2, 882 to 886, 889, 916.)

E. B. Critchlow, a Gentile lawyer, of Salt Lake City, who prepared the principal protests in this case and who, during the early sittings of the committee, assisted Mr. Tayler, counsel for the protestants, in presenting their case, testified as a witness on behalf of the protestants that after the manifesto of 1890 there was no inclination on the part of the prosecuting officer to "push these matters as to present cohabitation," "thinking it was a matter that would immediately die out;" that it was well known that Apostle John Henry Smith was living in unlawful cohabitation; that non-Mormons generally made no objection to it; that they were disposed "to let things go," and that that was the general feeling from the time of the manifesto in 1890 "down to very recent times—pretty nearly up to date or practically up to date."

Mr. Critchlow further testified that the non-Mormons were disposed to overlook the continuous polygamous cohabitation of those who had taken plural wives before the manifesto, because they—the non-Mormons—felt satisfied that there would be no more plural marriages; that the thing would work itself out in the future, and that where the polygamists had their wives in separate houses and simply kept up the old relations without the offensive flaunting of them before the public it had been practically passed over. (Vol. 1, 624, 625.)

Another witness called on behalf of the protestants was Orlando W. Powers, a leading lawyer of Utah, a non-Mormon, who was associate justice of the supreme court of the Territory of Utah in 1885 and 1886, and whose testimony in general shows his strong feeling against the Mormon Church. He testified that, speaking for those who fought the church party in the days when it was a power, they had felt and still feel that if the church would stop new plural marriages, those who had contracted such marriages before the manifesto would not be interfered with. After stating that the people who lived in the East had no understanding of the situation in this regard in Utah, Judge Powers added:

"That condition exists. There is a question for statesmen to solve. We have not known what was best to do. It has been discussed, and people would say that such and such a man ought to be prosecuted. Then they would consider whether anything would be gained; whether we would not delay instead of hastening the time that we hope to live to see; whether the institution would not flourish by reason of what they would term persecutions. And so, notwithstanding a protest has been sent down here to you, I will say to you the people have acquiesced in the condition that exists."

Then the witness added that by "the people" he meant the Gentiles. (Vol. 1, 884–885.)

William J. McConnell, ex-governor of Idaho and ex-Senator of the United States from that State, when asked whether there was any public sentiment in Idaho in reference to prosecutions for simply unlawful cohabitation, as distinguished from new polygamous marriages, replied:

"It was understood and agreed when we adopted our State constitution and were admitted to statehood, that these old Mormons who had plural families would be allowed to support their wives and children without molestation. It was agreed by all parties, Democrats and Republicans alike, that they should be allowed to drift along. We could, under the law, have prosecuted these people and perhaps have sent them to jail. We could doubtless have broken up these families, but we felt it better that these men should be allowed to support these old women and these children than to further persecute them" (2; 522).

This witness was sharply cross-examined by Mr. Taylor and by the chairman on this subject, with the result that he made his testimony more emphatic (2, 524, 526).

On his redirect examination he further stated that he agreed to the foregoing testimony of Mr. Critchlow and Mr. Powers (2, 531, 532).

F. H. Holzheimer, a leading lawyer of Idaho, who was practicing his profession in Utah until November, 1902, testified that the issuing of the manifesto of 1890 brought about a very peculiar state of affairs, and that the question of how to take care of the problem was one which confronted the people of Utah, and which the witness did not think they have really solved.

He added:

"The consensus of opinion at that time was that those who had contracted marriages prior to the manifesto should be left alone. It was not, however, believed that they should openly violate the law and unlawfully cohabit with their numerous wives. I will say this, that where that has occurred it has been mostly in isolated cases. There have been a number of cases where children have been born, but in no case that I know of has it been done openly. It is true it is against the law, but it has not been done in such an open, lewd manner as has been intimated, nor has it been general. And because of the peculiar state of affairs it was the opinion that the whole thing would die out; that it was only a matter of a short time when the question would be entirely settled, because there would be no new marriages." (2; 575–576.)

Frank Martin, a lawyer of Idaho, testified that he believed those who were living in polygamous cohabitation in his State ought to be punished. But he added:

"A majority of our people seem to think that the best way, as far as concerns those old fellows who contracted these relations before the manifesto, as long as they stop it and do not take any new wives, or as long as no new wives are taken, is to let it go, to let it gradually die out, to let the old ones die." (2; 262.)

James H. Brady, a Gentile of Idaho, who operates several irrigation canals in that State and owns a power plant at the American Falls, when asked what is the sentiment in Idaho regarding disturbing or leaving undisturbed the men who went into polygamy prior to the manifesto of 1890, answered:

"To be absolutely frank in the matter, my judgment is that a majority of the men in Idaho would favor leaving those old men to live out their lives just as they have started in." (2; 649.)

J. W. N. Whitecotton, a lawyer who resides at Provo City, where Senator SMOOT lives, and who is intimately acquainted in most of the Mormon counties in Utah, was asked what has been the sentiment among non-Mormons in Utah in regard to the men who had entered into polygamy prior to the manifesto of 1890, and answered:

"Well, that is a pretty hard question to answer. The Gentiles in Utah have recognized that we have a very hard problem to deal with in that respect. It offers many embarrassing things. There has been a good deal said in this testimony—I have read it—about an understanding. I know nothing of any understanding in regard to that. But I do know this, that the people generally feel like they do not want to stir up this thing and set it to smelling any more. It has not a good odor.

"And there is another thing that they have taken into account in the neighborhood where I am, at least. When we get out to punish this man who is living in polygamy, put him in prison, they take into account somewhat the consequences that will come to his family. Now, the women who went into polygamy in Utah went into it because, although I think under a delusion, they thought it was a religious duty, and they are bound by the obligation. They feel that way.

"And under the rules of the church, as I understand them, a plural wife, if she is divorced from her husband, may not become the wife of another man, and those plural wives who have children are in a very precarious condition if they are to be entirely separated from the only protector they have. I think that the condition of these women and the children they have has probably entered as largely into the feeling of 'let the matter slide along and not bother it' as any other factor."

On his further examination on this subject, the following occurred:

"The CHAIRMAN. What is the sentiment in regard to those who contracted plural marriages before 1890 and are now living with their wives and having new children by them up to this time?

"Mr. WHITECOTTON. The sentiment is that it is an awful condition.

"The CHAIRMAN. That is a lawful condition?

"Mr. WHITECOTTON. That is an awful condition.

"The CHAIRMAN. Oh!

"Mr. WHITECOTTON. Leave off the 'l.' And we wish we were out of it. We do not know how to get out of it.

"The CHAIRMAN. What is the sentiment with respect to that class of people—approval or disapproval?

"Mr. WHITECOTTON. They have the disapproval of the people generally, but that does not go to the extent of causing a man to shoulder the responsibility of setting the law in motion against that man.

"The CHAIRMAN. So that that class of men are left without interference?

"Mr. WHITECOTTON. They are left practically without interference. They have our regrets, but we do not know how to get at them.

"Senator FORAKER. You have said that that is largely because of the regard the people have for the condition in which the plural wives and children would be left in case of a successful prosecution?

"Mr. WHITECOTTON. Yes, sir. I think that (regard for plural wives and children) is the chief cause of withholding the hand of prosecution. Those women are human, and so are their children, and they are not much to blame, either, especially the children." (2; 679–680.)

Hiram E. Booth, a practicing lawyer of Salt Lake City, and one of the leading managers in the State of the Republican party, upon being asked to explain why it is that, if the people of Utah, including a large part of the Mormon people, are so opposed to polygamy, those who are living in polygamous relations are not interefered with, said:

"Well, my explanation of that is that the principal fight of the Gentiles has been to do away with polygamous marriages. While during many years there were numerous prosecutions for unlawful cohabitation, it was not for the purpose of punishment so much, those people who lived in unlawful cohabitation, as it was to bring about a cessation of polygamous marriages. That was the principle for which we strove, to stop people from marrying in polygamy. This was finally brought about in 1890 by the manifesto of the president of the church, which was affirmed, or sustained, as they call it, by the conference on October 6, 1890, and again in 1891. We did not accept that in good faith at that time.

"That is, we were somewhat skeptical about it; but later we did. Now, there has been since that time a disinclination to prosecute men and women who live in unlawful cohabitation. One of my own reasons—the way I look at it—was this: My sympathy was with the plural wife and her children. By these prosecutions she suffered more really than the husband did. In nearly all of the cases I may say the plural wife is a pure-minded woman, a woman who believed that it was right according to the law of God for her to accept that relation, and

that she can not be released from her obligations when they are once entered upon.

"Mr. BOOTH. I should say, with Judge Powers and Mr. Critchlow, that the general sentiment among the Gentile people in Utah is a disinclination to prosecute those cases.

"Mr. WORTHINGTON. If I understand you, when Senator SMOOT was a candidate for Senator, and when he became an apostle, which was in April, 1900, things had settled down in Utah by the general acquiescence of the people that if there would be no new polygamous marriages the people who had entered into that relation before the manifesto should not be disturbed?

"Mr. BOOTH. Should not be disturbed; no, sir.

"Mr. WORTHINGTON. And that was the state of opinion there when he became an apostle?

"Mr. BOOTH. That was the state of opinion when he became an apostle.

"Mr. WORTHINGTON. And if he had gone against that state of opinion he would have been going against the public sentiment of the State, would he not?

"Mr. BOOTH. Yes.

"Mr. WORTHINGTON. Gentiles and Mormons?

"Mr. BOOTH. Gentiles and Mormons. I would say in that respect that where polygamous relations were carried on in such a way as to outrage public sentiment, in those cases, of course, a prosecution would have been demanded." (2; 714, 715, 723.)

Authur Pratt, who was deputy United States marshal in Utah from 1874 until 1882, and again from 1886 to 1890, and who probably arrested more Mormons charged with polygamy or polygamous cohabitation than any other man, said that he had heard Mr. Whitecotton and Mr. Booth testify on this subject, and that he agreed with them, for the reasons stated by them—not out of any pity or sympathy for the men, but out of sympathy and out of the suffering that would be entailed on the women and the children (2; 744).

E. D. R. Thompson, a non-Mormon, who has lived in Salt Lake City since 1889, never been a Mormon, and who has taken a leading part in Republican politics in that State, testified:

"Well, the general idea has been that this condition of things would gradually die away by the lapse of time. It has been generally repugnant to most people who take any position as against the Mormons in this matter which would imply either prosecution or persecution. In other words, they did not care to be informers." (2; 991.)

Charles De Moisy, a non-Mormon, who is a commissioner of the State bureau of statistics of Utah, and has never been a Mormon, says, in regard to the sentiment among Gentiles in Utah as to the punishment of those who live in polygamous cohabitation where the marriages were celebrated before the manifesto, "I think there is a matter of indifference about it"—that he himself thinks—"the less said about those things the better." (2; 1003.)

Glen Miller, a non-Mormon, who was United States marshal in the Territory of Utah for four and a half years, and had been a member of the State senate for two years after Utah had been admitted into the Union, when asked what is the sentiment of Gentiles in Utah in regard to prosecutions for polygamous cohabitation between persons who were married before the manifesto, answered:

"Well, there has been a sentiment against that, as there has been against any informing against any of the infractions of law generally. They have felt that it was only a question of time that the practice would die out through the death of those who practiced it and the removal of that generation" (3; 160).

John W. Hughes, who has never been a Mormon, and is the editor of a weekly paper in Salt Lake City, when asked the same question, replied:

"Well, the sentiment has been right along that these old fellows that are in polygamy—to let them alone and they will soon die out. Very soon none of them will be left. The great point with the Gentiles is that there will be no new plural marriages" (3; 163).

Mrs. Mary G. Coulter, a non-Mormon, whose husband is a physician in Ogden, testified:

"Those of us who have witnessed the old-time antagonisms and who are living and working for the new growth and progress do not believe in inquisitorial methods. We believe that the work of education, the establishment of industries, the developing of the mining regions, the building of railroads especially, and the influx of people, owing to the colonization schemes which are succeeding there, will in time eradicate all of the old and objectionable conditions." (3; 170.)

POLYGAMY IN OTHER COUNTRIES—HOW DEALT WITH.

A situation analogous to that existing in Utah after polygamy had been forbidden by the law of the church, as well as by the law of the State, arises in countries where polygamy is lawful, when missionaries have converted polygamists to the Christian faith. The question then frequently arises whether polygamists shall be admitted to the church; and if so, whether they shall be required to put away all of their families except one. In the argument of the case counsel for the respondent has referred to certain publications by various Christian churches, showing the proceedings that have taken place in some such cases and the results. The Presbyterian and Reformed Review, volume 7, for 1896, contains an article on "The baptism of polygamists in non-Christian lands," from which the following extracts are taken:

"At the regular meeting of the synod of India, held in Ludhiana, November, 1894, among the most important questions which came before the synod was this: Whether in the case of a Mohammedan or Hindoo with more than one wife, applying for baptism, he should in all cases, as a condition of baptism, be required to put away all his wives but one. After a very thorough discussion, lasting between two or three sessions of the synod, it was resolved, by a vote of 36 to 10, to request the general assembly, 'in view of the exceedingly difficult complications which often occur in the cases of polygamists who desire to be received into the church, to leave the ultimate dicision of all such cases in India to the synod of India.' The memorialists add: 'It is the almost unanimous opinion of the members of the synod that, under some circumstances, converts who have more than one wife, together with their entire families, should be baptized.'

"Not only is it thus the fact that more than four-fifths of the members of the synod of India believe that it may sometimes be our duty, under the conditions of society in India, to baptize a polygamist without requiring him first to put away all his wives but one, but when the missionary ladies present during the sessions of the synod, desirous of ascertaining the state of opinion among themselves on this subject, took a vote thereupon, of these thirty-six ladies, many of them intimately familiar with the interior of zenana life for years, all feeling no less hatred of polygamous marriage than their sisters in America, all but three signified their agreement with the majority of the synod, of which minority of three two had been only a few days in India, and were therefore without any experience touching the practical questions involved. Nor is this large majority of our missionaries singular in their belief on this subject.

"When some years ago the question was debated in the Panjab missionary conference, in which a large number of the missionaries and eminent Christian laymen of all denominations took part, ten out of twelve of the speakers expressed the same opinion as that held by more than four-fifths of the synod of India to-day. So the Rev. Dr. James J. Lucas, of Saharanpur, says that the brethren who maintained the lawfulness of not requiring a polygamist to put away any of his wives as a prerequisite to baptism 'are not even in a minority in the missionary body in India.'

"A few years ago the Madura Mission voted in favor of baptizing such, provided they had contracted their marriages in ignorance and there was no equitable way of securing a separation. Their action was disapproved by the American board, but it none the less illustrates again what is the judgment of a large part of those who, living in India, are in most intimate relation to the living facts, and who are thus far better qualified to form a right decision than can be the wisest men at home."

* * * * * * *

"Again, as bearing on the polygamist's duty, it should be noted that in the great majority of cases among the Hindus the second marriage is contracted because of the first wife having no children. So that when the general assembly requires the polygamist convert to put away all wives but the first, it requires him not only to signalize his conversion by violating a contract held valid alike by his Christian rulers and a large part of his Christian brethren, but to do this in such a way as shall inflict the greatest amount possible of cruel injustice and suffering, by turning out of his house that wife who is the mother of his children (who will naturally in most cases have to go with her) and denying to her conjugal rights of protection and cohabitation which he had pledged her.

"The wrong involved is aggravated under the conditions of life in India, in that it will commonly be practically impossible for the wife turned off, whichever she be, to escape the suspicion of being an unchaste woman, and she will inevitably be placed in a position where, with good name beclouded and no lawful protector, she will be under the strongest temptation to live an immoral life. No doubt polygamy is wrong; but then, is not breach of faith and such injustice and cruelty to an innocent woman and her children also wrong? If there is a law against polygamy, is there not a law also against these things even more explicit and indubitable? In the case supposed both can not be kept. Which shall the man be instructed to break?

"The general assembly of 1875 appears to have imagined that the injustice was done away by enjoining a man to 'make suitable provision for her support that is put away, and for her children, if she have any.' But this utterly fails to meet the case. For the breach of faith required remains, since the marriage contract, both according to Scripture and the law of all Christian lands, as well as of India, binds the husband not only to support, but equally to profection and cohabitation. But by the deliverence of 1875 all missionaries in non-Christian lands are directed by the general assembly to instruct the convert that, in order to baptism, he must keep the compact as regards the first particular, but break it as regards the others.

"Moreover, the moral end sought will, even so, not be gained. The wife put away may live in a separate house and at a distance—but then polygamists sometimes keep different wives in different homes—and it will not be easy to persuade a Hindoo or Mohammedan community, especially if the man still continue to give her money, as required by the assembly's law, that cohabitation really ceases."

In India and Christian Opportunity, a book published in 1904, the author of which is Harlan P. Beach, M. A., F. R. G. S., in dealing with the general subject of "Problems connected with new converts," the author, at page 222, says:

"1. *Polygamy.*—One difficulty in the way of receiving a professed convert, though affecting only a small percentage of candidates, is a most perplexing one; it is that of applicants who have more than one wife. As Hindoo or Mohammedan they have entered in good faith into marriage contracts with these wives, and if a man puts away all but one, what provision shall be made for the rejected, and on what principle shall he decide as to the one to be retained?

"While it is a question easily answered in missionary-society councils at home, it is a more serious problem at the front. Some good missionaries hold that where the husband is living the Christian life in all sincerity it is better to receive into the church such a candidate—though not eligible to any church office—than to require him to give up all but one wife and thus brand with illegitimacy his children by them, as well as occasion the wives so put away endless reproach and embarrassments."

In India's Problem, Krishna or Christ, which was published in 1903, the author of which is John P. Jones, D. D., of southern India, A. B. C. F. M., the author, in dealing with this question, says, on pages 289 and 290:

"In the consideration of the problem many things must be kept in mind. None more important than the claims to a cordial welcome from the church of any man who, in true faith and Christian earnestness, seeks admittance. If it be demanded of the man that he put away all but one of those wives taken in heathenism, then we ask whether it is Christian, or even just, to cast away one to whom he was solemnly and religiously pledged according to the laws of the land and with whom he has been linked in love and harmony for years and from whom he has gotten children? And if he is to put away one or more of his wives, which one shall it be? Shall it be the first wife?

"Certainly that would not be Christian. Or shall it be the second wife, who is the mother of his children and whom he probably married at the request of the first, who was childless, in order that he might raise seed unto himself? It is not easy on Christian grounds to decide such a problem as this, nor is it very Christian to put a ban upon any woman who, in accordance with their religion and their country's laws, has formed this sacred alliance with a man and has lived with him for years. Nor can it be right to brand with illegitimacy the children born of such a wedlock.

"I would not allow such persons, received into the Christian church, to become officers of the church. But I can not see why there may not be an humble place in the church of God for such and their families."

Whatever may be our personal views as to the propriety of the conduct of the people of Utah in thus practically overlooking the continuance of polygamous relations where those relations arose out of marriages celebrated before the manifesto of 1890, there can be no doubt that when REED SMOOT, in April, 1900, became an apostle of the Mormon Church, the great majority of the people of the State, non-

Mormons as well as Mormons, had practically agreed that it would be unwise to prosecute those who are living in such relations, or to in any wise interfere with them, unless those relations were flagrantly obtruded upon public notice.

REED SMOOT NOT RESPONSIBLE FOR POLYGAMY.

The charge of the protestants in this case, in substance, is that REED SMOOT connived at and encouraged, thereby becoming responsible for, the polygamous relations of certain of the officials of the church and of other polygamists. There is no evidence to support this charge except the fact that he acquiesced without protest in what the people of Utah generally accepted as unavoidable. In his answer and in his testimony, on his oath, he has positively denied that he has ever advised any person to violate the law, either against polygamy or against polygamous cohabitation.

No witness has been produced who has testified that he ever heard the respondent give any such advice, or in any wise defend such acts. The most anybody has attempted to charge is that he has, like others, both Mormons and non-Mormons, ignored the offense of polygamous cohabitation, both in the church and under the laws of the State, when such polygamous cohabitation was in consequence of plural marriages solemnized before 1890.

In view of the general situation and the fact that non-Mormons, even the most active opponents of the church, had by common consent adopted the policy of acquiescence as the wisest plan to pursue as to polygamous cohabitation, relying on time and the course of nature to cure the trouble, we do not think such passive acquiescence on the part of Mr. SMOOT can be held to amount to such an indorsement and encouragement of polygamous cohabitation as to make him responsible for it.

POLYGAMOUS MARRIAGES SINCE 1890.

It is further charged that notwithstanding the acts of Congress forbidding them, and in defiance of the manifesto of 1890, polygamous marriages have been celebrated by the authorities of the church since 1890.

We have already shown that since the manifesto forbidding the celebration of plural marriages became the law of the church by being ratified at a semiannual conference of the church, neither the president of the church nor any other officer thereof has the power to celebrate a plural marriage which would be any more binding under the law of the church than it would be under the law of the land.

Evidence relating to such plural marriages since 1890 could, of course, be competent in this case only as it might, with other evidence, tend to show that the respondent has advised such marriages, or in some way connived at or approved them.

On this point there is some evidence tending to show, but not in fact showing, that in the period of over fifteen years which has elapsed since the manifesto of 1890 was promulgated there may have been some fifteen or twenty cases in which a member of the Mormon Church has cohabited with a woman as his plural wife with whom he sustained no such relation prior to 1890.

In only one instance has the evidence shown the actual performance of the marriage ceremony and that occurred in Mexico. In that case it appears that a woman named Kennedy, in the year 1896, with her mother, on several occasions appealed to Apostle Teasdale, in Mexico, to marry her to a man who was already married and had a wife living, and that the apostle, whenever appealed to, refused to perform the marriage ceremony on the ground that it was forbidden by the church.

The parties then traveled in a wagon about 75 miles to an out-of-the-way place where, according to the testimony of the woman, Brigham Young, jr., another apostle, did marry her to the man in question. At the time this testimony was given Brigham Young, jr., was dead. No person testified to the ceremony except the woman who was married, and she stated that she did not tell Brigham Young that the man whom she was marrying had a wife living, and that so far as she knew he was not informed of that fact by any person.

There was no evidence offered tending to prove that the respondent had any knowledge of this alleged plural marriage until it came out in the testimony before the committee.

Among the cases of alleged plural marriage since 1890, referred to in the evidence, are those of two of the apostles, John W. Tayler and Mathias F. Cowley.

As to Apostle Tayler, L. E. Abbott gave testimony tending to show that it became public talk in or about 1902 that Tayler had then recently taken two plural wives. As to Apostle Cowley, the testimony is exceedingly indefinite as to whether he took a plural wife at all since 1890, and if so, when.

The respondent was examined as a witness in his own behalf, after the testimony with reference to the alleged recent plural marriages of these two apostles had been introduced, and on this subject testified that he knew nothing about the alleged marriages until the testimony relating to them was introduced here before the committee. He further said that he would ask that an investigation be made by the church authorities, and if it turned out that the charges were true he would not again vote to sustain them as apostles.

The taking of testimony in this case was closed and the case submitted to the committee after argument by counsel in February, 1905. But at the beginning of the present session, it being made known to the committee that it was desired to introduce further evidence on behalf of the protestants, the case was reopened and further testimony was heard on behalf of both the protestants and the respondent. The testimony was closed the second time on March 27, 1906; but, consulting the convenience of counsel for the protestants, the hearing by the committee of the final arguments of counsel in this case was postponed until April 12, 1906.

On account of these delays, for which neither the respondent nor his counsel are in any wise responsible, the case was not finally submitted to the committee for determination until after the final conference of the Mormon Church, which was held at Salt Lake City on April 6, 1906. At that conference it was made known that Taylor and Cowley had resigned from their positions as apostles in the preceding October, and that the resignations had been accepted. The conference approved this action, and also filled the vacancies thus created by new appointments.

We deem it unnecessary to go at length into the evidence relating to the other allegel plural marriages since 1890, for the reason that there is no evidence whatever in the record which even tends to show, as to any such plural marriage, actual or alleged, that the respondent had any knowledge that it was intended such marriage should be celebrated, or that he ever countenanced it in any way, or that since it took place he has at any time or in any way expressed approval of it.

In 1890, when the manifesto was promulgated, there were in the Mormon Church, according to church statistics, in the United States some 2,451 polygamous families. In May, 1902, this number had been reduced to 897. How many are left and how many of them are in Utah it is impossible to say; but probably about 500 would be a fair estimate. Many of the heads of these families are of advanced age. The population of Utah at the present time is about 500,000.

These figures strongly tend to show that, as a matter of fact, new polygamous marriages in Utah in any considerable numbers can not have taken place since 1890. In further evidence of this fact, and as showing the state of public sentiment as to polygamous cohabitation, we insert here an extract from the CONGRESSIONAL RECORD of February 5, 1903, page 1729 et seq., showing a statement made by Senator DUBOIS, who is well known to have familiar knowledge of this subject:

[CONGRESSIONAL RECORD, Feb. 5, 1903, p. 1729, et seq.]

"Mr. DUBOIS. * * * Various causes operated to cause the Mormons to abandon polygamy. There was a feeling among the younger members of the Mormon Church, and a very strong feeling, that polygamy should be done away with. So here was this pressure within the church against polygamy and the pressure by the Government from outside the church against polygamy.

"In 1891, I think it was, the president of the Mormon Church issued a manifesto declaring that thereafter there should be no polygamous marriages anywhere in the Mormon Church. The Mormons were then called together in one of their great conferences, where they meet by the thousands. This manifesto was issued to them by the first presidency, which is their authority, was submitted to them, and all the Mormon people ratified and agreed to this manifesto, doing away with polygamy thereafter.

"The Senator from Maine [Mr. HALE] will recall that I came here as a Senator from Idaho shortly after that, and the Senator from Connecticut [Mr. Platt] will recall how bitter and almost intemperate I was in my language before his committee and on the floor of the other House in the denunciation of these practices of the Mormon Church. But after that manifesto was issued, in common with all of the Gentiles of that section who had made this fight, we said:

"'They have admitted the right of our contention and say now, like children who have been unruly, we will obey our parents and those who have a right to guide us; we will do those things no more.' Therefore we could not maintain our position and continue punishing them unless it was afterwards demonstrated that they would not comply with their promise.

"After a few years in Idaho, where the fight was the hottest and the thickest, we wiped all of those laws from our statute books which aimed directly at the Mormon people; and to-day the laws on the statute books of Idaho against polygamy and kindred crimes are less stringent than in almost any other State in the Union. I live among those people; and, so far as I know, in Idaho there has not been a polygamous marriage celebrated since that manifesto was issued, and I have yet to find a man in Idaho or anywhere else who will say that a polygamous marriage has been celebrated anywhere since the issuance of that manifesto.

"Mr. HALE. Then, it must follow from that, as the years go by and as the older people disappear, polygamy as a practice will be practically removed.

"Mr. DUBOIS. There is no question about it; and I will say to the Senator, owing to the active part which we took in that fierce contest in Idaho, I with others who had made that fight thought we were justified in making this promise to the Mormon people. We had no authority of law, but we took it upon ourselves to assure them that those older men who were living in the polygamous relation, who had growing families which they had reared and were rearing before the manifesto was issued, and at a time when they thought they had a right under the Constitution to enter into polygamous relation—that those older men and women and their children should not be disturbed; that the polygamous man should be allowed to support his numerous wives and their children.

"The polygamous relations, of course, should not continue, but we would not compel a man to turn his families adrift. We promised that the older ones who had contracted those relations before the manifesto was issued would not be persecuted by the Gentile; that time would be given for them to pass away, but that the law would be strenuously enforced against any polygamous marriage which might be contracted in the future."

As further evidence of the same character we call attention to the testimony of Judge Charles W. Morse, a member of the Methodist Church and one of the judges of the third judicial district of Utah. In May, 1903, by his direction, a special grand jury was convened at Salt Lake City for the purpose of investigating charges that new polygamous marriages were being celebrated. This grand jury was composed of Mormons and non-Mormons. Its report will be found on pages 867 to 870 of volume 3 of the testimony. In their report they say:

"We have investigated thoroughly all such cases brought to our attention by the district attorney and by citizens who have appeared before us, which were reported to have occurred within the jurisdiction of this court, and have not been able to secure evidence that a single case of polygamy has occurred in this district since Utah became a State. The rumors of the commission of this crime seem to have grown out of innocent circumstances, which in ordinary communities would have created no suspicion or scandal, but which here, probably owing to a feature of our territorial history, have been seized upon and the crime assumed without evidence, much to the chagrin and injury of innocent citizens, and greatly to the detriment of our State and its reputation throughout the nation. Those who prize the fair name of our State and the rights of our neighbors should hereafter be more careful to secure facts and evidence before charging this crime."

Judge McCarty, whose testimony has already been referred to, testified as follows:

"Mr. WORTHINGTON. I am coming down to that question next. What is your observation there as to whether, as a matter of fact, the number of people living in polygamy has decreased since 1890 in Utah?

"Mr. MCCARTY. Oh, the change has been phenomenal.

"Mr. WORTHINGTON. Phenomenal?

"Mr. MCCARTY. Yes; phenomenal. There are only a very few. In the little town in which I resided there for over twenty years there were a large number of polygamists. Oh, there must have been in the neighborhood of twenty of them, and I can not call to mind now but three of those old men who are living. They have all died or moved away. Two of them procured divorces, either a church divorce for a plural wife or a divorce in the courts for the legal wife.

"Mr. WORTHINGTON. What town is that to which you refer?

"Mr. MCCARTY. That is Monroe.

"Mr. WORTHINGTON. So that there polygamy is practically extinct?

"Mr. MCCARTY. Yes; and what can be said of Monroe can be said of most other towns in the State.

"Mr. WORTHINGTON. Most other towns in the State?

"Mr. MCCARTY. Yes." (Vol. 3, 888, 889.)

THE MORMON CHURCH AND POLITICS.

As to the charge that the Mormon Church interferes in and controls political affairs in Utah, we find the facts established by the evidence to be substantially as follows: From the time the Mormons reached Utah, in the summer of 1847, until 1891 there were no political parties in that Territory in the sense in which that expression would be used in other parts of the United States. There grew up in the Territory of Utah during that time two parties, one known as the People's Party, which was comprised exclusively of members of the Mormon Church and was controlled by the leaders of that church, and the Liberal party, which was composed of non-Mormons.

Owing to controversies concerning polygamy and other matters not in issue elsewhere in the United States, these two parties were not only composed, on the one hand, of members of a religious sect and on the other hand of those opposing that sect, but the controversy between the two parties was extremely bitter. It seems not to be controverted that until the year 1891 the People's Party was not only dominated by the church, but practically was the church. But after the manifesto of 1890, hereinbefore referred to, which forbade further polygamous marriages, many members, both of the Liberal party and of the People's Party, conceived it to be to the interests of the Territory that the people should divide on party lines as they were divided in other parts of the country, and that the Liberal party and the People's Party should be disbanded.

In the course of a few months this purpose was carried into effect. The great majority of the voters of the Territory of Utah, Mormons and non-Mormons, became either Republicans or Democrats, and political controversies in the Territory till 1896 and after that time in the State have been waged, as a rule, on the lines of the national political parties.

While it is no doubt true that the habit which the church and the members of the church had followed for so many years prior to the breaking up of the old parties of voters receiving counsel from officials of the church in regard to the selection of candidates for office was not at once completely broken off, yet the evidence further establishes that the improvement in this regard has been very rapid and that, of late years, the Mormon voters of the State adhere more closely to party lines than the non-Mormons do. We think the evidence establishes the fact that since REED SMOOT became an apostle of the Mormon Church on the 6th day of April, 1900, the Mormon Church has not controlled or attempted to control elections in Utah.

It is claimed, however, that the church, by an instrument called the "Political rule," has required of its members holding office in the church that before they shall become candidates for any political position they shall receive the consent of the church authorities; and that by this device the church has controlled the election of Senators of the United States.

This political rule will be found on pages 168 to 171, Volume I, of the printed report of the testimony before the committee. The meaning and effect of this instrument were very fully considered in the case of Moses Thatcher, who in 1896 was a candidate before the legislature of the State of Utah for election as Senator of the United States.

Thatcher, at the time, was one of the twelve apostles of the church, and he did not seek or obtain the consent of the church authorities to this candidacy. For this offense he was tried before a high church tribunal. The decision of this tribunal, the acceptance thereof by Moses Thatcher, and the acquiescense by the church authorities in the terms upon which he accepted the conclusion of the tribunal, will be found upon pages 563 to 573 of the same volume. Mr. Thatcher was a witness before the committee, and his testimony on this subject will be found on pages 1038 to 1040 of that volume.

The upshot of it all is that the political rule, as construed by these proceedings, left Thatcher, to use his own words, absolutely free as an American citizen, to exercise his rights as such, and left all the officers of the church absolutely free. In his acceptance of the decision of the council Thatcher expressly stipulated that in accepting it he violated none of the engagements theretofore entered into by him, "under the requirements of party pledges respecting the political independence of the citizen, who remains untrameled, as contemplated in the guaranties of the State constitution."

Indeed, in the political rule itself it is expressly stated that if any officer of the church wishes to become a candidate for a political office or to enter into any other engagement which will interfere with the duties of his church office, he may do so without soliciting or obtaining the consent of the church or its authorities by resigning his ecclesiastical position. The whole purport and effect of the rule seems to be that high church officials, filling positions which require them to give their time to their ecclesiastical duties, shall not enter into any engagements of any kind, political or otherwise, which require them to abandon or neglect such ecclesiastical duties, without first obtaining the consent of the authorities of the church.

Thus construed, the rule seems to be a reasonable one; but whether reasonable or unreasonable it does not seem to us that it is within the province of the General Government to interfere with it or punish in any way the members of the church because of its promulgation.

The evidence in the case clearly establishes that Mr. SMOOT, for some time before he became a candidate for the Senate and even before he became an apostle, was one of the leaders of the Republican party in the State of Utah; that he had been frequently spoken of either as a candidate for the governorship of the State or the Senate of the United States; that when he became a candidate for the Senate he was, in the words of some of the witnesses, the logical candidate for that office, and that he was elected by the votes of the Republicans in the legislature—Mormons and non-Mormons—and was opposed by the Democrats in that body—Mormons and non-Mormons. He says, in his testimony, that before formally becoming a candidate he went to the first president of the church and obtained the consent of the church to his becoming a candidate.

As already intimated, if that consent had been refused, it meant no more than if he became a Senator he must give up his apostleship.

There has been no evidence offered tending to show that any member of the Mormon Church has ever asked consent to become a candidate for any office and been refused.

THE ENDOWMENT OATH.

The only other charge made against the respondent which, in our opinion, merits attention was made in the protest signed by John L. Leilich, as follows:

"That the oath of office required of and taken by the said REED SMOOT as an apostle of the said church is of such a nature and character that he is thereby disqualified from taking the oath of office required of a United States Senator." (1; 28.)

This same charge was in effect made in the protest signed by W. M. Paden and 17 others in the following clause as a deduction from previous statements rather than a specific charge in itself:

"We submit that however formal and regular may be Apostle SMOOT'S credentials or his qualifications by way of citizenship, whatever his protestations of patriotism and loyalty, it is clear that the obligations of any official oath which he may subscribe are and of necessity must be as threads of tow compared with the covenants which bind his intellect, his will, and his affections, and which hold him forever in accord with and subject to the will of a defiant and lawbreaking apostolate." (1; 25.)

In the sworn answer made by the respondent to these charges on this subject he says:

"As to the charge that the respondent is bound by some oath or obligation controlling his duty and his oath as a Senator, the respondent says that he has never taken any such oath or in any way assumed any such obligations. He holds himself bound to obey and uphold the Constitution and laws of the United States, including the condition in reference to polygamy upon which the State of Utah was admitted into the Union." (1; 31.)

During the examination of the first witness called by the protestants, Joseph F. Smith, a discussion arose, in which Senator HOAR stated that he understood that the committee had reached a conclusion that there were two issues in the case—one whether REED SMOOT had practiced polygamy, which the Senator understood had been abandoned, and that the only other one was whether or not as an official of the Mormon Church the respondent took an oath or obligation that was superior in his estimation and in its requirements upon him to the oath or obligation which he must take to qualify him as a Senator.

Thereupon Senator DUBOIS stated that both these contentions were set aside entirely and that it was not contended that they would be attempted to be proved by the attorneys representing the protestants. (1; 114.) In the course of further discussion a member of the committee having stated that he never knew until Mr. Tayler had stated it that he had abandoned the idea of proving that the respondent had taken an obligation that interfered with the obligations of his oath, Mr. Tayler replied:

"I can not abandon that which I never occupied or possessed."

Senator DUBOIS added, "He never alleged it." (1; 115.)

On a subsequent day, Senator BEVERIDGE, in order, as he stated, to correct what he thought was a mistake in the popular mind as to what were the charges against the respondent which the committee was considering, said that it had been charged that the respondent was a polygamist, which charge had been withdrawn, and that he had been charged with taking an oath inconsistent with his duty as a Senator, which Senator BEVERIDGE understood Mr. Tayler to say was not a charge that had been withdrawn, but was such a charge as had never been made, and that, therefore, the issue upon which the committee would proceed from that time on, so far as the protestants were concerned, was whether the respondent was a member of a conspiracy.

Thereupon Senator DUBOIS again stated that no charge had been made against Mr. SMOOT of taking an oath inconsistent with his oath as Senator except the Leilich charge, which had been abandoned and repudiated, and that the attorneys for the respondent "have been trying to force the protestants to issues which they themselves have never raised." (Vol. 1, p. 126.)

This was the state of the record when the testimony of Joseph F. Smith and several other witnesses had been taken, and the examination of Francis M. Lyman, one of the apostles, was progressing.

He was asked by the chairman to state what the "ceremony is in going through the endowment house." This being objected to by the counsel for respondent, the chairman said:

"One of the charges is that Mr. SMOOT has taken an oath or obligation incompatible with his obligation as a Senator. The object of this question is to ascertain from this witness, who went through the endowment house—of course I know nothing about it—whether any such obligation is taken."

Counsel for the respondent having thereupon stated that they understood that that charge had been expressly disclaimed by counsel for the protestants, the chairman replied:

"Counsel stated that they did not propose, as far as they were concerned, to offer any proof upon that question, but the Chair did not understand that therefore the committee was precluded from showing it." (1; 436.)

A little later in the same session Mr. Tayler, counsel for the protestants, again stated:

"It is in respect of those two things around which all of this case gathers—polygamy and the direction of the people by the apostolate—and if those two were eliminated this hearing would not be going on here." (1; 463.)

After the chairman of the committee had ruled, as above stated, that the witness Lyman was required to answer the question, his examination on this subject proceeded as follows:

"The CHAIRMAN. Will you please state what the ceremony is in going through the endowment house?

"Mr. LYMAN. I could not do so.

"Mr. WORTHINGTON. I object to that, Mr. Chairman, on the ground that it is inquiring into a matter prior to 1890, and I understood, or we were informed that the committee had decided that would not be done.

"The CHAIRMAN. One of the charges is that Mr. SMOOT has taken an oath or obligation incompatible with his obligation as a Senator. The object of this question is to ascertain from this witness, who went through the endowment house—of course I know nothing about it—whether any such obligation is taken.

"Mr. LYMAN. Is that the question you asked me, Mr. Chairman?

"The CHAIRMAN. No; that was not my question. It was a statement to counsel.

"Mr. WORTHINGTON. I had understood, Mr. Chairman, that that was expressly disclaimed by counsel here the other day.

"The CHAIRMAN. Counsel stated that they did not propose, as far as they were concerned, to offer any proof upon that question; but the chairman did not understand that therefore the committee was precluded from showing it. Is there any objection to the question?

"Mr. WORTHINGTON. I do object to it for the reasons already stated; and, further, because it does not follow at all that because the witness went through certain ceremonies or took certain obligations, if you please, Senator SMOOT took them.

"The CHAIRMAN. That would not follow of itself. If nothing further than this can be shown, of course it will have no bearing upon Mr. SMOOT at all. Read the question, Mr. Reporter.

"The reporter read as follows:

"'The CHAIRMAN. Will you please state what the ceremony is in going through the endowment house?

"'Mr. LYMAN. I could not do so.'

"Mr. WORTHINGTON. I do insist upon my objection. I understood the Chair to ask me whether I had any further objection.

"The CHAIRMAN. The Chair thinks it is permissible; and, as the Chair stated, if nothing appears beyond this to connect Mr. SMOOT with it, of course it will have no bearing upon the case. Can you state what that ceremony was?

"Mr. LYMAN. I could not, Mr. Chairman; I could not do so if it was to save my life.

"The CHAIRMAN. You could not?

"Mr. LYMAN. No, sir.

"The CHAIRMAN. Can you state any portion of it?

"Mr. LYMAN. I might approximate something of it that I remember.

"The CHAIRMAN. As nearly as you can.

"Mr. LYMAN. I remember that I agreed to be an upright and moral man, pure in my life. I agreed to refrain from sexual commerce with any woman except my wife or wives, as were given to me in the priesthood. The law of purity I subscribed to willingly, of my own choice, and to be true and good to all men. I took no oath nor obligation against any person or any country or government or kingdom or anything of that kind. I remember that distinctly.

"The CHAIRMAN. Of course the charge is made, and I want to know the facts. You would know about it, having gone through the endowment house?

"Mr. LYMAN. Yes.

"The CHAIRMAN. There was nothing of that kind?

"Mr. LYMAN. Nothing of that kind.

"The CHAIRMAN. No obligation or oath?

"Mr. LYMAN. Not at all; no, sir." (1; 436, 437.)

After this had occurred, Joseph F. Smith was recalled, and on this subject was further examined by counsel for the respondent, as follows:

"Mr. TAYLER. I wish to ask two questions. Mr. Smith, something has been said about an endowment oath. I do not want to go into that subject or to inquire of you what it is, but whatever oath or obligation has been taken by those who have been admitted to the church, at whatever stage it is taken, is the same now that it has been for years?

"Mr. SMITH. It is the same that it has always been.

"Mr. TAYLER. It is the same that it has always been?

"Mr. SMITH. Yes; so far as I know.

"Mr. TAYLER. No other oath is taken now than heretofore?

"Mr. SMITH. I should like to say that there is no oath taken; that we abjure oaths. We do not take oaths unless we are forced to take them.

"Mr. TAYLER. I understand. You understand what I mean—any obligation——

"Mr. SMITH. Covenant or agreement—we do that.

"Mr. TAYLER. Any obligation of loyalty to the church such as would be proper to be taken?

"Mr. SMITH. Certainly.

"Mr. TAYLER. That is the same now that it has always been?

"Mr. SMITH. Yes, sir; that it has always been, so far as I know. I can only say that they are the same as they were revealed to me.

"Mr. TAYLER. Exactly.

"Mr. SMITH. And as they were taught to me.

"Mr. TAYLER. You have known them for forty years or more?

"Mr. SMITH. I have been more or less acquainted with them for a great many years." (1; 484.)

It will be seen that neither the witness Lyman nor the witness Joseph F. Smith declined to answer any question that was put to him with regard to this alleged covenant or obligation.

The next witness on the subject (who, like the two preceding witnesses, was summoned and examined on behalf of the protestants), was Brigham H. Roberts. After counsel for the protestants had examined this witness and announced that they had no further questions to ask him, the following occurred:

"The CHAIRMAN. Mr. Roberts, there is another subject upon which I want to ask you a question. It has been stated here that the endowment house was taken down in 1890.

"Mr. ROBERTS. I think earlier than that.

"The CHAIRMAN. Well, at some time it was taken down?

"Mr. ROBERTS. Yes.

"The CHAIRMAN. Did you ever go through the endowment house?

"Mr. ROBERTS. Yes, sir.

"The CHAIRMAN. When?

"Mr. ROBERTS. I think it was in 1877.

"The CHAIRMAN. Have you been present at times when others have passed through the endowment house?

"Mr. ROBERTS. Yes, sir.

"The CHAIRMAN. Frequently?

"Mr. ROBERTS. No, sir.

"The CHAIRMAN. Is the ceremony that used to be performed in what was called "the endowment house" performed now?

"Mr. ROBERTS. I think so.

"The CHAIRMAN. Where?

"Mr. ROBERTS. When?

"The CHAIRMAN. Where, I say?

"Mr. ROBERTS. In the temples, as I understand it.

"The CHAIRMAN. How many temples are there in Utah?

"Mr. ROBERTS. I believe there are four.

"The CHAIRMAN. And the ceremony that used to be performed in the endowment house is now performed in the temple?

"Mr. ROBERTS. Yes, sir.

"Mr. WORTHINGTON. He says he thinks it is. He does not know.

"The CHAIRMAN. Do you remember the ceremony?

"Mr. ROBERTS. No, sir; I do not remember the ceremonies distinctly.

"The CHAIRMAN. Do you remember any portion of it?

"Mr. ROBERTS. Only in a general way, Senator.

"The CHAIRMAN. Do you know, Mr. Roberts, of any change in the ceremony performed in the endowment house and as it is performed to-day in the temple?

"Mr. ROBERTS. No, sir.

"The CHAIRMAN. The ceremony is the same. Now, will you state to the committee what that ceremony was, or is, as nearly as you can?

"Mr. ROBERTS. Well, the ceremonies consist of what would be considered a series of ceremonies, I take it, of which I only have a general impression.

"The CHAIRMAN. You have something more than a general impression in your own case?

"Mr. ROBERTS. No; I think not.

"The CHAIRMAN. How many days did it take you to go through the endowment house?

"Mr. ROBERTS. Well, part of one day.

"The CHAIRMAN. Who were present at the time? Do you remember?

"Mr. ROBERTS. I do not remember.

"The CHAIRMAN. Can you tell the committee any portion of that ceremony?

"Mr. ROBERTS. No, sir.

"The CHAIRMAN. Why not?

"Mr. ROBERTS. Well, for one reason, I do not feel at liberty to do so.

"The CHAIRMAN. Why not?

"Mr. ROBERTS. Because I consider myself in trust in relation to those matters, and I do not feel at liberty to make any disclosures in relation to them.

"The CHAIRMAN. It was then a secret?

"Mr. ROBERTS. Yes.

"The CHAIRMAN. Does this religious denomination have, as one of its ceremonies, secret obligations or covenants?

"Mr. ROBERTS. I think they could not be properly called secrets. Of course they are common to all worthy members of the church, and generally known by them.

"The CHAIRMAN. Well, secret from the world?

"Mr. ROBERTS. Secret from the world.

"The CHAIRMAN. The obligations and covenants, whatever they are, then you are not at liberty to disclose?

"Mr. ROBERTS. No, sir; I would be led to regard those obligations as similar to those who perhaps have passed through Masonic fraternities, or are members of Masonic fraternities.

"The CHAIRMAN. Then your church organization in that particular is a sort of Masonic fraternity?

"Mr. ROBERTS. It is analogous, perhaps, in some of its features.

"The CHAIRMAN. You say you can remember, of course, what occurred, but you do not feel at liberty to disclose it, and for that reason you will not disclose it?

"Mr. ROBERTS. Not specifically. I do not wish, however, Senator, to be understood as being in any sense defiant in that matter.

"The CHAIRMAN. That is not so understood, Mr. Roberts, at all.

"Mr. ROBERTS. I do not wish to put myself in opposition or raise any issue here at all.

"The CHAIRMAN. The reason you have assigned is accepted. The obligation, whatever it is, taken in the endowment house, is such that you do not feel at liberty to disclose it?

"Mr. ROBERTS. That is right.

"The CHAIRMAN. Should you do so, what would you expect as the result?

"Mr. ROBERTS. I would expect to lose caste with my people as betraying a trust.

"Senator OVERMAN. Do all members of the church have to go through that?

"Mr. ROBERTS. Not all members.

"Senator OVERMAN. What proportion of them, and how is it regulated?

"Mr. ROBERTS. It is governed chiefly by worthiness—moral worthiness.

"Senator BAILEY. And is it somewhat a matter of degrees, as it is in Masonry? I believe they have several degrees.

"The CHAIRMAN. Do you recall whether any penalty was imposed upon a person who should disclose the covenants?

"Mr. ROBERTS. No, sir.

"The CHAIRMAN. You do not remember?

"Mr. ROBERTS. Beyond the disfavor and distrust of his fellows.

"The CHAIRMAN. Have you ever been present at a marriage ceremony in the temple?

"Mr. ROBERTS. Yes, sir.

"The CHAIRMAN. Could you tell what that is?

"Mr. ROBERTS. I could not, only in a general way. The ceremony is of some length. I remember performing the ceremony in the case of my own daughter when she was married, and, not being familiar with the ceremony, a copy of it was placed in my hands and I read the ceremony, but I could only remember the general terms of it.

"The CHAIRMAN. If the members who have gone through the endowment house, then, keep faith with the church they will not disclose what occurred?

"Mr. ROBERTS. No, sir.

"Senator BAILEY. Do you feel at liberty, Mr. Roberts, to say whether or not there is anything in that ceremony that permits a man—I will adopt a different expression—that abridges a man's freedom of political action or action in any respect, except in a religious way?

"Mr. ROBERTS. No, sir.

"Sentor BAILEY. I do not quite understand whether you mean by your answer to say that you do not feel free to answer that or that there is nothing.

"Mr. ROBERTS. I mean to say that there is nothing. (1; 740, 742.) * * *

"The CHAIRMAN. I want to ask Mr. Roberts one further question. What is there in these obligations—I will not use the term "oaths"—that makes it necessary to keep them from the world?

"Mr. ROBERTS. I do not know of anything especially, except it be their general sacredness.

"The CHAIRMAN. Their general sacredness? Ought sacred things to be kept from the world?

"Mr. ROBERTS. I think some sacred things ought to be.

"The CHAIRMAN. Could you name one sacred thing in connection with this ceremony that should be kept from the world?

"Mr. ROBERTS. No, sir.

"The CHAIRMAN. Why? Because you can not remember?

"Mr. ROBERTS. Well, I could not say that. I would not say that, Senator.

"The CHAIRMAN. You do remember it, then—the sacred thing that you mean?

"Mr. ROBERTS. Some sacred things I do.

"The CHAIRMAN. But you can not state to the committee what they are?

"Mr. ROBERTS. I ask to be excused from stating them.

"The CHAIRMAN. But I can not understand exactly how the church organization has things that the world must not know of. I did not know but you could give some reason why.

"Mr. ROBERTS. I do not think I could throw any light upon that subject.

"The CHAIRMAN. All right; I will not press it." (1; 743.)

* * * * * * *

"Mr. WORTHINGTON. I would like to ask, Mr. Roberts, whether this obligation or ceremony to which you refer in the endowment house

relates entirely to things spiritual or whether it relates to things temporal also?

"The CHAIRMAN. Would it not be better, Mr. Worthington, to let him state what the obligation is?

"Mr. WORTHINGTON. Yes; so far as I am concerned, I would very much prefer it; but I understand the suggestion by Senator PETTUS was that he was interpreting that which he would state.

"Of course I do not know anything more about this than the members of the committee do, but I think it might very well be that a witness might be allowed to state, and might properly say, that he would answer here as to anything that related to any temporal affairs; but as to things which related to matters between him and his God, or which he conceived to be between him and his God, he would not answer here or anywhere else, and that would not be an interpretation, but would simply be taking the protection which I understand the law gives to every man—that as to things which do relate entirely to religious matters they are matters which he has a right to keep within his own breast.

"The CHAIRMAN. Your question was whether these obligations related to spiritual affairs or temporal affairs.

"Mr. WORTHINGTON. Yes; that was my question.

"The CHAIRMAN. The trouble is he interprets a thing which is unknown and unseeable to us, and which he considers spiritual.

"Mr. CARLISLE. What he considers spiritual we might consider temporal, if the matter itself was disclosed.

"The CHAIRMAN. It seems to me that the witness having refused to state what the ceremony is, or what the obligations demand, ought not to be questioned and permitted to state what he thinks it did not convey, or what obligation it imposed, or what it did not impose. The committee can judge of that.

"Mr. WORTHINGTON. Of course we are here not representing the witness, but representing only Senator SMOOT.

"The CHAIRMAN. Yes.

"Mr. WORTHINGTON. And it is the witness pleading a privilege and making the refusal and not Senator SMOOT or his counsel. We would like to have this question answered.

"The CHAIRMAN. What is the question?

"Mr. WORTHINGTON. The question is whether this obligation refers to things spiritual or things temporal.

"Senator BAILEY. I do not think it makes any difference to the committee in the end, or will affect its conclusions, whether that is answered or not. I am partly responsible for that line of questions, and I asked the first question myself because I really intended to insist, if it related in any way to the duties of a citizen, that the committee was entitled to know what that was, and if it did not, then I had no further interest in it.

"The CHAIRMAN. Let the witness answer that question.

"Mr. ROBERTS. May I have the question read?

"The CHAIRMAN. Certainly."

The reporter read as follows:

"Mr. WORTHINGTON. I would like to ask, Mr. Roberts, whether this obligation or ceremony to which you refer in the endowment house relates entirely to things spiritual or whether it relates to things temporal also?

"Mr. ROBERTS. I regard them as relating to things spiritual, absolutely.

"Mr. TAYLER. If we were in a court of justice, and insisted upon it, I think that opens the door so wide that the whole oath would come in.

"The CHAIRMAN. I think so, too.

"Mr. TAYLER. But I do not care to do it." (1; 745, 746.)

The next witness called on behalf of the protestants was A. M. Cannon. After his examination by counsel for the protestants was concluded he was further examined by the chairman of the committee on this subject, and his testimony was as follows:

"The CHAIRMAN. Do you remember the covenant you took when you went through the endowment house?

"Mr. CANNON. Oh, yes.

"The CHAIRMAN. Could you state the ceremony?

"Mr. CANNON. I would not like to.

"The CHAIRMAN. Why not?

"Mr. CANNON. Because it is of a religious character, and it is simply an obligation that I enter into to be pure before my Maker and worthy of the attainment of my Redeemer and the fellowship and love of my children and their mothers, my departed ancestry, and my coming descendants.

"The CHAIRMAN. What objection is there to making that public?

"Mr. CANNON. Because it is sacred.

"The CHAIRMAN. How sacred?

"Mr. CANNON. It is simply a covenant that I enter into with my Maker in private.

"The CHAIRMAN. All the tenets of your religion are sacred, are they not?

"Mr. CANNON. Sir?

"The CHAIRMAN. They are all sacred, are they not—the teachings?

"Mr. CANNON. All of those are sacred; yes, all of those things.

"The CHAIRMAN. I do not quite understand why you should keep them secret.

"Mr. CANNON. It is because it is necessary to keep them secret. If you will permit me, Mr. Chairman, we admit only the purest of our people to enter there.

"The CHAIRMAN. People like you and the president of the church? I suppose the president of the church is admitted?

"Mr. CANNON. The presidency of the church, if he continues in good standing, and our people whoever are in good standing and deemed worthy of the proper recommends are permitted to enter there.

"The CHAIRMAN. Do you enter into any obligation not to reveal these ceremonies?

"Mr. CANNON. I feel it would be very improper to reveal them.

"The CHAIRMAN. I say, do you enter into any obligation not to?

"Mr. CANNON. There are sacred obligations connected with all the higher ordinances of the church.

"The CHAIRMAN. In words, do you promise not to reveal?

"Mr. CANNON. I feel that that is the trust reposed in me, that I will not go and——

"The CHAIRMAN. I think you do not understand my question. Do you promise specifically not to reveal what occurs in the endowment house?

"Mr. CANNON. I would rather not tell what occurs there. I say this——

"The CHAIRMAN. I think, Mr. Cannon, you do not understand me. Do you promise not to reveal what occurs in the endowment house when you go through?

"Mr. CANNON. I feel that that is an obligation I take upon me when I do that.

"The CHAIRMAN. When you go through the endowment house do you take that obligation upon you in express terms?

"Mr. CANNON. I think I do.

"The CHAIRMAN. You know, do you not, whether you do or not? Why do you take that obligation not to reveal these things?

"Mr. CANNON. Because we are—I do not want to be disrespectful to this committee.

"The CHAIRMAN. I know you would not be.

"Mr. CANNON. The Lord gave us to understand that we should not make common the sacred things that He committed to His disciples. He told them they must not do that lest they trample them under their feet and rend them.

"The CHAIRMAN. Do you remember whether there was any penalty attached if they should reveal?

"Mr. CANNON. I do not remember that there is any penalty.

"The CHAIRMAN. None whatever?

"Mr. CANNON. I do not remember.

"The CHAIRMAN. Has there been any change in the ceremony of the endowment house since you went through in 1859, up to the present time, that you are aware of?

"Mr. CANNON. No.

"The CHAIRMAN. No change in the ceremony or obligations?

"Mr. CANNON. No." (1; 791, 792.)

The next witness called by the protestants was Moses Thatcher. After counsel for the protestants had finished their examination of Mr. Thatcher, the following occurred:

"The CHAIRMAN. One other question: The endowment house, I believe, has been taken down?

"Mr. THATCHER. That is as I understand it. It has been taken down.

"The CHAIRMAN. Has the ceremony of the endowment house been wiped out also, or is that performed now?

"Mr. THATCHER. I am just trying to think whether I have been through the temple, in the light in which I went through the endowment house, to give you a correct answer on that, but my impressions are that the ceremoney has not been changed.

"The CHAIRMAN. You have seen the ceremony in the temple? You have witnessed it?

"Mr. THATCHER. I think I have heard it.

"The CHAIRMAN. And you think there is no change in it?

"Mr. THATCHER. No, sir.

"The CHAIRMAN. When did you go through the endowment house?

"Mr. THATCHER. My impressions are when I married the wife of my youth—in 1861.

"The CHAIRMAN. Will you state to the committee the ceremony in the endowment house? I do not mean the ceremony of marriage; but did you go through the endowment house when you became an apostle?

"Mr. THATCHER. No, sir; it was not necessary.

"The CHAIRMAN. You have been through the endowment house, then, but once?

"Mr. THATCHER. Yes, sir.

"The CHAIRMAN. Will you state to the committee the ceremony of the endowment house?

"Mr. THATCHER. I think, Mr. Chairman, that I might be excused on that.

"The CHAIRMAN. Why?

"Mr. THATCHER. For the reason that those were held to be sacred matters and only pertaining to religious vows.

"The CHAIRMAN. Are you obligated not to reveal them?

"Mr. THATCHER. Yes; I think I am.

"The CHAIRMAN. What would be the effect if you should disclose them? That is, is there any penalty attached?

"Mr. THATCHER. There would be no effect except upon my own conscience.

"The CHAIRMAN. That is all?

"Mr. THATCHER. That is all.

"The CHAIRMAN. But you are under obligation as a part of the ceremony not to reveal it?

"Mr. THATCHER. Yes, sir; I feel myself under such obligation." (1; 1048, 1049.)

This was all the testimony on the subject of the alleged oath or obligation taken during the sessions of the committee held in the spring of 1904. The last session when testimony was taken during that spring occurred on the 2d of May, 1904. When the taking of testimony was resumed in December, 1904, counsel for the protestants produced and examined certain witnesses on this subject, the substance of whose testimony will now be stated.

J. H. Wallis, sr., who had been a Mormon but who had formally notified the bishop of his ward, seven or eight months before he was examined, that he no longer considered himself a member of the church, testified that on several occasions he had taken his endowments in the temple at Salt Lake City. When first examined he said that he did not know whether he had it exactly right, but that the substance of the so-called "oath of vengeance" is that those who took it promised and vowed that they "will never cease to importune High Heaven to avenge the blood of the prophets on the nations of the earth or the inhabitants of the earth." He added that if his memory served him, he thought that was about right, and that a passage of scripture is quoted from the Revelations, sixth chapter, ninth verse. (2; 79.)

The next day Mr. Wallis was recalled and testified that in repeating the obligation he had made a mistake; and that he should have said "upon this nation" instead of "upon the inhabitants of the earth." (2; 148.)

Two witnesses were called on behalf of the respondent to impeach Wallis. One of them, Moroni Gillespie, who had been a member of the police force in Salt Lake City for eleven or twelve years, testified that he knew Wallis's general reputation for truth and veracity in the community in which he lived; that it was bad; and that he would not believe him under oath. Wallis had testified that he had never been arrested.

This witness testified that he was present in the police court on one occasion when Wallis was under arrest and plead guilty to the charge of drunkenness. Gillespie further testified that he had known Wallis for several years and that, in his opinion, he was not altogether of sound mind. (3; 317, 318.)

The other witness as to the veracity of Wallis was William Langton. (2, 1022; 3, 143, 144.) Neither his testimony nor that of Gillespie was contradicted or impaired in any way. His conclusion, from what he had seen of Wallis, was that the man was crazy. He further testified that, in his opinion, Wallis's general reputation for truth and veracity was such that he would not believe him on oath.

When Langton was asked by counsel for the respondent to give his reasons for thinking that Wallis was of unsound mind, objection was made by the counsel for the protestants and the objection was sustained. (3; 144.) But subsequently he was recalled and allowed to give his reasons, which he did at length. (3; 445.)

August W. Lundstrom, another witness for the protestants, testified that he had taken the endowment six times, and that the obligation in question was:

"We and each of us solemnly promise and covenant that we shall ask God to avenge the blood of Joseph Smith upon this nation." (2; 151–153.)

He subsequently slightly varies this statement by saying that the prayer was: "We ask God, the Eternal Father, to avenge the blood of Joseph Smith upon this nation." (2; 161.)

Three witnesses were called on behalf of the respondent to impeach Lundstrom. One of them, F. S. Fernstrom, testified that he had known Lundstrom for about fourteen years, and Lundstrom's general reputation for truth in the community in which he lived was bad, and that he, witness, would not believe him under oath. On cross-examination by counsel for the protestants the fact was brought out that Lundstrom had borrowed from his bishop part of a fund which the bishop had collected for the support of the poor, and that when asked by the bishop to return the money, Lundstrom refused to do it, saying that the church owed him a living. (2; 1012.)

One of these witnesses, C. V. Anderson, testified that he knew Lundstrom's general reputation for veracity in Salt Lake City, where he lived; that it was bad, and that the witness did not think he would believe Lundstrom on oath. (2; 1013.)

J. H. Hayward was the third witness on this subject. He testified that he had known Lundstrom for many years, the latter having been at one time in his employ; that he knew Lundstrom's general reputation for truth and veracity in Salt Lake City, where he lived; that it was bad, and that from his reputation the witness would not believe him under oath.

This evidence as to Lundstrom's reputation for truth and veracity was not rebutted in any way.

The third and last witness called by the protestants, during the sessions of the committee held in December, 1904, on this subject of the alleged obligation was Mrs. Annie Elliott, who testified that she had taken the endowments several times, and that during the ceremony "they told me to pray and never cease to pray to get revenge for the blood of the prophets on this nation, and also teach it to my children and children's children." (2; 189.)

On cross-examination this witness stated positively that she had never told anybody about this obligation, and that if Mr. Tayler was examining her from a memorandum informing him what her testimony would be she did not know where it came from or how Mr. Tayler came to get it (2; 194). On her direct examination Mrs. Elliott stated that she was married in Denmark, and that her husband followed her to this country. Her examination by counsel for the protestants then proceeded as follows:

"Mr. TAYLER. Is he living now—that is, the husband whom you married in Denmark?

"Mrs. ELLIOTT. No, sir.

"Mr. TAYLER. You lived with him until he died, did you?

"Mrs. ELLIOTT. Yes, sir.

"Mr. TAYLER. Where did he die?

"Mrs. ELLIOTT. Why, in Elsinore.

"Mr. TAYLER. In Utah?

"Mrs. ELLIOTT. Yes, sir.

"Mr. TAYLER. When?

"Mrs. ELLIOTT. In 1897.

"Mr. TAYLER. Did you, after his death, marry?

"Mrs. ELLIOTT. Yes, sir; I married in 1899." (2; 184.)

On her cross-examination, after she had testified that she had left the church in 1897, the following occurred:

"Mr. WORTHINGTON. Was it before or after the death of your first husband?

"Mrs. ELLIOTT. Why, it was after.

"Mr. WORTHINGTON. What time in 1897 did he die?

"Mrs. ELLIOTT. He died in October." (2; 191.)

The value of the testimony of this witness may be judged by the fact that the husband who followed her to this country not only did not die in October, 1897, but was living at the time Mrs. Elliott gave the testimony in question, and was subsequently called as a witness on behalf of the respondent (2; 1015). He testified that she had obtained a divorce from him about six years before he gave his testimony, which was in January, 1905. His testimony showed clearly that she knew he was living when she said he was dead.

On behalf of the respondent a number of witnesses were examined on this subject, and the substance of their testimony is as follows:

Hugh M. Dougall, who is a farmer and cattle grower, and is postmaster at the town of Springville, in Utah, was expelled from the Mormon Church about 1874, and since then has not been in any way connected with it. He took his endowments when he was about 25 years old.

He testified that according to his recollection the obligation was, in substance, that those who took it importuned heaven to avenge the blood of the prophets and the martyrs on this generation, and that he did not remember the name of Joseph Smith being mentioned at all. (2; 759.)

Mr. Dougall was subsequently recalled, and asked by Senator KNOX this question:

"Are you willing to say whether the vow obligated you to anything incompatible with your giving full and supreme allegiance to the United States or the State of Utah, or which obligated you to anything incompatible with your fully performing your duty as a citizen of the United States and that State?"

He answered: "Not one thing." (2; 781.)

Alonzo A. Noon left the Mormon Church voluntarily about 1870, when he was 32 years of age, having taken his endowments when he was 28 or 30 years old. He stated that there was nothing in the ceremony about promising or vowing to importune heaven to avenge the blood of the prophets on this nation, and that there was nothing in the ceremony which in any way imported hostility to the United States or to the Government thereof. That he was perfectly clear about that.

He also said he did not remember that the name of Joseph Smith was used in the ceremony. He did recollect that there was in the ceremony a quotation from the Scriptures, and upon hearing read verses 9 and 10, chapter 6, of the Revelations, he said that it was something like that; that that was about the intent.

One of these verses, it will be remembered, was referred to by the witness Wallis.

The two verses are as follows:

"Nine. And when he had opened the fifth seal, I saw under the altar the souls of them that were slain for the word of God, and for the testimony which they held.

"Ten. And they cried with a loud voice saying: How long, Oh, Lord, holy and true, dost Thou not judge and avenge our blood on them that dwell on the earth." (774.)

Being asked whether there was anything in the obligation which indicated hostility to the Government, Mr. Noon said:

"The very reverse. I have never heard any people taught only loyalty to the Government of the United States." (2; 775.)

Mr. Noon was recalled and asked the same question that had been propounded by Senator KNOX to Mr. Dougall, and he answered the question in the same way. (2; 781.)

William Hatfield, who was a Mormon until he was 23 years of age, after which he drifted away from that church, when he was not quite 21 years of age took his endowments as a preliminary to his marriage. (2; 785.)

He said that neither he nor any others in his hearing took the obligation which Wallis had testified to, and that he did not at that time take any obligation or enter into any covenant, vow, or agreement of any kind inconsistent with his duties as a citizen of the Territory of Utah or of the United States. He was not cross-examined. (2; 796.)

John P. Meakin, who was a Mormon until he was 23 or 24 years of age, left the church because he did not believe in polygamy. (2; 796.)

He went through the Endowment House when he was 18 years old. He stated that he had no recollection at all of any obligation of vengeance or retribution, and that nothing took place at the time with reference to promising or vowing to importune heaven to avenge the blood of the prophets on this nation, or to avenge the blood of Joseph Smith on anybody; that there was nothing took place which imported any obligation in opposition to his duty as a citizen either of the Territory of Utah or of the United States; that he was very clear about this. (799.)

He also said that there was nothing in the endowment ceremony about praying the Almighty to avenge the blood of the prophets on this generation. (2; 801.)

Elias A. Smith, cashier of the Desert Savings Bank, in Salt Lake City, in answer to a question by the chairman, stated that he had conscientious scruples against divulging any part of the endowment ceremony (2; 854); but in answer to a question by Senator FORAKER he said there was nothing in any obligation of the church which it imposed upon its members, in connection with marriage or any other occasion, inconsistent with fidelity as citizens of the National Government or to the State government. Mr. Smith persisted that while he had stated what was not in the obligation he did not feel at liberty to state what was in it. (2; 855.)

Richard W. Young, who was a graduate of West Point and of the law school of Columbia College, New York City, and who had served in the Volunteer Army in the Spanish war, in the Philippines, and elsewhere, is a member of the Mormon Church, and is not a polygamist. (2; 950–952.) He was asked by the chairman if he had any objection to disclosing what took place during the endowment ceremony, and he replied that he considered himself under an obligation not to do so. (2; 969.)

He was asked later by counsel for the respondent if he had any objection to stating whether the ceremony included, in any form or shape, any invocation of vengeance or retribution against this nation. Senator McCOMAS suggested that the witness should state the whole ceremony or nothing. Thereupon an extended argument was made, at the end of which the witness was asked by counsel for the respondent:

"In that ceremony is there anything which relates to your duties or obligations to your Government or to this nation."

The chairman ruled that if the witness should answer this question he would be required to state the whole ceremony, and thereupon the witness declined to answer it. (2; 981–985.)

REED SMOOT testified positively that there is nothing in the endowment ceremony about avenging the blood of the prophets or avenging anything else on this nation or on this Government. (3; 183, 184.)

As already stated, the case was reopened during the present session of Congress for the purpose of allowing the introduction of further testimony on behalf of the protestants, and four additional witnesses were produced with reference to the matter of the alleged obligation. No further testimony on the subject was taken on behalf of the respondent.

The four witnesses referred to were W. J. Thomas, J. P. Holmgrem, H. W. Lawrence, and W. M. Wolfe.

The witness Thomas testified that he passed the endowment house in 1869. His examination on this subject was as follows:

"Mr. CARLISLE. I have asked you about whether any ceremonies took place before the oath or obligation took place? If so, state what it was.

"Mr. THOMAS. There were washings and anointings there.

"Mr. CARLISLE. Describe to the committee what you mean by anointing. Was your whole body anointed or your arm anointed; and, if so, was anything said when that was done?

"Mr. THOMAS. My head was anointed and my right arm. I do not remember anything else.

"Mr. CARLISLE. Was anything said by the person who conducted these ceremonies at the time he anointed your right arm? Were you told what it was for?

"Mr. THOMAS. Yes, sir; he spoke very quick and I couldn't catch it all, but I remember when he anointed my arm to make it strong, and the substance of it was that I would avenge the blood of the prophets—prophet or prophets. I believe it was the plural. (4; 69.)

* * * * * * *

"Senator KNOX. You took this vow in what year?

"Mr. THOMAS. In 1869.

"Senator KNOX. How long did you remain in the church after that?

"Mr. THOMAS. I remained in the church up until 1880.

"Senator KNOX. That was eleven years; and you vowed to avenge the blood of the martyrs upon this nation, did you?

"Mr. THOMAS. Yes, sir.

"Senator KNOX. And your right arm was anointed to give you strength that you might do so. Is that correct?

"Mr. THOMAS. That is the way I understood it.

"Senator KNOX. What did you ever do in the line of keeping that vow? Did you ever avenge the blood of the martyrs upon this nation?

"Mr. THOMAS. No, sir. I have enlisted twice to try and defend the nation.

"Senator KNOX. Were you ever stirred up by the authorities of the

church to get busy in that direction of avenging the blood of the martyrs upon this nation?

"Mr. THOMAS. No.

"Mr. WORTHINGTON. Do you know of any member of the church who did do anything in the way of using his right arm to avenge the blood of the prophets on this nation?

"Mr. THOMAS. No, sir." (4; 71, 72.)

The witness Holmgren on this subject testified that he passed through the endowment house in 1889. His further examination on this subject is as follows:

"Mr. CARLISLE. Do you remember the ceremonies that took place at that time?

"Mr. HOLMGREN. Part of it.

"Mr. CARLISLE. Are you willing to state the oath that was taken, or not? If you are not, I shall not press you.

"Mr. HOLMGREN. What I understood and heard of it—sure.

"Mr. CARLISLE. In the first place, what occurred?

"Mr. HOLMGREN. In the endowment house?

"Mr. CARLISLE. Yes.

"Mr. HOLMGREN. There were a number of oaths and performances that were insignificant, I would say, until we came to the anointing room, and in that anointing room there was some language used that I am sorry I ever heard.

"Mr. CARLISLE. Can you state what it was?

"Mr. HOLMGREN. In anointing my arms, the gentleman used this language: 'That your arms might be strong to avenge the blood of Joseph and Hyrum Smith.'" (4; 76, 77.)

The witness Lawrence, who was 70 years old at the time he testified, stated that he was a member of the Mormon Church until 1869, and that he had taken or administered the alleged obligation in question a number of times. The following are the substantial parts of his testimony on this point:

"Mr. CARLISLE. Mr. Lawrence, would you object to stating whether there is any oath, commonly called here the oath of vengeance, taken in the endowment house, and what it is?

"Mr. LAWRENCE. Yes; there is.

"Mr. CARLISLE. Can you state it in terms or in substance?

"Mr. LAWRENCE. 'You covenant and agree before God and angels and these witnesses that you will avenge the blood of the prophets, the prophet Joseph Smith, Hyrum Smith, Parley P. Pratt, David Patton'—their names are mentioned.

"Mr. CARLISLE. Was that the case when you took the endowment?

"Mr. LAWRENCE. Yes, sir. I do not know whether they were all mentioned when I was there or not, but they have been mentioned when I have been there.

"Mr. CARLISLE. You have passed through the endowment a number of times?

"Mr. LAWRENCE. Yes; I have been there a number of times.

"Mr. CARLISLE. You mean these names have been mentioned some of the times when you passed through? That is what you mean?

"Mr. LAWRENCE. Yes, sir.

"Mr. CARLISLE. You do not know whether they were all mentioned at the same time or not?

"Mr. LAWRENCE. No, sir.

"Senator DILLINGHAM. Do I understand the witness has given the whole of the obligation,

"Mr. CARLISLE. I will ask him. Do you remember now whether there was anything said about vengeance upon the people or vengeance upon the nation, or what was said of that sort, if you remember?

"Mr. LAWRENCE. I say it has been stated. I can not state it only as I understand it. The word 'nation' was not mentioned where I was in regard to that vengeance, but the feeling has always been against the nation and the State for allowing that deed to be perpetrated. The word 'nation' was not mentioned. It is a little ambiguous in regard to that.

"Mr. WORTHINGTON. You say you are ambiguous or it was ambiguous?

"Mr. LAWRENCE. It was a little ambiguous there who it should be executed on. The supposition is it should be executed on the perpetrators of the deed.

"Mr. CARLISLE. Mr. Lawrence, I will get you to state, if you can, whether this covenant, or oath, or whatever it may be called, is always administered by the same person and in the same terms, or whether it is administered at different times by different persons, and whether it is in writing or merely oral.

"Mr. LAWRENCE. It is administered orally by different persons at different times.

"Mr. CARLISLE. It may be, then, that there is a different form of the oath?

"Mr. LAWRENCE. It may be administered a little different. Of course the substance is about the same, but there may be some men who administer it a little different from others. I have no doubt that it is, from what I have heard.

"Mr. CARLISLE. You may take the witness.

"Senator KNOX. Was this vengeance to be executed by the person taking the oath, or vow, or were you to implore the Almighty to avenge the blood of the prophets?

"Mr. LAWRENCE. As I say, it was a little ambiguous in regard to that. Of course you take an oath to avenge the blood of the prophets and teach the principle to your children and children's children.

"Senator KNOX. I think you do not understand me. You stated a moment ago that there was some ambiguity in the oath as to whom the vengeance is directed against.

"Mr. LAWRENCE. Yes.

"Senator KNOX. Now, I am asking you who it was who was to execute the vengeance. Was the person taking the vow, or oath, to execute it or were they to implore by prayer that God should take this vengeance?

"Mr. LAWRENCE. Well, that was not inserted in it for the Lord to do it. They simply took upon themselves the oath to do it; but I say it is almost impossible for them to wreak vengeance, because those men that committed the deed have probably gone years ago.

"Senator KNOX. My question was based on the exact language used by Professor Wolfe yesterday. He said that he heard the oath taken very recently, and that they vowed or promised that they would pray to Almighty God to avenge the blood of the prophets. I think it is quite material, and I want to know what your recollection is about it.

"Mr. LAWRENCE. That was not inserted in my day—that is, in regard to asking God to wreak this vengeance. (4; 108, 109.)

* * * * * * *

"Mr. WORTHINGTON. Tell us about how many times you were present when this oath was administered.

"Mr. LAWRENCE. I could not say. It would go into the hundreds, probably.

"Mr. WORTHINGTON. Several hundred times?

"Mr. LAWRENCE. Yes; or dozens. I would say from one to three years, probably.

"Mr. WORTHINGTON. And on each occasion to a great many people, I suppose.

"Mr. LAWRENCE. Yes, sir.

"Mr. WORTHINGTON. On all the occasions when you heard it administered to others, or when it was administered to you, did you ever hear any reference to the nation of the United States as the object of vengeance?

"Mr. LAWRENCE. During my administration the word 'nation' was not used.

"Mr. WORTHINGTON. Do you mean you administered the oath?

"Mr. LAWRENCE. No, sir; yes, sir. I mean I officiated there with the rest of them.

"Mr. WORTHINGTON. Then you both administered the covenant, and you heard others administer it?

"Mr. LAWRENCE. Yes, sir.

"Mr. WORTHINGTON. You administered it hundreds of times, and you heard it administered hundreds of times; is that right?

"Mr. LAWRENCE. I was there off and on for one or two years.

"Mr. WORTHINGTON. Did you administer it hundreds of times?

"Mr. LAWRENCE. I will say yes. (4; 110, 111.)

* * * * * * *

"Mr. WORTHINGTON. Now, I come back. During all the time you administered the oath, or heard it administered by others, did you ever hear the 'nation' or the 'United States' or the 'Government of the United States' referred to in any way as the object of vengeance that was the subject of that covenant?

"Mr. LAWRENCE. I will say that, at that time, it was not connected with the obligation. I will say this, that the Government has always been blamed for allowing that deed to be perpetrated.

"Mr. WORTHINGTON. Don't let us depart from the ceremony. I want to find out what took place at the ceremony when you administered the covenant. Did you administer it always in the same language?

"Mr. LAWRENCE. I tried to, sir.

"Mr. WORTHINGTON. Where did you learn it?

"Mr. LAWRENCE. I learned it from the church ritual, I suppose. It was what was given to me.

"Mr. WORTHINGTON. Was it something that was in writing or was it in print?

"Mr. LAWRENCE. No, sir; not in writing.

"Mr. WORTHINGTON. It was communicated to you orally and you committed it to memory, did you?

"Mr. LAWRENCE. Yes, sir.

"Mr. WORTHINGTON. You do not remember who gave it to you?

"Mr. LAWRENCE. I do not remember just now.

"Mr. WORTHINGTON. It was given to you as the traditional oath of the temple, was it not?

"Mr. LAWRENCE. It was given to me to use.

"Mr. WORTHINGTON. You have said to Mr. Carlisle that there is no doubt that the language of the covenant was varied from time to time. Did you ever hear it given in any other form than that you have told us about?

"Mr. LAWRENCE. Yes. I will explain that. I have said that there were different parties that officiated at different times, and from what I had heard they had changed it a little. Inasmuch as it was orally given, one man would administer it a little different from others.

"Mr. WORTHINGTON. You know that by hearsay?

"Mr. LAWRENCE. I know that by hearsay only. (4; 111, 112.)

* * * * * * *

"Mr. WORTHINGTON. Referring to this ceremony, and the covenant of vengeance, as it is called, do you remember in that connection whether there was any passage in the Book of Revelations of the Bible?

"Mr. LAWRENCE. Yes, sir.

"Mr. WORTHINGTON. What is that?

"Mr. LAWRENCE. That is used in connection with this as a justification for it.

"Mr. WORTHINGTON. Can you give us the verse and chapter of Revelations?

"Mr. LAWRENCE. I think it is a chapter from Revelations. It is probably chapter 6. It is taken from Revelations. It is simply referred to. I will answer that that quotation is referred to.

"Mr. WORTHINGTON. Was it not a part of the teaching of the church, when you were connected with it, that the Constitution of the United States is an inspired document?

"Mr. LAWRENCE. Yes, sir. Do you want an answer to that?

"Mr. WORTHINGTON. I have all the answer I care to have, sir. If there is anything you wish to add or take from the effect of your testimony, you have that privilege, provided it is not a speech. Let me read the ninth and tenth verses of the sixth chapter of Revelations, and see if those——

"Mr. LAWRENCE. 'How long, O Lord?' It is just a quotation.

"Mr. WORTHINGTON. I will read the two, and see if those two verses, or either of them, are the ones to which you refer:

"'And when he had opened the fifth seal I saw under the altar the souls of them that were slain by the Word of God, and by the testimony which they held.

"'And they cried with a loud voice, saying, How long, O Lord, Holy and true, dost Thou not judge and avenge our blood on them that dwell on the earth?'

"Mr. LAWRENCE. That is part of it in connection with this?

"Mr. WORTHINGTON. We should like to have the whole of it. Just show us all that was referred to in your ceremony there.

"Mr. LAWRENCE. 'How long, O Lord, Holy and true.'

"Mr. WORTHINGTON. 'Dost thou not judge and avenge our blood on them that dwell on the earth?'

"Mr. LAWRENCE. I think that was the part connected with it—just that part.

"Mr. WORTHINGTON. You say that was used as a justification of the covenant, in connection with it?

"Mr. LAWRENCE. That was used as a justification of the obligation.

"The CHAIRMAN. He did not say as a justification of the covenant.

"Mr. LAWRENCE. I said that was used as a justification of the obligation." (4; 116, 117.)

It will be seen that all three of these witnesses flatly contradicted what seems to be the theory of the protestants, that the obligation in question involved a promise on the part of the party going through the ceremony hostile to the United States or an appeal to the Almighty to inflict punishment on the nation.

The other witness on the point now under consideration is W. M. Wolfe. He testified that he had passed through the endowment house no less than twelve times, the first time being in May, 1894, and the last time in October, 1902. His examination on this subject then proceeded as follows:

"Mr. CARLISLE. Will you state to the committee whether there is, as part of the ceremonies in the temple, any oath administered?

"Mr. WOLFE. There are several oaths administered.

"Mr. CARLISLE. Can you state what they are?

"Mr. WOLFE. There is an oath of chastity, or, I might say, a covenant or law—a law of sacrifice and a law of vengeance.

"Mr. CARLISLE. When you say a law of vengeance, what do you mean? Do you mean that there is any promise or pledge to avenge a wrong, or do you mean simply that there is some law read to you, or some rule read to you?

"Mr. WOLFE. There is no covenant or agreement on the part of any individual to avenge anything.

"Mr. CARLISLE. Just state to the committee what it is.

"Mr. WOLFE. The law of vengeance is this: 'You and each of you do covenant and promise that you will pray, and never cease to pray, Almighty God to avenge the blood of the prophets upon this nation, and that you will teach the same to your children and your children's children unto the third and fourth generations.' At the conclusion the speaker says: 'All bow your heads and say "Yes."'

"Mr. CARLISLE. Was that done?

"Mr. WOLFE. It was done.

"Senator OVERMAN. Was that done every time, or just one time?

"Mr. WOLFE. It was done every time I went through." (4; 7.)

Mr. Wolfe, for several years, and up to January last, was one of the professors in the Brigham Young College, at Logan, a Mormon institution. When asked on cross-examination whether charges of drunkenness had not been preferred against him in the institution, he said that no such charges had been made, to his knowledge, but that such charges might have been preferred against him. Upon being asked what he meant by saying that such charges might have been preferred against him, he answered that he meant that he had made himself liable to such charges for a period of possibly twenty years. (4; 24.)

He admitted that certain officers of the institution had had conversations with him in regard to his habit of drinking (4; 25). He admitted that he had been required to resign his position in January last; but claimed that this was done because about that time he had given notice that he would no longer pay tithing. He admitted that officers of the institution had made objection to his habits of drinking, but said that they had never suggested his removal, or the desirability of his resignation until he had refused to pay tithes. (4; 26.)

As to Wolfe's testimony, the respondent offered considerable testimony in rebuttal. One of the witnesses on this subject was James H. Linford, the president of Brigham Young College. He testified fully as to Wolfe's habit of drinking for a considerable period prior to the time he was compelled to resign; and testified, in substance, that Wolfe's resignation was not demanded on account of his refusing to pay tithes, but because his habits of drinking had grown on him so that it was no longer possible to allow him to retain his position. (4; 261, 271.)

There was also filed on behalf of the respondent the affidavit of Joseph E. Cardon, the bishop of the ward at Logan, in which Wolfe lived. This affidavit was admitted as evidence by consent of counsel for the protestants, and by leave of the committee. In this affidavit the witness contradicts what Wolfe stated in his testimony with reference to a conversation with the witness on the subject of tithing.

Wolfe was also contradicted, in a very material part of his evidence, by four witnesses. He had preferred charges against one Benjamin Kluff, in connection with a certain expedition that had been made to Mexico, of which expedition Kluff was in charge, and Wolfe was a member. Wolfe testified that on that expedition he had seen Kluff living in marital relations with one Florence Reynolds, who is alleged to have been Kluff's plural wife, taken since the manifesto. Wolfe testified that, at the hearing of these charges before a church council, he had stated that he had seen Kluff and Florence Reynolds living in that relation.

By consent of counsel for the protestants, and by leave of the committee, there were filed the affidavit of the stenographer who took down Wolfe's statement, and the joint affidavit of the three members of the committee before whom he made his statement, all of them saying that he had not in any way referred to the fact that he had seen Kluff and Florence Reynolds living together, and that he did not in any way refer to the relations between those two people. (4; 302, 408, 409.)

Taking all of the testimony on this subject together, the overwhelming weight of it is against the contention that the respondent ever took any obligation of hostility to the United States. Seven witnesses have in an indefinite way testified that the obligation included some kind of a promise or prayer indicating hostility to the nation, while thirteen witnesses, about one-half of whom were called on behalf of the protestants, have testified positively and unqualifiedly to the contrary. All of the witnesses who have testified that the word "nation" was used in the obligation have been impeached as to their credibility, and no evidence has been introduced tending to sustain the veracity of any one of them.

Mr. FORAKER. It is understood, I believe, that the reports themselves are to be printed separately, as separate documents.

The VICE-PRESIDENT. And 10,000 copies of each.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Texas?

Mr. BURROWS. If the Senator will yield to me just a moment, I desire to state that I shall call this matter up at the earliest possible moment consistent with the public business.

Mr. FORAKER. I want to say that I join with the Senator making the majority report in that notice. This matter, we think, should be called up at the earliest moment possible, and I shall insist upon its being called up for consideration before final adjournment.

Mr. BAILEY. Mr. President, I had intended this morning to add a brief statement to the report which has been submitted by the Senator from Michigan, but I was unable to reach his committee room in time to do that. I therefore desire to say, in order that it may appear in the RECORD, that while I concur in the conclusion of the majority that Senator SMOOT is not entitled to continue as a member of this body, it is my opinion that he can not be deprived of his seat, under the Constitution, except by expulsion.

The orders heretofore made were subsequently reduced to writing, as follows:

On motion of Mr. BURROWS, it was

Ordered, That 10,000 additional copies of the report of the Committee on Privileges and Elections, accompanying the resolution that REED SMOOT is not entitled to a seat in the Senate as a Senator from the State of Utah, be printed, 3,000 for the use of the committee and 7,000 for the use of the Senate.

On motion of Mr. FORAKER, it was

Ordered, That 10,000 additional copies of the views of the minority of the Committee on Privileges and Elections, accompanying the resolution that REED SMOOT is not entitled to a seat in the Senate as a Senator from the State of Utah, be printed, 3,000 for the use of the committee and 7,000 for the use of the Senate.

On motion of Mr. BURROWS, it was

Ordered, That the hearings had before the Committee on Privileges and Elections in the investigation of the right of REED SMOOT to a seat in the Senate from the State of Utah be printed as a document.

REPORTS OF COMMITTEES.

Mr. PERKINS, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 6119) for the protection of animals, birds, and fish in the forest reserves of California, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. STONE, from the Committee on Indian Affairs, to whom was referred the bill (S. 6384) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on the Judiciary, to whom was referred the bill (S. 6364) to incorporate the National Child Labor Committee, reported it with an amendment.

Mr. OVERMAN, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 13190) to protect birds and their eggs in game and bird preserves, reported it with an amendment.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 6421) pertaining to the duties of the division of dead letters, Post-Office Department; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6422) granting an increase of pension to John L. Wells;

A bill (S. 6423) granting an increase of pension to Cecile O. Hamill;

A bill (S. 6424) granting an increase of pension to Charles E. Tipton;

A bill (S. 6425) granting an increase of pension to Frederick Kerchof;

A bill (S. 6426) granting a pension to Eliza Jane Cameron (with an accompanying paper);

A bill (S. 6427) granting a pension to Thomas Moran; and

A bill (S. 6428) granting an increase of pension to B. K. Spangler.

Mr. KEAN introduced a bill (S. 6429) granting an increase of pension to Mary L. Beardsley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DRYDEN introduced a bill (S. 6430) granting an increase of pension to Melvina Battles; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PATTERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6431) granting an increase of pension to R. Smith Coats; and

A bill (S. 6432) granting a pension to John F. Mohn.

Mr. FRAZIER introduced a bill (S. 6433) for the relief of D. S. Henderson, executor of the estate of Mary A. Henderson, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 6434) for the relief of Albert L. Scott; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 6435) for the relief of the estate of Leonidas Walker, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. WARREN introduced a bill (S. 6436) granting an increase of pension to George W. Kelsey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLARD introduced a bill (S. 6437) granting an increase of pension to Mildred L. Allee; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 6438) granting an increase of pension to Martha J. Haller; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 6439) to reinstate Kenneth G. Castleman as a lieutenant in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. DANIEL introduced a bill (S. 6440) granting an increase of pension to R. D. Gardner; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6441) for the relief of William F. McKimmy, administrator of John McKimmy, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6442) for the relief of the heirs of Thomas P. Mathews; which was read twice by its title, and referred to the Committee on Claims.

Mr. MALLORY introduced a joint resolution (S. R. 65) directing the Secretary of Agriculture to cause a survey of the Everglades of Florida, to determine the feasibility and cost of draining said Everglades, and for other purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PERKINS submitted an amendment providing for the establishment of a life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, California, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate $75,000 for the construction of revenue cutter for service in the Bay of San Francisco, California, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate $225,000 for the construction of a steam vessel of the first class for the Revenue-Cutter Service, at Honolulu, Hawaii, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. FULTON submitted an amendment providing that jurisdiction in equity is hereby conferred upon the circuit court of the United States of the ninth circuit to examine and determine the rights of American citizens under the boards of the bureaus of arbitration concerning the jurisdiction of the Bering Sea, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of House bill 19264, being the diplomatic and consular appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be considered as they are reached in the reading.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for the consideration of amendments, the committee amendments to be first considered. Without objection, it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in the appropriation for Schedule A, under the subhead "Salaries of ambassadors and ministers," on page 1, line 12, before the word "France," to insert "Brazil;" on page 2, line 1, after the word "Mexico," to strike out "and;" in the same line, after the word "Russia," to insert "and Turkey;" and in line 3, before the word "thousand," to strike out "forty" and insert "seventy-five;" so as to make the clause read:

Ambassadors extraordinary and plenipotentiary to Austria-Hungary, Brazil, France, Germany, Great Britain, Italy, Japan, Mexico, Russia, and Turkey, at $17,500 each, $175,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 3, to strike out:

Ambassador extraordinary and plenipotentiary to Brazil, $12,000.

The amendment was agreed to.

The next amendment was, on page 2, line 7, after the word "Republic," to insert "Belgium;" in the same line, after the word "China," to insert "Cuba, the Netherlands and Luxemburg;" and, in line 9, before the word "thousand," to strike out "thirty-six" and insert "seventy-two;" so as to make the clause read:

Envoys extraordinary and ministers plenipotentiary to the Argentine Republic, Belgium, China, Cuba, the Netherlands and Luxemburg, and Spain, at $12,000 each, $72,000.

The amendment was agreed to.

The next amendment was, on page 2, line 11, before the word "Chile," to strike out "Belgium;" in the same line, after the word "Colombia," to strike out "Cuba, the Netherlands and Luxemburg;" in line 12, after the word "Peru," to strike out "Turkey;" and in line 13, before the word "thousand," to strike out "ninety" and insert "fifty;" so as to make the clause read:

Envoys extraordinary and ministers plenipotentiary to Chile, Colombia, Panama, Peru, and Venezuela, at $10,000 each, $50,000.

The amendment was agreed to.

The reading of the bill was continued to line 9 on page 3.

Mr. HALE. On page 3, line 9, after the word "Cairo," I move to strike out "five thousand" and insert "six thousand five hundred;" so as to read:

Agent and consul-general at Cairo, $6,500.

The amendment was agreed to.

The next amendment was, on page 3, line 14, to increase the total of the appropriations for salaries of ambassadors and ministers from $458,000 to $477,000.

The VICE-PRESIDENT. This total will have to be changed.

Mr. LODGE. It should be $478,500.

The VICE-PRESIDENT. Without objection, the total will be changed to $478,500.

The next amendment was, under the subhead "Salaries of secretaries of embassies and legations," page 3, line 21, after the word "Republic," to insert "Belgium;" and in line 25, before the word "dollars," to strike out "ten thousand five hundred" and insert "thirteen thousand one hundred and twenty-five;" so as to make the clause read:

Secretaries of legations to the Argentine Republic, Belgium, China, the Netherlands and Luxemburg, and Turkey, at $2,625 each, $13,125.

The amendment was agreed to.

The next amendment was, on page 4, line 1, before the word "Bolivia," to strike out "Belgium;" and in line 6, before the word "thousand," to strike out "thirty-six" and insert "thirty-four;" so as to make the clause read:

Secretaries of legation to Bolivia, Chile, Colombia, Cuba, Denmark, Guatemala and Honduras, Liberia, Morocco, Norway (to be immediately available), Panama, Peru, Portugal, Santo Domingo, Spain, Sweden, Switzerland, and Venezuela, at $2,000 each, $34,000.

The amendment was agreed to.

The next amendment was, on page 4, line 8, to reduce the appropriation for the salary of the secretary of legation to Nicaragua, Costa Rica, and San Salvador from $2,800 to $2,000.

The amendment was agreed to.

The next amendment was, on page 5, line 12, to increase the total appropriation for salaries of secretaries of embassies and legations from $108,000 to $108,425.

The amendment was agreed to.

The next amendment was, under the subhead "Clerks at embassies and legations," on page 6, line 14, after the word "who," to insert "whenever hereafter appointed;" so as to make the clause read:

For the employment of necessary clerks at the embassies and legations, who, whenever hereafter appointed, shall be citizens of the United States, $65,000.

The amendment was agreed to.

The next amendment was, under the subhead "Salaries of interpreters to embassies and legations," on page 7, line 3, before the word "consulate-general," to strike out "legation and;" and in the same line, after the word "to," where it occurs the second time, to strike out "Korea" and insert "Seoul;" so as to make the clause read:

Interpreter to consulate-general to Seoul, $500.

The amendment was agreed to.

The next amendment was, under the subhead "Repair of consulate building at Tahiti, Society Islands," on page 9, line 23, after the word "For," to strike out "the repair of" and insert "rebuilding;" and in line 24, after the word "thousand," to insert "three hundred;" so as to make the clause read:

For rebuilding the American consular building at Tahiti, Society Islands, $5,371.45.

The amendment was agreed to.

The next amendment was, on page 15, after line 5, to insert:

REPORTS RELATIVE TO THE WORK OF THE JOINT HIGH COMMISSION.

For the preparation of reports and material necessary to enable the Secretary of State to utilize and carry on the work partly performed by the Joint High Commission of 1898, for the settlement of questions between the United States and Great Britain relating to Canada, $10,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 15, after line 14, to insert:

BOUNDARY LINE, ALASKA AND CANADA.

To enable the Secretary of State to mark the boundary, and make the surveys incidental thereto, between the Territory of Alaska and the Dominion of Canada in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, $25,000, together with the unexpended balance of the previous appropriations for this object.

The amendment was agreed to.

The next amendment was, on page 15, after line 22, to insert:

BOUNDARY LINE, UNITED STATES AND CANADA.

For the more effective demarcation and mapping of the boundary line between the United States and the Dominion of Canada, near the forty-fifth parallel, from the Richelieu River to Halls Stream, as established by the commissioners of 1842 to 1848, under the treaty of Washington of August 9, 1842, to be expended under the direction of the Secretary of State, and to be immediately available and continue available until expended, $20,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 16, after line 8, to insert:

ST. JOHN RIVER COMMISSION.

For the expenses of a joint commission, to be constituted if the Government of Great Britain concurs, to investigate and report upon the conditions and uses of the St. John River, and to make recommendations for the regulation of the use thereof by the citizens and subjects of the United States and Great Britain, according to the provisions of treaties between the two countries, $30,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 16, to insert:

CONSULAR BUILDINGS IN CHINA, KOREA, AND JAPAN.

The Secretary of State shall report to Congress at its next session a plan in detail covering provisions for the purchase of ground and the erection of buildings for consular offices in China, Korea, and Japan, and estimates shall be submitted for the same, showing the amount required at each place, the total sum for all such buildings not to exceed $1,000,000.

The amendment was agreed to.

The next amendment was, at the top of page 17, to insert:

PURCHASE OF LEGATION PREMISES IN CONSTANTINOPLE, TURKEY.

For the purchase of the buildings and grounds now occupied by the legation of the United States in Constantinople, Turkey, $150,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in the appropriation for Schedule B, under the subhead "Salaries, consular service," on page 17, after line 17, to insert:

For salary of consul-general at Boma, Kongo Free State, class 5, $4,500.

The amendment was agreed to.

The next amendment was, on page 17, after line 19, to insert:

For salary of consul at Calgary, Canada, class 9, $2,000.

The amendment was agreed to.

The next amendment was, under the subhead "Expenses of consular inspectors," on page 18, line 1, to increase the appropriation for the actual and necessary traveling and subsistence expenses of consular inspectors while traveling and inspecting under instructions from the Secretary of State from $10,000 to $15,000.

The amendment was agreed to.

The next amendment was, in the items of Schedule C, under the subhead "Allowances for clerk hire at United States consulates," on page 20, line 11, before the word "dollars," to strike out "five hundred" and insert "one thousand;" and in line 13, before the word "thousand," to strike out "fifty" and insert "one hundred and fifty-five;" so as to make the clause read:

Allowance for clerks at consulates, to be expended under the direction of the Secretary of State at consulates not herein provided for in respect to clerk hire, no greater portion of this sum than $1,000 to be allowed to any one consulate in any one fiscal year, $155,000: *Provided*, That the total sum expended in one year shall not exceed the amount appropriated.

The amendment was agreed to.

The next amendment was, under the subhead "Expenses of interpreters, guards, and so forth, in Turkish dominions, and so forth," on page 21, line 2, to increase the appropriation for interpreters and guards at the consulates in the Turkish Dominions and at Zanzibar, to be expended under the direction of the Secretary of State, from $10,000 to $12,000.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent expenses, United States consulates," on page 23, line 6, to increase the appropriation for contingent expenses, United States consulates, from $300,000 to $350,000.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PRESERVATION OF NIAGARA FALLS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18024) for the control and regulation of the waters of Niagara River, and for the preservation of Niagara Falls, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LODGE. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the Chair appoint the conferees.

The motion was agreed to; and the Vice-President appointed Mr. LODGE, Mr. CULLOM, and Mr. MORGAN as the conferees on the part of the Senate.

BLACKFEET INDIAN RESERVATION LANDS IN MONTANA.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19681) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist on its amendments and accede to the request of the House for a conference, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. CLARK of Montana, Mr. DUBOIS, and Mr. CLAPP as the conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 19144. An act granting an increase of pension to Sarah Louisa Sheppard was read twice by its title, and referred to the Committee on Pensions.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I move that the Senate proceed to the further consideration of the conference report on House bill 15331, the Indian appropriation bill.

Mr. TILLMAN. Will the Senator from Minnesota yield to me for a moment to make an inquiry?

Mr. CLAPP. I will yield as soon as the conference report is taken up.

The VICE-PRESIDENT. The Senator from Minnesota moves that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

The motion was agreed to.

Mr. TILLMAN. Will the Senator from Minnesota yield to me for a moment?

Mr. CLAPP. Certainly.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On June 8:

S. R. 20. Joint resolution directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow;

S. 86. An act for the erection of a monument to the memory of Commodore John Barry;

S. 333. An act in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor;

S. 685. An act for the erection of a monument to the memory of John Paul Jones;

S. 4370. An act to appropriate the sum of $40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the landing of the Pilgrims and the signing of the Mayflower compact; and

S. 4698. An act for the preservation of American antiquities.

On June 9:

S. R. 54. Joint resolution authorizing a change in the weighing of the mails in the fourth division;

S. 5489. An act to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Miami, in said district; and

S. 6288. An act to create a new division of the western judi-

cial district of Texas, and to provide for terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes.

REPORT ON ALASKAN SCHOOLS, ETC.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Territories, and ordered to be printed:

To the Senate:

In compliance with the resolution of the Senate of May 31, requesting the President, "if not incompatible with the public interest, to furnish the Senate with a copy of the report of the investigation made in 1905, under the direction of the Secretary of the Interior, by Special Agent Frank C. Churchill, regarding the condition of educational and school service and the management of reindeer service in the District of Alaska, together with all exhibits accompanying said report," I transmit herewith copies of the original and supplemental reports of Mr. Churchill, dated, respectively, December 11, 1905; January 10, February 15, and June 2, 1906, together with all the exhibits accompanying the same.

I also inclose a letter from the Secretary of the Interior submitting the papers for transmission to the Senate.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *June 11, 1906.*

PROPOSED INVESTIGATION OF NATIONAL BANKS.

Mr. TILLMAN. Mr. President, I see the Senator from Rhode Island [Mr. ALDRICH], the chairman of the Committee on Finance, in the Chamber, and I desire to call his attention, and the attention of the Senate also, and to make an inquiry of him in regard to the resolution which I submitted on the 16th of April, and which was referred to the Committee on Finance the following day. In order that Senators may understand what is involved, I ask that the resolution may be read.

The VICE-PRESIDENT. Without objection, the Secretary will read the resolution.

The Secretary read the resolution submitted by Mr. TILLMAN April 16, 1906, as follows:

Resolved, That the Committee on Finance be directed to inquire whether or not the national banks have made contributions in aid of political committees, and if so to what extent and why the facts have not been discovered by the Comptroller of the Currency; and whether or not such contributions have been embezzlements, abstractions, or willful misapplications of the funds of the banks which call for restitutions and criminal prosecutions. Said committee is also directed to inquire whether or not the national banks of Chicago have recently engaged in transactions beyond their lawful powers in connection with the recent failure of a bank in that city, and whether such failure involved illegalities and crimes; and also to inquire whether the national banks in Ohio have been in the habit of paying large sums of money in a secret and illicit manner to the county treasurers of Ohio as a compensation to said treasurers for making deposits of public money with such banks; and to report the facts to the Senate and the opinion of the committee whether any legal proceedings should be instituted on account of the transactions disclosed; and whether the public interest requires any amendments of the existing national banking laws.

Mr. TILLMAN. Mr. President, Senators will remember that at the time this resolution was presented to the Senate I made some remarks in regard to it and called attention to the general mismanagement, as it appeared to me, or looseness of management, of national banks. I proved practically that there were campaign contributions contrary to law, and in that discussion the case of John R. Walsh's bank in Chicago was rather prominently brought forward. The Senator from Illinois [Mr. HOPKINS] seemed to take great umbrage that I should presume to meddle with a bank in his home city and—well, if I had been willing to so consider it, he used language which was insulting. He advanced the remarkable doctrine or dogma that because South Carolinians were accustomed to lynch negroes for rape, and because I had announced and declared on the floor of the Senate and elsewhere that in 1876 we shot negroes and stuffed ballot boxes to carry the elections in order to regain control of our State and protect our civilization, it was prefectly permissible for people in Chicago to go on stealing without any question from me, and for national bankers to disobey the law as they saw fit. I am merely giving the outline of the Senator's argument, and I have no desire in mentioning it to renew that unpleasant discussion, though I am ready at any time.

My purpose this morning is to make inquiry of the chairman of the Committee on Finance as to whether this resolution has been considered, or whether it will be considered, or whether there is any purpose to take up this investigation and follow it or not.

As a further argument or reason why there should be an investigation, a very thorough investigation, and at the earliest possible moment, I send to the desk and ask to have read an article in the New York Sun of June 6, relating to the condition in Chicago now in regard to the Walsh bank, and the situation in which the clearing-house association of Chicago finds itself in connection with the Walsh bank, and the assumption by that association of all of the Walsh debts. It will throw a great deal of light on the present situation, and I think will emphasize the necessity for action by the Finance Committee.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from South Carolina? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

RECEIVER FOR WALSH ROADS—BANKERS WHO LIQUIDATED HIS BANKS SEE NO OTHER SOLUTION.

CHICAGO, *June 5, 1906.*

Receivership proceedings against the railroads of John R. Walsh are imminent.

This became known to-day when it was revealed that there is dissension which amounts almost to open quarreling among the banks of the clearing-house association, which advanced more than $14,000,000 to liquidate the Chicago National and Home Savings banks last December. Members of the clearing-house committee, managing directors of the Walsh deal, are divided into two factions, unable to agree on the course to take to clear the banks of the Walsh tangle.

The demand for a receivership became insistent a few days ago, when it became known to the associated banks that the financial affairs of the Southern Indiana, Chicago Southern, and Illinois Southern roads are in a bad way.

"There has been a great deal of grumbling among the banks for some months," said a man in close touch with the situation through one of the most heavily interested banks to-day. "Ever since the deal to sell the Walsh roads fell through in New York grumbling has grown louder. The bankers are not satisfied to have their money tied up in a venture which looks more hopeless every day. The only course open to give relief seems to be a receivership for the roads."

The Southern Indiana is the only road of the Walsh group which has shown earning capabilities. No financial statement was ever made of the Chicago Southern or the Southern Illinois. The Southern Indiana, according to its last annual statement, was making enough to pay interest on its indebtedness and 1½ per cent on its stock. Since the coal strike was declared on May 1, the bankers have learned, the Southern Indiana has not been a paying property.

On top of the banks' other troubles has come a report that Secretary of the Treasury Shaw gave strong intimation to national bankers that they should unload the bonds of Walsh's roads now carried as assets of their institutions.

There remain something like $12,000,000 of Walsh paper and securities in the associated banks. It has become clear to the banks, according to one of their attorneys, that in reserving the stock in his railways, which they thought of little consequence, Walsh made them victims of a sharp trick. The stock carries the voting power and control of the roads. As long as the roads pay interest on bonds Walsh will be in command of the situation. He will dictate the policy of the railways and their management.

The banks are left "holding the bag."

When Walsh's banks went out of business, it is asserted he transferred to a bank whose president is on the clearing-house committee all the accounts of his railroads and other interests, amounting to many thousands of dollars. This bank president is reported to be standing by Walsh in the present crisis and seeking to avert the threatened receivership.

Work on the investigation of the criminal charges made against Walsh is progressing rapidly in the office of District Attorney C. B. Morrison. Special Bank Examiner Moxey, who is inspecting the bank and railroad company books, conferred with Mr. Morrison to-day. Assistant Attorney-General Pagin has seen all of the evidence thus far gathered, so as to be ready to draw an indictment should the case progress that far.

Mr. TILLMAN. Mr. President, it is well understood by those who read the newspapers that after the efforts which were made to secure the dismissal of the charges against Mr. Walsh before the United States commissioner failed and he was bound over to court to await the action of the grand jury people expected this financial tangle in Chicago to be straightened out. The "admirable financiering" which elicited so much commendation from the Senator from Illinois [Mr. HOPKINS] has failed to accomplish that purpose, and the money of the banks which are in the clearing-house association is tied up. We find that, instead of being able to sell the railroads to liquidate the debts of Mr. Walsh and get things straightened out, the valuation of the roads, which in the last newspaper article I read on the subject was, I think, placed at about twenty-one or twenty-two million dollars, has now shrunk so that no one knows what they are worth, and if knocked off under the hammer it seems as if the chances are for a very large loss to the banks, which may cause further embarrassment. I have nothing to do with that. I do not know whether these statements are true or not, and I do not care. What I want is to have this subject investigated, as I said before when I brought this matter forward, without any special parade or hurrah, because I thought it was a legitimate subject for inquiry. I should like to have the Finance Committee seriously consider the propriety and necessity for examining into the facts and determining once for all what is necessary to be done, and, as the resolution has pointed out, to see that the laws of the United States are obeyed by the national banks, so that this kind of wild-cat proceeding shall not be repeated somewhere else.

Mr. CLAPP and Mr. HOPKINS addressed the Chair.

The VICE-PRESIDENNT. The Senator from Minnesota is recognized. Does he yield to the Senator from Illinois?

Mr. CLAPP. I had no idea this resolution would lead to debate, but I will yield to the Senator from Illinois.

Mr. HOPKINS. Mr. President, I do not propose to take very much of the time of the Senate, but I desire to call the

attention of Senators to the statement made by the Senator from South Carolina [Mr. TILLMAN] that he has no knowledge as to whether the statement made in the article which he has had read is true or false. If that is the only information which he has, it is not such information as men rely upon in a great financial transaction such as is there represented.

I desire again to call the attention of the Senate and of the country to the fact that every depositor in the Walsh bank was paid one hundred cents on the dollar; that everybody who has had any connection with the bank as a depositor or any relation with it in a financial way has been paid in full, and that there are assets enough to pay the full book value to every stockholder in the bank.

The article shows, if I remember its statement, that the Chicago banks advanced something like $14,000,000, and took the bonds and stocks of those various railroads as security in order to finance the situation. I will say to the Senator from South Carolina that I was told by one of those bankers that they had a standing offer of $22,500,000 for those properties. So that will leave a large margin, after paying these banks, to go to Mr. Walsh and the other parties who are interested in the Walsh bank. Mr. Walsh and those interested with him regard these properties as worth from twenty-five to twenty-seven million dollars, and they have been insisting that the properties should not be sold for less than that sum.

The leading bankers there, who represent the great financial interests of Chicago, are in full accord with Mr. Walsh, as I understand, upon this proposition that these great properties, so valuable, as I have just indicated, shall not be sacrificed by any Wall street interest that might seek to depress their value. That is all there is to it. When somebody loses money out in Chicago on this question, it will be time enough for the Senator from South Carolina to characterize it as "wildcat banking;" but up to the present time it is shown that the banking there is of a character that precludes the idea that there should be a loss of a cent to anybody.

Mr. CLAPP and Mr. FRAZIER addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Tennessee?

Mr. ALDRICH. The Senator from South Carolina [Mr. TILLMAN] has asked me a question, which I should be glad to answer, if he desires an answer.

Mr. TILLMAN. Well, I do desire to hear something from the chairman of the Committee on Finance, and to know whether he or the committee has considered this resolution, or whether they will consider it, or whether he thinks the committee—of course, unless the committee has considered it, he can not express any opinion as to what it will think or what it does think—but I should like to have an assurance from him that the committee will do something with the resolution, either adopt it or refer it back here for the Senate's action, or else make some report as to why it does not do it.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Rhode Island?

Mr. CLAPP. I do.

Mr. ALDRICH. One of the subjects included in the resolution is that in regard to contributions for political purposes. That has already been disposed of by the Senate, and that is, therefore, I suppose, out of the jurisdiction of the committee.

Of the other two matters in relation to national banks, I will say that the committee has been very busy of late and, therefore, have not taken those up, not supposing that there was any special haste in regard to them. The question the Senator from South Carolina now brings to the attention of the Senate has not been acted upon by the committee; but I will say that the committee meets to-morrow morning, and I will assure the Senator we will take the matter up.

Mr. TILLMAN. That is all I want. I simply do not want it to die here and that that anomalous condition in Chicago should continue. There must be some foundation for this statement, because the New York Sun is not a yellow journal; it is usually accurate in its news service; and its statement is that there are differences of opinion in the clearing house as to what should be done with these properties, and there may be wreckers in New York and elsewhere who would like to get these railroads so far wrecked and demoralized as to be able to buy them in at a sacrifice. But I am willing to have the committee investigate these matters and determine, once for all, whether the laws of the United States have been broken there and what laws ought to be enacted, if any, to protect the banks.

Mr. FRAZIER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Tennessee?

Mr. CLAPP. The conference report on the Indian appropriation bill is pending, and it can not be acted upon by the other House until the Senate first acts upon it. So I feel that it ought to be pressed to a conclusion; but I understand the bill which the Senator from Tennessee is anxious to have taken up is one merely to change the time for holding circuit and district courts in Tennessee and that both the bench and bar—the bill having passed the House—are interested in knowing what is to become of the bill, so that they may adjust their dates accordingly. In view of that, I make an exception and yield to the Senator from Tennessee.

TERMS OF COURT IN TENNESSEE.

Mr. FRAZIER. I ask unanimous consent for the present consideration of Senate bill 6149, being a bill in relation to the time for holding the circuit and district courts of the United States in certain districts of Tennessee.

The VICE-PRESIDENT. The Senator from Tennessee asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 6149) to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee; in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment.

The VICE-PRESIDENT. The amendment reported by the Committee on the Judiciary will be stated.

Mr. FRAZIER. Mr. President, I will state that a bill has been passed by the other House on the same subject which is identical with the Senate bill. I therefore ask that the House bill may be taken up for consideration, and that the Senate bill be indefinitely postponed.

The VICE-PRESIDENT. The House bill is not at the Secretary's desk. The Chair supposes it to be in the Committee on the Judiciary.

Mr. FRAZIER. Then I ask that the consideration of the Senate bill may be proceeded with.

The VICE-PRESIDENT. The committee amendment will be stated.

The SECRETARY. The Committee on the Judiciary report an amendment, to insert, as section 3, the following:

SEC. 3. That the clerks of said circuit and district courts for the eastern district of Tennessee may reside and keep their offices, respectively, in either the city of Knoxville, Chattanooga, or Greeneville; but said clerks shall each, respectively, appoint a deputy to reside and keep their offices in each of the above-named cities other than the one in which said clerks shall respectively reside and keep their offices; that the said deputy clerks shall, in the absence of their principals, do and perform all the duties appertaining to their offices, respectively.

The amendment was agreed to.

The VICE-PRESIDENT. The Chair would suggest that the House bill has been sent for, and the Chair will recognize the Senator from Tennessee later. The action on the Senate bill will for the present be suspended.

INDIAN APPROPRIATION BILL—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907.

Mr. CLAPP. I understand the Senator from South Carolina [Mr. TILLMAN] desires to be heard.

Mr. TILLMAN. Mr. President, late Saturday evening I brought to the attention of the Senate a matter which has twice before been considered by the Senate and which to me appears wholly indefensible. In order that Senators who were not present Saturday, and who have not read the RECORD, may understand somewhat what is involved, I will restate briefly my objections to having this conference report adopted by the Senate.

I know, Mr. President, of course, that it is practically a hopeless thing for a Senator to attempt to secure the rejection of such a report at this stage of the session. We are all working under pressure; we are tired, fatigued, and worn out with the long, laborious session, and when a matter has been considered in the Senate and then brought back in the shape of a conference report, the usual feeling of Senators is that it must be fairly reasonable and proper, and that it is to be accepted as the inevitable thing. Therefore I have small hope of getting

Senators to vote to reject this report, although there are things in it which would warrant it being sent back to conference with instructions.

The particular item to which I wish to call attention is the matter of Andrew Jackson Brown and the Seminole Indians. In the bill which passed the Senate some six weeks or two months ago to finally dispose of the affairs of the Five Civilized Tribes there was an amendment put on by the Senate committee providing that—

> The disbursements, in the sum of $186,000, to and on account of the loyal Seminole Indians, by James D. Jenkins, special agent appointed by the Secretary of the Interior, and by A. J. Brown as administrator de bonis non, under an act of Congress approved May 31, 1900, appropriating said sum, be, and the same are hereby, ratified and confirmed: *Provided*, That this shall not prevent any individual from bringing suit in his own behalf to recover any sum really due him.

Mr. President, I do not like to insist that Senators shall quit talking and listen, but I will insist because they are going to vote on this report presently and I am determined that they shall vote with their ears open, or their eyes open, anyhow.

The VICE-PRESIDENT. The Senate will be in order.

Mr. TILLMAN. This provision, which was inserted in the Five Civilized Tribes bill, ratified and legalized the action of Brown and Jenkins in disbursing this money. I was informed by a private letter from the Indian Territory that it was an outrageous proceeding; that many of the Indians had been cheated; that there were minors whose rights were involved, and that the Indian Department has instituted suit to protect those minors, and had employed an attorney to press the suits in the United States courts. I saw the chairman of the committee privately, and suggested that this was a bad thing to go in that bill. He said that, so far as he was concerned, he was willing for it to go out. I sat here one evening very late anxious to get an opportunity to have the Senate vote it out, but, having assurance that it would go out in conference if the House did not readily agree to it, I left the Chamber. It was ratified by the Senate, and when the conference report on the Five Civilized Tribes bill came back, instead of the provision being out, it was in. I was informed that the House conferees had accepted it without question, and that the Senate conferees were therefore helpless, and could not get it out.

Well, I made a little talk in the Senate in the course of the proceeding called the yeas and nays on the adoption of the conference report on the Five Civilized Tribes bill; but that provision in it was accepted by the Senate and the provision became a law. Later when the Indian appropriation bill, which we now have before it, came into the Senate, finding that it contained a provision amending the bill in relation to the Five Civilized Tribes, which had just passed and which was then not signed by the President, I thought I might still get a chance to get this piece of bad legislation eliminated, and proposed an amendment repealing this provision of the Five Civilized Tribes bill. The conferees on the part of the Senate agreed to let it go in, and assured me that they would try to hold it in.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. TILLMAN. Oh, certainly.

Mr. CLAPP. This matter having been thoroughly discussed once in the Senate, I do not care to discuss it again, nor do I care to let a statement pass unchallenged which is not according to my understanding of the facts. In reference to this amendment going into the Indian appropriation bill, the Senator from South Carolina asked me if I would see that it was retained. I very frankly told him that he had charged me with bad faith in a case where a Senate amendment had been accepted by the House conferees and the Senate conferees were powerless, and that that was the last promise he would get from me. Whatever I did—and I worked hard to get this in—I did because the Senate had passed the amendment, and not because of any understanding with the Senator from South Carolina.

Mr. TILLMAN. Mr. President, I spoke with the other two conferees. I had very little chat with the Senator from Minnesota.

Mr. CLAPP. The Senator did not say that.

Mr. TILLMAN. I was speaking of the conferees who really had the power. The other two would, of course, outvote the Senator from Minnesota, and they had the controlling hand. I furnished one of them with documents, which were sent to me from the Interior Department, in relation to this claim, which showed its bad character, its outrageous character, and I felt every assurance that the Senate amendment, which I had introduced, which provided for the repeal of this provision in the Five Civilized Tribes bill, being a Senate amendment, and therefore giving the Senate conferees power to insist on it and giving them some leverage on the House conferees, would stay in. But the conference report comes back and this obnoxious provision is left in the law passed to dispose of the affairs of the Five Civilized Tribes, and when this conference report is adopted, if it shall be adopted with that provision in it, this outrage, as I have called it, and I think so still, will be the law.

Why do I call it an outrage? For this simple reason: The litigation which was instituted by the Commissioner of Indian Affairs under the instructions and authority of the Secretary of the Interior is now pending. The lawsuits were begun by the Government to protect the rights and to recover the property or the money due the minors among the Seminoles, for whom Brown had acted as administrator de bonis non. This provision simply ratifying Brown's acts and validating them, puts it out of the power of these little Indian children or orphans to ever recover what is due them, because who can imagine two or three ignorant Indian minors being able to institute a suit or employ any lawyer to go into court to protect their rights and recover the money which Brown misappropriated?

I will read what the Secretary of the Interior in his report, which Senators will find on page 8419 of last Saturday's RECORD, says about this matter. I will just read his conclusions:

> The Commissioner of Indian Affairs recommends, for reasons stated by him, that said amendment should not be enacted into law.
> I fully concur with the Commissioner in his recommendation.

In other words, he wants these lawsuits to be carried to their conclusion and let the man Brown, who is wealthy and powerful, go into court and get such protection as the law will give him—no more and no less. But the proposal here is to validate his acts, to stop the lawsuits, and to turn these orphans loose with no chance for a recovery of their property, unless by some strange and unlikely piece of good fortune some good Samaritan of a lawyer will come along and undertake to conduct their lawsuits for them. I read further down from the report of the Commissioner:

> Special Agent Jenkins paid Andrew Jackson Brown, as administrator of the estates of deceased Seminoles, $151,299.60, of which amount he paid to the Wewoka Trading Company, Samuel J. Crawford, and for cost of administration $103,183.70, which is about 69 per cent of the amount paid him by the special agent.

The Indian Office, after sending an inspector to examine into this matter, reported—

> that the payment to Mr. Crawford seemed to have been made without authority of law; that in most of the cases payments were made without the consent of the persons from whose estates the deductions were made, and that proper action should be taken to recover the amount so paid Mr. Crawford.

Further on I read a statement from Mr. Crawford himself, who appears to have been in Washington, and doubtless has appeared before the Committee on Indian Affairs. It is dated Washington, May 14, Ebbitt House, and in it he says:

> Would it not be more honorable for the Government to pay this balance—

A balance of $252,000, which he says is due the Seminoles—

> rather than try to compel the administrator to again pay that which he has already paid? This, it seems to me, would be better for the Indians than if the Government should adopt a course calculated to impress upon their minds the fact that they are under no moral obligations to pay their honest debts.

Mr. Crawford is very kind in advising Congress to let this matter rest, after having secured this special piece of legislation validating the payment to himself and validating the action of Jenkins and Brown in disbursing the $186,000.

I read further on in a memorandum submitted by the chairman of the committee a statement by Messrs. Butler and Vale, who have doubtless been employed as attorneys of Mr. Brown—

> It is now conceded that the appointment of Brown as administrator was without authority of law and improvidently made, and that the money of minors was paid over to him by Jenkins without legal authority.

And yet when the Government of the United States, which is in effect the guardian of these Indian orphans, begins lawsuits to determine whether what has been done is wrongful or illegal, the Senate is asked—and the Senate has granted the request—to put into this bill a provision that all the acts, whether lawful or unlawful, whether wrong or right, are ratified and confirmed, and therefore the lawsuits will be stopped and the action of the Commissioner of Indian Affairs and of the Secretary of the Interior will be ignored and in a manner a reprimand will be administered to those officers for attempting to discharge their duties.

I do not know that I care to say anything more, Mr. President. It seems to me very clear that in dealing with the money of Indians nothing can ever be done here without some lawyer appearing on the scene and acting as their agent and going

before some committee and getting the indorsement of that committee for legislation which will in the end enable the lawyer to get a very large percentage of the money.

In the Colville Reservation matter, which we had up Saturday, we find that these very same attorneys, Butler and Vale, have been before the committee; that they secured the insertion of a provision which looks to recognizing the debt of the Government—a million and a half dollars—and appropriating at this time a hundred and fifty thousand dollars, which went into the bill as passed by the Senate. But the conference have reported back a provision which strikes that out and refers the claim of the attorneys—who have some claim; I do not know what sort of one, whether honest or dishonest, just or unjust—to the Court of Claims for adjudication and report, and I suppose that in due time we will have some other lawyer employed to collect the remainder of the money and get the Treasury to pay it. So this will go on. While we have money here belonging to the Indians, recognized as belonging to them, appropriated by Congress, it can not be collected and paid to them until some lawyer comes here and goes before a committee and gets a provision in some bill authorizing its payment and, of course, gets a good fat fee for it.

I shall ask the Senate at the proper time to disagree to the report, and send it back with instructions to strike out this provision.

Mr. SIMMONS obtained the floor.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from North Carolina yield to the Senator from Colorado?

Mr. TELLER. I desire to discuss the question which the Senator from South Carolina has just discussed.

Mr. SIMMONS. I yield to the Senator from Colorado.

Mr. TELLER. I will proceed now on this proposition.

It will clarify things somewhat, I think, Mr. President, to have the facts come before the Senate, and one of the most important points in this discussion is that these Indians have not been Indians within the meaning of the law for a large number of years. They are citizens, and were citizens before this appropriation was made, and the attorney who appeared for them appeared for them not as members of a tribe, not as Indians within the meaning of the law, but as citizens of the United States. He made a contract with them through a committee appointed by those claimants, specifying the percentage he should receive. This is not the statement that the Senator from South Carolina [Mr. TILLMAN] made. He understands that they are Indians, because he says they are under the guardianship of the United States. That is a mistake. They are not under the guardianship of the United States any more than any other citizens of the United States.

Mr. TILLMAN. Will the Senator pardon me?

Mr. TELLER. Certainly.

Mr. TILLMAN. I was speaking broadly and of the actual condition rather than of the technical, legal situation, and realizing, as the Senator himself must, that the bill which was passed a little while ago, a month ago, for the settlement of the affairs of the Five Civilized Tribes took charge of their entire property, handled it, distributed it, worked it in any shape we saw fit, made allotments, and provided everything connected with it, the Seminoles being among those Indians, I do not see how the idea of guardianship can be got away from. We are in actuality and in honesty their guardians, whether we are legally or not.

Mr. TELLER. The Senator from South Carolina is not accurate in the last statement any more than he was in the first. We did not attempt to touch or interfere with the personal property of these Indians in the bill to which the Senator refers. The Government did claim, under a decision of the Supreme Court, that although they had become citizens, the Government, having exercised rights over their real estate, might still continue to do so. But there has been no claim at any time that the Government had any control over the personal property of these Indians.

Mr. TILLMAN. Let me ask the Senator a question.

Mr. TELLER. Certainly.

Mr. TILLMAN. When the money was appropriated for these loyal Seminoles, a hundred and eighty-six thousand dollars, through what instrumentality and at whose initiative was Brown appointed administrator?

Mr. TELLER. That I can not answer.

Mr. TILLMAN. As I understand, there were families of deceased Indians who had rights to a part of the money appropriated, and the Indian agent, Jenkins——

Mr. TELLER. He was not the Indian agent; he was a special agent.

Mr. TILLMAN. A special agent; anyhow, he had to do with Indian affairs. Jenkins was paid the money by the Government here and authorized and required to disburse it according to law, of course. He goes to the Indian Territory; I do not know how it happened; I have no facts; I can only guess; but he and Brown being friendly, Brown somehow or other got the administratorship. He did not get it legally, because Mr. Butler says it was not lawful. But still Mr. Jenkins paid to an illegally appointed administrator the money intrusted to him by the Government to pay to these Indians. What I am contending against here is that instead of letting the courts—for which the Senator has so much respect and which we all ought to respect—instead of letting the law settle it and let the rights of Brown and everybody else concerned be passed upon by the courts, we step forward and take the responsibility upon ourselves in the Senate to say "We know Brown is an honest man; we know that Brown has not stolen a dollar; therefore we ratify his acts and Jenkins's acts." I want the courts to determine whether or not Brown has stolen any money.

Mr. TELLER. If the Senator will let me go on and make this speech, and not make it himself, I will give him the facts and not guesses, as he has given. I do not intend to do any guesswork here.

Mr. TILLMAN. I am guessing from the official record.

Mr. TELLER. I do not think I need to say that I have as much interest in the proper discharge of the duties of this Government as has the Senator from South Carolina, and I do not think it would be boasting if I should say that I know a good deal more about the facts in this case than does the Senator from South Carolina. I will show a case before I get through in which, if the Senator has any desire to protect the Indians, he will find a wide field for his sympathy and operations.

I want to go back to the beginning. During the war the Seminole Indians divided into two parts. A part of them were in sympathy with the Confederacy and a part in sympathy with the Government of the United States. Quite a large number of them entered the service of the Government; some of them went the other way. The property of those who remained at home—I am speaking about those who were loyal to the Government—and the property of those who went into the Army was destroyed and appropriated by the Confederate forces, composed in part of Seminole Indians who were disloyal to the Government.

At the close of the war the Government of the United States made a treaty with them and recognized their services. I will not say whether there was one regiment or two, for I have forgotten, but there was at least one regiment in the public service. Before I state the proposition that I started on, I desire to say that the regiment was commanded by Samuel Crawford, who was a colonel, and I believe afterwards a brigadier-general; but at that time he was a colonel. These Seminoles were members of his regiment. At the close of the war Mr. Crawford became governor of Kansas. He was governor for four years. While I was engaged as Secretary of the Interior I made, I think for the first time, the acquaintance of Governor Crawford, who had more or less matters pertaining to Kansas interests and some pertaining to Indian affairs before the Department. I have known him since, and that is in the neighborhood now of twenty-five years. I have always known him as a man of character and good standing. I know that has been his reputation in the community in which he lives.

In the early part of the session Governor Crawford came to me with the suggestion that Mr. Jenkins, who had been appointed by the Government to pay out this money, had paid over a portion of it to a man whom it was afterwards found was not legally entitled to receive it from the Government, and Mr. Jenkins could not get an acquittance from the Government if the Government was disposed to say it was paid to an improper person; that under a condition which did not in the slightest degree reflect upon the integrity of Mr. Brown, he had paid out the money to parties who were entitled to it, under a mistake of law, supposing that he had been properly appointed an administrator for these people.

There are not many Senators present, Mr. President, but I should like to have the attention of those who are here.

Mr. TILLMAN. I think it is of importance that there should be a quorum present, and I make the point of order that there is not one in the Chamber.

The PRESIDING OFFICER. The point of no quorum having been made, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Beveridge	Burnham	Clay
Ankeny	Blackburn	Carter	Crane
Bacon	Bulkeley	Clapp	Cullom
Bailey	Burkett	Clarke, Ark.	Daniel

Dillingham	Hopkins	Millard	Scott
Dolliver	Kittredge	Morgan	Simmons
Dryden	Knox	Nelson	Spooner
Dubois	La Follette	Nixon	Sutherland
Flint	Lodge	Overman	Teller
Frazier	Long	Patterson	Tillman
Gallinger	McEnery	Perkins	Warner
Hale	Mallory	Pettus	Warren

The PRESIDING OFFICER. Forty-eight Senators have responded to their names. A quorum is present.

Mr. TELLER. I was saying, in response to the inquiry of the Senator from South Carolina, that Mr. Brown paid out this money as administrator and was afterwards held not to be legally appointed, and the proceedings were irregular, owing to the fact that it was supposed at that time that the laws of Arkansas were in force in the Seminole country, when, in fact, they were not, and were not put in force there for some years afterwards.

A large number of Senators have come in since I commenced talking, and I fear before I reach that point in my remarks they may leave. So I desire to say again that one of the prominent features of this case, which must be kept in mind, is that these people are citizens of the United States, and were citizens of the United States when they made their contract with their attorney; and when I have detailed the history of this case as I understand it, there will be nobody in this Chamber, or outside of it either, who will not say that they were entitled to employ attorneys, and that no discredit can come to the attorney who took their case, but some discredit may come to the Government of the United States that it created the necessity for attorneys in this case.

I will now refer to the administrator's acts. He became administrator supposing the Arkansas law was in effect in that section of the Indian Territory when it was not. Every proceeding under the law was correct, except that the court in one instance made an order in chambers which ought to have been made in court; and subsequently, when Mr. Brown presented his report for approval, it was examined and approved by the judge in chambers when it is now said he should have approved it in open court. That was a proceeding the like of which exists practically everywhere. I will venture to say that in 90 per cent of the cases where the courts pass upon accounts of this kind, while the order may be made in open court, the examination is usually made in chambers, because there it can be done with much better ease and with much greater safety than from the bench. Mr. Brown reported to the court. The court accepted his proceedings as correct, and approved them.

I think I will go back and commence from the beginning again, not repeating what I have said except so far as may be necessary to make it consecutive with what I desire to say now.

At the conclusion of the war, in 1866, the Seminole Indians, who had been loyal to the Government, set up the claim that they had suffered by reason of their loyalty, and they desired the Government to make them some compensation for the property they had lost and for the injuries they had suffered because of their loyalty. The Government made a treaty with them, which I have before me, in which the Government recognized the fact that they were loyal—they could not ignore if they would—and provided in that treaty that a commission should be appointed to determine what the Indians had suffered, what was the value of the property they had lost, and in what cases they were entitled to compensation for property so lost. That was some time in 1866.

Some time in 1867—if anybody is particular about the dates I can give them exactly—this Commission was appointed, as provided by the treaty. They made the examination. The Government advanced $50,000 before this examination was made. The Commission reported that there was due, over and above what had been paid, subtracting the $50,000, $163,000 in round numbers. In section 3 of the act providing for this Commission there was a provision inserted, which any Senator may see, that if there was an amount found due greater than the $50,000 which had been paid, it should draw interest at 5 per cent per annum until it was paid.

Mr. President, that report was made on the 26th day of November, 1867. I hold before me a copy of the report, with the names of all the people who were entitled to receive and the amount which they were entitled to receive. Bear in mind this is not a claim and never has been a claim made by the tribe. It is a claim for losses by individuals. The Commission found how much each individual was entitled to. I listened to a debate here the other day wherein it was said (and it will probably be said again) that where an amount is found against the Government there is no necessity for any attorney to come here to secure the payment of it. There is nobody in this country who is authorized to pay out money, no matter how certain it may be due by the Government of the United States, until the Congress of the United States has made an appropriation for that amount. From the 26th day of November, 1867, until 1902 there was no appropriation of that money made. The Indians appeared here from time to time.

In 1898 we made another treaty with them, or another arrangement, which can also be found in the statutes, by which we agreed that the Senate of the United States should pass upon the question of this unpaid amount, and whatever the Senate did find should belong to them. There was nothing in the world to do but to compute the interest on the balance due—$163,000—in order to find how much was due these Indians.

In the act of 1866 this tribe of Indians ceded to the Government of the United States more than 2,000,000 acres of land, now occupied by white citizens in the Territory of Oklahoma, for the munificent sum of 15 cents an acre, amounting to three hundred and some fifty-odd thousand dollars. I am not going to make any claim that there was anything wrong with this transaction, but it is pretty certain that the Government, then the guardian of these Indians, put a very small price upon the land that the Indians ceded to us, which the Government subsequently sold for a dollar and a quarter an acre, if it sold it at all.

Year after year came these Indians here for their money. But before the act of 1898 they employed Governor Crawford, who had been the colonel of some of them and the colonel of some of the ancestors of these claimants, as is stated, under a written contract. Governor Crawford came here repeatedly. Finally the Senate Committee on Indian Affairs repudiated the claim made by the Indians for $163,000 and 5 per cent on it from that time to the time the matter was before the Senate committee. Thereupon it was said, as a compromise, "We will give you interest on this $163,000 from the time you made the agreement with the Government of the United States," and that gave them about $20,000. That is added to the $163,000, amounting to $23,000, I think, making $186,000.

Now, Mr. President, I stop a moment, and I want some Senator, with the statute lying before him, in which the Government agreed to pay 5 per cent on any amount that should be found above the $50,000, to tell me, subjecting that question to the law of common decency, by what right the Government of the United States had through its committee and through this body and the other to declare that these Indians should take $186,000, leaving unpaid $250,000 due them according to the contract the Government had made with them? And then the Government in that bill required of them that they should accept every dollar that they accepted in full of all that ought to have been paid them.

Mr. President, that is a history which is not respectable. That is a history which no American citizen can be proud of. Whether they were Indians or white men, or Indians who were citizens under the law, they were entitled to the money the Government had agreed to pay them, and which they would not have had to-day if it had not been for the persistent effort of Governor Crawford, coming here year after year, until he finally secured an appropriation for the payment.

You can readily conceive, when I give you these facts, that if Congress, acting through its committee, would pay less than half what was due, it was not likely to pay any of this amount unless some virile force made it necessary that it should be paid.

Mr. President, if any Senator who thinks that attorneys are not needed here when the Indian has a claim against the Government, will take that case and look at the record he will not need to take my statement or anybody else's. It is in black and white. It is on the records that can not be disputed. There is the report of the Commission. There is the contract made in 1866. There is the contract made in 1898. The evidence is abundant of the persistent effort of these people to get the money due them, and which they have received only comparatively recently.

When Congress had made that appropriation the Government sent a man by the name of Jenkins down to pay it out. Mr. Jenkins was not, as supposed, I think, by the Senator from South Carolina, their agent, but a special agent charged with the disbursement of this fund. He went down there, and Mr. Brown was at that time, as I understand he is yet, the treasurer. I suppose the tribe has still a semiofficial relation. He was the treasurer of that organization or tribe. The Government recognized him as the administrator. The Government required him to put up a bond of $300,000 for the proper discharge of his duty as such administrator. He put up that bond, and Mr. Jenkins, supposing him to be administrator de jure, as he was de facto, paid over to him the money that was to be paid to the Indian minors and the heirs, and I suppose in a great measure, undoubtedly as he had

to do, turned the matter over to the man who knew the Indians and who has as much character among the Indians as any man there. I have the assurance of the Senator who sits in front of where I speak when here that Mr. Brown is a man of the highest character in the community in which he lives.

Mr. TILLMAN. Will the Senator pardon me?

Mr. TELLER. I will.

Mr. TILLMAN. All that can be brought out in the courts there, where Mr. Brown——

Mr. TELLER. I wish the Senator would wait until I get through. I will touch on the court when I come to it. I know as much about this case as the Senator does, and I would rather make this speech myself.

Mr. President, I want to say here, as a lawyer, that every act Mr. Brown performed in connection with that matter is a legal act. He was the administrator de facto, if he was not de jure. He had given a bond. No man can go into court and say: "I have got $50 from you, but you had no right, as administrator, to take it from Mr. Jenkins, and therefore I will not recognize it as a payment." That is the position not only of the Senator from South Carolina, but I am sorry and ashamed to say that that is the position of the Commissioner of Indian Affairs on this proposition.

Governor Crawford came to me and told me the situation. I had never before heard of the matter. He detailed to me the exact conditions, and I introduced at the proper time—not immediately—the amendment. Later, in February, came this letter from the Commissioner of Indian Affairs, by which he notified us that suits had been brought. Thereupon the committee added what the Senator from South Carolina ignores, that nothing should prevent suits being brought by any individual who had a legal claim against either Mr. Brown or Mr. Jenkins. The only office, then, of that provision of the law, so far as the United States Government is concerned, was simply to say that Mr. Brown and Mr. Jenkins had discharged their duties properly so far as the General Government was concerned. Ex industria the committee said: "We will not interfere with the suits that have been brought. We will leave that where it is."

Now, Mr. President, the Government has brought no suit. The suits must be brought and can only be brought in the name of the individuals. They are not disturbed in the slightest degree. If Mr. Brown—I hear of no suits against Mr. Jenkins at all—if Mr. Brown can not defend himself and show that he properly paid out the money, then Mr. Brown is a man, I am told, of sufficient wealth to respond, and he has given a bond that is good for $300,000 that the Government holds. There will certainly be an opportunity for these complaining Indians, if complaining they are, to get redress.

Mr. President, the Senator from South Carolina has repeated, whenever he had an opportunity, that we have interfered with the processes of the court. I repeat the Government has no suit pending, and I do not know that the Government ever anticipated bringing suit against Mr. Jenkins or Mr. Brown. I doubt whether, under the conditions existing, they could have maintained a suit even if there had been misappropriation, to the extent that it may be claimed, of the fund. However, that is not a matter now which concerns us. The interference of the committee was for the purpose of protecting Mr. Brown and Mr. Jenkins against any claim that the Government of the United States might have made, and when the amendment was introduced I will venture to say no member of the committee, certainly not the Senator who introduced it, had information that any suit was pending.

Mr. CLAPP. If the Senator will pardon me, I think it will perhaps throw light on the matter to say that he is absolutely correct. The Government is not bringing this suit. The Government is rather supervising the expenditure of the money to the Indians. Some $12,000 being left over, a very industrious attorney down there thought it needed being placed in circulation, and he got the Government in a sort of pro forma manner to stand behind him in bringing two hundred and odd suits. The money, I take it, is rapidly disappearing.

Mr. TELLER. Mr. President, I want to say a few words about Mr. Brown's payments. It has been the custom in the Indian Territory for years when Indians had a claim against the Government to go to a trader and get credit on the strength of what they would ultimately receive. While I have no doubt that in some instances the Indian has suffered by that system, I know a great many of the traders have suffered worse than the Indians because of the long delay.

Here is a claim adjudicated by the court that we provided, lying here for thirty years, with no effort on the part of the Government to pay it, with a persistent demand by the Indians that it should be paid, and when it finally got before a committee the poor Indian was told that he might take less than one-half or he would get nothing, and then the Government said: "You must release the entire claim or you will get nothing at all."

Mr. Brown, following the practice, paid to those who claimed to have the debt, with the consent of the Indians wherever they were capable of consenting. Where they were minors and could not consent he paid under his bond. I repeat that no act of Congress can deprive any citizen down there of his claim against Mr. Brown if he paid the money to the wrong party. He has his action in that case.

Mr. President, I should have cared but little about this amendment except that I believe Governor Crawford to be a man of high character. I believe he had earned the money, and I know whereof I speak when I say he did not solicit from the Indians this engagement, but they forced it upon him because he had been their colonel and because of his relations to them in the past. The amount paid him is, I understand, in accordance with the contract which he had made not with the tribe of Indians, but with citizens of the United States acting, as all such communities must act, through a committee appointed by them.

Mr. President, there has been no complaint made that I know of by these Indians that they have been swindled. That is the complaint of the man who has brought these suits. I can not say what his fee is to be, but I understand that somebody down there has a fee by which 50 per cent of all that he shall recover from Mr. Brown is to be paid. I have no doubt that that is a fact.

PANAMA CANAL.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE. I inquire if the Senator from Nebraska is ready to address the Senate upon the unfinished business?

Mr. MILLARD. I am not ready this morning to address the Senate, but I expect to do so on Wednesday morning after the morning hour.

Mr. KITTREDGE. I ask unanimous consent that the unfinished business be temporarily laid aside, in the light of the statement of the Senator from Nebraska.

The PRESIDING OFFICER. The unfinished business will be laid aside unless objection is made. The Chair hears no objection, and it is laid aside.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 59. An act providing for the establishment of a uniform building line on streets in the District of Columbia less than 90 feet in width;

S. 2270. An act for the relief of Nicola Masino, of the District of Columbia;

S. 4170. An act to amend an act approved March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes;" and

S. 4268. An act changing the name of Douglas street to Clifton street.

The message also announced that the House had passed a joint resolution (H. J. Res. 172) to supply a deficiency in an appropriation for the postal service; in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MORRELL, Mr. GREENE, and Mr. MCLAIN managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 17881) permitting the building of a dam across Crow Wing River between the counties of Morrison and Cass, State of Minnesota, and it was thereupon signed by the Vice-President.

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask that the message just received from the House of Representatives, relative to the school bill, be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18442) to fix and regulate the salaries of teachers, schools officers, and other employees of the board of education of the District of Columbia, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. BURKETT, Mr. SCOTT, and Mr. GEARIN as the conferees on the part of the Senate.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907.

Mr. TELLER. Now, Mr. President, I wish to add a word or two more. There is nothing in this bill, there is nothing in this proceeding that will prevent the Government from continuing the course that it has adopted of encouraging some man down there to bring these suits. There ought to be something in the bill that would prevent the Government from paying out the money of these Indians that has not yet been paid to this attorney, whoever he may be. If the Government chooses to pay the expenses of this litigation, it can do so, if it has the funds, and I suppose it can pay them out of the funds that belong to the Indians who have not yet been found or who have not claimed it. However, this litigation down there is not in the interest of the Indians, but in the interest of some man who wants to make a fee.

Mr. President, I expressed some feeling on this subject the other night. I have some feeling on it. I am not proud of the statement that I have to make here. Yet, Mr. President, after nearly thirty years of active public service here, I can say that it is but a sample, and not an exaggerated sample either, of our treatment of the Indian tribes of this continent when it comes to paying our just and proper debts.

Mr. President, I think perhaps, on the whole, I had better leave this matter where it is. My experience in the Senate, and in another place in connection with these affairs is—and I will sum it up in a few words—that the Government of the United States never paid an honest debt to an Indian until it was compelled to do it. One of the greatest troubles we have had in securing proper legislation has been that every movement to right the wrong of the Indian has been met on this floor and on the other by those who did not know anything about the subject, and who took charge of it, in spite of the protests of those who knew the facts and who were ready to do justice, so far as they could, to the Government and the Indian alike.

Mr. President, I am glad, in some respects, that we have reached a point in the history of this country when there are no longer any wards for us, or, practically only a few at least, for I am sure if the history of our guardianship shall ever be written in truth, as it is, it will be the blackest and most disgraceful chapter in our whole history as a nation.

When I say that I do not mean to say that we have not dealt with the Indians more liberally than any nation in the world ever dealt with the natives. There is no history where an invading nation like we were, coming into a country occupied by the natives, has ever dealt with them as liberally as we have. We have made the most extraordinary contracts, because there was not proper attention paid to them.

We have recognized titles that did not belong in the Indian, and we have entered into a solemn obligation to pay them for land which in part we ought to have opened and held, and that they did not own. When we found we had made a mistake or when we began to doubt whether it was what we ought to have done, then we have quietly repudiated the obligation, until the Indian has believed for more than two generations that the white man always spoke to him with a forked tongue.

Now, Mr. President, this case is neither infamous nor outrageous. If it is infamous at all, it is in the fact that this debt was not paid. If it is infamous at all, it is infamous because we demanded that they should take a small part of the money when they ought to have had it all. If it is an outrage, Mr. President, it is an outrage because they were compelled to come here and prosecute a case, and hire lawyers to do it. I have always said, and I repeat now, for we shall soon be done with this class of cases, in every instance where a lawyer came here and prosecuted a case before the committees and before the courts, the Government of the United States ought to have been compelled to pay that fee and not the Indian.

Mr. SIMMONS obtained the floor.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from North Carolina yield to the Senator from Wisconsin?

Mr. SIMMONS. If he desires it.

Mr. SPOONER. Does the Senator want to speak on this subject?

Mr. SIMMONS. I am going to speak on the amendment involving the payment of attorneys' fees which has been discussed in connection with this subject.

Mr. TELLER. Will the Senator from North Carolina yield to me?

Mr. SIMMONS. Certainly.

Mr. TELLER. I desire to put in the RECORD, at the close of my remarks, Senate Document No. 72, Fifty-fifth Congress, third session, leaving out the list of names. I ask permission to do that.

The PRESIDING OFFICER. Leave will be granted, if there be no objection.

Mr. TELLER. I do not wish the names, because that is immaterial; I should like to have the amounts put in, but not the names.

The report referred to is as follows:

[Senate Document No. 72, Fifty-fifth Congress, third session.]

LOYAL SEMINOLE ROLLS AND LOSSES.

DEPARTMENT OF THE INTERIOR,
Washington, January 20, 1899.

SIR: On January 18 the Department received the resolution of the Senate of the United States dated 17th instant, as follows:

"Whereas by article 4 of the treaty of March 21, 1866, with the Seminole Nation of Indians, the Secretary of the Interior was authorized to investigate and determine the losses sustained by loyal Seminoles during the war of the rebellion; and

"Whereas by the agreement of December 16, 1897, with said nation it was and is provided as follows: 'The loyal Seminole claim shall be submitted to the United States Senate, which shall make final determination of the same, and, if sustained, shall provide for payment thereof within two years from date thereof:' Therefore

"*Resolved*, That the Secretary of the Interior be, and is hereby, requested to furnish the Senate with a copy of the roll of said loyal Seminoles, and also a copy of the report of the commissioners appointed by him to investigate and determine said losses, in pursuance of the said treaty of 1866. And be it further

"*Resolved*, That the Committee on Indian Affairs be, and is hereby, instructed to investigate the matter, in accordance with said treaty and agreement, and report by bill or otherwise its conclusions to the Senate, with such recommendations as may be deemed advisable."

Said resolution was duly referred to the Commissioner of Indian Affairs for early report in duplicate. In compliance with said resolution, I now have the honor to transmit copies of the loyal Seminole rolls and the report of the commissioners appointed to investigate Seminole losses.

Respectfully,

C. N. BLISS,
Secretary.

The PRESIDENT OF THE SENATE.

WASHINGTON, *November 26, 1867.*

SIR: The undersigned, a commission by appointment of the Secretary of the Interior, under the authority of the fourth article of the treaty of the 21st March, 1866, between the United States and the Seminole Indians, "to adjudge and determine the claims of loyal Seminoles for losses actually sustained by reason of their having remained loyal and faithful to their treaty stipulations to the United States during the recent rebellion," etc., respectfully report that having received our instructions, we immediately started for the Seminole country.

By appointment of the Acting Commissioner of Indian Affairs, it was arranged that the commission should meet in the city of St. Louis, Mo., on the 14th of August. The undersigned were prompt in their meeting, but failed to meet a third commissioner, of whose appointment we had been duly advised. We waited a reasonable time for his appearance, then telegraphed the Department for instructions, and received an answer authorizing us "to wait one day longer, and if he did not appear, then we should proceed and execute our mission without him." Acting upon our instructions, we promptly left St. Louis and proceeded by the most direct and expeditious route to the field of our labors. After a fatiguing trip, made long by the modes of travel incident to the far West, we reached the Seminole Agency on the night of the 9th of September, and on the morning following we began our duties.

Upon our arrival we found the northern portion of the Seminoles in council, and at once put ourselves in communication with them, making known our business, and thus giving the "public notice" required by the terms of our instructions, which notice was promptly disseminated among the people of the nation by the chief and headmen of the different bands. We also communicated with John Jumper, a chief residing with the southern portion of the Seminoles at the old agency, distant 50 miles, and requested that he would make known our arrival and business among that portion of the Seminole people. In due time we received his acknowledgment, which, with a copy of our letter, is herewith transmitted.

It will be seen by reference to some of the claims that the claimants have put in for loss of guns; also for loss of cash (gold and silver coin). In the instance of a loss of guns, we have, through witnesses, satisfied ourselves that the claimants carried a gun off with them at the time of leaving home, and only allowed for guns when the claimant carried away one or more and had to leave others behind.

In the item of cash, occurring in some of the claims, we have made our investigations as full as possible, always satisfying ourselves through witnesses that the claimant actually possessed said money and lost it on account of the disturbed condition of the country in consequence of the rebellion. In every such case the money was lost at the Budd Creek fight, occurring on the night of the 25th of December, 1861, while the claimant was endeavoring to escape from the rebel forces then overrunning the Seminole country.

These loyal Indians had successfully beaten the rebels in two previous fights, but on the 25th of December they were surprised in camp and many massacred, and lost all their effects. We are of opinion that the claimants are entitled to include said item in their bill of losses, as much so as if the loss had been in cattle, especially so when we consider that their best efforts were exhausted to prevent its loss.

Our investigations were thorough in each case, especially as regarded the amounts and the estimates or prices therefor; we obtained reliable information from disinterested persons of prices ruling the market in the Seminole country at the breaking out of the war, and in our awards governed ourselves accordingly. We are satisfied that the prices allowed the claimants are reasonable and just, certainly not too high.

We held our sessions as a board from day to day, and neither commissioner transacted any business in the absence of the other. We received much valuable assistance in our investigations from the chief, John Chupco, and the headmen of the various bands; also from Robert Johnson, interpreter.

In our expenditures for expenses we were as economical as circumstances would allow, and feel warranted in saying that we incurred no bills, chargeable to the Government, except such as were necessary to the proper discharge of our duties.

During our labors we examined and determined 340 claims, amounting in the aggregate to $213,915.95.

Respectfully submitted.

J. TYLER POWELL,
J. W. CALDWELL,
Commissioners.

Hon. O. H. BROWNING,
Secretary of the Interior.

List of claims of loyal Seminole Indians adjudged and determined by J. Tyler Powell and J. W. Caldwell, commissioners appointed under the provisions of the treaty of March 21, 1866.

	Amount claimed.	Amount passed.
* * * * *	*	*
SUMMARY.		
Manwell band	$15,947.40	$14,602.40
Foos Hotsche band	9,612.50	9,434.50
Pow hos fixico band	13,474.85	13,284.85
Pas cofa band	19,803.20	19,630.95
Ko a harjo band	27,025.20	27,025.20
Foos harjo band	19,414.50	19,414.50
Cho fixico band	11,477.25	11,477.25
Ah ha lock fixico band	31,305.45	31,305.45
Nuth ko buck ny band	16,872.85	16,872.85
John Chupco band	23,737.05	23,187.05
Jim Lane band	14,686.45	14,686.45
John Brown band	12,994.50	12,994.50
Total ($213,888.95)	216,351.20	213,915.95
	213,915.95	
	2,435.25	

After correcting clerical errors the actual amount is $213,888.95.

Mr. SIMMONS. Mr. President——

Mr. TELLER. If the Senator will allow me to interrupt him for a moment further, I have just received a letter from the Secretary of the Interior in which he says that I am quoted as saying on Saturday that within the last two years we paid attorneys in the Indian Territory $750,000 upon a contract approved by the Department of the Interior, as the law required, and gave them a million and a half dollars, etc.

I think I may have said that, but I was under the impression that that contract was approved. I know Congress appropriated the money. I think, perhaps, the Senator from North Dakota [Mr. MCCUMBER], who I see here, would be able to state more about the matter. I gave it no personal attention at the last session. But the Secretary says the Department did not approve the contract. However, the fact remains that it was paid. I think I had better put into the RECORD the letter. It was left to some court down there to determine. They were claiming a million and a half dollars. The court held that they were entitled to $750,000. I ask to add that to what I have said.

The PRESIDING OFFICER. The letter will be printed in the RECORD, if no objection is made.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
SECRETARY'S OFFICE,
Washington, D. C., June 11, 1906.

Hon. H. M. TELLER,
United States Senate.

MY DEAR SENATOR: My attention has been called to your remarks on Saturday, as reported in the CONGRESSIONAL RECORD, on page 8414, reading as follows:

"Within the last two years we paid attorneys in the Indian Territory $750,000 upon a contract approved by the Department of the Interior, as the law required, which gave them a million and a half dollars, etc."

In reply to which I respectfully ask you to correct this statement, as such contract was never approved, in whole or in part, by the Department of the Interior.

The facts are as follows:

The value of a citizenship in the Choctaw Nation was estimated at $5,000, and it was claimed that some 4,000 Mississippi Choctaws, through certain attorneys, were endeavoring to have their names enrolled for the purpose of sharing this asset, if secured.

Messrs. Mansfield, McMurray & Cornish, of South McAlester, claimed that if these 4,000 applicants for citizenship were enrolled it would represent a total of $20,000,000, on a $5,000 citizenship valuation, and the assets available for those Choctaws that were regularly enrolled would be diminished correspondingly. In order to prevent this, they secured the approval of the chiefs of the Choctaw and Chickasaw tribes of a contract on the basis of 9 per cent for preventing the enrollment of these 4,000 Choctaws, which contract, if carried out in its entirety, would have given them a fee of $1,800,000.

As you are aware, section 2103 requires that all contracts with Indians, to be effective, must have the approval of the Secretary of the Interior. Such approval, because of its extraordinary terms, was refused by me and, without going into details, the matter was then taken by Messrs. Mansfield, McMurray & Cornish to Congress, which left the matter of compensation to the citizens' court, which was organized to dispose of these Choctaw cases, and the last act of that court was to award to Messrs. Mansfield, McMurray & Cornish the $750,000 fee which you, in an unintentional error, stated was approved by this Department. On the contrary, this Department took every means within its power to prevent the payment of said fee, going so far as to ask the opinion of the Attorney-General, who decided that this Department was powerless, because the matter had been taken out of its hands by Congress.

Respectfully,

E. A. HITCHCOCK,
Secretary.

Mr. SIMMONS. Mr. President, I desire briefly to address myself to the amendment made by the conferees to the Senate amendment providing for the payment to certain attorneys of $150,000 for services rendered in connection with the collection from the Government of compensation for certain lands purchased by the Government from the Indians. Before I conclude I wish to call particular attention to what I regard as a very extraordinary proviso at the end of the amendment which the conferees made to the Senate's amendment. Before doing that I shall——

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. SIMMONS. Certainly.

Mr. CLAPP. I should like to inquire what amendment the Senator is directing his remarks to?

Mr. SIMMONS. It is amendment numbered 191.

Mr. CLAPP. All right.

Mr. SIMMONS. Before doing that, Mr. President, I wish to make some general observations upon the proposition to have this very large sum of money paid these attorneys.

I do not know anything about the facts in this case further than I have been able to gather them in the course of this debate. It may be that these attorneys are entitled to this money, but from the statements that have been made during the course of this debate, in my opinion, if they are entitled to any part of it, and I think probably they are entitled to some part of it, they are not entitled to all of it, nor to any great portion of it. I am utterly unable to see what services have been rendered by these attorneys which constitute legal services, except that in connection with the investigation of the titles to these lands.

As I understand it, the Government desired to purchase from the Indians certain lands. An agreement was entered into for the purchase of those lands. It was discovered that perhaps there was some question as to the title of the Indians to the lands, or at least to a part of them, and it became necessary, as I understand it, to make a legal investigation to ascertain whether the title of the Indians was good and such as gave them the right to convey these lands to the Government. Nobody will question that legal services of this character ought to be paid for, and ought to be paid for liberally, but I take it that nobody will contend that such services as might be required in connection with the looking up of a title, or if it involved a number of titles, to a million and a half acres of land is worth the great sum of $150,000.

The Government itself would not pay any such sum of money as that for such service. No individual or corporation would think of paying any such sum as that. That, I say, is, to my mind, from the statements which have been made in this debate, the only service rendered by these attorneys for which they have in law a claim against these Indians.

I am aware of the fact that it has been the custom of the Government, in allowing attorneys' fees in these controversies growing out of the interest of Indians, to be exceedingly liberal to attorneys. Enormous fees have been paid in this connection—fees large enough, in some instances, to make a man independent for the remainder of his life; but, Mr. President, that is all wrong. These Indians are in the nature of wards of the Government.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. SIMMONS. Certainly.

Mr. McCUMBER. I simply wish to ask the Senator from North Carolina whether he does not believe that the Court of Claims will take into consideration what services have been legally performed and for what character of services no compensation should be allowed, if there were such services, and also, instead of paying $150,000 to determine what properly would be a fair fee and proper fee for proper legal services?

Mr. SIMMONS. Mr. President, I have no doubt in the world that the Court of Claims will take into consideration these questions, but——

Mr. McCUMBER. May I call the Senator's attention to the fact that the action contemplated is not an action upon a contract, but an action on the quantum merult to determine the value of the services rendered wholly independent of contract?

Mr. SIMMONS. I understand that.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Colorado?

Mr. SIMMONS. Certainly.

Mr. PATTERSON. The Senator from North Dakota [Mr. McCUMBER] does not state the proposition exactly. If it were as he states it, perhaps little or no objection could be made; but it is admitted on every hand that as to any contracts entered into in 1903 or 1904, or somewhere along there, such contracts at that time became as though they had no recognition; and certainly all that ought to be recovered under those circumstances would be the quantum meruit. When the committee in the amendment propose to refer this matter to the Court of Claims they do it with this direction:

> And in determining the amount of compensation for such services the court may consider all contracts or agreements heretofore entered into by said Indians with attorneys who have represented them in the prosecution of said claim, and also all services rendered by said attorneys for said Indians in the matter of said claim.

It comes pretty nearly to a direction to the court to let them have what Congress in this amendment will set aside—$150,000. It is not a command; it is not a direction to give them a certain $150,000, but it directs the court to take into consideration the contract that will give them $150,000 for services rendered on that contract, that contract now being a new and absolutely void contract. It is that element of this amendment which ought not to be in it. To my mind, it is very clearly intended that the Court of Claims shall be moved or directed in their investigation and final determination of this matter by the terms of the contract itself.

Mr. McCUMBER. The Senator from Colorado will recall that there is no direction, no command, merely an authority given, as I understand it, that the court may take into consideration, if they see fit, the matter of any contracts heretofore made between the attorneys and the tribes for the purpose only of determining what are the usual or proper charges for work of that character in that section of the country; and obviously that is the only way they can get at it.

Mr. PATTERSON. That is precisely the necessary result of that interpretation. I think the Senator properly states the question. It directs the Court of Claims to take into consideration testimony which, without this direction, it probably would not take into consideration.

Mr. McCUMBER. It is not a direction, as I understand.

Mr. PATTERSON. Oh, no; but——

Mr. McCUMBER. It simply provides——

Mr. PATTERSON. It will be recognized as a command from Congress.

Mr. McCUMBER. I know we are taking the time of the Senator from North Carolina [Mr. SIMMONS]——

Mr. PATTERSON. That is true, but the Senator from North Carolina does not object to that.

Mr. SIMMONS. No; I am very good natured and very patient.

Mr. PATTERSON. If these attorneys are to be paid for the value of services for which they had no contract, no court should be directed to take into consideration documents which could not properly otherwise be considered under the rules of evidence, and which they would not otherwise be permitted to take into consideration. Congress setting apart $150,000 and directing or suggesting that the court shall consider the contract which gives $150,000 is equivalent to saying that, in the judgment of Congress, the court ought to give that amount.

Mr. McCUMBER. I want to say that in the amendment Congress does not set aside $150,000. That part is stricken out of the amendment, and it will become no part of the proposed new law.

Mr. SIMMONS. Mr. President, the Senator from Colorado [Mr. PATTERSON] has anticipated me. I was going to say that I thought it was entirely proper, and, so far as I was concerned, I had no objection to the Court of Claims passing upon this question and allowing these attorneys such sums of money as it might find were due them upon a quantum meruit; but, Mr. President, if that were the sole purpose of the conferees when they injected this amendment into this bill, as the Senator from Colorado says, why did they incorporate in that amendment what is tantamount to a direction to the Court of Claims to take into consideration the contracts which were made with those attorneys and which had in law expired and become of no effect four years ago? It is manifest, Mr. President, that this amendment is so drawn as to carry the question before the Court of Claims with an intimation, or what is in the nature of an intimation, on the part of Congress that these attorneys are to be paid under a contract which has become void and of no effect. I can not see any other purpose in embodying in this amendment the specific reference to which I have referred and to which the Senator from Colorado has referred, unless it was expected to have that effect.

But, Mr. President, as I was proceeding to say, the Government has been exceedingly liberal with attorneys of Indians when paying out money which belongs to the Indians. It has repeatedly paid fees which, compared with the ordinary compensation of attorneys in this country, were fabulous. In some instances they have paid fees which have made men rich. I think it was the Senator from Colorado [Mr. TELLER] on Saturday, in discussing this amendment, who referred to one case in which Congress had indirectly, if not directly, given its assent to the payment to certain attorneys of the sum of $750,000 out of a total fund of about a million and a half dollars due the Indians, or 50 per cent of the whole.

The Indians are the wards of the Government; they are, in a sense, children; they are under disability; they can not act for themselves; we have to act for them. That being the case, Mr. President, when the Government is providing for fees or the expenditure for any other purpose of Indian funds it ought to hold itself to the same degree of responsibility that a court of chancery holds a guardian in dealing with the funds of his ward. If we were to apply that test in this case, in my judgment, disallowing that part of the fees here claimed which are immoral and illegal, and as being contrary to public policy, this fee, instead of being $150,000, would not be one-tenth of that great sum.

Mr. President, I do not question for a minute that it is perfectly legitimate and proper that an attorney may, in certain cases and for certain purposes, appear before the Departments here at Washington and appear before the committees of Congress. If there is a question of fact involved in any controversy before the Department in which the Government is interested, or in which these Indians, the wards of the Government, are interested, I can see no reason why it should not be represented before the Departments for the purpose of presenting to the Department or to the committees of Congress for the purpose of presenting to that committee those facts or the evidence of those facts. So, Mr. President, if there is involved before a Department or before a committee of Congress a controverted question of law, I can see no reason why it is not legitimate and proper that counsel should appear, and there present an argument, throwing light, or tending to throw light, upon those difficult and complex questions of law.

But, Mr. President, the testimony in this case shows to my mind clearly that there is not in this particular instance a single controverted fact outside of the investigation of the title to these lands, to which I referred, nor a single question of law to be settled and determined by the Department or by a committee of Congress.

The Government had made a contract. That contract definitely and specifically fixed the price to be paid for the land. That contract specified the location of the land, specified the number of acres that were to be required and the price to be paid per acre. There was no controversy either before the Department of the Interior or before the committees of Congress as to the contract, as to the price to be paid, or as to the property stipulated to be bought; the only question of fact or law in this whole matter was as to the title of the land which the Government had contracted to buy.

I say it is perfectly legitimate to pay these attorneys for the investigation of that title, but I say that $150,000 to investigate the title to a million and a half acres of land, or one hundred titles that might be involved in the whole tract, would be an enormous sum and out of all proportion to the services rendered.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Colorado?

Mr. SIMMONS. Certainly.

Mr. PATTERSON. I want to state to the Senator from North Carolina that there was in reality no question of title at all.

Mr. SIMMONS. It has been stated that there was. I do not know anything about it, except from the statements made.

Mr. PATTERSON. The facts, as gleaned from the letter of the Interior Department to the committee of the House, are that there was no title in question at all. The President by Executive order set apart a certain area of land in Washington for the Colville Indians.

Within a short time it was discovered that the area set apart embraced five or six hundred whites, two or three small villages, and a jail and a few other public improvements. Thereupon a new Executive order was made that gave to these Colville Indians a smaller area of land. Then a commission was appointed to negotiate a treaty for the surrender of the possession of one-half of the last area that had been set apart. The contract was negotiated, and a million and a half dollars were to be paid. The Secretary of the Interior communicated that treaty or agreement to Congress and asked for the appropriation. Congress deliberately determined that the Indians had no title that the Government was bound to regard. It was simply a title of possession, and, because Congress concluded at that time, in 1902, that the title of the Indians was not such that the Government was bound to pay attention to it, Congress did not ratify that contract, but proceeded to legislate with reference to the land that it had secured by the treaty, opening it up to settlement, setting apart certain portions of it for the Indians, and doing various other things with it. The only controversy that has existed from that time to this has been as to whether or not the title, such as it was—that is, a mere possession or taking possession of this great area of land by the Indians under Executive order—constituted a title that the Government or Congress ought to respect. There has never been any investigation of the title. It has been simply a contest on the one side that the title was such that Congress ought to regard it, and up to the present time Congress declaring that it was a title that the Government was not bound to observe. Ultimately a settlement was made recognizing the validity of the contract, but there has never been an abstract of title or a record examined or one item of work done by an attorney in the matter of determining whether or not these Indians had any title, legal or equitable, beyond the facts I have stated.

Mr. SIMMONS. Then, as I understand the Senator, there has been no investigation of the title to these lands?

Mr. PATTERSON. None whatever.

Mr. SIMMONS. But the Government has taken its chances as to the soundness or unsoundness of the title. If that be true, Mr. President, then, in my judgment, there have been no services, so far as the debate discloses and so far as the facts have been presented, performed by these attorneys that constitute legal services for which they ought to be paid. If they have performed no service in the investigation of the title, if there have been no controverted facts that had to be presented to the Department and the committee, if there have been no questions of law that had to be argued before the Department or before the committee, then the sole consideration for this demand upon the Government to put its hands into the funds of its wards is based upon the contention that these eminent counsel have been able to exert sufficient influence upon the Department and upon the Houses of Congress to secure the passage of an act of Congress referring their claim for fees to the Court of Claims.

Mr. PATTERSON. I want to state one other fact. The Department has always been with the Indians; the Department has always wanted Congress to make this appropriation, and all that remained to be done was to induce Congress to make it.

Mr. SIMMONS. That simply lessens the services which these gentlemen performed, and reduces it to a proposition of these gentlemen to have the Congress send to the Court of Claims a claim based upon no other consideration than that they have been able to persuade the committees of this Congress to provide through legislation for the payment of this bogus claim.

Mr. OVERMAN. May I interrupt my colleague?

Mr. SIMMONS. Certainly.

Mr. OVERMAN. Such considerations as those, under the Supreme Court decisions, are void in law.

Mr. SIMMONS. I am going to discuss that. Mr. President, while I have frankly admitted that there are circumstances under which it is proper for attorneys to appear before committees of Congress and to be paid for their appearance, yet if that appearance is simply for the purpose of exerting influence to bring about legislation——

Mr. OVERMAN. For a contingent fee.

Mr. SIMMONS. Or if it is for a contingent fee, then that contract, based upon payment for services of that kind, is according to the decision of the Supreme Court of the United States, read in this body by my colleague [Mr. OVERMAN] on Saturday, and according to the uniform decisions of the courts of this country, an immoral contract and void, as being against public policy, and it ought to be.

If it be proper to refer this case to the Court of Claims—and I do not know enough about the facts to venture a positive opinion that it is not proper to do it—it is also proper, Mr. President, that this discussion should take place here; and if Congress has not heretofore let it be understood that it placed the seal of its condemnation upon the appearance of attorneys before the committees of this body simply for the purpose of lobbying, it is time that we should not only give the courts to understand, but it is time that we should let the district attorneys of the United States, who represent the Government in cases of this kind, understand that they are to put that defense before the court and insist upon it.

The Senator from Massachusetts [Mr. LODGE] on Saturday, in answer to the decision cited by my colleague, referred to a case in his own State in which an attorney had been allowed by the court a large sum of money for appearing before the Departments here and before the committees of Congress. I think he said that the court allowed it. The Senator did not state what court; I do not know whether that case went to a court of last resort. If it were merely the adjudication of some court of first instance, it goes for naught. If it were the adjudication of the highest court in this land—the Supreme Court—it goes for naught, unless the specific question of the immorality as against public policy of the contract was set up by the attorney as a defense.

We all know that ordinarily a court can not take cognizance of anything except what appears of record. Every lawyer knows that ordinarily a court can not pass upon any defense which is not raised by the pleadings. It is true that if enough appears from the record to show that the court has not jurisdiction or power to try the question, then the court must of its own motion take cognizance of that fact; but a decision of the Supreme Court sustaining a contract for services to appear before a committee of Congress would not in itself settle that question, unless it appeared affirmatively that in the pleadings made up in the court of first instance that specific defense was set forth. Therefore, Mr. President, I say it is of the highest importance here that this discussion should take place, and that the Senate should give an expression of opinion which the district attorney who will be in charge of this matter on behalf of the Indians in the Court of Claims will have to recognize, to the end that he may in that court present the defense that this contract was based upon an immoral and illegal consideration and, therefore that the contract was void as against public policy.

It was said, I believe, both by the Senator from North Dakota [Mr. MCCUMBER] and the Senator from Colorado [Mr. TELLER] that the contention that this was an illegal contract had no force because it was claimed that there are statutes of the United States which recognize the right of the Indians to employ counsel.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Colorado?

Mr. SIMMONS. Yes.

Mr. PATTERSON. In order that the record may be complete upon this question of the controversy over title, I want to read a short extract from a letter written by the Commissioner of Indian Affairs to the Secretary of the Interior in relation to this $1,500,000 under the contract to show that there were no services to be rendered in the Department because the Department had always held that it was a valid contract, that there was no controversy over the title, and that it was simply a matter of duty on the part of Congress to make the appropriation. This is the closing paragraph of that letter.

> In all of the reports made by this Office in regard to the rights of the Indians to that part of the reservation ceded to the United States in the agreement dated May 9, 1901, it has expressed the opinion that the Indians had a good and valid title to the land in question.

Mr. MCCUMBER. The Senator read "May 9, 1901." Did the Senator read it correctly?

Mr. PATTERSON. Yes, May 9, 1901. That is the date of the agreement, I think.

Mr. DUBOIS. It should be 1891.

Mr. McCUMBER. 1891 is the date of the agreement.

Mr. SIMMONS. Will the Senator from Colorado object to putting that matter in after I have finished?

Mr. PATTERSON. It is only three or four lines.

In all of the reports made by this Office in regard to the rights of the Indians to that part of the reservation ceded to the United States in the agreement dated May 9, 1901—

It ought to be 1891—

it has expressed the opinion that the Indians had a good and valid title to the land in question, and that they ought to be paid the amount stated in the agreement made with them by the commission appointed for that purpose.

Mr. DUBOIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. SIMMONS. Certainly.

Mr. DUBOIS. This treaty, if you will excuse me for just a little explanation——

Mr. SIMMONS. Yes.

Mr. DUBOIS. Was made in 1891 by a commission, at the head of which was Judge Fullerton, the Government agreeing to pay the Indians a million and a half dollars for a million and a half acres, and there were some other considerations in the treaty. Congress, in 1892, ratified the agreement, except to pay the Indians this money, and the committee of the Senate then made a report that these lands did not belong to the Indians; that they were created by an Executive order, and the Indians had not any title to the land. That report of the Senate committee, made by General Manderson, has stood as a bar against that payment up to and including the present time. The attorneys have been contending against the report of the Senate committee.

Mr. PATTERSON. The Senator from Idaho is not altogether correct in his facts. This is also an extract from the letter from which I have been reading:

This agreement was, by letter of January 6, 1892, with a draft of a bill prepared by this Office, transmitted by the President to Congress for its action. The correspondence relative to this matter up to the submission of the agreement to Congress is printed in Executive Document No. 15, Fifty-second Congress, first session.

The Senate Committee on Indian Affairs refused to recommend the ratification of the agreement, taking the ground that the Indians had no title to the reservation set apart for them by the Executive order of July 2, 1872, which the Government was bound to recognize and which would, in effect, be recognized by the ratification of the agreement. (See Senate Report No. 664, 52d Cong., 1st sess.)

In lieu of ratifying the agreement a bill was reported by the Senate committee vacating the north one-half of the reservation (the part proposed to be ceded by the agreement), which bill became a law July 1, 1892, without the President's approval. (27 Stat. L., 62.)

Mr. DUBOIS. That is precisely what I tried to say.

Mr. PATTERSON. The Senator said Congress ratified it, but did not pay the money. It distinctly refused to ratify it.

Mr. DUBOIS. Congress took their lands. It ratified the treaty to that extent. It took this land away from the Indians, but refused to appropriate the money, on the ground that the Indians had no title to the land. As a matter of fact, the Government did take their lands, opened to settlement, and sold the land for a dollar and a quarter an acre——

Mr. PATTERSON. A dollar and a half an acre.

Mr. DUBOIS. Until the free-homes bill was passed. Then they let other settlers take the land for nothing. Those are the facts, and the necessity for the employment of attorneys is obvious. They were employed, and they have been employed ever since.

Mr. SIMMONS. I do not understand that even the Senator from Idaho contends that these attorneys made any investigation of the titles or furnished the Government with any chain or abstract of title.

Mr. DUBOIS. I will say to the Senator from North Carolina that they did. Evidently this debate will continue for a half hour or so, and I will have all of that evidence here. I did not suppose it would be necessary. I presumed the Senate would take the word of the committee, who have gone into it carefully and before whom all this evidence has been exhibited, showing the services of the attorneys for all these years. But it will be here in a few moments, and I will submit it to the Senator or to the Senate.

Mr. SIMMONS. I stated in the beginning of my remarks with entire frankness that my understanding from the statements made on this floor on Saturday, was that there had been some service rendered the Government by these attorneys in the way of investigating titles to this land, and that I thought they ought to be paid for making those investigations a reasonable and a fair price. The question whether there was any such investigation was raised by the Senator from Colorado, who stated that his information was to the effect that no such investigation had been made, and that no abstract of title had ever been furnished to the Government; and I said if that was true there was no consideration which the law recognizes as a legal and valid consideration for the payment of this large sum of money which it is proposed to have the Court of Claims pass upon, or even for the reference of this matter to the Court of Claims. But if there were services of the character indicated by the Senator from Idaho, they were legitimate services and they ought to be paid for, and I would have no objection whatever to the reference of this matter to the Court of Claims for the purpose of ascertaining what was the reasonable value of that service, and I would be glad to have the gentlemen get it.

But, Mr. President, that is a diversion. I had passed that part of my argument. I was replying to the contention made here on Saturday that Congress had directly recognized this class of contracts, and that the legislation which had taken place upon the subject of paying attorneys for appearing before Congress and the Departments in behalf of the Indians was to be taken as the sanction of Congress to the validity and binding effect of such contracts.

I have not read all of the statutes. I have, however, examined the statute read by the Senator from Colorado to sustain that contention, and, in my judgment, it has nothing to do with the question which we are now discussing. That statute simply clothes the Indians with the power, under certain circumstances and conditions and with certain safeguards, to contract for the sale of their lands and for the payment of attorneys. Without that statute these Indians were under a disability. They had no power to contract, such as I have and such as the ordinary American citizen has. The only office of this statute was to confer upon the Indians, within the limitations and circumstances specified in that statute, the same contractual powers than an ordinary citizen possesses. An ordinary citizen, while possessing the power to contract, has no right to make an illegal contract; and when the laws of Congress confer upon the Indian the power of contract that I possess as a free citizen, it does not confer upon him any right to make an illegal contract.

That is the contention which I am pressing now—that as there were no facts to be established by testimony before the Department or the committees of Congress, as there were no controverted questions of law to be argued before the Department or before the committees of Congress, the only possible consideration for these services, outside of the investigation of title, was the services performed by these attorneys in the way of persuading the committees, or, to be blunt and short about it, the only service to be performed was the service of a lobbyist, and it is against the public policy of this country, and it ought to be against the public policy of this country, and every other country, to prevent recovery for services of that character.

Mr. President, I stated in the outset that before I concluded I wanted to call attention to what I regard as an extraordinary proviso in this amendment, made by the conferees to the Senate amendment, for that is what it is. It is this: After providing for sending this case to the Court of Claims, and after specifying that the Court of Claims shall take into consideration a contract for fees which it is admitted has expired and become void, and the payment of the whole sum collected to Butler & Vale, they insert this proviso:

Provided, That before any money is paid to any attorney having an agreement with Butler & Vale as to the distribution of said fees each of the same shall execute and deliver to the Secretary of the Interior a satisfaction and discharge of all claims and demands for services rendered said Indians in the matter of their said claim.

Now, immediately before that proviso is a provision authorizing the payment to Butler & Vale of the whole sum that may be found by the Court of Claims to be due all these attorneys—that which is due other attorneys, as well as that which is due them as attorneys. They are made the receivers of the full amount embraced in the judgment of the Court of Claims, and then comes a proviso which recognizes the fact that the Government might be under legal obligations to other attorneys than Butler & Vale, and unless it secured a discharge and acquittance from those other attorneys, it might be subject to an additional claim and a future suit; and it provides that after Butler & Vale have received the money, they shall not pay it out until these other attorneys present a receipt in favor of the Government. In other words, if I can construe the English language, the effect of this provision is to make Mr. Butler and Mr. Vale disbursing officers of the Government, as to the amount of this fund found due attorneys other than themselves.

If the Government has a liability in this matter to these other attorneys that it is proper it should protect itself against by requiring receipts, why not require those receipts to be made to the Treasury Department and the money paid out by the Treasury Department? Is it not an unheard-of thing that the Government should turn over its funds, recognizing in the law

that it needs a receipt and has not a receipt, and then say that the parties to whom it shall turn over that money shall not pay it out until a receipt is presented to the Government? I think myself it is a very extraordinary proceeding, and I do not understand why the committee should have inserted such a proviso in this bill.

Mr. President, for a long time it has seemed to me that the Government in paying out the funds of Indians did not exercise that care and that prudence and that economy which common justice and ordinary fairness in dealings between man and man required, to say nothing about the higher duties which the Government placed in the position of guardian, as it is, owes to its ward. I had made up my mind at the first opportunity to express myself against this practice of the Government in paying out Indian funds without regard to the interest of the ward and with such lavish liberality and extravagance. This is the first opportunity I have had, and I have gladly availed myself of it.

Mr. SPOONER. Mr. President, a few words only on the amendment to which the Senator from Colorado [Mr. TELLER] addressed his remarks. In this bill, as it was reported from the Committee on Indian Affairs, was found this item:

> The disbursements, in the sum of $186,000, to and on account of the loyal Seminole Indians, by James D. Jenkins, special agent appointed by the Secretary of the Interior, and by A. J. Brown as administrator de bonis non, under an act of Congress approved May 31, 1900, appropriating said sum, be, and the same are hereby, ratified and confirmed: *Provided*, That this shall not prevent any individual from bringing suit in his own behalf to recover any sum really due him.

I do not intend to criticise the conferees. The management of the bill has been one, I concede, involving a great deal of trouble and a great deal of labor, and I in no way would impeach the good faith of any of the conferees. I am told and the Senate has been told that this provision was insisted upon by the conferees on the part of the House, and it being a Senate amendment, they were helpless to prevent its incorporation in the bill as reported by the conferees.

The Commissioner of Indian Affairs and the Secretary of the Interior both protested against the incorporation in this bill of that amendment, their objection, as I understand, going, as mine does, only to a portion of it. I think it is a vicious piece of legislation, and absolutely indefensible. I listened to the Senator from Colorado with great interest, but he did not address himself to the grounds upon which this portion of the provision, it seems to me, to be without the slightest foundation in reason. I do not defend the Government against the charge which he brings against it of having been an unfaithful, unwise, and indifferent guardian of the Indian, using the word in a generic sense. No one can successfully controvert, in my opinion, his proposition. But, Mr. President, the guardianship of the Government, inefficient, unjust, dilatory as it was, was infinitely better and kindlier to the Indians than the policy adopted by the Congress under which by an act of legislation the Indian became a citizen, removed from the guardianship of the Government, and subject, without limit, to spoliation by the white man; and that in substance is his present condition.

Mr. President, these Indians ought to have been paid long ago. The Senator from Colorado is right about that. They broke away from their band and adhered to the cause of the Union during the war; very many of them entered the Army of the United States, and naturally they paid the penalty in the destruction of their crops, the loss of their cattle, and the destruction, in many instances, of their homes. They had no legal claim against the Government, but it was an unique and exceptional case under the circumstances, and if any government ever owed a debt of honor, this Government owed it to the loyal Seminoles to ascertain as speedily as possible their loss and to secure to them prompt reparation. And there is no reason or justification to be given for withholding it for many years, and for the necessity being put upon the Indians to employ lawyers to jog the Government, to prick the conscience of Congress, and to secure the ascertainment and ultimately the payment of the money with interest.

Mr. TILLMAN. Will the Senator allow me?

Mr. SPOONER. The Senator will pardon me. I am in a hurry to get through.

Mr. TILLMAN. I was just thinking that the Senators who will come from the cloak rooms and the committee rooms presently to vote upon this question——

Mr. SPOONER. I beg the Senator not to make any suggestion of that kind.

Mr. TILLMAN. I am interested in this matter; I started this racket; and I want Senators to vote intelligently. I suggest, Mr. President, there is no quorum in the Chamber.

Mr. SPOONER. The Senator can not compel anybody to vote intelligently.

Mr. TILLMAN. I can at least have them responsible if they vote wrongly.

Mr. SPOONER. The Senator has once performed this operation.

The VICE-PRESIDENT. The Senator from South Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Culberson	Hansbrough	Pettus
Ankeny	Cullom	Hemenway	Piles
Bacon	Daniel	Kean	Rayner
Bailey	Dillingham	Kittredge	Scott
Beveridge	Dolliver	Knox	Spooner
Blackburn	Dryden	La Follette	Stone
Brandegee	Dubois	Long	Sutherland
Bulkeley	Flint	McCumber	Taliaferro
Burkett	Foraker	Mallory	Teller
Burnham	Frazier	Money	Tillman
Burrows	Fulton	Morgan	Warner
Clapp	Gallinger	Overman	Warren
Clarke, Ark.	Gearin	Patterson	Wetmore
Clay	Hale	Perkins	Whyte

The VICE-PRESIDENT. Fifty-six Senators have answered to their names. A quorum is present. The Senator from Wisconsin will proceed.

Mr. SPOONER. I shall take but a short time.

The Government at last appropriated $186,000 to be paid to the loyal Seminole Indians, and appointed J. D. Jenkins as special agent to make the payments. Jenkins made the payment to A. J. Brown—Andrew Jackson Brown—agent of the tribe and administrator of the estates of deceased Seminoles. No impeachment of the good faith of J. D. Jenkins is made, as I understand. He paid in perfect good faith the $186,000 to Andrew Jackson Brown, who supposed he had been regularly appointed administrator.

Mr. TILLMAN. The Senator is in slight error there. He paid only $153,000 to Brown, and the remainder, I suppose, he accounted for or else has it on hand.

Mr. SPOONER. Call it $153,000. That does not go to the merit or demerit of what I want to say. I am perfectly willing, and was perfectly willing when this matter was pending in the Senate before, to cure liability upon the part of Jenkins, special agent of the United States, which might arise or be held to arise from the invalidity of the appointment of Andrew Jackson Brown as administrator. If this bill had confined itself to that, I should have no objection whatever to it.

The Senator from Colorado has paid a tribute to Governor Crawford. So far as I know it is a just one. I have never heard anything against Governor Crawford, and I have heard much in his favor. If the Senator from Colorado is right, if these Indians were citizens of the United States, I know of no reason, none has been given, why they were not bound by the contracts which they made with Governor Crawford under which he was paid by Andrew Jackson Brown the $27,000.

Andrew Jackson Brown, Mr. President, from the papers, was something of a Pooh-Bah. He never ought to have been appointed administrator of these estates, nor do I think he should have been the agent of the tribe. But that was for them to determine. These Indians were creditors of the firm of which Andrew Jackson Brown was a member and of which he was an agent, and as the administrator——

Mr. TELLER. I understand it was a corporation.

Mr. SPOONER. Very well; he was a stockholder in the corporation, and he was its agent, and acting as administrator he dealt with himself.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. TELLER. I do not know whether he was the agent of the company or not. He paid the money over to the company. Whether he was the agent of the company I never heard.

Mr. SPOONER. It is so stated by the Department of the Interior. As administrator, appointed not by the United States but appointed by the court, representing the estates of deceased Seminoles, he dealt with himself and with his own financial interests. He paid over to the company—the letter signed by Mr. Leupp, Commissioner, shows—all this money, or, as it is put here, he collected from himself as administrator of Seminole estates for the Wewoka Trading Company, of which firm he was a partner, you may say, of which company he was a stockholder, and for which he acted as agent, $72,783.84.

Every lawyer knows, and every fair-minded man knows without being a lawyer, that he could not properly act in that double capacity, for if there is one thing clear above another it is that trustees can make no profit out of the trust estate for themselves; that administrators shall not be permitted to rep-

resent the estate of another and deal with it at the same time from a selfish and personal standpoint.

I agree with the Senator from Colorado that notwithstanding Andrew Jackson Brown's appointment as administrator was technically illegal, because of some mistake in the law, adults from whom he took receipts and to whom he paid what they were entitled to receive would not be able to recover the money again from him. They would in equity be estopped. They would have dealt with him as administrator, they would have received from him what belonged to them, and that would be the end of it.

But it is different as to the minors. What became of their money? It does not appear from the papers here that the children of deceased loyal Seminole Indians had any guardians appointed by law. It is not presented, as shown by these papers, that Andrew Jackson Brown stopped for that in his payment of money belonging to minors. He paid over to the guardians by nature, as these papers show. One of the guardians by nature had died; it may have been the father, it may have been the mother. Then what happened, Mr. President? The guardian by nature paid back to Andrew Jackson Brown, the papers show, the debts incurred by these minors to this trading concern and their proportion of the fee due to the attorneys.

Who spoke for the minors in that transaction—for the Indian girls and the Indian boys? I have not understood that the guardian by nature has control of the estate of the ward, while the guardian by nature does have control of the person.

So Andrew Jackson Brown, as administrator, paid over to the guardian by nature, or whom he considered the guardian by nature, money due to these minors or to their estates, and then he takes from this guardian by nature into the coffers of his trading company the debts incurred by these minors. It is not in evidence here that they were consulted about it. It seems from the papers that Andrew Jackson Brown was the tribunal which audited these accounts and which passed upon the obligations due from these minors, fixing the amounts, to this trading company.

Mr. McCUMBER. May I ask the Senator a question?

Mr. SPOONER. Certainly.

Mr. McCUMBER. Does not this bill provide in such a manner that the minors may still have an action against Brown? I am simply asking for information.

Mr. SPOONER. The minors would need no such provision if it were not understood that the bill in its relation to Andrew Jackson Brown means something, and if it does mean anything it is a fraud upon the children of the loyal Seminole Indians who have passed away and left their children to be protected by others.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield further to the Senator from North Dakota?

Mr. SPOONER. Certainly.

Mr. McCUMBER. Possibly the Senator gets the idea from the bill that it must be a fraud upon some one, but the method of this appointment has already been explained to the Senator, and the question of the technicality, so far as Brown is concerned, I do not understand that it relieves him from anything except the technicality in the matter of his appointment.

Mr. SPOONER. Mr. President, I am not speaking of the technicality of the appointment or the invalidity of the appointment.

Mr. McCUMBER. What else does it relieve him from?

Mr. SPOONER. I will tell the Senator.

Mr. McCUMBER. All right.

Mr. SPOONER. Nor does the bill speak of the appointment or the technical invalidity of the appointment. It would have the effect probably, for it is blindly, but not unadroitly, drawn in that respect, to validate the appointment. But it goes away beyond that:

> The disbursements, in the sum of $186,000, to and on account of the loyal Seminole Indians, by James D. Jenkins, special agent appointed by the Secretary of the Interior—

I do not object to that. Here Andrew Jackson Brown, who did not represent the United States, with whose transactions the Congress of the United States has legitimately no concern whatever, comes in—

> and by A. J. Brown as administrator de bonis non, under an act of Congress approved May 31, 1900, appropriating said sum, be, and the same are hereby, ratified and confirmed.

It is all right to legalize the disbursements of the special agent of the United States, but why is there wrought industriously into this provision language which ratifies or is intended to ratify and confirm the disbursements made by this administrator appointed by the court to the cestui que trust whom he represented in law? Why is that here? Once legalize the payment by Jenkins to Brown, so far as the United States is concerned, and that relieves Jenkins. I have no objection to that. But why go beyond that, some one tell me, and thrust the Congress of the United States between this administrator de bonis non as to his disbursements and these heirs of deceased loyal Seminoles? I can discover no good reason, Mr. President, for that provision in an act of Congress, and no good reason has been given.

It is said that these disbursements were reported to the court and were approved in vacation, and therefore are invalid. As to adults, I agree with the Senator from Colorado, the disbursements are closed transactions. As to the minors, they are not. If Congress had the power to ratify the payments by Andrew Jackson Brown to guardians by nature, whoever they were, to collect back from the guardian by nature what Andrew Jackson Brown thought belonged and was due or claimed as due to his trading company, what has the Congress to do with it?

The Senator from Colorado says they are American citizens. Very well; that does not better it. That does not remove the difficulty; it simply intensifies it. Why should the Congress step between American citizens who are minors and an administrator whose distribution of the money which belongs to them they challenge?

I wonder if notice was given to these guardians by nature of the settlement of these accounts? It does not appear here. Lawsuits are pending down there, not brought by the Government, but the Government rightly, as a matter of common and decent justice to the dead Seminoles who enlisted under our banner during the war to preserve this Government, have employed special attorneys to see that these minor heirs of deceased loyal Seminole Indians are not wronged by Andrew Jackson Brown. If their money has been paid to some one to whom it could not be lawfully paid, they are not bound by it, and the Congress ought not to put in any act language which would bind them by it, if the Congress has the power. The Senator from Colorado says Congress has not the power.

Mr. TELLER. Does the Senator think it does?

Mr. SPOONER. I do not think it does; and that leads me to inquire why so much toil and labor are expended in keeping in the bill a provision which its friends admit is invalid.

I think it will conserve one purpose, Mr. President. I think this declaration by the Congress of the United States will be deemed by the Indians to mean something, and it may discourage them from pursuing the remedies to which in law they are entitled. But upon what principle of law and upon what principle of fair play, Mr. President, upon what ground consistent with a sense of duty to those people, only a little time ago made citizens, do we bestow such tender care upon the financial interests of Andrew Jackson Brown? He is looking after his own interests. There was no one here except the Department to look after the interests of those who need it most. Andrew Jackson Brown, so far as these papers show, needs no guardian. He looked after his interests and he will continue to do it.

But it is a precedent, Mr. President, which never can be defended. And after passing this law it is provided here (a provision which has no earthly sense except upon the hypothesis that what precedes it so far as Andrew Jackson Brown is concerned is without validity) that this shall not prevent any individual from bringing suit in his own behalf to recover any sum really due him. When you once legalize the payment by Jenkins to Andrew Jackson Brown, of course that is a valid payment as far as the Government is concerned, and that ought to be done. But the Government has no relation to Mr. Andrew Jackson Brown. It has no claim against him for any improper expenditure of the money. The Government is not to call him to account for infidelity in the discharge of a trust. That is a matter for the courts, Mr. President. Why not leave it to the courts? Why invoke the action of Congress? Will some one tell me?

Mr. TELLER. I will.

Mr. SPOONER. I would be glad to hear the Senator do it. Will some one tell me? I should like to know it now. I am curious to hear it. I beg the Senator to tell me now.

Mr. TELLER. When the Senator gets through, I will.

Mr. SPOONER. Very well.

Mr. CLAPP. Will the Senator pardon me?

Mr. SPOONER. Certainly.

Mr. CLAPP. I should like to ask the Senator a question as a legal proposition. It has been controverted, not on the floor, but outside.

> *Provided*, That this shall not prevent any individual from bringing suit in his own behalf to recover any sum really due him.

Would that, in the Senator's judgment, apply to pending

suits? As the Senator can see, the question was whether we can take away from these parties the right of action, and we added this proviso. Would it interfere with suits that are now pending? Do I make the inquiry clear?

Mr. SPOONER. Yes. Will the Senator allow me to ask him a question?

Mr. CLAPP. Certainly.

Mr. SPOONER. Does the Senator regard this language, so far as it relates to Andrew Jackson Brown as administrator de bonis non, of any legal effect, if it shall be enacted?

Mr. CLAPP. So far as I am personally concerned, of course, I do not. I do not believe that Congress can interfere with the rights of those Indians in their claims. But if the Senator will pardon me a moment, I made the statement some time ago that there is not a line in the bill, if it became a law, which would interfere with a pending suit. That statement was vigorously challenged, and I appeal to the Senator, as a legal proposition, if I was not correct?

Mr. SPOONER. Now, let me ask the Senator another question.

Mr. CLAPP. I should like an answer to some of my questions.

Mr. SPOONER. I will answer the Senator's question, but I should like to ask him another question. Upon what possible theory, if he thinks this language is of no legal effect, is it here?

Mr. CLAPP. Upon the same theory that time after time, when we passed legislation, and it may be said that that legislation, as a legal proposition, could affect rights, we add, at the close of a section, "*Provided*, That nothing herein shall be construed" so and so, simply out of supercaution, which has grown up as a practice in legislation.

Mr. SPOONER. I have not been here a great many years, but I have been an attentive member of the Senate while I have been here. This is the first time I have ever known any suggestion or attempt to put a validating act of this sort or any sort between an administrator and the estate which he was appointed to represent.

Mr. CLAPP. Will the Senator pardon me?

Mr. SPOONER. Certainly.

Mr. TELLER. That is not the purpose.

Mr. SPOONER. What is it for, then? Is it to protect Andrew Jackson Brown against the claim of the Government? If you pass this provision legalizing the payment of $186,000 by Jenkins to Brown he goes free of that.

Mr. TELLER. If the Senator will allow me, I will say I think the act would be practically the same if Andrew Jackson Brown's claim is stricken out.

Mr. SPOONER. It would not be the same to Andrew Jackson Brown.

Mr. TELLER. It would be the same to him.

Mr. BLACKBURN. Why not strike it out?

Mr. SPOONER and Mr. TELLER. It can not be stricken out.

Mr. CLAPP. It was at the House provision that this Senate amendment was aimed.

Mr. TELLER. If the Senator desires me, as the question has been asked why so much fuss about this provision, I will tell him. I am engaged on a conference committee, who have sent me word that they want me, and if the Senator will permit me, I will make a statement in a minute, and he will see where the committee stand.

Mr. President, we put this in to ratify the action of Brown and dispense with some technicality. After we had agreed to it, the Department sent up this statement. Thereupon I think the chairman or somebody drafted it so that it should not interfere with any litigation. That we thought was sufficient. When the Senator from South Carolina found fault with it, the Senator who had the bill in charge said specifically that it would go out if there was any objection to it. When it went into conference and got in the proper place, they found it could not go out, because the House would not allow it to go out. A member of the committee from the House, who knows all about these transactions and who probably has had more to do with Indian Affairs than all the men in the Senate [Mr. CURTIS], would not let it be stricken out.

I will wait until the Senator from South Carolina [Mr. TILLMAN] instructs the Senator from Wisconsin what he wants him to say.

Mr. TILLMAN. The Senator from Wisconsin is not instructed by the Senator from South Carolina. I was giving him a statement of fact. I will give it to the Senator if he wants it.

Mr. TELLER. You may give it later.

Mr. TILLMAN. All right.

Mr. TELLER. That was somewhat embarrassing to the chairman of the committee, who had it in hand. So it went into the bill and became a part of the bill. When the time came for the passage of this bill, we put it in the amendment. Everybody agreed that it should go in. The chairman spoke to me about it. I said if there was any trouble about this matter, repeal it; I do not care.

Mr. TILLMAN. The Senator will remember that I introduced it.

Mr. TELLER. Certainly. I did not think it was necessary to repeal it, and I do not think so now. We agreed to that. Thereupon, when it went to the House it was our amendment. Then it was for the House to agree to that amendment; but the House said, "No; we will not agree to it." So there we were.

Mr. TILLMAN. Will the Senator pardon me a moment?

Mr. TELLER. I hope the Senator will wait a minute until I get through. He has plenty of time, while I have to leave to attend a committee meeting.

This is an appropriation bill, which we are anxious to complete. It has come back here. I suppose if the Senate says the provision shall not go out, and it goes back to conference, we shall be met just as we were met before, and the House committee will say it shall stay in. I was entirely willing that the chairman should leave it out; I never asked him to leave it in; but we had no opportunity to leave it in.

We are in this position, Mr. President: This bill is here, and we are asked to set aside this conference report, and send it back to the House to be dealt with in a manner that does not at all require our interference. If Mr. Andrew Jackson Brown has done anything wrong, the courts are open to every man down there; if he is not responsible, I presume the bond he has given to the Government will probably bring that out, so that these people will get their money.

We are anxious to get this bill through, Mr. President. If we send it back, we shall probably have the same controversy over again. So far as I am concerned, I am going to dismiss this case.

Mr. SPOONER. Before the Senator does that, I hope he will permit me to ask him a question.

Mr. TELLER. I propose to go down and attend to some other duties. It is perfectly inconsequential, so far as I am concerned, what is done with the report, except I wished to say what I have said here to vindicate the committee against what I regard as unfounded and improper charges of either incompetence on our part, or what might be considered worse.

Mr. SPOONER. While the Senator from Colorado was out, I took occasion to say that I had no strictures to make upon the committee at all, and I had informed the Senate that this was forced upon them by the House conferees. That I repeat.

In all human probability, Mr. President, this provision will stay in the bill. I opposed it before; I protest against it now, and I put it in the RECORD—and that is why I speak—as a precedent which never ought to be in the RECORD in a case like this.

Mr. TILLMAN. Will the Senator from Wisconsin pardon me a moment?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. I yield for a question.

Mr. TILLMAN. I just want to make a statement, and it is this: In the first instance, the amendment which the Senate put on the Five Civilized Tribes bill was objectionable; but the House accepted it, and the Senate conferees were helpless. In the second case, the amendment which the Senate put into this bill repealed the other, and the House made the Senate give way, or the Senate conferees did give way; they yielded. They were not at the mercy of the House.

Mr. CLAPP. Will the Senator from Wisconsin yield to me for a moment?

Mr. SPOONER. Yes.

Mr. CLAPP. I will describe the condition of the conferees. They were very much in the same condition that the conferees headed by the Senator from South Carolina were on the rate bill when the House insisted that they should take the express companies out of that bill and relieve it of that provision.

Mr. TILLMAN. That means, if it means anything, that the House conferees on this bill said to the Senate conferees, "If you do not take this out, we will report a disagreement." Is that what the Senator means?

Mr. CLAPP. I mean, Mr. President, that I do not believe we can get this provision out. We tried it in the first instance, as I explained to the Senator from South Carolina, upon a personal plea that was embarrassing, in view of the understanding that we had; we tried it again on this bill, but the House conferees insist that they will not let this amendment go in.

Mr. TILLMAN. Now, Mr. President, that causes me to say what I would not otherwise say—that one of the House conferees, who are now charged with being responsible for having the Senate amendment stricken out, tells me that the House conferees did not do that.

Mr. CLAPP. That is a mistake.

Mr. TILLMAN. Well, there you are.

Mr. SPOONER. Mr. President, I think that is a pretty fair illustration of the soundness of the usage which precludes statements by conferees as to what occurs in a conference committee.

Mr. CLAPP. Will the Senator pardon me a moment?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. SPOONER. Certainly.

Mr. CLAPP. Some time ago, early in my chairmanship of the Committee on Indian Affairs, I took occasion to inquire of several older members of the Senate, and was informed that what took place in a conference was always a proper subject of discussion in the Senate.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. NELSON. I desire to say that the amendment under discussion is marked on the bill reported by the conference committee as amendment No. 58, if I am correct. The Senate report shows that the Senate has receded from amendment No. 58.

Mr. SPOONER. The Senate could not very well recede from it.

Mr. TILLMAN. The Senator must not forget that the Senate amendment was to repeal the original Brown proviso, the validating proviso. The amendment in this bill is to repeal the other; and when the Senate recedes, it restores the other to the law, of course.

Mr. NELSON. According to the conference report, amendment No. 58 is out of the bill, the Senate having receded, if this report is correct.

Mr. TILLMAN. In receding, the Senate merely gave up the provision in the original bill, and by holding in this amendment we repeal the other. Senators ought not to get the two things mixed.

Mr. SPOONER. Mr. President, I have not much more to say. It is perfectly clear to me, as I think it will be clear to everyone, what this provision, so far as it relates to Mr. Brown, is understood to mean. The proviso, in that view, would be of no meaning whatever unless the language which I object to means something. As it is, if the gentlemen who favor this—that is, those who are promoting it—I do not mean in the Senate—are correct, it will destroy any cause of action of these minors and then provide that nothing herein contained shall be construed to prevent their bringing suit.

I have no objection to the payment of Governor Crawford. That may be right in amount, and it may not be right. There are other evidences in this paper officially reported here by the Commissioner of Indian Affairs in regard to Mr. Brown. There is too much Brown in this whole business—not "too much Johnson," but too much Brown. Here is a sort of side light thrown on the transactions of administrator de bonis non Andrew Jackson Brown. Here is the Seminole agreement of July 1, 1898, which provides, among other things, that—

> The town site of Wewoka shall be controlled and disposed of according to the provisions of an act of the general council of the Seminole Nation, approved April 23, 1897, relative thereto, and on extinguishment of the tribal government deeds of conveyance shall issue to owners of lots as herein provided for allottees and all lots remaining unsold at that time may be sold in such manner as may be prescribed by the Secretary of the Interior.

A. J. Brown—

Andrew Jackson Brown; the same Brown—

brother of the principal chief—

Who was also a Brown, I take it—

> A. J. Brown, brother of the principal chief, was made secretary of the commission to dispose of the Wewoka town site. This commission selected a tract of 640 acres, within the boundaries of which were permanent improvements claimed by the said Secretary Brown, and 160 acres within the town-site limits were set aside for said Brown, as provided by section 3 of the Seminole act.
>
> In February, 1900, John F. Brown, principal chief of the nation, submitted to the commission a proposition on behalf of himself and his brother, A. J. Brown, to purchase the lots remaining unsold for the lump sum of $12,000. During about three years following the organization of the commission and prior to February, 1900, only seven lots were sold, and the proposal of John F. Brown was accepted and the transaction concluded by the execution of a deed dated February 12, 1900, to John F. Brown, purporting to convey all of the lots in the town site of Wewoka remaining unsold and not otherwise disposed of. The legality of these proceedings was questioned and the Seminole Nation made an investigation, and on December 16, 1903, passed an act declaring that the sale of the town site by the town-site commission "was done in accordance with the law governing the same."
>
> There was still a question as to the validity of the sale of the town site of Wewoka, and Congress, by the act of March 3, 1903 (33 Stats., 1048, 1085), confirmed and ratified the action of the town-site commissioners in disposing of the unsold lots in the town to John F. Brown.
>
> The records of this office show that A. J. Brown—

Who was made the secretary of this commission—

was interested in the purchase and—

The commissioner adds—

> In my opinion Congress has been very lenient with the Browns, so I earnestly recommend that you request that the amendment herein mentioned be eliminated from the bill and that the question of determining whether the distribution was properly made by Mr. Brown be left to the courts.

That is the fair thing to do, Mr. President. That is what the courts are for. If Mr. Brown has been an unfaithful administrator, if these payments by him as administrator to himself as agent of the Wewoka Trading Company were not just, if they are impeachable for fraud, they can be taken care of in the courts. If the interests of these minors who are represented by Mr. Andrew Jackson Brown, administrator, have been spoliated by Mr. Andrew Jackson Brown, the agent, or Mr. Andrew Jackson Brown in propria persona, the court, not Congress, is the place to protect their interests.

As I have said before, I suppose the provision will stay in the bill, but I shall conclude, as I began, Mr. President, by expressing the opinion that it is a vicious and absolutely indefensible precedent that ought not to find its place in any enactment of Congress.

Mr. McCUMBER. Mr. President, during the time the Senator from Wisconsin has been discussing this provision I have tried to figure out how anyone under it can be deprived of any legal right which he or she may have against Andrew Jackson Brown. The name appears here as "A. J. Brown," but I presume it is Andrew Jackson Brown, as stated by the Senator from Wisconsin.

Mr. SPOONER. I took that from the Commissioner's report.

Mr. McCUMBER. I presume it is the same person.

Mr. President, possibly it may be necessary to go over this case briefly once again. Mr. Jenkins was appointed an agent to make the payments; A. J. Brown was appointed administrator for the estate of deceased Seminoles. There are two propositions. Since the appointment of A. J. Brown some question has arisen as to its legality. For instance, the power of appointing referred to a certain statute of the State of Arkansas, I think it was, which was presumed to have effect in the Indian Territory. There was a question about that. The next question that arose was as to the confirmation of the payments made by A. J. Brown. It was afterwards held that the confirmation of the payments ought to have been in open court, instead of by the judge in chambers. So far as the difference between having the report confirmed in open court and confirmed before the judge in chambers is concerned, there can be no possible question. It was a mere technicality. The same judge acts in either instance. The result would have been exactly the same. But so far the payments made by Andrew Jackson Brown have not been legalized by the action of a court, although they have been legalized so far as the judge of that court could have legalized them by his action.

Another party comes on the scene. It is an attorney who wants to bring an action against Andrew Jackson Brown to recover the whole $150,000 paid. On what ground? Not on the ground that it was improperly paid, not on the ground that it was paid to the wrongful parties, but on the ground—a technical one—that his acts have never been confirmed and therefore the payments made by him are illegal. The action which is brought is not an action for a few of these to recover in cases where error might have been made, but an action to recover the whole sum. Who is paying for this? Who is paying the attornew to recover this money?

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. Not just now. Somebody has got to make the payment. Who is it? It is not the individual who has received his money and is satisfied with it. It is paid out of the fund that belongs to these same minors, and soon that fund will be exhausted and they will receive nothing.

As stated in the beginning, I tried to find some way by which I could agree with the Senator from Wisconsin that some one would be injured by this provision. Every person who has a claim against Andrew Jackson Brown has, under the provisions of this bill, a right to bring that action, because it is provided that nothing in the bill shall prevent any individual from bringing suit in his own behalf to recover any sum really due him. No individual is excepted from the operation of that provision. He would have that right independent of the provision. The object sought to be accomplished, if I understand the object—of course, there may have been something in the mind of the

drafter of the amendment or of the bill as it was originally introduced which is not clear—but, as we all understand it, the object was to confirm the payments so far as this technical objection was concerned, and make it impossible for the attorney bringing an action to base it wholly upon that technicality and yet at the same time to provide clearly that it should not cut off any plain, legal right where there was any claim for money due from the administrator. Now I yield to the Senator from South Carolina.

Mr. TILLMAN. As the Senator has stated the case, it is a very clear and pleasant transaction; but I want to ask the Senator whether or not it is altogether fair to the Senate for him to make an ex parte statement without any evidence but merely the statement of the attorneys who are interested to protect Brown; and instead of letting the Senate hold on to this amendment, take out this provision and let the court settle it, we should go forward on the statement of the attorneys who are here to defend Brown and who are employed by Brown to keep this amendment out—I want to ask the Senator if he thinks that altogether fair?

Mr. McCUMBER. Therein, Mr. President, always lies the trouble when a Senator finds fault with a committee about a matter as to which he has not the requisite information. The Senator from South Carolina assumes that there was no evidence, no report, nothing, before that committee, except the bare statement of some counsel appearing on behalf of Mr. Brown. We had before us, Mr. President, at that time the same letters of which he spoke, and we had the statement of the Senator from Colorado [Mr. TELLER], who investigated it on his own account. I did not go into the question of his investigation, because the general committee often leaves it to a subcommittee to report and often takes the word of a Senator as to what the result of his investigation has been.

Mr. TILLMAN. Nevertheless, all the evidence that has been produced, including that filed by the chairman of the committee on Saturday evening, bears out the statement that I made, that there is nothing here whatever to show upon what the Senate had acted except the plea or memorandum of the attorneys in the case. And when we try to have the matter referred back to the courts, where it is now pending, to let the courts settle it and determine whether or not Brown has robbed the Indians, the Senator gets up and makes an ex parte statement, with no evidence to back it.

Mr. McCUMBER. Oh, Mr. President, I am not making an ex parte statement, with no evidence to back it. I am making the statement upon the evidence which was before the committee, of which I am a member and of which the Senator from South Carolina is not a member.

Mr. TILLMAN. Why not produce it and put it in the RECORD?

Mr. McCUMBER. I understand something about this case and what testimony has been produced, and I reassert that the only object of this amendment is to cure that technical defect which made the administrator responsible for the mere fact that, instead of having his account confirmed by the court in open court, it was confirmed before the judge in chambers, or the court in chambers, as it is sometimes called. That, of course, makes an illegal confirmation, and any attorney bringing an action upon any claim, although it may be on a claim of a party who has received every dollar, will attack it, first, upon the ground that it was made without his being the proper administrator, and secondly, that it has never been confirmed by the court, as provided by the law.

There is nothing in that case that is unjust or unfair, or that is intended to be unjust or unfair, and, as the Senator from Minnesota has explained—and his contention has not yet been answered—no suit pending is abated and no suit can be abated by the provision of this bill.

Mr. TILLMAN. I have only a word more to say. The Senator just remarked that no suit can be abated. When these suits come to trial, if they should go on, what will the complainants be met with? They will be met with the act of Congress, saying that the acts of Brown and Jenkins are validated, and, of course, the court will throw the suits out, because the law of Congress will declare the suits——

Mr. McCUMBER. This bill does not say that the act of Brown is validated in the case of any improper payment or lack of payment of those funds. On the contrary, it provides that Brown shall be liable to anyone who has any actual claim against him.

Mr. TILLMAN. The trouble is that the minor children who are being protected by the Government now, and whose estates have been taken by Brown, are left to their own individual effort with no money whatever to employ a lawyer, and no estate which a lawyer can get after he wrenches it from Brown. Instead of the Government carrying out its obligations to protect these minors, the Congress steps in and says——

Mr. McCUMBER. The Government would have no right to bring an action in any event. The Government is not a party to it in any way. The Government can provide an attorney, if the Government sees fit to do so; but the attorney who is prosecuting those cases is paid out of the very fund that belongs to the minors of whom the Senator speaks.

Mr. CLAPP. Will the Senator pardon me a moment?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. TILLMAN. With pleasure.

Mr. CLAPP. I do not want to prolong this discussion, but I undertake to say that there is not a line in this bill that interferes in any manner with the control now being exercised by the Department, either in the prosecution of these suits, or in the use of the fund that unquestionably is being sought to be used in their prosecution. We do not take this undistributed money out of the hands of the Department. There is not a word in the bill that changes the relation of the Department to the attorney whom they have employed on the suits which he is bringing under the tacit consent and authorization of the Department.

Mr. TILLMAN. And as against that statement of the Senator, I put the statement to the contrary of the Senator from Wisconsin [Mr. SPOONER], from whom the Senator from Minnesota [Mr. CLAPP] learned law.

Mr. CLAPP. Yes; and while I regret the absence of the Senator from Wisconsin, the two questions as to whether this provision interferes with the right of these minors and whether this bill, if passed in this form, would interfere with a pending suit, remain unanswered.

Mr. TILLMAN. I thought the Senator from Wisconsin answered them very clearly. All those who have listened at all are in possession of the facts. I have no interest in this matter except this, Mr. President, I want to see the Senate do no wrong; but try to do right. These children are the offspring of men who wore the Federal uniform and who fought against the South. If Republican Senators see fit to approve this report and ratify the wrong perpetrated by Brown against these ex-Union soldiers' orphans, I have no objection. I have done my duty in calling the attention of the Senate to the fact that the Indian Bureau say this provision ought not to be here. They object to it, and oppose its enactment. The only way the Senate can get this thing right is to reject the report and send the bill back to conference, with instructions to the Senate conferees to stand by the amendment which repealed the original provision.

Mr. BAILEY. Mr. President, on Saturday afternoon I asked the chairman of the committee, who has charge of this conference report, if there was anything in the bill that interfered with the rights of what are known as the "children of intermarried white citizens." I expressed the opinion that I was unable to conclude from the provision before me that any such effect could be given to that provision. The Senator from Minnesota concurred in my view. But when I come to look closer into the matter I find that the trouble is not in the Senate amendment, but the trouble is in the language of the conference report. I submit to the Senate as a question of order that the provision of the conference report is not permissible. It injects into this bill a question which was not in difference between the two Houses—in other words, the conference report incorporates or embodies a provision which had been rejected by the Senate when the bill pertaining to the Five Civilized Tribes was pending here. That particular provision is inserted for the express purpose of denying to these children participation in that land.

I submit as a question of order that the conference committee has exceeded its power in reporting to the Senate a provision which confines this enrollment to minors of Indian blood or to the minors of freedmen.

Mr. CLAY. Mr. President, this is one instance where I believe the report of the conference committee ought to be rejected and the bill sent back to the conferees to confer again and to eliminate certain features of the conference report.

To give a short history of the matter we were discussing on Saturday ought to convince any man that the item to which I refer should be rejected. In 1891 Congress passed a law directing the Secretary of the Interior to appoint a commission to negotiate with the Colville Indians for the purchase of a certain tract of land. The Secretary of the Interior appointed the commission, and they negotiated the purchase of the land for the sum of $1,500,000. That commission made its report to the Secretary of the Interior. The Secretary of the Interior approved it, and sent a letter to the President notifying him that he had approved the report. Mr. Harrison, who was President of the United States at that time, sent a message to

Congress recommending that the report be approved by act of Congress. It was approved, and the act approving it set forth that the Government of the United States owed these Indians the sum of $1,500,000. That report also set forth that the money ought to be kept in the Treasury of the United States in trust for these Indians to draw interest at the rate of 5 per cent per annum.

I presume, Mr. President, that this money was kept in the Treasury simply for the benefit of the Indians and was not paid to them in order that their financial interests might be protected. It was clearly a statutory obligation against the Government of the United States.

Now, what is the truth? In 1892 a contract was entered into by certain attorneys for the purpose of recovering this money from the United States for the benefit of the Indians.

Mr. DUBOIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. CLAY. Certainly.

Mr. DUBOIS. The Senator from Georgia will pardon me. The Senate struck out the provision paying the Indians $1,500,000 with 5 per cent interest. That was never passed. The House had it in the bill, but when it came to the Senate that provision was striken out, and the bill became a law with what the Senator refers to as being in the bill stricken out. The money never has been appropriated from that day to this.

Mr. CLAY. That does not change the feature of the argument I intend to make in a very few minutes.

Mr. President, clearly the Government of the United States owed the Indians $1,500,000. In 1892 these attorneys entered into a contract with the Indians to collect this money from the Government of the United States, and the attorneys were to receive 10 per cent of the amount that was recovered. This contract expired nearly four years ago. There was a provision in the contract that if this money were not collected within a period of ten years, the contract was void, and the attorneys should not be entitled to a single cent. In the year 1906 the Committee on Indian Affairs looked over the statutes and they found that this was a legal and a valid claim against the Government of the United States, and the Committee on Indian Affairs inserted a provision in the bill that the $1,500,000 should be paid to the Indians. This contract which had been dead for four years is now revived. How came it to be revived?

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. CLAY. Certainly; with pleasure.

Mr. CLAPP. I have had some experience in framing this bill, and I am at a loss to find the language in it which revives that expired contract, and I would appreciate it if the Senator would point it out.

Mr. CLAY. My understanding is that it sets forth the fact that there is $1,500,000 coming to the Indians——

Mr. CLAPP. Yes.

Mr. CLAY. And you appropriated $150,000 of this sum; and this amendment is intended to utilize that sum for the purpose of paying these attorneys.

Mr. CLAPP. The Senator is mistaken. We do not, as I read the amendment, appropriate $150,000; and that is just the trouble and just where this whole difficulty arises.

The Senate did appropriate $150,000, and no doubt in view of the fact that some of that money would be used for paying attorneys, the conferees yielded to a suggestion striking out the appropriation of $150,000 and inserting in lieu thereof that the attorneys might bring their suits in the Court of Claims; and that is what has given rise to this discussion.

Mr. CLAY. I will ask the Senator this question: The Senator does not deny that we owe $1,500,000 to the Indians. The Senator does not deny that this bill recognizes the justice of the claim?

Mr. CLAPP. Which claim?

Mr. CLAY. I mean the claim of the Indians against the Government of the United States.

Mr. CLAPP. Should this bill become a law, it will be the first act of Congress since the land was taken which does recognize it.

Mr. CLAY. Then I am right.

Mr. CLAPP. But the Senator said we appropriated $150,000.

Mr. CLAY. I did not.

Mr. CLAPP. Why——

Mr. CLAY. I said this bill recognizes the validity of a claim on the part of the Indians——

Mr. CLAPP. Unquestionably.

Mr. CLAY. Against the Government of the United States——

Mr. CLAPP. Certainly.

Mr. CLAY. For a million five hundred thousand dollars.

Mr. CLAPP. Yes.

Mr. CLAY. I am correct. I knew I was right.

Mr. CLAPP. What I was correcting was the statement that this went on to appropriate.

Mr. CLAY. I did not intend to say that.

Mr. CLAPP. I am sure you did not intend to say it, but you said it.

Mr. CLAY. I say the bill recognizes the validity of this claim, and that the bill is proper, and that the validity of the claim should be recognized.

I wish to say that the contract of these attorneys expired four years ago, as the contract expressly provided that in the event the attorneys did not recover the money within a period of ten years the contract should be void, and that they should not receive a single dollar.

Now, what does this amendment attempt to do? It undertakes to give life to a dead contract, to a contract that has been dead for a period of four years. It was drawn——

Mr. CLAPP. If the Senator can point out the language that does that, I wish he would do so.

Mr. CLAY. I can point it out very easily.

Mr. CLAPP. Let us understand what the Senator says. The other time, as I understood the Senator, he said we validated this extinct and expired contract. Afterwards I understood him to say that he did not intend to say that.

Mr. CLAY. I was not discussing that feature of the bill.

Mr. CLAPP. You certainly referred to it.

Mr. CLAY. Here is what I want to call the Senator's attention to. The contract made with the attorneys to pay them 10 per cent expressly provided that they should recover the money within the period of ten years, and that if they did not recover it within a period of ten years, the contract should expire and they should not have anything.

What did these attorneys do? They found that the United States Senate had done justice to the Indians, had give them a million and a half of dollars, and the bill passed the House and the Senate without a word being said about these attorneys. They go to the conferees and try to reap the benefit of the services of the Senate to the Indians and to secure $150,000, to which they have no legal right or claim. This amendment was drawn by a sharp, shrewd lawyer, who drew it in his own interest. It deserves the condemnation of the Senate. I do not hesitate to say that I have no patience with a practice that has grown up whereby we pass legislation and it goes to a conference committee, and the conferees put new and distinct matter in the bill, and Senators are compelled to vote against the entire bill in order to reject such an objectionable item in the conference report.

Mr. President, it is surprising to know the unjust legislation that frequently creeps into bills in conference committees.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Washington?

Mr. CLAY. In one moment.

Mr. PILES. I want to correct——

Mr. CLAY. I will yield directly.

I want to call especial attention to this provision:

> And jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment in the name of Butler & vale (Marion Butler and Josiah M. Vale), attorneys and counselors at law, of the city of Washington, D. C., for the amount of compensation which shall be paid to the attorneys who have performed services as counsel on behalf of said Indians in the prosecution of the claim of said Indians for payment for said land, and in determining the amount of compensation for such services the court may consider all contracts or agreements heretofore entered into by said Indians with attorneys.

Now, mark you this: If this claim was before the court without any instruction from Congress, and the court examined the contract and found that it had expired four years ago, any court which had any respect for the law would dismiss the case. These attorneys come into the Senate and they say: "Our contract is dead; we never recovered this money but Congress has awakened to the fact that the Indians were entitled to the money. We see this bill is going through the Senate. We will slip in and get the conferees to give us a hundred and fifty thousand dollars and to put life into a contract which has been dead for four years; dead and buried long, long ago."

Mr. CLAPP. Will the Senator yield to me for a moment?

Mr. CLAY. Certainly.

Mr. CLAPP. Last Saturday the senior Senator from Massachusetts [Mr. LODGE] took occasion to compliment the committee upon the wisdom of inserting this provision. He did not go as much into detail as he might have gone.

As I understand, after this contract expired in 1904, indi-

vidual contracts were obtained with these Indians; and an Indian, as a rule, will pay that which he believes he is morally obligated to pay. So it seemed better that Congress should refer the matter, in which the Indians were bound morally by the contracts they had entered into since 1904, to the disposition of a court rather than to permit them to attempt to settle it or to leave these people to settle with the Indians when the money was paid over. The Senator from Massachusetts was right when he did commend the wisdom of the committee in doing that.

Mr. CLAY. I should like to ask the Senator a question.

Mr. CLAPP. Certainly.

Mr. CLAY. If this was a just and legal claim, and the Committee on Indian Affairs knew it to be a just claim when the bill was pending before that committee and when the amendment was adopted appropriating a hundred and fifty thousand dollars, why did not the Committee on Indian Affairs offer this amendment and give the Senate a chance to pass upon it?

Mr. CLAPP. A simple answer to that is found in the history of any legislation that passes Congress. The question betrays its own weakness. There is not a bill that passes Congress but which, before it finally gets to the President, has amendments put upon it which were not contained in it originally. "If those amendments were wise," it might be asked, "why were they not suggested earlier?"

The fact is, at the time the bill passed the Senate, this matter had not reached this stage of consideration. We were then setting aside $150,000, knowing that the contracts existed, knowing that these claims existed; but when we came into conference and began to get nearer to the solution of this question, it seemed infinitely better, instead of leaving the $150,000 in a gross sum, subject to the claims of the attorneys upon the moral obligation, to send it to the Court of Claims.

Mr. BAILEY. Will the Senator permit me?

Mr. CLAPP. I have not the floor, really.

The VICE-PRESIDENT. The Senator from Georgia is entitled to the floor.

Mr. BAILEY. Will the Senator from Georgia permit me?

Mr. CLAY. I yield.

Mr. BAILEY. The objection that the Senator from Georgia makes, that this revives an expired contract, it seems to me could have been obviated by providing that the court should consider only valid and existing contracts.

Mr. CLAPP. Does the Senator from Texas hold that simply authorizing the court to take into account the terms of a contract, where they are fixing compensation, where they are to ascertain the quantum meruit, revives that contract?

Mr. BAILEY. I think it does when it is provided for in this language, because it declares that the court may consider all contracts or agreements heretofore entered into. That is authority to the court not only to consider those contracts as mere evidences of the value of the services, but as instruments upon which a judgment may be predicated.

I desire to say that my experience is somewhat different from that of the Senator from Minnesota. He tells the Senate that the Indians will pay anything that appeals to their sense of moral obligation. Probably that was true before they were contaminated by too close association with white people, but since the Indians have become American citizens in the Indian Territory they stand upon the law.

Mr. CLAPP. They think they have all of the rights of citizens.

Mr. BAILEY. They think they have them, and my judgment is they will exercise them. I think if Congress will send these attorneys with their expired contracts to the Indian Territory, merely conferring upon those courts the power to hear and determine any valid and existing contract against the Indians——

Mr. TILLMAN. These are blanket Indians in Oregon.

Mr. CLAY. Washington.

Mr. TILLMAN. Washington.

Mr. BAILEY. That is so far from my home that I am not willing to express an opinion about it, but I am not inclined to believe that the sense of moral obligation is stronger in the State of Washington than it is in the Indian Territory, which is the home of the Indians of whom I speak. But possibly if these Indians still wear blankets they may be so simple-minded as to perform an expired contract. However, I think it ought to be left to them and that they ought not to be dragged into the Court of Claims and made to answer for what they are not obliged to pay.

Mr. McCUMBER and Mr. DUBOIS addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Georgia yield?

Mr. CLAY. I yield to the Senator from North Dakota.

Mr. McCUMBER. I was simply going to ask the Senator from Texas whether he ever knew an Indian, if he had the money, to refuse to pay the first man who came to him who had a legal claim upon him?

Mr. CLAY. Will the Senator let me answer that question? I am sure these attorneys, from the way the amendment has been drawn, will be the first men to get to the Indian.

Mr. BAILEY. Just as a tribute to a vanishing race, I will answer the Senator from North Dakota by saying that the Indian does almost universally pay his honest debts, and I beg also to add that when the Indians are pursued by remorseless creditors like these they never escape.

Mr. DUBOIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. CLAY. With pleasure.

Mr. DUBOIS. I simply desire to correct a mistake into which I think the Senator from Texas has fallen, as well as the Senator from Georgia. In the first place, the contract was made in 1894 for 15 per cent, and approved by the Secretary of the Interior for 10 per cent. That contract expired only two years ago, not four years ago. During its life the Senate recommended the payment of this money. After the expiration of the approved contract the attorneys, who had been diligent enough, but Congress had not acted, made another contract with the Indians for 10 per cent. That contract has not been approved.

Mr. PETTUS. I should like to ask the Senator from Idaho a question.

Mr. DUBOIS. Certainly.

Mr. PETTUS. He speaks of a second contract, and it has been spoken of very often, but no one has stated what it was or when it was made.

Mr. DUBOIS. The second contract was similar to the first contract, providing for the payment to the attorneys of 10 per cent of the money recovered. But that contract was not approved by the Secretary of the Interior. I refer to the second contract made in 1904. The approved contract expired in 1904. Another contract which has not been approved by the Secretary was made in 1904.

Mr. PETTUS. When was it made?

Mr. DUBOIS. In 1904.

Mr. CLAY. Why was not the latter contract approved by the Secretary of the Interior?

Mr. DUBOIS. I do not know. Probably because there was a different Secretary of the Interior. My observation is that the Secretary of the Interior approves some contracts identical in terms with others which he will not approve. Here were two contracts precisely the same, one of which the Secretary of the Interior approved and the other the Secretary of the Interior did not approve.

Mr. CLAY. Mr. President, this is a very peculiar claim. It is reported by the conference committee and inserted in this bill, and the Senate has no information from the committee in regard to the terms of these contracts except what it can get from the Interior Department. The Senate committee has not set forth these contracts. The committee has not given the Senate any of the particulars in regard to these contracts. This amendment has never been discussed by the Committee on Indian Affairs. There was nothing in the amendment adopted by the Senate to indicate that the Senate committee intended to deal with this subject in any way whatever. And in truth and in fact this amendment has never been dealt with by the Senate committee and has never been considered by anybody except the conferees.

Look how this amendment is drawn. I do not know who drew it. It is drawn in such a way that the judgment must be rendered in favor of Marion Butler and Josiah M. Vale, and it also provides—

The same—

That is, the money—

to be apportioned among said attorneys by said Butler and Vale.

I have understood from the statements on the floor of the Senate that only $15,000 was to go to any particular firm of lawyers, but the amendment is drawn in such a way that the Secretary of the Treasury must pay to Marion Butler and Josiah Vale a hundred and fifty thousand dollars, if this is found to be the correct sum, and these gentlemen are to say how much shall be paid to the other attorneys. They are certainly made the masters of the situation.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. CLAY. With pleasure.

Mr. McCUMBER. The Senator did not, of course, have be-

fore him the facts the Committee on Indian Affairs had. A contract has been entered into between the other attorneys and Butler and Vale, constituting the latter the attorneys in whose favor the payment shall be made, and the contract provides for a division among the other attorneys according to the amount of work done.

Mr. CLAY. I know the Senate is anxious to vote on this report and to get through with it, but I will yield to the Senator from Washington [Mr. PILES] for a minute. I had forgotten.

Mr. PILES. Mr. President, I wish to refer to one statement made by the Senator from Georgia, feeling that it is my duty to do so in view of the fact that a very distinguished lawyer in my State, one of the ex-justices of the supreme court of that State, represents, among other lawyers, these Indians in this claim.

I understood the Senator from Georgia to say that the lawyers did nothing with this matter until Congress had provided for the payment of a million and a half dollars, and then the lawyers went before the conferees and had their claim of $150,000 recognized.

So far as concerns my relations with this matter, they are these: When I first took my seat in this body, one of the lawyers in this case in my State wrote me with reference to the south half of the Colville Reservation, saying he hoped I would insist, when that part of the reservation was opened, upon the payment of the just claim of a million and a half which the Government owed the Indians for the north half of that reservation. I wrote to him, telling him that when I had traveled through the north half of the Colville Reservation I had learned, as I recalled, from gentlemen living in that section of the country that the Indians were not entitled to that sum of money, and I did not see my way clear to support the claim, but that I would be perfectly willing to investigate the matter, and if I found they were entitled to the money, to support it.

The attorney then laid before me the record in the case and the proof showing to my mind conclusively that the Indians were entitled to that money. It developed that the chief justice of the State of Washington had acted as one of the commissioners to effect the contract between the United States and the Indians, under the terms of which they were entitled to $1,500,000. Upon that understanding I have supported and am supporting this claim of the Indians for $1,500,000. Therefore I know from my personal knowledge that at least one attorney in this case did represent the Indians long before Congress recognized this claim.

Mr. TILLMAN. If the Senator from Georgia will permit me, I should like to ask the Senator from Washington whether or not the solicitude in this instance arose for the Indians to get their money or for the lawyers to get their fees.

Mr. PILES. The statement to me on behalf of the Indians was that they were entitled to this money.

Mr. TILLMAN. But it seems that all the money that will be paid will go to the lawyers, and the Indians will have to get another lawyer to come here and collect the balance.

Mr. PILES. I do not understand that to be the case at all. All I understand about the matter is that these lawyers have a right to go before the Court of Claims and prove whether or not they are entitled to $1 or to $150,000, and whatever they are entitled to, if anything, they will have a right to recover. That is my understanding of it.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Texas?

Mr. CLAY. Certainly.

Mr. BAILEY. My friend from South Carolina seems to be especially severe against the lawyers. I have no patience with his continual attempt to prevent the lawyers from recovering their fees. My own opinion is that the $150,000 in this transaction is none too large. But lawyers are expected to collect their fees under existing contracts, and if those contracts expire, of if they fail to perform their duty under the contract according to its terms, I do not believe the Congress ought to revive any contract in their favor.

If there were no question about the expiration of this contract, I would not hesitate one minute to give these people not only the right to go to the court to recover it, but, under the facts, I would make the direct appropriation to it. But the trouble here is that according to their contract these lawyers are not entitled to this money. I do not think that a lawyer ought to be permitted to take advantage of an expired contract any more than anybody else, nor do I think the fact that he is a lawyer deprives him of his right until it has expired.

Mr. CLAY. Mr. President, just a word and I am through, because I know we want to vote on this report.

I will say to the Senator from Washington that I have great respect for his judgment, and have always had since I have known him. I am unable to understand, however, how he ever reached the conclusion, after reading the statutes, that the Indians were not entitled to this money. I reached the conclusion the very minute I read the law. It did not seem to me to be disputable at all.

Mr. PILES. No; the Senator——

Mr. CLAY. I understand the Secretary of the Interior has recognized the validity of this claim and has recommended its payment time and again.

Mr. PILES. The Senator misunderstood me.

Mr. CLAY. Originally, I will say to the Senator, it was not intended that this money should be paid to the Indians. It was intended that the money should be kept in trust by the Secretary of the Treasury for their benefit, to be paid out at such time as Congress might recommend hereafter. We have frequently, I will say to the Senator, pursued that course. We have frequently done so because the Indians in many instances are spendthrifts, and being their guardian, our Government has undertaken frequently to keep their money and use it and pay it to them in such a way as they might need it.

But what I object to in this case is that here is an amendment that has never been considered by the Senate at all. I believe that with the facts before us we should leave it out of this conference report, and that if it were left out of the conference report and voted on separately it would be overwhelmingly defeated.

It is an easy matter for a man with a doubtful claim to go before a conference committee. I make no reflection upon the conference committee; they are honorable men; but I say it is an easy matter for a man with a doubtful claim to go before a conference committee and to have inserted new matter of a doubtful character that would be overwhelmingly defeated in the Senate if brought into the Senate before it was inserted in the conference report.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. CLAY. Certainly.

Mr. TILLMAN. If the Senator will pardon me, I want to know when this bad practice will ever stop if the Senate gives way whenever such a provision gets into a conference report on an appropriation bill? If the bill is full of improper things, steals, I have almost said, are we just simply going to swallow them because they are in the conference report?

Mr. CLAY. I intend to vote against this conference report. I believe it ought to be defeated. I think we ought to send it back to the conference committee and let the conference committees know that they shall not pass upon anything except matters that are in dispute between the House and the Senate. This matter was never thought of on the floor of the Senate. It was never discussed by the Committee on Indian Affairs. It was inserted, as is my understanding, just before the committee came to a conclusion, and inserted without the Senate ever even considering it.

Mr. President, the committee ought to have had these contracts before them. They ought to have known about the services that have been performed. They ought to have been familiar with the case from the beginning to the end, and to have reported the facts to the Senate, and the Senate ought to have had an opportunity to pass upon the merits of this claim. I believe that the claim ought to be defeated, and at least that it ought never to have been inserted in the bill by the conferees.

Mr. McCUMBER. Mr. President, whatever may be the difference between Senators so far as a proper conclusion to be drawn is concerned, they certainly ought not to draw upon their imagination for the facts in any given case. The facts ought to be settled between them before they make that the basis of an argument. I can excuse the Senator from Georgia for errors as to what the facts are, because he took no part in the investigation of the matters before the committee of conference or before the Committee on Indian Affairs.

I believe that I can make this clear. I believe that I can dispel the fog that seems to surround it to some extent, going over very briefly indeed some of the facts in this case.

Here were a number of Indians, several tribes, known as the Colville tribes of Indians. They occupied a large section of country in the Territory of Washington, afterwards the State of Washington. There was a question as to where they came from. There was a question as to what title they had, whether they had the Indian title or a mere possessory title. Afterwards it seems that the Department itself, not being certain as to what the Indian title of that land was, and thinking that the Indians did not at least need all of it, made a departmental order which placed those Indians within circumscribed bounds,

much less than what the Indians claimed in the first instance.

Afterwards they made a treaty with those Indians. In that treaty they acknowledged practically the right of the Indians to the land, but that treaty which provided that the Indians should be paid a certain amount, $1,500,000, for one-half of the reservation which was created by Executive order, was never accepted by Congress. On the contrary, Congress declared by its act at that time that the Indians had no title.

Thus the Indian being despoiled of his $1,500,000 was also deprived, by the action of Congress, of his right to the money itself. In other words, we threw open this territory, gave it to the public, but declined to pay for it. So when the Indian wanted his rights he was faced with a Congressional act which had denied after an investigation any title that he might have. Any Senator can understand, when Congress has once put in the form of a law its decision upon the title to Indians, how difficult it is for the Indian to establish his right against that claim.

Then they came to the Department. The Department knew the law; the Department knew what Congress had done, and it agreed with the Indians to affirm such contract as those Indians should make with attorneys for the purpose of impressing Congress, we will say, with the absolute right of the Indian to that land notwithstanding the previous action of Congress.

Now, had they a right to enter into any such contract? Mr. President, there can be no possible question upon that score. The provision of the law which was read Saturday, the statute of the United States, section 2103, provides that—

> No agreement shall be made by any person with any tribe of Indians, or individual Indians not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him, or any other person in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to, annuities, installments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows.

And then it provides for the execution and approval of it. By that very law we legalized any contract that is made with the Indians for any of those purposes.

Now, how is the Indian going to get his rights? The Government of the United States owes him. He can not sue the Government, can he? When you give him the right, therefore, to employ an attorney for the purpose of securing that right how is the attorney going to act? To whom will he appeal? To Congress. He can not go into the courts. He must get an act of Congress to go into the courts. He can not get an appropriation except from Congress. He must go to Congress to get that appropriation. Therefore, when that contract was made it was necessarily understood that it would be a contract to convince Congress that the Indian had a right which Congress ought to respect notwithstanding its previous action.

Now, what did the attorneys have to do in that case? The very first duty incumbent upon them as an attorney was to establish Indian titles. How are you going to establish an Indian title to land? As was suggested by the Senator from North Carolina [Mr. SIMMONS], by an abstract of title? That does not determine an Indian title to lands. He must find that those Indians have occupied that land practically from time immemorial.

I have had a little experience since I have been in Congress in attempting to determine the title of Indians to a certain tract of land—10,000,000 acres—in my own State. It was necessary for me to go through our oldest records. I had to get hold of every record that was made by the Hudson Bay Company, the great fur company, nearly 200 years old. I had to find out where they had established their posts; what Indians they dealt with there; who were the chiefs at that time; how many there were; what kind of Indians they were. I had to establish then the line of the chiefs from that time down as near as possible to make a clear case that the land had belonged to the Indians practically from time immemorial.

These attorneys had practically to do the same thing; and then they had to convince Congress not only that the Indian had the title, but they had to convince Congress of the righteousness of their claim against the Government for the $1,500,000, notwithstanding the fact that Congress had once repudiated it, and that was no slight job. No one could criticise the Department for authorizing them to employ an attorney.

Those attorneys worked on that contract from 1894 until 1904. They did make a clear case, not, as some Senators think on the other side, because the Department found that they had a title. The Department has nothing to do with establishing the title. Congress has to determine that question when it determines its legal or moral liability to the Indians. After less than ten years they had satisfied the Committee on Indian Affairs that they had a title to those lands and that Congress ought to pay for them.

What did the committee do? There were other treaties every year. Some of them had to go off. It was impossible to put them all upon the appropriation bills; and the only practical way to get an Indian treaty through Congress is by an appropriation bill. Year after year the Colville bill went off, notwithstanding the committee found it to be just, until the ten years had expired. So by our own negligence we destroyed the contract that would have given them nearly $150,000.

Mr. BACON. Will the Senator pardon an inquiry?

Mr. McCUMBER. Certainly.

Mr. BACON. I should like to make the inquiry of the Senator that my colleague [Mr. CLAY] made of the Senator from Idaho. What was the reason which caused the Secretary of the Interior to refuse to approve the last contract?

Mr. McCUMBER. The reason is that the Secretary of the Interior lately approves no contracts. He has started out, I understand, upon a different theory, and upon what ought to have been the right theory in the first instance, that Congress ought to do its duty without the assistance of an attorney, and for the last few years he has declined, I understand, to approve any contracts whatever.

Mr. BACON. I presume the Senator is familiar with the fact that the Secretary of the Interior in refusing to approve the new contract knew the history of this case and knew of the prior contract.

Mr. McCUMBER. It was a different Secretary, of course. I understand that the present Secretary of the Interior will approve no contracts of that kind at the present time; that his theory is that the Indian Office and the Secretary of the Interior ought to take care of the rights of the Indians without their attempting to hire any attorneys.

Mr. BACON. While I am on my feet, if the Senator will pardon me, I should like to ask him another question in the same connection.

Mr. McCUMBER. I will be glad to answer the question as far as I can.

Mr. BACON. I should like to ask the Senator if he knows what is the attitude of the Indians in reference to the justice of this claim, whether they recognize it or not?

Mr. McCUMBER. I understand that it is satisfactory to the Indians. I have not heard anything to the contrary. One thing is certain, I think, that the great majority of them have signed the new contract within the last four years. I understand that that is as good evidence as you can get of their being satisfied to continue the same attorneys in the case.

Mr. BACON. Now, with the permission of the Senator, I will ask him one other question, and then I will not trespass further upon him. In a matter of this kind, when we are dealing with the rights of both parties, does not the Senator think we ought to know whether they recognize the propriety of this charge for the fee? Does not the Senator think we ought to inform ourselves on that question before we attempt to act for them and to pay out money to which they would be otherwise entitled?

Mr. McCUMBER. That is not only provided for, but in all instances when provision is made for the trial, notice is given, and the Secretary of the Interior looks after the rights of the Indians in those matters. That, it is understood, will be done in all cases. But the fact is that I do not know but all of the adult Indians, at least the majority of them, signed a new contract with the same attorneys to continue them, and they have been working now fourteen years upon this one case.

Mr. DUBOIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. Certainly.

Mr. DUBOIS. I desire to state, in answer to the Senator from Georgia, that in addition to the Indians having signed a new contract, five of the leading Indians, when the appropriation bill was up two years ago, came all the way from Washington State with the attorneys from that State with whom they had made the contract to urge the payment of the money and the payment to the attorneys; and the Senate then recommended the payment just before the expiration of the signed contract.

Mr. McCUMBER. Mr. President, it has been suggested here, and I think unjustly to the conferees, that these attorneys, unable to secure anything before the Senate, then went before the conferees and got a new provision in the bill for their benefit.

Now, let me correct the Senator from Georgia [Mr. CLAY] upon that proposition. When this bill passed the Senate it contained a provision that $150,000, 10 per cent, should be immediately paid over to the Indians. What was that for? I sup-

pose we all understand what it was for—at least the committee understood what it was for. At that time it was thought best to let those Indians who had signed the contract for the $150,000 pay the $150,000 themselves. Therefore they would have had it in their power, immediately upon the passage of the act and the payment of the money, to pay over the $150,000 to the attorneys. Of course the attorneys would have had the trouble of collecting it from the Indians after it was paid. Probably they would have got most of it in a very short time. Then the conferees on the part of the House, objecting to that provision, agreed upon another, which seemed more just. What was it? The question arose whether, notwithstanding these contracts, notwithstanding the fact that they had given fourteen years' service, without having before us necessarily everything that would justify us in determining what those attorneys' fees should be, we said, "We will not pass on that, but we will refer it to the Court of Claims to determine whether you are entitled to $1, to $1,000, to $10,000, or to $150,000;" and it is within the jurisdiction of the Court of Claims to determine that one question.

It is provided here—and the conferees are criticised because of that provision—that the court may take into consideration any contracts heretofore entered into. Why? For the purpose of fixing 10 or 15 per cent? No; for the purpose of determining not only whether it might have been reasonable, but the services that were to be performed under the contract. Whatever that contract says, so far as the price is concerned, it is not binding upon the court. So far as it outlines the duties of the attorneys it is binding to the extent that it determines what the duties were which they were to perform.

Mr. BAILEY. Will the Senator permit me?

Mr. McCUMBER. Certainly.

Mr. BAILEY. In the absence of any direction in this amendment that the court shall consider these expired contracts or agreement, does the Senator from North Dakota doubt that they would be competent evidence?

Mr. McCUMBER. Mr. President, I can answer that very quickly. If the question arose between the attorneys and the Indians as to what kind of work was to be performed by the attorneys the contracts would be proper evidence.

Mr. BAILEY. Or——

Mr. McCUMBER. Just a moment. If the question arose as to the value of the services, then the contracts would not be competent evidence as to the value.

Mr. BAILEY. Mr. President, I have no doubt that the contracts are competent evidence, both as to the character of the services to be performed and as to the value; of course not conclusive upon either point, but entirely competent upon both points. Therefore I think the express stipulation in this amendment that the court shall consider those contracts is unnecessary if it is only desired that they be used as evidence. As they could be used as evidence without this express provision, I can not escape the conclusion that the purpose of this is to revive them and give them force; in other words, not only to revive and give the expired contracts force, but to operate as an approval of the unapproved contracts.

Mr. McCUMBER. Oh, Mr. President, it does not seem to me possible that we could give this law that construction. We can not revive those contracts. This action, if the action is maintained at all under the provisions of this law, would be an action on the quantum meruit, and there you would determine simply the legal fact. They could not under this agreement or under this law bring an action upon the old contract which might be evidence for some particular purpose but could not be the basis of the action. If it would be, then, of course, we might have said, without sending it to the court, that the sum shall be $150,000, and nothing else. It would be folly to send it to the Court of Claims upon a quantum meruit, and at the same time say that the court shall give effect to the provision and reinstate a contract that has become void by the lapse of time.

Mr. BAILEY. It occurs to me, Mr. President, that the very purpose of this provision is to make the court do this, instead of Congress. I hardly think Congress would appropriate $150,000 to discharge a contract which, according to its own terms, laid no obligation upon the Indian tribes. But Congress, it seems to me, is now asked to revive the expired contracts, or, what is the same thing, to approve the unapproved contracts, and with them before the court, the court finds these people entitled to a judgment of so much; and then Congress has nothing to do but to appropriate to pay that judgment.

Mr. McCUMBER. Mr. President, I have not the amendment here before me, but the amendment proposes to send the matter to the Court of Claims to determine the value of the services. That being the case, the action must be brought upon the quantum meruit, and the court must simply determine what the services were reasonably worth. If the contract is of any benefit to the court in determining what the services are really worth, of course it would be proper that it should be an instrument of evidence; but it can not be used for any other purpose. It can not be used as the basis upon which the action is to be instituted.

I simply desired to clear up this proposition of the title and the character of work that was to be performed, and to say that the committee of conference believe that, so far as the Indians are concerned, they have performed an act of far greater justice in saying that the court shall determine the value of these services, rather than to report it back to Congress. If, in the view of Congress, the court should award too much, it can still be cut down rather than leave it as it was in the act as it stood before, appropriating $150,000, paying it over to the Indians, and then having them pay it to their attorneys as soon as they got it. From the standpoint of those who have opposed the provision, I think they must agree that it is far preferable to the first amendment as it passed the Senate, because if next winter the court determine that $25,000 is a proper sum, Congress may still say that the service was not worth more than $10,000, and refuse to appropriate any more than that sum.

Mr. LA FOLLETTE. Mr. President, the Senate has spent almost the entire day in debate upon two amendments involving, I think, but little more than $300,000. I wish to call the attention of the Senate to amendment No. 56 in the conference report, which involves property rights amounting to at least $10,000,000. It is the amendment upon which the Senator from Texas [Mr. BAILEY] raised the point of order.

It is with some reluctance, sir, that I oppose the conference report, or any portion of it. I am a member of the Committee on Indian Affairs, and I should not oppose the report if I did not believe that very great injustice would be done to a large number of Indians unless the Senate rejects it and sends it back to conference.

I regret that the rules do not permit of separate action upon each item in the report, and that there is no other way to prevent the perpetration of the wrong which the adoption of this amendment would work to these helpless people except by rejecting the entire report and sending it back to conference. But, sir, the enactment of this amendment into law will destroy the hope and wipe out the only opportunity which 2,000 men, claiming to be members of these tribes, have to prove their right to participate in the patrimony given to them by this Government as a recompense for the great country east of the Mississippi which they once owned. I know that on the disposition of this amendment depends the possession of hundreds of homes, with all of the sacred ties that bind their owners to them. I know that it will result in driving men off the farms they have developed; will take from them all they have accumulated by years of toil and endeavor—years in which they contributed to the development of the rich country included in the Indian Territory, years in which they were fitting themselves to take a place in the citizenship of our country. I can not, I say, for these reasons remain silent and permit this amendment to pass without protest. I consider it a duty I owe the Senate to call attention to the injustice, the great wrong, which would result.

On Saturday afternoon, late in the day's session, I asked the attention of the few Senators then present to this amendment. I contended at that time that, if it were adopted, it would exclude possibly as many as 2,000 Indians from having their cases considered at all by the Commissioner of the Five Civilized Tribes or by the Department of the Interior.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. BURNHAM in the chair). Does the Senator from Wisconsin [Mr. LA FOLLETTE] yield to the Senator from South Carolina?

Mr. LA FOLLETTE. I do.

Mr. TILLMAN. I dislike to do it for the third time, but this is a very important matter, and I shall insist occasionally, at least, that Senators shall listen to what is going on, and not come in here and ask, "What is my vote?" and then vote with the committee regardless of what has been said or done here. I make the point that there is no quorum present, Mr. President.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ankeny	Clapp	Flint	Kittredge
Bacon	Clay	Frazier	Knox
Bailey	Cullom	Gallinger	La Follette
Blackburn	Daniel	Hansbrough	Lodge
Brandegee	Dillingham	Hemenway	Long
Bulkeley	Dolliver	Hopkins	McCumber
Burnham	Dubois	Kean	McEnery

Mallory	Pettus	Stone	Warner
Money	Piles	Sutherland	Warren
Nelson	Scott	Taliaferro	Wetmore
Overman	Simmons	Teller	
Perkins	Spooner	Tillman	

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present.

Mr. LA FOLLETTE. Mr. President, I repeat that when this matter was under discussion on Saturday evening I then asserted that in the neighborhood of 2,000 Indians under existing law are recognized by the Department of the Interior as being fairly entitled to have their right to enrollment investigated and determined, and that if amendment numbered 56 were adopted none of these Indians would have or could have a hearing on their cases. That statement was controverted by the chairman of the committee, the Senator from Minnesota [Mr. CLAPP]. I therefore submitted the matter to the Department of the Interior this morning. I presented to the Secretary the bill, directed his attention to sections 1 and 2 of the act of April 26 last, known as the "Five Civilized Tribes act," and to the proposed amendment numbered 56. The matter was referred by the Secretary to the Assistant Attorney-General for his investigation. I have received a communication from the Secretary of the Interior as a result of that investigation, and I ask the attention of Senators to it. The letter of the Secretary is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 11, 1906.

Hon. ROBERT M. LA FOLLETTE,
United States Senate.

SIR: I received your letter of this date stating that—

"I invite your attention to an amendment, No. 56, of the conference report on the Indian appropriation bill and respectfully request to be informed as to the effect of the proposed amendment No. 56 upon the rights of the Indians whose cases are now pending investigation, and who have been held by your Department to be entitled to investigation by the Commissioner to the Five Civilized Tribes."

Since prior to 1830 there have been white persons residing in certain of the Five Civilized Tribes whose descendants have been recognized as members of the tribes, and have without objection from the tribes improved lands and built homes. Among others may be instanced the descendants of W. J. Thompson, a white intermarried Choctaw, who was transported by the Government to the Indian Territory as a Choctaw under the treaty of 1830; also descendants of the Christian missionary, John Parker Kingsbury and his wife, Mariah, adopted by act of the Choctaw council, November 15, 1854.

Such persons have never had any other home than in such Indian nations, and have not borne allegiance to any other immediate nationality than that of the Indian nation into which they have been affiliated and many of them born.

If the legal effect of such amendment excludes them from enrollment, it is in effect an expatriation from the allegiance to which they were born; and necessarily excludes them from allotment in severalty of the communal lands and gives their homes and improved lands to others who have not toiled to construct or improve, giving the fruit of their labor to other less provident members of the tribe.

The Choctaw treaty of 1830 (7 Stat. L., 333) was executed by "the Mingoes chiefs, captains, and warriors of the Choctaw Nation." Twenty-seven per cent of the representative parties signing the treaty on behalf of the nation bore surnames of the white races, principally English and French. This shows that prior to 1830 there was a large infusion of white blood, and it is shown by the records of this Department that numbers of Indian tribes, recognized as such, are not infrequently without any intermixture of Choctaw blood.

The enrollment acts governing the Commission to the Five Civilized Tribes authorizes the Commission to scrutinize the tribal rolls and exclude therefrom persons whose names have been enrolled by fraud or without authority of law.

As construed by the Department, this made every enrolled person presumptively a tribal member, so that formal application for enrollment was unnecessary. The effect of the provision in amendment 56—

This is quoted—

"that the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment," would be to exclude all such tribal members as have not heretofore filed formal application, whether of white or Indian blood. If formal applications are to be required, a time should be fixed in the future within which the formal application must be filed.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The last two lines of amendment No. 56 provide:

And the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment.

Section 1 of the Five Civilized Tribes act provides that—

The Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls.

But that is not all. Note what follows. There is another condition necessary before the Secretary of the Interior can consider applications of persons for enrollment, the name of the applicant must not only appear on the tribal roll, but there must also be some independent record of previous application to the Commission for enrollment. The balance of the proviso is as follows:

And for whom the records in charge of the Commissioners to the Five Civilized Tribes *show application was made* prior to December 1, 1905, etc.

Mr. President, the adoption of this amendment will exclude all of that class. It will also exclude those to whom the Senator from Texas [Mr. BAILEY] referred when making his point of order against this amendment; besides this, it will exclude a very large class who, under the act of 1896, were given three months in which to present their applications for enrollment to the Dawes Commission. When applications were then made, if any question whatever, whether of fact or of law, was raised as to their right to enrollment, all so challenged were set apart in a doubtful class. Such claims were not determined, but are still pending. They were not entered on any tribal roll, and if this amendment is adopted their rights can not be considered. All told, it will exclude in the neighborhood of 2,000 Indians, who, upon every possible ground, in equity and in law, as the law is construed by the Interior Department, are entitled to have their day in court.

The Senate has listened patiently all afternoon to the discussion of two amendments, one involving $150,000 and the other $186,000. The average amount involved in the case of each of the 2,000 Indians affected by this amendment is in the neighborhood of $5,000. Of these 2,000 claims about 1,000 of them are pending in the Interior Department to-day. The amount involved in these claims in round numbers is upward of $12,000,000.

I have not heard one word in defense of this proposition from the conferees, and I do not know that it can be justified in any way. A good deal has been said about great fees for attorneys. I suppose Senators have heard of the case of one firm of attorneys in the Indian Territory who drove a bargain with two of the tribes and then sought to collect, upon their so-called "contract," a fee amounting to nearly $2,000,000. As I am informed, they finally succeeded in collecting something like $700,000. That firm still has, as I was informed to-day at the Interior Department, a standing contract with those Indians. By its terms they are paid $10,000 a year as a general retainer. But that is not all. Besides this they have a contract to collect for every Indian whose enrollment is denied 10 per cent of the amount such Indian would receive as his share of the tribal property if he were enrolled.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. LA FOLLETTE. Certainly.

Mr. TILLMAN. My attention was diverted for a moment. The Senator may have already given the name, but if not, I hope he will give us the name of the firm of lawyers who are thus sucking the blood out of these Indians.

Mr. LA FOLLETTE. I think I have it here—Mansfield, McMurray & Cornish. I am informed by the Senator from North Carolina [Mr. OVERMAN] that this firm collected a fee of $750,000, which is a little more than I thought.

Mr. President, I do not know——

Mr. McCUMBER. I should like to ask the Senator if any of these contracts of which he speaks have been approved by the Secretary of the Interior?

Mr. LA FOLLETTE. I am not able to answer the question. I have no information on the subject.

Mr. McCUMBER. I understand he has approved none.

Mr. SPOONER. The contract under which the firm of lawyers received $750,000 the Secretary of the Interior refused to approve.

Mr. LA FOLLETTE. Yes, sir; the Secretary refused to approve their contract and saved the Indians more than a million dollars.

Mr. TILLMAN. How did they get the money?

Mr. SPOONER. Congress approved it.

Mr. LA FOLLETTE. Yes.

Mr. TILLMAN. Another case of the lawyers coming here and getting something done.

Mr. SPOONER. Another case of the cornfield lawyer not attending——

Mr. TILLMAN. The cornfield lawyer can not attend to all the stealing in this House. If he could, there would be no stealing.

Mr. SPOONER. He attends to a lot.

Mr. LA FOLLETTE. Mr. President, I do not know that this firm of attorneys have been about the Capitol, or that they appeared before the conferees to secure the incorporation of this amendment in the conference report. But though they may not have been within a thousand miles of the Capitol when this provision found its way into the conference report, if it is adopted I predict that they will present a bill to the Indians for a fat attorneys' fee of several hundred thousand dollars for having secured this legislation. And when the Secretary bows their way to the collection of their claim, a bill will be presented to the Senate overruling the Secretary and providing for payment of the fee. Or if such a measure en-

counters too strong opposition, a bill will be offered to create a commission or special court, upon which gentlemen with liberal views will find a place. Then those thrifty lawyers will realize on this legislation.

Such a course would but repeat the history of their collection of the $750,000 fee. I was informed to-day that a portion of that amount was a charge for securing Congressional legislation, and that at least one of the members of the court or commission, which was created by special act to pass upon their claim, was a brother-in-law of one of the Senators who supported the legislation establishing the court.

Mr. President, the Commissioner to the Five Civilized Tribes was present in all the executive sessions of the Committee on Indian Affairs while the Five Civilized Tribes bill was under consideration. He was ready, in season and out, with objections to any proposition which would require the Commissioner to give consideration to cases for the enrollment of Indians, however meritorious they appeared to be. Many cases were presented to the committee which were admittedly just. But he was always prompt with a protest, and we were constantly warned that even though this case or that class of cases might be worthy, it would not do to open the door or a flood of fraudulent claims would break over the helpless Commission.

Mr. President, I am not prepared to assert that there is any connection between the firm of attorneys who are after these enormous fees and any public official. But upon this very day I have received information which I believe it to be my duty to lay before the Senate in connection with this proposed legislation. In the month of June, 1903, I am informed, the present assistant to the Commissioner to the Five Civilized Tribes, and who at that time was chief clerk to the Dawes Commission, was given a leave of absence for a month or so; that during that month he went into the offices of the firm of Mansfield, McMurray & Cornish and was employed there briefing their cases for the exclusion of Indians from these rolls. Some of these cases, I am informed, will be affected by this amendment if it is adopted; and, sir, it is asserted that he then came back to the office of the Dawes Commission and proceeded to the consideration of the very cases which he had briefed up and prepared for the Commission, the findings which determined whether these Indians were entitled to be entered upon the rolls. I learned from the Interior Department that that information has reached the Department within the last four or five days, but as yet they have not taken it up for investigation.

Mr. President, this is a matter of tremendous importance to the people whose interests are involved and who will be denied rights of trial if the conference report is adopted, and I appeal to the Senate to reject it.

The VICE-PRESIDENT. Does the Chair understand the Senator from Texas to insist upon his point of order?

Mr. BAILEY. Yes, sir.

The VICE-PRESIDENT. Will the Senator kindly restate it?

Mr. BAILEY. I make the point of order that the provision reported by the conference committee contains matter not in difference between the two Houses, in that it excludes from the benefits of the law the children of intermarried white Indian citizens. It not only changes existing law, which would have been contrary to the rule if it had been proposed in the Senate, but it introduces into the conference report a matter not the subject of difference between the two Houses.

The VICE-PRESIDENT. The Chair is of the opinion, as he has previously held, that under the usual practice of the Senate a point of order will not lie against a conference report. The matter in the report challenged by the point of order interposed by the Senator from Texas may be considered by the Senate itself when it comes to consider the question of agreeing to the report. The only question under the usual practice of the Senate, in the opinion of the Chair, is, Will the Senate agree to the conference report?

Mr. BAILEY. Then, Mr. President, I understand the rule simply to amount to this, that under the rules of the Senate there is no such practice as a point of order against a conference report.

The VICE-PRESIDENT. The Chair so understands.

Mr. BAILEY. I am going to accept the ruling of the Chair, because I have always found the Chair to be fair, impartial, and usually correct. I am very much surprised, however, if it is possible for a conference committee to include matter not in difference between the two Houses and it becomes necessary for the Senate to disagree to the entire report in order to reach it.

It might happen, if the Chair will indulge me for a moment, that except against a particular matter, subject to a point of order, I might desire to agree to the report. But as that is the ruling of the Chair, I acquiesce in it, and shall vote against the motion to agree.

The VICE-PRESIDENT. The question is on agreeing to the report of the committee of conference.

Mr. LODGE. Mr. President, in regard to the point of order, the rule is that—

> Conferees may not include in their report matters not committed to them by either House.
>
> In the Senate, in case such matter is included, the custom is to submit the question of order to the Senate.

I am reading from the rules and compilations we have made.

> In the Fifty-fifth Congress, first session, Vice-President Hobart, in overruling a point of order made on this ground against a conference report during its reading in the Senate, stated that the report having been adopted by one House and being now submitted for discussion and decision in the form of concurrence or disagreement, it is not in the province of the Chair during the progress of its presentation to decide that matter has been inserted which is new or not relevant, but that such questions should go before the Senate when it comes to vote on the adoption or rejection of the report.

In other words, the rule is, and it was so held by Vice-President Hobart, that it should be submitted when the Senate is ready to vote upon the question of rejecting or agreeing to the report.

Mr. TELLER. Mr. President——

Mr. LODGE. One moment and I will yield.

At a later time, when I myself happened to be in the chair, it is stated here:

> The PRESIDING OFFICER (Mr. LODGE in the chair) referred with approval to the foregoing decision of Vice-President Hobart, and stated that when a point of order is made on a conference report on the ground that new matter has been inserted the Chair should submit the question to the Senate instead of deciding it himself, as has been the custom in the House.

I had never understood that a point of order against a conference report could not be decided by the Senate. The only point which this seems to me to decide—and I say it with all submission to the Chair—is that a point of order can not be made during the consideration of the report. It has to be submitted when we come to the question of the adoption or rejection of the report. If the Senate sustains the point of order as well taken and holds the matter to be new matter, it operates precisely as it operates in the House. If the Speaker holds it to be new matter, the report is rejected thereby. If the Senate holds it to be new matter, the report is rejected thereby. Therefore the action is a final action and amounts to a rejection of the report. But I have never understood that the point of order may not be decided by the Senate at the appropriate time, just as it may be decided by the Speaker at the appropriate time.

Mr. TELLER. I rose to ask the Senator from Massachusetts a question, but he has explained the matter fully and precisely as I understand the law is.

The VICE-PRESIDENT. The question is on agreeing to the report of the committee of conference.

Mr. BAILEY. I think, and I thought when I was about to acquiesce, that it would be a dangerous practice to deny the Senate the right to determine first whether or not the conferees had transcended the authority vested in them by their appointment on a conference committee. I remembered that the practice in the House was that the point of order could be made. In that body the Chair passes on it. Of course he passes on it subject to appeal. If his ruling was not challenged, and he held that new matter was incorporated beyond the authority of the conference committee, that ended it. Or if his ruling to that effect was challenged and sustained by the House, that likewise ended it. I think it would not be a safe practice to compel the Senate to reject a report instead of allowing it to first insist upon the point of order.

But, as it is late in the afternoon, and I do not want to delay this matter, and as I know the Senator from Minnesota wants to conclude it, rather than to have that ruling made a precedent I withdraw the point of order until I can still further examine it.

The VICE-PRESIDENT. The Senator from Texas withdraws his point of order. The question is on agreeing to the report. [Putting the question.] In the opinion of the Chair, the "ayes" seem to have it.

Mr. TILLMAN. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr KITTREDGE (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. PATTERSON]. In his absence, I withhold my vote.

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. NELSON (when his name was called). I have a general

pair with the senior Senator from Arkansas [Mr. BERRY]. I transfer the pair to the Senator from New Jersey [Mr. DRYDEN], and will vote. I vote "yea."

Mr. PETTUS (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. CRANE].

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent. If I were at liberty to vote, I should vote "nay."

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK].

Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. SCOTT]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. CULLOM. I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I understand the pair has been transferred to the Senator from Vermont [Mr. PROCTOR], who is absent, and I will vote. I vote "yea."

Mr. WARREN. I wish to announce that my colleague [Mr. CLARK of Wyoming] is unavoidably absent. He stands paired, I believe, with the senior Senator from Missouri [Mr. STONE].

Mr. MALLORY. I should like to inquire if the Senator from Illinois [Mr. CULLOM] transferred his pair with the Senator from Virginia [Mr. MARTIN] to the Senator from Vermont [Mr. PROCTOR]? I understood him to say so.

Mr. CULLOM. That was the arrangement made. If it is not satisfactory, I will withdraw my vote.

Mr. MALLORY. I was paired with the Senator from Vermont.

Mr. CULLOM. Then I withdraw my vote.

Mr. MALLORY. I have not the slightest objection to the transfer. I wanted to understand whether the Senator did transfer the pair.

Mr. CULLOM. I will withdraw my vote.

Mr. MALLORY. Oh, no. I should like to vote, in order to make a quorum. I vote "nay."

Mr. TALIAFERRO. As I have stated, I have a pair with the Senator from West Virginia [Mr. SCOTT]. I transfer the pair to the Senator from Mississippi [Mr. MCLAURIN], and will vote. I vote "nay."

Mr. BLACKBURN. I desire to state that my colleague [Mr. MCCREARY] is necessarily absent from the city.

Mr. SPOONER. I transfer my pair with the Senator from Tennessee [Mr. CARMACK] to the Senator from Wyoming [Mr. CLARK], which will leave the Senator from Missouri [Mr. STONE] and myself at liberty to vote. I vote "nay."

Mr. STONE. I vote "yea."

Mr. KITTREDGE. I transfer my pair to the junior Senator from Idaho [Mr. HEYBURN], and will vote. I vote "yea."

The result was announced—yeas 30, nays 16, as follows:

YEAS—30.

Ankeny	Cullom	Kittredge	Stone
Brandegee	Dillingham	Lodge	Sutherland
Bulkeley	Dubois	Long	Teller
Burkett	Flint	McCumber	Warner
Burnham	Fulton	Nelson	Warren
Burrows	Gallinger	Penrose	Wetmore
Carter	Hansbrough	Perkins	
Clapp	Hopkins	Piles	

NAYS—16.

Bacon	Daniel	McEnery	Simmons
Bailey	Frazier	Mallory	Spooner
Blackburn	Kean	Money	Taliaferro
Clay	La Follette	Overman	Tillman

NOT VOTING—42.

Aldrich	Culberson	Hale	Nixon
Alger	Depew	Hemenway	Patterson
Allee	Dick	Heyburn	Pettus
Allison	Dolliver	Knox	Platt
Berry	Dryden	Latimer	Proctor
Beveridge	Elkins	McCreary	Rayner
Carmack	Foraker	McLaurin	Scott
Clark, Mont.	Foster	Martin	Smoot
Clark, Wyo.	Frye	Millard	Whyte
Clarke, Ark.	Gamble	Morgan	
Crane	Gearin	Newlands	

So the report was agreed to.

COLLECTION DISTRICT OF SABINE, TEX.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. OVERMAN. Will the Senator yield that I may submit a report from a committee?

The VICE-PRESIDENT. It is not in order, under the new rule, to receive the report.

Mr. BAILEY. Will the Senator from New Jersey permit me to ask unanimous consent for the consideration of a bill?

Mr. KEAN. With great pleasure.

Mr. BAILEY. I ask unanimous consent for the consideration of the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill, which had been reported from the Committee on Commerce with amendments.

Mr. KEAN. I wish to say to the Senator from Texas that this is not a bill I am very heartily in accord with, but I do not want to make any objection. I hope the amendments will be read.

Mr. BAILEY. There are committee amendments, but in the first committee amendment there is a mistake. In line 14, on page 2, the last three words "and to the" ought not to have been stricken out.

The VICE-PRESIDENT. The first amendment will be stated as modified.

The SECRETARY. In section 1, page 2, line 13, after the word "basin," strike out "slip known as slip No. 3 in Taylors Bayou, and to the;" in line 16, after the word "built," strike out "and there shall also be ceded by the State of Texas to the United States exclusive jurisdiction and sovereignty over said waterway, basin, and slips;" in line 22, after the word "thereto," strike out "and upon proof being furnished to him of legal cession by the State of Texas of jurisdiction and sovereignty as aforesaid;" and on page 3, line 21, after the words "United States," strike out "*And provided further*, That the person or persons, companies, or corporations owning or controlling docks, wharves, or terminals in, along, or upon said canal, or in, along, or upon any basins, slips, or channels connected therewith, directly or indirectly, shall by valid contract agree that the charges for the use of said docks, wharves, and terminals shall be such as the Secretary of War may from time to time approve;" so as to make the section read:

That an additional collection district in the State of Texas shall be, and is hereby, established, to be known as the "district of Sabine," to comprise all of that portion of the State of Texas formerly embraced in the district of Galveston and now hereby detached therefrom, beginning on the Gulf of Mexico at the center of the stream of Sabine Pass; thence north with the center of the stream of Sabine Pass to Sabine Lake; thence with the center of the stream of Sabine Lake to a point directly opposite to the Sabine River; thence north with the east shores of the Sabine River to the north boundary line of Shelby County, Tex.; thence west to the Neches River; thence down said river with its west shores to a north boundary line of Jefferson County; thence in a westerly direction with the said north boundary line to the east boundary line of Liberty County, Tex.; thence south to the Gulf of Mexico; thence in an easterly direction along the Gulf shores to the place of beginning; that Port Arthur, in the county of Jefferson, shall be the port of entry for said district, and Sabine, in the county of Jefferson, shall be a subport of entry: *Provided*, That there shall be conveyed to the United States, free of cost, a valid title to the line of water communication between Taylors Bayou and Sabine Pass, known as the "Port Arthur Ship Canal," together with a valid title to the existing turning basin and to the artificial slip on which the lumber dock of the Port Arthur Canal and Dock Company is built, and the Secretary of War is hereby authorized to accept the said waterways as the property of the United States upon the delivery to him of a clear and indefeasible title thereto; and the said waterways shall thereupon become free public waters of the United States, and be subject to the laws heretofore enacted and that may be hereafter enacted by Congress for the maintenance, preservation, protection, and regulation of navigable waters: *Provided further*, That the company or corporation conveying title to said canal as aforesaid shall also convey to the United States, free of cost, the fee to a strip of land 150 feet wide along the westerly margin of the canal, except that where the right of way of the Southern Pacific Railroad Company prevents the transfer of such strip of land along the westerly margin of said canal there shall be conveyed such strip on the easterly margin thereof as may be necessary to make up such 150 feet of width, with the reservation that until Congress shall have authorized and provided for the enlargement and widening of said canal the said company or corporation, its successors or assigns, shall have the right to control, occupy, and use the said strip of land and every part thereof in the same manner and to the same extent as before the execution and delivery of the conveyance, and also the right to transfer, lease, sell, quitclaim, or otherwise dispose of said property and every part thereof, subject to the grant made to the United States: *And provided further*, That this act shall take effect only when the foregoing requirements shall have been fully complied with to the satisfaction of the Secretary of War.

The amendment was agreed to.

The next amendment was to strike out section 3 in the following words:

SEC. 3. That Sabine, in the State of Texas, shall be, and is hereby, made a subport of entry and delivery in the customs district of Sabine, and a customs officer, or such other officers, shall be stationed at said subport, with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require.

And to insert the following as section 3:

SEC. 3. That Sabine, in the State of Texas, shall be, and is hereby, made a subport of entry and delivery in the customs district of Sabine, with the privileges of immediate transportation, as defined by section 7 of the act of June 10, 1880, entitled "An act to amend the Statutes in relation to immediate transportation of dutiable goods, and for other purposes," being chapter 190, volume 21 of the Statutes at Large; that a deputy collector and such other officers of the customs as may be deemed necessary by the Secretary of the Treasury shall be ap-

pointed to reside at said subport; and that, subject to the supervision of the collector at Port Arthur, the deputy collector of said subport is hereby authorized to license and enroll, enter and clear vessels, receive entries, collect duties, fees, and other moneys, and generally to perform the functions prescribed by law for collectors of customs, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENT OF BANKRUPTCY ACT.

Mr. KEAN. In order that the new rule may not be enforced, I withdraw the motion I made for an executive session.

Mr. NELSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 4478) to amend section 64 of the bankruptcy act, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend clause 4 of subdivision B of section 64 of the act so as to read as follows:

Fourth. Wages due to workmen, clerks, traveling or city salesmen, or servants which have been earned within three months before the date of commencement of proceedings, not to exceed $300 to each claimant.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WEIGHTS AND SALES OF PRODUCTS.

Mr. GALLINGER. I ask for the consideration of the bill (H. R. 4468) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with amendments, on page 1, line 10, before the word "weight," to strike out "greater;" and in the same line, after the word "measure," to insert "less;" so as to make the bill read:

Be it enacted, etc., That section 10 of the act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, be, and the same is hereby, amended so as to read:

"SEC. 10. No person shall sell or offer for sale anywhere in the District of Columbia, any provisions or produce or commodities of any kind for a weight or measure less than the true weight or measure thereof; and all provisions, produce, or commodities of any kind shall be weighed by scales, weights, or balances or measured in measures duly tested and sealed by the sealer or an assistant sealer of weights and measures: *Provided*, That berries, when offered for sale in an original package or basket containing a standard measure, may be sold in said package or basket without the same having first been tested and sealed, but in no case shall said basket be refilled for use in the sale of berries or produce of any kind whatsoever: *And provided further*, That poultry and vegetables, usually sold by the head or bunch, may be offered for sale and sold in other manner than by weight or measure; but in all cases where the person intending to purchase shall so desire and request, poultry shall be weighed as hereinbefore prescribed: *And provided further*, That scales reported not in use shall be sealed down, and said seal shall not be broken except by authority of the sealer of weights and measures."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ENTRY OF IRRIGABLE LANDS.

Mr. ANKENY. I ask for the consideration of the bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes.

The Secretary read the bill.

Mr. SPOONER. I should like to inquire if the bill leaves it entirely to the Secretary of the Interior to determine the quantity of irrigated land that a man may enter.

Mr. CARTER. I desire to state to the Senator that the bill as it came to this body did leave the matter entirely discretionary. It is discretionary under existing law, but the minimum limit is 40 acres for a farm unit. The bill proposes to allow a reduction to 10 acres.

Mr. SPOONER. Who is to determine that?

Mr. BLACKBURN. The Secretary of the Interior.

Mr. SPOONER. Absolutely?

Mr. CARTER. The Committee on Irrigation put an amendment into the bill, which is printed as a part of it, that where owing to market conditions, climate, and soil the land is specially adapted to the growth of fruit or garden produce the Secretary of the Interior may reduce the limit to 20 acres, not to 10, as proposed by the House. That was for the purpose for allowing the bill to be justly applicable to regions in Arizona and to certain fruit regions in California, where a 20-acre tract would probably be quite sufficient.

Mr. PETTUS. Is there any matter before the Senate, Mr. President?

The VICE-PRESIDENT. The Senator from Washington has asked unanimous consent for the consideration of the bill which has been read. Is there objection to its consideration?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Irrigation with amendments.

The first amendment was, in section 1, page 1, line 3, after the word "Interior," to insert "by reason of market conditions and the special fitness of the soil and climate for the growth of fruit and garden produce;" in line 6, after the words "may be," to strike out "reasonably required" and insert "sufficient;" in line 11, after the word "than," to strike out "ten" and insert "twenty;" and at the end of the section to insert the following proviso, "*Provided*, That an entryman may elect to enter under said reclamation act a lesser area than the minimum limit in any State or Territory;" so as to make the section read:

That whenever, in the opinion of the Secretary of the Interior, by reason of market conditions and the special fitness of the soil and climate for the growth of fruit and garden produce, a lesser area than 40 acres may be sufficient for the support of a family on lands to be irrigated under the provisions of the act of June 17, 1902, known as the reclamation act, he may fix a lesser area than 40 acres as the minimum entry and may establish farm units of not less than 20 nor more than 160 acres. That wherever it may be necessary, for the purpose of accurate description, to further subdivide lands to be irrigated under the provisions of said reclamation act, the Secretary of the Interior may cause subdivision surveys to be made by the officers of the Reclamation Service, which subdivisions shall be rectangular in form, except in cases where irregular subdivisions may be necessary in order to provide for practicable and economical irrigation. Such subdivision surveys shall be noted upon the tract books in the General Land Office, and they shall be paid for from the reclamation fund: *Provided*, That an entryman may elect to enter under said reclamation act a lesser area than the minimum limit in any State or Territory.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 15, before the word "lands," to insert "by relinquishment;" so as to make the section read:

SEC. 2. That wherever the Secretary of the Interior, in carrying out the provisions of the reclamation act, shall acquire by relinquishment lands covered by a bona fide unperfected entry under the land laws of the United States, the entryman upon such tract may make another and additional entry, as though the entry thus relinquished had not been made.

The amendment was agreed to.

The next amendment was, on page 3, after line 10, to insert the following as an additional section:

SEC. 4. That in the town sites of Heyburn and Rupert, in Idaho, created and surveyed by the Government, on which town sites settlers have been allowed to establish themselves, and had actually established themselves prior to March 5, 1906, in permanent buildings not easily moved, the said settlers shall be given the right to purchase the lots so built upon at an appraised valuation for cash, such appraisement to be made under rules to be prescribed by the Secretary of the Interior. Reclamation funds may be used to defray the necessary expenses of appraisement and sale, and the proceeds of such sale shall be covered into the reclamation fund.

The amendment was agreed to.

The next amendment was, on page 3, after line 22, to insert the following as an additional section:

SEC. 5. That where any bona fide desert-land entry has been or may be embraced within the exterior limits of any land withdrawal or irrigation project under the act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and the desert-land entryman has been or may be directly or indirectly hindered, delayed, or prevented from making improvements or from reclaiming the land embraced in any such entry by reason of such land withdrawal or irrigation project, the time during which the desert-land entryman has been or may be so hindered, delayed, or prevented from complying with the desert-land law shall not be computed in determining the time within which such entryman has been or may be required to make improvements or reclaim the land embraced within any such desert-land entry: *Provided*, That if after investigation the irrigation project has been or may be abandoned by the Government, time for compliance with the desert-land law by any such entryman shall begin to run from the date of notice of such abandonment of the project and the restoration to the public domain of the lands withdrawn in connection therewith, and credit shall be allowed for all expenditures and improvements heretofore made on any such desert-land entry of which proof has been filed; but if the reclamation project is carried to completion so as to make available a water supply for the land embraced in any such desert-land entry, the entryman shall thereupon comply with all the provisions of the aforesaid act of June 17, 1902, and shall relinquish all land embraced within his desert-land entry in excess of 160 acres, and as to such 160 acres retained he shall be entitled to make final proof and obtain patent upon compliance with the terms of payment prescribed in said act of June 17, 1902, and not otherwise. But

nothing herein contained shall be held to require a desert-land entryman who owns a water right and reclaims the land embraced in his entry to accept the conditions of said reclamation act.

The amendment was agreed to.

Mr. KEAN. Is there a report accompanying the bill?

The VICE-PRESIDENT. There is a report accompanying it.

Mr. KEAN. It seems to be a pretty important bill, but I am informed by the Senator from Montana that it is a very carefully drawn one. Therefore I shall not object to its passage, but I think the report ought to be published with it.

The VICE-PRESIDENT. Without objection, the report will be published in the RECORD.

The report is as follows:

[Senate report No. 3897, Fifty-ninth Congress, first session.]

The Committee on Irrigation, to whom was referred the bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes, report the same back with amendments, as follows:

In section 1, page 1, after the words "Secretary of the Interior," on line 3, add the words "by reason of market conditions and the special fitness of the soil and climate for the growth of fruit and garden produce."

In section 1, page 2, on line 4, strike out the words "reasonably required" and insert in lieu thereof the word "sufficient."

In section 1, page 1, on line 9, strike out the word "ten" and insert in lieu thereof the word "twenty."

At the end of section 1, page 2, add the words "*Provided*, That an entryman may elect to enter under said reclamation act a lesser area than the minimum limit in any State or Territory."

In section 2, page 2, on line 9, after the word "acquire," insert the words "by relinquishment."

Add a new section, to be known as section 4, in words as follows:

"That in the town sites of Heyburn and Rupert, in Idaho, created and surveyed by the Government, on which town sites settlers have been allowed to establish themselves, and had actually established themselves prior to March 5, 1906, in permanent buildings not easily moved, the said settlers shall be given the right to purchase the lots so built upon at an appraised valuation, for cash, such appraisement to be made under rules to be prescribed by the Secretary of the Interior. Reclamation funds may be used to defray the necessary expenses of appraisement and sale, and the proceeds of such sale shall be covered into the reclamation fund."

The purpose of this amendment is to provide the manner of sale of lots in the town sites of Heyburn and Rupert, both being towns on the Minidoka reclamation project, in Idaho, for cash, at an appraised value, to be determined by the Secretary of the Interior, at the expense of the reclamation fund, the money derived from the sale of the lots so occupied by permanent improvements to be covered back into said reclamation fund. Almost a year ago it was announced that these lots would be offered for sale some time during the autumn. Later the land department ordered a survey and appraisement of these respective town sites, and the announcement was made that the sale of said lots would take place soon after the acceptance of said survey and appraisement.

Later a date certain was fixed, viz, November 20, 1905, and official notice of such sale was published in a number of newspapers. Following this came an abandonment of the plan to sell said lots until some indefinite date. A large number of the permanent improvements made on these two town sites were commenced, if not finished, prior to the postponement of this sale. They were made in entire good faith and with the assurance that they would be permitted to purchase these lots within a few weeks. The builders of these improvements took their chances on an auction sale and were entirely willing at that time to purchase the lots at auction.

Since the postponement of the sale of these lots the business built up by the business men of these respective towns, Heyburn and Rupert, have made each important trading centers, thereby increasing materially the value of these lots so occupied by these early settlers. These occupants, business men, are entirely willing to pay a fair valuation for the lots they occupy, such as may be fixed by disinterested appraisers.

By the settlement of these business houses on these town sites set aside by the Reclamation Service the hardships of the early settlers on their homesteads nearby have been minimized and the development of the tract materially benefited.

Section 5 is added as an amendment to the bill for the purpose of relieving desert-land entrymen, who are not at fault, from the effects of an act of the Government which may hinder, delay, or prevent them from compliance with the desert-land law. At the same time, the section provides that an entryman thus hindered, delayed, or prevented from complying with the law, if furnished with an available water supply by the Government, shall relinquish all land covered by his entry in excess of 160 acres, and comply with the terms and conditions of the reclamation act.

This legislation appears necessary, just, and desirable, because in certain sections, particularly in the State of Washington and in the northern part of Montana, desert-land entrymen, in good faith endeavoring to comply with the law, without notice were suddenly embraced within a Government irrigation project under the reclamation act, and thus prevented from complying with the desert-land law by reason of the fact that the Government project contemplated the appropriation and use of all the water from the stream from which the desert-land entrymen expected to obtain a supply of water for the use of the lands embraced in their respective entries.

In the nature of things one or more years must in each case elapse after the withdrawal of land for the irrigation project before the Government is able to determine the feasibility thereof; then a considerable time must necessarily elapse before the irrigation works can be constructed. Through such delay and interference the time in which the desert-land entryman is required to make improvements, reclaim the land, and make final proof expires. Section 5 is intended to relieve the entrymen from injury through such interference and delay on the part of the Government.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

IMPORTATION OF IMPURE TEA.

Mr. STONE obtained the floor.

Mr. PETTUS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. STONE. For what purpose?

Mr. PETTUS. I wish to move an adjournment.

Mr. STONE. I hope the Senator will not make that motion yet.

The VICE-PRESIDENT. The Senator from Missouri declines to yield.

Mr. PETTUS. Mr. President, I move that the Senate adjourn.

Mr. KEAN. I wish the Senator would withhold that motion for a moment, that we may have an executive session.

The VICE-PRESIDENT. The Chair has recognized the Senator from Missouri. The Senator from Missouri has the floor and declines to yield to the Senator from Alabama.

Mr. STONE. I ask unanimous consent for the present consideration of Senate bill 1548.

The VICE-PRESIDENT. The Senator from Missouri asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 1548) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897.

Mr. KEAN. That bill can not pass at the present time, Mr. President.

The VICE-PRESIDENT. Objection is made.

Mr. STONE. Did I understand the Senator from New Jersey to object to the consideration of the bill?

Mr. KEAN. The Senator from New Jersey stated that the bill could not pass at the present time.

Mr. STONE. Do I understand that objection is made?

The VICE-PRESIDENT. The Chair understood the remark of the Senator from New Jersey to be equivalent to an objection.

Mr. KEAN. It is.

Mr. STONE. I suppose the Senator has that privilege.

ENTRY OF COAL LANDS IN ALASKA.

Mr. PILES. I ask unanimous consent for the consideration at this time of House bill 17415. It is a little bill, giving coal miners in Alaska the same right to make entry of coal lands under the coal-land laws that are applicable elsewhere. I understand the bill has been heretofore read, Mr. President.

Mr. NELSON. It has been.

The VICE-PRESIDENT. The Senator from Washington asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 17415) to authorize the assignees of coal-land locations to make entry under the coal-land laws applicable to Alaska.

The VICE-PRESIDENT. The bill has been heretofore read. The bill has been reported from the Committee on Public Lands with an amendment in the nature of a substitute. Is there objection to its present consideration?

Mr. TELLER. Mr. President, that is a bill changing very materially the land laws of this country, and I do not think it ought to be passed in this way. I will object to it.

Mr. PILES. I hope the Senator will not object.

The VICE-PRESIDENT. Objection is made to the consideration of the bill.

Mr. PILES. I do not understand that the bill was objected to.

Mr. TELLER. I objected to the bill. As I have stated, I think a bill that changes materially the land laws of this country should not pass with less than a quorum in the Senate.

The VICE-PRESIDENT. Objection is made.

JOHN P. HUNTER.

Mr. TILLMAN. I ask unanimous consent for the consideration of the bill (S. 3020) for the relief of John P. Hunter.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to John P. Hunter, late United States marshal for the district of South Carolina, $308.13, which sum shall be taken and accepted and receipted for in full satisfaction of his claim for services performed by his deputy, H. J. Hickson, in the case of the United states against J. T. Tillman.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN FLORIDA.

Mr. TALIAFERRO. I ask the Senator from New Jersey to yield to me for a moment.

Mr. KEAN. I yield to the Senator from Florida, and after that I will insist upon my motion for an executive session.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 5986) for the establishment of a fish-cultural station in the State of Florida.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $25,000 for the establishment of a fish-cultural station for the propagation of shad and other fishes on St. Johns River, Florida, the purchase of site, the construction of buildings and ponds, and equipment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 12, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 11, 1906.

DISTRICT ATTORNEY.

George DuRelle, of Kentucky, to be United States attorney for the western district of Kentucky, vice Reuben D. Hill, deceased.

MARSHALS.

Charles T. Elliott, of California, to be United States marshal for the northern district of California, vice John H. Shine, whose term expired May 28, 1906.

Leo V. Youngworth, of California, to be United States marshal for the southern district of California, vice Henry Z. Osborne, whose term expired May 15, 1906.

RECEIVER OF PUBLIC MONEYS.

John Jones, of Michigan, to be receiver of public moneys at Marquette, Mich., to take effect June 24, 1906, at the expiration of his term. (Reappointment.)

APPOINTMENT IN THE NAVY.

Paul J. Dashiell, a citizen of the State of Maryland, to be a professor of mathematics in the Navy from the 21st day of June, 1906, vice Professor of Mathematics William W. Hendrickson, to retire on that date on account of age.

PROMOTIONS IN THE ARMY.

Lieut. Col. Oliver E. Wood, detailed military secretary, to be colonel in the Artillery Corps from June 8, 1906, vice McClellan, appointed brigadier-general.

Maj. John R. Williams, detailed military secretary, to be lieutenant-colonel in the Artillery Corps from June 9, 1906, vice Dyer, detailed as military secretary.

POSTMASTERS.

FLORIDA.

Daniel T. Gerow to be postmaster at Jacksonville, in the county of Duval and State of Florida, in place of Daniel T. Gerow. Incumbent's commission expires June 24, 1906.

ILLINOIS.

Joseph T. Van Gundy to be postmaster at Monticello, in the county of Piatt and State of Illinois, in place of Joseph T. Van Gundy. Incumbent's commission expires June 27, 1906.

Thomas W. Price to be postmaster at Astoria, in the county of Fulton and State of Illinois, in place of Thomas W. Price. Incumbent's commission expired June 10, 1906.

William H. Shaw to be postmaster at Canton, in the county of Fulton and State of Illinois, in place of William H. Shaw. Incumbent's commission expired June 10, 1906.

Cassius M. C. Weedman to be postmaster at Farmer City, in the county of Dewitt and State of Illinois, in place of Cassius M. C. Weedman. Incumbent's commission expires June 27, 1906.

Sewell P. Wood to be postmaster at Farmington, in the county of Fulton and State of Illinois, in place of Sewell P. Wood. Incumbent's commission expires June 19, 1906.

INDIANA.

James R. Spivey to be postmaster at Bluffton, in the county of Wells and State of Indiana, in place of Arthur L. Sharpe. Incumbent's commission expired December 12, 1905.

Harry A. Strohm to be postmaster at Kentland, in the county of Newton and State of Indiana, in place of Harry A. Strohm. Incumbent's commission expired February 7, 1906.

INDIAN TERRITORY.

Ulysses S. Markham to be postmaster at Caddo, in District 25, Indian Territory, in place of Millard C. Faulkner, resigned.

IOWA.

William M. Sindlinger to be postmaster at Waterloo, in the county of Blackhawk and State of Iowa, in place of William M. Sindlinger. Incumbent's commission expired January 20, 1906.

KANSAS.

John W. Skinner to be postmaster at Winfield, in the county of Cowley and State of Kansas, in place of Leonard A. Millspaugh. Incumbent's commission expires June 30, 1906.

Floyd E. Young to be postmaster at Stockton, in the county of Rooks and State of Kansas, in place of Floyd E. Young. Incumbent's commission expires June 27, 1906.

NEW YORK.

Leroy H. Van Kirk to be postmaster at Ithaca, in the county of Tompkins and State of New York, in place of Frank J. Enz, deceased.

NORTH CAROLINA.

B. G. Green to be postmaster at Warrenton, in the county of Warren and State of North Carolina, in place of Mary Green, deceased.

OHIO.

Oakey V. Parrish to be postmaster at Hamilton, in the county of Butler and State of Ohio, in place of Oakey V. Parrish. Incumbent's commission expires June 24, 1906.

Edwin P. Webster to be postmaster at Gambier, in the county of Knox and State of Ohio, in place of Edwin P. Webster. Incumbent's commission expired January 16, 1906.

OREGON.

James T. Brown to be postmaster at Pendleton, in the county of Umatilla and State of Oregon, in place of Lot Livermore. Incumbent's commission expires June 30, 1906.

PENNSYLVANIA.

John Grein to be postmaster at Homestead, in the county of Allegheny and State of Pennsylvania, in place of John Grein. Incumbent's commission expires June 24, 1906.

Alonzo G. Hudson to be postmaster at Safe Harbor, in the county of Lancaster and State of Pennsylvania. Office became Presidential April 1, 1906.

James E. Karns to be postmaster at Springdale, in the county of Allegheny and State of Pennsylvania, in place of James E. Karns. Incumbent's commission expires June 28, 1906.

George R. Morrison to be postmaster at Oakmont, in the county of Allegheny and State of Pennsylvania, in place of Thomas A. Hunter. Incumbent's commission expired April 10, 1906.

SOUTH DAKOTA.

Edward G. Edgerton to be postmaster at Yankton, in the county of Yankton and State of South Dakota, in place of Edward G. Edgerton. Incumbent's commission expired June 4, 1906.

VIRGINIA.

Alexander McCormick to be postmaster at Berryville, in the county of Clarke and State of Virginia, in place of Alexander McCormick. Incumbent's commission expires June 24, 1906.

WASHINGTON.

James Ewart to be postmaster at Colfax, in the county of Whitman and State of Washington, in place of James Ewart. Incumbent's commission expired June 7, 1906.

WISCONSIN.

Benjamin Webster to be postmaster at Platteville, in the county of Grant and State of Wisconsin, in place of Benjamin Webster. Incumbent's commission expired June 4, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 11, 1906.

REGISTER OF THE LAND OFFICE.

Matthew R. Wilson, of Montana, to be register of the land office at Bozeman, Mont., to take effect June 30, 1906.

SURVEYOR OF CUSTOMS.

Sheridan F. Master, of Michigan, to be surveyor of customs for the port of Grand Rapids, in the State of Michigan.

RECEIVERS OF PUBLIC MONEYS.

John R. Hilman, of Columbia Falls, Mont., to be receiver of public moneys at Kalispell, Mont.

Charles A. Wilson, of Great Falls, Mont., to be receiver of public moneys at Great Falls, Mont.

Samuel A. Wells, of Spokane, Wash., to be receiver of public moneys at Spokane, Wash.

PROMOTION IN THE ARMY.

First Lieut. Ethelbert L. D. Breckinridge, Tenth Infantry, to be captain from May 31, 1906.

POSTMASTERS.

CALIFORNIA.

N. T. Edwards to be postmaster at Orange, in the county of Orange and State of California.

FLORIDA.

Daniel T. Gerow to be postmaster at Jacksonville, in the State of Florida.

IDAHO.

Grace H. Woolley to be postmaster at Preston, in the county of Oneida and State of Idaho.

INDIANA.

Maynard A. Frisinger to be postmaster at Decatur, in the county of Adams and State of Indiana.

KENTUCKY.

Robert E. Woods to be postmaster at Louisville, in the county of Jefferson and State of Kentucky.

MISSOURI.

Edward T. Alexander to be postmaster at Slater, in the county of Saline and State of Missouri.

James W. Mills to be postmaster at Versailles, in the county of Morgan and State of Missouri.

George W. Smith to be postmaster at Sweet Springs, in the county of Saline and State of Missouri.

NEW JERSEY.

Orwill Van Wickle to be postmaster at Matawan, in the county of Monmouth and State of New Jersey.

OKLAHOMA.

Sam L. Darrah to be postmaster at Custer, in the county of Custer and Territory of Oklahoma.

TEXAS.

H. W. Derstine to be postmaster at Merkel, in the county of Taylor and State of Texas.

VIRGINIA.

Holt F. Butt, jr., to be postmaster at Portsmouth, in the county of Norfolk and State of Virginia.

WASHINGTON.

William L. Lemon to be postmaster at North Yakima, in the county of Yakima and State of Washington.

Fred W. Miller to be postmaster at Oakesdale, in the county of Whitman and State of Washington.

William W. Ward to be postmaster at Dayton, in the county of Columbia and State of Washington.

WEST VIRGINIA.

Carrie Newton to be postmaster at Benwood, in the county of Marshall and State of West Virginia.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 11, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, June 9, were read and approved.

URGENT DEFICIENCY.

Mr. TAWNEY. Mr. Speaker, I am directed by the Committee on Appropriations to report the following joint resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House joint resolution (No. 172) to supply a deficiency in an appropriation for the postal service.

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $80,000 to supply a deficiency in the appropriation for the manufacture of stamped envelopes and newspaper wrappers for the fiscal year 1906.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that the joint resolution be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed and read the third time; was accordingly read the third time, and passed.

REGULATION OF WATERS OF NIAGARA RIVER.

The SPEAKER laid before the House the bill (H. R. 18024) for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, with Senate amendments.

The Senate amendments were read.

Mr. BURTON of Ohio. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Ohio moves to disagree to the Senate amendments and ask for a conference.

Mr. DALZELL. Mr. Speaker, for the present I am not prepared to assent——

The SPEAKER. Well, the gentleman can demand a separate vote on each amendment if he chooses, or by unanimous consent it can be postponed, or it can be postponed by motion.

Mr. DALZELL. I ask unanimous consent that it be postponed for the present.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent temporarily that the consideration of the bill before the House may be postponed.

Mr. BURTON of Ohio. I object, Mr. Speaker.

The SPEAKER. The gentleman from Ohio objects.

Mr. CURTIS. Mr. Speaker, this is simply, I understand, a motion to nonconcur and ask for a conference.

The SPEAKER. Yes; to disagree to the Senate amendments and ask for a conference.

Mr. DALZELL. Mr. Speaker, I withdraw my objection.

The motion was agreed to.

The SPEAKER. The Chair announces the following conferees.

The Clerk read as follows:

Mr. BURTON of Ohio, Mr. BISHOP, and Mr. LESTER.

ALLOTTING LANDS IN LIMITS OF BLACKFEET INDIAN RESERVATION.

The SPEAKER also laid before the House the bill (H. R. 19068) to survey and allot lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement, with Senate amendments.

The Senate amendments were read.

Mr. SHERMAN. Mr. Speaker, I ask to nonconcur in the Senate amendments and ask for a conference.

Mr. WILLIAMS. Mr. Speaker, is this the Indian appropriation bill?

Mr. SHERMAN. No; it is the bill opening the Blackfeet Indian Reservation.

The motion was agreed to.

The SPEAKER. The Chair announces the following conferees.

The Clerk read as follows:

Mr. SHERMAN, Mr. CURTIS, and Mr. ZENOR.

CLOSING CERTAIN PLACES OF BUSINESS IN THE DISTRICT OF COLUMBIA ON SUNDAY.

Mr. BABCOCK. Mr. Speaker, I would like to call up the bill (H. R. 16483) requiring certain places of business in the District of Columbia to close on Sunday.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That it shall be unlawful for any person in the District of Columbia to sell or to offer for sale, or to keep open any place of business for the sale or delivery of, any groceries or meats or vegetables or other provisions on Sunday, except that from the 1st day of June until the 1st day of October meats sold prior to Sunday may be delivered at any time before 10 o'clock of the morning of that day. Any person who shall violate the provisions of this act shall, on conviction thereof, be punished by a fine of not less than $25 nor more than $50 for the first offense, and for each subsequent offense by a fine of not less than $50 nor more than $100, or by imprisonment in the jail of the District of Columbia for a period of not less than one month nor more than three months, or by both fine and imprisonment, in the discretion of the court.

SEC. 2. That all prosecutions for violations of this act shall be in the police court of the District of Columbia and in the name of the District of Columbia.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Kansas [Mr. CAMPBELL], who reported this bill.

The SPEAKER. How much time?

Mr. BABCOCK. As much time as is necessary.

Mr. CAMPBELL of Kansas. Mr. Speaker, the purpose of this legislation is to extend the rest day to the employees and the shopkeepers within the District of Columbia who hitherto by a common custom have kept their places of business open on Sunday. Their clerks and they themselves have not been able to have a day with their families or to attend church, as have the employees and the proprietors of other business houses and places within the District. The purpose of this bill is to make a uniform regulation by law for the closing of such places on Sunday, and all those who are to be affected by the bill favor its enactment into law. The employers favor the bill; the employees favor it. Many associations in the District favor the enactment of this bill into law. We have provided in the bill that during the heated months of the year purchases of meat made on Saturday may be delivered up until 10 o'clock on Sunday morning. This is for the purpose of enabling those who do not keep refrigerators or have ice boxes to have their meat delivered to them on Sunday morning. We have restricted the bill to the character of employment that I have

indicated here, so that we could avoid the opposition that generally arises against legislation prohibiting work upon the Sabbath day.

Mr. BARTHOLDT. Will the gentleman allow me?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. BARTHOLDT. Have not we a Puritan Sunday now?

I want to ask the gentleman from Kansas [Mr. CAMPBELL], Mr. Speaker, whether we have not a Puritan Sunday now in the District of Columbia, and whether it is not a fact that the newspapers published in this city have expressed the opinion time and time again that the present Sunday law is entirely satisfactory to all elements of the population, including the church element?

Mr. CAMPBELL of Kansas. The gentleman from Missouri [Mr. BARTHOLDT] raises a question that I can not go into, for the reason that it is so general. I will say this, that the Sunday-closing laws within the District have not resulted in the closing of these small market places—grocery stores and meat markets. And it is for the purpose of closing these that this legislation has been asked by those who are to be affected by it.

Mr. BARTHOLDT. Mr. Speaker, I would like to ask another question.

The SPEAKER pro tempore (Mr. BOUTELL). Does the gentleman from Kansas yield to the gentleman from Missouri?

Mr. CAMPBELL of Kansas. Yes.

Mr. BARTHOLDT. Is the committee in receipt of any particular complaint to the effect that the opening of these small shops on certain hours of a Sunday has given offense to the people of the District?

Mr. CAMPBELL of Kansas. Oh, no; not at all. But we have received pathetic requests from both employers and employees, who work every day in the week, including Sunday, in these places, and have no day and no part of a day with their families, that this bill be passed.

Mr. MURDOCK. Does this affect the small fruit stands?

Mr. CAMPBELL of Kansas. No; it does not affect the fruit stands.

Mr. MURDOCK. Does it affect the small restaurants that also handle a small amount of vegetables?

Mr. CAMPBELL of Kansas. Not at all. It affects shopkeepers, and only shopkeepers who run small markets.

Mr. STAFFORD rose.

The SPEAKER pro tempore. Does the gentleman from Kansas yield to the gentleman from Wisconsin [Mr. STAFFORD]?

Mr. CAMPBELL of Kansas. I do.

Mr. STAFFORD. Does the gentleman consider that when a person goes into a restaurant and buys a sandwich, that that is a sale?

Mr. CAMPBELL of Kansas. Not at all.

Mr. STAFFORD. What is it, if it is not a sale?

Mr. CAMPBELL of Kansas. The bill closes shops that are now opened for the sale of merchandise.

Mr. STAFFORD. A close reading of the bill shows that you prohibit the sale, or offering for sale, of any groceries, meats, or vegetables or other provisions. A strict construction of that language will cover the sale of sandwiches or any provisions in a restaurant. It says nothing whatsoever as to the sale in grocery stores, meat shops, and the like, and it is broad enough to cover the sale in restaurants.

Mr. CAMPBELL of Kansas. If it is a proper construction in the view of the gentleman from Wisconsin [Mr. STAFFORD], it is probable that some others entertaining a similar view of the bill would take the question into court and have it settled that way, but it is not the purpose of the legislation.

Mr. STAFFORD. I agree with the gentleman that it is not the purpose to include sales by restaurants, but the gentleman does not claim that if the bill is ambiguous we should force upon persons who are restaurant keepers and the like the necessity of going to the courts to have the law construed. I believe our duty is to make the bill clear and plain and remove all ambiguity that I claim now exists.

Mr. CAMPBELL of Kansas. I agree with the gentleman that what I have stated is the purpose of the bill, and I contend that the bill clearly states its purpose.

Mr. LOUDENSLAGER. Will the gentleman permit a question?

Mr. CAMPBELL of Kansas. I yield.

Mr. LOUDENSLAGER. Is there any objection to putting a proviso in here excepting from the operation of this law the fruit stands and the restaurant keepers?

Mr. CAMPBELL of Kansas. Not at all.

Mr. LOUDENSLAGER. That would modify it; also, the hotels.

Mr. CAMPBELL of Kansas. It never was intended that hotels and restaurants should be affected by this bill.

Mr. MANN. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. MANN. Would the gentleman contend that the bill, instead of saying "groceries and meats," could state that a restaurant could sell alcoholic beverages under the law?

Mr. CAMPBELL of Kansas. I will state to the gentleman from Illinois that all places that now keep beverages of any character whatever in their shops are closed on Sundays.

Mr. MANN. Oh, but I beg the gentleman's pardon. What I am trying to get at is the meaning of the bill. The bill prohibits any business in the sale of meats on Sunday. You say that does not apply to restaurants and hotels?

Mr. CAMPBELL of Kansas. It does not apply to them.

Mr. MANN. Suppose the bill, instead of using the words "sale of meat," uses precisely the language and substitutes "alcoholic beverages" for meat. That would allow any restaurant to sell alcoholic beverages on a Sunday.

Mr. CAMPBELL of Kansas. That is a question I will leave as decided by the gentleman from Illinois, who is always able to pass upon such questions.

Mr. MANN. The gentleman may be willing to leave it to the gentleman from Illinois, but I would like to have the gentleman's opinion, because he is instructing the Members of the House.

Mr. CAMPBELL of Kansas. I am not instructing the House, but am explaining what this bill provides.

Mr. MANN. Does not the gentleman know that he is informing the House, and always informs the House when he addresses the House?

Mr. CAMPBELL of Kansas. Ah; I thank the gentleman.

Mr. MANN. I would like to ask the gentleman whether this is the bill about which Members of Congress have been receiving so many communications with reference to the Sunday-closing bill?

Mr. CAMPBELL of Kansas. It is not the bill. We purposely restricted this bill, so as to meet the objections and protests that were received here by Members of Congress against the bill to which the gentleman refers.

Mr. MURDOCK. Now, Mr. Speaker, as I understand the gentleman, in the beginning he stated that this was for the relief of the employees.

Mr. CAMPBELL of Kansas. And the employers also.

Mr. MURDOCK. Then why do you make the exception until 10 o'clock on Sunday morning?

Mr. CAMPBELL of Kansas. It is for the purpose of enabling people who do not have ice boxes and ice chests to have their meat delivered to them on Sunday morning when they have purchased it the day before.

Mr. MURDOCK. Does not that defeat relief of the employees?

Mr. CAMPBELL of Kansas. That is a matter we had to compromise on by allowing deliveries up to 10 o'clock on Sunday morning.

Mr. MURDOCK. I think it defeats your purpose.

Mr. CAMPBELL of Kansas. The bill as it stands is satisfactory to all concerned.

Mr. CHARLES B. LANDIS. You say that this will not apply to the fruit stands?

Mr. CAMPBELL of Kansas. It is not the intention to have it apply to them.

Mr. CHARLES B. LANDIS. It may not be the intention, but I ask if the provisions of this bill would not be construed to practically eliminate the sale of fruits on the streets on a Sunday?

Mr. CAMPBELL of Kansas. If the gentleman wants my opinion, my opinion is it will not be so construed as to apply to fruit stands.

Mr. CHARLES B. LANDIS. Would not bananas, oranges, lemons, and other fruit be construed as provisions?

Mr. CAMPBELL of Kansas. Not within the scope of this bill.

Mr. CHARLES B. LANDIS. The law would not construe them as provisions? I am not a lawyer, and I am simply asking for information. If they are provisions, this bill will close every one of those stores. They are certainly provisions, and that would make it apply to all the little fruit stands.

Mr. CAMPBELL of Kansas. I do not think they would be construed as provisions; and they are not included within the scope of the bill.

Mr. CHARLES B. LANDIS. It may not be the intent of the gentleman to include them, but they are included.

Mr. CAMPBELL of Kansas. Mr. Speaker, to meet the objections and to get on with this bill, I offer the following amendment.

The Clerk read as follows:

Insert in line 9, after the word "day," the words "*Provided*, That nothing in this bill shall prevent the sale of fruit at fruit stands and the regular business of restaurants and hotels."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. Is there any other amendment?

Mr. CAMPBELL of Kansas. I think there are no other amendments.

Mr. BARTLETT. I want to ask the gentleman a question about this bill as it has now been amended and reported. Does it apply to stores that sell tobacco, cigars, and things of that kind?

Mr. CAMPBELL of Kansas. It does not refer to cigar stores.

Mr. BARTLETT. Why should it not? For instance, I saw a cigar store open for the first time on Pennsylvania avenue, New York avenue, and Fifteenth street, yesterday, run by a trust combination, open on that day, Sunday.

Mr. CAMPBELL of Kansas. Cigars or tobacco are neither provisions nor groceries.

Mr. BARTLETT. Well, then, this bill permits it to be done; permits cigar stores to be run all day?

Mr. CAMPBELL of Kansas. Yes.

Mr. BARTLETT. Why should it?

Mr. CAMPBELL of Kansas. We are legislating for the people who were asking the legislation, and cigar-store keepers or their employees did not ask for legislation of this character, and, I may add, no one else made such request.

Mr. BARTLETT. They are now generally closed on a Sunday. Most of the cigar stores and cigar stands in the hotels are closed, as a rule, on Sunday; but yesterday I saw for the first time a new cigar store was open on the corner of Fifteenth street, New York avenue, and Pennsylvania avenue, run by what is commonly known as the "cigar trust."

Mr. CAMPBELL of Kansas. I yielded to the gentleman for a question, and I can not yield further.

The SPEAKER. The amendment that the gentleman sent to the desk refers to a bill rather than the act. If there be no objection, it will be corrected in that respect, so as to read "nothing in this act."

There was no objection.

Mr. BARTHOLDT. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Certainly.

Mr. BARTHOLDT. As I understand the gentleman from Kansas, these people are practically a unit in asking for relief, the employers and the employees?

Mr. CAMPBELL of Kansas. They are.

Mr. BARTHOLDT. If that is the case, can not they agree among themselves without coming to Congress?

Mr. CAMPBELL of Kansas. They have never been able to do so.

Mr. BARTHOLDT. Has the gentleman given any attention to the question of the constitutionality of this bill?

Mr. CAMPBELL of Kansas. I have no doubt about the constitutionality of the act.

Mr. BARTHOLDT. The Constitution says that no State shall pass a law recognizing any religion. This is certainly a recognition of a religion——

Mr. CAMPBELL of Kansas. Not at all. We think it is properly a police regulation. Now, I can not yield to the gentleman further. I yield to the gentleman from Alabama eight minutes.

Mr. HEFLIN. Mr. Speaker, I send to the Clerk's desk a clipping from a newspaper and two letters, which I desire to have read in my time.

The Clerk read as follows:

FAVORS SUNDAY CLOSING—T. E. SEWELL PETITIONS COMMISSIONERS FOR LEGISLATION ON SABBATH OBSERVANCE.

The Commissioners were asked yesterday by T. E. Sewell, of 2225 Thirteenth street NW., to recommend legislation which will terminate the present rapidly increasing working and business transactions in this city on Sunday.

Mr. Sewell declares that the Sunday working evil has been growing more and more each year, until at the present time Sunday closely resembles any other week day.

WOMAN'S INTERDENOMINATIONAL MISSIONARY UNION
OF THE DISTRICT OF COLUMBIA,
Washington, D. C., June 6, 1906.

Congressman HEFLIN.

DEAR SIR: The women of the Interdenominational Union of the District heartily indorse your amendment to the Wadsworth bill and desire that said amendment be adopted and the bill passed.

Yours, for righteousness,

BELLE CALDWELL CULBERTSON,
President.

THE INTERNATIONAL REFORM BUREAU (INCORPORATED),
Washington, D. C., June 6, 1906.

Hon. J. T. HEFLIN, M. C.,
Washington, D. C.

DEAR SIR: The Heflin bill should certainly be added as an amendment to the Wadsworth Sunday bill for the District, for your bill touches the greater evil of the two. The Wadsworth bill aims to stop Sunday traffic, which is much to be desired, and it has been rightfully demanded with persistency by the clerks who have lost their Sunday rest. The situation illustrates Horace Greeley's great saying that "the liberty of rest for each demands a law of rest for all." But Sunday labor is a greater hardship; it is fitly called "Sunday slavery" by some of its victims. Indeed, the slave of former times had one day in the week for rest, and sang as he gathered with his fellows, "Every day'll be Sunday by and by." But there are many in this District who work seven days in the week, because this common mark of civilization—the prohibition of Sunday toil—is here lacking, through a clerical error made years ago when the Sunday law enacted by the people of the District themselves fell through because it was discovered that the mayor had failed to sign it. The general secretary of the Reform Bureau, Mr. B. B. Bassette, shortly before the opening of Congress, counted twenty dirt carts coming out of the Senate building, in course of construction, on Sunday. I myself have on a recent Sunday counted seventeen men at work there, mostly of the very class who most need the day both for rest and moral culture. The main reason why your bill forbidding Sunday labor has not been pressed as hard upon the attention of the Commissioners and committees as the Wadsworth bill relating to traffic is that the laborers are too ignorant and unorganized to act for themselves; but Congress should be the more zealous to protect them because of their helplessness. It is time that the District should be brought into civilization in this matter.

Wishing you success in your effort, I am,

Fraternally, yours,

WILBUR F. CRAFTS, *Superintendent.*

Mr. HEFLIN. Mr. Speaker, I could not gain the consent of the committee to offer my amendment at this time. I think it is, indeed, important that this bill should be amended as suggested in one of the letters I have had read. My bill touches the greater evil of the two. As suggested in the newspaper article, it is hard to distinguish Sunday from any other day in this District.

Mr. Speaker, in this Republic the voice of a majority of the people is supreme—the majority rules. That a vast majority of the people in America sanction the observance of the Christian Sunday is borne out in the fact that every State in the Union except two—California and Idaho, I believe—have a Sunday law. Can it be that all these States, enjoying the blessings of a Sunday law, will, through their Representatives in Congress, deny them to the people of the District of Columbia? There are people in the District who look upon any day of rest as a useless obstacle in the way of their greed. They, of course, oppose this bill, and agree that any man or woman who advocates it is a crank. This is a Christian nation, declared so to be by the Supreme Court of the United States. And the Christian Sunday has been sanctioned by the usages and customs of a vast majority of the American people. It is well that one day out of every seven should be designated as a day of rest. To allow every sect or society to disregard the Sunday of the American people and carry on their labors as they do in the "six days" named in Holy Writ and now recognized throughout the nation as the days in which to labor would be a serious blunder and a foolish thing to do. Our fathers and mothers have set apart the Christian Sunday as a day of rest. When the foreigner comes to America he comes knowing that this is a Christian nation, and that there is a Sunday recognized by law; but instead of observing the time-honored and law-sanctioned customs of our people we are informed that there are those among us who think that they should be excused from the observance of our day of rest—the Christian Sunday. We do not propose to compel them to worship on that day, but we do object to having the Sunday of the American people ignored and made a day for common labor. Let us show to the world that in the capital of this God-fearing nation the Lord's day shall be observed.

I desire to include in my remarks a portion of an opinion rendered by Mr. Justice Scott, of the supreme court of Missouri, in the case of the State *v.* Ambs, passing on the constitutionality of the Sunday law:

Those who question the constitutionality of our Sunday laws seem to imagine that the Constitution is to be regarded as an instrument formed for a State composed of strangers collected from all quarters of the globe, each with a religion of his own, bound by no previous social ties, nor sympathizing in any common reminiscenses of the past; that, unlike ordinary laws, it is not to be construed in reference to the State and condition for those for whom it was intended, but that the words in which it is comprehended are alone to be regarded, without respect to the history of the people for whom it was made.

It is apprehended that such is not the mode by which our organic law is to be interpreted. We must regard the people for whom it was ordained. It appears to have been made by Christian men. The Constitution on its face shows that the Christian religion was the religion of its framers. At the conclusion of that instrument it is solemnly affirmed by its authors, under their hands, that it was done in the year of our Lord 1820—a form adopted by all Christian nations, in solemn public acts, to manifest the religion to which they adhere.

Long before the convention which framed our constitution was assembled, experience had shown that the mild voice of Christianity was unable to secure the observance of Sunday as a day of rest. The con-

vention sat under a law exacting a cessation from labor on Sunday. (Edwards's Compilation, vol. 1, 302.) The journal of the convention will show that this law was obeyed by its members as such by adjournments from Saturday until Monday. In the tenth section of the fourth article of the constitution it is provided that if the governor does not return a bill within ten days (Sundays excepted) it shall become a law without his signature. Although it may be said that this provision leaves it optional with the governor whether he will consider bills or not on Sunday, yet, regard being had to the circumstances under which it was inserted, can any impartial mind deny but that it contains a recognition of the Lord's day as a day exempt by all law from all worldly pursuits? The framers of the constitution, then, recognized Sunday as a day to be observed, acting themselves under a law which exacted a compulsive observance of it. If a compulsive observance of the Lord's day as a day of rest had been deemed inconsistent with the principles contained in the constitution, can anything be clearer than, as the matter was so plainly and palpably before the convention, a specific condemnation of the Sunday law would have been ingrafted upon it? So far from it, Sunday was recognized as a day of rest, when, at the same time, a cessation from labor on that day was coerced by a penalty. They, then, who ingrafted on our constitution the principles of religious freedom therein contained, did not regard the compulsory observance of Sunday necessary to secure a full enjoyment of the rights of conscience. How could those who conscientiously believe that Sunday is a hallowed time, to be devoted to the worship of God, enjoy themselves in its observance amidst all the turmoil and bustle of worldly pursuits, amidst scenes by which the day is desecrated, which they conscientiously believed to be holy? The Sunday law was not intended to compel people to go to church, or to perform any religious act as an expression of preference for any particular creed or sect, but was designed to coerce a cessation from labor; that those who conscientiously believed that the day was set apart for worship of God might not be disturbed in their performance of their religious duties. Every man is free to use the day for the purpose for which it is set apart or not, as he pleases. If he sees proper to devote it to religious purposes, the law protects him from the disturbance of others. If he will not employ himself in religious duties, he is restrained from interrupting those who do. Thus the law, so far from affecting religious freedom, is a means by which the rights of conscience are enjoyed. It can not be maintained that the law exacting a cessation from labor on Sunday compels an act of religious worship. Because divines may teach their church that the reverential observance of the Lord's day is an act of religious worship, it by no means follows that the prohibition of worldly labor on that day was designed by the general assembly as an act of religion. Such an idea can only be based upon a supposition of an entire ignorance in the legislature of the nature of worship which God exacts from his creatures. A compliance with the law, induced by a fear of its penalties, could never be regarded as an act acceptable to the Deity. No act of worship, unless dictated by heartfelt love, can be pleasing to the Almighty. God listens alone to the voice of the heart.

Bearing in mind that our Constitution was framed for a people whose religion was Christianity, who had long lived under and experienced the necessity of laws to secure the observance of Sunday as a day of rest, how remarkable would it have been that they should have agreed to make common, by their fundamental law, a day consecrated from the very birth of their religion, and hallowed by associations dear to every Christian. Convert Sunday into a worldly day by law, and what becomes of Christianity? How can we reconcile the idea to our understanding, that a people professing Christianity would make a fundamental law by which they would convert Sunday into a worldly day? It would have been an act of deadly hostility to the religion they professed, exposing it to the danger of being reduced to the condition in which it was before the Roman world was governed by Christian princes. Though it might not be persecuted by the arm of the civil power, it would be driven by the annoyances and interruptions of the world to corners and by-places, in which to find a retreat for its undisturbed exercise.

How startling would be the announcement to the people of Missouri that, by their organic law, they had abolished Sunday as a day of rest, and had put it out of the power of their legislators ever to restore it as such? With what sorrow would the toil-worn laborer receive the intelligence that there was no longer by law a day of rest from his labor? The poor beasts of burden would soon find by experience that our laws were no longer tempered by the softening influence of Christianity, and all the social advantages by which great and good men have attributed to the observances of Sunday as a day of rest would be taken away.

In conclusion, we are of opinion that there is nothing inconsistent with the Constitution, as it was understood at the time of its adoption, with a law compelling the observance of Sunday as a day of rest. The Constitution itself recognizes that day as a day of rest, and from the circumstances under which it was done, we are warranted in the opinion that a power to compel a cessation from labor on that day was not designated to be withheld from the legislature.

Now, Mr. Speaker, I would like to have the Clerk read the bill as it would read with my amendment.

The SPEAKER. The gentleman asks unanimous consent to have the Clerk read the bill as it would read if amended, in his time.

There was no objection.

The Clerk read as follows:

A bill to prevent certain labor in the District of Columbia on Sunday, and to require certain places of business to close on that day.

Be it enacted, etc., That it shall be unlawful for any person in the District of Columbia to labor erecting buildings or constructing railroads on Sunday in said District of Columbia.

SEC. 2. That any person or persons who shall violate the provisions of section 1 of this act shall, on conviction therefor, be fined not less than $25 and not more than $50.

SEC. 3. That it shall be unlawful for any person in the District of Columbia to sell or to offer for sale, or to keep open any place of business for the sale or delivery of, any groceries or meats or vegetables or other provisions on Sunday, except that from the 1st day of June until the 31st day of October meats sold prior to Sunday may be delivered at any time before 10 o'clock of the morning of that day. Any person who shall violate the provisions of this act shall, on conviction thereof, be punished by a fine of not less than $25 nor more than $50 for the first offense, and for each subsequent offense by a fine of not less than $50 nor more than $100, or by imprisonment in the jail of the District of Columbia for a period of not less than one month nor more than three months, or by both fine and imprisonment, in the discretion of the court.

SEC. 4. That all prosecutions for violations of this act shall be in the police court of the District of Columbia and in the name of the District of Columbia.

Mr. HEFLIN. Now, Mr. Speaker, I want to say that I have been assured of the support of the Democratic side of this House for this Sunday law for the District of Columbia, and I have had assurances from several Republicans that they would support it. Adopt my amendment and you will do good service to this District and the nation. [Applause.]

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and was read the third time.

Mr. HEFLIN. Mr. Speaker, I move to recommit the bill, with instructions.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move to recommit the bill to the committee and that that motion lie on the table, and upon that I ask the previous question.

The SPEAKER. The gentleman would have been recognized; in fact, the Chair indicated to the gentleman that he would be recognized to move to recommit. Under the rule the friends of a bill are preferred unless there is some good reason to the contrary, in the judgment of the Chair. Upon the whole and under all the circumstances, the Chair recognizes the gentleman from Alabama to move to recommit. [Applause.]

Mr. HEFLIN. Mr. Speaker, I move to recommit the bill, with the instructions to incorporate the amendment which has just been reported.

The SPEAKER. The gentleman from Alabama moves to recommit the bill, with instructions to report the same back with the substitute which he had read a few moments ago.

The question was taken; and on a division (demanded by Mr. HEFLIN) there were—ayes 43, noes 150.

Mr. HEFLIN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. All those in favor of the yeas and nays will rise and stand until counted. [After counting.] Thirty-three gentlemen have arisen, not a sufficient number.

Mr. UNDERWOOD. I demand the other side.

The SPEAKER. As many as are opposed to taking the yeas and nays will rise and stand until counted.

The question being taken, the Speaker announced—ayes 35, noes 151, not a sufficient number demanding the yeas and nays.

Mr. HEFLIN. I ask for tellers on the yeas and nays.

The question being taken on ordering tellers, there were 35 ayes—not a sufficient number.

Accordingly the yeas and nays were refused.

So the motion was disagreed to.

The bill was passed.

EMPLOYMENT AGENCIES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 19642) to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment of situations.

The bill was read.

Mr. TAYLOR of Ohio. Mr. Speaker, I offer an amendment for the purpose of correcting a clerical error.

The Clerk read as follows:

On page 5, in line 24, strike out "his" and insert "their."
On page 12, in line 4, strike out "or" and insert "and in default of payment thereof."

The amendment was agreed to.

The SPEAKER. The Chair calls the attention of the gentleman to the word "expected," in line 14, page 5.

Mr. TAYLOR of Ohio. I move to amend by striking out "expected" and inserting in lieu thereof the word "excepted."

The amendment was agreed to.

Mr. RUCKER. Will the gentleman yield for a question?

Mr. TAYLOR of Ohio. Yes.

Mr. RUCKER. I notice here, in section 8, that a scale of prices or fees is fixed, to be paid by employers seeking help and by applicants for employment. I should like to ask the gentlemen do these employment bureaus operate throughout the country in all the principal cities?

Mr. TAYLOR of Ohio. They do.

Mr. RUCKER. In practically every city in the country you find employment bureaus?

Mr. TAYLOR of Ohio. Employment agencies, so called.

Mr. RUCKER. Seeking to find employment for laboring people of all classes—for pay?

Mr. TAYLOR of Ohio. For pay.

Mr. RUCKER. Now, I should like to ask the gentleman if the slogan of the gentleman from Indiana [Mr. CHARLES B. LANDIS] still applies, of all sorts of work for all sorts of people, and if this is the way they get it, by paying for it?

Mr. TAYLOR of Ohio. The slogan still applies.

Mr. RUCKER. By paying experts to find employment for them?

Mr. TAYLOR of Ohio. Yes; in domestic work. That is always the case.

Mr. RUCKER. This is for all kinds of work, provided for all kinds of people, and they pay experts to find it for them?

Mr. TAYLOR of Ohio. Yes; and if a person has money enough to pay an expert, and to save himself the trouble of looking around when he wishes to change his employment, he has a right to do it.

Mr. RUCKER. The idea is that the laboring man is too busy, and so he pays somebody else to find work for him.

Mr. TAYLOR of Ohio. And as a rule employment agencies are not very prosperous for that reason.

The bill as amended was ordered to be engrossed and read a third time; and was acordingly read the third time, and passed.

WASHINGTON AND WESTERN MARYLAND RAILROAD COMPANY.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 12086) to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company."

The bill was read.

During the reading of the bill the following occurred:

Mr. RUCKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RUCKER. I rise simply, Mr. Speaker, to call attention to the fact, although I will not make the point at this minute, that I am quite sure if the point of no quorum were raised——

The SPEAKER. The presence of a quorum was ascertained a few minutes ago.

Mr. RUCKER. Since then several bills have passed. I only want to say, Mr. Speaker, if I may have a minute, that I will not make the point at this time, because I notice that one of the most distinguished Members of the House—the gentleman from New York [Mr. PAYNE]—is absent, and if the point were made——

Mr. MANN. The gentleman from New York [Mr. PAYNE] has just left the Hall of the House for the purpose of getting his lunch.

The SPEAKER. The gentleman can not enter upon debate during the reading of the bill. The Clerk will proceed.

The Clerk resumed and completed the reading of the bill, with the following committee amendments:

Page 5, line 22, strike out the period after the word "granted" and insert a colon, and add the following:

"*Provided further*, That the location, plans, and elevation of said railroad for crossing the Chesapeake and Ohio Canal shall be approved by the trustees of the Chesapeake and Ohio Canal before the commencement of any work on the property of the said canal company."

Page 11, line 19, strike out the words "three years" and insert the words "eighteen months."

Page 11, line 20, insert before the word "and" the following: "the work to commence within sixty days."

Mr. SULZER rose.

The SPEAKER. Does the gentleman yield?

Mr. MORRELL. I yield for a question.

The SPEAKER. The gentleman yields for a question.

Mr. SULZER. Mr. Speaker, all I want to say is that this is a very important railroad bill, and I want to ask the gentleman who has the matter in charge to give us some explanation as to why this lapsed railroad charter, this old railroad charter, which lapsed away back in 1892, should now be revived and extended for eighteen months?

Mr. MORRELL. Mr. Speaker, in answer to the gentleman from New York [Mr. SULZER] I will say that this is the same bill that passed the House last year and went over to the Senate, but owing to the lateness of the time it was impossible for it to pass there. The bill is identical with the one that was passed last year, with the exception of the proviso which the Clerk has just read in the shape of an amendment, limiting it to eighteen months instead of as the original bill provided for three years, and also providing that work must be begun by the railroad company within sixty days. Therefore it absolutely makes it necessary for the railroad company to begin work at once and complete this road within eighteen months. It will be impossible for them to do it in less time than that, as a certain amount of construction is of a very difficult character. It does not grant any privilege in any way, shape, or manner to the railroads except to allow them to construct the road on the main-line side of the canal rather than along the towpath.

Mr. SULZER. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. MORRELL. I yield for a question.

Mr. SULZER. I would like to have just a few minutes.

Mr. MORRELL. How much time does the gentleman desire—ten minutes?

Mr. SULZER. No; two or three minutes.

Mr. MORRELL. I yield five minutes to the gentleman.

Mr. SULZER. Mr. Speaker, I only want to say a few words. The explanation of the gentleman from Pennsylvania [Mr. MORRELL] regarding this bill is not very satisfactory. The fact that a similar bill was rushed through the last Congress in its closing days is no reason why we should rush this bill through this Congress. In 1889 Congress passed an act giving this railway company the right to construct this road and they were to do it within three years. The railroad company never did a single thing. The three years expired March 2, 1892, and the charter lapsed, became absolutely null and void, and this bill revives it, and that after practically fourteen years have gone by. It seems to be very easy for a railroad company to get a bill through Congress extending some old forfeited charter, but I undertake to say that if a poor man wanted to pass a bill to get him his rights, he would have very serious difficulty in doing it. Railroad corporations always seem to have the right of way in matters when they want something. This bill now gives the railroad company eighteen months to do what it should have done fourteen years ago. There is not a single provision in the bill to protect the people of the District of Columbia. I am opposed on general principles to reviving these forfeited franchises without some compensation to the people for the privilege. I believe we should carefully scrutinize every bill granting franchises to corporations.

Mr. MORRELL. Mr. Speaker, I would say, in answer to the gentleman from New York, that there is a universal demand from every citizen living in Georgetown to-day for this road to be built. They are absolutely clamoring for it. The business people of Georgetown were even anxious to have a barge service established to transport freight to and from Shepherds Point, so as to connect with the railroad. The business of Georgetown is positively drying up for want of railroad connection, and this is to give the connection which they want. There have been several cases there where citizens of Georgetown have built factories, business enterprises, and have absolutely failed for lack of these facilities. Men have been forced to go out of business because of not having railroad accommodations. Everybody wants it.

Mr. SULZER. Admitting what the gentleman says, that the people want the railroad extended, what assurance have we that the railroad will extend this line? It refused to do so before.

Mr. MORRELL. They are obliged under the terms of the bill to begin the work within sixty days, and the work must be completed within eighteen months.

Mr. SULZER. The railroad was obliged under the original charter, granted in 1889, to begin work and finish it within three years, and it did not do a thing.

Mr. MORRELL. Yes; but it did not oblige them to begin work within sixty days.

Mr. SULZER. Well, it had three years. It did nothing. Suppose it refuses to do anything within sixty days; what can the people do about it? Not a thing. It is the same old, old story. There is no penalty.

Mr. MORRELL. We put that provision in this bill after careful consideration.

Mr. SULZER. Suppose not a thing is done within sixty days, what then?

Mr. MORRELL. If they don't, then the charter lapses.

Mr. SULZER. Well, it lapsed before—fourteen years ago.

Mr. MORRELL. But the people of Georgetown want this accommodation. It is absolutely necessary for the business interests of Georgetown that this road should be built.

Mr. SULZER. Well, I shall not object, but these charters should be sold to the highest bidders for the best interests of all the people.

Mr. MORRELL. As it is to-day those interests are absolutely paralyzed for want of railroad accommodations. They have to haul their freight across Washington—some 5 miles.

Mr. SULZER. I undertake to say that if this charter was advertised for sale it could be sold.

Mr. MORRELL. No one else would touch this road for the reason that they would not have a connection. This is simply a short piece of road which goes from Georgetown and connects with a road already built through Maryland and Virginia.

Mr. SIMS. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. MORRELL. I yield to my colleague from Tennessee.

Mr. SIMS. Mr. Speaker, I just wish to say this: This bill has been amended as requested and demanded by the shippers in Georgetown over the strenuous opposition of the railroad people themselves and it is a small piece of road there that no

independent line would seek in all probability, and we have now provided that if they do not build in eighteen months they forfeit their rights.

Mr. SULZER. They have already forfeited the charter.

Mr. SIMS. I think the gentleman is mistaken about that.

Mr. SULZER. They forfeited it in 1892.

Mr. SIMS. But there has been legislation since we gave them that time.

Mr. SULZER. No; there has been no legislation——

Mr. SIMS. That is my recollection; I may be mistaken. At any rate, if it is a new application it is exactly what the shippers there want. We are working in this case in the interests of the dear people over the strenuous opposition of the railroad company.

The question was taken; and the amendments were agreed to.

The bill as amended was ordered to be read the third time; was read the third time, and passed.

CLASSIFYING OFFICERS AND MEMBERS OF THE FIRE DEPARTMENT, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of bills reported from the District of Columbia Committee on the Union Calendar.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of bills on the Union Calendar reported from the District of Columbia Committee, Mr. MANN in the chair.

Mr. BABCOCK. Mr. Chairman, I desire to call up the bill H. R. 4464 on the Calendar as unfinished business.

The CHAIRMAN. The gentleman from Wisconsin calls up the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 4464) to classify the officers and members of the fire department of the District of Columbia, and for other purposes.

Mr. CAMPBELL of Kansas. Mr. Chairman, this bill has been read and is now being considered by sections for amendment.

The CHAIRMAN. The gentleman from Kansas is in error, the Chair thinks. The bill is under consideration under general debate, and the bill has been read for the first time.

Mr. CAMPBELL of Kansas. That was my understanding, and it was also my understanding that the——

The CHAIRMAN. If no gentleman desires to take the floor for general debate the Clerk will read the bill by sections.

The Clerk read as follows:

Be it enacted, etc., That the fire department of the District of Columbia shall embrace the whole of the said District, and its personal and movable property shall be assigned and located as the Commissioners of said District may direct within the appropriations made by Congress.

SEC. 2. That the Commissioners of the District of Columbia shall appoint, assign to such duty or duties, promote, reduce, fine, suspend, with or without pay, and remove all officers and members of the fire department of the District of Columbia according to such rules and regulations as said Commissioners in their exclusive jurisdiction and judgment may from time to time make, alter, or amend: *Provided*, That the rules and regulations of the fire department heretofore promulgated are hereby ratified and shall remain in force until changed by said Commissioners.

SEC. 3. That the fire department of the District of Columbia shall consist of a superintendent, who shall, subject to the general supervision and direction of said Commissioners, have administrative supervision thereof; and also, as at present, of one chief engineer, one deputy chief engineer, such number of battalion chief engineers as said Commissioners may deem necessary from time to time within the appropriations made by Congress; one fire marshal; such number of deputy fire marshals, inspectors, and clerks as said Commissioners may deem necessary from time to time within the appropriations made by Congress; such number of captains and lieutenants as said Commissioners may deem necessary from time to time within the appropriations made by Congress; one superintendent of machinery; such number of assistant superintendents of machinery, engineers, assistant engineers, pilots, marine engineers, assistant marine engineers, drivers, privates of class No. 2, privates of class No. 1, and laborers as said Commissioners may deem necessary from time to time within the appropriations made by Congress; one superintendent of stables; such number of assistant superintendents of stables as said Commissioners may deem necessary from time to time within the appropriations made by Congress: *Provided*, That the superintendent of the fire department of the District of Columbia shall have the right to call for and obtain the services of any veterinary surgeon employed by the District who at the time shall not be engaged in a more emergent veterinary service for the District: *And provided further*, That the police surgeons of said District are required to attend, without charge, the members of the fire department of said District, and examine all applicants for appointment to, promotion in, and retirement from said fire department: *Provided further*, That until this act shall take effect the said fire department and its officers and members shall continue as at present, and shall be subject to existing rules and regulations.

The committee amendments were read, as follows:

Page 2, strike out all after the word "of" in line 7, down to and including the word "of," in line 10; also insert before the word "such," in line 12, the words "both of whom shall have had at least five years of experience in some regularly organized municipal fire department."

Page 2, line 24, insert before the word "privates" the words "assistant drivers;" strike out the comma after the word "two," in line 25, and insert "and."

Page 3, line 1, strike out the comma after the word "one;" also strike out the words "and laborers."

Page 3, strike out all, commencing with the semicolon after the word "Congress," in line 3, down to and including the word "Congress," in line 6, page 3; also strike out the word "superintendent," in line 6, page 3, and insert "chief engineer."

Page 3, strike out all, commencing with the colon after the word "department," in line 10, down to and including the word "regulations," in line 18.

The question was taken; and the committee amendments were agreed to.

The Clerk read as follows:

Strike out all of section 4.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 5. That the salary of the superintendent of the fire department of the District of Columbia shall be and continue annually at $4,000, unless changed by Congress, and shall begin at said rate per annum at the time of his appointment to office; the salaries of the other officers and members of said fire department herein provided shall commence, for the purposes of this act, with the fiscal year beginning July 1, 1906, and shall continue thereafter annually, unless changed by Congress, as follows: The chief engineer shall receive an annual salary of $3,500; the deputy chief engineer shall receive an annual salary of $2,500; battalion chief engineers shall each receive an annual salary of $2,000; the fire marshal shall receive an annual salary of $2,000; deputy fire marshals shall each receive an annual salary of $1,400; inspectors shall each receive an annual salary of $1,080; one clerk at an annual salary of $1,400; all other clerks shall each receive an annual salary of $1,200; captains shall each receive an annual salary of $1,400; lieutenants shall each receive an annual salary of $1,200; the superintendent of machinery shall receive an annual salary of $1,400; assistant superintendents of machinery shall each receive an annual salary of $1,200; engineers shall each receive an annual salary of $1,150; assistant engineers shall each receive an annual salary of $1,100; pilots shall each receive an annual salary of $1,150; marine engineers shall each receive an annual salary of $1,150; assistant marine engineers shall each receive an annual salary of $900; drivers shall each receive an annual salary of $1,100; privates of class No. 2 shall each receive an annual salary of $1,080; privates of class No. 1 shall each receive an annual salary of $960; laborers shall each receive an annual salary of $720; the superintendent of stables shall receive an annual salary of $1,080; assistant superintendents of stables shall each receive an annual salary of $900.

The committee amendments were read, as follows:

Page 4, line 5, strike out all after the word "that" down to and including the semicolon after the word "office" in line 9 on page 4; also strike out the word "other" in line 9, page 4.

Page 4, line 22, insert before the word "clerk" the word "chief."

Page 4, line 23, strike out the semicolon after the word "dollars;" also strike out the words "all other clerks shall each receive" and insert in lieu thereof "and one clerk at."

Page 5, line 15, strike out the word "nine" and insert the words "one thousand one."

Page 5, line 17, insert before the word "dollars" the words "and fifty;" also insert before the word "privates" the words "assistant drivers shall each receive an annual salary of one thousand one hundred dollars."

Page 5, strike out all, commencing with the semicolon after the word "dollars" in line 22, down to and including the word "dollars" in line 2, page 6.

The CHAIRMAN. The question is on agreeing to the committee amendments.

Mr. FITZGERALD. I ask that the amendments on lines 22 and 24, page 4, be separated from the rest of the amendments.

The CHAIRMAN. Is there a request for the separation of any other amendment? If not, the Chair will put the question on the other amendments in block. The question is on agreeing to the committee amendments not named by the gentleman from New York in the section just read.

The question was taken; and the amendments were agreed to.

The CHAIRMAN. The question now recurs upon the amendment which the Clerk will report.

The Clerk read as follows:

Line 22, page 4, before the word "clerk" insert "chief;" so it will read "one chief clerk."

Mr. FITZGERALD. Mr. Chairman, I wish to have the attention of the gentleman in charge of the bill. This bill provides in section 3 that the Department shall——

Mr. CAMPBELL of Kansas. I wish the gentleman would speak louder, so I can hear.

Mr. FITZGERALD. On page 2 in section 3 of the bill there is a provision that there shall be "such number of clerks as said Commissioner may deem necessary from time to time within the appropriations made by Congress." In the pending section there is pending an amendment to insert "chief," that there shall be one chief clerk with an annual salary of $1,400 and one clerk at an annual salary of $1,200.

I was going to suggest to the gentleman in charge of the bill the propriety of eliminating from this bill reference to the compensation of clerks, either chief or otherwise, for this reason: The Commissioners of the District of Columbia, when the ap-

propriation bill was being made up this year, did not ask for an additional clerk. They have one clerk now, at $1,000 a year. They did ask that his salary be increased $200. The House did not grant that increase. The bill went to the Senate. There was no request made there for an additional clerk, and as the appropriation bill has passed the Senate it provides for but one clerk, at $1,000 a year. If the compensation be not fixed in this law, from time to time it will be in the power of Congress under the provision to authorize such clerks and at such compensation as may be proper. If compensation be fixed in this act, it will take from Congress in the future the power to fix the compensation of these clerks. In view of the fact that both Houses of Congress have at this session passed upon the clerical help for the fire department and determined that one clerk, at $1,000 a year, is sufficient, it seems to me that the gentleman could well eliminate from this bill the provision for a chief clerk, at $1,400 a year, and an additional clerk, at $1,200, and leave to Congress and the future the power to provide such clerical help as may be required.

Mr. CAMPBELL of Kansas. Answering the gentleman from New York, I can well see why, at first glance and without having given the consideration to the bill that the committee has given it, that he would take this position. The fact is that while the District appropriation bill was pending before his committee and before the Senate there was pending before the District Committee a bill to reorganize the fire department of the city, which provided that there should be a superintendent of the fire department, as provided for in section 4 of this bill, which the committee amended by striking the entire section out. Section 4 of the bill now under consideration before it was amended called for or created the office of superintendent, and the committee having the bill in charge, after considering the matter fully, giving long hearings on the question, decided that the creation of the superintendent's office would also call for clerks and stenographers, which will be provided for by the appropriation bills from year to year, and in lieu of the office of superintendent we created the offices of chief clerk and clerk. These two offices created by the District Committee in their amendment to the bill will answer, so the committee has thought, every purpose that could have been served by the office of superintendent with all of its clerks. And we thought that it was quite proper that the committee that had heard all phases of the question could well provide in the bill for these two offices. The appropriation bill having been passed, we could not hope to have these offices provided for by the Appropriations Committee until another year.

Mr. FITZGERALD. I wish to call the attention of the gentleman to this fact, that the bill as it came from the Senate not only had a provision for a superintendent, at $4,000 a year, but had a provision for this clerk, at $1,400 a year.

Mr. CAMPBELL of Kansas. As it came back from the Senate?

Mr. FITZGERALD. Yes. The amendment that is suggested by the gentleman's committee in regard to the clerk is merely to insert the word "chief." When the Commissioners of the District were before the Committee on Appropriations they did not say they needed any additional clerks. They said that they were urging the readjustment of the salaries of the personnel of the department—officers and men—but there was no claim then made that they required any additional clerk hire. This bill was reported to the House and had passed the Senate before the appropriation bill was acted upon by the Senate committee or by the Senate itself. I have a copy of the bill as it passed the Senate.

Mr. CAMPBELL of Kansas. I am sorry to say that this bill has not yet passed the Senate.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman be granted five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent that the gentleman from New York be granted five minutes more. Is there objection?

There was no objection.

Mr. FITZGERALD. I beg the gentleman's pardon. I was thinking of the appropriation bill. I meant to say as the bill was originally introduced. The District Commissioners also appeared before the Senate Committee on Appropriations, but evidently they asked for no additional help there, and it seems to me where the law authorizes Congress to give such clerks as may be necessary from time to time, and gives them power to fix the compensation, that then it can control properly the clerical help required. And there was no contention, and the Commissioners said that if the clerk that was there at present got $1,200 that would be ample and they would have no trouble at all.

The Commissioners did not say that they needed this extra help, this additional salary, and I am unable to understand why the committee should desire to force this additional compensation and additional help upon the department.

Mr. CAMPBELL of Kansas. We are giving this additional clerk in lieu of a superintendent that the District Commissioners expected would be created in this bill at the time they were before the Committee on Appropriations.

Mr. FITZGERALD. But the gentleman from Kansas knows that there was absolutely no reason for the creation of the office known as "superintendent of the fire department." One of the Commissioners of the District takes charge of the fire department, and he in effect is head of it, and under him, as provided in this bill, will be a chief, at $3,500 a year, an assistant chief, at $2,500 a year, and a certain number of battalion chiefs; and there was absolutely no excuse for a superintendent and the clerical force as proposed.

Mr. CAMPBELL of Kansas. I agree perfectly with the gentleman from New York about that, and we struck the provision for it out and gave instead of it the clerk that the hearings before the committee showed was absolutely necessary to do the work that has to be done, and we give this additional clerk for that purpose.

Mr. MADDEN. Mr. Chairman, it seems to me that if the department had been able to do the work which it is called upon to do efficiently with one clerk up to this time that there is now no need for an additional clerk. Mr. Macfarland, one of the Commissioners, had this to say with reference to the funds of the department for clerical force when he was before the Committee on Appropriations:

Mr. MACFARLAND. You will see there is a recommendation for an increase in the salary of the clerk. We have one clerk at the fire department headquarters, and I have explained in another connection the responsibilities and the work which are upon this man. The man whom we had for years left us about three months ago to take an offer from a private corporation in New York, and I was informed by a member of his family the other day that he was now receiving $2,000 with this concern in New York.

Mr. GILLETT. You could not expect to keep him.

Mr. MACFARLAND. We did keep him all those years, and we could have kept him if we had given him $1,200.

Mr. FITZGERALD. Is he a stenographer?

Mr. MACFARLAND. The present clerk is not a stenographer, but a typewriter.

Mr. GILLETT. What are his duties?

Mr. MACFARLAND. To handle all of the business that comes to that office—records, papers of all sorts, correspondence. He is the one clerk of the establishment. The chief also has a fireman detailed as his personal assistant, but the burden of the management of office business falls upon this man. As I say, this man just came into this office, but nevertheless the position is worth $1,200, and while this man is new, I press the recommendation.

It will be seen from this examination of the Commissioner that at no time during his examination did he suggest that any additional clerical help be furnished to the department. There are no more men in the department now than were in it when this examination took place; there is no more work to do now than then; there is no more need for additional clerks now than there was then, and there is no justice, in my judgment, in the creation of this position of chief clerk, and it ought, I submit, from a business standpoint, to be stricken from the bill.

Mr. CAMPBELL of Kansas. Mr. Chairman, I hope this amendment will be agreed to. The Committee on the District of Columbia, I say with modesty, is quite——

Mr. MADDEN. The committee is always modest.

Mr. CAMPBELL of Kansas. Is quite as capable of going into a question affecting the welfare of the District of Columbia as the Committee on Appropriations.

Mr. MADDEN. I beg the gentleman's pardon. There is nobody questioning the gentleman's ability, integrity, or business judgment.

Mr. CAMPBELL of Kansas. And the District Committee did go into the question fully. When the Commissioner was giving the statement just read by the gentleman from Illinois, he had in mind the creation of the office of superintendent to do the work that is to be done by the chief clerk that we provide for in this bill.

Mr. MADDEN. Will the gentleman yield to me?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. MADDEN. Will the gentleman from Kansas be kind enough to tell the committee how he knows the Commissioner had in mind the creation of the office of superintendent?

Mr. CAMPBELL of Kansas. Because at that time he was pressing the matter before the District Committee. If the gentleman will read the hearings before the District Committee, he will see that a large part of the hearings was taken up in the consideration of the creation of the office of superintendent

There is property running into the millions to be looked after; there are claims to be made; there is a great deal of very important business that was to have been done by the superintendent that is to be shifted from the Commissioner to this chief clerk, and it is the purpose that he should look after this business. I sincerely hope the committee will agree to this amendment that has been made to this bill after careful and serious consideration by the entire committee. I ask for a vote on the amendment.

The CHAIRMAN. The question is on agreeing to the committee amendments, the first of which will be reported by the Clerk.

The Clerk read as follows:

On page 4, in line 22, insert, before the word "clerk," the word "chief."

On a division (demanded by Mr. MADDEN) there were—ayes 25, noes 7.

Accordingly the amendment was agreed to.

The CHAIRMAN. The Clerk will report the other amendment upon which a separate vote was demanded.

The Clerk read as follows:

On page 4, in lines 23 and 24, strike out the words "all other clerks shall each receive" and insert in lieu thereof "and one clerk at."

Mr. CAMPBELL of Kansas. I ask for a vote on the amendment, and I hope it will be agreed to.

The amendment was agreed to.

The Clerk read section 7, with a committee amendment thereto.

The committee amendment was agreed to.

The Clerk resumed and completed the reading of the bill.

Mr. CAMPBELL of Kansas. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

DAMAGES ON ACCOUNT OF UNION STATION GRADES.

Mr. BABCOCK. Mr. Chairman, I ask for the present consideration of the bill (H. R. 14511) amendatory of an act entitled "An act to provide for payment of damages on account of changes of grades due to the construction of the Union Station, District of Columbia, approved April 22, 1904.

The bill was read, with the following committee amendment:

Page 3, line 5, insert, after the word "employed," the following: "Such compensation as shall be determined upon by the supreme court of the District of Columbia as equitable and commensurate with the services rendered, not exceeding."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

RAILROAD SIDINGS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Chairman, I ask consideration of the bill (H. R. 19682) authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes.

The bill was read.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

BUILDING PERMITS.

Mr. BABCOCK. Mr. Chairman, I ask present consideration of the bill (S. 4170) to amend an act approved March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes."

The bill was read, as follows:

Be it enacted, etc., That the act of Congress approved March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes," be, and it is hereby, amended so that the first paragraph under the heading "District of Columbia" in said act shall read as follows:

"That the action of the Commissioners of the District of Columbia in heretofore granting permits for the extension of any building or buildings, or any part or parts thereof, in the District of Columbia, beyond the building line and upon the streets and avenues of said city, is hereby ratified, without prejudice, however, to the legal rights of the Government in the event of the destruction by fire or otherwise of any such structure. And hereafter no such permits shall be granted except upon special application and with the concurrence of all of said Commissioners and, where such extensions are to be placed upon buildings to be erected on land adjoining United States public reservations, the approval of the Secretary of War."

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRUMPACKER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 18198. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907; and

H. R. 18442. An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 19681) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed Mr. CLARK of Montana, Mr. DUBOIS, and Mr. CLAPP as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 17982. An act to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River, on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone line across said reservation.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18024) for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LODGE, Mr. CULLOM, and Mr. MORGAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the following bills:

S. 4375. An act granting an increase of pension to David McCredie; and

S. 2294. An act granting a pension to Michael Reynolds.

The message also announced that the Senate had passed joint resolution and bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 29. Joint resolution authorizing the selection of a site and the erection of a pedestal for the Stephenson Grand Army memorial in Washington, D. C.;

S. 6333. An act authorizing the Secretary of War to acquire, for fortification purposes, certain tracts of land on Deer Island, in Boston Harbor, Massachusetts;

S. 6234. An act to authorize the Chicago, Milwaukee and St. Paul Railway Company, of Montana, to construct a bridge across the Missouri River in Lewis and Clarke County, Mont.;

S. 360. An act to relinquish the interest of the United States in and to certain land in the city of Pensacola, Fla., to the Right Rev. Edwin P. Allen, Catholic bishop of the diocese of Mobile, Ala., and his successors, in trust for the Catholic Congregation of Pensacola, Fla.; and

S. 4563. An act to prohibit corporations from making money contributions in connection with political elections.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4563. An act to prohibit corporations from making money contributions in connection with political elections—to the Committee on Election of President and Vice-President and Representatives in Congress.

S. 360. An act to relinquish the interest of the United States in and to certain land in the city of Pensacola, Fla., to the Right Rev. Edwin P. Allen, Catholic bishop of the diocese of Mobile, Ala., in trust for the Catholic congregation of Pensacola, Fla.—to the Committee on Public Buildings and Grounds.

S. R. 29. Joint resolution authorizing the selection of a site and the erection of a pedestal for the Stephenson Grand Army memorial in Washington, D. C.—to the Committee on the District of Columbia.

S. 6333. An act authorizing the Secretary of War to acquire, for fortification purposes, certain tracts of land on Deer Island, in Boston Harbor, Massachusetts—to the Committee on Appropriations.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

H. R. 17881. An act permitting the building of a dam across the Crow Wing River between the counties of Morrison and Cass, State of Minnesota.

UNIFORM BUILDING LINE.

The committee resumed its session.

Mr. BABCOCK. Mr. Chairman, I ask present consideration of the bill (S. 59) providing for the establishment of a uniform building line on streets in the District of Columbia less than 90 feet in width.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to establish building lines on streets or parts of streets less than 90 feet wide, in the District of Columbia, upon the presentation to them of a plat of the street or part of street upon which such action is desired, showing the lots and the names of the record owners thereof, and accompanied by a petition of the owners of more than one-half of the real estate shown on said plat requesting that building lines be established, or when the Commissioners deem that the public interests require that such building lines be established: *Provided*, That no such building line shall be established on any part of street less than one block in length.

SEC. 2. That upon the filing of such plat and petition in the office of said Commissioners, or when the Commissioners shall deem that the public interests require it, the said Commissioners shall institute condemnation proceedings in the supreme court of the District of Columbia, sitting as a district court, by a petition in rem, particularly describing the land to be taken, which petition shall be accompanied by duplicate plats, to be prepared by the surveyor of said District, showing the location of said proposed building lines, the number of square feet to be taken from each lot or part of lot and the boundaries thereof in each square or block, and such other information as may be necessary for the purposes of such condemnation. Upon the filing of such petition, one copy of the plat, indorsed with the docket number of the case, shall be returned by the clerk of said court to the said surveyor for record in his office.

SEC. 3. That the condemnation proceedings herein provided for shall be in accordance with the provisions of sections 1608f to 1612, both inclusive, of the Code of Law of the District of Columbia as amended February 23, 1905, as far as the same are applicable; and that the assessment proceedings and assessment area for the establishment of building lines herein provided for shall be the same as that provided in section 1608j of said code for assessments in the opening, extension, widening, and straightening of alleys or minor streets, in the same manner as if the establishment of building lines had been included in said section.

SEC. 4. That said Commissioners, whenever they deem it desirable in the interest of economy, may permit buildings existing at the time said building lines are established and which project beyond said lines to remain until such time as the owner of said buildings desires to reconstruct or substantially alter the said buildings: *Provided*, That the act of Congress approved March 3, 1891, providing for certain projections upon street parkings, shall apply to all parkings established under the act, and the control of said parkings otherwise shall be vested in the Commissioners of the District of Columbia, who are hereby authorized to make and enforce all reasonable and necessary regulations for their care and preservation.

SEC. 5. That the appropriation available for opening alleys and minor streets in the District of Columbia is hereby made available for the purpose of establishing building lines as provided for herein.

SEC. 6. That the act of Congress entitled "An act to provide for the establishment of building lines on certain streets in the District of Columbia, and for other purposes," approved January 12, 1899, be, and the same is hereby, repealed.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

DAMAGES FOR RAILROAD GRADES.

Mr. BABCOCK. Mr. Chairman, I ask present consideration of the bill (H. R. 17452) to provide for payment of damages on account of changes in grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 6. That said jury, after having viewed the property alleged to have been damaged, heard testimony offered by the parties interested, and appraised and determined the damages, shall make out a written verdict, to be signed by them, or a majority of them, and attested by the marshal, who shall return the same to the court and a copy thereof to the Commissioners of the District of Columbia; that said verdict, when confirmed by the court, shall be final. The verdict of the jury may be excepted to by any party interested or by the Commissioners of the District of Columbia, and may be set aside by the court for good reasons and a new jury directed to be summoned.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I want to call the attention of the gentleman in charge of this bill to a matter back in a former section, I believe section 3. I got a copy of the bill as quickly as I could after I heard the language read. I find you make a limitation here, under which parties claiming damages must bring their actions within sixty days, I think.

Mr. OLCOTT. That is right.

Mr. GAINES of Tennessee. Suppose the individual is sick; sixty days is a very short time. I have had occasion to draw a grade bill, which became the law in my own State—the first piece of legislation I think I ever framed.

Mr. OLCOTT. What does the gentleman think is a proper time?

Mr. GAINES of Tennessee. I think twelve months at least. There are but few statutes otherwise; and, by the way, I have read the statutes of many States, including Massachusetts, and they very carefully guard the right of abutting owners, and, as a rule, make twelve months the limit, and we followed that example. Sixty days is too short, for, as I say, people might get sick, and for one cause and another not be able to comply with the law within that time.

Mr. OLCOTT. The committee, I think, will accept the gentleman's suggestion.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent to go back for the purpose of making an amendment.

The CHAIRMAN. The gentleman asks unanimous consent to recur to section 3 for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. I move to amend in lines 15 and 16, page 2, by striking out the words "sixty days" and inserting "twelve months."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, lines 15 and 16, strike out "sixty days" and insert the words "twelve months."

Mr. GAINES of Tennessee. And also striking out "sixty days," wherever it occurs as that limitation, and inserting "twelve months."

The Clerk read as follows:

On page 3, line 2, strike out "sixty days" and insert "twelve months."

The CHAIRMAN. The question is on agreeing to the amendments offered by the gentleman from Tennessee.

Mr. OLCOTT. Mr. Chairman, the committee is ready to accept those amendments.

The amendments were considered and agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 7. That the members of said commission appointed under the provisions of this act shall receive for their services, when actually employed, the sum of $10 per day; and the jurors summoned by the marshal under the provisions of this act shall receive for their services, when actually employed, the sum of $5 per day. A sufficient sum to pay the compensation and expenses of said commission and the compensation and expenses of said jurors and the amount of such appraisements or awards of damages is hereby appropriated out of the revenues of the District of Columbia, and 50 per cent thereof shall be refunded to said District of Columbia by the United States.

The Clerk also read the following committee amendment:

Page 5, line 10, insert before the word "the" the following: "Such compensation as shall be determined upon by the supreme court of the District of Columbia as equitable and commensurate with the services rendered, not exceeding."

The committee amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 8. That the provisions of section 9 of the act of Congress approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," so far as the same relate to any claims for damages of any kind whatsoever, whether resulting from change in grade or incidental to or connected therewith, or from the operation of said railroad company as contemplated and required by said act, to any property owner affected thereby, be, and the same are hereby, repealed, and no property owner affected by any of the provisions of said act of Congress shall have any right to make any claim for damages by reason of any of the provisions of said act other than as may be granted by the provisions of section 3 of this act, and it is the intent of this act that such damages shall be limited only to actual damages due to the change in the grade of streets, avenues, and alleys provided for in said act of February 12, 1901, and that in allowing such damages the jury shall take into consideration all benefits referred to in section 5 of this act.

SEC. 9. That all acts or parts of acts inconsistent herewith be, and they are hereby, repealed.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word for the purpose of making another observation. I see in this bill that you allow "all" benefits—that is, benefits in common and special benefits—to credit to damages done the damaged abutting owner. There are very few statutes in the United States that do this. I had occasion to investigate this subject when we enacted a grade statute by the legislature of Tennessee. The question of crediting damages for land actually "taken" and the incidental damages done in taking a right of way for a railroad was raised in the State of Tennessee, in about 1852, in the case of Woodfalk against the Nashville and Chattanooga Railroad. The opinion of the court is reported in second Swan's Report, and is alluded to by Lewis on Eminent Domain as one of the leading authorities on the subject. It is often cited by courts of sister States. It has since been followed by the supreme court of Tennessee in considering questions of eminent domain and grade statutes.

My recollection is that the charter of the railroad gave it

the right to credit the value of the land taken for the right of way with "benefits in common," which would be in such a case railroad privileges, general enhancement of property, etc., in the neighborhood, because they would be shared by everybody and therefore a benefit in common. However, the supreme court, then composed of Judges Caruthers, Totten, and McKinney, very able men, rendered an opinion, delivered by Judge Caruthers, holding that the land taken by the railroad had to be paid for in "money" and not in benefits, common or special. "Just compensation," held the court, meant "money" and not benefits, and the court declared further that it would be a travesty on justice, an oppressive inequality, a denial to the citizen whose land is taken of the protection guaranteed to him by the Constitution, to compel him, force him to surrender his land, give up the title thereto, be dispossessed, and be paid for his property in "benefits" of any kind, common or special.

Mr. Chairman, under such a rule the citizen could be compelled to give up his land and be forced also to accept pay therefor in something that he did not need or want, something that to him was not and could not be a benefit. The citizens, argued the court, if I remember the opinion, whose lands were NOT taken or damaged or applied to the right of way enjoyed the benefit of the railroad privileges it proposed to accord and the general enhancement of property by the building of the road as much so as if their property had been taken, damaged, or applied, as Woodfalk's was, and yet Woodfalk was paying for it all.

The word "damage" does not appear in the constitution of Tennessee; the old words "taken or applied" do. The citizen was and is entitled to the railroad privileges—general enhancement of property by the building of the road—because they were and are "citizens" and taxpayers and because their legislature had given this charter to better their condition. Of course the legislature would not and should not have given this charter if the railroad proposed no railroad privileges and proposed to destroy everybody's property.

The court in this case also discussed, if it did not define, the terms "benefits in common" and "special benefits." And by these definitions I say and contend that a street, whether good or bad, is a benefit in common, because it is a public highway, open to everyone; and whether the citizen gets a good street or not, when he pays his taxes he pays them for the purpose of getting a good street, and when he does not get it he is not getting his just dues as a taxpayer. A special benefit is one that is enjoyed by the landowner—is not enjoyed by the public at large, by the public in common. For example, if the city drains a pond from one's premises in building a street, you would specially benefit his property, and the "incidental" damages done his property by building the street would be offset, and properly, by the "incidental" benefit done his property by reason of draining this pond.

Judge Caruthers discussed, in this very learned opinion, the question of benefits, and states that the question of how "incidental damages" shall be paid for, whether offset by benefits or not, is a question for the legislature to decide. But when the legislature decides that "all" benefits, as this bill provides, shall offset all or any kind of damages, it is too sweeping, it is wrong, it is not just law, certainly we should not make it law. It is right and proper to offset special damages by special benefits, but not special damages by benefits in common. As a taxpayer the property owner is entitled to the benefit in common—to the good street, in other words. If you damaged his property by building a good street where there was a bad one, you certainly should not offset the special damages to his property by saying, "Here is a good street where there was a bad one before," because, as a taxpayer, he has already paid not only to have a street, but a good street, and when you damage his property and then pay him off by saying, "Here is a good street where there was either a good one or bad one before," you make him pay for the good street twice—that is, by taxation, and, second, by damaging or taking his property.

The street is for everybody to pass over. It is as much for the benefit of the community at large whose property may not be damaged at all as it is for the abutting owner whose property is partially damaged or totally destroyed. A street, in other words, is a benefit in common.

The common-law rule, that no damages could be recovered by an abutting owner where the municipality changes the grade of a street, is harsh law. But it was early so decided by Massachusetts. I remember the case of Callender against Marsh, reported in Pickering's Reports. You will there see another case, Humes against Knoxville, decided by the supreme court of Tennessee, reported in one of the Humphrey reports. This rule was so harsh that at an early day these States, and in many other States, the legislatures passed immediately statutes giving the damaged party a right of action and right to recover from any damages done incidentally or otherwise by changing the grade of the street, whether it was raised or reduced. The courts have invariably, certainly so in Tennessee, construed these statutes "liberally" in favor of the property owner for several reasons, one being that one person or two, or a dozen, should not have their property taken, damaged, or applied for the benefit of the general public, the building of a good street, or opening one, and those few persons stand all the damage, losing their property, and be paid therefor in good streets already paid for in taxes. The whole public should be burdened to build streets, and no one person should be made to bear that burden.

Mr. OLCOTT. I would like to ask the gentleman from Tennessee what his proposed amendment is?

Mr. GAINES of Tennessee. I was making an observation, to wit, that the word "all" should be stricken out. I am going to ask the committee to let me amend by striking out the word "all" and substitute the word "special." Then if you do an abutting owner any special benefit you can credit the special damages with it. Do not ruin a man's property and then pay him off in benefits that he has already paid for in taxes. My amendment, Mr. Chairman, is to strike out the word "all" and substitute the word "special."

[2 Swan's Reports, p. 422. Nashville, December term, 1852. Woodfolk *v.* Nashville and Chattanooga Railroad Company.]

CONSTITUTIONAL LAW.

Compensation to owner of property which has been taken for public use; how and in what way to be made: Where the legislature, in the exercise of the power conferred by the constitution, assumes to appropriate the property of a private individual to a public use, in the construction of a railroad, it can not prescribe how much and what way the owner shall be compensated for the property so appropriated. The value of the property taken must be assessed by a just and proper tribunal, and the amount paid in money. It is a debt against those who take the property, and must be paid as all other debts. The owner thus deprived of his property can not be coerced to receive as compensation ameliorations of his remaining property or the enhancement of its value or any other "benefit or advantage," either real or imaginary, that may be conferred upon him. The measure of the compensation to be made to the owner in such case is the fair cash value of the property taken, at the place and in the form taken. The incidental damages or benefits which are to result to him from whom the property is taken from the use to which it is to be applied form no element in the computation of the compensation. So far as such incidental benefits and damages are involved, the legislature may make such regulations as are deemed proper in the way of placing one as a set-off against the other.

Meigs, Ewing, and Cooper for plaintiff in error. F. B. Fogg, for defendant in error. Judgment lower court reversed.

Caruthers, J., delivered the opinion of the court:

The defendants located their road for about 500 feet on a 6-acre lot of plaintiff in the vicinity of Nashville. The road runs through the corner of the lot, separating about three-fourths of an acre from the main lot and occupying in the bed, which is from 7 to 10 feet deep, about three-fourths of an acre. The plaintiff has his family residence on the lot, and it is handsomely and tastefully improved. The part separated has upon it some negro houses, a cow house, well, and spring house. The plaintiff applied to the circuit court of Davidson County, under the act of 1845, chapter 1, chartering said company, for the appointment of commissioners to assess the damages sustained by him in consequence of the location of said road upon his land. This was at May term, 1850, when five commissioners were appointed.

At October term, 1850, the report made by said commissioners was quashed for informalities in their proceedings, and five other men appointed.

A majority of these commissioners "assess the loss and damage at $2,000," and that the "benefit and advantage the said Woodfolk has received from said road, consisting of the increased value of his said premises, amounts to the sum of $2,500 at least." So they allow him nothing.

From this report he appealed to the court, and the cause was tried by a special jury, before the court, at January term, 1852. A verdict was rendered in favor of the plaintiff against the defendant for $750. The defendant moved for a new trial, which was overruled, and appeal in error to this court.

* * * * * * *

The injuries enumerated are of this character: Cutting off the plaintiff from his well, spring house, etc.; the necessity of moving outbuildings, erecting a stone wall in the cut made for the road, to keep up the ground and prevent accidents; detracting from the beauty and comfort of the lot as a family residence, etc.

Against all this, on the other hand, it is proved that his lot is enhanced in value in the market by the erection of the road from 25 to 50 per cent. On all these points the proof is, as it must be when consisting of the opinions of men on any subject, very conflicting and unsatisfactory on all the items of account on both sides. It must necessarily partake more of the nature of guessing than of certainty.

CIRCUIT JUDGE, CHARGE OF.

The law was laid down by the circuit judge in his charge, in part and so far as it is necessary in our examination, as follows:

"You will recur to the testimony and ascertain from that the value of the land taken from the road, and take into consideration such other inconveniences and damages as shall have resulted to the plaintiff from the acts of defendant. You will estimate what damages the plaintiff may have suffered, if you shall think that any have accrued. Then you will look to the testimony in the cause and ascertain whether the acts of the defendant in locating the road upon the land of the plaintiff have resulted in benefit or advantage to him. On ascertaining this, you will determine whether the lands of the plaintiff have appreciated in value. You will not look to the fact that this road is a public benefit or advantage unless that public benefit or advantage be inseparable from the benefit conferred upon the plaintiff. If any advantages have re-

sulted, you will determine what they are and assess their value. You will then take the amount of benefit or advantage from the amount of damages, and the remainder, if any, will make your verdict. In ascertaining the benefits and damages you will confine yourself to the time when the defendants appropriated the land of the plaintiff to the use and construction of the road."

BOTH PARTIES DISSATISFIED.

Thus is the law laid down by the circuit court, and both parties are dissatisfied with it. The defendant brings up the case by appeal and the plaintiff by writ of error. It now devolves upon this court to settle the law and indicate the proper rules for this and all other cases of the kind; and there will doubtless be many in future, as the spirit of public improvement has now taken possession of the minds of the people and guides the public counsels of our State. They should be such as will guard the rights of the citizens on one hand and not improperly impede the cause of public improvement on the other. A wide range has been taken in the argument, evincing learning, research, and ability on the part of the counsel, worthy of the importance of the subject as well as profitable to the court. We feel much indebted to this full and able examination and presentation of the questions involved, both upon principle and authority, for the opinion we have been able to form on this most vexed and perplexing subject. We have had the advantage of all the lights that could be brought to the elucidation of the questions involved by the best legal talents and most profound research.

RIGHTS OF PUBLIC AND THE PROPERTY OWNER.

It would at this day be worse than useless to enter into a discussion of the existence and extent of the right of eminent domain and to prove that it is inherent in this and all other governments. That is now well settled and admitted on all hands to exist in every state and country. No one now questions the right of the state to take private property for public use against the consent of the owner. Questions frequently arise, and may come up again, as to the extent and right exercise of this conceded power.

RIGHT OF PUBLIC LIMITED.

But it is not controverted that it applies to the case of public roads, and that railroads, whether constructed by the state or chartered companies are of that character. The land of the plaintiff has been taken for this purpose, and was therefore legally and rightfully taken.

OWNER'S RIGHTS GUARDED.

But he has a corresponding right, which is as clear, well guarded, and indisputable as the other—a claim for the value of his property. the state may take his property for the public use, but the state must see that the public pays him for it. The people, in whom the sovereign power properly resides in this free country, were not willing to leave this dangerous though essential right of eminent domain (a power to deprive a man of his property against his consent) unguarded by barriers of a permanent nature and inserted in their Constitution restrictions upon it.

They impliedly delegate the right, but protect the citizen, and secure to him the value of his private property. The provision for this purpose in the Federal Constitution is:

Nor shall private property be taken for public use without just compensation. (Amendments, Art. V.)

But this, as well as other provisions of the same character, are intended solely as limitations on the exercise of power by the General Government, and is not applicable to the legislation of the States. The State constitutions are framed by different persons, and have distinct objects in view. The State governments are not restricted in the limitation of a power expressed in general terms in the Constitution of the United States. The States must be included in terms or necessary implication in such limitation or negation of powers, or they are not affected. (Barros *v.* The Mayor of Baltimore, 7 Pet., 243; 2 J. J., Mar., 45.)

PEOPLE JEALOUS OF ABUSE OF POWER—CONSTITUTION.

The Constitution of the United States can not, therefore, be looked to for the rule to govern us in this case. But the people of this State, and, perhaps, most, if not all the others, being equally jealous of the abuse of power saw proper to restrict and limit the power of the State government on the same subject. Our people in their State convention make this provision:

"No man's particular services shall be demanded or property taken or applied to public use without the consent of his representatives, or without just compensation being made therefor." (Art. 1, sec. 21.)

POWER TO TAKE PROPERTY LIMITED.

The power to take private property for "public use" is here impliedly admitted, and the legislature undoubtedly possess it with the limitation prescribed—that is, by making just compensation. This is only in affirmance of the great principles of the common law. The important and only question in this case is what is meant by "just compensation."

NO SUBSTITUTE FOR COMPENSATION.

How is it to be ascertained, and how, when, and in what paid? When this is settled upon a fair construction of that instrument, it must prevail, and no act of assembly can change or alter it. All laws are subordinate to this supreme law, and must yield to it, as they are null and void when they come in conflict with it. It follows, therefore, that if the legislature attempted in this charter to substitute any other compensation for private property taken for this road, or directly, or by indirection, deprived the citizen of that "just compensation," in whole or in part, which is secured in the organic law, it has transcended its authority and trespassed upon sacred ground. If it should be our opinion that this has been done, it becomes an imperious duty, delicate and unpleasant as it may be, to sustain the Constitution, which we have sworn to support, with a firm hand. That must stand, no matter what else may fall. It must be guarded with untiring and sleepless vigilance from all attacks. Upon the judiciary this important duty devolves. The people can only look to this department of the Government for protection when their constitutional rights are invaded. It should be a pleasant though delicate duty to those they have thus intrusted with the power to exert it on all proper occasions for their security against wrong.

"JUST COMPENSATION" DISCUSSED.

Then what is the power of the State and the rights of the citizen? is the question now before us. The former may take the private property of the latter for public use, as has been done in this case. The citizen has a concomitant right, founded in the Constitution, to a "just compensation." How is this right to be asserted? It is certainly the duty of the Government to provide some fair and proper mode of ascertaining the value of the property taken where it can not be agreed upon by the parties, and to make provision also for the payment when it is ascertained in the mode and manner contemplated by the Constitution.

CHARTERED RIGHTS DISCUSSED.

The charter of the defendant was granted in 1845 (ch. 1). The twenty-fourth section regulates the mode of ascertaining the damages to individuals, and the manner of compensating them for lands taken for the road. It provides that where the land can not be purchased or the price agreed upon, "the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the circuit court of the county where some part of the land, or right of way, is situated," who shall take an oath "faithfully and impartially to discharge the duty assigned them. In making the said valuation the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of land being taken or the right of way surrendered, and also the benefit or advantage he may receive from the erection or establishment of the railroad or work, and shall state particularly the nature and amount of each, and the excess of loss or damage over and above the benefit and advantage shall form the measure of valuation of said land or right of way. The proceedings of said commissioners, accompanied with a full description of said land, or right of way, shall be returned under the hands and seals of the majority to the court from which the commission issued, there to remain of record."

APPEALS ALLOWED.

Either party may appeal and have a new valuation by a jury in court, where verdict shall be final unless a new trial is granted. "And the lands, or right of way, so valued by the commissioners, or jury, shall vest in the said company in fee simple so soon as the valuation may be paid, or where refused, may be tendered."

APPEALS NOT TO STOP IMPROVEMENT.

It is further provided that an appeal is not to stop the work, nor can the same be delayed by injunction or supersedeas. But in case the appeal is by the company surety must be given to pay whatever may be awarded in the court.

VIGOROUS EXERCISE OF POWER OF EMINENT DOMAIN.

Here is a full and vigorous exercise of the power of eminent domain. The fee-simple title is vested in the corporation. No objection is made, nor do we see any, under the construction that a jury trial, in the regular common-law mode, is adopted in case of appeal to the provision made in this section for settling the rights of the parties. But the contested and embarrassing question still arises upon the rule prescribed in this law for ascertaining the "just compensation" to the owner of the land, the use and title of which he is thus forced to surrender to the corporation. On the one hand, in making the valuation of the land, the *"loss or damages"* which may accrue to the owner by taking the land "is to be fixed;" on the other, the "benefit or advantage" to the owner from the erection of the road is to be estimated, and the excess of the former over the latter, in the language of the act, *"shall form the measure of the valuation of said land."*

BENEFITS AS "COMPENSATION" DISCUSSED.

Is this measure of "compensation" prescribed in the Constitution? Was the compensation secured to the owner for the loss of his property to be paid in money or may it be made in other property or incidental "benefits and advantages?" Was it intended that the citizen should not only be forced to give up his land for the common or public use, but to take in payment for it anything it might suit the party taking it to offer? *If such be the true meaning of the Constitution, it is certainly a poor protection of private rights against the exactions of power and is only calculated to excite false hopes of security. By the supreme law the legislature are empowered, where, in their opinion, the good of the whole people requires it and for the use and benefit of the whole, to compel him who owns property to give it up upon the payment to him by the same public for whose use it is taken a "just compensation," or, in other words, a fair price, or the value in money, for the property taken.*

LAND TAKEN MUST BE PAID IN LAWFUL COIN—MONEY.

He can not be paid off in "benefits and advantages," which are thus forced upon him, against his consent. He may be compelled to submit to the encroachment upon his private rights when they come thus in conflict with the public interest, but, with the charter of his liberties in his hand, he can say to the powers that be, "Thus far shalt thou come and no farther." In the appropriation of the property the public power is exhausted. It can not be allowed to prescribe how much and what he shall be paid. *The value of the thing taken must be assessed by a just and proper tribunal and the amount paid in the lawful coin of the United States—in money.* It is a debt against those who take the property and must be paid like all other debts. The creditor in this case can not be coerced to receive as compensation ameliorations of his remaining property for the enhancement of its value, nor any other "benefit or advantage," either real or imaginary, that may be conferred upon him. He may not wish to part with a portion of his land to have the price of that which remains enhanced. The increase of price without any improvement of its fertility or beauty is no advantage to him if he does not wish to sell; it only increases his public burdens in the way of taxation. What others might regard as a great "advantage and benefit" he might consider a decided injury. If his lands are appreciated and his facilities of travel and trade increased by this improvement, these are benefits to which he is entitled, with the community in general, and for which he has to pay, in common with others, in taxes and other burdens. But there can be no good reason why any more should be taken from him than others for these common benefits.

CONCLUSION OF THE COURT.

Then we arrive at the conclusion that the plaintiff is entitled to the value of the land taken from him by the defendants in money, and that this value, when ascertained, can not be liquidated, in whole or in part, by any "benefit or advantage" he may, in fact or by supposition, derive from the making of the road in the appreciation of his remaining land or otherwise. But, on the other hand, it would be unjust to make the public pay the enhanced price that would result from the fact that the road had been located at that place.

WHAT LANDOWNER IS ENTITLED TO AS A CITIZEN.

It is difficult to lay down any very definite rule for the government of commissioners and juries on this subject which will be of easy, practical application in every case. Yet it is highly important that some principle be settled and the extent of its application to peculiar cir-

cumstances defined calculated to produce uniformity and rid the subject of that vague and indefinite character which now seems to perplex the minds of those who have to act upon it. We consider the proper rule to be this, that the fair cash value of the land taken for public use, if the owner were willing to sell and the company desired to buy that particular quantity at that place and in that form, would be the measure of compensation. It is not in the nature of a wrongful taking for which damages are to be assessed. Nor is it a claim for any wrong or damage done, but the appropriation of the property is legal and rightful, as much so as if the owner had voluntarily sold it to the company, and the only open question was, What is a fair price for the property? What is its value?

Now, from this definition of the nature of the transaction it will follow that there can be nothing added to the price on account of the unwillingness of the owner to part with his land or to have the improvement there, or because he may have to build fences and walls or be put to inconvenience in getting to his outbuildings or have them to remove or such like inconveniences. These things do not enter into a just idea of a just compensation for the property actually taken, but are incidental to it, and are provided for in another form by this charter, as will be presently shown. These considerations are not to enter into the estimate of the jury to enhance the price, but, on the other side, the value is not to be reduced by the consideration that the improvement about to be made will be advantageous to the owner in the amelioration and enhanced value of his remaining land, the increased facility in travel or trade it will afford him, or the location of a depot or town upon his land. To all these and such other incidental advantages as may result to him he is entitled, in common with other citizens, and for which he pays in taxes and other legal burdens imposed by government. If such special advantages accrue to him in consequence of the public improvement and that particular location of the road, it is an incident to his right of property and a benefit for which no one has a right to make him account in fixing the price of other property taken against his will. The following circumstances and considerations should enter in this estimate of value or compensation:

RULE WHERE LAND IS "TAKEN."

1. The quantity of land taken. It would not be reasonable to fix the price of 1 acre, or the fourth of an acre, at the general rate of the whole tract or a larger quantity. This would be selling by retail, and ought to be at a higher price for the quantity taken.

2. The place where the land lies which is thus appropriated, with reference to external circumstances. Is it in the country, a village, or city? With reference to remaining land, is it taken on the outer line, with the bed of the road only on the land, or does it run so as to divide the land in a regular or awkward form, through a garden, stable lot, or the family yard, between the dwelling house and kitchen, or under either of them; and if so, are they of great value or of but little value? Is it so run as to cut off from the main lot a portion of ground that for quantity or form is salable or not? So upon this point the rule must be as first laid down in general terms—the quantity taken and place and form in which it is taken must be looked to in fixing its value.

3. Any general effect that the actual or contemplated erection of the railroad, or special effect of the location of it at that particular place, may have upon the value of that land, whether it has been to improve or lessen the price, is not to form an element or be considered in the valuation. If the value is elevated by the work, he should not have the advantage of it, because we do not make him account for the increased value of the remainder of his land, and if the value is reduced by it he should not suffer, because he is forced to part with his property for that purpose against his will.

INCIDENTAL BENEFITS LEFT OUT WHEN LAND IS TAKEN.

4. The incidental advantages and disadvantages, benefits and injuries are to be left entirely out of view, the owner's unwillingness to sell, or to the location of the road on his land, or near his house, on the one hand, and the necessity the public is under to have the land at that particular place, on the other, are to have no influence on the price. The property is to be valued on the same principles and considerations as if both parties had agreed upon the sale and had referred the single question of the intrinsic value of that particular property to the commissioners. The consideration for his property, to which the owner is entitled, being thus ascertained, it must be paid to him in money. To compel him to take anything else would render the constitutional guaranty ineffectual and delusive.

WHAT THE LEGISLATURE MAY DO.

Here the constitutional provision ends; its inhibition upon the Government goes no further. The legislature may make any regulations it thinks right and proper for an account or estimate of incidental "loss or damage" or injuries to the landowner. These may consist of the necessity created for the building of new fences, the removal of buildings, separating him from his spring, well, mills, negro houses, barns, etc. And against this may be set off the "benefits and advantages" to the owner in the enhancement of the value of his remaining land of the same or any adjoining tract, his increased facilities of travel, etc. We think the legislature have the power to do this, and if required by the petitioner, the court would be bound, under this charter, to direct the commissioners, or in case of appeal, the jury, to make the estimate on both sides upon the basis here stated. But this must be separate and distinct from the valuation of the land for the purpose of ascertaining the compensation required by the constitution and can not be blended with it or in any way enlarge or reduce it. It is true that the nature of the items on both sides of this account would be a very vague and indefinite character, depending before commissioners upon their opinions, upon the view and examination of the ground, and before a jury, on appeal, upon the opinions and fancy of witnesses. But for that no remedy or definite rule can be furnished which will clear the subject of its inherent difficulties. But this enhancement of the price, which may be taken into the account against the petitioner, must be confined in the estimate to the lot or tract through which the road runs or to lots or land which adjoin it, and to such improvement in value as is the result of running the road at that particular place and not to the general rise of property in the country or that neighborhood produced by the public work. That which is common to all should not be charged to him, because this is an advantage to which he is entitled as a citizen and taxpayer of the State.

To these conclusions we are brought by what seems to us a fair construction of our own constitution. And we find that we are fully sustained in them by the court of appeals of the State of Kentucky, in the case of Jacob *v.* The City of Louisville, 9 Dana, 114. In that case it is stated that the same principles had been adopted in Sutton's Heirs *v.* The City of Louisville, 5 Dana, 28, and in Rice *v.* Nicholasville, Danville and Lancaster Turnpike Company, 7 Dana, 81. The language used in the constitution of Kentucky is substantially the same as ours on this subject.

We are aware that in some of the States contrary and conflicting views have been entertained on some of the points now decided. It would be a useless extension of this opinion to review them, as it would be productive of no advantage. The diversity presented may be partly attributed to the different constitutional provisions on the subject and to the fact that some of the State constitutions are entirely without any such provisions. And, again, the legislative enactments and the form in which the questions have been presented to the courts have been so variant and dissimilar that the diversity seems at first view to be greater than it really is upon closer examination.

But we are fully satisfied with the construction now given, and though we entertain very great respect for decisions of other States, we can not yield to them as authority any further than they are sustained in our judgment by sound reason and settled principles.

For the errors in law above indicated, in the charge of the court below, we reverse the judgment in this case and remand the cause for a new trial on the principles laid down in this opinion.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the word "all" in line 15 and insert the word "special."

Mr. BABCOCK. Mr. Chairman, I want to say that this bill is brought in to cover an omission of the Union Station bill, and follows the law that is now on the statute books governing the other parts of the city outside of the southwest. If you amend this bill in the particular mentioned, you will have one law governing the northeast and another governing the southwest of the city.

Mr. GAINES of Tennessee. That may be true; but simply because we have not the right sort of law to cover the balance of the city is no reason why we should not go along and make a better law now. Of course I am totally disinterested in the matter, except as a lawmaker. You will find the fewest number of statutes that have this language. A large majority say "special benefits." If you specially benefit him, offset the special damage with the specific benefit and pay him the difference, but don't charge him with special benefits and benefits in common also. He pays for the common benefit—the good street you build—when he pays his taxes. That is the law, and that is just and fair. In other words, this bill makes him pay twice. He pays for the good street in taxes and damages, too.

Mr. CAMPBELL of Kansas. I will ask my friend if that is not largely a matter for the construction of the court?

Mr. GAINES of Tennessee. Oh, no; when you say "all benefits." There are only two kinds of benefits, and one is special and the other common. It is perfectly clear.

Mr. CAMPBELL of Kansas. It goes to the kind of benefits.

Mr. GAINES of Tennessee. Special benefits. For instance, when you drain a pond and better a home. A benefit in common would be a "good street"—a way in common. I mean some special betterment is a special benefit. That is not one in common, but when you come along and better the street, he pays for that when he pays his taxes. You come along and destroy his property and say, "Well, we put you in a good street." Then, you see, you double tax him. You tax him to get the good street at first, and then you tax him to get another good street in lieu, and yet you have destroyed his property. That is the upshot of it all. The old supreme court of Pennsylvania—and I never shall forget its opinion, because it is almost like a sermon on the mount—denounced the hard rule of the common law, damnum absque injuria, in such cases and said the common law should be changed by statute. That was done, I think. They did it also in Tennessee and in Massachusetts, abrogating the holding in the case of Callender against March, reported in one of the Pickerings.

Mr. SIMS. Mr. Chairman, I do not believe that my colleague will insist on this amendment if he thoroughly understands it. This is with reference to the law abolishing grade crossings. The railroad tracks have been elevated and depressed, as provided. The benefits are nearly all special, from the fact that it is a benefit growing out of removing dangerous grade crossings. It does not apply to the whole city, but only to the lines the railroads occupy.

Mr. GAINES of Tennessee. Was there not a good street there, anyway?

Mr. SIMS. Oh, no. We are making better streets by getting rid of the grade crossings.

Mr. GAINES of Tennessee. Then the people in that neighborhood have not been getting the benefit of the previous tax they have paid.

Mr. SIMS. If my colleague will only go down and see the tracks removed by that legislation, he will see that they have been very specially beneficial to those streets. Besides, the question of damages is passed on by a jury of citizens who sympathize with those sustaining damage.

Mr. GAINES of Tennessee. The gentleman will agree that when a taxpayer pays his tax he pays it to get good streets.

Mr. SIMS. Yes.

Mr. GAINES of Tennessee. You go along and make a good street, and yet you damage his property, say, $500. Say you lower the grade. You go along and say, "We have made you a good street here and it is worth $500 to your property; I will admit that you are damaged in one sense, but this street is worth that much to your land." There is his property damaged $500, and here are his taxes gone also, and he has nothing to show for it but the good road.

Mr. SIMS. The case is not applicable. If the gentleman will go along where we have caused this railroad to either put the tracks up or put them down, he will see that it is in every case a benefit. The streets were in many cases very dangerous.

Mr. GAINES of Tennessee. Let me cite my friend to a case I know that he remembers. He will remember that we cut down Front street, in Nashville, in some places 12 feet (to build a dummy car line), in order to get down under the railroad tracks. Of course after a while they came up on the level. I brought suit for damages. The people where the land was not damaged said, "We have a better street here; the city and the street cars have made a better street," and that, therefore, because these folks have their land reduced 12 feet, they ought not to require the city to pay any damages. They put in that kind of a defense, but I won all of the cases, because the court held that you could not charge up a common benefit, a benefit in common, a good street, and damage a man's property also and pay him for it in those sort of benefits—that is, when he paid his taxes, he paid his taxes to get that good street.

Mr. SIMS. I hope the Chair will not count this time up against me. Your case does not apply. Here are a lot of railroad tracks running across the streets at grade. Buggies, carriages, and wagons have to run over them. Now, when we, by this law, have removed these tracks——

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. MADDEN. Does the committee contend that because the tracks were on the streets at grade and because they are going to be removed from grade that the property abutting the streets upon which these tracks run should be obliged to pay the expense of putting the tracks away from the grade?

Mr. SIMS. No——

M. MADDEN. Does the committee contend that the railroad company should not be obliged to put its tracks in a safe condition for the public and pay such expenses as may be connected with the change without reference to any charge upon the people?

Mr. SIMS. If the gentleman from Illinois had only been here when we enacted that legislation he would have seen how hard I tried to get that kind of a law passed, but we are acting on a law already passed, which does not put upon the railroad——

Mr. MADDEN. Why do you pass this law, then?

Mr. SIMS. This law is to make it apply to certain sections of the city; in other words, to make it uniform. When you remove the railroad tracks off a street and off a lot, the lot was worth, say, a hundred dollars with the tracks on it and $500 with the tracks off. Now, in assessing damages to the lot, should it not be considered that the lot has been benefited by this legislation by the removal of those tracks, which increased its value, maybe, 500 per cent, and while the railroad ought to have paid it there is no law to make them. The act was passed and the legislation has gone into effect.

Mr. MADDEN. You are passing a law now to regulate a thing to be affected now. The law affecting this has not passed yet.

Mr. SIMS. No.

Mr. MADDEN. Well, if the other law compelled a condition that ought not to exist why not pass a law——

Mr. SIMS. Because every one of these parties whose claims have been adjusted would come to Congress for a special appropriation to pay them back amounts charged as general benefits and put them on the same basis as those who may be charged with special benefits only.

Mr. MADDEN. The law as passed regulating the removal of these grade crossings cost the Government of the United States four million two hundred and some odd-thousand dollars, and my view is it ought not to have cost the Government one cent.

Mr. SIMS. I quite agree with the gentleman.

Mr. MADDEN. If we made a mistake then, do not let us repeat it again.

Mr. SIMS. What we are doing by this bill is in the nature of protection to the Treasury by charging up general benefits, therefore reducing the claims to that extent that might be made and therefore protecting the Treasury of the United States and the District of Columbia to that extent. That is the reason why I am contending against the amendment and I think there should be nothing paid out of the Treasury on account of this legislation, and therefore I hope the amendment will be voted down.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. MADDEN. Division, Mr. Chairman.

The committee divided; and there were—ayes 6, noes 28.

Mr. MADDEN. Mr. Chairman, I raise the point of no quorum.

The CHAIRMAN. The gentleman from Illinois makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and five gentlemen are present—a quorum.

So the amendment was rejected.

Mr. GAINES of Tennessee. Just a moment. I will send and get that Woodfork case that so ably discussed this question and differentiates between special and general benefits and I want to ask unanimous consent to insert it in the RECORD for the information and use of the House on this question.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to insert some excerpts from the opinion stated. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. I have objected to this sort of thing for ten years and I am going to keep on objecting, Mr. Chairman.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and the bill was ordered to be laid aside with a favorable recommendation.

PREVENTION OF COMMUNICABLE DISEASES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Chairman, I call up House bill 16668.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16868) for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, and typhoid fever in the District of Columbia.

Be it enacted, etc., That every person in charge of any patient in the District of Columbia who is suffering from diphtheria, scarlet fever, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, or typhoid fever, immediately after becoming aware of the existence of such disease, shall send to the health officer of said District a certificate, written in ink, signed by such person, stating the name of the disease, the name, age, sex, and color of the person suffering therefrom, and the school which he or she has attended, if any, and setting forth by street and number, or by other sufficient designation, the location of the house, room, or other place in which said patient can be found. When said patient recovers, or dies, said person in charge, as soon as possible thereafter, shall send to the health officer of said District a certificate, written in ink, certifying to that fact. But no person shall certify knowlingly or negligently that any patient has recovered from any disease aforesaid until such patient is in such condition as to be free from danger of communicating the disease from which he is suffering to other persons.

SEC. 2. The term "person in charge of any patient," as used in this act, shall be held to mean, first, each physician in attendance on, called in to visit, or examining a patient, unless called in to visit or examining the patient solely as a consultant to a physician already in attendance; second, in the absence or disability of any physician aforesaid, the head of the family to which the patient belongs; third, in the absence or disability of such person, the nearest relative or relatives of such patient present on the premises and in attendance on such patient; fourth, in the absence or disability of all persons aforesaid, every person in attendance on such patient; and, fifth, in the absence of every person aforesaid, every person in charge of the premises in which said person is. And in the cases of physicians and of persons acting in the capacity of physicians, attending, visiting, or examining any patient suffering from any disease aforesaid shall be prima facie evidence that any person so doing was aware of the nature of such disease.

SEC. 3. That any person who violates or aids or assists in violating any of the provisions of this act shall be punished, upon conviction thereof, by a fine not exceeding $100 or by imprisonment for not more than thirty days, and each and every day during which such violation continues shall constitute a separate and distinct offense. Prosecutions under this act shall be in the police court of the District of Columbia on information signed by the corporation counsel of said District or by one of his assistants.

SEC. 4. That the Commissioners of the District of Columbia be, and they are hereby, authorized to make such regulations as they deem necessary for the prevention of the spread of diphtheria, scarlet fever, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, and typhoid fever, and to affix to such regulations such penalties as in the judgment of said Commissioners are necessary to secure compliance therewith.

SEC. 5. That this act shall take effect from and after sixty days after its passage, and from and after the expiration of said period an act entitled "An act to prevent the spread of scarlet fever and diphtheria in the District of Columbia," approved December 20, 1890, and an act entitled "An act to require cases of typhoid fever occurring in the District of Columbia to be reported to the health department of

said District," approved February 4, 1902, and all other acts and parts of acts contrary to the provisions of this act or inconsistent therewith, be, and the same are hereby, repealed; and any money available at the time of said repeal for the execution and enforcement of the acts named be, and hereby is, made available for the execution and enforcement of the provisions of this act and of regulations made by authority thereof; but for any act done or omitted in violation of the provisions of either of the acts named above prior to the repeal of said acts prosecutions may be instituted, and if already instituted may be continued, in accordance with the provisions of said acts, notwithstanding that said act has been repealed for all purposes other than the institution and the continuance of such prosecutions.

Mr. GAINES of Tennessee (during the reading of the bill). Mr. Chairman, for the purpose of making a suggestion, I shall move to strike out the last word. Before we get all of this read I would like some one to tell us what it is, what it is intended to be, and what evil it is going to cure.

Mr. CAMPBELL of Kansas. If the gentleman from Tennessee will wait until the bill is read, I will endeavor to make an explanation of it.

The Clerk resumed and completed the reading of the bill.

The following committee amendments were read:

Page 2, strike out the semicolon after the word "patient," in line 19; and also strike out, in lines 19, 20, and 21, the words "and, fifth, in the absence of every person aforesaid, every person in charge of the premises in which said patient is."

Page 3, strike out the comma after the word "days," in line 5; and also strike out, in lines 5 and 6, the words "and each and every day during which such violation continues shall constitute a separate and distinct offense."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The question was taken; and the committee amendments were agreed to.

Mr. CAMPBELL of Kansas. Mr. Chairman, I offer the committee amendments which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Kansas offers amendments, which the Clerk will report.

The Clerk read as follows:

On page 2, line 16, after the word "aforesaid," insert "or in event of default on the part of such physician."

On page 2, line 18, after the word "person," insert "or in event of default on the part of the physician aforesaid."

On page 2, line 21, after the word "aforesaid," insert "or in event of default on the part of the physician aforesaid."

The CHAIRMAN. The question is on agreeing to the amendments offered by the gentleman from Kansas [Mr. CAMPBELL].

The question was taken; and the amendments were agreed to.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

Mr. GAINES of Tennessee. Mr. Chairman, I would like an explanation of what this bill is.

Mr. CRUMPACKER. Mr. Chairman, I move to strike out the section. In the reading of the bill by the Clerk I was impressed with the notion that it might possibly operate very injuriously to parents under some circumstances. I confess that in the enforcement of laws and regulations for the prevention of spread of contagious and infectious diseases rigid provision must be established. But in this case the law requires the person in charge of a patient to make a pen-written certificate containing certain items of information. Now, there is not one parent, perhaps, in forty in the District of Columbia, or anywhere else, that would be prepared on the spur of the moment to write out a certificate of that kind. It might not occur to them. The second section of the bill defines the term "the person in charge of any patient" as used in the first section, and it is first defined to be the physician in charge; second, in the absence or the disability of the physician, then the parents—the head of the family. If the physician should be absent, the parent must make this certificate without delay, and each day's delay would constitute a separate offense, and the penalty is fine and imprisonment. I can conceive a good many circumstances under which a parent innocently might be subject to the penalty. Suppose a physician in attendance on a patient afflicted with one of the diseases mentioned in the first section of the bill should be acquainted with the character of the disease and should absent himself. What does that mean? Absent himself from the house, from the premises, from the city, or from the District? Suppose he should absent himself from the home. The head of the family has the right to presume, of course, that the physician will perform his duty under the law; but suppose he neglects to do it. Suppose he does not do it, and it is said that he absented himself. I do not understand what responsibility would be located upon the head of the family where the physician absents himself. I would like to know what absence means. Does it mean absence from the city in the absence or disability of any physician?

Mr. CAMPBELL of Kansas. That is in the absence of calling a physician to the premises.

Mr. CRUMPACKER. The absence of calling a physician?

Mr. CAMPBELL of Kansas. That is the construction the committee put upon that when they were considering the bill. I will say the amendments I sent to the Clerk's desk a moment ago I think remedy very largely the objections that have been raised by the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. I probably misinterpreted the bill as it was being read.

Mr. CAMPBELL of Kansas. I will state for the information of the House that the purpose of this bill is to extend the provisions of laws that now exist so as to cover other communicable diseases than those named in the laws passed in 1890 and 1902.

The laws passed in those years only covered diphtheria, scarlet fever, and typhoid fever, a law having been passed years before covering the case of smallpox. In addition to these, the law is to cover all communicable diseases in one law, and provides for proper regulation and protection of the public against the spread of such diseases.

Mr. CRUMPACKER. Well, then, the bill, as you have explained it, means that the head of the family shall make the certificate defined in section 1. Now, where no physician has been called, or the physician that has been called is disabled, the head of the family must know, of course, that the patient is afflicted with one of those diseases before the penalty can be imposed upon him. Is that right?

Mr. CAMPBELL of Kansas. I think that would be the proper construction of the law.

Mr. CRUMPACKER. It should be the necessary construction.

Mr. BABCOCK. If the gentleman will permit me, I will say it will be the necessary construction, because I have known of a case of smallpox being attended to five days by physicians this winter before they knew what it was and could report.

Mr. CRUMPACKER. That is all right in relation to a physician and head of the family, but you impose a penalty for failure to report if they know the existence of the disease.

Mr. BABCOCK. The penalty can not lie unless they do know.

Mr. CAMPBELL of Kansas. That would be a defense against the penalty provisions of the act. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. BABCOCK. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration sundry bills, and had directed him to report the same, some with amendments and some without amendments, with the recommendation that the House do pass those without amendment, and agree to the amendments as to the others, and pass the bills as amended.

The SPEAKER. The Clerk will report the first bill.

FIRE DEPARTMENT.

The first bill reported from the Committee of the Whole was the bill (H. R. 4464) to classify the officers and members of the fire department of the District of Columbia, and for other purposes, with amendments.

Mr. MADDEN. Mr. Speaker, I move to recommit this bill to the committee, with instructions to amend by striking out all after the word "dollars" in line 22, then strike out all the remainder of lines 23, 24, and 25, and lines 1 and 2, on page 5, to and including the word "dollars."

The SPEAKER. The gentleman from Illinois moves to recommit with instructions, which the Clerk will report.

Mr. BABCOCK. I do not think that motion is in order.

The SPEAKER. The previous question has not been ordered. If the previous question had been ordered, the motion would not be in order until after the engrossment and third reading of the bill; but, as the previous question has not been ordered, the bill is open to full consideration, and this is one method of consideration, to move to recommit. The Clerk will report the motion.

The Clerk read as follows:

Page 4, line 22, after the word "dollars," strike out the remainder of the line, all of lines 23, 24, and 25, and lines 1 and 2 on page 5 to and including the word "dollars."

Mr. MADDEN. Mr. Speaker, when the Committee on Appropriations had under consideration the question of appropriating for the fire department of the District of Columbia, the Commissioners recommended an appropriation for one clerk in the fire department, at $1,200. This bill seeks to create an additional position of chief clerk, at $1,400 a year.

Mr. CAMPBELL of Kansas. Mr. Speaker, did not the gentleman know at that time that the Commissioners were asking for a superintendent, at $4,000 a year?

Mr. MADDEN. No, sir; the gentleman did not know anything about it; and the Commissioners assured the Committee on Appropriations that one clerk at $1,200 was all that would be needed to properly perform the duties of the office.

Mr. CAMPBELL of Kansas. Mr. Speaker, the statement made by the gentleman from Illinois, as coming from the District Commissioners, is absolutely true; and if the provisions for superintendent of fire department in this bill had not been stricken out, the provision for chief clerk would not be in the bill. If we here provided for a general superintendent of the fire department at $4,000 a year, with a clerk at $1,500 a year, there would have been no necessity for the clerk that has been provided for in this bill. The Commissioners fully intended that there should be a superintendent with these clerks; and it is for that reason that they only asked $1,200 for one clerk for the engineer. We eliminated from the bill the provision for superintendent that was pending before the committee when the Commissioners appeared before the Committee on Appropriations and made the statement referred to. I say we eliminated the provision creating a superintendent of the fire department, and provided instead for a chief clerk, and in that way have saved the District $2,600 a year upon that one item. I sincerely hope the motion of the gentleman from Illinois will be voted down.

Mr. MADDEN. Let us have a vote.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. MADDEN) there were—ayes 35, noes 76.

Mr. MADDEN. Mr. Speaker, I make the point that there is no quorum present.

Mr. SHACKLEFORD. Mr. Speaker, I make the point of order that the gentleman is filibustering.

The SPEAKER. Well, up to this time it does not appear patent to the Chair. This is not a filibustering motion, anyway. There must be a quorum first.

Mr. GAINES of Tennessee. Mr. Speaker, how does a man have to look when he is filibustering? What are the physical symptoms?

Mr. RUCKER. Mr. Speaker, I hope there will be no warrant issued.

Mr. GAINES of Tennessee. It is not time yet, Mr. Speaker. It is not 6 o'clock.

The SPEAKER (having counted the House). One hundred and ninety Members present; not a quorum. The doors will be closed; the Sergeant-at-Arms will bring in the absentees.

The question is on the motion of the gentleman from Illinois to recommit the bill. Those in favor of the motion will vote "yea," those opposed to the motion will vote "nay," those present and not voting will answer "present;" and the Clerk will call the roll.

The question was taken; and there were—yeas 50, nays 144, answered "present" 21, not voting 165, as follows:

YEAS—50.

Beall, Tex.	Gaines, Tenn.	Mann	Smith, Tex.
Bell, Ga.	Gillespie	Moore	Snapp
Bowersock	Gillett, Mass.	Patterson, S. C.	Southall
Broocks, Tex.	Granger	Pollard	Stafford
Brundidge	Henry, Tex.	Powers	Sullivan, Mass.
Burleson	Hoar	Rixey	Sulzer
Butler, Tenn.	Houston	Robertson, La.	Underwood
Clayton	Howard	Rucker	Webb
Darragh	Keliher	Ruppert	Wilson
Davis, W. Va.	Lawrence	Russell	Wood, Mo.
Ellerbe	Lee	Ryan	Young
Fitzgerald	Macon	Shartel	
Floyd	Madden	Sheppard	

NAYS—144.

Aiken	Curtis	Hogg	McKinley, Ill.
Alexander	Cushman	Howell, N. J.	McKinney
Allen, Me.	Dale	Hubbard	McMorran
Allen, N. J.	Dalzell	Huff	Mahon
Ames	Davey, La.	Hull	Martin
Babcock	Davidson	Humphrey, Wash.	Maynard
Bartholdt	Dawson	Jones, Wash.	Miller
Bartlett	Denby	Keifer	Moon, Tenn.
Bates	Draper	Kennedy, Nebr.	Morrell
Birdsall	Dresser	Kennedy, Ohio	Mudd
Bishop	Esch	Kinkaid	Murdock
Brick	Fletcher	Klepper	Murphy
Brownlow	Foster, Ind.	Knopf	Nevin
Buckman	Gardner, Mich.	Knowland	Norris
Burke, S. Dak.	Gardner, N. J.	Lacey	Olcott
Burnett	Garner	Lafean	Otjen
Butler, Pa.	Gilbert, Ind.	Lamar	Overstreet
Campbell, Kans.	Gillett, Cal.	Landis, Chas. B.	Padgett
Campbell, Ohio	Graff	Landis, Frederick	Parsons
Capron	Griggs	Littlefield	Payne
Cassel	Hamilton	Loud	Pearre
Chapman	Hay	Loudenslager	Perkins
Cole	Hayes	Lovering	Prince
Conner	Hedge	McCall	Reeder
Cooper, Wis.	Hepburn	McCarthy	Reynolds
Cousins	Higgins	McCleary, Minn.	Rhodes
Crumpacker	Hill, Conn.	McGavin	Rives
Currier	Hinshaw	McKinlay, Cal.	Rodenberg
Sherley	Smith, Wm. Alden	Sulloway	Watson
Sherman	Smyser	Thomas, Ohio	Weems
Slayden	Southwick	Tirrell	Wharton
Slemp	Sperry	Townsend	Wiley, N. J.
Small	Spight	Volstead	Williams
Smith, Cal.	Steenerson	Wachter	Wood, N. J.
Smith, Ill.	Sterling	Waldo	Woodyard
Smith, Iowa	Stevens, Minn.	Wallace	Zenor

ANSWERED "PRESENT"—21.

Boutell	Goebel	Meyer	Southard
Burton, Ohio	Greene	Mouser	Sparkman
Clark, Mo.	Hearst	Pou	Thomas, N. C.
De Armond	Hermann	Robinson, Ark.	
Dixon, Ind.	Kline	Shackleford	
Foss	Lilley, Pa.	Sims	

NOT VOTING—165.

Acheson	Dunwell	Hunt	Pujo
Adams	Dwight	James	Rainey
Adamson	Edwards	Jenkins	Randell, Tex.
Andrus	Ellis	Johnson	Ransdell, La.
Bankhead	Fassett	Jones, Va.	Reid
Bannon	Field	Kahn	Rhinock
Barchfeld	Finley	Ketcham	Richardson, Ala.
Bede	Flack	Kitchin, Claude	Richardson, Ky.
Beidler	Flood	Kitchin, Wm. W.	Roberts
Bennet, N. Y.	Fordney	Knapp	Samuel
Bennett, Ky.	Foster, Vt.	Lamb	Schneebeli
Bingham	Fowler	Law	Scott
Blackburn	French	Le Fevre	Scroggy
Bonynge	Fulkerson	Legare	Sibley
Bowers	Fuller	Lester	Smith, Ky.
Bowie	Gaines, W. Va.	Lever	Smith, Md.
Bradley	Garber	Lewis	Smith, Samuel W.
Brantley	Gardner, Mass.	Lilley, Conn.	Smith, Pa.
Brooks, Colo.	Garrett	Lindsay	Stanley
Broussard	Gilbert, Ky.	Littauer	Stephens, Tex.
Brown	Gill	Little	Sullivan, N. Y.
Burgess	Glass	Livingston	Talbott
Burke, Pa.	Goldfogle	Lloyd	Tawney
Burleigh	Goulden	Longworth	Taylor, Ala.
Burton, Del.	Graham	Lorimer	Taylor, Ohio
Byrd	Gregg	McCreary, Pa.	Towne
Calder	Gronna	McDermott	Trimble
Calderhead	Grosvenor	McLachlan	Tyndall
Candler	Gudger	McLain	Van Duzer
Chaney	Hale	McNary	Van Winkle
Clark, Fla.	Hardwick	Marshall	Vreeland
Cockran	Haskins	Michalek	Wadsworth
Cocks	Haugen	Minor	Wanger
Cooper, Pa.	Heflin	Mondell	Watkins
Cromer	Henry, Conn.	Moon, Pa.	Webber
Davis, Minn.	Hill, Miss.	Needham	Weeks
Dawes	Hitt	Olmsted	Weisse
Deemer	Holliday	Page	Welborn
Dickson, Ill.	Hopkins	Palmer	Wiley, Ala.
Dixon, Mont.	Howell, Utah	Parker	
Dovener	Hughes	Patterson, N. C.	
Driscoll	Humphreys, Miss.	Patterson, Tenn.	

So the motion to recommit was not agreed to.

The following pairs were announced:

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. FOSS with Mr. MEYER.

Mr. BRADLEY with Mr. GOULDEN.

Mr. MOUSER with Mr. GARRETT.

Until further notice:

Mr. HASKINS with Mr. LEVER.

Mr. SOUTHARD with Mr. HARDWICK.

Mr. WEEKS with Mr. STANLEY.

Mr. WELBORN with Mr. GUDGER.

Mr. EDWARDS with Mr. HILL of Mississippi.

Mr. DEEMER with Mr. KLINE.

Mr. VREELAND with Mr. GREGG.

Mr. GRAHAM with Mr. PAGE.

Mr. DRISCOLL with Mr. RANSDELL of Louisiana.

Mr. FOSTER of Vermont with Mr. POU.

Mr. BENNETT of Kentucky with Mr. HOPKINS.

Mr. ANDRUS with Mr. THOMAS of North Carolina.

Mr. DOVENER with Mr. SPARKMAN.

Mr. HITT with Mr. LEGARE.

Mr. HOLLIDAY with Mr. WILEY of Alabama.

Mr. LE FEVRE with Mr. CLAUDE KITCHIN.

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. MOON of Pennsylvania with Mr. STEPHENS of Texas.

For this day:

Mr. WADSWORTH with Mr. TAYLOR of Alabama.

Mr. TAYLOR of Ohio with Mr. VAN DUZER.

Mr. VAN WINKLE with Mr. LAMB.

Mr. SAMUEL W. SMITH with Mr. WATKINS.

Mr. SCHNEEBELI with Mr. PATTERSON of Tennessee.

Mr. ROBERTS with Mr. WEISSE.

Mr. PALMER with Mr. TRIMBLE.

Mr. OLMSTED with Mr. SMITH of Kentucky.

Mr. NEEDHAM with Mr. SMITH of Maryland.

Mr. MONDELL with Mr. RICHARDSON of Alabama.

Mr. MARSHALL with Mr. RHINOCK.

Mr. MCCREARY of Pennsylvania with Mr. REID.

Mr. LONGWORTH with Mr. TOWNE.

Mr. LILLEY of Connecticut with Mr. RANDELL of Texas.
Mr. LAW with Mr. PUJO.
Mr. KNAPP with Mr. SULLIVAN of New York.
Mr. KETCHAM with Mr. MCDERMOTT.
Mr. JENKINS with Mr. RAINEY.
Mr. HUGHES with Mr. PATTERSON of North Carolina.
Mr. HAUGEN with Mr. MCNARY.
Mr. HALE with Mr. MCLAIN.
Mr. GAINES of West Virginia with Mr. LITTLE.
Mr. FORDNEY with Mr. LEWIS.
Mr. DUNWELL with Mr. LINDSAY.
Mr. DIXON of Montana with Mr. JOHNSON.
Mr. DAWES with Mr. HUNT.
Mr. COOPER of Pennsylvania with Mr. GLASS.
Mr. CALDERHEAD with Mr. GARBER.
Mr. CALDER with Mr. GOLDFOGLE.
Mr. BURLEIGH with Mr. FLOOD.
Mr. BURKE of Pennsylvania with Mr. FINLEY.
Mr. BROWN with Mr. FIELD.
Mr. BROOKS of Colorado with Mr. DIXON of Indiana.
Mr. BINGHAM with Mr. COCKRAN.
Mr. BEIDLER with Mr. CLARK of Florida.
Mr. BEDE with Mr. BYRD.
Mr. BARCHFELD with Mr. BOWIE.
Mr. ADAMS with Mr. BANKHEAD.
Mr. ACHESON with Mr. BOWERS.
Mr. FULLER with Mr. SHACKLEFORD.
Mr. BENNET of New York with Mr. LLOYD.
Mr. ELLIS with Mr. BURGESS.
Mr. BANNON with Mr. TALBOTT.
Mr. SIBLEY with Mr. LESTER.
Mr. CHANEY with Mr. ROBINSON of Arkansas.
Mr. LITTAUER with Mr. JAMES.
Mr. DICKSON of Illinois with Mr. WILLIAM W. KITCHIN.
Mr. GRONNA with Mr. RICHARDSON of Kentucky.
Mr. KAHN with Mr. JONES of Virginia.

On this vote:

Mr. TAWNEY with Mr. LIVINGSTON.
Mr. CROMER with Mr. HEFLIN.
Mr. BONYNGE with Mr. CANDLER.
Mr. FRENCH with Mr. BROUSSARD.
Mr. MCLACHLAN with Mr. SIMS.

Until Thursday:

Mr. BURTON of Delaware with Mr. GILL.

Next Monday until further notice:

Mr. GROSVENOR with Mr. CLARK of Missouri.

The result of the vote was then announced as above recorded.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 14511) amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia," approved April 22, 1904.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 19682) authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (S. 4176) to amend an act approved March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes."

The bill was ordered to be read the third time; was read the third time, and passed.

The SPEAKER. The Clerk will read the next bill.

The Clerk read as follows:

A bill (S. 59) providing for the establishment of a uniform building line on streets in the District of Columbia less than 90 feet in width.

The bill was ordered to be read a third time; was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 17452) to provide for the payment of damages on account of changes of grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

The SPEAKER. The Clerk will read the next bill.

The Clerk read as follows:

A bill (H. R. 16868) for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, and typhoid fever in the District of Columbia.

The committee amendments were considered and agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

NICOLA MASINO.

Mr. BABCOCK. Mr. Speaker, I would like to ask that the act (S. 2270) for the relief of Nicola Masino, of the District of Columbia, be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the act S. 2270 be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That all real estate lying in the District of Columbia heretofore purchased by and conveyed to Nicola Masino, of said District, prior to the passage of this act, be relieved and exempted from the operation of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887, and all forfeitures incurred by force of said act are in respect of such real estate hereby remitted.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

JOHN C. RIVES, DECEASED.

Mr. BABCOCK. Mr. Speaker, I call up the bill (S 4376) to quitclaim all the interests of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased, and I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin calls up a bill and askes unanimous consent that it may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and required to grant and convey unto the heirs and assigns of John C. Rives, deceased, of the State of Maryland, all the right, title, and interest of the United States in and to a certain lot of land lying partly in the District of Columbia and the State of Maryland, consisting of about 52 acres, more or less, as described in the will of the said John C. Rives.

With the following amendment:

That the United States hereby relinquishes all the right, title, and interest it may have acquired by the will of John C. Rives, deceased, in and to a certain lot of land lying partly in the District of Columbia and partly in the State of Maryland, consisting of about 52 acres, more or less, as described in the will of said testator.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, read the third time, and passed.

The SPEAKER. Without objection, the title will be amended so as to read: "An act to relinquish all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland formerly belonging to John C. Rives, deceased." [After a pause.] The Chair hears no objection, and it is so ordered.

CHANGING NAME OF DOUGLAS STREET.

Mr. BABCOCK. Mr. Speaker, I call up the bill (S. 4268) changing the name of Douglas street to Clifton street, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act the street extending from Fourteenth street west to University place, in the District of Columbia, now known as Douglas street, shall be known and designated as Clifton street.

The SPEAKER. The question is on the third reading of the Senate bill.

The question was taken; and the bill was ordered to a third reading, read the third time, and passed.

STREET RAILWAY COMPANIES TO SPRINKLE CERTAIN PORTIONS OF STREETS IN WASHINGTON, D. C.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 18716) to extend the authority of the Commissioners of the District of Columbia over all street railway companies operating in the streets of the city of Washington, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and directed to require hereafter, by appropriate regulations, all street railway companies operating in the District of Columbia to sprinkle, at such times as the Commissioners may deem necessary, all that portion of the streets or avenues within the fire limits of the city of Washington occupied by their tracks and lying between the exterior rails of the tracks of such roads and for a distance of not less than 2 feet from and exterior to such tracks on each side thereof.

SEC. 2. That after promulgating the regulations herein authorized and required, should any street railway company in the District of Columbia fail or refuse to comply therewith, the Commissioners shall cause said sprinkling to be done as other sprinkling of the streets is done in the District of Columbia and collect the cost of doing said work from said railway companies in the same manner as the cost of laying pavements between the rails and tracks of street railways as provided for in section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878.

With the following amendment:

Insert, after the word "thereof," line 1, page 2, the following:

"The water for said sprinkling shall be furnished the said railway companies by the District of Columbia free of cost."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time; read the third time, and passed.

EXTENSION OF KALORAMA ROAD.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 130) authorizing the extension of Kalorama road NW., as unfinished business.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

Mr. BABCOCK. Mr. Speaker, I desire now to offer the following amendment as a substitute, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, under and in accordance with the provisions of sections 491a and 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within thirty days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Kalorama road from Eighteenth street to Champlain street, with a width of 50 feet.

"SEC. 2. That the sum of $300, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the District of Columbia to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia."

The SPEAKER. The question is on agreeing to the amendment.

Mr. GAINES of Tennessee. Mr. Speaker, I should like to ask the gentleman if this is a further extension of this Kalorama avenue?

Mr. BABCOCK. No; that was the bill that was considered some three months ago in Committee of the Whole and reported favorably to the House. Since then Congress has passed a bill providing for all cases of street opening, which it does now under the statute, and all that Congress has to do is simply to direct the Commissioners to proceed under the law.

Mr. GAINES of Tennessee. The gentlemen will remember that the Kalorama avenue extension bill seemed to be a specialty and was considered here for some time; we discussed it for quite a while. As I remember it, we passed that bill. I objected to it and suggested certain changes that should be made to it.

Mr. BABCOCK. It passed the Committee of the Whole, but it has been on the Calendar as unfinished business, and was left there on account of legislation pending before Congress making a permanent provision for the opening of streets.

Mr. GAINES of Tennessee. We have passed a general bill since.

Mr. BABCOCK. Yes.

Mr. SIMS. I would like to ask the gentleman if it is a fact, also, on account of the objection made to a special law at that time that this general bill was introduced and passed as the fruit of that discussion?

Mr. BABCOCK. That is correct.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time; was accordingly read the third time, and passed.

AMENDING THE DISTRICT CODE RELATING TO INTEREST AND USURY.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the bill H. R. 14806.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 14806) to amend the Code of Law for the District of Columbia relating to interest and usury.

Be it enacted, etc., That chapter 34 of the Code of Law for the District of Columbia, enacted March 3, 1901, as well as all acts and parts of acts amendatory thereof in so far as the same may be inconsistent herewith, be amended by striking out section 1180 of said chapter 34 and inserting in said chapter 34 the following:

"SEC. 1180. WHAT IS USURY?—If any person or corporation shall contract in the District verbally to pay a greater rate of interest than 6 per cent per annum, or shall contract in writing to pay a greater rate than 10 per cent per annum, the creditor shall forfeit the whole interest so contracted to be received: *Provided*, That nothing in this chapter contained shall be held to repeal or affect the act of Congress approved March 2, 1889, relating to pawnbrokers."

"SEC. 1180a. PUNISHMENT OF USURY.—Every person, firm, association, joint stock company or corporation, and every officer, or agent of such firm, association, joint stock company or corporation who, jointly or severally, directly, or indirectly, receives, or causes to be received, any interest, discount, or consideration upon a loan or forbearance of any money, goods, or things in action, whether with or without the pledge or security of negotiable or nonnegotiable paper, bond, bill, or instrument in writing, chattels, expectant or contingent estates, legacies, annuities, or any interest in or concerning real, personal, or mixed property, or in any other way, in whatever form such interest, discount, or consideration may be concealed, and whether such interest, discount, or consideration may be charged by way of commissions, attorneys' fees, brokerage charges, expenses of the loan, and the like, or in any other way, at a rate greater than is provided for in the foregoing section, shall be guilty of a misdemeanor and shall be punished, upon conviction, by a fine of not more than $200 or by imprisonment for not more than six months."

The committee amendment was read, as follows:

Page 2, strike out all beginning with line 6 and ending with line 25.

Mr. CRUMPACKER. Mr. Speaker, I would like to know something about this bill. I got the impression, during the course of its reading, that if a party agrees verbally, orally, to pay a rate of interest in excess of 6 per cent that that would be usury and he would forfeit all interest. What was that provision about the verbal promise?

Mr. OLCOTT. Mr. Speaker, I say to the gentleman I think he has confounded provisions of the bill as originally introduced with the provisions of the bill as reported from the committee. The bill as now reported by the committee merely provides that it shall be usury. Let me read the bill:

If any person or corporation shall contract in the District verbally to pay a greater rate of interest than 6 per cent per annum, or shall contract in writing to pay a greater rate than 10 per cent per annum, the creditor shall forfeit the whole interest so contracted to be received.

That is the only penalty for usury in the bill as reported from the committee.

Mr. CRUMPACKER. That is the only penalty in the bill?

Mr. OLCOTT. That is the only penalty reported by the committee.

Mr. CRUMPACKER. I do not at all like the policy of providing for usury for what you term "verbal agreements" to pay, because they are so subject to misunderstanding and controversy. There ought to be no usury or an excessive interest unless the contract is in writing, and there ought not to be any rate of interest except one fixed by law unless the contract be put in writing fixing it at another rate. I do not like that plan at all of providing for usury in a verbal agreement. You can see how it will give rise to all kinds of controversies and misunderstandings in relation to questions of fact.

Mr. OLCOTT. Of course I appreciate that is a matter of opinion. As a matter of fact, this section 1180 has been rather inconsistent with other sections of the Code, Nos. 1178 and 1179. It seemed to the committee, after considering the matter, I think, with a considerable amount of care, that this provision was safe in view of the fact that we made the only penalty for usury the forfeiture of the excessive interest agreed to be paid.

Mr. CRUMPACKER. Now, the gentleman can readily see how it will give rise to all kinds of controversies and contests in the courts. There will be the testimony of one witness, one party against the other, and it will be a fruitful source of litigation. I do not like the policy, and I arose to make the inquiry because I thought there was some penal provision in connection with the subject of usury.

Mr. OLCOTT. In the bill as originally introduced there were penal provisions contained. The committee were almost unanimously opposed to that. I will say in this connection that we

had considerable discussion, and I think that in the discussion I rather took the position that the gentleman is now taking. I think, however, that this can do no serious harm, because the sole punishment is the forfeiture of the interest. Where more than 10 per cent is reserved in a written contract this proposed law applies, so that the matter of proof is simple.

Mr. CRUMPACKER. Why did you fix the maximum amount in the written contract at 10 per cent?

Mr. OLCOTT. In order to make the provision in section 1180 consistent with the provisions of other sections of the code relating to the same matter.

Mr. CRUMPACKER. The contract rate fixed by the law in the District is 10 per cent.

Mr. OLCOTT. Yes.

Mr. CRUMPACKER. And that is the highest rate I know of in the eastern part of the country.

Mr. OLCOTT. Section 1179 of the code, under the title "Express contracts," reads:

The parties to a bond, bill, promissory note, or other instrument of writing for the payment of money at any future time may contract therein for the payment of interest on the principal amount thereof at any rate not exceeding 10 per cent per annum.

And as we did not wish to change the organic law, so to speak, of the District, we thought this was proper.

Mr. CRUMPACKER. I think the maximum rate might have been made 8, but I will not make any objection.

Mr. McCARTHY. I would like to ask why you distinguish between a rate in an oral contract and a written one. You limit it to 6 per cent in an oral contract and 10 per cent in a written contract. Why that distinction?

Mr. OLCOTT. I would say in regard to that that we considered it was probable that if a person is willing to pay 10 per cent and contract for such payment in writing, he probably had more time to take into consideration the amount of interest he was willing to pay for the use of money. That was all.

Mr. McCARTHY. The legal rate as now fixed by law in this District is 10 per cent?

Mr. OLCOTT. Oh, no. The legal rate is 6 per cent, but you can contract in writing for an amount up to 10 per cent, and if no interest whatever is mentioned obligations bear 6 per cent.

Mr. McCARTHY. That is all right.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

SALARIES OF TEACHERS.

The SPEAKER laid before the House the bill (H. R. 18442) entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," with sundry Senate amendments.

Mr. BABCOCK. Mr. Speaker, I ask that the House nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK] moves that the House nonconcur in the Senate amendments and ask for a conference.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman whether there is any amendment to this bill creating a new office or increase of salaries, or making an appropriation from the Treasury?

Mr. BABCOCK. I understand there is one creating a new office, which the House committee would not concur in.

Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the House nonconcur in the Senate amendments and ask for a conference. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Mr. MORRELL, Mr. GREENE, and Mr. McLAIN.

Mr. BABCOCK. Mr. Speaker, I move to reconsider the vote by which the several bills on the District Calendar were passed, and to lay that motion on the table.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WEBBER, for one day, on account of important business.

To Mr. EDWARDS, indefinitely, on account of serious illness in family.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives, by Mr. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On June 4:

H. R. 16672. An act to punish the cutting, chipping, or boxing of trees on the public lands;

H. R. 16950. An act to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River; and

H. R. 17758. An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota.

On June 5:

H. R. 5217. An act for the relief of Agnes W. Hills and Sarah J. Hills; and

H. R. 17507. An act to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory.

On June 6:

H. R. 8952. An act for the relief of the trustees of Weir's Chapel, Tippah County, Miss.;

H. R. 1133. An act granting a pension to Mary Lockard;

H. R. 4222. An act granting a pension to Otto Boesewetter;

H. R. 4388. An act granting a pension to Laura Hilgeman;

H. R. 4406. An act granting a pension to Albert M. Ryan;

H. R. 4867. An act granting a pension to Louisa Gregg;

H. R. 7495. An act granting a pension to Susie M. Gerth;

H. R. 8144. An act granting a pension to Ada J. Lasswell;

H. R. 8833. An act granting a pension to Edna M. Johnson;

H. R. 8954. An act granting a pension to George Cunningham;

H. R. 9135. An act granting a pension to August Crome;

H. R. 9276. An act granting a pension to Mary E. O'Hare;

H. R. 10177. An act granting a pension to Elizabeth Kohler;

H. R. 10766. An act granting a pension to Rachel L. Bartlett;

H. R. 11303. An act granting a pension to Joseph Matthews;

H. R. 11686. An act granting a pension to William C. Berghahn;

H. R. 12194. An act granting a pension to Minnie Irwin;

H. R. 12561. An act granting a pension to Francis M. McClendon;

H. R. 12653. An act granting a pension to Sarah Adams;

H. R. 12807. An act granting a pension to Nancy Ann Gee;

H. R. 12874. An act granting a pension to Sarah Ellen Dickens;

H. R. 13024. An act granting a pension to William J. Beach;

H. R. 13421. An act granting a pension to John W. Wabrass;

H. R. 13575. An act granting a pension to Francis Bell;

H. R. 13622. An act granting a pension to Mary Cochran;

H. R. 13704. An act granting a pension to Ann Dewier;

H. R. 13713. An act granting a pension to Allison W. Pollard;

H. R. 15032. An act granting a pension to Milton Diehl;

H. R. 15243. An act granting a pension to Artemesia T. Husbrook;

H. R. 15486. An act granting a pension to William H. M. Carpenter;

H. R. 15490. An act granting a pension to Mary E. Darcy;

H. R. 15523. An act granting a pension to Jose M. Lucero, alias Nasario Lucero;

H. R. 15588. An act granting a pension to Hester Hyatt;

H. R. 15695. An act granting a pension to John T. Wagoner;

H. R. 15807. An act granting a pension to Catharine Arnold;

H. R. 15855. An act granting a pension to Will E. Kayser;

H. R. 16173. An act granting a pension to Sarah Smith;

H. R. 16267. An act granting a pension to Catharine Piper;

H. R. 16320. An act granting a pension to Esther M. Noah;

H. R. 16390. An act granting a pension to Katharine Partridge;

H. R. 16627. An act granting a pension to Delilah Moore;

H. R. 16681. An act granting a pension to Gustave Bergen;

H. R. 16704. An act granting a pension to Lucy C. Strout;

H. R. 16931. An act granting a pension to Cornelia Mitchell;

H. R. 17108. An act granting a pension to Edith F. Morrison;

H. R. 17120. An act granting a pension to Rhoda Munsil;

H. R. 17205. An act granting a pension to Alice Garvey;

H. R. 17308. An act granting a pension to Margaret E. Eveland;

H. R. 17548. An act granting a pension to David J. Bentley;

H. R. 17558. An act granting a pension to Lizzie H. Prout;

H. R. 17586. An act granting a pension to Harriet A. Morton;

H. R. 17671. An act granting a pension to Sarah A. Thompson;

H. R. 17690. An act granting a pension to Ellen E. Leary;

H. R. 17788. An act granting a pension to Charles E. Benson;
H. R. 17826. An act granting a pension to Wincy A. Lindsay;
H. R. 18005. An act granting a pension to Emily Compton;
H. R. 18157. An act granting a pension to James J. Winkler;
H. R. 18158. An act granting a pension to Isaac Cope;
H. R. 18169. An act granting a pension to Margaret Stevens;
H. R. 549. An act granting an increase of pension to Charles W. Storr, jr.;
H. R. 718. An act granting an increase of pension to Hamilton D. Brown;
H. R. 735. An act granting an increase of pension to Frank L. Fornshell;
H. R. 1182. An act granting an increase of pension to Ezekiel Bridwell;
H. R. 1192. An act granting an increase of pension to George B. Hess;
H. R. 1413. An act granting an increase of pension to John Crawford;
H. R. 1482. An act granting an increase of pension to Philip Cook;
H. R. 1547. An act granting an increase of pension to William A. Olmsted;
H. R. 1557. An act granting an increase of pension to Frank J. Oatley;
H. R. 1719. An act granting an increase of pension to William N. Whitlock;
H. R. 1768. An act granting an increase of pension to George W. Childers;
H. R. 1946. An act granting an increase of pension to James A. Sproull;
H. R. 2155. An act granting an increase of pension to William H. Smith;
H. R. 2168. An act granting an increase of pension to William Bridges;
H. R. 2226. An act granting an increase of pension to George F. Long;
H. R. 2234. An act granting an increase of pension to Jacob W. Gersteneker;
H. R. 2791. An act granting an increase of pension to Mary E. Adams;
H. R. 2816. An act granting an increase of pension to James C. Town;
H. R. 3227. An act granting an increase of pension to Isaac Tuttle;
H. R. 3345. An act granting an increase of pension to Christina White;
H. R. 3686. An act granting an increase of pension to Henry R. Cowan;
H. R. 3694. An act granting an increase of pension to Joseph D. Emery;
H. R. 4240. An act granting an increase of pension to James F. Chipman;
H. R. 4244. An act granting an increase of pension to John Spaulding;
H. R. 4363. An act granting an increase of pension to Thomas D. Campbell;
H. R. 4594. An act granting an increase of pension to Joshua S. Ditto;
H. R. 4595. An act granting an increase of pension to Thomas H. Tallant;
H. R. 4625. An act granting an increase of pension to Anderson J. Smith;
H. R. 4743. An act granting an increase of pension to Hiram N. Goodell;
H. R. 4745. An act granting an increase of pension to Henry D. Stiehl;
H. R. 4965. An act granting an increase of pension to Samuel P. Holland;
H. R. 5048. An act granting an increase of pension to William A. Failer;
H. R. 5222. An act granting an increase of pension to Lewis R. Stigman;
H. R. 5571. An act granting an increase of pension to William Cary;
H. R. 5732. An act granting an increase of pension to Elias C. Kitchin;
H. R. 5804. An act granting an increase of pension to Joseph A. Noyes;
H. R. 6061. An act granting an increase of pension to William H. Chapman;
H. R. 6111. An act granting an increase of pension to Edwin R. Steenrod;
H. R. 6112. An act granting an increase of pension to Edmund Fish;
H. R. 6114. An act granting an increase of pension to Andrew J. Douglass;
H. R. 6490. An act granting an increase of pension to William H. Gilbert;
H. R. 6498. An act granting an increase of pension to Isaac C. France;
H. R. 9546. An act granting an increase of pension to Samuel A. White;
H. R. 6578. An act granting an increase of pension to James B. McWhorter;
H. R. 6776. An act granting an increase of pension to Stephen C. Smith;
H. R. 6865. An act granting an increase of pension to Charles F. Voss;
H. R. 6912. An act granting an increase of pension to Charles H. Weaver;
H. R. 7419. An act granting an increase of pension to James Scott;
H. R. 7498. An act granting an increase of pension to Mary Hanson;
H. R. 7500. An act granting an increase of pension to John McCandless;
H. R. 7854. An act granting an increase of pension to James H. Kemp;
H. R. 7876. An act granting an increase of pension to Julius Beier;
H. R. 8091. An act granting an increase of pension to John Coughlin;
H. R. 8138. An act granting an increase of pension to Similde E. Forbes;
H. R. 8479. An act granting an increase of pension to Nellie A. Batchelder;
H. R. 8547. An act granting an increase of pension to John W. Madison;
H. R. 8650. An act granting an increase of pension to Sewell F. Graves;
H. R. 8662. An act granting an increase of pension to Edward F. Paramore;
H. R. 8716. An act granting an increase of pension to John L. Coffey;
H. R. 8737. An act granting an increase of pension to Horace A. Manley;
H. R. 8771. An act granting an increase of pension to Florence Sullivan;
H. R. 9034. An act granting an increase of pension to Mary F. McCauley;
H. R. 9138. An act granting an increase of pension to Aaron L. Rockwood;
H. R. 9375. An act granting an increase of pension to Charles H. McKenney;
H. R. 9529. An act granting an increase of pension to William Gibson;
H. R. 9812. An act granting an increase of pension to Joseph B. Newberry;
H. R. 9923. An act granting an increase of pension to Joseph J. Mishler;
H. R. 10008. An act granting an increase of pension to James W. Dorman;
H. R. 10029. An act granting an increase of pension to Abram Higbee;
H. R. 10246. An act granting an increase of pension to John Harrison;
H. R. 10257. An act granting an increase of pension to Samuel Deems;
H. R. 10318. An act granting an increase of pension to James F. Hollett;
H. R. 10319. An act granting an increase of pension to Harvey Deal;
H. R. 10524. An act granting an increase of pension to Ebenezer W. Akerley;
H. R. 12842. An act granting an increase of pension to William J. Drake;
H. R. 13026. An act granting an increase of pension to J. Bailey Orem;
H. R. 13030. An act granting an increase of pension to John C. Heney;
H. R. 13047. An act granting an increase of pension to Walter Saunders;
H. R. 13060. An act granting an increase of pension to Henry De Graff;
H. R. 13077. An act granting an increase of pension to James S. Prose;
H. R. 13111. An act granting an increase of pension to Lewis S. Perkins;

H. R. 13140. An act granting an increase of pension to Jesse W. Howe;
H. R. 13227. An act granting an increase of pension to Robert Blancett;
H. R. 13228. An act granting an increase of pension to Augustus Hathaway;
H. R. 13229. An act granting an increase of pension to Sarah E. Holland;
H. R. 13232. An act granting an increase of pension to Pennia Owens;
H. R. 13233. An act granting an increase of pension to Jesse A. B. Thorne;
H. R. 13236. An act granting an increase of pension to William Haines;
H. R. 13326. An act granting an increase of pension to Augustus McDaniel;
H. R. 13337. An act granting an increase of pension to Joseph W. Harsh;
H. R. 13465. An act granting an increase of pension to Eleanor Gregory;
H. R. 13469. An act granting an increase of pension to Michael Davy, alias James Byron;
H. R. 13493. An act granting an increase of pension to Elizabeth J. Meek;
H. R. 13506. An act granting an increase of pension to Julia A. Bachus;
H. R. 13507. An act granting an increase of pension to Thomas Crowley;
H. R. 13535. An act granting an increase of pension to William Kelly;
H. R. 13577. An act granting an increase of pension to Ellen M. Van Brunt;
H. R. 13679. An act granting an increase of pension to Joseph Nobinger;
H. R. 13689. An act granting an increase of pension to William S. Newman;
H. R. 13809. An act granting an increase of pension to James P. Tucker;
H. R. 13861. An act granting an increase of pension to Wilhelm Dickhoff;
H. R. 13877. An act granting an increase of pension to Juan Canasco;
H. R. 13882. An act granting an increase of pension to Levi L. Price;
H. R. 13923. An act granting an increase of pension to Martin Dayhuff;
H. R. 13979. An act granting an increase of pension to Emeline A. Stewart;
H. R. 13991. An act granting an increase of pension to Wiley H. Dixon;
H. R. 14072. An act granting an increase of pension to George W. Reeder;
H. R. 14106. An act granting an increase of pension to John S. Melton;
H. R. 14118. An act granting an increase of pension to Edward Delaney;
H. R. 14142. An act granting an increase of pension to James A. Scrutchfield;
H. R. 14169. An act granting an increase of pension to Bettie Stern;
H. R. 14198. An act granting an increase of pension to William T. Stewart;
H. R. 14200. An act granting an increase of pension to John K. Dalzell;
H. R. 14237. An act granting an increase of pension to Isaac Kindle;
H. R. 14328. An act granting an increase of pension to Charles M. Mears;
H. R. 14391. An act granting an increase of pension to Franklin Cooley;
H. R. 14470. An act granting an increase of pension to William A. Braselton;
H. R. 14490. An act granting an increase of pension to Martha A. Kenney;
H. R. 14493. An act granting an increase of pension to Henry Gentes, alias Henry Hopner;
H. R. 14504. An act granting an increase of pension to Aaron P. Seeley;
H. R. 14539. An act granting an increase of pension to Louis C. Robinson;
H. R. 14545. An act granting an increase of pension to Eliza L. Nixon;
H. R. 14660. An act granting an increase of pension to Daniel M. Philbrook;
H. R. 14731. An act granting an increase of pension to Ezra H. Wiggins;
H. R. 14736. An act granting an increase of pension to Isaac C. Smallwood;
H. R. 14745. An act granting an increase of pension to Frederick B. Walton;
H. R. 14801. An act granting an increase of pension to Thomas Armstrong;
H. R. 14827. An act granting an increase of pension to William K. Stewart;
H. R. 14839. An act granting an increase of pension to James McManis;
H. R. 14854. An act granting an increase of pension to Harriet Howard;
H. R. 14861. An act granting an increase of pension to Dennis W. Ray;
H. R. 14955. An act granting an increase of pension to Eliza Moore;
H. R. 14980. An act granting an increase of pension to Matthew H. Bellomy;
H. R. 14982. An act granting an increase of pension to Isaac N. Long;
H. R. 14994. An act granting an increase of pension to Daniel C. Joslyn;
H. R. 14996. An act granting an increase of pension to John F. Smith;
H. R. 15002. An act granting an increase of pension to George E. Wood;
H. R. 15003. An act granting an increase of pension to James Gray;
H. R. 15058. An act granting an increase of pension to Enoch Rector;
H. R. 15064. An act granting an increase of pension to Jacob Wagenknecht;
H. R. 15102. An act granting an increase of pension to William H. Ryckman;
H. R. 15147. An act granting an increase of pension to Joseph B. Teas;
H. R. 15149. An act granting an increase of pension to William W. Ferguson;
H. R. 15152. An act granting an increase of pension to Mary T. Corns;
H. R. 15178. An act granting an increase of pension to Matilda Morrison;
H. R. 15180. An act granting an increase of pension to Amanda Pitman;
H. R. 15201. An act granting an increase of pension to Edward O'Shea;
H. R. 15206. An act granting an increase of pension to Peter G. Thompson;
H. R. 15229. An act granting an increase of pension to Edwin Howes;
H. R. 15233. An act granting an increase of pension to William G. Westover;
H. R. 15272. An act granting an increase of pension to Patrick Mooney;
H. R. 15274. An act granting an increase of pension to Edward W. Bell;
H. R. 15275. An act granting an increase of pension to Jehu Martin;
H. R. 15305. An act granting an increase of pension to Ezra H. Brown;
H. R. 15316. An act granting an increase of pension to James McKelvy;
H. R. 15355. An act granting an increase of pension to George M. Dailey;
H. R. 15418. An act granting an increase of pension to Samuel P. Sargent;
H. R. 15450. An act granting an increase of pension to Virginia J. D. Holmes;
H. R. 15459. An act granting an increase of pension to Drucillas A. Massey;
H. R. 15495. An act granting an increase of pension to Job B. Sanderson;
H. R. 15499. An act granting an increase of pension to Elias Andrew;
H. R. 15500. An act granting an increase of pension to John W. Thomas;
H. R. 15501. An act granting an increase of pension to Elizabeth Parks;
H. R. 15539. An act granting an increase of pension to John McConnell;
H. R. 15565. An act granting an increase of pension to Josias R. King;

H. R. 15566. An act granting an increase of pension to Andrew F. Kreger;

H. R. 15592. An act granting an increase of pension to Levi H. Townsend;

H. R. 15614. An act granting an increase of pension to Clark Cornett;

H. R. 15632. An act granting an increase of pension to Joseph B. Sanders;

H. R. 15634. An act granting an increase of pension to Samuel M. Reese;

H. R. 15641. An act granting an increase of pension to Eli Woodbury;

H. R. 15675. An act granting an increase of pension to Harley Mowrey;

H. R. 15682. An act granting an increase of pension to Hannah M. Hayes;

H. R. 15748. An act granting an increase of pension to Jacob R. Deckard;

H. R. 15761. An act granting an increase of pension to Lafayette North;

H. R. 15762. An act granting an increase of pension to Harmon Freeman, alias Harmon Storme;

H. R. 15768. An act granting an increase of pension to Mary J. Halbert;

H. R. 15783. An act granting an increase of pension to George W. Sutton;

H. R. 15819. An act granting an increase of pension to William T. Burgess;

H. R. 15854. An act granting an increase of pension to Phillip Schloesser;

H. R. 15867. An act granting an increase of pension to Annie M. Stevens;

H. R. 15886. An act granting an increase of pension to John Misner;

H. R. 15925. An act granting an increase of pension to Abraham Walker;

H. R. 15932. An act granting an increase of pension to Hartley B. Cox;

H. R. 15943. An act granting an increase of pension to William D. Jones;

H. R. 15972. An act granting an increase of pension to Thomas J. Smith;

H. R. 15977. An act granting an increase of pension to Mary E. Ramsey;

H. R. 16044. An act granting an increase of pension to John C. Lindsey;

H. R. 16098. An act granting an increase of pension to Frederick Fenz;

H. R. 16165. An act granting an increase of pension to Morris Smith;

H. R. 16174. An act granting an increase of pension to John Williamson;

H. R. 16186. An act granting an increase of pension to William T. A. H. Boles;

H. R. 16193. An act granting an increase of pension to Daniel Shrader;

H. R. 16220. An act granting an increase of pension to George C. Powell;

H. R. 16224. An act granting an increase of pension to Francis M. Crawford;

H. R. 16253. An act granting an increase of pension to Margaret A. Hope;

H. R. 16255. An act granting an increase of pension to James S. Brand;

H. R. 16271. An act granting an increase of pension to Edwin Elliott;

H. R. 16274. An act granting an increase of pension to David Lindsey;

H. R. 16279. An act granting an increase of pension to Edward E. Elliott;

H. R. 16284. An act granting an increase of pension to George Rogers;

H. R. 16285. An act granting an increase of pension to Henry Johnson;

H. R. 16295. An act granting an increase of pension to Laurence Foley;

H. R. 16319. An act granting an increase of pension to Orrin D. Nichols;

H. R. 16335. A act granting an increase of pension to John A. Bryan;

H. R. 16372. An act granting an increase of pension to Andrew Dorn;

H. R. 16398. An act granting an increase of pension to David Ross;

H. R. 16400. An act granting an increase of pension to James McCracken;

H. R. 16408. An act granting an increase of pension to William Hendricks;

H. R. 15423. An act granting an increase of pension to Andrew J. Roe;

H. R. 16427. An act granting an increase of pension to William W. Carter;

H. R. 16429. An act granting an increase of pension to Caroline M. Peirce;

H. R. 16466. An act granting an increase of pension to Asenith Woodall;

H. R. 16471. An act granting an increase of pension to North Ann Dorman;

H. R. 16486. An act granting an increase of pension to Thomas Bosworth;

H. R. 16491. An act granting an increase of pension to Lewis Denson;

H. R. 16516. An act granting an increase of pension to James B. Fairchild;

H. R. 16522. An act granting an increase of pension to Charles Meyer;

H. R. 16526. An act granting an increase of pension to James R. Hilliard;

H. R. 16527. An act granting an increase of pension to William Martin;

H. R. 16528. An act granting an increase of pension to Catharine Price;

H. R. 16529. An act granting an increase of pension to James M. Sikes;

H. R. 16530. An act granting an increase of pension to William H. Gautier;

H. R. 16535. An act granting an increase of pension to Jonathan I. Wright;

H. R. 16536. An act granting an increase of pension to Cyrus S. Case;

H. R. 16540. An act granting an increase of pension to Sarah M. Evans;

H. R. 16541. An act granting an increase of pension to Ambrose Y. Teague;

H. R. 16547. An act granting an increase of pension to John Rutter;

H. R. 16566. An act granting an increase of pension to Whitman V. White;

H. R. 16576. An act granting an increase of pension to Silas P. Conway;

H. R. 16577. An act granting an increase of pension to Joseph M. Pound;

H. R. 16586. An act granting an increase of pension to William Mattison;

H. R. 16602. An act granting an increase of pension to Christopher C. Reeves;

H. R. 16603. An act granting an increase of pension to Pleasant W. Cook;

H. R. 16606. An act granting an increase of pension to James A. Duff;

H. R. 16622. An act granting an increase of pension to James Webb;

H. R. 16629. An act granting an increase of pension to Louis Stoeckig;

H. R. 16630. An act granting an increase of pension to Philip Dumont;

H. R. 16632. An act granting an increase of pension to Louis Lepine;

H. R. 16648. An act granting an increase of pension to Henry B. Teetor;

H. R. 16609. An act granting an increase of pension to Lewis P. Chandler;

H. R. 16717. An act granting an increase of pension to Sterling Hughes;

H. R. 16724. An act granting an increase of pension to James S. Burgess;

H. R. 16749. An act granting an increase of pension to Henry A. Jones;

H. R. 16751. An act granting an increase of pension to Samuel Hough;

H. R. 16765. An act granting an increase of pension to Angus Campbell;

H. R. 16783. An act granting an increase of pension to David W. Kirkpatrick;

H. R. 16806. An act granting an increase of pension to Henry Brenizer;

H. R. 16810. An act granting an increase of pension to Henry C. Jackson;

H. R. 16824. An act granting an increase of pension to James Waskom;
H. R. 16828. An act granting an increase of pension to Georgia A. Hughes;
H. R. 16881. An act granting an increase of pension to Joel R. Youngkin;
H. R. 16884. An act granting an increase of pension to William D. Woodcock;
H. R. 16887. An act granting an increase of pension to Darwin Johnson;
H. R. 16902. An act granting an increase of pension to Dennis Winn;
H. R. 16936. An act granting an increase of pension to Sherwood F. Culberson;
H. R. 16941. An act granting an increase of pension to Thomas H. Hogan;
H. R. 16991. An act granting an increase of pension to Stephen Naught;
H. R. 16992. An act granting an increase of pension to John R. Baldwin;
H. R. 16993. An act granting an increase of pension to Melroe Tarter;
H. R. 16994. An act granting an increase of pension to Harriet Payne;
H. R. 16996. An act granting an increase of pension to Joseph Delisle;
H. R. 17003. An act granting an increase of pension to Eleazer C. Harmon;
H. R. 17004. An act granting an increase of pension to Willard F. Sessions;
H. R. 17006. An act granting an increase of pension to Fountain M. Fain;
H. R. 17012. An act granting an increase of pension to Mary Thackara;
H. R. 17014. An act granting an increase of pension to Jackson D. Thornton;
H. R. 17035. An act granting an increase of pension to Samuel Smith;
H. R. 17036. An act granting an increase of pension to Josephine L. Jordan;
H. R. 17055. An act granting an increase of pension to George Fankell;
H. R. 17067. An act granting an increase of pension to Simeon Pierce;
H. R. 17069. An act granting an increase of pension to William L. Wilcher;
H. R. 17070. An act granting an increase of pension to Thomas Blakney;
H. R. 17085. An act granting an increase of pension to George W. Olis;
H. R. 17118. An act granting an increase of pension to John Burke;
H. R. 17143. An act granting an increase of pension to William Taylor;
H. R. 17144. An act granting an increase of pension to Jesse Wiley;
H. R. 17162. An act granting an increase of pension to Scott Ruddick;
H. R. 17165. An act granting an increase of pension to Sophie Pohlers;
H. R. 17173. An act granting an increase of pension to Thomas J. Davis;
H. R. 17174. An act granting an increase of pension to Nathaniel C. Sawyer;
H. R. 17175. An act granting an increase of pension to Andrew E. Kinney;
H. R. 17202. An act granting an increase of pension to Benjamin H. Cool;
H. R. 17209. An act granting an increase of pension to Alva D. Smith;
H. R. 17229. An act granting an increase of pension to Derias Thomas Jean;
H. R. 17231. An act granting an increase of pension to Rachel Allen;
H. R. 17238. An act granting an increase of pension to John G. Vassar;
H. R. 17244. An act granting an increase of pension to James Crandol;
H. R. 17268. An act granting an increase of pension to Charles L. Westfall;
H. R. 17278. An act granting an increase of pension to Mary E. Patterson;
H. R. 17303. An act granting an increase of pension to William H. Hester;
H. R. 17310. An act granting an increase of pension to Francis A. Hite;
H. R. 17333. An act granting an increase of pension to Esek W. Hoff;
H. R. 17342. An act granting an increase of pension to Wesley G. Cox;
H. R. 17344. An act granting an increase of pension to John L. Fuhrman;
H. R. 17361. An act granting an increase of pension to Margaret McGiffin;
H. R. 17372. An act granting an increase of pension to Arethusa M. Pettit;
H. R. 17373. An act granting an increase of pension to William T. Stott;
H. R. 17484. An act granting an increase of pension to William Warnes;
H. R. 17385. An act granting an increase of pension to James S. Ruby;
H. R. 17387. An act granting an increase of pension to David F. Eakin;
H. R. 17395. An act granting an increase of pension to Thaddeus C. S. Brown;
H. R. 17402. An act granting an increase of pension to Isaiah H. Hazlitt;
H. R. 17406. An act granting an increase of pension to William B. McAllister;
H. R. 17422. An act granting an increase of pension to Orlando Hand;
H. R. 17430. An act granting an increase of pension to John A. Mather;
H. R. 17480. An act granting an increase of pension to Charles P. Lord;
H. R. 17514. An act granting an increase of pension to Virginia C. Moore;
H. R. 17515. An act granting an increase of pension to John J. Elliott;
H. R. 17526. An act granting an increase of pension to Richard Dunlap;
H. R. 17557. An act granting an increase of pension to John W. Marshall;
H. R. 17584. An act granting an increase of pension to James White;
H. R. 17591. An act granting an increase of pension to William Hall;
H. R. 17592. An act granting an increase of pension to Margaret Haynes;
H. R. 17597. An act granting an increase of pension to Charles Lee;
H. R. 17613. An act granting an increase of pension to Susan E. Nash;
H. R. 17619. An act granting an increase of pension to Davia D. Spain;
H. R. 17635. An act granting an increase of pension to George Willy;
H. R. 17638. An act granting an increase of pension to York A. Woodward;
H. R. 17644. An act granting an increase of pension to Henry C. Eastler;
H. R. 17650. An act granting an increase of pension to Hugh F. Ames;
H. R. 17654. An act granting an increase of pension to Hannah J. K. Thomas;
H. R. 17683. An act granting an increase of pension to John Hoch;
H. R. 17684. An act granting an increase of pension to Joseph M. Hays;
H. R. 17700. An act granting an increase of pension to Andrew T. Mitchell;
H. R. 17711. An act granting an increase of pension to John Dietz;
H. R. 17736. An act granting an increase of pension to Josephine B. Phelon;
H. R. 17747. An act granting an increase of pension to Abraham I. Canary;
H. R. 17761. An act granting an increase of pension to Thomas J. Mackey;
H. R. 17771. An act granting an increase of pension to Deloss Williams;
H. R. 17781. An act granting an increase of pension to Frank M. Parker;
H. R. 17782. An act granting an increase of pension to Aaron K. Clark;
H. R. 17796. An act granting an increase of pension to Thomas C. Alexander;

H. R. 17797. An act granting an increase of pension to Wilbur F. Lane;
H. R. 17806. An act granting an increase of pension to Enoch Boyle;
H. R. 17830. An act granting an increase of pension to William R. Snell;
H. R. 17843. An act granting an increase of pension to Samuel Watkins;
H. R. 17854. An act granting an increase of pension to John Eubank;
H. R. 17855. An act granting an increase of pension to Harriett E. Miller;
H. R. 17890. An act granting an increase of pension to James T. Bandy;
H. R. 17892. An act granting an increase of pension to Abraham K. Smith;
H. R. 17913. An act granting an increase of pension to Philo Green;
H. R. 17921. An act granting an increase of pension to James Reppeto;
H. R. 17933. An act granting an increase of pension to Harriet E. Vandine;
H. R. 17939. An act granting an increase of pension to Robert A. Seaver;
H. R. 17950. An act granting an increase of pension to James W. Hager;
H. R. 17951. An act granting an increase of pension to Elizabeth A. Hodges;
H. R. 17971. An act granting an increase of pension to James G. Wall;
H. R. 17989. An act granting an increase of pension to Elizabeth Hodges;
H. R. 17996. An act granting an increase of pension to Alonzo Wells;
H. R. 18006. An act granting an increase of pension to Martha J. Bass;
H. R. 10525. An act granting an increase of pension to Artemas D. Many;
H. R. 10561. An act granting an increase of pension to Joseph N. Piersell;
H. R. 10774. An act granting an increase of pension to James D. Leach;
H. R. 10922. An act granting an increase of pension to John McDonald;
H. R. 10993. An act granting an increase of pension to Samuel Jones;
H. R. 11062. An act granting an increase of pension to Samuel W. Harlan;
H. R. 11151. An act granting an increase of pension to John Sirmyer;
H. R. 11365. An act granting an increase of pension to Robert D. Williamson;
H. R. 11424. An act granting an increase of pension to Stephen W. Neal;
H. R. 11466. An act granting an increase of pension to Benjamin F. Heald;
H. R. 11510. An act granting an increase of pension to Joseph S. Larrance;
H. R. 11552. An act granting an increase of pension to Abraham G. Leiser;
H. R. 11822. An act granting an increase of pension to Lawyer Suggs;
H. R. 11917. An act granting an increase of pension to Davis Preston;
H. R. 11989. An act granting an increase of pension to Francis M. Hinds;
H. R. 12010. An act granting an increase of pension to Lewis Hoffman;
H. R. 12088. An act granting an increase of pension to Louisa Spielman;
H. R. 12160. An act granting an increase of pension to Josephine D. McNary;
H. R. 12180. An act granting an increase of pension to Charles H. Dunning;
H. R. 12238. An act granting an increase of pension to Helen S. Brown;
H. R. 12279. An act granting an increase of pension to James S. Topping;
H. R. 12304. An act granting an increase of pension to John McDonough;
H. R. 12331. An act granting an increase of pension to Daniel J. Miller;
H. R. 12372. An act granting an increase of pension to J. Morgan Seabury;
H. R. 12480. An act granting an increase of pension to James McKenna;
H. R. 12588. An act granting an increase of pension to Joseph B. Dickinson;
H. R. 12664. An act granting an increase of pension to William E. Wallace;
H. R. 12727. An act granting an increase of pension to Benjamin D. Borgia;
H. R. 12733. An act granting an increase of pension to Charles W. Kelsey;
H. R. 12734. An act granting an increase of pension to Abram Van Riper;
H. R. 12762. An act granting an increase of pension to Jesse H. Brandt;
H. R. 12792. An act granting an increase of pension to William Wiley;
H. R. 12810. An act granting an increase of pension to Edward Ross;
H. R. 12813. An act granting an increase of pension to Reese Moore;
H. R. 18019. An act granting an increase of pension to Milton A. Griffith;
H. R. 18032. An act granting an increase of pension to Mary H. Scott;
H. R. 18054. An act granting an increase of pension to Stewart J. Donnelly;
H. R. 18056. An act granting an increase of pension to Moses Davis;
H. R. 18067. An act granting an increase of pension to Joseph Guiott;
H. R. 18075. An act granting an increase of pension to Anna E. Kingston;
H. R. 18094. An act granting an increase of pension to William G. Melick;
H. R. 18143. An act granting an increase of pension to James F. Brown;
H. R. 18147. An act granting an increase of pension to Perry F. Belden;
H. R. 18149. An act granting an increase of pension to S. Horace Perry;
H. R. 18175. An act granting an increase of pension to Jeremiah Van Riper;
H. R. 18188. An act granting an increase of pension to David B. Guthrie;
H. R. 18237. An act granting an increase of pension to Rachel Egeness;
H. R. 18325. An act granting an increase of pension to John W. Schofield;
H. R. 18393. An act granting an increase of pension to David F. Crouch;
H. R. 18406. An act granting an increase of pension to Andrew Jackson;
H. R. 18465. An act granting an increase of pension to Abby B. Cloud; and
H. R. 18506. An act granting an increase of pension to Mahala Jones.

On June 7:

H. R. 5539. An act for the relief of the State of Rhode Island;
H. R. 15266. An act to amend existing laws relating to the fortification of pure sweet wines;
H. R. 17453. An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials;
H. R. 12054. An act to amend section 7 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902;
H. R. 12135. An act granting an increase of pension to William Laudahn;
H. R. 13022. An act granting an increase of pension to Sarah L. Ghrist;
H. R. 13787. An act granting an increase of pension to Malcom Ray;
H. R. 15869. An act granting an increase of pension to William H. McCune; and
H. R. 17072. An act granting an increase of pension to Joseph French.

On June 8:

H. R. 14513. An act to prevent the giving of false alarms of fire in the District of Columbia; and
H. R. 16484. An act to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901.

On June 9:

H. R. 17114. An act to provide for the disposition under the public land laws of the lands in the abandoned Fort Shaw Military Reservation, Mont.;

H. R. 6067. An act to change the records of the War Department relative to Levi A. Meacham;

H. R. 13245. An act to correct the military record of Henry Gude;

H. R. 13735. An act for the relief of John Purkapile;

H. R. 15332. An act to incorporate the National Society of the Sons of the American Revolution;

H. R. 17127. An act to provide for the subdivision and sale of certain lands in the State of Washington; and

H. R. 18333. An act granting land to the city of Albuquerque for public purposes.

On June 11:

H. R. 17576. An act to provide for the entry of agricultural lands within forest reserves.

SUNDRY CIVIL BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for further consideration of the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19844) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, with Mr. WATSON in the chair.

Mr. UNDERWOOD. Mr. Chairman, I would like to ask the gentleman from Minnesota [Mr. TAWNEY] a question. On the last legislative day the items with reference to fuel tests were passed over.

Mr. TAWNEY. I want to say to the gentleman from Alabama that I have been requested by Members to ask unanimous consent that all items included in the request that we passed on Saturday last, namely, the items in relation to the registers and receivers of the Land Office and items in relation to the Geological Survey, be passed over without prejudice until to-morrow.

Mr. UNDERWOOD. Does the gentleman expect to take them up when we go into Committee of the Whole, if we go into Committee of the Whole to-morrow morning?

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the items heretofore passed over be again passed over without prejudice. Is there objection?

Mr. TAWNEY. Mr. Chairman, if it is agreeable to the committee, I will ask that these items be passed over until all the other items have been considered in the bill except the Panama Canal appropriation; that these precede that.

Mr. UNDERWOOD. I do not like to interfere with the gentleman from Minnesota on his own bill, but I would scarcely agree to that, for this reason: As a rule, when we finish a bill here it is late in the afternoon, and the question passed over I think is an important one. I think we ought to pass upon it. We have ample time for the House to consider and pass that question and give it consideration which it will never receive if it has to wait until we wind up the bill, which will probably be at a late hour, and the House will be hurrying to adjourn.

Mr. MANN. I will say to the gentleman that we will not have wound up the bill until we have passed on the Panama Canal proposition.

Mr. UNDERWOOD. I know; but, seriously, I must object to their going over to the end of the bill.

Mr. TAWNEY. Personally I have no interest in the matter at all. I would as soon take up the matter and dispose of it in the morning as at any other time.

Mr. UNDERWOOD. I ask the gentleman to adhere to his original request.

The CHAIRMAN. The question is on the first request of the gentleman from Minnesota. Is there objection? [After a pause.] The Chair hears none.

Mr. WOOD of Missouri. Mr. Chairman, I move to amend by inserting a new paragraph.

The Clerk read as follows:

Insert a new paragraph at line 12, page 109, as follows:

"For continuing improvement of Mississippi River between the mouth of the Ohio River and the mouth of the Missouri River, $500,000."

Mr. BURTON of Ohio. I make the point of order upon that.

The CHAIRMAN. Does the gentleman make the point of order or reserve it?

Mr. BURTON of Ohio. I will reserve it for the present.

Mr. WOOD of Missouri. Mr. Chairman, the present sundry civil appropriation bill carries appropriations altogether amounting to $2,550,000 for improvement of the Mississippi River south of the mouth of the Ohio River. There are also appropriations amounting to $480,000 for improvements in the Mississippi River north of the mouth of the Missouri, but over that stretch of the river included between the mouth of the Ohio River and the mouth of the Missouri River there is no money appropriated at all, and consequently there can be no improvement in that stretch of the river during the coming year.

Now, Mr. Chairman, a few months ago I was invited to attend a meeting of the officers of the Merchants' Exchange in the city of St. Louis, at which the committee on improving the Mississippi River of the Merchants' Exchange were present, and where were also invited a number of captains operating boats on the river between the mouth of the Ohio and the mouth of the Missouri. The purpose of that meeting was to ask the opinion of these river captains as to what improvements would be necessary for that stretch of the river for the coming year, with the idea of asking Congress to appropriate the sum requisite. Mr. Chairman, it was the unanimous opinion of all those captains operating boats on that river that in the neighborhood of a million dollars should be appropriated for improvements of the Mississippi on that stretch between the mouth of the Ohio River and the mouth of the Missouri River for the coming year. I was requested to do what I could to get that appropriation.

Now, Mr. Chairman, that stretch of the river is certainly in need of improvement. We have a great deal of commerce there; a number of cities are included in that stretch, among others the cities of St. Louis and East St. Louis. All the coal products that come from Pittsburg down the Ohio River must go up that stretch on its way to the city of St. Louis.

We find, Mr. Chairman, this position—that they are improving the river below the mouth of the Ohio and north of the Missouri, but leaving a stretch in between unimproved. Now, it does not strike me that it is ordinary business to do that. Why improve above and below and leave a stretch in between not properly improved? If you have this improvement above and below, boats can not pass properly between. Furthermore, Mr. Chairman, this is true: By improving the river below and above, but leaving the portion in between unimproved, the natural flow of the river will destroy the work that is done below. It is poor business policy to improve the Mississippi River by piecemeal. This thing of pottering here and pottering there, now digging a hole along one stretch and then another, but leaving a place in between the improved portions not improved is the poorest sort of policy. The pursuance of this policy of improvement is one reason why the river is difficult to navigate. There should be, Mr. Chairman, some general plan; there should be some definite plan for the improvement of the whole river under one general system from its headwaters to the Gulf.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOOD of Missouri. I ask unanimous consent that I may continue for five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he may proceed for five minutes. Is there objection?

Mr. TAWNEY. Mr. Chairman, I trust the gentleman will print the remainder of his remarks in the RECORD. I should like very much to proceed with the reading of the bill.

Mr. WOOD of Missouri. I think this is an important matter.

The CHAIRMAN. The gentleman has asked unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. WOOD of Missouri. Mr. Chairman, we at St. Louis and all along the river are anxious that the river improvement should be carried on under some general system. As we have at present two or three commissions at different points on the river, a single general plan is not carried out, and the work is certainly not effective. I want to say that all up and down the river there is a universal sentiment that proper attention is not being given by Congress to the river. We do not appropriate enough money. We are told that it does not do any good. Why, Mr. Chairman, we do not appropriate enough to find out. If we would spend an amount of money on the Mississippi River equal to the cost of building a railroad along its banks, the river would be navigable clear up toward the headwaters. We appropriate large sums of money for the arts of war, I believe some 40 per cent of all of our revenues, but only 3 or 4 per cent for all the arts of peace. And, Mr. Chairman, if we would devote more attention to the improvement of

our internal facilities, we would be taking long strides toward the advancement of our national prosperity.

Every year the railroads of the country spend nearly a billion of dollars on the improvement and extension of their lines, while but comparatively few millions are spent for river improvements. There is a hundred times as much money spent in improving the railroads of our country as there is in improving our river systems; a hundred times, I say; but if the rivers were properly improved, if we would devote only, say, one-tenth as much to river improvements as is devoted to the extension and improvement of the railroad lines, we would certainly have an adequate and complete railroad rate regulator by reason of our improved river systems.

Mr. Chairman, I appeal to this committee to pass this appropriation for that stretch of the river. We ask that this $500,000 may be appropriated for the stretch of the Mississippi River between the mouth of the Ohio and the mouth of the Missouri. Surely there can be no cause for which this committee can appropriate money that will result in so much good to the people of the Mississippi Valley. [Applause.]

Mr. BURTON of Ohio. Mr. Chairman, reserving the point of order, I think there should be a word of criticism upon the remarks of the gentleman from Missouri [Mr. WOOD]. I do not like to listen here to complaints from localities which have been the most generously treated of any in the country.

In the first place, the gentleman from Missouri is entirely in error in saying that there is no money on hand for this improvement. On the 1st of May last the amount to the credit of this improvement was approximately $660,000, and I think the gentleman's time would be better spent, and that of others who are seeking for appropriations, if they would develop a little commerce upon that stretch of the river. For the last two or three years they have had a depth of water nearly as great as that which is to be obtained by the improvement which they advocate. This was true for at least two years, and I am informed during most of three years, yet the movement of boats has been very small. The total traffic on this stretch of the river has only amounted to about 540,000 tons, or one-twentieth the amount upon the Monongahela River above Pittsburg. Yet there is a project which is agitated there under which we would spend $20,000,000 right in the face of this unfavorable showing. Also it is urged that we should maintain this part of the channel at a cost of $400,000 a year. It would certainly be cheaper to take all the freight which is offered and transport it to any place in the country where the shipper desires it to be sent without cost to him.

What they ought to do is to show, by the development of traffic, by the employment of the boats which are now in existence, that when the depth exists for which they are clamoring, and has existed for several years, they can make some use of it. Then they might come to Congress with some show of justice. But until then there is certainly an answer to all claims when we point to the eleven or twelve million dollars expended upon the Mississippi, between the Ohio and the Missouri, and the meager and poverty-stricken results which have come from that very large expenditure.

I insist on the point of order.

Mr. WOOD of Missouri. Mr. Chairman, I wish to discuss the point of order. I may not be properly informed, but I do not understand that there are $600,000 available for next year.

My understanding is there are $600,000, all told, appropriated by previous bills or authorized by previous bills, but which can be appropriated from year to year. I understand there is only $15,000 which may be used for the coming year.

Mr. BURTON of Ohio. In response to the request of the gentleman's colleague I sent word to the War Department two days ago, and the report was that $660,000 was on hand May 1 last.

Mr. WOOD of Missouri. Available for next year?

Mr. BURTON of Ohio. Yes; on hand in the Treasury.

Mr. WOOD of Missouri. Yes; that amount has been authorized, but is it available?

Mr. BURTON of Ohio. I can not make that any clearer than I have made it. There is this amount of cash in the Treasury of the United States to be drawn against for this improvement.

The CHAIRMAN. The Chair desires to call attention of the gentlemen to the fact that they are not discussing the point of order.

Mr. WOOD of Missouri. We have authorized by previous bills certain amounts of money, and consequently this bill can carry appropriations which have previously been authorized, the same as all the other items carried in this bill for river improvement. Now, I say that there have been bills passed authorizing the money, and it can now be appropriated. I think, Mr. Chairman, that the point of order is not well taken.

The CHAIRMAN. The Chair desires to ask the gentleman from Ohio whether there is any authorization in law?

Mr. BURTON of Ohio. There is no authorization, Mr. Chairman. As stated in the discussion of the bill on Saturday, no authorization was made for this portion of the river beyond that appropriated by the sundry civil act of March 3, 1905.

Mr. WOOD of Missouri. Has that amount been exhausted?

Mr. BURTON of Ohio. By no means. There is almost, if not quite, as much on hand as the amount appropriated March 3, 1905.

Mr. WOOD of Missouri. I don't know why they do not spend the money.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Headstones for graves of soldiers: For continuing the work of furnishing headstones for unmarked graves of Union soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries at navy-yards and stations of the United States, and other burial places, under the acts of March 3, 1873, and February 3, 1879, $49,538.25.

Mr. KEIFER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Add after line 12, page 110, the following paragraph:

"For completing the marking of places where American soldiers fell and were temporarily interred in Cuba and China, $4,000, or so much thereof as may be necessary, such sum to be immediately available."

Mr. TAWNEY. Mr. Chairman, I reserve a point of order. My recollection is that that work has been completed under previous appropriations.

Mr. KEIFER. Mr. Chairman, I have no objection to the point of order being reserved. I may say that the committee did not have this matter properly before it; neither the subcommittee nor the full committee. My attention was called to it after the bill was reported here. When the committee was considering this matter it was supposed that the former appropriation would be entirely sufficient, but I now hold in my hand a letter which I think I had better read, which explains the omission, for I have no doubt that the committee would be entirely willing to finish this work.

In the sundry civil bill of last year there was contained this appropriation:

For marking the places where American soldiers fell and were temporarily interred in Cuba and China, $9,500, said sum to be immediately available.

That was supposed to be sufficient; but a letter I have, dated May 31, 1906, from the Quartermaster-General, reads as follows:

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, May 31, 1906.

Hon. J. WARREN KEIFER,
House of Representatives, Washington.

SIR: The secretary of the Santiago and China Battlefields Commission, Col. Webb C. Hayes, has requested me to write to you regarding the desirability of an appropriation of $4,000 for completing the work of marking the places where American soldiers fell and were temporarily interred in Cuba and China.

The amount of money appropriated last year for this purpose (sundry civil act approved March 3, 1905), $9,500, did not prove to be sufficient, as it was found when the work was taken up that the labor and material in Cuba were very much more expensive than had been quoted when the estimate for the work was made. The result is that it has recently developed that the amount appropriated last year has been inadequate to complete the work.

This fact was not discovered, however, in time to include this estimate in the regular estimates submitted by this Department, and unless the appropriation of $4,000 is made it will leave the work in an incomplete condition until the next session of Congress, which is not thought to be desirable, as it is understood that the Cuban Government is making plans for and expects to expend some $180,000 in constructing a boulevard along the trenches and about the battlefields, as well as placing a monument at the surrender tree. In view of this fact, I personally consider that it is very desirable and proper that this Government should expend the small sum of money which is necessary for locating and marking the places where the battle was fought and the men fell in action.

Respectfully,
C. F. HUMPHREY,
Quartermaster-General United States Army.

Mr. TAWNEY. Is that letter from the Quartermaster-General?

Mr. KEIFER. Yes.

Mr. TAWNEY. Is this work done under the direction of a commission?

Mr. KEIFER. Under the jurisdiction of a commission, sometimes called a committee.

Mr. TAWNEY. It is an association created how?

Mr. KEIFER. I can not say how it was created.

Mr. TAWNEY. It has no legal status?

Mr. KEIFER. No; except it is proper to say that they pay their own expenses and carry out the policy of the Government in marking these places. There is nothing paid by the United States for traveling expenses or anything of that kind, as I

find from an examination of the report made by the Secretary of War to the Senate. So that the money that is appropriated to complete the work is used directly for marking the graves of the soldiers who fell in Cuba and in China.

I think that is sufficient explanation. It might be said, Mr. Chairman, that this is a work that is commenced and not completed. I hope the gentleman will withdraw his point of order and allow the amendment to be adopted.

Mr. TAWNEY. Mr. Chairman, this is not a work in progress. The last sundry civil appropriation bill provided as follows:

For marking the places where American soldiers fell and were temporarily interred in Cuba and China, $9,500, said sum to be immediately available.

Of course that means that the work was to be completed with the money that was appropriated by the last Congress.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. TAWNEY. I intend to make the point of order, but I want to say in reply to the statement made by the gentleman from Ohio [Mr. KEIFER] that neither the subcommittee nor the full committee considered this mtter fully——

Mr. KEIFER. I did not say that.

Mr. TAWNEY. Or had not sufficient information, or some such statement of that kind, that when the Quartermaster-General, General Humphrey, whose letter the gentleman has just read, was before the committee, the chairman of the subcommittee asked him this question:

The language in the next item is for marking the places where American soldiers fell and were temporarily interred in Cuba and China.

General HUMPHREY. None has been made. The work is carried out by an association. Nine thousand dollars was allowed for the purpose last year.

Mr. Chairman, there is no country in the world that provides as we do, or that has provided as we have, in respect to the soldiers. First, we provide for bringing home their remains. Then we have appropriated $9,000 to be used by an association organized for the purpose of marking the places in China and Cuba where this particular man and that particular man fell or was temporarily interred. What is the necessity for work of that kind? We bring their remains home; we bury them here, and mark the places where they are buried with appropriate inscriptions as to their service and the place or the country or the battle in which they fell, and it seems to me entirely useless to undertake marking places where these men have fallen in battle in foreign countries. We have absolutely no control over the preservation of these marks unless we go and purchase the property on which the marks are placed, and inasmuch as $9,000 has already been appropriated and no estimate was submitted by the Department, and when the Quartermaster-General was before the committee he made no statement as to the necessity for an appropriation, the committee felt that it was justified in omitting this item, as the Department had recommended in submitting their annual estimates. I shall, therefore, Mr. Chairman, insist upon my point of order.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard on the point of order?

Mr. KEIFER. Yes. I supposed that the point of order would hardly be urged against an appropriation that was simply to carry out a policy that has been very largely executed now. It would be very unfair to the graves of those that were not marked to stop now. Having spent $9,500 in this work, we are hardly called upon to discuss the question as to the propriety of entering upon it. What is desired is simply to conclude the object which was settled and determined in the sundry civil act of 1905, plainly stating that it was to mark the graves of these people who fell in Cuba or in China. It did not accomplish the end, because the appropriation was insufficient. It is very true, Mr. Chairman, that the committee is under no possibility of criticism for omitting this item, because, according to the statement of the Quartermaster-General—and he made his first statement in the light of the information he then had before him—he made no estimate then, and the committee was not called on to consider the question of adding anything to complete this work. On the contrary, the committee properly left it out of the whole bill, but now, in this letter of May 31, the Quartermaster-General states that his attention being called to it, on examination he finds that it will take $4,000 to continue and complete the object entered upon under the provision of the act of 1905. I appeal to the gentleman and I appeal to the Chair to look well to this. We have entered upon the policy and we have now the estimate of the Quartermaster-General that to conclude the work it will take $4,000 more, and, if I may be permitted to say a word more, I will add that when I was asked what sort of a committee was giving this work attention I was unable to state. I desire to state now that from memoranda in Senate Document 157 this is stated:

On February 2, 1905, Maj. Gen. John C. Bates, United States Army, president of the Society of the Army of Santiago de Cuba, appointed a committee, composed of Lieut. Gen. S. B. M. Young, United States Army, retired; Col. A. L. Wagner, United States Army, and Lieut. Col. W. B. Hayes, United States Volunteers, to arrange for marking such points of interest in the vicinity of Santiago de Cuba as the committee might deem historically important.

Then, in the same document in the report of the Secretary of War, it is stated that the committee was charged "with the duty of carrying out the provisions of the enactment above cited," with the proviso that "no mileage or traveling expenses, or any other personal expenses incurred by the members of the committees, will be charged to this appropriation or any other Government appropriation." He states, further, that the members of this committee have paid their necessary traveling expenses themselves and have discharged their duty in Cuba.

So we are now getting the work done by these distinguished officers of the Army at their own expense. We have entered upon it. They have doubtless faithfully carried out the purpose of the original appropriation, as far as the appropriation would allow them, and to stop here would be very improper, in my opinion. I think this comes fairly within the clause of Rule XXI as to carrying out an object already entered upon. Perhaps some of these markers have already been ordered or been prepared. They made preparations to finish their work and mark these soldiers' graves in Cuba and in China, and I submit that the point of order is not well taken.

The CHAIRMAN. The Chair desires to ask the gentleman from Ohio whether or not there is any authorization in law for the marking of these particular graves?

Mr. KEIFER. I presume there is no authorization, but the Secretary of War is authorized to mark the graves, under the appropriation of 1905. It comes within the general authorization to him, and he adopted the plan of doing it in the cheapest way, so as to protect the Government.

The CHAIRMAN. When was that appropriation bill passed with that language in it?

Mr. KEIFER. You will find the language given in the act of 1905, I think I have it here, the language that makes the appropriation leaves it to be carried out under the general head of "National Cemeteries," and all of that, as I understand, is entirely work that is carried out under the direction of the Secretary of War.

The CHAIRMAN. The Chair desires to ask whether or not the appropriation was made for marking these particular graves mentioned in the amendment of the gentleman from Ohio?

Mr. KEIFER. My amendment to this bill is to make the further necessary appropriation. The provision for the marking of these graves is in the act of 1905, which applies to the current year, and that provision has already been read: "For marking the places where American soldiers fell and were temporarily interred in Cuba and in China, $9,500; said sum to be immediately available." That was under the Secretary of War necessarily, and this would be the same way. The work that he entered upon was simply the adoption of the cheapest way of doing it through this distinguished committee of the Society of Santiago de Cuba, and the committee at its own expense served faithfully without any expense to the Government and placed the markers so far as the appropriation went, and no part of the money that was appropriated was expended for paying traveling expenses or anything of that kind. This proposed amendment is simply to complete the object which originated in the act of 1905.

The CHAIRMAN. The Chair finds in the appropriation bill passed in 1905 an appropriation "For marking places where American soldiers fell and were temporarily interred in Cuba and China." It seems to be a definite object appropriated for in the last bill and capable of being carried into execution and completion. The Chair thinks it is not subject to the point of order, and therefore overrules the point of order.

Mr. KEIFER. Mr. Chairman, I do not think I care to add anything further to the discussion which has taken place. The committee is doubtless quite well informed of the object. The Government of Cuba has taken great pains to make a park in Santiago. In the building of which it is stated somewhere they have expended or are about to spend $180,000, and of course it follows that the placing of these markers upon that sacred ground, although the Government of the United States does not own it, will be carefully cared for by the Republic of Cuba.

Mr. TAWNEY. Mr. Chairman, as I stated a moment ago, the committee had no estimate for this appropriation, and when before the committee the Quartermaster-General in effect said that no estimate was made for the reason that the current appropriation of $9,500 had practically completed the work.

Now, this appropriation grew out of a sentiment created by this society or association referred to by the gentleman from Ohio. As I said a moment ago there is no government that has provided more liberally for preserving memories concerning the services and death of American soldiers in battle than our Government has. At the time of the war with Mexico we did not have the policy of bringing home for interment here upon American soil the soldiers who were killed in battle in a foreign land, and therefore we have to-day a national cemetery near the City of Mexico in which American soldiers who fell in the battles in that war are interred, and a superintendent is provided for to look after that cemetery. But this proposition is not to mark the places where the soldier is interred. The object is to mark the places where the soldier fell in battle or where he was temporarily buried before his remains were brought back to the United States. It seems to me, Mr. Chairman, like a foolish waste of money for the reason that we have absolutely no control over these proposed markings. We do not own the land upon which the mark is placed, and it may be destroyed the day after it is put up and necessitate re-marking or else necessitate the appointment of a governmental official to reside in foreign lands for the purpose of preserving these markings which we now establish and renew them as they may be destroyed or as they may rot and decay.

It seems to me, Mr. Chairman, that it is an entirely unnecessary appropriation, and in view of the fact that the Department did not consider it of sufficient importance to make an estimate for it, I fail to see any justification for the committee voting the amendment into the bill.

Mr. STERLING. How many men were there?

Mr. TAWNEY. I am unable to state the number that were killed in battle in the Cuban and Chinese wars, but the number was comparatively small.

Mr. STERLING. Perhaps the gentleman from Ohio [Mr. KEIFER] can tell.

Mr. KEIFER. I can not give you the number from anything I have before me.

Mr. TAWNEY. The number was certainly comparatively small, and this work, as I understand from the Department, is practically completed now. This association undertook the work voluntarily. It did not undertake it at the instance nor upon any authority of Congress, but after they had undertaken the work they came here and secured an appropriation on the representation that $9,500 would be all that was needed. Now they ask for $4,000 more, and they do not say, and the gentleman from Ohio [Mr. KEIFER] can not tell us, for what purposes that money is to be expended. He says possibly—or "perhaps" is the word he used—this may be for the purchase of markers. For us to appropriate money blindly in this manner is certainly not good legislation nor good policy, and I trust the amendment will not prevail.

Mr. SULLIVAN of Massachusetts. I would like to ask the gentleman from Minnesota [Mr. TAWNEY] if it would not involve us in this, that we would be obliged to purchase land in foreign countries where soldiers fell, and in the event of future wars we would be pledged to that policy and we would be buying land all over the world? We would be obliged to do it in order to protect these markers we erect, would we not?

Mr. TAWNEY. Unquestionably if the country in which the markings are located refuse to give us that permission, or if the owner of the land refuses, the only way the place where a man has fallen in battle would be marked would be by buying so much land.

Mr. SULLIVAN of Massachusetts. And then the next proposition would be to erect monuments upon this land that we have purchased, and in the next Congress they would come in and ask us to establish guards to superintend these monuments and protect them, and so on, and we would never see the end of such a policy.

Mr. TAWNEY. I will say further, Mr. Chairman, this policy has never prevailed in respect to any war or in respect to the soldiers who have fallen in battle in any wars of this country, foreign or domestic. Take it in the civil war, the place where men have fallen, except in rare instances like that of a commanding general, have not been marked. The place where their remains have been deposited has been marked. A provision is carried in this bill for such marking, but it has never been the policy in respect to the civil war or in respect to wars engaged in in foreign lands to adopt a policy of this kind, and I think it an unnecessary policy to inaugurate now.

Mr. GAINES of Tennessee. I think the gentleman is possibly a little bit incorrect in stating his history. I think we have a reservation in Mexico.

Mr. TAWNEY. I stated a moment ago that we have a national cemetery in Mexico.

Mr. GAINES of Tennessee. I did not hear the gentleman state it.

Mr. TAWNEY. But that marks the graves where the men are buried and where their remains are now lying. It does not mark the place where they fell in battle.

Mr. GAINES of Tennessee. Of course not.

Mr. KEIFER. Mr. Chairman, I do not desire to prolong this discussion, but I want to answer one or two things. It is very easy to suggest a possibility of what we may be asked to do in the future, and therefore build up something like a great bugbear here and stop an important work that the Government has already entered upon and determined a policy about, and this after it is partly finished away off in foreign countries, I do not, Mr. Chairman, criticise the committee because it did not put the item in this bill.

Mr. TAWNEY. There was no estimate.

Mr. KEIFER. There was no estimate, the chairman rightly states, but there is now a statement from the Quartermaster-General which shows that it is necessary to have, in order to complete the work, $4,000 more. I have carefully drawn the amendment so as to provide that only such part of that sum shall be used as is found necessary.

It is not fair to say that this sum may be used for some purpose not stated in the amendment. Gentlemen upon the committee say they do not know what use the money is going to be applied to. It is expressly stated in this amendment, in the language of the clause of the act of 1905, that it is to be used for markers to mark the graves of the soldiers who fell in Cuba and in China. Now, then, when they say that some voluntary organization is responsible for this, that is not fair, because the War Department but for that voluntary organization would have at the Government expense to send its own officers or employees of the Quartermaster-General off to these foreign countries to make the necessary preparation and to put up the markers; but General Young and Colonel Hayes and others volunteered, as representing the Society of Santiago, and undertook to do this work for nothing, and thus save the Government all that expense. These officers, or the society, paid all expenses in going to Cuba, and in no other way was the Government called upon to do this work under the former appropriation.

Mr. McCARTHY. Is your proposition to mark the places where the soldiers are now buried in Cuba and China or the places where they were temporarily buried?

Mr. KEIFER. It is to mark the places where they were temporarily buried. I presume that is so, for that is the language of the act of 1905 and the language of my amendment. It is not fair to say we never have entered upon this policy. We have had a general policy that has been carried out in detail in the United States. I have recently been on the Antietam battlefield, and to say nothing of the cemetery where the dead soldiers are buried and their graves marked with appropriate individual headstones, places all over that field where the troops fought, Union and Confederate, all along the many roads there are tablets or signs with suitable inscriptions on which you can read the history of the battle as you ride along.

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KEIFER. Division, Mr. Chairman.

The committee divided; and there were—ayes 7, noes 47.

So the amendment was rejected.

The Clerk read as follows:

Burial of indigent soldiers: For expenses of burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent ex-Union soldiers, sailors, and marines of the late civil war and soldiers and sailors of the war with Spain who die in the District of Columbia, or in the immediate vicinity thereof, and of such soldiers, sailors, and marines who die in the District of Columbia and are buried in the immediate vicinity thereof, to be disbursed by the Secretary of War, at a cost not exceeding $45 for such burial expenses in each case, exclusive of cost of grave, $3,000.

Mr. HAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 111, line 3, after the word "thereof" insert the words "or in the Government Hospital for the Insane."

Mr. HAY. Now, Mr. Chairman, I offer that amendment, because it has appeared that the old soldiers who died in the Government Hospital for the Insane did not have the privilege which is accorded to the soldiers who died in the other institutions here; and it seems to me that these old soldiers there ought to have the same privileges and ought to be provided for in the same way as the indigent soldiers, sailors, and marines are provided for in the various other places.

Mr. TAWNEY. Does the gentleman's amendment apply only to the indigent, the same as in the other part of the paragraph?

Mr. HAY. It only applies to the indigent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendment the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education in the District of Columbia, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURKETT, Mr. SCOTT, and Mr. GEARIN as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For pay of sperintendent of Antietam battlefield, said superintendent to perform his duties under the direction of the Quartermaster's Department and to be selected and appointed by the Secretary of War, at his discretion, the person selected and appointed to this position to be an honorably discharged Union soldier, $1,500.

Mr. KEIFER. Mr. Chairman, I offer for adoption the following amendment:

The Clerk read as follows:

Add after line 19, page 111, the following paragraph:

"For the purpose of constructing a macadamized road from the town of Sharpsburg, Washington County, Md., over a portion of the battlefield of Antietam to and over the Burnside Bridge to the Connecticut monument on said battlefield, upon, along, or near the line of an existing county road between said points: *Provided, however,* That the county commissioners or other proper authority of said county or State shall first convey and confirm, without cost, a right of way in perpetuity over said existing road or other line that may be selected to the United States a good and sufficient title to the same, approved by the Attorney-General of the United States, the sum of $8,000, or so much thereof as may be necessary, which shall be spent under the direction and supervision of the Quartermaster-General of the United States and in conformity to the general plan for the improvement of the battlefield of Antietam."

Mr. TAWNEY. I reserve the point of order for the purpose of hearing the explanation of the gentleman.

Mr. SULLIVAN of Massachusetts. I make the point of order and press it now.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order. Has the gentleman from Ohio anything to say on that question?

Mr. KEIFER. I hope the gentleman will reserve the point of order for a moment.

Mr. SULLIVAN of Massachusetts. I insist upon the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts insists upon the point of order.

Mr. KEIFER. Mr. Chairman, the amendment covers the matter of the construction of a macadamized road from the center of the battlefield called "Sharpsburg" in southern literature, but called "Antietam" in northern literature. We have at Antietam a great many macadamized roads over the field. Almost all the northern part of the field and generally the whole of that memorable battlefield is now covered with macadamized roads, and there have been built a good many monuments, some Confederate as well as Union. There are many such roads leading over that field, with markers indicating the part of the field over which particular organizations of either army fought. We have about completed the work of building these macadamized roads. This one was omitted and has not been constructed. The one mentioned in my amendment is almost the only important one not so improved. I have recently been there, as have some other Members of the House and committee. This road leads from Sharpsburg, which was the headquarters of General Lee, in the most direct way to what is now known as "Burnside Bridge," then known as the "Stone Bridge," over Antietam Creek. This bridge was on the left of the Union battle line and on the Confederate right. It is where there was some of the severest fighting.

Passing over that bridge, the road is to go to the monument that was erected by the State of Connecticut, near which is also a monument erected to our late martyred President, William McKinley. A policy was entered upon long ago of macadamizing these roads over the entire battlefield. There is no partiality about it, nothing to favor the Union any more than Confederate troops. The building of this road is a part of a general purpose of improving and caring for the whole battlefield. I am not now talking about the Antietam cemetery, also there, where there are graves of both Union and Confederate soldiers. I think the amendment is in order, as carrying out——

Mr. LOUDENSLAGER. Will the gentleman yield for a question?

Mr. KEIFER. Certainly.

Mr. LOUDENSLAGER. Is this road all on Government land?

Mr. KEIFER. This road is not now all on Government land, but by the reading of the amendment you will discover that before it is built, the county of Washington, State of Maryland, is to convey a good title to the Government.

Mr. LOUDENSLAGER. Then this amendment occupies the dual position of authorization and appropriation.

Mr. KEIFER. It does not allow the Secretary of War to build the road until the United States has a good title.

Mr. LOUDENSLAGER. That is authorization.

Mr. KEIFER. This is the best time to have that done.

Mr. HEPBURN. Mr. Chairman, I should like to ask if this is now the public highway which leads from Sharpsburg to the Burnside Bridge?

Mr. KEIFER. Mr. Chairman, I think it is, but——

Mr. HEPBURN. And heretofore has been maintained by the public as one of their common highways.

Mr. KEIFER. It has been a common road, but we find by the provisions of the proposed amendment that the Secretary of War is to build it on or near the line of the road, but in any case only after he gets a full title to the Government in the road.

Mr. HEPBURN. The purpose of this amendment, then, is to relieve the municipality from a further charge for maintaining one of their public highways.

Mr. KEIFER. I will be very candid with the gentleman, and state that some gentlemen up there told me who were very much opposed to its being built on the public highway, not because they were opposed to the road, but because the public could drive over it and cut it up and destroy it; and having that information, I put in the amendment a provision that the Secretary of War might acquire land that did not belong to the general public, leaving the present road for general travel. But in the main that is the more direct line of road from Sharpsburg to the bridge. This amendment is necessary to carry out the policy that the Government has already entered upon of covering the entire field with macadamized roads.

The CHAIRMAN. The Chair desires to ask the gentleman whether this proposed road, or any part of it, runs on or over land not now owned by the Government?

Mr. KEIFER. It undoubtedly does run over land not now belonging to the Government, and because of that it is provided in the amendment that the Government, before building the macadamized road, shall be vested with a perfect title. There are already a large number of beautiful roads over different parts of this battlefield, and this is as important and necessary as any of them in order to complete that general work. We have a man in charge up there, and pay him a sum of money each year to take charge of the battlefield. That has been the policy of this Government. I am not now speaking of the cemetery. We have a man in charge of the battlefield who has nothing to do with the cemetery.

The CHAIRMAN. Does the gentleman from Massachusetts insist on the point or order?

Mr. SULLIVAN of Massachusetts. No; I withdraw the point of order.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio.

The question being taken, on a division (demanded by Mr. KEIFER), there were—ayes 6, noes 41.

Accordingly the amendment was rejected.

The Clerk read as follows:

Confederate Mound, Oakwood Cemetery, Chicago: For care, protection, and maintenance of the plat of ground known as "Confederate Mound" in Oakwood Cemetery, Chicago, $250.

Mr. TAWNEY. Mr. Chairman, I offer a verbal amendment, to change the word "plat" to "plot."

The Clerk read as follows:

On page 112, in line 21, strike out "plat" and insert "plot."

The amendment was agreed to.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia is recognized on a motion to strike out the last word.

Mr. BARTLETT. Mr. Chairman, in 1898 the late lamented and loved President McKinley, in addressing the Georgia legislature, said:

I believe that in the providence of God the time has now arrived when it is the duty of the Government to provide for the care of the graves of the Confederate dead.

Many acts of President McKinley's Administration testify to his sincere and earnest desire to reunite the sections of our country and to enable it to forget the bitterness of the past; but this noble sentiment uttered by him, and which has found realization in this provision in this bill and one in a former bill and in another passed at this session, in my judgment, has had as much or more force in bringing about such a desired end than any other fact. His untimely death prevented him from witnessing the accomplishment of his noble desire, but his memory will always be cherished by the Confederates and their descendants.

In the national cemetery at Arlington, near this city, there repose the remains of the Confederate soldiers who died in prison in Washington, and who were first buried in the various cemeteries and other places around Washington. The Association of Confederate Veterans in Washington, with the aid and consent of the Government, gathered the remains of these Confederate soldiers and buried them in Arlington, and the Government has provided from the National Treasury marble headstones to mark these graves, with the names and States from which these soldiers came inscribed thereon.

On Sunday last, while attending the memorial services held by the Association of Confederate Veterans, I found among those buried there two soldiers, members of Company G, Fourth Georgia Volunteer Infantry—Fleming Jordan and Benjamin F. Persons. These two young men were natives of the county where I was born, and were members of the company of which my father was the captain, and followed him with the Fourth Georgia Regiment in 1861 to Virginia. They died prisoners of war, and their remains were buried in places unknown to their families and friends, but I find that the Government has provided suitable marble headstones to mark their graves, and that their graves are cared for by the General Government. Over forty years ago, as a child, I recall the day on which these young men left their homes, and it will be a consolation and gratification to the families and friends of these young soldiers to know that their graves are not forgotten, and the fact that the Government of the United States now sees to it that the graves are protected, cared for, and adorned, will be convincing proof that the animosities created by the struggle in which they engaged have died away.

Mr. Chairman, this is the second time that this appropriation has been carried in an appropriation bill for taking care of the "Confederate mound" in the cemetery at Chicago. I think it is due to the author of the bill who first introduced it in the Fifty-seventh Congress, the gentleman from Illinois [Mr. MANN], that the report which was made on that bill should be put in the RECORD, and I shall ask permission to do so. Just a word with reference to this and another bill that has become a law at this session. I will not detain the committee long.

Mr. Chairman, this plat where these soldiers are buried in the cemetery at Chicago contains the remains of 4,039 Confederate soldiers who died as prisoners of war while in prison at Camp Douglas, near Chicago. The graves of Confederate soldiers buried at home need no care from the General Government; they have been cared for by loving hands of the women Confederacy, a care which we would not surrender to the General Government or anyone. Forty-odd years after that great struggle has ended, a struggle which for the valor, chivalry, the devotion to duty of the soldiers upon both sides, challenged the admiration and excited the wonder of the world; forty years after the struggle is over we find in an appropriation bill for the administration of the affairs of the United States a provision appropriating from the General Treasury, administered by those now in power, an ample sum—for it is ample—for the protection and maintenance of this Confederate mound in the city of Chicago, containing the graves of over 3,000 Confederate soldiers. The gentleman from Illinois [Mr. MANN], who sits in front of me, is the author of the bill which provided for nearly $4,000 to fix up and beautify the plat, and that has been done. And it is now one of the most beautiful spots in that resting place of the dead of that great city. At the present session of Congress a bill has been passed which appropriates the sum of $200,000 for the purpose of marking graves of Confederate soldiers who are buried and sleep in Northern States, and already a former Confederate officer has been appointed by the President to carry out the work.

As the son of a Confederate officer, I desire to call attention to what has been done in this bill and in a former bill, and to what has been done by this Congress, that the country may know—that the world may understand—that the United States of America, the greatest Republic that ever was created or given to mankind for the perpetuation of principles of republican government and the liberty of the people, can not and will not perish from the face of the earth. [Applause.] That for all time to come we are a united people. It is, Mr. Chairman, the clearest indication that, although the people were divided in the greatest internecine struggle that history records, the bitterness of that struggle has gone forever. [Applause.] It is but an indication that hereafter the dream of the founders of this Republic will be realized, that the Republic will remain perpetual, and that there need be no fears of its discontinuance. [Applause.]

Now, in order that due credit may be given to the gentleman who introduced this bill, the gentleman from Illinois [Mr. MANN], and in order that the people may know about this Confederate mound at Chicago, what it is, how it originated, and how it is preserved and how it was taken care of up to 1903, I will insert the report I referred to in the RECORD as a part of my remarks. It was taken care of up to the time when this appropriation was first made by the Confederate soldiers who resided in Chicago, by the donations from the men and women in the South, who in their poverty, distress, and want from 1865 on have contributed their means not only for the purpose of beautifying and marking the graves of Confederate soldiers and building monuments to them in the South, but also to caring for the graves of those who lay in Northern States; out of their poverty they have contributed much for the purpose of marking Confederate graves and putting monuments to them in the Southern States.

Now that we are grown strong and great, for all the States in the South that formed the "Confederate States" are now strong and rich, great and powerful; now that we are able out of our abundance to contribute to the keeping not only of the Confederate graves in the South, but those in the North, it is with grateful hearts, Mr. Chairman, that we see in this bill, as in other acts of Congress, a recognition on the part of this Congress of the American people, composed as it is in part of some of the distinguished soldiers who fought in the Union Army from 1861 to 1865, who by their action and by their votes have said that the valor and courage and devotion to duty and performance of duty, as they saw it and understood it, by the men of the Confederate army, deserve that the General Government shall protect and preserve their last resting places, in order that generations hereafter can see and learn and know what deeds they wrought as soldiers of the Confederate Army; that they shall be preserved as the deeds and acts of true Americans. [Applause.] It will teach the world, it will teach our children that the people after the great struggle, after these years that have passed, are so united that Congress recognizes, by writing it in the statutes, that the soldiers who lie buried in the North, by reason of their bravery, their patriotism and chivalry, are entitled to have their last resting places cared for by the General Government out of the common treasury. It is convincing proof that we are indeed a reunited people, united now and forever, and that this Republic will be perpetual. "Esto perpetua," Mr. Chairman, is the prayer of every man from the South. [Great applause.]

The following is the report on the bill of the gentleman from Illinois [Mr. MANN] providing for the improvement and care of the Confederate mound in Oakwood Cemetery, Chicago, Ill.:

[House Report No. 2155, Fifty-seventh Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 9369) for the improvement and care of Confederate Mound, in Oak Woods Cemetery, Chicago, Ill., and making appropriation therefor, report the same back to the House with the recommendation that it do pass.

A similar bill was reported in the Fifty-sixth Congress.

A copy of said report is herewith submitted and made a part of this report.

[House Report No. 1077, Fifty-sixth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 5789) for the improvement and care of Confederate Mound, in Oak Woods Cemetery, Chicago, Ill., and making an appropriation therefor, beg leave to report and recommend that the bill be amended by striking out all of section 4, and that as so amended the bill be passed.

This bill authorizes the Secretary of War to enter into a contract with the Oak Woods Cemetery Association for the improvement and ornamentation of a plot of ground owned by the United States and known as "Confederate Mound," located in Oak Woods Cemetery, Chicago, Ill., in which are buried 12 Union and 4,039 Confederate soldiers, who died at Camp Douglas, at Chicago, during the war of the rebellion, and limits the expense therefor to the sum of $3,850, and makes an appropriation of that sum, or so much thereof as shall be necessary, for the purpose described. The bill also authorizes the Secretary of War to enter into contract from time to time for the proper care, protection, and maintenance of Confederate Mound at an annual expense not exceeding the sum of $250.

During the war of the rebellion a considerable number of Confed-

erate prisoners was kept in the military prison at Camp Douglas, Chicago. Four thousand and thirty-nine of these prisoners died while in prison and were buried in the Chicago city cemetery.

By two deeds, dated, respectively, April 25, 1866, and May 1, 1867, the United States acquired the title to a plot of ground in the then unimproved portion of Oak Woods Cemetery, and in the year 1867 the remains of the 4,039 Confederate soldiers, and also of the 12 Union soldiers who had died from smallpox at Camp Douglas, were transferred from the Chicago city cemetery to this plot of ground, which has ever since been commonly known as "Confederate Mound," in the Oak Woods Cemetery.

This cemetery is situated within the city limits of the city of Chicago, a short distance from Jackson Park, the site of the World's Fair. The Ex-Confederate Association of Chicago, with the consent of the War Department, has erected on the plot a monument in memory of the Confederate dead buried therein, and has made other efforts to have some improvements put upon the ground. By act of Congress approved January 25, 1895, the Secretary of War was authorized to issue four condemned iron guns and projectiles for the ornamentation of this lot.

While the plot is known as "Confederate Mound," and was probably a slight mound located in the marsh which existed there at the time the Government acquired the title in 1867, yet from representations made to your committee it appears that at the present time Oak Woods Cemetery, which entirely surrounds the Government plot, has been raised so that the plot itself is a low and depressed piece of ground, near the middle of which stands the Confederate monument, in something of a hollow.

No provision has ever been made by the Government for the care and maintenance of the plot, and no expenditure has ever been made by the Government for its improvement. The Oak Woods Cemetery Association has voluntarily cut the weeds growing on this plot twice a year, but no other care has been taken of it. The monument ought to be taken down temporarily, and then, after the mound has been properly filled in, the monument should be erected upon the raised ground. Most of the expense of this work will be the filling. As the Government plot is entirely situated within Oak Woods Cemetery, the bill properly provides that the Secretary of War may enter into a contract with the Oak Woods Cemetery Association for the work to be done.

The graves of the dead buried there are unmarked. There is nothing there to show their names. They belong to those who laid down their lives in defense of what they believed to be the right. Their comrades from the South can not care for their burial places. The States from which they hailed can not watch over their last resting place. Mingled with the bones of the Confederate dead lies the dust of the twelve Union soldiers, whose graves are also unmarked and whose names are unknown. Around the place in which they sleep, under the weeds and water, lie those who have died in civil life, and whose graves are watched over by loving hands and hearts and made beautiful by all the arts that man can devise.

A great nation, grateful to those who died in her service, in loving forgiveness of those who fought against her, and in the hope of drawing nearer and closer together the hearts of all the people, ought not to permit this burial ground owned by it to remain untouched and uncared for.

Your committee attaches hereto and makes a part of this report a letter from the Quartermaster-General of the Army to the Secretary of War, dated June 15, 1899; also a letter from the secretary of the Oak Woods Cemetery Association, dated May 22, 1899, and in connection therewith a letter from the superintendent of the Oak Woods Cemetery Association, dated May 20, 1899.

WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
Washington, June 15, 1899.

SIR: I have the honor to return herewith a communication from the Hon. JAMES R. MANN, Member of Congress, First district Illinois, Chicago, Ill., respecting the neglected condition of a plot of ground in the Oak Woods Cemetery, near that city, wherein were buried the Confederate soldiers who died at Camp Douglas, in Chicago, and requesting that he be informed of any facts in relation to the power of the War Department at present to improve the property, etc.

In reply thereto you are respectfully informed that it appears that the lot in question was acquired by the United States under two deeds from the president of the cemetery company, dated, respectively, April 25, 1866, and May 1, 1867, which deeds, with accompanying papers, were transferred to the Acting Judge-Advocate-General United States Army August 21, 1894, under orders from the Secretary of War dated May 15, 1894. It further appears that the remains buried in the lot were those of 12 Union soldiers, who died from smallpox at Camp Douglas, and 4,039 Confederate prisoners of war, originally buried in the Chicago City Cemetery, and which were removed to the lot in 1867 under the direction of Col. J. D. Bingham, then chief quartermaster Department of the Lakes, at Chicago.

August 20, 1887, Mr. R. Scullin, assistant secretary Ex-Confederate Association of Chicago, requested permission to erect in the lot a monument in memory of the Confederate dead buried therein, which permission was granted by the Secretary of War August 29, 1887, under such regulations as the Quartermaster-General may deem proper, and on August 31, 1887, the chief quartermaster Department of the Missouri was instructed to select a proper site for the monument.

August 22, 1890, the Hon. Frank Lawler, Member of Congress, forwarded request by W. B. Phipps, that the Confederate Association of Chicago be permitted to put the lot in good condition for the erection of the monument, and on September 6, 1890, Mr. Phipps was informed that permission is granted the association to repair and improve the lot, provided no part of the expense therefor be made a charge against the United States, and that the plans for said repairs be first submitted to and approved by the chief quartermaster Division of the Missouri.

By act of Congress (Public, No. 29) approved January 25, 1895, the Secretary of War was authorized to issue four condemned iron guns and projectiles for the ornamentation of the Government lot in Oak Woods Cemetery, near Chicago, Ill., "in which are buried both Union and Confederate dead."

May 15, 1895, permission was granted Gen. J. C. Underwood, commander northern department United Confederate Veterans, to erect an iron tablet in said lot without expense to the United States, and on August 1, 1895, permission was granted him to erect a suitable flagstaff in the lot, without expense to the United States, for the purpose of occasionally flying the national colors over the graves of the Camp Douglas prison dead interred therein.

From the foregoing report it will be noted that provision for the ornamentation of the lot has heretofore been made by the Government and also by the Confederate Veteran Association, but no appropriation has as yet been made by Congress for its care and maintenance. Such appropriations, if made, should be disbursed under the direction of the Secretary of War.

Very respectfully,
M. I. LUDINGTON,
Quartermaster-General U. S. A.

The SECRETARY OF WAR.

OAK WOODS CEMETERY ASSOCIATION,
Chicago, May 22, 1899.

DEAR SIR: Your favor of the 18th instant to hand, in which you desire certain information concerning the plat of ground in our cemetery where the Confederate soldiers are buried. There are about 2 acres in the plat, and it was purchased by the United States May 1, 1867, of the Oak Woods Cemetery Association. No provision for the care of this plat has ever been made by anyone. When the Government bought this piece of ground it was in the unimproved part of the cemetery. Since then the ground around it has been filled and improved, leaving that plat much below grade and in a very uneven condition.

I herewith inclose you a small diagram of the plat and a statement from our superintendent as to the condition of the ground and what it would cost to put it in proper shape; also the cost per annum to maintain same to conform to the rest of the cemetery. Any further information you may wish we would be pleased to furnish you.

Yours, very respectfully,
OAK WOODS CEMETERY ASSOCIATION,
WM. E. VANDERVORT, *Secretary.*

Hon. JAMES R. MANN,
No. 175 Dearborn Street, City.

CHICAGO, *May 20, 1899.*

DEAR SIR: With reference to the Confederate mound I submit the following: The section is at present in deplorable condition. It is 3 to 4 feet lower than the burial mounds immediately adjacent to it, which, with the irregularity of the surface, leaves no way to dispose of the water except to slowly filter away through the sand. Then, again, the surface of the mound itself is very uneven, the north end being fully 7 inches higher than the center, at which latter point the monument stands. This feature—viz, the monument standing at the lowest point of the mound—is one of the principal defects in the appearance of the section. The surface is also broken by depressions, and in some places actual holes appear, and very little grass is growing, the weeds being thick. At present we cut the section with scythes twice yearly. As for trees, there are about 40 old soft maples, every one of which has been broken off at the top during wind storms, and this necessitated our cutting and trimming them until they appear little better than stumps.

To bring the mound up to the standard of the surroundings the following is suggested:

The center of the section, where the monument stands, should be raised 3 feet and a gradual slope given to the mound toward the edges, the principal pitch to be south, and this could be done in such a manner as to take care of the water very nicely, and also to make a symmetrical connection with the adjacent property. The rise may be varied, that is, made less toward the center of the mound, if thought best, and this arrangement would allow of the placing of the cannon now on the ground to good advantage. Either way the expense would be equal. The surface would require seeding for grass, and water pipes should be laid through the section to provide for the sprinkling of the grass and watering of such young trees as may be set out. The old trees should be entirely removed and some suitable planting scheme followed with hardy nursery stock, such as the experience here approves. A suitable arrangement would be to plant in concentric lines to conform to the elliptical shape of the mound, placing the outside trees about 25 feet apart and the inner lines 50 feet apart.

As to the cost of this improvement, about 5,000 yards of filling would be required. This varies in price at different seasons according to the supply in the neighborhood. A fair average price, including the handling and grading, would be 50 cents per yard. To take down and set up the monument would cost $500, and 3 feet of foundation to bring it up to the new grade would cost $250. The seeding for grass would cost $25. Piping to meet our point of distribution would require 500 feet of 2-inch and 1,000 feet of 1-inch pipe, which at the present market price, with the necessary valves installed complete, would be worth $175.

The trees planted as suggested above would require about 80, and in selected nursery stock of an average height of 10 feet, properly watered to insure their growth, would be worth $5 each.

It is possible to secure a much better appearance than at present with less expense than the grading above suggested by simply resurfacing the section, although the effect would not compare with the other. This latter arrangement would require about $75 worth of filling and a labor expenditure of $250, and would mean that the monument should be left in its present low position and the section given a flat fieldlike appearance. While this would not conform with the surroundings, it would give an opportunity to keep well cut and trimmed. The removal of the old trees would in either case be in order, at a cost of $100.

As to the permanent care of the grounds to correspond with the surrounding property, this would mean the cutting of the grass with lawn mowers, the trimming of the same about the trees, monument, etc., the trimming of the trees in season, and the usual raking to keep the ground free from litter. This would require an outlay of $100 annually. In addition to this, the grass should be watered similarly as is done on the private lots in the cemetery. The watering would be worth $150 annually. The above figures are made after a careful survey of the ground and a due consideration for getting them as low as the work can be properly performed, with a view, if possible, of having the Government section brought up to the park standard of our own grounds.

Yours, truly,
EDWARD G. CARTER,
Superintendent.

WM. E. VANDERVORT, Esq., *Secretary, Chicago.*

The Clerk read as follows:

Military posts: For the construction and enlargement of buildings at such military posts as, in the judgment of the Secretary of War, may be necessary, for the erection of barracks and quarters for the artillery in connection with adopted project for seacoast defenses, and for the purchase of suitable building sites for said barracks and quarters, $750,000; but no part of the money appropriated for military posts shall be used for the purchase of any land except as herein specifically provided.

Mr. SLAYDEN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After line 16, page 114, insert:

"For the payment of claims for damage done by the Army of the United States while engaged in target practice, as follows: F. Krant, Leon Springs, Tex., $325; Margaret Neutze, Leon Springs, Tex., $100; R. A. Proctor, Cheyenne, Wyo. (two claims), $125; Ellen Peach, Brighton, Mich., $59; Bowsett Company (Limited), of Honolulu, Hawaii, $40, a total of $649."

Mr. TAWNEY. Mr. Chairman, I reserve a point of order on that amendment. I would say to the gentleman from Texas [Mr. SLAYDEN] that if it has any proper place at all on an appropriation bill it would be on the general deficiency bill and not on this bill. Nevertheless, I do not want to prevent the gentleman from making a statement in regard to it, and for that reason have reserved the point of order.

Mr. SLAYDEN. Mr. Chairman, these small items aggregate a total of $649. They are various small sums found to be due by the Government to individuals by boards of officers appointed for the purpose of surveying and reporting on the amount of damages done. They have been recommended several times, some of them at least, for appropriation and payment. They were estimated for by the Quartermaster-General. Estimates were submitted. The debt is undisputed. The amount is not large. It is very much needed by the people who will be the beneficiaries if the amendment should be adopted. There is no reason that I can see why the Government should not pay its just debts, particularly in such small amounts, at this time and in this way. Every military officer who has examined into it, and they were particularly charged with that examination, has found them to be just, and reported that they should be paid. The Secretary of the Treasury has transmitted the recommendations of the Secretary of War that the claims be appropriated for. They have all been carefully examined and found to be just debts, and I want to say to the gentleman from Minnesota [Mr. TAWNEY] that one of them I have personal knowledge of—that of $100 due for the killing of the two horses of Mrs. Neutze while engaged in making a crop, which deprived her of the only means she had of making the crop. A merchant in my town stood good for her at the bank to get enough money to buy other horses to take the place of those which had been killed, and that gentleman relied upon the good faith of the Government to make prompt settlement for such manifestly proper claims. Mr. Chairman, I hope the gentleman will not press his point of order.

The CHAIRMAN. Does the gentleman from Minnesota make the point of order?

Mr. TAWNEY. Mr. Chairman, I have no doubt that the claims presented are meritorious, but there are a great many Members of the House right around me here who have suggested that they have similar claims, and if we are going to recognize one we might as well recognize all. It has always been the rule of the Committee on Appropriations to not appropriate for the payment of claims on an appropriation bill. I will therefore insist on the point of order.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman from Minnesota [Mr. TAWNEY] if he does not think that claims which have been adjudicated by bodies appointed for that purpose at the time the damage was done and in such insignificant sums should be paid?

Mr. TAWNEY. Why, I think they should be paid; yes. All just claims against the Government should be paid; but if the Committee on Appropriations undertakes to pass upon the merits of these respective claims, it would not have time to do anything else. We have a Committee on Claims, and the adjudication which the gentleman speaks of, while it may be entirely satisfactory, may go into the merits of these propositions, is not such an adjudication as is recognized by the Committee on Appropriations or by Congress to entitle the claims to a place on an appropriation bill. The adjudication that is recognized is an adjudication authorized by law, an adjudication in the Court of Claims, and when there has been such an adjudication and a certificate of the same by the Secretary of the Treasury to Congress for payment, such claims are always carried on appropriation bills.

Mr. SLAYDEN. The gentleman is bound in candor to admit that when these officers examined into the matter at that particular time and took the testimony, it is certain to be the evidence upon which any claim would be ultimately adjudicated, and certainly more apt to be correct now than if delayed a year or two or three for hearing and determination. Will the gentleman who says that he thinks these claims are probably correct consent, if they are and if the military authorities who examine them report them to be such, to provide for them in his general deficiency bill?

Mr. TAWNEY. I can not consent to any proposition of that kind in advance of knowing just what the facts are, whether they are claims that come within the rule of the committee, namely, that they have been adjudicated under some provision of law authorizing their adjudication and certification to Congress. Claims of that kind when certified by the Secretary of the Treasury after due adjudication are carried without question upon appropriation bills.

A number of gentlemen sitting near me here have suggested that if this claim is allowed then the damages sustained by a number of men in a certain explosion which occurred some years ago ought to be paid, about which there is no more question than there is about this. I regret very much that it becomes my duty to insist upon the point of order.

The CHAIRMAN. The gentleman from Minnesota insists upon the point of order. Has the gentleman from Texas anything to say upon the point?

Mr. SLAYDEN. Mr. Chairman, I do not see how it is possible for this House, which after all merely wants evidence of the justice of the claim and the propriety of its payment, to ever get evidence as good as this again. These cases were examined into at the time the damage was done by officers of the Government familiar with the facts personally investigating them upon the ground at that very time, and to delay the appropriation is almost equivalent to denying the payment of the claims.

Mr. TAWNEY. Will the gentleman from Texas permit a question?

Mr. SLAYDEN. Certainly.

Mr. TAWNEY. Have you introduced a bill for the payment of these claims?

Mr. SLAYDEN. No, Mr. Chairman; I have not, because I had a little experience in that line in this body three or four years ago. I had a claim from my district, made and based upon a contract entered into with the Quartermaster of the United States Army in August, 1865, not a penny of it disputed, every item of the account promptly certified to, every officer of the Government before whom it came through those nearly forty years certifying that it was just, that the Government had the services and the goods, and that it ought to be paid, and yet the old man in whose favor that claim was made, after struggling along in poverty for more than thirty years, was on his deathbed before it passed. He heard not thirty minutes before his death that finally and with shameful tardiness the Government of the United States had consented to pay him the principal of a debt which it had admitted all the time it had owed him since the summer of 1865 and with not a penny of interest. I admit, sir, that this is probably contrary to the rules of the House, and that if the gentleman insists on his point of order the item will go out, but, sir, he seems unwilling to agree that just debts like this, small in amount, though big to the poor people to whom they are due, will be provided for in the general deficiency bill, where he says they properly belong.

Mr. TAWNEY. Will the gentleman from Texas permit a question again?

Mr. SLAYDEN. Certainly.

Mr. TAWNEY. I may say to the gentleman there are a number of bills on the Calendar reported from the Committee on Claims almost identical with his claim. The gentleman from Nebraska, sitting at my right here, has a claim that is almost identical with the claim presented by the gentleman, and, of course, if the committee were to allow the claims referred to in his amendment to go on the bill it would be in a position where, in order to be consistent, it would have to allow all, and the only thing to do——

Mr. SLAYDEN. I hope the gentleman will have better fortune than I had. I had bills on the Calendar for years recommending payment of claims which had been brought in here through the Committee on Claims, but, sir, with the one exception mentioned I never got action on them. Congress after Congress I offered a bill; Congress after Congress it was reported favorably and placed upon the Calendar, and Congress after Congress I was denied the privilege of taking it up out of its turn, and there is not a Member of the House who does not know that the Calendar is the burial ground of the hopes of all claimants.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Land for target range: For the purchase of 5,400 acres of land, more or less, near Camp Douglas, in Juneau County, Wis., as a site for a target range for infantry and light artillery, $150,000: *Provided*, That no portion of this sum shall be available until the State of Wisconsin shall have made a valid grant to the United States of the right to use the State encampment grounds near Camp Douglas, exclusive of buildings thereon, for infantry and artillery practice without cost to the United States so long as said grounds are used and owned by the State for encampment purposes.

Mr. CUSHMAN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 115, at the end of line 23, add a new paragraph, as follows: "Land for target range: For the purchase of a tract of land, of 3,000 acres or less, at American Lake, near Tacoma, State of Washington, for a target range, $30,000."

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on that.

Mr. CUSHMAN. Mr. Chairman, this item sought to be covered by the amendment I have offered was one of the items which was included in the estimates sent by the War Department to the Appropriation Committee, and I had hoped that inasmuch as this item had been included in the estimates of the War Department that the Committee on Appropriations would insert this provision in the bill. I will say that the rifle range sought to be covered by this amendment offered by me is said to be one of the most favorable locations for a rifle range in the Pacific northwest.

In the War Department they claim that they have been having a great deal of trouble in securing any proper target range at all, and after a considerable search, after a number of years of investigation, the Government of the United States rents a certain amount of ground in this locality, where they have been conducting a temporary target range, and on that account the War Department made a recommendation and sent up the estimate that $30,000 be appropriated to purchase about 3,000 acres of land at this place.

Now, at this late hour in the session, I do not think I ought to consume any more time on this matter, although there is a great deal that might be said. The War Department need this target range, and have submitted an estimate of $30,000, and the amendment I have offered seeks to carry out this purpose. I hope the amendment will be adopted.

Mr. TAWNEY. Mr. Chairman, I do not think that under the circumstances a point of order properly lies against an item of this kind, for the reason that a target range is a necessary incident to the Army. And I also wish to state that these items have always been carried in the appropriation bills. This item was carefully considered by the committee, and some members of the committee had personal knowledge of the situation and came to the conclusion that, under all the circumstances, it was not at this time wise to appropriate the money for the purpose of this very large tract of land. It would be used principally by the troops who are stationed at Vancouver Barracks, Forts Lawton, Wright, Flagler, Casey, Worden, and Walla Walla, or by all of them, if necessary. But it is not centrally located. It is not desirable, and, as it appears from the testimony, there is plenty of ground occupied now and owned by the Government in the vicinity of these several posts to accommodate the troops in the matter of target practice. And for that reason the committee felt that at this time it was not necessary to make this appropriation.

Mr. CRUMPACKER. Does the gentleman withdraw his point of order?

Mr. TAWNEY. Yes; I withdraw the point of order.

Mr. CRUMPACKER. Mr. Chairman, I renew it. It strikes me that this amendment is not in order. It is not one of the necessary incidents of the Army that can be classed with Army supplies, like guns and ammunition—the purchase of several sections of land for target practice. I thought at the time the paragraph preceding the amendment was read that it was not in order. I do not care to debate it, but I call the attention of the Chair to the question.

The CHAIRMAN. Has the gentleman from Washington [Mr. CUSHMAN] anything to say on the point of order?

Mr. CUSHMAN. No, sir.

Mr. SULLIVAN of Massachusetts. I would like to ask the gentleman whether, after appropriating $50,000 for his Mount Rainier Park, he does not think it would be better to keep this item until next session? Otherwise you will exhaust your possibilities in one session of Congress.

Mr. CUSHMAN. That might be, but inasmuch as the War Department, who are supposed to have the best information on this subject, has recommended this appropriation, I offered the amendment.

Mr. TAWNEY. Mr. Chairman, I want to read the testimony, which is very brief, taken before the committee:

The CHAIRMAN. The next item is for land for target range, American Lake, Washington; for the purchase of a tract of land of about 3,000 acres, at American Lake, near Tacoma, Wash.—

And I might say, in passing, that the good citizens of Tacoma have a magnificent club house at American Lake, which will probably profit very materially by the purchase of this target range—

$30,000.

General HUMPHREY. This range is back of Tacoma, about 150 miles from Portland.

The CHAIRMAN. Where are the troops that would use this range?

The general then recites the location of these troops, which I gave a moment ago.

The CHAIRMAN. Do you not think that we could secure land in the vicinity of Portland, where the expense of transportation would be very much less?

General HUMPHREY. We have in hand now the contemplated purchase or renting incident to purchase of a range for small arms in the vicinity of Vancouver Barracks.

I submit that the amendment ought not to be agreed to.

The CHAIRMAN. The gentleman from Indiana [Mr. CRUMPACKER] has raised a point of order. The Chair thinks it is clearly obnoxious to the rule and subject to the point of order. The Chair thinks you might purchase land next to an army post and that it would probably be a continuation of a public work, but it is evidently not in order to purchase a separate piece of land, as this amendment proposes. It is no more in order, in the opinion of the Chair, than it would be to provide on an appropriation bill for the erection of a hospital building or the construction of an army post without a previous authorization of law therefor. The Chair therefore sustains the point of order.

The Clerk read as follows:

International Waterways Commission: For continuing the work of investigation and report by the International Waterways Commission, authorized by section 4 of the river and harbor act approved June 13, 1902, $20,000.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

On page 116, in line 20, insert "and retired officers of the Corps of Engineers, United States Army, shall be eligible for service on said Commission."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

Mr. MANN. Reserving the point of order, I would like to have an explanation.

Mr. BURTON of Ohio. I will state this as the reason for offering this amendment. This Commission is made up of three members from the United States, one an officer of the Corps of Engineers, United States Army; one a civilian engineer, well versed in hydraulics of the Great Lakes; one a lawyer, well versed in international and riparian law. These are the qualifications required by the statute. This Commission was created by the act of 1902, and entered upon its work somewhat later. The member selected from the engineer force of the United States soon reaches the age of retirement. He is an efficient man and performed important service, is president of the Commission, both American and Canadian, and it will be unfortunate for the efficiency of this body to have him go out at the age of retirement.

Mr. MANN. I quite agree with the gentleman. I reserved the point of order for the purpose of ascertaining the facts. Will this gentleman receive two salaries after he becomes retired?

Mr. BURTON of Ohio. I am really not informed about that. As I understand it, while he is on the active list he receives but one salary.

Mr. MANN. While on the active list?

Mr. BURTON of Ohio. He can not receive anything further.

Mr. TAWNEY. I would say to the gentleman from Illinois he can only draw anything in addition to retired pay when it is specifically otherwise provided.

Mr. MANN. It depends upon what the act provides which authorized the Commission. If the act authorizing the Commission authorized the payment of a salary, and then we pass this act authorizing the appointment of officers on the retired list, then it becomes a part of the law.

Mr. BURTON of Ohio. This does not authorize the payment of a specified salary.

Mr. MANN. This does not.

Mr. BURTON of Ohio. The act provides this: For the purpose of paying the expenses and salaries of such Commission, the Secretary of War is authorized to expend, etc., the sum of $20,000, or so much thereof as may be necessary to pay that part of the expense of this Commission charged to the United States.

Mr. MANN. If it is left to the discretion of the Secretary of War, I have no doubt only one salary would be paid.

Mr. BURTON of Ohio. Of course, all I desire is the efficiency of the work of the Commission. But I do not like to have the

purpose of the amendment defeated by a tangle about salary. It would be extremely unfortunate to lose the services of this man, the president, who has done more work than anyone else on the Commission. I have no objection to any amendment obviating any reasonable objection as regards salary.

Mr. MANN. I will say to the gentleman from Ohio that my colleague from Illinois [Mr. PRINCE] thinks that same remark applies to a great many Army officers, dispensing with their services when they become valuable.

Mr. TAWNEY. I will ask the gentleman from Ohio if it is not a fact there was payment for the service of this Commission during the waterways convention?

Mr. BURTON of Ohio. They had no regular salary. There was an apportionment of compensation by the Secretary of War according to the amount of services they rendered and their value, in the judgment of the Secretary of War.

Mr. MANN. If it is within the discretion of the Secretary of War, I withdraw the point of order.

Mr. GAINES of Tennessee. I suggest to the gentleman from Illinois that he make it so plain that there can be no misunderstanding.

Mr. MANN. I do not think any harm will be done, if it is left to the discretion of the Secretary of War.

The CHAIRMAN. The time of the gentleman has expired.

The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Improvement of the Yellowstone National Park: For maintenance and repair of improvements, $55,000, to be expended by and under the direction of the Secretary of War; and to be immediately available.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman in charge of the bill how much of this $55,000 is for repairs, and how you want to repair the Yellowstone National Park?

Mr. TAWNEY. Has the gentleman ever been in the park?

Mr. GAINES of Tennessee. I regret that I have not.

Mr. TAWNEY. Then I do not know whether I can inform the gentleman or not.

Mr. GAINES of Tennessee. It is a good deal of money for repairs. I will say that I have been through a good many other places out West that I have found very pleasant to visit.

Mr. MANN. There are roads and bridges and buildings to be repaired.

Mr. SULLIVAN of Massachusetts. This item was $133,000 last year.

Mr. GAINES of Tennessee. I understand the item was $133,000 last year.

Mr. SULLIVAN of Massachusetts. And $250,000 the year before.

Mr. GAINES of Tennessee. And $250,000 the year before.

Mr. SULLIVAN of Massachusetts. And $250,000 the year before that.

Mr. GAINES of Tennessee. And $250,000 the year before that. It looks to me as though it is a good deal of money.

Mr. TAWNEY. If the gentleman from Massachusetts will cease prompting the gentleman from Tennessee——

Mr. SULLIVAN of Massachusetts. I was only trying to show the gentleman from Tennessee that it is not a large item in comparison.

Mr. GAINES of Tennessee. The gentleman from Massachusetts has done magnificent work for his country by pointing out things in this bill, even if he has to use such an humble messenger as myself to do a part of it. I should really like to know how it is we are expending so much money there, and what we are doing.

Mr. TAWNEY. If the gentleman will examine the hearings he will ascertain that there are something over 300 miles of road in the Yellowstone National Park that must be maintained, and also a large number of bridges that must be kept in repair, and the amount is less this year than it has been for a great many years.

Mr. GAINES of Tennessee. How much has it cost all told?

Mr. TAWNEY. I am unable to state to the gentleman. There have been over a million dollars expended in improvements there in the last six years.

Mr. LACEY. Does this contemplate the construction of the bridge across the canyon below the falls?

Mr. TAWNEY. There is no new construction contemplated, as I understand it. This also includes the cost of maintaining the sprinkling service.

Mr. GAINES of Tennessee. How much have we spent there altogether?

Mr. SULLIVAN of Massachusetts. Since 1886 we have expended $1,646,000.

Mr. GAINES of Tennessee. I think I will go out there. I should like to see a park where we have spent that much money.

Mr. TAWNEY. If the gentleman will go out there he will no longer take up the time of the House in asking questions concerning conditions there.

Mr. GAINES of Tennessee. Well, our time here is paid for.

The Clerk read as follows:

Chickamauga and Chattanooga National Park: For continuing the establishment of the Chickamauga and Chattanooga National Park; for the compensation and expenses of two civilian commissioners, maps, surveys, clerical and other assistance, messenger, office expenses, and all other necessary expenses; foundations for State monuments; mowing; historical tablets, iron and bronze; iron gun carriages; for roads and their maintenance, completing the inclosing of Point Park; the purchase of small tracts of lands, the purchase of which has heretofore been authorized by law; in all, $30,000.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19844—the sundry civil appropriation bill—and had come to no resolution thereon.

HUGH DONNELLY.

By unanimous consent, at the request of Mr. GILLETT of Massachusetts, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 17001, to correct the military record of Hugh Donnelly, Fifty-ninth Congress, first session, no adverse report having been made thereon.

REPRINT OF THE COPYRIGHT BILL.

By unanimous consent, at the request of Mr. CURRIER, a reprint was ordered of the bill H. R. 18953—the copyright bill.

REPORT OF COOLEY COMMISSION ON FREE PASSES.

Mr. GAINES of Tennessee. I ask unanimous consent to print in the RECORD the report of the Cooley Commission and its recommendations as to the amendment of the free-pass law. Amongst other things it recommends an amendment to permit the families of railroad employees, persons injured in accidents, nurses, and doctors to have free passes, which I think everybody wants.

The SPEAKER. The gentleman asks unanimous consent to print in the RECORD the matter referred to. Is there objection?

There was no objection.

The matter referred to is as follows:

[Excerpts from reports of Cooley Interstate Commission. Vol. 3, Interstate Commerce Commission Report, March, 1889, to May, 1890, p. 297.]

FREE PASSES AND FREE TRANSPORTATION.

On the 3d of May the Commission entered upon an investigation concerning free passage and free passenger transportation. Information received from time to time had given reason to believe that passes for interstate transportation, or having some relation to interstate business, were issued to some extent, at least, by some, if not most of the railroad companies. The intention of the Commission was to make the investigation general, covering all the interstate lines of the country, but pressure of other business compelled the postponement of much of the investigation to a later period. As the investigation has not been completed, only a limited report upon the subject can be made at the present time.

INVESTIGATION HAD—RESULT.

The companies first summoned were those operating in the Middle and New England States—twenty-seven in all. They were called upon, by order, to answer and set forth the persons and classes of persons to whom they had severally issued free passes or free transportation, other than their own officers and employees and the officers and employees of other railroad companies, since November 1, 1888, and the condition and limitations connected therewith, with explanation showing how and why these acts were done; and the statements should be properly verified.

SUMMONS RAILROADS.

Representatives of all the companies summoned appeared at the hearing in Washington, and all except three companies produced statements, in compliance with the summons, showing the number of passes issued, the persons and classes of persons to whom they were issued, and the reasons for their issue. The three companies that furnished no statements of the character called for answered that they issued passes to be used only within their respective States and that for such transportation they were not subject to the act to regulate commerce, and therefore declined to show to what persons or for what reasons the passes were issued. Whether or not companies taking this ground can be compelled to disclose the particular persons to whom free transportation was given, in order that it may appear whether the passes were intended or used for interstate journey, or in any respect a device to favor interstate shippers, has not yet been determined.

STATEMENTS FILED BY RAILROADS.

The statements filed by the companies that produced lists showing that passes have been issued to divers classes of persons and for a variety of reasons and mainly for use within a State, and claimed that for that reason not to be in violation of the act to regulate commerce. It also appears that to a limited extent passes have been issued for interstate journeys by many of the companies.

PASSES GIVEN TO WHOM.

The persons who have had free transportation, as shown by these returns, are embraced in the following classes: Railroad directors, drovers, expressmen, telegraph men, news company agents, officers of palace car companies, managers of excursions and shows; persons injured on railroads, transported to their homes; attorneys, surgeons, persons on company's business; in consideration of contracts for purchase of land, water right, and rights of way; for services rendered, witnesses for companies, in consideration of advertising, hotel and boarding house proprietors, newspaper men, shippers, complimentary, special car accommodations; to persons on request of others, no reason given; for charitable purposes, benevolent associations; exemployees, and families of deceased employees; members of legislative bodies, State railroad commissioners; United States, State, and municipal officers; employees of the Railway Mail Service, officials of steamship and steamboat lines.

USE OF LESSENED BY LAW OF 1887.

Under some of these classes the transportation has been very limited. Under others the number carried have been more numerous, but that a great diminution of free transportation has taken place since the act, especially in interstate transportation, is very evident.

PERMISSIBLE EXEMPTIONS.

Some of the classes carried free there would seem to be no reason to question the propriety of, such as persons injured in railroad accidents, surgeons attending such persons, and witnesses for companies in judicial proceedings and investigations. Where contracts have been entered into prior to the act for free carriage of specified persons in consideration of conveyance of rights of way or other property rights to companies, courts have held in some instances that they were enforceable and rested upon lawful considerations. Employees of express companies and telegraph companies operating upon the line of railroad under agreements with the railroad company, and employees of the Railway-Mail Service, are clearly distinguishable from ordinary travel.

GIVING PASSES TO OTHER CLASSES CONDEMNED.

With respect to nearly all the other classes to whom free transportation has been given, it would seem clear that no justification can be found for their carriage under the provisions of the act.

According to the returns made, the largest number of interstate passes issued of any class was designated "complimentary." Next in numbers were passes to steamship lines and transfer companies, United States, State, and municipal officers, palace car companies, newspapers, and for advertising. The several other classes were small in proportion.

PASSES IN STATE COMMERCE LARGE.

Of State passes the larger numbers were issued to members of legislatures and drovers, with "complimentaries" next, and United States, State, and municipal, newspapers, and shippers next in numbers; the others being comparatively few.

PURPOSE OF ANTIPASS LAW, 1887.

The statute was undoubtedly framed to prohibit passes of free transportation of persons, as one of the forms of unjust discriminations, favoritism, and misuse of corporate powers, that had grown into an abuse of large proportions and become demoralizing in its influence and detrimental to railroads, both in loss of revenue and in provoking public hostility. One of the minor and meaner phases of this abuse is the distinctive preference shown in various ways by employees, both in service and civility, to holders of passes, as if discrimination by free carriage includes discrimination in treatment of passengers.

OFFICIALS GIVEN PASSES—REASON WHY CONDEMNED.

It was well known that persons who were carried free were to a large extent precisely the persons who had no claim whatever to such favors. They were officials and others, from whom free passes might be expected to secure reciprocal favors, and men of wealth and prominence, who rode at the expense of others less able to pay; or the passes were given to influence business. In nearly all cases not specially exempted by the act the motive in demanding or in giving them was one deserving of no favor.

LAW'S AIM—CORRECT ABUSE.

The law aims at the correction of the abuses of free transportation, and in accomplishing this general purpose some forms of free or reduced transportation that at first view might appear plausible or even unobjectionable in themselves have to fall under its general restriction. The principle of equality, under like conditions, for the traveling public had been grossly violated by the railroads. Favored persons or classes of persons had been furnished free transportation at the expense of the general public by higher general charges, to reimburse for gratuitous carriage. The discrimination is equally unjust whether the free transportation be complimentary or to aid some person's business, or for some supposed indirect advantage to the carrier. The correction of the evil and the equality of right to which all are entitled require the restrictions to be general and sweeping to furnish any substantial assurance that the abuse should not be continued or new ones devised under cover of any discretion left to the carrier.

EXCEPTIONS MADE BY LAW AND WHY.

For reasons deemed adequate by the legislative body certain specified exceptions are made in the statute of classes of persons to whom reduced rates or free transportation may lawfully be given, in whose favor discrimination was not deemed unjust. The act provides that it shall not "be construed to prohibit any common carrier from giving reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons, or to inmates of the National Homes or the State Homes for Disabled Volunteer Soldiers, and of soldiers and sailors' orphan homes, including those about to enter and those returning home after discharge, under arrangements with the boards of managers of said homes."

It further provides that it shall not "be construed to prevent railroads from giving free carriage to their officers and employees, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employees." The classes of persons that may have reduced rates or free carriage are thus carefully specified in the statute, and their enumeration necessarily excludes all others. Except as qualified by this section, the issuance and sale of passenger tickets must be in accordance with the general principles of this act.

EMPLOYEES' FAMILIES SHOULD BE EXEMPT—RECOMMENDATION OF COMMISSION.

The investigation developed one custom of railroads that seems to be general and to rest on considerations that have no little force. This is the custom of giving free transportation or reduced rates to families of subordinate employees. It is obvious that, for many forcible reasons, the most amicable relations should exist between the railroad companies and their employees, and that the latter should feel that the companies are disposed in all proper ways to manifest an interest in their general welfare. The compensation of these employees is low, the service exacting and often hazardous, their opportunities to give attention to domestic affairs are very limited, and as a rule they are dependent almost entirely on their compensation for the support of their families. It is clearly for the interest of these employees to reside at points on their roads convenient to their business, where homesteads can be acquired and costs of rents and living expenses are moderate. Such locations may often be some distance from points required to be frequently reached by members of their families, such as schools and markets, and it would seem reasonable and no more than an equitable part of their compensation for the company to carry the wives and children of its employees free, or at low rates for fairly necessary purposes. Provision, it would seem, might very properly be made to permit this to be done.

As the investigation of this subject has not been concluded, any further report or action by the Commission is deferred until more complete information shall have been elicited.

[Extract from Cooley Commission Report. Interstate Commerce Commission, volume 4, May, 1890–June, 1891, page 415.]

RECOMMENDATIONS FOR AMENDMENT TO THE ACT—FAMILIES OF EMPLOYEES, NURSES, PHYSICIANS, INJURED PERSONS.

Fourth. It also repeats the recommendation contained in the third annual report that the twenty-second section be so amended as to provide that its provisions shall not prevent the free carriage of persons injured in railway accidents and the physicians and nurses for attendance upon and care of persons so injured, nor prevent the transportation free or at reduced rates of the actual resident members of the families of employees of railways.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolutions:

H. J. Res. 118. Joint resolution accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof;

H. J. Res. 162. Joint resolution authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan adjoining certain lands in Lake County, Ind.;

H. J. Res. 166. Joint resolution providing for payment for dredging the channel and anchorage basin between Ship Island Harbor and Gulfport, Miss., and for other purposes;

H. J. Res. 170. Joint resolution to supply a deficiency in the appropriation for assistant custodians and janitors of public buildings;

H. R. 16946. An act releasing the right, title, and interest of the United States to the piece or parcel of land known as the "Cuartel lot" to the city of Monterey, Cal.;

H. R. 8410. An act to authorize the Charleston Light and Water Company to construct and maintain a dam across Goose Creek in Berkeley County, in the State of South Carolina;

H. R. 17455. An act permitting the building of a dam across the Mississippi River at or near the village of Clearwater, Wright County, Minn.;

H. R. 14604. An act forbidding the importation, exportation, or carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and for other purposes;

H. R. 15692. An act granting a pension to Frank M. Dooley;

H. R. 18135. An act granting an increase of pension to Benedict Sutter;

H. R. 18561. An act granting an increase of pension to Jonathan Skeans;

H. R. 18116. An act granting an increase of pension to Green Evans;

H. R. 3005. An act granting an increase of pension to Jacob C. Shafer;

H. R. 10395. An act granting an increase of pension to Stephen Cundiff;

H. R. 13828. An act granting an increase of pension to John M. Carroll; and

H. R. 16878. An act granting an increase of pension to James B. Adams.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2852. An act granting a pension to Bridget Manahan;

S. 2791. An act granting an increase of pension to John Lindt;

S. 2728. An act granting an increase of pension to Louisa Carr;

S. 2429. An act granting a pension to James Dean;

S. 2619. An act granting an increase of pension to William H. Willie;

S. 2179. An act granting an increase of pension to G. Anne Gregg;

S. 2032. An act granting an increase of pension to Thomas F. Stevens;

S. 2008. An act granting a pension to Virgina A. McKnight;

S. 1865. An act granting an increase of pension to Soloman H. Baker;

S. 1855. An act granting an increase of pension to James J. Brown;

S. 1849. An act granting an increase of pension to David T. Pettie;

S. 1664. An act granting an increase of pension to Elizabeth L. W. Bailey;

S. 1570. An act granting an increase of pension to Lydia A. Johnson;

S. 1510. An act granting an increase of pension to Byron K. May;

S. 1443. An act granting an increase of pension to Hiram C. Clark;

S. 1428. An act granting an increase of pension to Daniel Lamprey;

S. 1264. An act granting an increase of pension to Joseph Shiney;

S. 1256. An act granting an increase of pension to Lewis D. Moore;

S. 1224. An act granting an increase of pension to William A. Bowles;

S. 1174. An act granting an increase of pension to Edwin Morgan;

S. 764. An act granting an increase of pension to Robert Carney;

S. 944. An act granting an increase of pension to Julius A. Davis;

S. 722. An act granting a pension to Annis Bailey;

S. 453. An act granting an increase of pension to George K. Green;

S. 586. An act granting an increase of pension to Corydon W. Sanborn;

S. 663. An act granting a pension to Joseph Ellmore;

S. 668. An act granting an increase of pension to John C. Rassback;

S. 225. An act granting an increase of pension to Thomas R. Smith;

S. 267. An act to prohibit aliens from fishing in the waters of Alaska;

S. 20. An act granting an increase of pension to Edward Higgins;

S. 215. An act granting an increase of pension to Elias Phelps;

S. 6. An act granting an increase of pension to Ella N. Harvey;

Mr. TAWNEY. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 36 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the governor of California, transmitting a copy of his message, containing expressions of thanks for the efforts of the National Government to succor the people of San Francisco and vicinity in the late disaster—to the Committee on Appropriations.

A letter from the Secretary of Commerce and Labor, transmitting reports of Special Agents Harry R. Burrill and Raymond F. Crist on trade relations in China—to the Committee on Interstate and Foreign Commerce.

A letter from the Secretary of Commerce and Labor, transmitting report of Special Agent Raymond F. Crist on trade conditions in Japan and Korea—to the Committee on Interstate and Foreign Commerce.

A letter from the Secretary of Commerce and Labor, recommending legislation to permit the relief light vessel to be stationed at Charlevoix, Mich., to be equipped with other than steam power—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GARDNER of Massachusetts, from the Committee on Immigration and Naturalization, to which was referred the bill of the Senate (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903, reported the same with amendment, accompanied by a report (No. 4912); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVIDSON, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 17138) to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River flowing over the dams between St. Paul and Minneapolis, Minn., reported the same with amendment, accompanied by a report (No. 4914); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RIVES, from the Committee on Claims, to which was referred the bill of the Senate (S. 6299) for the relief of Pollard & Wallace, reported the same without amendment, accompanied by a report (No. 4913); which said bill and report were referred to the Private Calendar.

Mr. BATES, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 13669) to provide for raising Commodore Perry's flagship *Niagara*, reported the same without amendment, accompanied by a report (No. 4915); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STEENERSON: A bill (H. R. 20119) to authorize the village of Oslo, Marshall County, Minn., to construct a bridge across the Red River of the North—to the Committee on Interstate and Foreign Commerce.

By Mr. AMES: A bill (H. R. 20120) to regulate the business of insurance within the District of Columbia—to the Committee on the Judiciary.

By Mr. TIRRELL: A bill (H. R. 20121) to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate—to the Committee on the District of Columbia.

By Mr. JENKINS: A bill (H. R. 20122) defining the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903—to the Committee on the Judiciary.

By Mr. WATSON: A bill (H. R. 20123) to provide for the traveling expenses of the President of the United States—to the Committee on Appropriations.

By Mr. JENKINS: A joint resolution (H. J. Res. 173) concerning railroad cars carrying United States mails—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS: A resolution (H. Res. 574) to employ a messenger on the heavy mail wagon during the recess of Congress—to the Committee on Accounts.

By Mr. WILLIAMS: A resolution (H. Res. 575) requesting that certain accounts of the consuls at Tientsin and Shanghai be submitted to the House—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 20124) to refund legacy taxes illegally collected from the estate of Henry Grone—to the Committee on Claims.

By Mr. BOUTELL: A bill (H. R. 20125) granting an increase of pension to Mary Kuehler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20126) granting an increase of pension to Mary Pint—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 20127) granting a pension to Quincy F. Buttry—to the Committee on Pensions.

By Mr. CALDER: A bill (H. R. 20128) to complete the naval record of Patrick Naddy—to the Committee on Naval Affairs.

By Mr. CHAPMAN: A bill (H. R. 20129) granting an increase of pension to John Lemly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20130) granting an increase of pension to John C. Rose—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 20131) granting a pension to Martha J. Thorne—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 20132) granting an increase of pension to James Pyke—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 20133) granting an increase of pension to Albina M. Williams—to the Committee on Pensions.

By Mr. GILL: A bill (H. R. 20134) granting an increase of pension to Ferdinand Bostic—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20135) granting an increase of pension to Thomas J. Cannon—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 20136) granting an increase of pension to John D. Wells—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 20137) granting an increase of pension to Jacob Murry—to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 20138) to correct the military record of Conrad Hyne—to the Committee on Military Affairs.

By Mr. MORRELL: A bill (H. R. 20139) granting a pension to Margaret H. Delaney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20140) granting an increase of pension to Elizabeth W. Walter—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 20141) granting a pension to Jacob Werley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20142) granting a pension to Paul E. McGuire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20143) granting an increase of pension to Smith Dye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20144) to remove the charge of desertion from the military record of Allen Moore—to the Committee on Military Affairs.

Also, a bill (H. R. 20145) granting an honorable discharge to John Schlinger—to the Committee on Military Affairs.

By Mr. PATTERSON of South Carolina: A bill (H. R. 20146) granting an increase of pension to Harriet C. Kenney—to the Committee on Pensions.

By Mr. RIXEY: A bill (H. R. 20147) for the relief of the legal representatives of J. W. Wilkins, late of Prince William County, Va.—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 20148) granting a pension to Flora Fenzl—to the Committee on Pensions.

By Mr. SHERLEY: A bill (H. R. 20149) to reinstate Kenneth G. Castleman as a lieutenant in the Navy—to the Committee on Naval Affairs.

By Mr. WOOD of Missouri: A bill (H. R. 20150) for the relief of John H. Rheinlander—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Petition of 150 members of Alpha Lodge, Brotherhood of Locomotive Firemen, of Baraboo, Wis., protesting against adoption of conference report on railway rate bill prohibiting passes to railway employees and their families—to the Committee on Interstate and Foreign Commerce.

By Mr. BARCHFELD: Papers to accompany bill H. R. 14192, granting an increase of pension to John P. Wilhelm—to the Committee on Invalid Pensions.

Also, resolution of National Executive Council of the National German-American Alliance, favoring a commission to study immigration question—to the Committee on Immigration and Naturalization.

Also, resolution of Immigration Restriction League, asking passage of Senate bill 4403, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BELL of Georgia: Papers to accompany bill H. R. 18085, for relief of First Georgia State Troops—to the Committee on War Claims.

By Mr. BURKE of Pennsylvania: Resolution of National Executive Council of the National German-American Alliance, favoring a commission to study immigration question—to the Committee on Immigration and Naturalization.

By Mr. BURKE of South Dakota: Petition of citizens of Oacoma, S. Dak., urging Government inspection of meats—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND: Papers to accompany bill granting a pension to Martha J. Thorne—to the Committee on Invalid Pensions.

By Mr. DUNWELL: Petition of Immigration Restriction League, in favor of Senate bill No. 4403, for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of American Antisaloon League, to prevent sale of liquors at National Soldiers' Homes—to the Committee on Military Affairs.

By Mr. GAINES of Tennessee: Petition of heirs of Lee Alford, deceased, praying reference of their claim to Court of Claims; also, heirs of David B. Carlisle, deceased, praying reference of claim to Court of Claims—to the Committee on War Claims.

By Mr. GRAHAM: Resolution of national executive council of the National German-American Alliance, favoring a commission to study immigration question—to the Committee on Immigration and Naturalization.

Also, resolution of Immigration Restriction League, asking passage of Senate bill No. 4403, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GROSVENOR: List of letters and telegrams from manufacturing plants against passage of eight-hour bill from the following cities: Meshawaka, Ind.; Wausaukee, Wis.; Providence, R. I.; Fostoria, Ohio; Bridgeport, Conn.; Bristol, Conn.; Chicago, Ill.; St. Louis, Mo.; New York, N. Y.; Indianapolis, Ind.; Menominee, Mich.; Haverhill, Mass.; Covington, Ky.; Wells, Mich.; Metuchen, Ohio; Cleveland, Ohio; Pensacola, Fla.; Elmira, N. Y.; Rockford, Ill.; Peace Dale, R. I.; Fairmont, W. Va.; Philadelphia, Pa.; Canton, Ohio; Rochester, N. Y.; Newark, N. J., and York, Pa.—to the Committee on Rules.

By Mr. HEDGE: Petition of Prairie Grove, Iowa, Meeting of Friends, against an increased navy—to the Committee on Naval Affairs.

By Mr. HIGGINS: Petition of International Brotherhood of Teamsters local, Danbury, Conn., in favor of bill H. R. 18752—to the Committee on the Judiciary.

Also, petition of New Haven Trades Council of Connecticut, in favor of bill H. R. 18752—to the Committee on the Judiciary.

By Mr. KELIHER: Protest of L. J. Lyons, Frank Seader, David E. Ellis, Ferdinand Strauss, Marcus Kalleman, B. A. Schwartz, Louis Gordon, Jacob Zehler, L. A. Gensburg, James E. Fitzgerald, M. I. Cohan, Max. Mitchell, H. Warinsky, and Phillip Rubenstein, against Gardner immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Petition of O. N. Johnson, Richland, Iowa, for pure-food law and live-stock inspection—to the Committee on Agriculture.

By Mr. LILLEY: Petition and telegrams from George H. Lacy, C. E. Wolf, and 400 others, protesting against adoption of conference report on rate bill prohibiting passes to railway employees and their families—to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: Petition of railway employees of South Dakota, protesting against adoption of conference report on rate bill prohibiting granting of passes to railway employees and their families—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of South Dakota, asking Government inspection of meats—to the Committee on Agriculture.

By Mr. MURPHY: Papers to accompany bill H. R. 17928, granting an increase of pension to Jackson Denton; also papers to accompany bill H. R. 12919, granting an increase of pension to Alban E. Bentley; also papers to accompany bill H. R. 12332, granting an increase of pension to John H. Morrison—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 12928, granting an increase of pension to Daniel Reasoner; also, papers to accompany bill H. R. 17930, granting an increase of pension to Henry A. Hayes; also, papers to accompany bill H. R. 12918, granting an increase of pension to Reuben Vermillion—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: Papers to accompany bill granting an increase of pension to Henrietta C. Kenney—to the Committee on Pensions.

Also, papers to accompany bill H. R. 19136, for the relief of S. R. Ihly; also, papers to accompany bill H. R. 19141, for the relief of Josiah D. Johnson; also, papers to accompany bill H. R. 19139, for relief of Michael De Louch—to the Committee on War Claims.

By Mr. RUPPERT: Resolution of the national executive committee of the National German-American Alliance, in regard to the appointment of an immigration commission—to the Committee on Immigration and Naturalization.

By Mr. STERLING: Petition of John Wade, of Chenoa, Ill., for pure-food law and Federal inspection of slaughtering houses—to the Committee on Agriculture.

By Mr. STEVENS of Minnesota: Protest of Minnesota State Association of Builders' Exchanges, against passage of eight-hour law—to the Committee on Labor.

By Mr. THOMAS of North Carolina: Papers to accompany bill H. R. 17875, waiving age limit for admission to the Pay Corps of United States Navy in the case of N. N. Pierce—to the Committee on Naval Affairs.

By Mr. WOOD of Missouri: Papers to accompany bill for the relief of John H. Rhinelander—to the Committee on Claims.

SENATE.

TUESDAY, *June 12, 1906.*

Prayer by Rev. CHARLES CUTHBERT HALL, D. D., of the city of New York.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

REPORT ON ALASKAN SCHOOLS, ETC.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 1st instant, a letter from the Commissioner of Education, together with the commentary of that officer on the report of Special Agent Churchill, regarding education in Alaska and the domestication of reindeer in the district of Alaska; which, on motion of Mr. GALLINGER, was, with the accompanying paper, ordered to lie on the table and be printed.

The VICE-PRESIDENT. On June 11 the Chair laid before the Senate a message from the President of the United States, transmitting the reports of Special Agent Frank C. Churchill, regarding the condition of educational and school service and the management of the reindeer service in the district of Alaska, which was ordered to be printed, together with the reports. Accompanying the same was a map, which, if there be no objection, will be ordered printed in connection with the reports.

GOVERNMENTAL AID FOR CALIFORNIA.

The VICE-PRESIDENT laid before the Senate a communication from Hon. George C. Pardee, governor of California, transmitting a copy of his message to the legislature now sitting in extraordinary session, expressing the gratitude of the people of California to the Senate of the United States for the very prompt and generous response made to their appeal by the Government of the United States and all the officers, officials, and Departments connected therewith; which, with the accompanying paper, was ordered to lie on the table.

APPROPRIATION FOR POSTAL SERVICE.

Mr. HALE. I ask the Chair to lay before the Senate the joint resolution from the House of Representatives supplying a deficiency in an appropriation for the postal service.

The joint resolution (H. J. Res. 172) to supply a deficiency in an appropriation for the postal service was read the first time by its title.

Mr. HALE. I ask that the joint resolution be put on its passage.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $80,000, to supply a deficiency in the appropriation for the manufacture of stamped envelopes and newspaper wrappers for the fiscal year 1906.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4376) to quitclaim all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 130. An act authorizing the extension of Kalorama road NW.;

H. R. 4464. An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes;

H. R. 12086. An act to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company;"

H. R. 12517. An act granting a pension to William Bays;

H. R. 14511. An act amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia," approved April 22, 1904;

H. R. 14806. An act to amend the Code of Law for the District of Columbia relating to interest and usury;

H. R. 16483. An act requiring certain places of business in the District of Columbia to be closed on Sunday;

H. R. 16868. An act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, and typhoid fever in the District of Columbia;

H. R. 17452. An act to provide for payment of damages on account of changes in grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company;

H. R. 18716. An act to extend the authority of the Commissioners of the District of Columbia over all street railway companies operating in the streets of the city of Washington;

H. R. 19642. An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations; and

H. R. 19682. An act authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 6. An act granting an increase of pension to Ella N. Harvey;

S. 20. An act granting an increase of pension to Edward Higgins;

S. 215. An act granting an increase of pension to Elias Phelps;

S. 225. An act granting an increase of pension to Thomas R. Smith;

S. 267. An act to prohibit aliens from fishing in the waters of Alaska;

S. 453. An act granting an increase of pension to George K. Green;

S. 586. An act granting an increase of pension to Corydon W. Sanborn;

S. 663. An act granting a pension to Joseph Ellmore;

S. 668. An act granting an increase of pension to John C. Rassbach;

S. 722. An act granting an increase of pension to Robert Carney;

S. 772. An act granting a pension to Annis Bailey;

S. 911. An act granting an increase of pension to Julius A. Davis;

S. 1174. An act granting an increase of pension to Edwin Morgan;

S. 1224. An act granting an increase of pension to William A. Bowles;

S. 1256. An act granting an increase of pension to Lewis D. Moore;

S. 1264. An act granting an increase of pension to Joseph Shiney;

S. 1428. An act granting an increase of pension to Daniel Lamprey;
S. 1443. An act granting an increase of pension to Hiram C. Clark;
S. 1510. An act granting an increase of pension to Byron K. May;
S. 1570. An act granting an increase of pension to Lydia A. Johnson;
S. 1664. An act granting an increase of pension to Elizabeth L. W. Bailey;
S. 1849. An act granting an increase of pension to David T. Pettie;
S. 1855. An act granting an increase of pension to James J. Brown;
S. 1865. An act granting an increase of pension to Solomon H. Baker;
S. 2008. An act granting a pension to Virginia A. McKnight;
S. 2032. An act granting an increase of pension to Thomas F. Stevens;
S. 2179. An act granting an increase of pension to G. Annie Gregg;
S. 2429. An act granting an increase of pension to James Devor;
S. 2619. An act granting an increase of pension to William H. Willie;
S. 2728. An act granting an increase of pension to Louisa Carr;
S. 2791. An act granting an increase of pension to John Lindt; and
S. 2852. An act granting a pension to Bridget Manahan.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Local Division No. 90, Brotherhood of Railway Conductors, of Judson, Minn., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

Mr. KNOX presented memorials of Lodge No. 561, Brotherhood of Firemen, of Pottsville; Lodge No. 541, Brotherhood of Trainmen, of Shamokin; Lodge No. 63, Brotherhood of Trainmen, of Youngwood; Lodge No. 552, Brotherhood of Firemen, of Tyrone; Lodge No. 11, Brotherhood of Car Inspectors, Car Builders, and Railway Mechanics of America, of Philadelphia; Order of Railway Telegraphers, of Lewistown; sundry employees of the Pennsylvania Railroad, of Pittsburg, all in the State of Pennsylvania, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. KEAN presented the petition of John R. Paddock, of East Orange, N. J., and the petition of George W. Smith and sundry other citizens of Orange, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. SCOTT presented a petition of sundry citizens of New Cumberland, W. Va., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

FRENCH MERCHANT MARINE.

Mr. GALLINGER. Under date of June 9 the Acting Secretary of the Treasury forwarded to me a translation of a recent law concerning the French merchant marine, promulgated by the President of the French Republic April 19, 1906, which was prepared in the Office of Naval Intelligence of the Navy Department. It is a brief document and is of such general interest that I venture to ask that it be printed as a Senate document.

The VICE-PRESIDENT. The Chair hears no objection, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 5446) for the relief of John Hudgins, reported it without amendment, and submitted a report thereon.

Mr. DILLINGHAM, from the Committee on the Judiciary, to whom was referred the bill (H. R. 18713) to validate certain certificates of naturalization, reported it with amendments, and submitted a report thereon.

Mr. CRANE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 6075) to regulate the salaries of letter carriers in free-delivery offices, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Finance, to whom was referred the bill (H. R. 15071) to provide means for the sale of internal-revenue stamps in the island of Porto Rico, reported it without amendment.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 2781) for the relief of Philip Loney, reported it without amendment, and submitted a report thereon.

Mr. FRAZIER, from the Committee on Claims, to whom was referred the bill (H. R. 3997) for the relief of John A. Meroney, reported it without amendment, and submitted a report thereon.

Mr. TILLMAN, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 14975) amending chapter 863, volume 31, of the Statutes at Large, reported it without amendment, and submitted a report thereon.

Mr. MALLORY, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 15140) to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes, reported it without amendment, and submitted a report thereon.

REAPPOINTMENT OF MIDSHIPMEN.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 6109) authorizing the reappointment of midshipmen recently dismissed from the Naval Academy for hazing, to report it favorably without amendment. I should like to have the bill passed now.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized and empowered to reappoint such of the midshipmen at the Naval Academy recently dismissed for hazing as, in his judgment, may be so reappointed without prejudice to the interests of the naval service: *Provided*, That each midshipman so reappointed shall be assigned to the class below that of which he was a member when dismissed, and shall take rank therein according to the multiple formerly earned by him while a member of the class which he shall enter under such reappointment: *And provided further*, That midshipmen so reappointed shall be treated as additional to the number of midshipmen now authorized by law.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill just read?

Mr. SCOTT. Mr. President, I should like to have the Senator from Maine give us some explanation of the bill. It looks to me as though if we pass this bill we might as well give up trying to control young men at Annapolis, and that we would turn the academy over to their tender mercies.

Mr. HALE. It was found, as a result of the examinations at Annapolis, that there were several cases of technical disobedience, which, under the then existing law, could only be punished by expulsion. There were a number that appealed to everyone as being cases where the punishment was too extreme, and steps were taken and investigations made by the Secretary of the Navy in reference to those cases. At first a bill was introduced naming the midshipmen who might be restored, because of the punishment being so far beyond the technical and small offense.

The committee on examination, after conference with the Department and on the suggestion of the President, concluded to report this bill, leaving the entire subject-matter to the Secretary and the President, or formally to the President. So, instead of its being fought out here on a bill naming persons, the whole matter is sent for examination to the Department, or to the President.

It will clearly apply only—and in that we may trust the executive officers—to cases where the Senator from West Virginia and I would agree that the extreme punishment of expulsion from the academy and from a chosen course upon which the young men have entered should not be enforced.

I have no doubt it is a wise measure, and it does not, as the result will be seen hereafter, in any way tend to encourage hazing.

Mr. SCOTT. I know the Senator from Maine is very careful, and no doubt he has given this subject very careful consideration in committee. During the trial of the young men and since the court-martial proceedings have been made public, in conversation with officers of the Naval Academy, they have told me that the fact that we restored some of the young men a year or two ago who had been dismissed for hazing had been the cause of the revolt, as you might call it, or the determination on the part of these youngsters to disregard the rules of the academy; that we, as legislators, were responsible for the conduct and the violation of the rules of the Naval Academy, whereby these young men took upon themselves to be commanding officers and to prescribe rules that the younger members entering the academy should be expected to live up to.

Now, Mr. President, are we again going to restore these young

men to their classes in the Naval Academy and then again have the spectacle of ordering a court-martial to try the same young men, or others who will be encouraged by the fact that they can disobey the laws laid down to them for the government of the academy, with the expectation on their part, judging the future by the past, that they will say to themselves, "We can be restored; we have influence enough to restore us again to the academy."

Mr. President, I certainly am at this moment opposed to the passage of the bill, unless the Senator from Maine, or others, can convince me that I am wrong. I do not want to lay a straw in the way of a young man who is deservingly entitled to be restored, but I have no doubt some of these young men should be kept out.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PENROSE. I should like to interrogate the Senator from Maine. I was unable to attend the committee meeting at which the bill was acted on. I should like to ask whether it is simply retroactive or whether it refers also to cases occurring in the future?

Mr. HALE. It applies only to the present conditions.

Let me state further, which perhaps I in my desire not to take up too much of the time of the Senate ought to have said before, that I agree with the Senator from West Virginia that the restoration by act of Congress of the cadets a year or more ago was a mistake. That was a pronounced case of bad hazing. I did not vote for it and it got through only by great opportunity.

In this case it was found in the trial of these midshipmen that such was the fixed and ironclad statute that for the slightest offense all had to be expelled. Everybody realized that there ought to be some elasticity; and since then we have passed an act to remedy that and allow graded punishment, so that for slight, merely nominal, hazing the punishment of demerits and lowering of rank can be resorted to.

Mr. MALLORY. Will the Senator from Maine allow me to make a suggestion to him? I suggest to the Senator that when these men were convicted there was no accepted definition of hazing at the Annapolis Academy, and anything that might possibly be construed into hazing was so construed necessarily.

Mr. HALE. All of that was attended to by the statute which we passed fixing what hazing would mean, and making the punishment elastic.

This bill, I will say to the Senator from Pennsylvania, is intended only to apply and will only apply to the cases where under the law we have enacted these midshipmen would not have been expelled. The extreme cases—or real, hard, unjustifiable, brutal, cruel hazing—would never come under this act. It will be made to apply only to the midshipmen who, if the law had been then as now would not have been expelled. That is the only object of the bill.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from North Dakota?

Mr. HALE. I yield to the Senator.

Mr. McCUMBER. I wish to ask the Senator, first, how many will be affected by this measure, and, secondly, whether these persons were convicted of what we understand to be hazing?

Mr. HALE. They were convicted of what at that time was hazing; but in all these cases that will be treated by the Executive the offense was very slight; still it was hazing. There are, I think, seven or eight of them in all, in different parts of the country, and the committee has thought it better that it be dealt with administratively rather than that we should select by name, as was originally proposed, those to whom the benefits of this statute should apply.

Mr. McCUMBER. And I understand also that by the provisions of the bill we increase the number this year—that is, we add to the class; we make it greater for the purpose of securing places for these boys who have been punished by being expelled from the school; and it applies only to them.

Mr. HALE. It applies only to them, and they are put on as extra numbers.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADVANCEMENT OF NAVAL OFFICERS.

Mr. PERKINS. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 17663) to extend the provisions of the act of March 3, 1901, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections 1506 and 1605 for eminent and conspicuous conduct in battle, to report it favorably without amendment. I call the attention of the senior Senator from Louisiana to the bill.

Mr. McENERY. I ask unanimous consent for the present consideration of the bill just reported by the Senator from California.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that officers of the Navy and Marine Corps advanced in rank for eminent and conspicuous conduct in battle or extraordinary heroism, and who since such advancement have been or may hereafter be promoted, shall from the date of the passage of this act be carried as additional numbers of each grade in which they serve.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UINTAH RESERVATION LAND FOR MISSIONARY PURPOSES.

Mr. SUTHERLAND. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 6375) granting lands in the former Uintah Indian Reservation to the corporation of the Episcopal Church in Utah, to report it favorably without amendment, and I submit a report thereon. I ask unanimous consent for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN TENNESSEE.

Mr. CULBERSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 19150) to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes, to report it favorably without amendment.

Mr. FRAZIER. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Texas.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRAZIER. I move that the bill (S. 6149) to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes, be indefinitely postponed.

The motion was agreed to.

MAIL AND PACK TRAIL IN ALASKA.

Mr. NELSON. I am directed by the Committee on Territories, to whom was referred the bill (H. R. 17510) to provide for a reconnoissance and preliminary survey of a land route for a mail and pack trail from the navigable waters of the Tanana River to the Seward Peninsula in Alaska, and for other purposes, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTERNAL-REVENUE RECORDS.

Mr. HANSBROUGH. From the Committee on Finance, I report back favorably, with an amendment, the bill (H. R. 14968) to amend the internal-revenue laws so as to provide for publicity of its records. It is a very short bill, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Finance was, on page 1, line 12, to strike out the word "person" and insert "prosecuting officer of any State, county, or municipality;" so as to make the bill read:

Be it enacted, etc., That chapter 3 of the Revised Statutes of the United States be, and hereby is, amended in section 3240, so as to read:

"SEC. 3240. Each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid, and upon application of any prosecuting officer of any State, county, or municipality he shall furnish a certified copy thereof, as of a public record, for which a fee of $1 for each 100 words or fraction thereof in the copy or copies so requested may be charged."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to amend the internal revenue laws so as to provide for certified copies of certain records."

JAMES N. ROBINSON AND SALLY B. M'COMB.

Mr. HEMENWAY. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 10610) for the relief of James N. Robinson and Sallie B. McComb, to report it favorably with an amendment, and I submit a report thereon. I ask for the immediate consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. HEMENWAY. There is an amendment of the Committee on Claims, striking out "five thousand dollars" and inserting "twenty-five hundred dollars."

Mr. CULBERSON. I should like to ask the Senator in charge of the bill if this is a unanimous report from the committee?

Mr. HEMENWAY. I am directed by the Committee on Claims to report the bill.

Mr. CULBERSON. Is it a unanimous report?

Mr. HEMENWAY. It was not a unanimous report. There were two votes in the Committee on Claims against the report.

Mr. CULBERSON. Let the bill go over until to-morrow.

The VICE-PRESIDENT. Under objection, the bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. FLINT introduced a bill (S. 6443) authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, California, to the city of Los Angeles, Cal.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WARNER introduced a bill (S. 6444) to authorize the Wichita Mountain and Orient Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENROSE introduced a bill (S. 6445) to correct the military record of George W. Parker; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6446) granting an increase of pension to Gideon Howell, alias Judson Howell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 6447) to authorize the appointment of Acting Asst. Surg. George R. Plummer, United States Navy, as an assistant surgeon in the United States Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. GALLINGER introduced a bill (S. 6448) to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. STONE submitted an amendment proposing to appropriate $50,000 for the repairing and completion of the public building at St. Joseph, Mo., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. ANKENY submitted an amendment proposing to appropriate $30,000 for the purchase of a tract of land at American Lake, near Tacoma, Wash., to be used as a target range, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate $3,705 to enable the Secretary of the Interior to return twenty-two pupils heretofore in the United States Indian School, Carlisle, Pa., to their respective homes in Alaska, etc., intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying memorandum, was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment relative to the Eskimos, Indians, Aleuts, and other natives of Alaska, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS—JACOB A. WARD.

On motion of Mr. SUTHERLAND, it was

Ordered, That the papers in the case of Jacob A. Ward be withdrawn from the files of the Senate, no adverse report having been made on the bill (S. 3268).

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

H. R. 130. An act authorizing the extension of Kalorama road NW.;

H. R. 4464. An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes;

H. R. 12086. An act to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company;"

H. R. 14511. An act amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia," approved April 22, 1904;

H. R. 14806. An act to amend the Code of Law for the District of Columbia, relating to interest and usury;

H. R. 16483. An act requiring certain places of business in the District of Columbia to be closed on Sunday;

H. R. 16868. An act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, and typhoid fever in the District of Columbia;

H. R. 17452. An act to provide for payment of damages on account of changes in grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company;

H. R. 18716. An act to extend the authority of the Commissioners of the District of Columbia over all street-railway companies operating in the streets of the city of Washington; and

H. R. 19682. An act authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes.

H. R. 12517. An act granting a pension to William Bays was read twice by its title, and referred to the Committee on Pensions.

ITEMS IN CONFERENCE REPORTS.

Mr. GALLINGER. Mr. President, I was absent from the Chamber on yesterday when the Senator from Texas [Mr. BAILEY] made a point of order against an item in the conference report on the Indian appropriation bill.

I did not hear the debate, but I have read it with great interest in the CONGRESSIONAL RECORD of this morning. I notice that in that debate the Senator from Massachusetts [Mr. LODGE], a member of the Committee on Rules, a very wise parliamentarian, quoted from a decision rendered by the late Vice-President Hobart to sustain his contention that a point of order can properly lie in the Senate against an item in a conference report on an appropriation bill.

I remember, Mr. President, the very interesting discussion which took place at that time, the date being July 21, 1897, and I recall very clearly the decision of Vice-President Hobart on that question. I was surprised to note in the RECORD that the Senator from Massachusetts contended that the decision of Vice-President Hobart was in favor of the contention that a point of order would lie against an item in the conference report on an appropriation bill, my recollection being to the contrary.

I have taken the liberty, Mr. President, to go back to the RECORD, and I have very carefully read and reread the decision of the late Vice-President Hobart made at that time. I want to say that it confirms absolutely the view I then held and since have held that in this body a point of order does not lie against an item in a conference report.

The decision of the late Vice-President is not very lengthy, and if Senators do not object I should like to have it read by the Secretary. There are two sentences in it, however, that it seems to me decide the contention absolutely in favor of those

who hold that a point of order would not lie. He said, for instance:

Only the action of the Senate upon the vote taken upon concurrence has that power.

And again:

The Chair decides that the point is not well taken.

That would seem to settle it. Perhaps it is just as well that I shall ask that the entire opinion as rendered by the late Vice-President be printed in the RECORD without reading. I have marked it in the bound volume.

The VICE-PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

The VICE-PRESIDENT. The Chair has not the opportunity to look up any of the precedents that may exist on similar points of order made heretofore to the relevancy of items like the one in question contained in a conference report. The present occupant of the chair feels that it would be an unwelcome task if he is obliged to decide as to whether any or every amendment made in conference is germane to the original bill, or germane to the amendments made in either House or both Houses, or whether a conference report as submitted to the Senate contains new and improper or irrelevant matter.

The rules of the Senate certainly do not provide for such action, and the Chair calls the attention of the Senator from Arkansas and of the Senate to the fact that this conference report has been adopted by one House in this perfected shape, and that this report is now submitted here as a whole for parliamentary discussion and decision in the form of concurrence or disagreement.

All arbitrary ruling on a point of order like this after the bill has been fully passed by one House and approved by it can not be within the power of any presiding officer.

He can not decide while such a report is being discussed and during the progress of its presentation that matter has been inserted which is new or not relevant, and thus decide what should or should not have been agreed upon. It is not the province of the Chair.

All such questions are such as should go before the Senate when it votes upon the adoption or rejection of the report, which is the only competent and parliamentary action to be taken.

If the Senate itself can not amend this report, and it admittedly can not, the Chair can not do more in that respect than the Senate itself. The Senator from Arkansas asks the Chair by its decision to do that which the Senate itself can not do, to amend this conference report. It is not possible to amend by such a method. The Senate must decide for itself as to the competency of this report in all particulars and the relevancy of all amendments.

No rule or practice permits the presiding officer to annul the action of a conference committee, and thus indirectly to amend it. The Chair has not the power to thus negative the action of a free conference and send a passed bill back to a new conference without a vote. Only the action of the Senate upon the vote taken upon concurrence has that power.

The effect of such a decision, if made, can only be surmised. Where would the bill go if thus amended? Not to the conference committee, for that has been dissolved upon the making of its report to the other House and acceptance there. Not to the Senate conferees, for they have concluded their action also. Possibly to the Senate Finance Committee, where the bill started many months ago. Such a decision, therefore, that paragraph No. 396, contained in the conference report, contains new matter or new legislation, or is not germane or relevant, might be tantamount to indefinite postponement of the bill. Surely the Chair has no such power, and if exercised would be arbitrary in the highest degree.

The Chair decides that the point is not well taken. (CONGRESSIONAL RECORD, 55th Cong., 1st sess., vol. 30, pt. 3, pp. 2786, 2787.)

Mr. BAILEY. Mr. President, all the answer I desire to make is that if, under the rules of the Senate, a point of order can not be made and considered against the action of a conference committee exceeding its powers, then the rules of the Senate need a prompt amendment, and I shall introduce at once an amendment providing that the President of the Senate himself shall decide it, subject, of course, to appeal to the Senate.

I will add that it seems to me the better practice would be to make the point of order and have it disposed of. To spend two or three days discussing every provision in a conference report and finally have the Senate reject it, because the conference committee has exceeded its power, seems to me worse than a waste of time.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1160) granting an increase of pension to Eliza Swords.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18198) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GILLETT of Massachusetts, Mr. GARDNER of Michigan, and Mr. BURLESON managers at the conference on the part of the House.

The message also announced that the House further insists on its disagreement to the amendments of the Senate to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEPBURN, Mr. SHERMAN, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

COMMITTEE SERVICE.

Mr. BAILEY. I ask the unanimous consent of the Senate to be relieved from further service upon the Committee on Canadian Relations.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none; and the Senator from Texas is excused from further service on the committee.

Mr. BLACKBURN. Mr. President, I ask the adoption of the following order providing for the filling of vacancies in certain of the committees of the Senate:

Ordered, That Mr. WHYTE be appointed to fill the vacancies in the Committee on Irrigation, the Committee on the District of Columbia, the Committee on the Library, the Committee on Printing, and the Committee on Canadian Relations.

The VICE-PRESIDENT. Without objection, the order will be agreed to.

HEIRS OF JOHN C. RIVES.

Mr. GALLINGER. I ask that the message from the House of Representatives in reference to Senate bill 4376 be now laid before the Senate.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4376) to quitclaim all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased; which were to strike out all after the enacting clause and insert:

That the United States hereby relinquishes all the right, title, and interest it may have acquired by the will of John C. Rives, deceased, in and to a certain lot of land lying partly in the District of Columbia and partly in the State of Maryland, consisting of about 52 acres, more or less, as described in the will of said testator.

And to amend the title so as to read:

A bill to relinquish all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland, formerly belonging to John C. Rives, deceased.

Mr. GALLINGER. I move that the Senate agree to the amendments made by the House of Representatives.

The motion was agreed to.

IMPROVEMENT OF CHANNELS ON NEW JERSEY SEACOAST.

Mr. DRYDEN. I ask unanimous consent for the present consideration of the bill (S. 6167) to improve the channels along the New Jersey seacoast.

The VICE-PRESIDENT. Is there objection to the consideration of the bill asked for by the Senator from New Jersey?

Mr. MALLORY. I should like to hear that bill read, Mr. President.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Commerce with amendments. The first amendment was, on page 2, section 1, line 15, after the word "improvements," to insert:

And provided further, That this act shall not be construed as affecting in any way the jurisdiction and control of the Federal Government over any waters that may be improved in pursuance of the provisions thereof, nor as exempting such waters from the operation of the laws heretofore or hereafter enacted by Congress for the preservation and protection of navigable waters.

The amendment was agreed to.

The next amendment was, on page 2, after line 21, to insert as a new section the following:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL—CONFERENCE REPORT.

Mr. BEVERIDGE. Mr. President, I desire to withdraw the conference report on the statehood bill, which was submitted to the Senate a few days ago.

Mr. BLACKBURN. Mr. President, I object. I raise the point that a conference report is the property of the two Houses and can not be withdrawn unless it be done by unanimous consent, nor can it be recommitted.

Mr. President, the practice of the Senate in years gone by was to permit the recommittal of a conference report, but the rule of the House of Representatives prohibited such action. In deference to that rule of the House the practice of the Senate was changed, and during all these years it has never been the practice of the Senate to permit the recommittal of a conference report, much less its withdrawal, without unanimous consent. Upon this proposition I think there can be but one opinion.

Mr. FORAKER. Mr. President, I understand that this question has been considered in report No. 1545, made to the Senate in the Fifty-seventh Congress, first session, with the result that it was there held and determined, as I understand, that a conference report could not be withdrawn except by leave, and the authorities are stated in that report. That is a question that I do not care to discuss, but I do not want any erroneous ruling made upon it.

It seems to be conceded that when conferees have made their report their office is at an end; the conference report is before the Senate, and it is also before the House, and the conferees have no further control over their report, except only by permission of the two bodies.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Montana?

Mr. FORAKER. Certainly.

Mr. CARTER. I think the Senator from Ohio will find upon consulting the authorities to which he refers that in the case cited the conference report was first made to the House of Representatives. The report in that case having been agreed to by the Senate and then made to the House, presented a question essentially different from the question now under consideration.

I think the rule is clear that where the conference report was first made to the House the right to withdraw the report from the Senate would be questionable; but in the case here presented the conference report was first made to the Senate and the report has not been made to the House at all in a parliamentary sense. Under the rule of the House the conference report has only been printed in the RECORD for the information of its Members. The reason for the rule permitting the conferees on the part of the Senate to withdraw a report under these conditions is, I think, very clear.

Mr. BLACKBURN. Does the Senator from Montana assume that there is a rule allowing the withdrawal of such a report without unanimous consent?

Mr. CARTER. I think the Senator will find that the uniform practice of the Senate, independent of any rule, sustains the right of the conferees who make the report in the first instance to the Senate to withdraw that report at any time before the Senate takes action upon it.

Mr. BLACKBURN. Then I understand that the Senator from Montana does not contend that under the rule the right of withdrawal exists?

Mr. CARTER. I think the right exists under general parliamentary practice in the Senate.

Mr. BLACKBURN. But under no rule?

Mr. CARTER. I do not cite a rule; I cite the practice.

Mr. BLACKBURN. I insist that there is no such rule, and I insist further, with the Senator's permission, that the practice of the Senate does not sustain his contention as to the right of withdrawal without unanimous consent, and that that practice was abandoned in deference to the rule of the House of Representatives, which prohibited it upon the ground that a conference report was the joint property of the two Houses and that it became the joint property of the two Houses immediately upon the report of the conference committee, and requires concurrent action.

Mr. CARTER. With reference to the practice of the Senate, I beg to cite the Senator's attention to the holding of the Chair in the Senate on the 10th of April, in the case of the conference report on the bill relating to the Five Civilized Tribes. If I recall, the Senator from South Carolina [Mr. TILLMAN] upon that occasion questioned the right of the Senator from Minnesota [Mr. CLAPP] to have withdrawn the conference report, which withdrawal occurred on the 3d of April. The Chair held, upon the question thus raised by the Senator from South Carolina, that it was the right of the conferees upon the part of the Senate to withdraw a report at any time before the Senate took action upon it.

I think there is reason for that rule, Mr. President. The conferees might be conscious the moment after making a report that an error, typographical or otherwise, had been made, an error appearing upon the face of the report itself.

Mr. BLACKBURN. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Kentucky?

Mr. CARTER. Certainly.

Mr. BLACKBURN. In the case the Senator cites, where the Senator from South Carolina questioned the withdrawal of a conference report at the request of the Senator from Minnesota, was not that done by unanimous consent? Was there an objection offered; and was not the request granted unanimously? That is all that I am contending for now—that it requires unanimous consent to withdraw a piece of common property that belongs to both Houses; and it can not be withdrawn from the possession of the Senate without unanimous consent.

Mr. LODGE. Will the Senator from Montana allow me a moment?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Massachusetts?

Mr. CARTER. I yield to the Senator.

Mr. LODGE. My own impression, Mr. President, was that the view taken by the Senator from Kentucky [Mr. BLACKBURN] was the proper interpretation of the statement made in the Manual of Law and Practice in regard to conferences and conference reports, that such withdrawal required in the Senate and in the House unanimous consent; but it is worded:

59. A conference report may be withdrawn in the Senate on leave, and in the House by unanimous consent.

I have looked at the authorities to make sure as to just what could be done, and I find that the phrase "on leave" means by vote of the Senate.

In the Thirty-second Congress, second session, January 28, 1853, on page 141 of the Journal of the Senate, I find this:

On motion by Mr. Hamlin,

Ordered, That the committee of conference on the part of the Senate have leave to withdraw their report.

Of course it can be done by unanimous consent; but it is perfectly obvious from the single precedent which I cite that leave to withdraw a conference report can be granted on motion.

Mr. BACON. By a majority vote?

Mr. CARTER. Mr. President, the principle upon which the rule rests is certainly modified in the case of the presentation of a conference report to the House of Representatives in the first instance, the House obtaining jurisdiction over the report.

The Senator from Kentucky suggests now that this conference report is the joint property of both bodies. That, I take it, is a statement subject to some qualification. No report has been made to the House. The original papers are wholly and exclusively within the jurisdiction of the Senate. A report has been made to this body by the conferees. Upon that report the Senate has taken no action, and I assume, until some action is taken by the Senate, the conferees, in the absence of any relation of the House to the matter, may withdraw the report for the correction of errors or the changing of their judgment with reference to the subject-matter.

Mr. FORAKER. Mr. President, I only want to say a word or two. I have no interest in this matter except only to have a correct ruling made. It is a question of parliamentary law that has never before arisen since I have been here in connection with anything I have had especially in hand, and, therefore, it is a new question to me. I have not any doubt, however, from the authorities cited, but that the conference report may be withdrawn by the conferees upon a majority vote granting leave to make such withdrawal.

Of course I do not know just what may result from the withdrawal of this report, but if the conferees for a good cause see fit to ask the privilege of withdrawing the report, I have no objection, so far as I am personally concerned, to that leave being granted. I think, however, it ought to be done upon motion, by leave being granted upon a majority vote. I suggest to the Senator from Indiana that he should make his application for leave to withdraw his report in the form of a motion to grant leave to withdraw it.

Mr. BEVERIDGE. Mr. President, in order to avoid any controversy, which I did not anticipate would arise upon my request to withdraw the report, I move that leave be granted to withdraw the report.

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana that leave be granted to withdraw the report.

The motion was agreed to.

Mr. BEVERIDGE. I now withdraw the report.

ENTRY OF COAL LANDS IN ALASKA.

Mr. TELLER. Mr. President, on yesterday I made objection to the consideration of House bill 17415. It was at the close of the day, and I did not understand the contents of the bill. I have since examined the bill and find it unobjectionable. Therefore I desire to withdraw my objection.

Mr. NELSON. I ask unanimous consent that the bill may have present consideration. It was read yesterday.

The VICE-PRESIDENT. The Senator from Colorado having withdrawn his objection to it, the Senator from Minnesota asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 17415) to authorize the assignees of coal-land locations to make entry under the coal-land laws applicable to Alaska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That section 1 of the act approved April 28, 1904, entitled "An act to amend an act entitled 'An act to extend the coal-land laws to the district of Alaska,'" approved June 6, 1900, is hereby amended so as to read as follows: "That any person or association of persons, or their assigns, qualified to make entry under the coal-land laws of the United States, shall, upon application to the register of the proper land office, have the right to enter, in rectangular tracts containing 40, 80, 160, 320, or 640 acres, upon the condition hereinafter prescribed, with north and south boundary lines run according to the true meridian, by marking the four corners thereof with permanent monuments, so that the boundaries thereof may be easily traced, any quantity of vacant coal lands of the United States, in the district of Alaska, not otherwise appropriated or reserved by competent authority, not exceeding 160 acres to such individual person or 320 acres to such association, upon payment to the receiver of not less than $10 per acre for such lands where the same shall be situated more than 15 miles from any completed railroad, and not less than $20 per acre for such lands as shall be within 15 miles of such road: *Provided*, That any person or association of persons severally qualified, as above provided, or their assigns, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference right of entry of the mines so opened and improved, for the quantity of land herein prescribed, and any association of not less than four persons, severally qualified as above, or their assigns, who shall have expended not less than $5,000 in working and improving any such mine or mines, may enter not exceeding 640 acres, including such mining improvements: *And provided further*, That where, prior to the passage of this act, coal lands in Alaska have been in good faith located by qualified persons or associations of persons for the quantity prescribed by sections 2347 and 2348 of the Revised Statutes of the United States, extended to Alaska by the act of June 6, 1900, they or their assigns may, upon compliance with the other provisions of the coal-land laws applicable to Alaska, hold and enter the tracts so located to the extent allowed by said sections 2347 and 2348: *And provided further*, That all such locators shall within one year from the passage of this act, or within one year from making such location (except where this has already been done) file for record in the recording district and with the register and receiver of the land district in which the lands are located or situated, a notice containing the name or names of the locator or locators, the date of the location, the description of the lands, and a reference to such natural objects or permanent monuments as will readily identify the same."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. NELSON. The title should be amended.

The title was amended so as to read: "An act to amend an act approved April 28, 1904, entitled 'An act to amend an act entitled "An act to extend the coal-land laws to the district of Alaska,"' approved June 6, 1900."

Mr. SPOONER subsequently said: Mr. President, I enter a motion to reconsider the vote by which the bill extending the coal-land laws of the United States to Alaska was passed. I do not wish to ask for a vote on my motion now.

The VICE-PRESIDENT. The motion to reconsider will be entered.

OSAGE INDIANS IN OKLAHOMA TERRITORY.

Mr. LONG. I ask unanimous consent for the present consideration of the bill (H. R. 15333) for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes.

This is a House bill. It is somewhat lengthy and there are several committee amendments. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for committee amendments.

Mr. SPOONER. What is the bill?

Mr. LONG. It is a bill providing for the division of the lands or the allotment of the lands of the Osage tribe of Indians in Oklahoma. There are a few committee amendments.

Mr. SPOONER. Has it been called up by unanimous consent?

Mr. LONG. It has been called up by unanimous consent.

Mr. SPOONER. It is a very elaborate bill, Mr. President, and I think it ought not to be passed without some opportunity being given to look into it.

Mr. LONG. I think there can be no objection to the bill.

Mr. SPOONER. I should like to read it. I therefore object to its present consideration.

The VICE-PRESIDENT. Objection is made.

PREVENTION OF CRUELTY TO ANIMALS IN TRANSIT.

Mr. KEAN. Now, Mr. President, let us have the regular order.

Mr. WARREN. I ask unanimous consent for the present consideration of Senate bill 3413.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 3413) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the Distict of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes.

Mr. KEAN. Let us have the regular order, Mr. President.

The VICE-PRESIDENT. The Senator from New Jersey demands the regular order; which is the Calendar under Rule VIII.

Mr. WARREN. I move that the Senate proceed to the consideration of the bill for which I asked consideration.

The VICE-PRESIDENT. The question is on the motion of the Senator from Wyoming that the Senate proceed to the consideration of the bill the title of which has just been stated. [Putting the question.] By the sound, the noes have it.

Mr. WARREN. I ask for the yeas and nays.

Mr. BACON. I should like to make a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Georgia will state his parliamentary inquiry.

Mr. BACON. In the absence of this proposed action by the Senate, what would be the regular order?

The VICE-PRESIDENT. The Calendar under Rule VIII. The Senator from New Jersey [Mr. KEAN] demands the regular order, and the Senator from Wyoming [Mr. WARREN] asks for the yeas and nays on his motion that the Senate proceed to the consideration of the bill the title of which has been read. Is there a second to the demand for the yeas and nays?

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I have a general pair with the senior Senator from Iowa [Mr. ALLISON], and therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 54, nays 6, as follows:

YEAS—54.

Ankeny	Cullom	Kittredge	Piles
Bacon	Daniel	Knox	Rayner
Bailey	Dillingham	La Follette	Simmons
Blackburn	Dolliver	Long	Smoot
Brandegee	Dryden	McCumber	Stone
Bulkeley	Dubois	Mallory	Sutherland
Burkett	Flint	Martin	Taliaferro
Burnham	Foraker	Money	Teller
Burrows	Frazier	Nelson	Warner
Carter	Fulton	Nixon	Warren
Clark, Mont.	Gearin	Overman	Wetmore
Clarke, Ark.	Hansbrough	Patterson	Whyte
Clay	Hemenway	Penrose	
Culberson	Hopkins	Perkins	

NAYS—6.

Gallinger	Latimer	Scott	Spooner
Kean	Lodge		

NOT VOTING—28.

Aldrich	Clapp	Frye	Millard
Alger	Clark, Wyo.	Gamble	Morgan
Allee	Crane	Hale	Newlands
Allison	Depew	Heyburn	Pettus
Berry	Dick	McCreary	Platt
Beveridge	Elkins	McEnery	Proctor
Carmack	Foster	McLaurin	Tillman

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3413) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes, which had been reported from the Committee on Agriculture and Forestry with amendments.

The VICE-PRESIDENT. The bill will be read.

The Secretary proceeded to read the bill.

The VICE-PRESIDENT. The bill was read in full on the 14th of March last.

Mr. KEAN. Let the amendments be stated.

The first amendment of the Committee on Agriculture and Forestry was, on page 2, line 10, after the word "hours," to strike out "except upon the written request of the owner or person in custody for that particular shipment, which written request shall be separate and apart from any printed bill of lading or other railroad form, when the time of confinement may be extended to thirty-six hours;" and in line 18, after the word "accidental," to insert "or unavoidable;" so as to read:

That no railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, whose road forms any part of a line of road over which cattle, sheep, swine, or other animals shall be conveyed from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, shall confine the same in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours without unloading the same in a humane manner, into properly equipped pens for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented by storm or by other accidental or unavoidable causes which can not be anticipated or avoided by the exercise of due diligence and foresight.

The amendment was agreed to.

The next amendment was, on page 2, after the word "foresight," to insert:

Provided, That upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading, or other railroad form, the time of confinement may be extended to thirty-six hours.

Mr. LODGE. Mr. President, this is the amendment which, of course, is the main purpose or one of the main purposes of the bill—to extend the time in which cattle may be kept without rest or food or water, on the written request of the owner, from twenty-eight consecutive hours, according to the present law, as I understand, to thirty-six hours. It is done, I understand, to prevent cruelty to animals. Of course the original law was passed with that end in view. I have been unable to see why animals should be better off by being confined thirty-six hours without rest, food, or water than by being confined only twenty-eight. I can understand readily it would be more convenient to the shippers. It would be more convenient to the shippers if there was no legislation whatever.

The proposition that the present law sometimes obliges the shippers to unload cattle at inconvenient hours, it seems to me, does not go very far, because there is no more reason why thirty-six hours should expire at a convenient moment than that twenty-eight hours should expire at a convenient moment. It appears to me on the face of it that it is simply adding eight hours to the time in which live stock may be confined without rest or food or water. I can not, not being very familiar with it, conceive that it is a good thing to keep cattle in the cars an increased length of time. It seems to me it must be bad for them. It must bring them in in a less good condition at the end of their journey, and it must cause them a good deal of additional suffering.

The only personal knowledge that I have as to the movement of animals by rail is in the transportation of horses, and I know how much horses suffer, even under the very best conditions, with men to give them water in the cars and to attend to them, even when they are sent by express. Especially in hot weather is the suffering very great.

It seems to me we ought to have a very good reason before we extend from twenty-eight to thirty-six hours the time during which cattle may be kept in cars, as expressed on the third page of the bill, without rest, food, or water. I have not yet heard such an explanation, and I should be extremely glad to hear one that would convince me that it is cruel to keep animals in cars twenty-eight hours, and that it will tend to prevent cruelty to keep them in such cars thirty-six hours, which the reading of the title of the bill seems to imply.

Mr. WARREN. Mr. President, replying to the statement of the Senator from Massachusetts [Mr. LODGE], I will acknowledge that thirty-six hours is too long to keep cattle penned in cars. Twenty-eight hours is too long, twenty hours is too long, eight hours is too long, eight minutes is too long, if it can be avoided.

Mr. SPOONER. Too long for what?

Mr. WARREN. To keep cattle penned up in cars. It is impossible to introduce beef cattle into cars without some injury. The matter of time depends upon circumstances. It would be inhumane to keep stock in cars thirty-six hours unnecessarily, but circumstances alter cases. Take the tame stock, such as are found in the eastern country, such as you can lead out, and they will immediately lie down and rest. No one thinks of their going as long as twenty-eight hours, unless some accident happens, without taking them out. But it is different when you are shipping live stock that will not rest except under the most favorable circumstances. The owner of the stock or his agent is taking it to market to be sold. It will be sold on the market according to its condition. The stock will show any suffering to which it has been submitted. If there has been any cruelty practiced in the loading or unloading or shipping of the stock it takes that much out of the pocket of the owner. Having gone to the limit of the time allowed by law, he often finds himself where there are no proper facilities for unloading or feeding. Under the present law, if enforced, a shipper must stop wherever he is at the end of twenty-eight hours and the shipment must stay just where it is. He can either let the stock stay in the car over night, or be taken out where there is no place to eat or drink or lie down.

When the present law was passed the cars were smaller. They did not have the air-brake attachments. They had no hay-racks. They had no facilities for water. As it is now, almost every car that is loaded with cattle has its racks filled with hay, so while we speak of cattle being without food and water, in the general sense, yet, as a matter of fact, they are provided in a way with food and water. You will notice in cattle cars passing over the road the racks in the top are filled with hay. You will notice down the sides the troughs, although drinking from the troughs is not a success. The droppings and other filth get into the troughs, and we can not water the stock very well. What the stock need is dry, large, roomy yards, where they can be unloaded in the daytime, and where there is clean, running water and where the cattle have room to lie down and rest.

But, I submit, to arbitrarily take the cattle out at the end of twenty-eight hours in the mud or storm, to take them out where there are no facilities, where they mill around and become bruised in getting in and out of the car, is to impose greater suffering than where they are loaded and become fairly contented and within a few hours of good accommodations, and then go on without unloading for a few hours more.

Mr. President, the live-stock men are not hoodlums. They are not cruel men. They have as much care for their live stock surely as those who do not understand cattle and have no financial or other interest in them. The live-stock men, if for no other reason, are compelled to ship their stock in the best way they can and the most humane way, because they thus get more money for them. There is not one-tenth of 1 per cent of the beef supply of this country but is sold upon the market in the way it appears at the end of the shipment when unloaded and placed in the sales yard. If the cattle have been taken out and bruised, as will be the case with wild western cattle taken out arbitrarily at some place where there is no rest, the cattle are in worse condition by far, though they may have traveled but twenty-eight hours, than if they had gone through in thirty or thirty-one or thirty-six hours.

In shipping live stock to market, stockmen invariably have two objects in view; one to get the stock to market in the least possible time, and the other to get it to market in the best physical condition possible.

This bill is not intended to permit cruelty, and the best proof of that is that the Agricultural Department has struggled with this proposition all through the last two years, and it strongly recommends the passage of this bill, giving reasons why. It is not only the matter of extending the time, but there are other points in the bill. For instance, the head of the legal bureau in the Department says, giving the reasons why the bill should pass:

1. For reasons hereinbefore stated, provide that the time during which animals may be confined in cars without food, rest, and water be extended from twenty-eight hours to thirty-six hours.

2. Provide that the cattle must be loaded and unloaded in a humane manner into properly equipped pens. This is a serious omission in the present law.

There is nothing in the present law to compel the unloading into properly equipped pens or which compels the railroad to provide them.

3. Provide that the owner or shipper of the animals may furnish the necessary food if he so desires. Many companies have charged most exorbitant fees for supplying food, and, as the law gives a lien on the stock for food furnished, shippers and owners of stock have been in many cases outrageously overcharged.

Mr. KEAN. Are those the recommendations of the Department?

Mr. WARREN. Those are the reasons given by the legal bureau why the bill should pass.

Mr. KEAN. Is there any provision for inspection and tagging the cattle?

Mr. WARREN. That is not contained in this measure.

Mr. KEAN. Do you not think it ought to be in the bill?

Mr. WARREN. I would rather discuss that on some other measure, I will say to the Senator from New Jersey.

5. The statute should be broadened to cover practically every common carrier of live stock, including a receiver of any company. The

Supreme Court has held, in the case of the United States *v.* Harris (177 U. S., 305), that existing law does not include the receiver of a railroad company. At the present time a certain railroad, now in the hands of a Federal receiver, is confining animals fifty and even sixty hours without food, rest, and water.

6. The statute should be amended to cover the transportation of animals from a State to a Territory or from a Territory to a State. The United States district court for the district of Kansas has held recently, in the case of the United States *v.* The St. Louis and San Francisco Railroad Company (an unreported case), that the law does not cover a shipment from a Territory to a State, the wording of the statute being, "* * * which transports live stock from one State to another."

Mr. ALDRICH. Do I understand that this measure permits cattle to be taken from one end of the country to the other without supervision?

Mr. WARREN. The Senator from Rhode Island evidently has something else in his mind.

Mr. ALDRICH. I have seen a great deal in the newspapers about supervision of cattle. I did not know whether these particular cattle would be permitted to go without supervision or whether there was some kind of supervision provided for.

Mr. WARREN. When we get into the zone of supervision and inspection, I dare say they will be properly supervised and inspected. The cattle here referred to are under the care of the owner of the stock or his agents, and we are seeking to prevent hardships to the stock by permitting the owner in cases where he can not make the landing in twenty-eight hours upon written request made to the transportation company to extend the time not beyond thirty-six hours.

Mr. SCOTT. Mr. President, I hope there are enough Senators here who are interested in dumb animals to prevent the passage of the pending bill. The Senator from Wyoming [Mr. WARREN] made a statement in regard to providing water and hay in the cars for cattle to eat and drink while in transit. I did not want to interrupt the Senator in his discourse, but I am sure, had I asked him the question, he would have been compelled to answer that he never saw cattle either drink or eat when they were in transit. He says the racks in the cars are full of hay. Of course they are, because the cattle never touch it.

Mr. WARREN. I do not want the Senator to proceed any further quoting me. I will say to him that I have at times for many years accompanied stock, and I have not only seen them eat hay, but invariably they eat it, much or little; very little, of course, while they are in motion. But they do eat. Those that are hungriest will eat while traveling. That is why the racks were put in and why they are filled up with hay.

Mr. SCOTT. I am glad indeed to know that the Senator has noticed in his experience with shipping stock that they will occasionally, when they become very hungry, eat a little bit of hay.

I am like the Senator from Massachusetts [Mr. LODGE]. I can not see that we are affording to these dumb creatures betterment of their condition when we extend the time from twenty-eight to thirty-six hours. We have now sufficient talk in the newspapers in regard to meats and the troubles we are having in that connection. I think any Senator who as a boy was raised upon a farm knows that cattle in the condition that they would be in after being kept on the cars for this extended time—in fact, for any length of time, as the Senator from Wyoming very well said—are unfit for food, and they ought not to be killed when they arrive at the point of destination nor until they have had time to be fed up and to get over the fevered condition in which they undoubtedly arrive at the point of destination.

Mr. President, I think that the best point we could make in a bill would be to insist that the cattle should be butchered at the point where they are bought and should be shipped east as dressed meat. Then of course you would avoid the cruelty to the live animals. But I could not sit still without voicing my sense of justice to these dumb animals, nor could I fail to enter my protest against extending the time in which cattle may be kept in cars.

Mr. WARREN. Mr. President, I intended to ask to have read a letter, written by an Iowa gentleman to the Senator from Iowa [Mr. ALLISON], which the Senator sent to me with the request that I present it.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

J. G. LINDON, LIVE STOCK AND LAND,
Clear Creek, Iowa, March 16, 1906.

Hon. WILLIAM B. ALLISON, *Washington, D. C.*

DEAR SIR: In behalf of the live-stock shippers and feeders, I earnestly beg of you to use your utmost power as a Member of Congress from this district. Your constituents, one and all, are deeply interested, both from a financial and a humane standpoint, in having the twenty-eight-hour law extended to a thirty-six-hour limit that live stock shall remain in cars while in transit during this period of time. The present law works a great injustice to all concerned. It frequently happens that a railroad, in order to avoid breaking this law, will unload stock in small, muddy stock yards, without any place to feed and water, the stock huddled together in small yards, fighting and bruising each other and causing very heavy losses, and perhaps this unloading place is not over two or three hours' run to the destination. It is impossible for the railroads to provide ample feeding places without constructing such feeding places at every station on their lines, and that would cause an enormous expense to the railroad and would not benefit the shipper. I wish to say that this twenty-eight-hour law is an old law and entirely out of line under the present methods of shipping live stock. The railroads have very wisely constructed large, roomy cars, supplied with feed racks, which every shipper uses and provides his stock with plenty of feed while they are in transit. The railroads have also put the minimum weight on all live stock, except, perhaps, sheep, at a low minimum weight, which makes it very comfortable for the stock. I have frequently seen one-half of my cattle in transit lying down in the cars, resting as easily as they would in their feed lots at home. I know of no thing which is so important to the live-stock feeders and shippers in the State of Iowa, and farther west, as that this twenty-eight-hour law should be extended to a thirty-six-hour law.

I am, yours, truly, J. G. LINDON.

Mr. WARREN. I have a great many other letters, but I do not want to encumber the RECORD with them. I will say that this is one of a very great many others along the same line.

Mr. SPOONER. Mr. President, I have had some letters explaining the financial advantage to shippers of live stock to the market which would result from the passage of the pending bill. The Senator from Massachusetts [Mr. LODGE] did well to call attention to the harmony between the title of this bill and its provisions. According to the title it is a bill to prevent cruelty to animals—cruelty through carrying them without unloading for rest, food, and water; and I take it the rest is very important as well as the food and water. The letter which was just read presents a very pleasing picture which I can behold in imagination, but which I have never seen—cattle lying down in the cars happy and peaceful and restful, as if they were in their fields at home. I have hundreds of times seen carloads of cattle so jammed together and struggling with each other to keep on their feet, so crowded that they could not lie down, could not even be thrown down, that the man with any sort of humanity would despise the people responsible for it.

Mr. WARREN. May I say to the Senator——

Mr. SPOONER. Yes; the Senator may.

Mr. WARREN. That the mode of shipping has been greatly changed in that respect very lately. Cattle are shipped by weight instead of per car. The shipment of cattle by weight gives many advantages. They have a great deal of room.

Mr. SPOONER. I do not question that——

Mr. SCOTT. Will the Senator from Wisconsin permit me for a moment?

Mr. SPOONER. Yes.

Mr. SCOTT. I want to ask the Senator from Wisconsin, in the line of what he has been saying, if he has not seen one of these poor dumb brutes get down, when the man in charge comes along with a prod at the end of a pole and compels him to get up?

Mr. SPOONER. No; I do not happen to remember to have seen that.

Mr. SCOTT. I have seen that many times.

Mr. SPOONER. I have seen horses and cattle in the course of transportation very tenderly cared for, with abundant accommodations and certainly excellent attention. But they were horses that were pets, or thoroughbred horses, for breeding purposes or otherwise, and the same as to cattle. So far as I can remember, I have not known that to be applicable to cattle that were shipped for slaughter, and I do not believe that cattle which are shipped to be butchered within a day or two days after they reach their destination are treated in the manner indicated by the Senator from Wyoming.

I am not a live stock man. The Senator knows more about it than I do because he is a live stock man among other things. He ships cattle to market. That is a part of his business, and it was more profitable a while ago than it is now.

But there are two phases of this subject, one the standpoint of humanity and the other the standpoint of the consumer, the general public interest. It is in the interest of the people who buy meat and eat meat, it is in the interest of the consumers of the country that live stock intended for the market, to be butchered and sold to the people for food, shall be humanely treated in transit, that they shall not be crowded as I have seen stock cars crowded, so that from the time the train starts until it reaches its destination it is a struggle between them all not for food or for water, but for life almost. It is important that they should be rested at proper times. It is important that they should be fed and that they should be watered.

The Senator from Wyoming says, demolishing the Senator from Massachusetts by way of admission, that eight hours is

too long to keep cattle, for the good of the cattle, penned in a car.

Mr. WARREN. I said that eight minutes was too long.

Mr. SPOONER. I am going to get to that. He said that eight hours is too long; that it is detrimental to the animal; and the Senator said that eight minutes is too long. Of course they must be confined more than eight minutes or they could not be transported to market at all. They must be confined for eight hours, and for more than eight hours, or they could not be transported from the farm or the plains to the shambles. But the Senator's concession ought to lead Senators to stop and consider whether a bill which extends the time from twenty-eight hours to thirty-six hours ought to be entitled "A bill to prevent cruelty to animals while in transit by railroad."

Mr. WARREN. It is to the stockmen.

Mr. SPOONER. Perhaps it is to the stockmen, the men who ship wild cattle, not as you would ship a pet horse or a pet cow or a pet lamb, but cattle shipped to be sold and butchered.

We have had a law on the statute books for thirty-four years which this bill proposes to repeal. It was passed in 1873. It is the twenty-eight-hour law, and it required that cattle while in transit should not be confined within a car for more than five consecutive hours, "unless prevented from so unloading by storm or other accidental causes." Congress was careful to go on and say:

In estimating such confinement, the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included.

This bill industriously provides that the time for loading and unloading, which is not a quiet time for cattle, shall be excluded from the thirty-six hours.

Now, there is a form, and it is only a form, of retaining the twenty-eight-hour limit in this bill. That is retained. There is a prohibition on their being confined "in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours." Then follows this amendment, which does away with it all.

I suppose it was not thought wise to change the law by striking out "twenty-eight hours" and inserting "thirty-six hours." That would have been too brash. That would have brought the subject too strongly to the attention of humane people. But it is put in this qualified but none the less effective way, I take it:

Provided, That upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading or other railroad form, the time of confinement may be extended to thirty-six hours.

Has the Senator much doubt that that request would accompany every shipment of live stock to market?

Mr. WARREN. Mr. President, I take it, as the Senator has asked me that question, that he wishes me to reply.

Mr. SPOONER. Of course.

Mr. WARREN. I want to say to the Senator, with all the seriousness I am capable of commanding, that the bill has no such intention as he imputes to it, because the man with the stock will unload, not in twenty-eight hours, but in twenty or twenty-four hours if it is possible for him to get a proper place to unload and to handle the stock.

Exactly what this provision means is that, weighing the subject, he knows his cattle will suffer more to take them out where there are insufficient means of providing for them than to go on farther, and he will make this written order, and upon that he can proceed to market.

Mr. SPOONER. Why not, then, have it thirty-six hours and rely upon the selfishness and the humanity of the owner or the custodian accompanying the stock to take them out whenever it is needful in the interest of the cattle to do so?

Mr. WARREN. Notwithstanding the law has, as the Senators says, been upon the statute books all these years, practically that is exactly what has been done up to the last two years. The law has been almost a dead letter, because it is impracticable. For instance, if the Senator will permit me right there——

Mr. SPOONER. Why is it impracticable? That may be true as to sheep, perhaps, but why is it impracticable to take cattle out of a car in twenty-four hours and give them water and something to eat and a chance to stretch their limbs, as men do, and to rest themselves?

Mr. WARREN. I will suppose a case. You start for a point which you would make in twenty-six or twenty-seven hours ordinarily. There is not along that way, unless it is right at the start, a place where you can unload and get water suitably. You meet with some delay. Some accident occurs to the train and lays you up. You get within 50 or 100 miles of your destination. There has been no calculation whatever made at that point to unload the stock.

Mr. SPOONER. What does the Senator mean by "calculation?"

Mr. WARREN. There are no stock yards.

Mr. SPOONER. No facilities?

Mr. WARREN. You can not unload cattle on the ground. You must have stock yards, and those stock yards should have water, and the water has to be taken through pipes into troughs for them to drink. It is not like the pet horse and the pet cow.

I want to say to the Senator that with stock that is raised or fattened in small bunches there is no trouble, because that class of stock you can take out and ship or load on some movable platform, or get them to some livery stable and take care of them. But when there is a train load of twenty-five or thirty cars filled with cattle you can not so provide. As I said, the stockman is within 50 or 100 miles of his destination, where he can have his stock taken out and rest them, and they would be resting a day or two before they are slaughtered. If he is compelled to stop where he is or go back to some place——

Mr. SPOONER. I got my authority as to one or two days from the Senator.

Mr. WARREN. If he has to run back to some place and unload, he goes over twenty-eight hours. He must wait there, and the cattle will not rest and feed. Then he must again load them and get them to market after a delay of one, two, or three days, when the cattle are much more harassed and worse abused than if they had remained in the car two, three, or four additional hours.

Mr. SPOONER. Let me ask the Senator, Is it not true that the railway companies which carry live stock have by this time provided facilities for loading and unloading and yards for watering and feeding stock at least once in twenty-four hours?

Mr. WARREN. Yes; they have provided it. If you could be always on schedule time and never have an accident or delay in getting away or in loading and never have an accident en route, they have arranged yards so that you could in twenty-four and twenty-eight hours unload them at the proper places.

This bill is absolutely and honestly in the interest of humane treatment of the stock and in the interest of the consumer and of those who have to pay for and consume the meat, and is also in the interest of the owner. The fact that it is financially to his interest to have his stock arrive in good and proper condition is no reason why he should be barred out from consideration.

Mr. SPOONER. Certainly not. Mr. President, the present law, which has been in force for thirty-four years——

Mr. WARREN. It has been enforced, if the Senator will pardon me, scarcely at all except within two years.

Mr. SPOONER. I did not say enforced. I say in force.

Mr. WARREN. I beg pardon.

Mr. SPOONER. I did not say enforced. There are a great many laws which have not been enforced that ought to have been enforced. I was about to say that this law, which has been in force for thirty-four years, was drafted with reference to the possibility that accidents might prevent strict obedience to it. It provides "unless prevented from so unloading by storm or other accidental causes."

Mr. WARREN. Will the Senator allow me right there?

Mr. SPOONER. Certainly.

Mr. WARREN. At the time the law was passed more than one-half of the territory that now furnishes the beef—that is, you may say the wild cattle, was unoccupied by cattle, or there were very few there. The cattle did not have to be shipped the long distances that they travel now, and there was an entirely different equipment to handle them in the way of cars, etc.

Mr. SPOONER. Now, Mr. President, the Senator said there was no provision in the bill for inspection. There is something else in the present law that is not in this bill. Whether it endears the bill to anyone or not, I do not know.

Under the present law it is provided that—

Any company, owner, or custodian of such animals who knowingly and willingly fails to comply with the provisions of the two preceding sections—

As to unloading the stock and providing them with food and water and rest—

shall, for every such failure, be liable for and forfeit and pay a penalty of not less than $100 nor more than $500. But when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest, the provisions in regard to their being unloaded shall not apply.

Then the act provides how the penalty shall be recovered; that it shall be in civil action in some circuit or district court of the United States.

This bill leaves out the owner or custodian from the penalty clause of the present law and puts it entirely upon the carrier, and that, too, notwithstanding the fact that under the law the

carriage for thirty-six hours is upon the application of the owner or custodian. Why is that?

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from North Dakota asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The Senator from Wisconsin will proceed.

Mr. SPOONER. Why is that?

Mr. WARREN. As to the penalty clause of the bill, it is that which the Department of Agriculture asks. If the Senator from Wisconsin thinks it is deficient, I have no objection to his offering any amendment which he thinks ought to cover the deficiency. The owner himself is not seeking to avoid any of the penalties that may properly be inflicted.

Mr. SPOONER. But the owner does avoid by this bill the penalty to which he was subject and has been for thirty-four years.

Mr. WARREN. I shall be glad to accept an amendment to cover it.

Mr. SPOONER. I want to know why it was left out of this bill. This bill was drawn with the Revised Statutes of the United States under the eye of the draftsman. It repeals by specific provision sections 4386, 4387, 4388, and 4389. It makes it the duty of the owner or custodian accompanying the stock to see to it that the stock are unloaded, rested, fed, and watered, but industriously it removes from the owner or custodian any penalty whatever for failing to obey the injunction of the law. Now, why is it omitted?

Mr. LODGE. Has the Senator noticed the reason given for it in the advisers of the Agricultural Department?

Mr. SPOONER. No; I have not seen the report.

Mr. LODGE. If the Senator will allow me, I will read it.

Mr. SPOONER. I shall be very glad to hear it.

Mr. LODGE (reading):

> 10. Section 3 of the present bill—a penalty section—is changed by exempting the owner or shipper of the live stock from the penalty for failure to unload for food, rest, and water. The present law, as construed by the Federal courts, imposes liability for this failure equally upon the shipper and the carrier. The shipper surrenders control of the live stock in a large measure to the carrier, and he is unable to unload the stock without the active cooperation of the carrier. Inasmuch as the carrier is assured payment for food furnished, it is thought the primary liability for failure to unload should be laid upon the carrier.

And therefore he is exempted from any liability whatever. I think that is one of the drollest statements of a reason that I ever read.

Mr. SPOONER. It is a reductio ad absurdum.

Mr. LODGE. Absolutely.

Mr. SPOONER. The other day, when the anti-pass amendment was pending here, it was stated to the Senate by the Senator from Wyoming, accurately of course, that it would be a great hardship and wrong not to permit the railway carriers to give passes to the owner or his agent accompanying live-stock shipments; and the Senator stated, what was undoubtedly accurate, that the railroad corporations require the owner, or some representative of the owner, to accompany the shipments of live stock. He even argued that pro forma, so strict was the rule of the railway company, the owner or his representative became an employee in a sense of the carrier, and therefore he ought to be carried free.

Mr. WARREN. Mr. President——

Mr. SPOONER. Now, that being true, as I assume it to be true, I do not think the railway carriers would want to take the whole responsibility of looking after the stock. Why should the owner or the custodian be exempted from failure from penalty for not performing his humane duty under the statute?

Mr. WARREN. If the Senator understood me to say that all the railroads required——

Mr. SPOONER. I did.

Mr. WARREN. As part of the shipment that the owner should accompany it, he misunderstood me. I did not say that. I said that it was customary for the roads to ask the shipper or his men to accompany the stock, and that on their failure they would have to put men themselves to accompany it; and I made the point that they would use men who were not accustomed to handling stock.

Mr. BAILEY. As a matter of fact, many railroads do require a man to accompany the shipments, and they have declined to receive them without a man in charge of them. The Senator from Wisconsin will permit me to say that it never happens in a case where a man is in charge of the stock that the conductor in charge of the train, having probably twenty cars, would permit the man in charge of one car of cattle to determine the movement of the train, and the conductor would stop that train and allow those cattle or horses to be fed and watered when he was ready.

It would be simply an outrage to punish a man for what he was absolutely powerless to prevent. I have known, and every man with any experience in the shipment of live stock has known, conductors to continue the shipment over the protest of the men in charge. In one instance that happened to come under my personal experience in a lawsuit against the railroad company for damages, they reached the stock yards knee deep in mud and the men in charge protested against unloading and feeding them there, but the railroad unloaded and fed the cattle. The men in charge are absolutely powerless to determine when or where this unloading and feeding shall take place; and it would therefore be a monstrous proposition to punish an American citizen for what was done against his will and over his protest.

Mr. SPOONER. It could not be done under the law.

Mr. BAILEY. It can be done, and is done every day under the law.

Mr. SPOONER. It could not be done under the law. I take it that if any owner accompanying the shipment of live stock or his representative was prevented from unloading the stock where water and feed would be afforded because the conductor of the train would not stop it, in a civil suit for a penalty under this statute the Senator does not think he would have the slightest difficulty in establishing a defense.

Mr. BAILEY. No; he need not have the slightest difficulty either in recovering from the railroad damages in that case, but it is hardly true that we want to force men to resort to the court where it is easy to obviate it.

Mr. President, while I am on my feet I want to say to the Senator from Wisconsin that he can not find a man in America with any practical experience in the shipment of cattle who will not say that it is more humane to carry cattle on to market than it is to unload them, feed them, and reload them when they are within six or eight hours of the market.

Mr. SPOONER. That may be.

Mr. BAILEY. That is all this does.

Now, if the Senator will permit me to further interrupt him a moment.

Mr. SPOONER. Yes.

Mr. BAILEY. If the distance required sixty hours under the law as it stands, they must be unloaded and fed three times, because twenty-eight hours to each does not cover the shipment and the last load, and unloading must occur within four hours of the market. Everybody knows—I will not say everybody, because some very excellent gentlemen have no experience in that, however much they may know about other things—but every gentleman who has practical knowledge and experience in shipping cattle knows that it is incomparably better to let those cattle go on to the market than it is to unload them there within five or six hours of the market.

If the Senator from Wisconsin will permit me to add one thing more. If a train reaches a feeding yard, the last one that will be reached within the time limited by the law, without regard to the condition of the weather and without regard to the condition of those pens, they must unload and feed, and yet it might happen that going on four or five hours they could find another stock pen free from the objection of the first, and any owner who was sane or any employee with intelligence enough to be trusted with a shipment of cattle would prefer to go on.

They do not obey that law, and the Agricultural Department is not trying to obey it, because it is unreasonable and works a hardship upon the men who ship cattle.

Mr. WARREN. The Secretary endeavored to apply the law and discovered what the Senator says.

Mr. BAILEY. I was about to say that something more than a year ago they did order this law enforced and they enforced it for a little while. While I have no knowledge that it is true, I have seen it stated in the public prints that the President himself directed the Secretary of Agriculture not to attempt the enforcement of this law until after the adjournment of this Congress. Of course I do not undertake to say where the President derived the power to authorize his subordinates to suspend the law of the land, but I have seen it stated in the public prints that he has done so; but whether authorized by the President or not, the Secretary of Agriculture is not to-day attempting to enforce the law. I am one of those who believe that when a law is so obviously unjust that honest men charged with the duty

of its enforcement suspend it by a kind of common consent it is the wise thing for Congress to amend it until it is made reasonable, and then compel everybody charged with the duty of administering it to enforce it.

Mr. SPOONER. I confess my inability to cope with Senators who raise stock and who are familiar with this business. I do not claim to know very much about many subjects, and in that respect I differ from a good many. I differ from more, however, who think they know everything about every subject.

Mr. BAILEY. Well, Mr. President——

Mr. SPOONER. I do not apply that to the Senator.

Mr. BAILEY. Inasmuch as it came so nearly after I resumed my seat, I felt justified in asking the Senator if he did intend to apply it to me.

Mr. SPOONER. No; I withdraw it, if the Senator takes it as offensive to himself.

Mr. BAILEY. If it does not apply to me, of course it is not offensive. It would be offensive if intended to apply to me, and I am sure the Senator from Wisconsin is generally more cautious and always fairer than that.

Mr. SPOONER. It is not a question of caution. It is a question of courtesy and justice.

Mr. BAILEY. Well, Mr. President, the frankest man does not always say what he thinks, because there are times and places in which it would be proper to say a given thing, and there are times and places in which it would not be proper to say the same thing; and therefore a man might be cautious about what he said, looking to the time and place. However, that does not arise here. The Senator from Wisconsin says he does not intend a reference to me, and I am entirely satisfied.

Mr. SPOONER. The Senator made an observation which might have applied to me, but I did not think he meant it personally. That is all there is about that.

Mr. BAILEY. Mr. President, I did have in mind the Senator from Wisconsin when I referred to Senators who knew so much about other things, but who had no practical experience in this matter; and the Senator from Wisconsin should not be offended at that, because——

Mr. SPOONER. I admitted when I began to speak that I have not had experience as a shipper of stock.

Mr. BAILEY. Certainly; and I want to say that that was my excuse for differing from that Senator and others. I did believe that this was one of the very unimportant questions about which my experience might be worth at least consideration, and I did have the Senator from Wisconsin in my mind as well as other Senators.

Mr. SPOONER. The Senator need not have said that I know nothing about this subject, because I know something about it. I do not claim to know much about it. I know that cattle need water; I know they need rest; I know they need food, and I know that I have seen them in the course of transportation hundreds of times under circumstances which were absolutely brutal and merciless. I know that much about it.

Mr. BAILEY. Any man of the Senator's intelligence would know that in a general way, of course. I did not say he had no knowledge of the subject, but I said he had no practical experience.

Mr. SPOONER. To that I agree.

Mr. President, a great many of these cattle are carried hundreds of miles. They are carried from Idaho; they are carried from Montana; they are carried from Texas. I suppose it rarely happens that they stop within six hours of the point of destination for water and for feeding.

Mr. BAILEY. If the Senator will permit me to interrupt him——

Mr. SPOONER. Certainly.

Mr. BAILEY. There are points in Texas where a thirty-six-hour permission would carry the cattle from the point of shipment to the point of destination, to Kansas City and to St. Louis; but under the law as it stands I doubt if there is a single shipping point in the State that can come within the twenty-eight-hour limit.

I have talked with many of our cattlemen, and I have never talked with one—and they are men of intelligence, men of humanity as a rule, and they would not want the privilege of mistreating their cattle—I have never talked with one who was not in favor of this amendment to the law.

Mr. SPOONER. I take it under this proposed law that they could carry cattle thirty-six hours without stopping to water. I do not think it needs the cattle raiser or a man of experience to see that that is cruel—absolutely cruel. Think of it a minute! Put cattle into a car and transport them thirty-six hours without water, without food, and without rest!

Mr. BAILEY. Would the Senator indulge me while I offer him another evidence of my full information on this subject?

Mr. SPOONER. I think the Senator has great information on this subject.

Mr. BAILEY. I will say to the Senator from Wisconsin that on the ranges, where the cattle are not fed at all, they sometimes go thirty-six hours without water.

Mr. SPOONER. I know; but it is cruel.

Mr. BAILEY. Well, it is a cruelty which they put on themselves. They know where the water is. In the southern part of our State, which for years was a dry country—it is not nearly so dry now as it was then—on the great ranches there, they would probably on 100,000 acres not have over three or four watering places, and ranchmen of long experience have told me, where they herded their cattle even before the land was fenced, that many times cattle would go thirty-six hours, when turned loose on the prairie, without going to water.

Mr. SPOONER. But they can lie down.

Mr. BAILEY. Yes.

Mr. SCOTT. And then they feed on grass, and consequently do not need so much water.

Mr. BAILEY. And sometimes when the grass was good they watered less frequently.

Mr. SPOONER. Showing that they would rather eat than drink.

Mr. BAILEY. I am not so sure that if I had to do without either on the cattle ranches, I had rather go without grass than without water; but both are absolutely necessary for the thrifty condition of a cow; and yet I have seen, as have the Senator from Wyoming and the Senator from Utah, the prairies at certain times so burned and crisp that it did not seem that anything could exist there; and yet the cattle lived. Men who know about their habits know that it is not necessarily cruelty to keep them without feed or water for thirty-six hours, because they go without of their own accord for even a longer time. I have heard men say that they would go sometimes forty-eight hours without water.

Mr. SPOONER. Well, really, there is no argument in that, for the reason that conditions are so utterly different. In that case they are free; they can run around; they can go where they please; they can lie down; they can feed, and they may go without water; but, Mr. President, to pack them in a car so that they can not lie down, and to carry them thirty-six hours without feed and without water may seem more humane—that is the object of this bill, because the title says so—than to carry them eight hours less, packed like sardines, unable to lie down, without water and without feed. I have not had enough experience in this business to know whether it is more cruel or less cruel, but I think it more cruel.

Mr. WARREN. Mr. President, the Senator begs the question. Of course it depends altogether on the conditions whether it is more cruel to keep them on the cars for a longer time. As an illustration, it might be more painful for the moment to have a tooth extracted by a couple of twists than to have it extracted by one twist; but if it were necessary that it should be extracted and it took two twists to extract it, I presume the Senator would prefer that the two twists should be made in succession rather than wait until another day to suffer the second shock. So it is more humane that the cattle should sometimes remain for a few hours longer on the cars rather than suffer an extra unloading and reloading.

Mr. SPOONER. The tooth argument is a very powerful one, no doubt, but that is a thing that has to be done; and when it is done and past recall, that is the end and the pain is gone.

Mr. WARREN. The sooner it is over the better.

Mr. SPOONER. But in this case it does not hurt the owner as much as it does the stock.

Mr. WARREN. The Senator from West Virginia [Mr. SCOTT] was perhaps correct in saying that the beef ought to be slaughtered nearer where raised, and be shipped and disposed of in quarters; but I am afraid in that case we should have a good many musty quarters, when shipped thousands of miles.

Mr. SPOONER. Mr. President, I do not want to take any more time upon this bill. If the Senate thinks this time should be extended, as a matter of humanity, from twenty-eight hours, during which the cattle need to be fed and watered, and that thirty-six hours, if they think it in the interest of the consumer, if they think it decent treatment of dumb brutes, they will pass this bill.

Mr. CARTER obtained the floor.

Mr. BAILEY. Will the Senator permit me a moment?

Mr. CARTER. Certainly.

Mr. BAILEY. Mr. President, the Senator from Wisconsin rather complains that these cattle are packed in a car, as he describes it, like sardines in a box. He would know on a moment's reflection that in shipping wild cattle if you do not put them too close to fight you would hardly have a live one when

you reached the market. That is because of the rather ferocious disposition of the cow that comes from the plains or the large ranches. And, moreover, unless we could get very much lower railroad rates than any of us hope for, the freight bill would absorb what little profit is now left to the farmer or cattle grower if we should ship fewer to the car. We must tax the capacity of the car in most parts of the country to the utmost in order to get our cattle to the market at a reasonable cost.

Mr. SCOTT. Will the Senator allow me a moment?

Mr. BAILEY. I will.

Mr. SCOTT. Then, on the line of the Senator's argument, it is necessary to punish these poor dumb brutes in order that their owner may make more money out of the transaction when they arrive at the market by crowding them into the car in order to save freight.

Mr. BAILEY. The Senator from West Virginia was not attending to what I said at first. What I said at first was that if these cattle were not loaded close enough to prevent it they would injure each other very much more with their horns than the crowding in the car could possibly injure them. So as a matter of humanity——

Mr. SCOTT. And of economy.

Mr. BAILEY. It was required that we should load them closely. The Senator from West Virginia forgets and the Senator from Wisconsin also forgets that one of the very purposes of requiring an attendant in charge of these cattle is that at every stop, or at proper intervals, he will go along the car and if there is a cow down he will help it up. That is a part of the duty of such attendants, and the railroad, if it is carefully managed, will see to it that this duty is properly performed. Settling with the Senator from Wisconsin that question of humanity, I then made the other suggestion, which, of course, appeals to the owners' pocketbook.

Mr. President, I confess a very great sympathy with and a very sincere attachment to the men who grow cattle upon the plains and on the ranches of this country. As a rule, they are high-minded men; as a rule, they are more sincerely attached to God's dumb creatures than are the men who compose many of these organizations that would have us believe the cattle raisers are ruffians. They are men who do their duty to their country fearlessly and well, both in peace and in war; and I do not count it as any just subject of criticism against me because I look to the question of their profit, after I have first settled with my conscience and my judgment the question of humane treatment for these animals.

Many of these men year after year endured the hardships of that great country beyond the comforts and conveniences of our civilization. True, they have waited there, after having been pioneers, until civilization has overtaken them; but none of its evil tendencies have yet infected them, and I undertake to say that there are few cattle growers either in the great West or in the great Southwest that would not ride farther and faster to save a cow from suffering than many of these folk who think it is their duty to continually interfere with other people's business. Of course, the Senator from West Virginia will understand, when I make that statement, I have no reference to him or to any other Senator, because it is the duty of Senators to see that whatever legislation passes this body is wise and proper. That description I only intend to fit people who are always writing and telegraphing Members of Congress how we ought to perform our duties, no matter what the question is. Even in reference to the right of a Senator in this body to hold his seat, I have received within the last thirty days 500 telegrams from people who have never read or heard the testimony, and who do not know a syllable of the law which must govern the case.

Mr. SPOONER. About what?

Mr. BAILEY. A question involving the right of a member of this body to his seat. A few days ago, when the conferees of one body forced upon the conferees of this body an unjust anti-pass provision, Senators day after day stood here presenting hundreds of telegrams. Those who sent the telegrams had a right to appeal to us. They were immediately interested, and all they said was entitled to respectful consideration. I gave them respectful consideration in that instance, because they knew what they were talking about, and what they were talking about then came very close to their homes and involved a part of what may be fairly considered their compensation. But as to the testimony, the protests, and the criticisms against this legislation, I respectfully submit that it comes from worthy people who have absolutely no practical knowledge of this subject. From every source possessed of practical knowledge, from the Secretary of Agriculture himself, through all of his subordinates, whose duty it has been to administer this law, down to every cattleman in the land, it is insisted that the present law is a hardship, and that they are fairly entitled to the amendment which is proposed to be made by the pending bill.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Wisconsin?

Mr. BAILEY. Certainly.

Mr. SPOONER. The Senator thinks that thirty-six hours, as a rule, is a fair limit, as I understand?

Mr. BAILEY. Mr. President——

Mr. SPOONER. I was going to follow that, if he says "Yes," by asking, Why, then, should it be left optional with the shipper?

Mr. BAILEY. The Senator, of course, observed that I did not answer that I think thirty-six hours under all circumstances——

Mr. SPOONER. As a rule.

Mr. BAILEY. Is a proper rule; and this amendment does not make it the rule under all circumstances.

Mr. WARREN. It makes it the exception.

Mr. BAILEY. This bill leaves twenty-eight hours, as stipulated in the present law, the rule, and only provides for an exception where the owner asks for it.

Mr. SPOONER. They will generally ask for it.

Mr. BAILEY. No. I am free to say if the owner were within two or three hours of the market he would probably go on, even if he felt the cattle would suffer. I ought not to say "the owner;" I ought to have said "some owners." I believe the majority of the men who grow cattle in this country would unload them whenever they felt the dictate of humanity intervened; but surely the Senator from Wisconsin will agree that it is more humane to take the cattle thirty-two hours and at last unload them in a dry yard, with fair weather, than it would be to unload them at the end of twenty-eight hours in a muddy yard and in a storm.

Mr. SPOONER. But this applies to journeys which will take sixty or seventy or eighty or even ninety hours, and on such trips the stock would not have to be unloaded except at thirty-six-hour periods.

Mr. BAILEY. Yes. What would happen in that case? If they started from a point in Wyoming to reach Chicago, they would take the average running time and they would divide it so as to feed according to that time; and if by going thirty-six hours they could save themselves unloading and reloading over three times, they would do so. Suppose the running time were eighty-five hours, then under the present law they would have to unload and reload four times, because three times twenty-eight would be eighty-four, and although the cattle would be only an hour or more on the cars, if the law were obeyed they would be compelled to unload again. In a case of that kind, under the pending bill, they would simply divide the travel so as to unload and reload most conveniently; in other words, this bill only allows an elasticity and a play of judgment, which may do a great deal of good, and which, in my opinion, can do no harm.

Mr. President, I apologize to the Senator from Montana. I only intended to say a word when I took the floor.

Mr. CARTER. The Senator from Texas has occupied the time very efficiently, I think, Mr. President. I wish to submit but a few observations on the pending bill. Quite unhappily, I think, the assumption is indulged that the stock owner or shipper desires this extension of time to the end that he may, under all circumstances and conditions, keep the stock in the cars for the full maximum limit here fixed. That, as I understand, is not the purpose of the bill at all.

The present law was passed thirty-four years ago, and many of the railroads largely engaged in transporting live stock, particularly from beyond the Mississippi, have, during the years while the law has been in force, made their arrangements for stock yards and feeding places along their respective lines. Through accident or unavoidable delay it occasionally happens that the twenty-eight-hour limit interferes to such an extent as to necessitate an extra loading and unloading along a given line or route. Let me illustrate. If, perchance, a train is two hours late coming from Montana into Fargo, N. Dak., the train must be unloaded there instead of being sent on to the stock yards at St. Paul; whereas, if the train entered Fargo strictly on time, the St. Paul stock yards would be made within the twenty-eight-hour limit.

Those familiar with the handling of live stock well know that it is a very difficult task to unload and reload a train of cattle. It is desirable that the unloading and reloading be limited, as far as practicable, without, of course, invading the humanitarian idea. The stock owners are as anxious as anyone to preserve the cattle in the best possible physical condi-

tion for entry into the market. They not only have the humanitarian purpose or impulse, but they have likewise the financial stimulus which generally constrains men to look well to the conditions which yield profit or result in loss.

Mr. GALLINGER. Will the Senator yield for a question?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. Yes.

Mr. GALLINGER. If that be so, what is the need of a law at all? If the men transporting cattle are so humanitarian in their impulses and they want to get the stock to the market in the best possible condition, why does Congress intervene to put a law on the statute book upon this subject? There must have been some abuses.

Mr. CARTER. I have no doubt to-day that if no limitation existed, self-interest and sentiments of humanity would secure as good results as can be or have ever been secured under the law. It is known to all people who ship live stock, particularly from the ranges, that the loading and unloading is a serious detriment to the stock.

Mr. WARREN. I will say to the Senator from New Hampshire, if the Senator from Montana will permit me——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. CARTER. I yield.

Mr. WARREN. The twenty-eight-hour law was passed, as I recall, for two purposes—to yield to those representing humane societies who desired to make provision for better protection of live stock, and to act as a check upon the railroads, so that the stock shipper, for himself and for his stock, would have some support from the law in the matter of exacting hours of the railroads.

Let me say, further, that twenty-eight hours, with the equipment they then had, with no hayracks, water troughs, or air brakes, was a longer time, measured by the suffering of the stock, than forty hours would be now with the present equipment.

Mr. CARTER. I was about to touch upon that particular point. The Senator from Wyoming very clearly, I think, indicates one of the purposes in the enactment of the twenty-eight-hour limitation. It was the fact undoubtedly before the passage of that law that the stock shipper was wholly subject to the command of the train dispatcher. If the conductor received an order to stop only at a certain terminal point, a long distance ahead, the guardian of the stock, the owner, or person in charge was utterly powerless to compel a stop at any point nearer than that designated in the order. So that the twenty-eight-hour limit gave to the stock owner the right, with the law behind him, to command the railroad company to stop at a given point within the limit of time specified.

The Senator from Wyoming also wisely suggests that the equipment of thirty-four years ago made the twenty-eight-hour trip over a railroad more difficult and burdensome than twice that distance to-day.

Mr. GALLINGER. It did not lengthen the hours, did it?

Mr. CARTER. It did not lengthen the hours, but it certainly diminished the burden and weariness of travel, both for stock and for human beings. I well remember that twenty-eight years ago in the State of Illinois they had the old chair joints for the railroads, with soft roadbeds, and travel upon a train was not unlike going over a corduroy road in a lumber wagon. The box cars were ill-constructed, the springs ill-suited, and the brakes were turned by a wheel. When the train was stopped there was a great commotion, and a mighty jar between every car. The tendency was to throw the stock down, and passengers were compelled to hold onto the seats as they passed through a train in motion.

Since that time, Mr. President, we have reached the continuous steel rail and more thoroughly settled roadbeds. Instead of the little 30, 35, and 40 pound iron rail of thirty-four years ago we have the 60, 70, 80, and even 90 pounds steel rails of to-day. Thirty-four years ago it would have been impossible to have operated a dining car upon any passenger train in the United States. You could not have kept the tableware on the table. A man would have jabbed himself in the face with his fork trying to guide food into his mouth. The railroad of thirty-four years ago no more compared with the railroad and the equipment of the railroad of to-day than a stagecoach practically of twenty years prior to that compared with the old-time railroad.

Mr. President, while the road has been improved with the heavy steel rail and a substantial roadbed, we have also the modern equipment. Instead of brakemen running up and down the train at the peril of their lives setting brakes we have the air brake, so that the long stock trains are stopped with practically as little friction or jar as obtains in the case of an ordinary passenger train. The stock is not disturbed in shipment. The cars are higher and better ventilated. They are heavier and consequently less inclined to jolt about even if the tracks were as bad as of yore. To carry cattle for twenty-eight hours on a train thirty-four years ago was an act of cruelty compared with the carrying of a like shipment for thirty-six hours to-day.

But it is not the purpose to carry the cattle for thirty-six continuous hours. This bill is intended to meet a contingency which will arise now and then, and of that contingency the owner will be the judge, the man who has an interest in maintaining the condition of the stock the best possible under all the circumstances. If twenty-eight hours constituted a proper limitation thirty-four years ago, fifty-six hours would not be an excessive limit now. But, as I have suggested, the stock yards are built to accommodate the twenty-eight-hour run. The thirty-six-hour limit will be put into operation in the main under circumstances where the man in charge of the stock finds that he will run over twenty-eight hours by one, two, three, or four hours if he continues to the next feeding place, and having determined that this excess of time on the cars will prove less injurious, if you please, than to unload them twice instead of once, the order will be given.

I am quite sure, as the Senator from Texas well says, that the men who raise the cattle, who are interested in them, will be constrained by their financial interest, as well as the general interest every man has in his own property and business, to be at all times as humane as any outsider or person having no interest could possibly be; but if the man is conceded to lack humane principles, it will not be doubted that owners, in the main, want to make a profit instead of being compelled to encounter a loss. Enlightened self-interest, if not principles of humanity, will impel the owner to consider well the conditions under which the value of his property will be depreciated.

A single unnecessary unloading of stock in transit seriously impairs the weight and value of the stock. The owner is interested in having the stock placed upon the market in as good condition as possible. This bill will permit him to exercise some discretion when a contingency arises on the question of unloading or going on for a few hours longer, in order to avoid the extra punishment to the stock always inseparable from unloading and putting them back into the cars.

The Senator from Minnesota suggests to me the propriety of a further explanation of the method of getting stock into St. Paul. I wish to say that the St. Paul yards are probably the best stock yards in all the northwestern country. All of the stock raised between the Mississippi River and the State of Washington, or practically the Pacific Ocean, passes through the St. Paul stock yards. They have in those yards splendid facilities for unloading, for feeding, and for protecting the stock. It is impracticable to pass through St. Paul without unloading. All the railroads have arranged for St. Paul as one of the central and regular feeding and watering stations for stock.

Now, we will assume that because of a breakdown or some accident to some other train a stock train has been delayed three or four hours. It reaches Fargo, N. Dak., four hours late. If it had passed Fargo on time it would have reached St. Paul within the twenty-eight-hour limit, but being delayed in the course of the run it reaches the town of Fargo at such a time that it is manifest that, in the normal course of the schedule run, it will get to St. Paul after the twenty-eight-hour limit has expired. That necessitates an unloading at Fargo, in order to avoid this extra run of two or three or four hours to get into the stock yards at St. Paul. The unloading at Fargo will prove infinitely more injurious to the cattle than to run them the extra four hours beyond the twenty-eight-hour limit, and thus avoid one unloading and loading at Fargo. Under present conditions they must stop at Fargo, because there is no place on the line between Fargo and St. Paul where they can unload the cattle and feed them.

The stock owners have sought this bill not because they want to ship cattle continuously for thirty-six hours, but because they desire to avoid the consequences of accident and delay along the road and the difficulties that result from such accidents and being compelled to interject into the shipment of cattle in transit an extra and unnecessary unloading along the line.

Mr. SCOTT. Mr. President, the description given by the Senator from Montana [Mr. CARTER] of the great advancement in railroad comforts is undoubtedly true. But even with all the comforts we have to-day in the parlor car, I am sure the Senator from Montana would dislike very much to be crowded into such a car, so that he would have to stand even twenty-eight hours, to say nothing about thirty-six hours, notwith-

standing the fact that he would have the hundred-pound rails and the improved joint and couplings.

In all probability those of us who are taking the part of the dumb animals are going to be defeated when a vote on this bill is taken. The poor, dumb brute has not a vote. No man has a higher opinion, no man thinks more of the farmer who earns his bread in the sweat of his brow than I do. I was reared a poor boy, and drove an ox team when I was 16 years of age from Leavenworth to where the great city of Denver now stands, when there was not a house in it. My greatest friend at that time was my near-side ox. He knew where to go to lie down for the best shelter at night. He knew which way the wind was going to blow, and he lay with his back against the wind, and I moved in close to him to get a comfortable night's rest when I was herding.

I do not want the Senator from Texas to say that those of us who live in the East, surrounded, as he says, by luxuries, know nothing of the hardships of the cattlemen or those who live on the farm. I desire to say that I know all about it. I came up through tribulations. I am proud that we have organizations in this country which are doing all they can to prevent cruelty to dumb animals. As I started out to say, the gentlemen who are advocating this bill to-day are not advocating it because they believe it will be more just, more humane to the poor dumb brutes to confine them thirty-six hours in place of twenty-eight, but they are advocating it because of a constituency who want them to provide a means by which they may save something in the shipment of their cattle.

Mr. WARREN. Mr. President——

Mr. SCOTT. The truth of it is that they are objecting to the amount they have to pay for feed, as I could prove if I had the time.

Mr. WARREN. Mr. President——

Mr. SCOTT. The Senator will excuse me. I am on a conference committee, and shall have to go out of the Chamber.

Mr. WARREN. I did not care to have the Senator proceed with the statement that those who are advocating this bill are not doing it in the cause of humanity. I deny that statement. They are doing it in the cause of humanity.

Mr. SCOTT. I am glad to hear the Senator say so, but if he can point out to any man who is open to conviction where it is more humane to a dumb brute to keep it confined where it can neither eat or drink, where it is compelled to stand in one position, or, in other words, where it must brace itself, so as to avoid being thrown down, thirty-six hours instead of adhering to the present law of twenty-eight hours, I will gladly concede that I have made a mistake in opposing this bill.

Mr. PATTERSON. Mr. President, if I felt that I might, I would conclude that the view which those who oppose this measure take of the manner of handling stock in transit is that whenever the twenty-eight hours expire, wherever the train may be, there the cattle are unloaded and fed and watered and rested. But anybody who has any knowledge whatever of the transportation of cattle from the ranges to the market knows that that is utterly impossible. To unload the cattle taken from the range and en route to the market there must be facilities. There must be pens, cattle chutes, water, and feeding racks, and those facilities, from the very nature of the pursuit, can only be at stated intervals, to be determined by the railway company.

When the law was first passed the railway companies undertook to meet the requirements of the law by establishing feeding and watering places at what the companies supposed were proper places. It was found impracticable to enforce the law as it was when it was first enacted, and that is the reason why the law remained entirely unenforced until the effort made of late years, and for very largely the same reasons the effort to enforce the law has been largely abandoned, because latitude is given by the Secretary of Agriculture and his agents to omit to observe the law where the necessities of the occasion require it.

Now, take feeding and watering stations at intervals along the different lines of railway. How can the cattle owner accompanying his cattle regulate the speed of the train or avoid the delays incident to all railway trains? It may be that an accident has blocked the train conveying the cattle. It may be that some neglect of duty on the part of the engineer or conductor of a passenger train has made it necessary to sidetrack the train composed either in whole of cattle cars or of which cattle cars constitute a part. With what result? That it is impossible to reach the feeding and watering place within the twenty-eight-hour limit, and then those in charge of the train are confronted with this condition: They must either violate the law, run the risk of being prosecuted and heavily fined, or attempt to unload the stock where there are no facilities; and in every instance they must be impaled upon the first horn of the dilemma, because it is a physical impossibility to unload cattle such as are transported from the grazing plains of the great Middle West to the meat markets of the East in the absence of proper facilities.

Therefore it was found necessary, if the law was to be observed, that some latitude should be given—a latitude within which there might be no reasonable excuse to evade the very letter as well as the spirit of the law. It is this latitude which is contained in the pending bill—a latitude of eight hours—so that in the event the cattle train should be delayed so that it could not reach the pens and the place for food and water the train may continue on its course, it may be for two or three or four or five hours, until the proper facilities are reached, without either the railway company or the owner of the cattle being chargeable with a violation of the statute.

Then, as has been repeatedly said by those who have spoken upon this subject, it is not infrequently the case that cattle trains could reach their point of destination within a very few hours after the twenty-eight-hour limit has expired. Suppose the destination is Chicago, and two hours more would take the stock into the yards at Chicago; or, taking St. Louis, that three or four more hours would take the train into the St. Louis yards. Is it not the height of absurdity as well as unnecessary cruelty to require that those cattle shall be unloaded, allowed to remain off the cars but for the period of five hours, and then forced again into the cars?

Mr. President, whoever has seen trains of western cattle—the broad-horned Texas steer and cow, and those that are upon the plains of the West to-day are nearly all either of that character or very closely allied; wild by nature, unruly in disposition, resenting control in close quarters—whoever has seen attempts to load and unload trains with this character of animals must realize that it is not an easy task, and that it is never accomplished without the greatest difficulty and a large amount of injury to the animals themselves. They resist, they balk, they attempt to evade the chute; they have to be driven up or driven down, many times by the use of violence, and when they reach the earth from the cars or the cars back again from the earth a very great amount of exhaustion has ensued as the result. With heated blood and nerves excited, if we can speak in that way of the nerves of a lot of cattle, they reach the market, when with but three or four hours more travel they would reach the market in a far better condition.

As the Senator from Texas and the Senator from Montana well said, the owners of cattle ought to be fairly presumed to desire so to handle their cattle, quite independently of the question of humanity, as that they will reap the largest results, and if it would yield greater profit to them to unload their cattle every twenty-eight hours they would do so, because self-interest would require them to do so. But having realized that frequent loading and unloading, not by reason of the cost, but by reason of the injury done to the cattle, is injurious to the cattle and injurious to the pockets of the owners, they have sought to have the limit enlarged in the way this bill proposes.

Mr. President, as I understand, this is simply intended to give to the owners of cattle a reasonable leeway in the transportation of their cattle from the prairie to the market, to enable them to cover every reasonable contingency, to enable them in the exercise of a sound judgment so to handle their cattle that there shall be the least injury done to the cattle and thereby the least injury done to themselves. And eight hours, even though they follow after twenty-eight hours, is not for cattle such a period of time. I am quite astonished that those who oppose measures of this kind do not insist that cattle should not be killed; that it is cruelty to animals and inhumane to slaughter them for human food. The next best thing they can do, I suppose, is to insist that the cattle shall be brought to market in as comfortable a condition as possible. It may be that they will insist that they shall have palace cattle cars; and indeed when some of the cars that are now provided for the transportation of cattle are compared with the cars of twenty or twenty-five or thirty years ago, they may well be called palace cattle cars.

Mr. President, the cattle are fed in transitu, and as the Senator from Wyoming [Mr. WARREN] has said, cattle feed in transitu. So they are not without food. All the food they require to appease their hunger in transitu is placed in the cars that carry them, and with food to eat, the desire for water is largely modified, and the fatigue from standing is also thereby largely modified.

It seems to me, Mr. President, that the men who are most deeply concerned in the welfare of the cattle are those who should be most largely consulted in determining the matter of transportation. Their concern is not that of humanity, I am willing to admit; it is that of profit; but experience has taught

cattlemen as well as others that the profit consists in getting their cattle to market in the speediest possible time and in the best possible condition, and cattle can not be gotten to market in as good condition if inhumanity occurs in the handling of the cattle, and therefore the promptings of humanity are identical with the promptings of self-interest, and both require that cattle shall be gotten to their destination in the best possible form. If the men whose pockets are involved, whose financial interests depend on the outcome, insist that it will best serve their interests, because it means to them larger profits to give to them this leeway, I insist that they are far more likely to be right than the theorists who have made up their minds that twenty-eight hours is the limit of endurance, and that a minute or an hour beyond that time places the transaction within the boundaries of inhumanity.

There is nothing in this amendment that should not be incorporated in it, even the provision as to the parties to be responsible for a violation of the law. I think it was but common justice that the owner of the cattle should be eliminated from the equation, because the owner of the cattle has nothing whatever to do with the running of the train or the getting of the trains on time at the yards provided by the railway companies for unloading and feeding and watering stock.

The law, as it will stand, will declare that twenty-eight hours is the limit, practically saying that an emergency must exist, and when the emergency exists then the twenty-eight hours must be observed unless the owner or the person in charge of the cattle on the train shall in writing request that the time be extended. I think the Senate ought to have enough confidence in the character of the men so eloquently described by the Senator from Texas as to feel that they would not use the amendment that is asked for inhuman or horrible purposes.

Therefore, Mr. President, representing, as I do, a large constituency who are engaged in the cattle business, and having some practical knowledge, by observation more than otherwise, I have no hesitation in saying, and in giving it as my deliberate judgment, that the amendment which is proposed is one that should be enacted for the cause of humanity as well as for that degree of protection that the men engaged in this great industry are entitled to have at the hands of the lawmaking power.

Mr. GALLINGER. Mr. President, this is not a new question. The law has been on the statute-book a good many years. But there have been various efforts made to amend the law. Heretofore the advocate of amended legislation has insisted that forty hours was not an excessive time, and we have had several bills before Congress extending the time from twenty-eight to forty hours. But those bills did not receive the favor of the Congress.

If I remember correctly, those bills did not provide, as is done in this bill, that the extension of time should be upon the written request of the owner or the person in charge of the stock, but they boldy asked Congress—and they then made the same plea that it was in the interest of humanity—that the time should be extended from twenty-eight to forty hours. Failing to get that, they have come now asking us to extend the time to thirty-six hours.

Mr. President, some weeks, and possibly some months, ago I was interviewed by certain parties interested in the passage of this bill. One of them was from my own State—a man whose father had been a long-time personal and political friend of mine. I listened to them very attentively and was impressed with their arguments. It seemed to me there was something in the contention, and I said to them, without making any promise one way or the other, that I would give the matter very careful and conscientious consideration.

I have examined the bill. I have examined the literature on the subject. I have read the arguments of those who are in favor of the bill, and I have likewise, as I am always glad to do, read the representations of those who represent the humane societies of the country, and I do not propose to admit mildly and dumbly that the criticisms upon that class of people made to-day are founded in justice. We would have much less healthy legislation, State and national, if it were not for the people who take an interest in the welfare not only of the dumb beasts, but of the human kind as well; and I am glad that there are men and women all over our country who are taking an interest in this legislation and all similar legislation, and in a proper way presenting their views to those of us who are to cast our votes.

After giving the matter very careful consideration, I have concluded that in an excess of caution, if nothing else, it is my duty to vote against the pending bill. I presume it will pass the Senate, but I prefer that my vote shall be recorded against it rather than it shall be recorded in its favor.

We have heard eloquent arguments to-day to the effect that the men who ship cattle want to get them to market in the best possible condition, and that self-interest prompts them to ask for legislation along proper lines. That may be so, and yet there are some things which lead me to doubt it.

I have been told that this bill originated in the Department of Agriculture. I do not know whether it did or not. If it did——

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Wyoming?

Mr. GALLINGER. With pleasure.

Mr. WARREN. If the Senator will permit me, it originated, so far as the calling of a preliminary meeting was concerned, with the stockmen and live-stock growers.

Mr. GALLINGER. The Secretary of Agriculture certainly has been brought into the discussion as being an advocate of this legislation.

Mr. WARREN. I am coming to that. The stockmen desired, as they always do, to obey the laws. The Department of Agriculture, in the last year or two, has attempted to apply and enforce this law—to take it from the dead-letter condition in which it slept for years and apply it. Its officials found, as everybody has found who has watched the shipment of stock, that the present law is not practical and not in the interest of the purchasers or consumers of meat and not conducive to the arrival at market of meat in the best condition.

The stockmen came to Washington and consulted with the Secretary of Agriculture and presented their views. I would not like to put it upon the Secretary of Agriculture that the bill was his and as coming from that Department as a command upon this Congress, but I do say it has the full approval of the Secretary of Agriculture and those in his Department who have been engaged in the last two years in an endeavor to enforce the twenty-eight-hour law.

Mr. GALLINGER. Mr. President, wherever the bill may have originated, one provision was incorporated in the bill in its original draft that the committee has eliminated, which, it strikes me, was in the interest of humanity. That will be found in section 5, where it is provided:

> That it shall be the duty of every railroad, express company, car company, and of every common carrier other than by water, and of the receiver, trustee, or lessee of any of them, wholly or in part engaged in the transportation of live stock by railroad from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, to transport said live stock so by it or him being transported with due diligence, and to maintain in all trains containing ten or more cars of live stock which is being transported from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia an average minimum rate of speed of not less than 16 miles per hour from the time any such live stock is loaded upon or into its or his cars, and made part of said train, until such train reaches its destination, or junction point for delivery to another carrier, deducting only in the computation of such average minimum speed such reasonable time as the live stock may be necessarily delayed in unloading to feed, water, and rest, and in feeding, watering, and resting, and in reloading, and such time as the live stock may be delayed by storm or by other accidental causes which can not be anticipated or avoided by the exercise of due diligence and foresight.

Mr. WARREN. Will the Senator permit me?

Mr. GALLINGER. I will yield to the Senator in a moment. We have listened to a picture to-day painted as to the difference between the condition of the railroads of the country when this original law was enacted and the condition to-day. I take it that whatever the speed of trains may have been twenty or thirty years ago, 16 miles at the present time as a minimum speed for a stock train is not excessive speed; and I will ask the Senator from Wyoming why it was that that provision was taken from the bill?

Mr. WARREN. Mr. President, the sixteen-hour limit is far too low for most railroads; it is too high for others. For instance, upon the main lines the full trains of cattle are supposed to move at nearer 25 and even 30 miles an hour than 16. In the meantime the little branch railroad lines or feeders that come in from the plains or from the mountains and join the main line are of lighter rail, of poorer construction, sometimes with a soft track, and it is at times unsafe to move over those feeder railroad lines at perhaps faster than 10 or 12 miles with live stock, but when they get upon the main line they make speed. It seemed to those interested in this bill as if it carried more of a license to railroads to reduce their speed on the main lines to 16 miles an hour than anything else, and it would not conduce to faster running time.

Mr. GALLINGER. If the Senator will permit me, it would not be to the interest of any railroad corporation to run at a less speed than could readily be made with a load of cattle. There is surely no danger of a railroad doing that.

Mr. WARREN. Now, the Senator has answered his own inquiry. It is not in the interest of railroads to run slow when

they could run fast. They should and will run 20 or 25 miles an hour, and even more.

There is no necessity of having a limit in the bill. That limit was put in as a concession to members of the Humane Society of Washington who, as I am informed, stated that they would support the bill, or not oppose it, with that speed limit in, but when it was put in they nevertheless opposed the bill. It was, in my opinion, put in there as a concession, and not because it really added anything useful to the bill. I think it detracted from it, because it bound up the railroads upon the short lines, where they could not possibly make the time, and it seemingly gave the liberty on the main lines where neither their interest nor the interest of the stockmen require them to make as slow time as that.

I will say as to the main lines across the country, most of those shipping will average probably 25 miles an hour with stock trains. Of course freight trains can not move with the same regularity and can not depend upon making time every day as can passenger trains.

Mr. GALLINGER. Mr. President, in reading the bill my attention was attracted to that, and I thought I should like to hear an explanation of it. I submit it for what it is worth.

Now, Mr. President, I am one of those who make no pretension of knowing very much about the transportation of cattle, but I have seen a great many loads of cattle in transit and I have seen a great many cars of cattle unloaded at their destination. I want to say that from the slight observation I have made if there is any way that human intelligence and human ingenuity can devise to lessen the suffering of cattle transported from the far West to the markets at Chicago and other cities of the country it ought to be done, and I will express the hope that if this bill shall become a law—I trust it may not—the statements made by those who are advocating it to-day may be justified by facts.

There is need certainly for ameliorated conditions. So far as the transportation of live stock is concerned that is to be slaughtered and used for human food, I could wish that a measure which commended itself more to my limited intelligence had been presented to the Senate than the one that is now under consideration.

Several Senators, the last one being the Senator from Colorado [Mr. PATTERSON], have called attention to the fact, and it has been urged with great vehemence, that sometimes these cattle trains would reach their destination within two or three hours after the twenty-eight hours have expired and they are compelled to unload.

Mr. President, I think that is a hardship. Why was not a bill brought in here limiting this amelioration to that one instance? There would be no trouble about that. But while a hardship in that regard may be ameliorated——

Mr. PATTERSON. Mr. President——

Mr. GALLINGER. In a moment. It seems to me that in a great many other instances an added hardship will be the result.

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. With pleasure.

Mr. PATTERSON. Would it not be equally a hardship, should a train be belated and so detained that it would not reach the yards for unloading, feeding, or watering within four or five hours of the twenty-eight hours, to compel the owners of the cattle and the railway company both to be adjudged violators of the law or else to unload where there were no facilities?

Mr. GALLINGER. Well, Mr. President, I long ago learned that one swallow does not make a summer, and because this thing may happen now and then is no reason why we should enact legislation compelling a different order of things to be put into operation.

The Senator from Colorado, in an excess, I think, of exuberance or possibly of humor, for which he is so noted, went beyond himself when he suggested that the good people who are interested in this legislation and the few of us who are representing them as best we may to-day will probably, after a little while, take exception to the killing of cattle; that that will be a natural step in advance of our present position.

Mr. President, if some of the loads of cattle that I have seen on the railroads of this country are a sample, and if some of the pictures that have been painted of the conditions existing where those poor, fevered, tuberculous cattle are slaughtered in this country have any truth at all in them, I am inclined to think it might be a good idea for somebody to rise up and advocate what the Senator from Colorado has suggested. I do not know but we would all be better off.

Mr. President, it is urged with a good deal of force, and it is in this bill, that these cattle are to be attended by people who are interested in them, the owners or their representatives. I do not know how that may be, but I turn to the testimony given before the Interstate Commerce Committee, and on page 1220 I find the testimony of Mr. James C. Lincoln. Mr. Lincoln lives in St. Louis, and he is the general freight agent of the Missouri Pacific Railway, the St. Louis, Iron Mountain and Southern Railway, and several allied, leased, and operated lines embraced in what is known as the "Missouri Pacific Railway System," one of the great railway systems of the country. Mr. Lincoln gave a little testimony directly on this point. He was speaking, in the first place, of the burden—I do not know that he called it a burden, but upon the fact that they had to carry or did carry the attendants of these stock trains free of cost, and he said:

> Another incident in connection with the transportation of live stock is the fact that the carriers, on the assumption that the shipper will look after his stock and care for the same while in transit, issues free transportation in both directions to shippers with every two cars of stock and one way with each single car of stock. To the traffic managers of the country it is well known that this live-stock transportation is manipulated to the depletion of the carrier's earnings on passenger traffic. It is also well known that the transportation falls into the hands of parties ostensibly the agents of the shippers, who are thoroughly incompetent to care for the stock while on the road, and who in many instances do not even take the trouble of looking after the stock, the transportation being given to lawyers, merchants, and clerks as a matter of accommodation to enable them to make trips to the larger cities. These alleged attendants, and, for that matter, regular live-stock attendants, are not familiar with the operation of trains and with the yards and switches, and are therefore much more liable to personal injury through their ignorance.

Mr. President, I will venture to ask the Senator from Wyoming if it is to any considerable extent the custom of the shippers of live stock to find a man who wants to take a trip from Cheyenne, we will say, to Chicago, and he is given free transportation by the shipper, with the idea that he is going to look after the live stock? He may be a clerk, he may be, as this statement says, a merchant, lawyer, clergyman, or some other man who simply wants to deadhead his way from Wyoming to Chicago, and he becomes the care taker of that stock. Of course, I can see exactly where the shipper would be benefitted, because he would not lose the services of a man connected with his establishment for a minute, while if he sent one of his own men he would lose the time both on the journey outward and the journey inward, which would be a very considerable expense.

I know nothing about this beyond the testimony that Mr. Lincoln, who seems to be a well-qualified witness, has given. If it be so, I think we ought to express at least some degree of sympathy for the live stock that is put in the care of that class of men.

Mr. WARREN. Now, Mr. President, I take it for granted that the Senator asks that question in good faith.

Mr. GALLINGER. I do, indeed, because I have it upon the testimony that is contained here on page 1239, by a very reputable witness.

Mr. WARREN. Now, Mr. President, the gentleman who testifies there, of course, notwithstanding he represents strong roads, does not represent those that carry the larger share of the live stock of the country. I should be glad to read what comes before and what comes after the quotation. His main ground, if I understand it, is that the railroads are sending one man in both directions to each two cars or to send a man one way with one car. If the Missouri Pacific and those roads were as liberal as that in transportation, and were allowing a man for every two cars on a train, they would open the door themselves to that kind of fraud, because, if a man has but two cars of stock of course it requires a man to go with the two cars, but if he is shipping twenty cars of stock it does not require ten men to go with them. It is not the practice in my part of the country to do that.

Mr. GALLINGER. Mr. Lincoln does not say that.

Mr. WARREN. Whether he says it or not, if he says that he gives that much transportation, I say he is giving it in cases where there are some reasons other than the interests of the live stock during shipment.

Mr. GALLINGER. I beg the Senator's pardon. All that can possibly be construed from this language is that if there are two cars of stock, two persons may be shipped; if there is one car, one person goes along with it; but he does not say that for twenty or thirty cars there will be an individual for each car.

Mr. WARREN. Well, Mr. President, I think from my knowledge of the case that is what he did mean there, because there are times when railroads in their competition have reached that point.

Mr. GALLINGER. But, Mr. President, I am still wrong there. What he does say is that they issue "free transportation in both directions to shippers with every two cars of stock and one way with each single car of stock."

Mr. WARREN. That is what I said.

Let me say to the Senator from New Hampshire that I have sent lawyers and merchants and clerks with live stock, but they were live-stock men before they were lawyers, and very competent ones. Many clerks and many merchants in the western part of the country were cowboys in earlier days. An attorney-general of the State of Wyoming, who served acceptably and well for years, came up to Wyoming over the trail from Texas with cattle.

Mr. GALLINGER. But did he accept service with the Senator to act as his agent to take a trip to Chicago?

Mr. WARREN. He would have been very glad to accompany me when I donned my overalls and went with stock. I was never too proud to do that sort of thing, and others feel that they are not.

Mr. GALLINGER. He was on a pleasure trip, I suppose?

Mr. WARREN. If you call rustling around with cattle a pleasure trip, yes.

Mr. GALLINGER. He was deadheaded through from the point of shipment to the destination?

Mr. WARREN. One of the men in charge of the cattle, yes; and it often happens that way.

Mr. GALLINGER. Well, Mr. President——

Mr. WARREN. I want to say that in all those cases they are competent men. They go in pursuance of a duty, and they perform that duty. The fact that a man may fall from grace and become a lawyer or a merchant does not detract from the honesty of purpose of the man who was once a cowboy.

Mr. GALLINGER. Mr. President, after a man has become a lawyer he certainly falls from grace if, for the sake of saving fare from Wyoming to Chicago, he accepts free transportation in charge of cattle.

Mr. WARREN. I distinctly stated he does not go that way; but when a man desires to go back to his earlier employment, as a sort of vacation, he is not open to any criticism from the Senator. They may look at things differently in New Hampshire, but in the western country it is no disgrace to get on rough clothing and do a little rough work.

Mr. GALLINGER. No people in all the world have done any more hustling in that direction than the people of New England. I am not making any criticism along this line, but I say the argument has been made that the stock is safe in the hands of those men, and that whatever representations or requests they make ought to be observed. I say that if they are the class of men that Mr. Lincoln represents as being sent in charge of stock trains I do not think that their representations or their wishes would count for very much, so far as the stock is concerned.

Mr. WARREN. He states simply an exception. That is not the rule.

Mr. GALLINGER. I know the Senator from Wyoming is anxious to get a vote, and I really did not intend to occupy more than a moment of time.

The argument is made that the owners of this stock are humane people, and I presume that is true as a rule; but if there had not been abuses, there never would have been a law on the statute book in reference to this subject. There must have been abuses; there must have been a reason for it. Congress would not have legislated if there had been no ground for legislation. While perhaps the stockmen have become more humane than they were twenty or thirty years ago, when very evidently there was need of legislation, I am not quite sure that we ought not at least to hem them in by some restrictions at the present time. The argument of humanity has been made sometimes for a good cause and sometimes for a bad cause. It was made in the days of slavery, at first, that you could trust the slave owner to treat his slaves humanely, because they were his property; but while a great many of them did treat their slaves humanely, a great many of them did not.

It is a mere question, after all, of healthy legislation. I am not prepared to say a word more against this bill. If it becomes a law, I hope that every claim which has been made for it by the Senator from Wyoming [Mr. WARREN]—who, of course, is sincere in his advocacy of it, and who has no purpose to mislead the Senate in what he says—if it becomes a law, I shall hope, in the interest of humanity, which I trust I am always ready to advocate in a proper way—will be fulfilled; but I have my fears, or, as the Scotchman would say, "I hae my doots."

Mr. LODGE obtained the floor.

Mr. ANKENY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. LODGE. Certainly; I yield to the Senator if he desires to ask me a question.

Mr. ANKENY. I wish to say a few words on the pending bill.

Mr. LODGE. Very well; I will yield to the Senator for that purpose.

Mr. ANKENY. Mr. President, I know the cattle business very well; indeed, I have been engaged in it all my life. All the discussion which has taken place, of course, bears upon it; but from my intimate knowledge of the business, I will say that I believe this bill is in the interest of humanity, and is also in the interest of the good management of the cattle and stock business. I shall therefore vote for the measure.

One thing that seems to scare so many of the opponents of this bill, and to which they attach much importance, is the case where stock arrives at its destination in bad condition. In our portion of the country cattle are shipped from point to point, many of them for stock purposes. Very few are slaughtered at the time of their arrival. So the bugbear on that point does not arise with us. Stock is usually in good order. Most of them, I repeat, are stock cattle, though some of those cattle are taken to Nebraska to be fed.

I can not see any objection to this measure. I hope it will appeal to the people who are opposing it as a good and proper measure, and that it will correct the abuses and troubles to which we have been subjected by being compelled to land cattle from the cars where it ought not to be done and where it is impossible to do it to advantage and in such manner as to benefit the cattle.

Mr. LODGE. Mr. President, the only knowledge that I have of the transportation of cattle by rail is what I have been able to see; and I am aware, from the utterances of wise men elsewhere, that what an ordinarily intelligent person is able to see is not evidence; that he must be an expert, and on the same authority I understand an expert to mean somebody who is interested in the business which is criticised.

Most of the cattle I have seen in transit have been in the East. I used to see many cattle trains in the eastern part of the country; but I see very few there now. The benefactors of mankind, who do our packing for us at Chicago, and who are now being persecuted, have pretty nearly stopped the traffic in live cattle in the East. They have been so solicitous for our welfare and so determined that we should have nothing but the best meat that when any butcher attempts to run a shop for the sale of locally killed beef they open another shop alongside of him and undersell him until they drive him out of business.

Mr. GALLINGER. If the Senator will allow me, he might go further than that. If a local butcher or dealer in meat should purchase an animal that has been fatted in Massachusetts or in New Hampshire, he is forbidden a supply of western beef to meet the necessities of his trade.

Mr. BAILEY. Will the Senators permit me to inquire of them if their State legislatures stand by and permit such a thing as that without enacting a law against it? Have you no antitrust legislation in your respective States?

Mr. LODGE. No State legislation could prevent the introduction of beef from the outside.

Mr. BAILEY. No; but State legislation could make it a crime to set down a shop by the side of a citizen of Massachusetts and close him up in that fashion, because that meat would have to be cut, as it could not be sold in the same packages in which it was brought, and, therefore, when they cut it it would become subject to the laws of Massachusetts.

Mr. LODGE. Mr. President, it may be very easy to do that, but what law of a State would prevent a man from selling beef at any price he pleases? We have no such laws as that yet, I am free to say. We may be very backward, but we have not such laws.

Mr. BAILEY. The State of Massachusetts has been the pioneer in much useful legislation to correct corporations and corporate abuses; and I am glad to be privileged to say to one of her Senators that it is well within the power of the State to punish precisely that kind of competition, because, instead of being that competition which promotes a healthy commercial growth, the very purpose of it is to destroy competition. It is neither more nor less than a deliberate conspiracy against the health and commerce of the State. My own opinion is that there is no graver offense against sound commercial principle than such misconduct as the Senator from Massachusetts has just indicated.

Mr. LODGE. Mr. President, if the way exists, we have not yet found it, of compelling a man by law to sell beef to another man—I mean the dealer, of course—or to fix the price at which the beef shall be sold.

Mr. BAILEY. Mr. President, the Senator must not understand me as saying that that is either permissible or wise legis-

lation, but what I do say is that when an individual or a corporation opens an establishment by the side of another individual or corporation and enters upon a course of commerce designed purely and only for the purpose of destroying a competitor, it is a crime against good morals, and it ought to be a crime everywhere against statutory enactment.

Mr. LODGE. That, as the Senator well knows, usually occurs under conditions where it would be something extremely hard to prove the case.

Mr. BAILEY. Of course.

Mr. LODGE. In practice it is almost impossible to do so. There is no doubt, however, of the fact either of what the Senator from New Hampshire [Mr. GALLINGER] states about the refusal to sell to local butchers western beef if they sell beef they get anywhere else—domestic beef—or about lowering the price in the neighborhood at more than one place.

Mr. WARREN. I want to say, before the Senator proceeds further with his interesting remarks, that I hope he will not hold the cattle growers responsible for the condition he describes.

Mr. LODGE. I will come to the cattle grower by and by.

Mr. WARREN. The cattle growers have for a long time been the sufferers from the conditions produced by the packers, and they have inveighed against it more than have the consumers. They are the ones to complain.

Mr. LODGE. In the remarks I am making I am merely leading up to the facts and explaining why it was that of late years we have seen so few cattle trains in the East. The remarks I have thus far made were merely incidental, and they were not designed to more than explain that situation. It is owing to the facts I have stated that we see so few cattle on the hoof in the East now, where we used to see cattle trains and also large herds of cattle driven in on the hoof for slaughter. It is owing, I say, to the efforts of these gentlemen in Chicago, who, we are assured, are perfectly faultless and working only for the benefit of mankind.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. I yield.

Mr. PATTERSON. Will the Senator from Massachusetts state who has been championing the morals and humanity of the packers of beef?

Mr. LODGE. The Senator from Colorado is an experienced parliamentarian and is well aware that it is not in order in this body to refer to the utterances of members of another body.

Mr. PATTERSON. I am glad, at least, that we have got the admission from the Senator from Massachusetts that nobody in this Chamber has undertaken that task as yet.

Mr. LODGE. No; we have not.

Mr. PATTERSON. It may be that we may find them on this floor.

Mr. LODGE. The subject has not yet been discussed, Mr. President.

Mr. PATTERSON. I do not say we will probably find them on this floor before the session closes.

Mr. LODGE. I think the Senate acted extremely wisely when they put on the amendment in relation to beef inspection without discussing it, and I think we should have been much better off if that course had been followed elsewhere; but that is by the way.

But in what cattle trains I see the cattle always impress me when I am looking at them—not as an expert or as a live-stock man, but simply as a plain citizen—the cattle always look to me extremely unhappy and uncomfortable, and in hot weather they seem to be suffering greatly.

Mr. President, the Senator from Texas [Mr. BAILEY] has explained that with wild cattle it is necessary to pack them very closely in order to prevent their fighting and injuring each other when they fight. Whether or not that danger of combat applies to sheep packed too closely, I am not enough of a live-stock man to say; but I have seen sheep and hogs packed so tightly that they seemed to me to be suffering a great deal, and I saw no signs of the sheep fighting each other or anything of that sort.

I understand that the extension of time to thirty-six hours in this bill is proposed in the interest of humanity to the cattle or live stock transported. That is exactly where my lack of expert knowledge comes in, for I do not see how it can benefit them. I am perfectly willing to admit, what, of course, everybody must know to be true, that the difference between the condition of the railroads now and their condition at the time the original law was enacted is very great. We have better rails; we have better roadbeds; the tracks are better ballasted; it is all immensely improved. That is, of course, a benefit to the cattle; but I still come back to the point of the main question of time. It seems to me that when cattle are traveling packed together standing up, especially in very hot weather, every hour that you add makes their suffering greater.

The Senator from Colorado [Mr. PATTERSON] said as the reductio ad absurdum that he supposed some of these theorists to whom he referred would presently urge that no cattle should be killed. Mr. President, we have to kill animals in order to feed ourselves; but it is none the less a painful and disagreeable thing to do, and I imagine that the animal does not enjoy the process. Certainly in bringing them to the slaughterhouse we ought at least, not merely in humanity to them, but in our own interest, use all the kindness and gentleness that is possible.

The only actual moving of live stock that I have ever had occasion to know anything about is to take two or three horses, perhaps, from here to my home in Massachusetts. For many years it was possible to do that by boat, and the horses went extremely well and in very good condition. The boats will no longer take horses, and it becomes necessary to send them by rail. I have tried that method. I know—and I am sure that anyone else who has had occasion to send horses in that way will agree with me—that it is cheaper to send horses by express, so that they go almost as quickly as you can go yourself on the fastest trains, at double the rate of ordinary freight, than to send them by ordinary freight. Horses sent in that way of course have men with them. They are watered and fed, and they are not crowded. They are treated with the utmost possible care, and yet every additional hour that they are kept on the train is an injury to them and they suffer to that extent. I can not speak of cattle or their transportation, but I know something about horses, and I know that the mere retention of a horse in a train, especially in warm weather, is an injury to him and that he suffers from it; and I draw the not unnatural inference that what is true of the horse may be true of other animals when it is necessary to transport them by rail.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. Certainly.

Mr. PATTERSON. I should like the Senator to state the length of time it usually occupies in transporting horses from here to Boston, and whether or not in transitu the horses are taken out and fed?

Mr. LODGE. You can send the horses by express.

Mr. PATTERSON. I know; but I mean by freight; the way you sent your horses.

Mr. LODGE. It generally takes forty-eight hours, I think; though sometimes more. The horses can be taken out. Often there is ample time to take them out at Jersey City. The cars are arranged with stalls. Men accompany the horses, and when the train stops they look after them. That is the way horses are carried, and yet every additional hour they remain on the train is an injury to the animal. There is no question about that; and it is a saving to pay double rates on the horses and avoid the additional time on the cars.

Mr. WARREN. Will the Senator permit me to interrupt him?

Mr. LODGE. Certainly.

Mr. WARREN. I think it fairer in discussing a question of this kind to make the statement as it is, and as it is proposed by those who support the bill, than to state it otherwise. Now, when the statement is made alone that this bill will operate to keep cattle on the cars for an additional length of time, and you leave it as if that were the whole proposition, you do an injustice, because we are not lengthening the time in changing the law, except under circumstances that render it more humane to lengthen the hours and by making up for it in some other way. To stop every twenty-eight hours and interrupt the progress of the car to enforce the present law oftentimes causes the cattle to stand in a car on a sidetrack all night, and even then they have to move backward next day to some feeding yard, whereas if they moved forward during the night without interruption they would arrive at some place where they could be unloaded many hours earlier and yet be nearer their destination.

Mr. LODGE. I am coming to that part of it in a moment. I am not going to misstate it. I was trying to state, first, what seemed to me an objection in increasing the length of time from twenty-eight hours to thirty-six hours. That is without reference to the unloading or reloading, which I am coming to. I am speaking of the increased length of time which this bill will permit cattle to be kept in the car. It is true it is said that it shall be done on request, but we may take it that it will always be done in practice.

The argument is made that the train may be delayed, that the cattle may be within an hour or two of their destination, and yet the twenty-eight-hour law would compel them to unload and reload. Mr. President, increasing the limit to thirty-six hours would simply enlarge the zone; that is all. You may find places where it is thirty-seven hours to the destination, and you will have to unload an hour away from it. You may have delays even when the limit is thirty-six hours. Making the limit thirty-six hours does not eliminate accidents or delays. All the things for which the extension of this limit is urged may occur with thirty-six hours as the outside time as well as with twenty-eight hours.

Mr. WARREN. Mr. President——

Mr. LODGE. It may be slightly reduced, but not much.

Mr. WARREN. Will the Senator permit me?

Mr. LODGE. Allow me to finish my sentence. The fact is, every one of the arguments lead straight to the proposition that there ought to be no limit at all; that we ought to trust it entirely to the men in charge of the cattle and to the live-stock owners without any limit of time at all. That is the logical argument, because otherwise we accept the proposition that some limitation is necessary, and that it is proper to put on a pretty reasonable limitation that will necessitate a fairly frequent loading or unloading of the cattle. It is only logical that there should be no limit, and the bill provides that men responsible for it shall not be made liable in any way, which would be in keeping with taking off all limit of time.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Yes.

Mr. WARREN. The Senator evidently, as he says, has never shipped cattle. The operation of the bill is simply this——

Mr. LODGE. I admitted that in the beginning in the hope that it would put an end to this continual making the point that the man is not an expert who has not shipped cattle. I admit that once for all.

Mr. WARREN. I am saying that to excuse the very absurd statement you have just made.

Mr. LODGE. You need not excuse my statements. I will take care of them.

Mr. WARREN. Very well, I will take care of them, too, to some extent, if the Senator will permit me.

Mr. LODGE. I hope you will, but in your own time.

Mr. WARREN. Am I not to have the opportunity now?

Mr. LODGE. Not if you want to interrupt me for that sort of thing. If you are going to interrupt to ask me a question, I shall be delighted to have you do it.

Mr. WARREN. If the Senator will not interrupt me——

Mr. LODGE. I can not interrupt in my own time, Mr. President.

Mr. WARREN. What I was about to say, Mr. President, was that the extension of time to thirty-six hours would not make any difference whatever with the plans of the feeding stations or with keeping the regular runs within the twenty-eight hours. If you are going a forty-hour journey, there will be as near as there can be a feeding station provided in the middle of the journey. They would not go twenty-eight hours, but twenty hours. Regular runs will be confined at the very outside to twenty-eight hours, so far as the anticipated limits of the journey and the several runs are concerned. The application of the thirty-six-hour law will only come when unforeseen circumstances render it necessary to have the extra time, such as a delay—a behind-time train—which will cause them to be caught between proper feeding and unloading stations.

Mr. LODGE. Mr. President, I have no doubt that is all perfectly true, but I do not see why you can not be caught with a thirty-six-hour limit as well as with one of twenty-eight hours. The bill provides for the addition of eight hours. You of course increase the zone that is within reach in one journey in the cattle country, but certainly by taking thirty-six hours you can not alter the fact that you may get within an hour of your destination and then may have to unload. It certainly does not change any of those conditions or prevent accidents or prevent delays. It is simply making it perhaps a little more elastic.

My proposition is that if that argument is carried to its logical conclusion it means there ought not to be any limitation. I do not see any other way with it but to leave it to the enlightened self-interest——

Mr. PATTERSON. Mr. President, will the Senator from Massachusetts permit me just a moment?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. Certainly.

Mr. PATTERSON. It seems to me the Senator from Massachusetts ought to bear in mind that these railway companies have got their cars, their chutes, and their stations for feeding and watering cattle at stated intervals, and in the transporting of stock the location of these yards must always be taken into consideration. They have been erected with reference to the twenty-eight-hour limit. I have no doubt about that in the world. That is not going to be altered because of the leeway of eight hours that is proposed to be given. So that the twenty-eight-hour proposition is the proposition that is almost certain to prevail, and for that reason the eight-hour leeway will be the exceptional result almost necessarily.

Mr. LODGE. Mr. President, the bill proposes to give more leeway. If it were carried out logically, it would be better to provide that each man should decide for himself. In other words, we are assured again and again that enlightened self-interest will prevent injury to the cattle and the live stock. Enlightened self-interest, Mr. President, would prevent a man injuring his children or his wife, and yet it is necessary to have laws to prevent the abuse of wives and children. Enlightened self-interest would prevent the destruction of the game and the fish, with which this country was more largely endowed than probably any country in the world; and yet the men to whom it is of the most importance resist to the utmost any legislation, both State and national, which looks to the preservation of the food fishes and of game birds and game animals which are suited for the consumption of man.

If we could rely on enlightened self-interest, we should need very little law indeed. But we can not rely on it. In the first place, men do not understand very well their real interest, and they are not enlightened about it very frequently when they think they understand it. The old story of killing the goose that lays the golden egg is brought every day within our sight in dealing with a great many questions.

When it comes to the matter of enlightened self-interest, take the matter which has been alluded to this afternoon—the case of the packing houses at Chicago. What would enlightened self-interest dictate? That they should be above suspicion, and that they should welcome any legislation which would make their products of undoubted purity and merit in the eyes of the people of the world. What do we see? We see these men, with their business perishing beneath their eyes, fighting the legislation which—and it matters not whether the charges are true or false—is the only thing in the world which can restore the character of their products in the markets of the world. They are called great business men, and certainly ought to be governed by enlightened self-interest——

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. LODGE. I do.

Mr. HOPKINS. I am very sorry the Senator from Massachusetts has taken that subject to illustrate a point against the bill under consideration. I wish to inquire of the Senator from Massachusetts whether he understands that the report upon which he predicates the statement he has made shows that 92 per cent of the products of the Chicago packing houses is perfect and that the examination of the Government is beyond criticism?

Mr. LODGE. I am not arguing the merits of that report. If the Senator had listened to what I had said, he would have understood me to say what I now repeat, that from the point I am making it is of no earthly consequence whether that report is true, as I believe it to be in the main, or whether it is untrue. There is no question as to what the markets of the world think about it.

Mr. HOPKINS. But the Senator——

Mr. LODGE. I say if those people were not stupid beyond words, if they had not been so absolutely stupified by greed for money, they would welcome legislation which would put their products in the markets of the world in such a way that no one could doubt their merit.

Mr. HOPKINS. Mr. President——

Mr. LODGE. I am not going to argue the question.

Mr. HOPKINS. Mr. President——

Mr. LODGE. If the Senator wants me to do it I will. I am quite ready to discuss the morals and methods of the packers of Chicago, but just now I am only discussing their lack of intelligence and their blindness to public opinion.

Mr. HOPKINS. The Senator from Massachusetts has assumed that these people do not want inspection and that they are fighting legislation. I desire to correct him upon that point, as he can evidently be corrected upon the facts themselves. The Chicago beef packers are not fighting inspection, but, on the contrary, welcome it, and the most severe that can be had.

They realize that after a good many of the wild statements which have been made in the country and sent abroad, it is important to American interests that there be legislation of a character that will stop this hysteria which is evidently spreading over the entire world.

Mr. LODGE. I do not know whether they are resisting it or not, but they sent a man here who purported to be their representative, who undertook to resist it at the hearings before the House committee, if he was correctly reported in the newspapers.

Mr. HOPKINS. The best way to find out——

Mr. LODGE. I do not know whether he was their representative or not. I am speaking merely from what appeared in the newspapers.

Mr. HOPKINS. The Senator evidently has not read the evidence taken before the House committee.

Mr. LODGE. I read all of it that appeared in the newspapers. I read the testimony of the man who purported to be their agent. I do not know whether he was their agent or not. He purported to be, and was accepted with open arms by the committee as such. I believe his name was Wilson. I do not know whether I am correct in that or not.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. I do.

Mr. PATTERSON. Mr. President, I think it is unfair to compare the so-called "enlightened self-interest" of the Chicago beef packers with the enlightened self-interest of the cattle grower. It is not enlightened self-interest in the case of the beef packers. It is simply the license that has grown out of a power, by reason of money and the associations and the combinations of beef packers, which made them believe they were absolutely above all law and above all criticism. Such is not the case, Mr. President, with the cattle growers.

I desire to say for the cattle growers that their sentiment, as it has come to me by numerous telegrams, is that "What we want is legislation, since it has to come, and we want it quickly, and we care not how stringent the legislation may be. The delay is ruining our business, and we are the real sufferers for the shortcomings of the beef packers." The cattle growers of the country want legislation, and they want it quickly, and they do not care where the expense of the legislation may fall.

Mr. LODGE. Mr. President, I merely used the packers as an instance of how impossible it is to rely on enlightened self-interest for the enforcement always of proper regulations in regard to any matter like the transportation of cattle or the preparation of food products. In those instances, as in many others, enlightened self-interest has been found to be an imperfect guide. Nothing was further from my thought than to compare the packers with the cattle raisers. I have the highest respect for that great body of men who are engaged in one of the most important industries in this country; and I notice that their representative, when he appeared before the House committee, if he was correctly reported, said substantially what I have said here this afternoon. He seemed to think that somebody was resisting the legislation. I refer to Mr. Cowan, who appeared before the committee in the House, and said that whether the Government was to pay for inspection or whether the cattle raiser and packer was to pay it—he thought the Government ought to pay it—was a secondary point; that what was needed was legislation and legislation at once, just as the Senator from Colorado says; legislation which the people shall believe real legislation and of some effect, and that nothing else would be of value to the cattle business. I think I have quoted him with substantial correctness.

I had not the slightest intention of comparing for one moment the packers in Chicago with the cattle raisers of the United States, for I have great respect for the cattle growers and cattle raisers of the United States.

Mr. President, I have spoken much longer than I meant to. I hope this bill will prove to be all that its friends think it is. It seems to me a mistake to extend the time. The bill contains many useful provisions, which will improve the law in many directions, as is pointed out in the report and in the memorandum of the officers of the Department of Agriculture. But I can not myself, probably from my lack of expert knowledge, see the value of the extension to thirty-six hours, and I merely wish to put on record my protest against that part of the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment of the Committee on Agriculture and Forestry was, on page 3, line 7, after the word "That," to strike out "in the case of sheep, when the expiration of the time limit occurs at night, they may be allowed to continue in transit until daylight, if by so doing they will reach a place where they can be properly fed, watered, and cared for," and insert "it shall not be required that sheep be unloaded in the nighttime, but where the time expires in the nighttime in case of sheep the same may continue in transit to a suitable place for unloading, subject to the aforesaid limitation of thirty-six hours."

The VICE-PRESIDENT. The Chair would ask the Senator from Wyoming whether the committee has accepted the amendments proposed by the Senator from Idaho [Mr. HEYBURN] as committee amendments?

Mr. WARREN. They have.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has been stated.

The amendment was agreed to.

The next amendment was, on page 5, after line 2, to strike out section 5, in the following words:

SEC. 5. That it shall be the duty of every railroad, express company, car company, and of every common carrier other than by water, and of the receiver, trustee, or lessee of any of them, wholly or in part engaged in the transportation of live stock by railroad from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, to transport said live stock so by it or him being transported with due diligence, and to maintain in all trains containing ten or more cars of live stock which is being transported from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia an average minimum rate of speed of not less than 16 miles per hour from the time any such live stock is loaded upon or into its or his cars, and made part of said train, until such train reaches its destination, or junction point for delivery to another carrier, deducting only in the computation of such average minimum speed such reasonable time as the live stock may be necessarily delayed in unloading to feed, water, and rest, and in feeding, watering, and resting, and in reloading, and such time as the live stock may be delayed by storm or by other accidental or unavoidable causes which can not be anticipated or avoided by the exercise of due diligence and foresight.

The amendment was agreed to.

The next amendment was, on page 6, strike out section 6, in the following words:

SEC. 6. That any railroad, express company, car company, common carrier other than by water, and the receiver, trustee, or lessee of any of them who knowingly and willfully fails to comply with the provisions of section 5 shall for every such failure be liable for and pay a penalty of not less than one hundred nor more than five hundred dollars, which shall be recovered as provided in section 4 of this act.

The amendment was agreed to.

Mr. GALLINGER. I call the Senator's attention to page 4, line 8. I suggest that the word "therefore" should be "therefor."

Mr. PATTERSON. That is right.

Mr. WARREN. I will ask the Secretary to change it.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, line 8, it is proposed to strike out the word "therefore" and insert "therefor."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WARREN. I ask unanimous consent to insert in the RECORD a half dozen or dozen letters from the Department of Agriculture and its experts in relation to the bill just passed.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wyoming? The Chair hears none.

The matter referred to is as follows:

DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY,
Washington, D. C., April 9, 1906.

DEAR SENATOR: I have your letter of the 6th instant, inclosing a copy of Senate bill 3413, regulating the confinement of cattle in cars, etc., and have looked the bill over with some care. I think it will meet the emergencies that now exist in the transportation of live stock, but I will have another letter written to you about it when we have had time to make a more critical examination of the measure.

Very truly, yours,

JAMES WILSON, *Secretary.*

Hon. F. E. WARREN,
United States Senate.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SOLICITOR,
Washington, D. C., April 9, 1906.

Hon. F. E. WARREN,
United States Senate, Washington, D. C.

DEAR SENATOR WARREN: In fulfillment of the promise made in a recent telephone conversation I am sending you herewith some comment on the measures now before Congress amending sections 4286–4390, Revised Statutes. You will understand, of course, that the views expressed are personal opinions, as I am in no sense authorized to speak for the Department.

On pages 57–61 of the printed hearings before the Committee on Interstate and Foreign Commerce of the House of Representatives, on House bill 47, proposing to extend the time for which cattle and other

animals may be confined during shipment from one State to another, you will find a copy of *a letter of the Secretary of Agriculture to the President.* On page 59 the Secretary says:

"Based upon a careful observation of the workings of the law, the treatment of the cattle, and the advantage of the shippers and owners of live stock, it is my belief that *if certain other amendments to the law, hereinafter described,* shall be adopted, the time during which cattle may be confined in cars without food, rest, and water may be extended from twenty-eight hours to thirty-six hours without disadvantage to the cattle."

The other amendments which the Secretary declared necessary are found on pages 60 and 61, Nos. 1, 2, 3, 5, and 6, and are as follows:

"1. For reasons hereinbefore stated, provide that the time during which animals may be confined in cars without food, rest, and water be extended from twenty-eight hours to thirty-six hours.

"2. Provide that the cattle must be loaded and unloaded in a humane manner into properly equipped pens. This is a serious omission in the present law.

"3. Provide that the owner or shipper of the animals may furnish the necessary food if he so desires. Many companies have charged most exorbitant fees for supplying food, and, as the law gives a lien on the stock for food furnished, shippers and owners of stock have been in many cases outrageously overcharged.

"5. The statute should be broadened to cover practically every common carrier of live stock, including a receiver of any company. The Supreme Court has held, in the case of The United States *v.* Harris (177 U. S., 305), that existing law does not include the receiver of a railroad company. At the present time a certain railroad, now in the hands of a Federal receiver, is confining animals fifty and even sixty hours without food, rest, and water.

"6. The statute should be amended to cover the transportation of animals from a State to a Territory, or from a Territory to a State. The United States district court for the district of Kansas has held recently, in the case of The United States *v.* The St. Louis and San Francisco Railroad Company (an unreported case), that the law does not cover a shipment from a Territory to a State, the wording of the statute being '* * * which transports live stock from one State to another.'"

* * * * * * *

In conclusion, I desire to say that, in my candid opinion, S. 3413, as amended by the committee and with the amendments submitted by Senator HEYBURN, is the best possible measure which can be secured at this time, and if the bill becomes the law, the treatment of cattle by transportation companies can be rendered far more humane than can be secured under the present twenty-eight-hour law, under which the Department can not require properly equipped pens nor humane loading and unloading. The extra eight hours' time will be requested by the shipper, in the majority of cases, only when his cattle can thereby get to market without unloading, and the extra time the cattle are confined is more than offset by the provision which will secure for them humane loading and unloading, proper pens, and decent food.

Very truly, yours,

GEO. P. MCCABE.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., April 16, 1906.

Hon. F. E. WARREN,
United States Senate.

MY DEAR SENATOR: In further reply to your letter of the 6th instant, asking my views upon Senate bill 3413, relating to live-stock shipping, I have to say that after further careful consideration the bill appears to us to be satisfactory, and I believe we can handle the business advantageously under its terms.

Very truly, yours,

JAMES WILSON, *Secretary.*

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., May 24, 1906.

Hon. F. E. WARREN,
United States Senate, Washington, D. C.

DEAR SENATOR WARREN: I beg to acknowledge receipt of your letter of May 23, in which you inquire whether the Department has any recent reports or comunications from live-stock inspectors or agents on the question of railroad transportation of live stock.

In reply you are informed that on May 10, 1906, the Chief of the Bureau of Animal Industry sent out to the inspectors and agents in charge of the field stations of his Bureau the following circular letter:

"It is desired that you write a letter to the Chief of the Bureau immediately, setting out your candid views on the following points, based upon your personal observation of the transportation of live stock:

"1. Do you consider it inhuman or injurious to meat product to detain live stock in cars without food, rest, and water for a period of not to exceed twenty-eight hours?

"2. When animals have been confined for a period of twenty-eight hours and can reach their final destination within eight hours more, from a humane standpoint is it better to unload the cattle for food, rest, and water at the end of the twenty-eight hours or to carry them through to destination?

"3. Which do you consider preferable: To unload sheep at night, or, when the time limit fixed by law expires in the nighttime, to carry them on in the cars until daylight?

"4. Considering the matter wholly from a humane standpoint, is the operation of section 4386, Revised Statutes, popularly known as "the twenty-eight-hour law," beneficial?

"5. Do you consider that the humane treatment of live stock in transit would be bettered by a strict enforcement of the present twenty-eight-hour law?"

Up to this time the Department has received sixteen replies from Inspectors and agents in charge, which are inclosed herewith. The opinions of these men seem to agree very well upon the best and most humane course to pursue in the treatment of live stock in process of transportation, and as each one of them has had years of familiarity with the railroad transportation of live stock, their views are, in my opinion, entitled to a very considerable weight.

After the inclosed letters have served your purpose I shall be very glad to have them returned to the Department.

Very truly, yours,

JAMES WILSON, *Secretary.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Kansas City, Kans., May 15, 1906.

CHIEF OF BUREAU OF ANIMAL INDUSTRY,
Washington, D. C.

SIR: Referring to the transportation of live stock, I would offer the following observations:

1. I do not consider it inhuman or injurious to meat product to detain live stock in cars without feed, rest, or water for a period not to exceed twenty-eight hours.

2. When animals have been confined for a period of twenty-eight hours, and can reach their final destination within eight hours more, from a humane standpoint I consider it better to carry them through to destination, provided the trip can be completed in eight hours more.

3. I consider it preferable to unload sheep at night, when the time limit fixed by law expires, provided the facilities for doing so are first class. If not, I would consider it best to carry them on until daylight.

4. Considering the matter wholly from a humane standpoint, the operation of section 4386, Revised Statutes, is not beneficial, and in a great many cases very injurious, especially when animals are unloaded at small stations and in muddy yards, and without properly constructed water troughs and hayracks, which is generally the case at small stations.

5. I do not consider that the humane treatment of live stock in transit would be bettered by a strict enforcement of the twenty-eight-hour law; but would suggest that if animals were carried on cars twenty-eight hours that the time limit for feed, rest, and water be made three hours; but if carried on for thirty-six hours, that the time limit for rest, etc., be made six to eight hours. Also that all stock must be properly fed and watered immediately prior to their being loaded, and that the cars must be properly cleaned and bedded.

Very respectfully,

L. R. BAKER,
Inspector in Charge.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, National Stock Yards, Ill., May 14, 1906.

Dr. A. D. MELVIN,
Chief of the Bureau of Animal Industry, Washington, D. C.

SIR: My candid opinion is that it is not inhuman or injurious to the meat product to detain live stock in cars without food, rest, and water for a period of not to exceed twenty-eight hours, and I am firmly convinced, from very careful observations of the transportation of live stock, that it is positively inhuman and injurious to the meat product to unload cattle for food, rest, and water at the end of twenty-eight hours when they can reach their destination in eight hours more. When the time limit fixed by law expires at night, I consider it preferable, from a humane standpoint, to carry sheep on in the cars until daylight.

Considering the matter wholly from a humane standpoint, the operation of section 4386, Revised Statutes, is not beneficial. The virtue of its operation is insignificant in comparison with the evils and inhumanity obtained from its enforcement, and I do not consider that the humane treatment of live stock in transit would be bettered by strict enforcement of the present "twenty-eight-hour law."

Very respectfully,

J. B. CLANCY, *Inspector.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Denver, Colo., May 16, 1906.

CHIEF BUREAU OF ANIMAL INDUSTRY,
Washington, D. C.

DEAR SIR: Referring to Bureau letter dated May 10, 1906, in regard to my views, based upon personal observation of the transportation of live stock, I will say that the views as given below are not only held by me, but is the unanimous opinion of all the men now engaged in inspecting live stock for shipment on this force:

1. I do not consider it inhuman or injurious to the meat product to detain live stock in cars without food, rest, and water for a period of not to exceed twenty-eight hours.

2. When animals have been confined for a period of twenty-eight hours and can reach their final destination within eight hours more I consider it far better, from a humane standpoint, to allow them to be carried through to destination without unloading for feed, rest, and water, as, in my opinion, based upon personal observation, the stock will undergo more hardship in the unloading and reloading than to be allowed to run the additional eight hours and then be unloaded and thoroughly rested, fed, and watered.

3. It is much better to allow sheep to be carried through until daylight in cases where the time fixed by law expires in the nighttime. Sheep that have to be unloaded in the night are of necessity very roughly treated, and it is against their nature and habits to move freely or at all in the nighttime.

4. Considering the matter wholely from a humane standpoint, the operation of section 4386, Revised Statutes, popularly known as the "twenty-eight-hour law," is not beneficial in many cases, particularly when the stock could reach final destination if allowed to run eight hours longer, or if it compels unloading in the nighttime, or if it compels unloading at stations where feeding and watering facilities are not good, when eight hours' additional time would carry them to a station where feeding and watering facilities were good.

5. I do not consider that the humane treatment of live stock in transit would be bettered by a strict enforcement of the present twenty-eight-hour law, for reasons as given above.

Very respectfully,

LOWELL CLARKE.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Salt Lake City, Utah, May 15, 1906.

CHIEF OF BUREAU, *Washington, D. C.*

SIR: Replying to your letter of May 10:

Answer to question 1: I do not consider it inhuman to retain live stock in cars without feed or water for a period of twenty-eight hours. The natural shrinkage caused by the confinement would be the only possible injury that could be done to the meat product.

Answer to question 2: From a humane standpoint, I consider it bet-

ter to carry all live stock to their destination if the time consumed will not exceed eight hours in excess of the twenty-eight-hour limit.

Answer to question 3: It is almost impossible to unload sheep at night, and I consider it very inhuman, and believe, from a humane standpoint, that it is much better to carry them until daylight before unloading.

Answer to question 4: I do not consider the strict compliance or enforcement of the twenty-eight-hour law beneficial from a humane standpoint.

Answer to question 5: I do not.

Very respectfully, yours,

GEO. S. HICKOX,
Agent in Charge.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Chicago, Ill., May 21, 1906.

CHIEF OF BUREAU, *Washington, D. C.*

SIR: Referring to your letter of the 10th instant concerning the "twenty-eight-hour law," the following is submitted:

1. No.

2. Carry them through to destination, provided the time does not exceed thirty-six hours.

3. Carry them on the cars until daylight.

4. The "twenty-eight-hour law" is better than nothing, and the enforcement of this law resulted in faster runs and in this way was an advantage to the shipper. I have seen cattle that were in the cars fifty-four hours while coming only 540 miles, yet they arrived in good condition apparently. I do not consider it inhuman to keep cattle on train thirty-six hours, but I think this should be the limit.

5. The enforcement of the twenty-eight-hour law might force the railroad companies to make better runs rather than build feeding sheds, but I do not think cattle would be benefited by being unloaded for feed and water every twenty-eight hours. The unloading in strange pens and new surroundings and the consequent reloading unduly excites particularly western cattle, and would probably do more harm than good.

Very respectfully,

S. E. BENNETT, *Inspector.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Fargo, N. Dak., May 17, 1906.

CHIEF OF BUREAU, *Washington, D. C.*

SIR: In reply to your circular letter to inspectors in charge, under date of May 10, in regard to the workings of the twenty-eight-hour law, will state that I have from the past ten years' experience formed the following opinions:

First. That it is not inhuman or in any way injurious to the meat product to detain live stock in cars twenty-eight hours without food or water. Stock that has been reasonably handled, loaded on a fill, will not care for food or water before the nervousness caused by loading and car fright has worn off.

Second. That when animals have been confined in cars en route for a period of twenty-eight hours and can reach final destination within eight hours more, it is more humane to run range stock on to final destination in cars that have facilities for hay and water than it is to unload. Stock going to market from the West for the first twenty-four or twenty-eight hours suffer more from excitement of loading, car fright, passing trains, headlights, etc., than anything else; and when cars have been well hayed at loading point the stock will have just begun to get over this nervousness and start to eat, and will not suffer as much by being confined for eight hours more as they will by being unloaded and subjected to the ordeal of loading and unloading again.

Third. In the matter of unloading sheep at night, when the time limit fixed by law expires, will say that with a train load this is all but impossible, and sheep might better be carried on until daylight, covering one more division and being that much closer to market, than sitting on a side track and losing this much time without any possible benefit being derived, as passing trains will keep them from resting any, even if the cars are standing still.

Fourth. Considering the twenty-eight-hour law purely from a humane standpoint, I do not believe with strict enforcement that it accomplishes the desired ends, as in many instances that have met my personal observation it has worked otherwise. Say, for instance, a train of sheep are loaded at a Montana loading point and arrive at Mandan, N. Dak., at 2 a. m. the following morning, and have been on the cars twenty-six hours; they can not reach Jamestown, N. Dak., the next feeding point, within the time limit prescribed by law, but could reach it in thirty to thirty-two hours; so, to comply with the law they must stop at Mandan and lay on the side track until morning without benefit to sheep, owner, railroad, or anyone else. If this train could be sent on to Jamestown and unloaded at daylight, the sheep would get the same rest and be 100 miles nearer destination, the same results be obtained from a humane standpoint that strict compliance with the twenty-eight-hour law would have accomplished. As anyone who has tried to unload sheep after dark or watched the effort being made knows, this can only be accomplished by punching, dogging, and driving the animals frantic before they will leave the cars at night, as lights and shadows from them only make it worse.

Fifth. For the reasons stated above, based on actual experience, I do not believe that a strict enforcement of the twenty-eight-hour law would be beneficial to live stock from a humane standpoint.

Very respectfully,

R. H. TREACY, *Inspector in Charge.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Albuquerque, N. Mex., May 16, 1906.

CHIEF OF BUREAU OF ANIMAL INDUSTRY,
Washington, D. C.

SIR: Referring to circular letter dated the 10th instant, from the Chief of Bureau, relative to the unloading and feeding of cattle and sheep while in transit:

In this matter the scope covered is so broad and the condition so varied that I will in this letter confine myself wholly to range animals.

To my mind it hardly seems possible to frame a general regulation or law to cover same in a satisfactory manner. For example, sucking calves and lambs fret almost continuously when taken from their mothers and eat and drink but little while in transit, and the sooner said animals can be gotten on to the market the better. While it may hardly seem consistent, I am of the opinion that these young animals will stand a longer haul than mature animals. Emaciated cattle should, in my opinion, be unloaded and fed frequently, and when more than 4 per cent of said animals are down in the cars they should be unloaded and fed at the first available corrals regardless of time in transit. On this class of stuff the minimum time on feed or for feeding might be doubled with beneficial results.

1. Shipment of meat-producing animals always injurious. Retaining all in cars for a period not to exceed twenty-eight hours will not reduce said injury to the minimum.

2. If animals are riding well, proceed to destination providing same can be reached in thirty-six hours, taking for the basis the running time already made.

3. Unloading sheep from cars at night is almost a physical impossibility, and if the distance to the next feeding point is consistent with the schedule already made by said shipment, I would recommend that they be permitted to carry them to the next feeding point.

4. As applied indiscriminately, no.

5. I do not consider that the humane treatment of live stock in transit would be better by a strict enforcement of the present twenty-eight-hour law. Lowering the running schedule is of the greatest importance from a humane as well as other standpoints.

Very respectfully,

LOUIS METSKER,
Inspector in Charge.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Fort Worth, Tex., May 14, 1906.

CHIEF OF BUREAU OF ANIMAL INDUSTRY,
Washington, D. C.

SIR: Referring to circular letter of the 10th instant relative to the "twenty-eight-hour law," and taking up questions in the order as given:

1. I do not consider it at all inhuman or injurious to detain live stock in good condition on cars without food, rest, and water for a period of twenty-eight hours, under ordinary circumstances. The time when such detention becomes inhuman is to a great extent relative, depending largely on the condition of the animals and the circumstances under which shipment is made.

2. As a rule it is much better to carry through to destination.

3. Would advise carrying on cars until daylight.

4. Yes.

5. No; no fixed time limit applicable to all classes of animals can be made. What would be the kindest treatment when applied to strong range steers, for instance, would be absolute cruelty in connection with poor and enfeebled cattle. In the former case a run of thirty-six to forty hours, or even longer, would entail neither injury nor distress, while in the latter a period of even twenty hours might find many of the cattle down and in a condition calling imperatively for the relief which could only be afforded by unloading.

Animals as a rule suffer little, if at all, from lack of food and water in an ordinary journey of, say, forty-eight hours. It is well known that animals on short rations travel incomparably better than those which are heavily fed and watered just before or in transit. Most of the suffering to which stock is subjected is due to bad weather conditions and the animals getting down, when they are trampled upon. This last is generally due either to the poor condition of the animals before starting or to bad judgment in loading, the cars being either over or under loaded.

While the humane side of this question should be given due weight, the economic features should also receive consideration. An indiscriminate enforcement of the present law is neither desirable from an economic standpoint nor necessary from a humane one. Except under certain circumstances, it is against the interest of both the shipper and the railroad to keep stock in the cars for a period which will cause injury. It is these exceptions which require legislative restriction. What is needed is a law which will permit carrying stock in good condition for a period of thirty-six to forty hours, but which will compel animals to be unloaded within twenty-four hours if their condition demands it.

Very respectfully,

A. H. WALLACE,
Inspector, B. A. I.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Buffalo, N. Y., May 16, 1906.

Dr. A. D. MELVIN,
Chief of Bureau, Washington, D. C.

SIR: In reply to letter of May 10, based upon my personal observation of the transportation of live stock, I respectfully submit the following answers:

1. When comfortably loaded I do not consider it inhuman or injurious to the meat product to detain live stock in cars without food, rest, and water for a period of not to exceed twenty-eight hours.

2. When animals are properly loaded, according to my judgment, it would be much better to allow them to continue on their journey, providing they can reach their destination inside of thirty-six hours. Loading and unloading necessarily causes more or less damage to the stock. It is an experience entirely new to them, something they are not accustomed to; causes them fright, necessitates more or less pounding and jamming against the sides of the car and of the door, causing bruises, etc., and sometimes breaking of bones and crippling in various ways.

3. I consider it preferable to allow sheep to continue in the cars until daylight, providing they can reach their destination inside or close to thirty-six hours. As a matter of fact, it is almost impossible to unload sheep in the dark.

4. Taking everything into consideration wholly from a humane standpoint, I do not in all cases consider "the twenty-eight-hour law" beneficial. When stock can reach its destination in from thirty-two to thirty-six hours, I believe that it is better for the animals to be allowed to continue on their journey without unloading and reloading at the end of twenty-eight hours. In order not to violate the twenty-eight-hour law, in many cases the railroads unload and reload stock, whereas in from six to eight hours longer they would have reached their final destination. On the other hand, if it were not for the strict enforcement of the law specifying the intervals that should elapse between the feeding and watering of stock, the animals would be left in some instances for longer periods than would be humane without food and water, and would cause a great amount of suffering amongst the live stock.

5. I believe in many cases the strict enforcement of "the twenty-eight-hour law" would not better the humane treatment of live stock in transit. The loading of stock has much to do with the condition the animals are in when they arrive at their destination. Stock properly loaded will be in better condition at the end of thirty-six hours than stock crowded into cars would be at the end of twenty-eight hours. At a great many feeding points the facilities for unloading are very poor, and stock is greatly abused in being taken off and reloaded. Therefore I am of the opinion that a maximum of thirty-six hours would cause no great suffering if the stock was properly loaded.

From my observation and knowledge of the delay in stock en route to this market, I think the railroads are, in a great many instances, grossly negligent, as in many cases stock loaded at stations in the West arrive here within the time limit, and within a few hours other stock loaded at the same station would be delayed along the route and be unloaded once or twice at the different feeding stations and not arrive here within thirty-six to sixty hours, with the same weather conditions existing.

With your permission, I would like to make a suggestion in regard to the shipment of live stock. If it were possible, the railroads ought to be compelled to placard their cars, stating point of shipment and hour and date of loading.

Very respectfully,

BERNHARD P. WENDE,
Inspector in Charge.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, South Omaha, Nebr., May 12, 1906.

Dr. A. D. MELVIN,
Chief of Bureau, Washington, D. C.

DEAR DOCTOR: Replying to yours of 10th instant with reference to the five questions regarding the transportation of live stock.

1. I do not consider it inhuman or injurious to meat product to detain stock in cars without food, rest, or water for a period not exceeding twenty-eight hours.

2. I think it better to ship through to destination rather than unload if destination can be reached within an additional period of eight hours.

3. I consider it much preferable not to unload sheep at night, but carry them on until daylight, even though the time limit expires in the night.

4. In my judgment, the operation of the twenty-eight-hour law is very beneficial.

5. With the exceptions above mentioned, I consider a strict enforcement of the present twenty-eight-hour law would better the treatment of live stock in transit.

Respectfully,

DON C. AYER,
Inspector in Charge.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, South St. Paul, Minn., May 14, 1906.

CHIEF OF BUREAU,
Washington, D. C.

SIR: In reply to your letter of the 10th instant, requesting my views regarding the transportation of live stock, I beg to submit the following:

It is understood that the transportation of live stock under the most favorable conditions is attended with more or less suffering. These views are based on the supposition that there is no overcrowding in transit.

1. I do not consider it inhuman to detain live stock in cars for twenty-eight hours without rest, food, and water. My observation is, when, on arrival at destination, such animals are properly fed and watered and allowed rest for a period of about twenty-four hours before slaughter, there is no injury to the meat product.

2. When animals that have been confined for a period of twenty-eight hours and can reach their destination in eight hours more, I think in many cases it is more humane to carry them direct to their destination. The loading and unloading with only five hours' rest will cause more suffering among wild cattle than the extra eight hours in the cars.

3. As it is almost impossible to unload some sheep in the night, I consider it preferable to allow them to remain in the cars until daylight.

4. In some cases which have come under my observation the enforcement of the twenty-eight-law law has been an injury to live stock in transit. Under the law it has been necessary sometimes to unload stock in small yards, where they were obliged to stand for five hours knee deep in mud and without shelter from a cold rain.

5. From a humane point of view there are other things which I consider of more importance in the transportation of live animals than the number of hours they are allowed to be confined in cars without unloading for food, water, and rest. The overcrowding of light-weight stock cattle is of common occurrence, and is often of such a degree as to cause more suffering than is caused by failure to feed and water cattle more comfortably loaded for a longer period than twenty-eight hours.

Unless dry pens are provided where the animals are sheltered from storms and from the hot sun in summer, live stock in transit will not be benefited by enforcing the twenty-eight-hour law.

Very respectfully,

F. D. KETCHUM, *Inspector.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Stock Yards Station, Kansas City, Kans., May 14, 1906.

CHIEF OF BUREAU OF ANIMAL INDUSTRY: Referring to circular letter dated the 10th instant relative to the twenty-eight-hour law.

First. I do not consider it inhumane to detain live stock in cars without food, water, or rest for a period of twenty-eight consecutive hours. It is a mater of common knowledge with shippers that cattle, especially range cattle, are more or less sick after any shipment. The variable degree of fever, the constant diarrhea, and the refusal to eat or drink upon unloading all bear evidence of this. Carcasses of such animals when slaughtered do not firm well upon chilling.

Second. For a shipment of grass-fed range cattle, properly loaded, I believe it would be better to make a run of thirty-four hours, than to unload for feed and rest at expiration of twenty-eight hours, then to reload for a further six-hour run to destination, the injury the cattle sustain from unloading and reloading being greater than that inflicted by withholding rest, feed, and water for a like time. The method most satisfactory to the shipper, most humane to such cattle, and least injurious to the ultimate food product and practiced by all experienced shippers, is this: Withhold all green feed, grain, and water for the last twelve hours before loading, make a run of not less than twenty-eight hours without feed or water, and, if practicable to reach destination within an additional six hours, make the run rather than to unload and reload. Cattle shipped in this manner are not sick and have the minimum of bruises upon arrival at destination.

Third. With present equipment for lighting ordinary stock yards it is not practicable to unload or load sheep at night. It would be far more satisfactory and even humane to run sheep until daylight, than undertake to load or unload at night.

Fourth. Probably beneficial from humane standpoint.

Fifth. Not without the privilege of extending the time at the discretion of the shipper not to exceed six hours.

Very respectfully,

ALBERT DEAN,
Live Stock Agent in Charge.

Dr. A. D. MELVIN,
Washington, D. C.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Boston, Mass., May 14, 1906.

CHIEF OF BUREAU OF ANIMAL INDUSTRY,
Washington, D. C.

SIR: Relative to the operation of what is known as the "twenty-eight-hour law," it is my opinion, based upon personal observation, that—

First. It is not injurious to the meat product or inhuman to detain live stock in cars for a period of twenty-eight hours without food or rest. During the summer season, when the weather is very hot, it is no doubt cruel to keep them without water for twenty-eight hours, especially cattle and hogs. This can be remedied by spraying the animals with a hose through the slats of the car and filling the troughs, provided in most cars for the purpose, with water.

Second. It is far better to keep live stock confined thirty-six hours to destination than to unload them at the expiration of twenty-eight hours. There is always a certain amount of unavoidable cruelty in loading and unloading live stock. Cattle are either very anxious to leave a car and become jammed and bruised in the doorways or they remain stubborn and are cruelly beaten and prodded by ignorant men to make them come out. The same applies to the loading.

Third. I consider it preferable to keep sheep confined in cars without food or water thirty-six hours than to unload them at night. Sheep being naturally very timid animals, especially at night, will not either eat or drink when unloaded in strange yards under cover of darkness. Sheep, due to their timidity, probably shrink more in transit than any other class of animals, and should therefore be handled as little as possible.

Fourth. Considering the matter wholly from a humane standpoint, I am of the opinion that what is popularly known as the "twenty-eight-hour law" is beneficial, as it acts as a check to those who would willfully violate the law, but I do not consider that the humane treatment of live stock in transit would be bettered by a strict enforcement of the law as it now stands. It is to the interest of owners and shippers to have their stock delivered in the best of condition and with as little shrinkage as possible. Experience has taught them that the less the stock is handled and excited the better. The five hours' rest prescribed by law is more than offset by the process of unloading and loading.

Considering the matter as a whole, I think that when modern cars are used, provided with feed racks and water troughs (most cars are so equipped), it is far better to keep live stock confined to destination, even though it take thirty-six hours, than to subject them to the unloading and loading process every twenty-eight hours at the different feeding stations. These stations are, as a rule, inadequate and give no protection against rain or snow storms. Another point why live stock should not be unloaded unless absolutely necessary is that the animals are usually very thirsty and drink too much water. The water is probably different in composition to what they have been accustomed to, and often causes violent intestinal disturbance resulting in profuse scouring and diarrhea. This trouble is aggravated by any excitement.

Very respectfully,

J. F. RYDER.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, New York, N. Y., May 11, 1906.

Dr. A. D. MELVIN,
Chief of Bureau of Animal Industry, Washington, D. C.

SIR: I inclose replies to questions asked with regard to the humane transportation of live stock, but have found it very difficult to answer with a simple "yes" or "no." In order for you to decide upon regulations to be imposed, a number of questions must be taken into consideration, and, in order to answer your questions intelligently, the same attention must be given to the matter by persons replying to them. I give below a few points which seem to affect the question of regulating transportation of live stock.

Animals are usually started with hay in the cars, which lasts for part of the journey.

In winter animals can go longer without water than in summer.

Sheep suffer less from deprivation of water than cattle do.

It would seem unreasonable to demand that cattle should be unloaded at a small way station for food and water when close to regular stock yards. In cases of unavoidable detention in transit some margin should be allowed, but perhaps four hours might be better than eight hours or two hours better than four hours.

The following suggestions are not made flippantly, but to draw attention to the fact that any excess of humanity shown to cattle beyond that displayed to human beings, and at the expense of the latter, may cause adverse comment.

A tramp who is more than twenty-eight hours by railroad from a town where free food and water and no necessity for work for the rest of his life await him will voluntarily place himself in a freight car and allow himself to be locked in, without food or water. Most of us would prefer that he should do this rather than ask us for transportation expenses. The cattle have had the free food and water and idleness all their lives, and we inflict upon them at the end the same suffering which the man would inflict upon himself.

In cases of military necessity soldiers may have to go more than twenty-eight hours without food or water.

The economical transportation of the tramp is a necessity, the economical transportation of the soldier may be a military necessity, and the economical transportation of the cattle is a commercial necessity. Extra expenses forced upon transportation companies must eventually be paid by the consumer in the increased price of beef.

Any increase in the price of food increases the sufferings of the poor.

In answering your letter, humanity to the cattle was the only point taken into consideration.

Very respectfully, H. N. WALLER, *Inspector.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, New York, N. Y., May 11, 1906.

Dr. A. D. MELVIN,
Chief of Bureau of Animal Industry, Washington, D. C.

SIR: I beg to acknowledge receipt of your letter of the 10th instant, containing questions to be answered in reference to transportation of live stock.

Taking these questions seriatim, replies are as follows:

1. No.
2. Better to unload the cattle.
3. Keep the sheep in cars until daylight.
4. The twenty-eight-hour law is beneficial.
5. Yes.

Very respectfully, H. N. WALLER, *Inspector.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Local Office, Los Angeles, Cal., May 15, 1906.

Dr. A. D. MELVIN,
Chief of Bureau, Washington, D. C.

SIR: Replying to your letter of May 10, 1906, propounding five questions concerning the operation of the "twenty-eight-hour law," I submit the following answers, with a general summary of reasons, based upon by observation:

Question 1: No.

Question 2: Carry them through to destination.

Question 3: During hot summer months unload during nighttime, at other seasons in daytime.

Question 4: Throughout the East, where docile and tractable native stock is handled, yes; with western range stock, no.

Question 5: No; not from a western viewpoint.

In recording the above answers I have been governed in a great measure by my observation of conditions as they prevail throughout the range territory of the West. Generally speaking, conditions in the transit of live stock, that injure the shipper financially, through shrinkage on account of unnecessary handling and the unfavorable facilities afforded for the unloading, yarding, and caring of live stock that prevails at the average stock-yard station throughout the country, makes the strict enforcement of this law more or less inhuman.

I do not say this in defense of the shipping interests, but because I sincerely believe that the methods in handling and shipping live stock which, in a general way, is most profitable from a financial standpoint is also the most humane and the least injurious to the meat product.

Very respectfully,

ALBERT E. RISHEL, *Inspector.*

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18198) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist on its amendments and agree to the conference asked for by the House, and that the conferees be appointed by the Vice-President.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. GALLINGER, Mr. WETMORE, and Mr. TILLMAN.

EMPLOYMENT AGENCIES IN THE DISTRICT.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 19642) to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations; which was read the first time by its title.

Mr. GALLINGER. I ask that the bill remain on the table. A similar bill is on the Calendar in the Senate. At the proper time I am going to ask that the House bill be considered.

The VICE-PRESIDENT. The bill will lie on the table.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

Mr. KNOX. Mr. President, I should like to say a few words in explanation of this bill. The bill, as all know, is one of considerable length. The proposition, however, is a simple one. The provisions of the bill are plain and easily understood, and the power of Congress to pass the bill is one which no one will challenge. The bill has passed the House, and it is proposed to be amended in some material matters by the Senate committee. The amendments of the committee are, in my judgment, wise ones and ones made in the public interest.

This is a bill to incorporate the Lake Erie and Ohio River Ship Canal Company, a corporation having for its object, as its name implies, the construction of a ship canal between the Ohio River and Lake Erie. The route for this proposed canal is to extend from a point on the Ohio River somewhere between Beaver and Pittsburg, Pa., by way of the Ohio, Beaver, and Mahoning rivers in the State of Pennsylvania, and the Mahoning River in the State of Ohio, to a point at or near Niles, Ohio, thence by canal northwardly through the State of Ohio to an accessible harbor on Lake Erie, between the Pennsylvania and Ohio State limit and the mouth of the Grand River. The bill also provides for a branch of the canal along the Shenango River in Pennsylvania and another along the Mahoning River in Ohio.

Mr. President, the general object of the canal is apparent at a glance, but its full import and the importance of the undertaking can only be understood by considering the conditions of trade existing in the sections to be connected, the natural resources and the manufactured products of each section, and the great advantage of bringing together without transshipment and with the minimum expense for transportation of the natural products of each section. These matters have been very clearly set forth in the reports of the committees of the House and Senate which have had this matter under consideration. (House Report No. 1343 and Senate Report No. 1997.)

The canal when constructed will connect the Great Lakes system and the St. Lawrence River with the Ohio and the Mississippi rivers and their tributaries and with the Gulf of Mexico and the Pacific coast when the Panama Canal shall be completed.

The importance of waterways as a means of commerce is well understood by every nation, and enormous sums of money have been expended in attempts to secure water communication for commerce with different sections of country and with the world at large. Inland cities have been given ports, thus securing to them the advantages of a location on deep water. Cities whence the tide of commerce was ebbing because of inadequate water communication have dug their way back to prosperity and commercial position. Interior rivers and lakes have been connected with each other and with the ocean to the inestimable advantage of commerce and to the development of large sections of country. Oceans have been connected, thereby changing and shortening the great routes of commerce of the world, and the United States is now engaged in the most stupendous undertaking of them all, the construction of the Panama Canal.

The reason why so much importance is attached to the waterways of a country is that it is the cheapest means of transportation known. It has been estimated that the lowest cost per ton-mile ever attained in this country is about 3½ to 4 mills per ton-mile, the average charge by all railroads of the country being nearly 9 mills per ton-mile. Water transportation is easily one-sixth to one-eighth as cheap.

Because of the importance of this means of transportation, the United States exercises particular care in its control of the navigable waters, regulating the height and character of the bridges to be constructed, and preventing obstructions to navigation generally, and Congress annually appropriates large sums of money for river and harbor improvements.

It is particularly fitting, therefore, that the National Government should, by the granting of the charter requested, receive and assume the control over this important factor of interstate commerce, which so intimately concerns the welfare and prosperity of large sections of this country.

The Pittsburg district to-day moves an annual tonnage greater than the cities of New York, London, Antwerp, Hamburg, and Liverpool combined, and greater than New York, Boston, Baltimore, and Chicago combined. In assessed wealth, Allegheny County alone exceeds every State in the Union except thirteen. The reason for this is its natural advantages. Located on a navigable river, and the center of the coal and coke producing sections of Pennsylvania, Ohio, and West Virginia, it could not be less than a great manufacturing district. But Pittsburg is at a disadvantage in one respect. Its iron ore comes from the mines of the Northwest, a large portion of which must come by rail from Lake Erie to Pittsburg. The Northwest, on the other hand, requires and receives almost an equal tonnage of coal and coke. Thus the two sections of country require mutually the products of the other. Pennsylvania and Ohio require the ore and grain products of the Northwest, and the Northwest requires the coal and coke and manufactured products of these and adjoining States.

Ideal conditions for the development of commerce and manufacture are approximated in the degree that these natural

products can be brought together with the least inconvenience and at the least expense. As has already been stated, the cost of transportation by rail from Lake Erie to Pittsburg is from six to eight times what it is estimated it would be by water. With this canal, wheat and iron ore and other products of the Northwest could be placed on a vessel at Duluth, or any other port on the Great Lakes, and carried without reshipment to Pittsburg, or any other place on the Ohio or Mississippi rivers and their tributaries where navigation permits. Twenty-four States will thus be connected, and an interchange of natural products and manufactures made possible at a minimum cost for transportation.

Cheaper transportation means cheaper and better living for the people in the sections affected thereby. Cheaper cost of living and cheaper natural products mean cheaper manufactured products, and cheaper manufactured products means growth in trade and commerce and in the material wealth of the country. And not only does it mean prosperity for the manufacturing interests, but the agricultural and mining and lumbering interests of the country are likewise benefited. To them it means a market for their products, and in return cheaper coal and coke and manufactured articles. Thus all sections affected by the canal will be mutually benefited thereby.

The cheapening of the cost of transportation is the greatest factor in commercial expansion, and it is therefore a matter of highest wisdom on the part of State, municipal, or National Government to afford every proper encouragement and facility to that end. This is universally recognized. The State of New York a few years ago appropriated $100,000,000 to deepen the Erie Canal to 12 feet, and thus secure better and cheaper transportation from the Great Lakes to the ocean. Many cities have made large expenditures for similar purposes. Chicago has spent over $38,000,000 in her drainage canal, which is a portion of a canal designed to connect that city with the Mississippi River. Glasgow expended $60,000,000 in digging her way out to the sea by way of the Clyde. Liverpool expended $106,000,000 on improvements at the mouth of the Mersey River, and the United States expends millions of dollars annually in river and harbor improvements, and it also assisted in the construction of the Pacific railroads. So the National Government stands committed to the policy of encouraging in every way it can efforts to cheapen the cost of transportation.

The proposed canal is a work of great national importance, devoted entirely, or at least very largely, to interstate commerce, and therefore is one which should be under the control of Congress. The United States has not yet, and it is to be hoped that it never will be necessary for it to embark upon a policy of national construction and ownership of the great agencies of interstate commerce. Nor can it engage in any such undertaking unless such ownership is essential or necessary for the proper and effective exercise of its power to regulate commerce. The interest the United States has in such matters is the regulation of the commerce, and this can very easily be accomplished, at least so far as new interstate carriers are concerned, by the means suggested by the pending bill—that is, by allowing such carriers to secure national charters and retaining to itself such powers of control and regulation as are deemed expedient. This is better than government ownership. It involves no expenditure of money, no annoying perplexities of construction and management, and secures to the Government every feature of control that may be deemed essential or desirable.

True the United States is now engaged in the construction of the Panama Canal, but it is apparent that it could not undertake very many enterprises of the same kind at the same time. That is to be an international highway, and for reasons of highest governmental policy and protection it is obvious that the United States was practically compelled to engage in that undertaking.

Already the difficulties are manifest, to say nothing of the enormous expense involved. The construction of this canal will engage the attention of the National Government for many years to come, and there is no probability that the United States would desire to undertake the construction of the canal now in question. Clearly, therefore, if this canal is to be constructed at all, or in the near future, it must be done by private enterprise. It is a matter of importance, however, that the National Government should at its inception assume and exercise all needed control.

This is precisely what is contemplated by the incorporation of this company, to give to Congress the absolute control of the situation, so far as it is deemed necessary or desirable, and to create and vest in the company such powers, and such powers only, as are necessary and expedient for it to have.

It means the taking control of a great factor of interstate commerce in its incipient stages and fashioning and limiting its powers to meet the views of Congress and the legitimate needs of the country, instead of allowing it to spring into existence under State authority and outside of the control of Congress, except so far as it may be subject to general legislation upon the subject of interstate commerce.

Mr. President, at this time, when almost an entire session of Congress has been devoted to the passage of laws seeking to gain control over interstate carriers, this argument should apply with peculiar force. In these times, when great aggregations of capital, the creations of State authority, threaten and bid defiance to Federal control, and the utmost energies of Congress are devoted to securing a measure of control, it would seem to be an act of highest wisdom for Congress to outline in the initial stages the scope of the powers to be conferred upon such carriers, and to retain all needed powers for their regulation and control, without trusting to the efficacy of a statute of general application, hampered by constitutional restrictions, in order to obtain and enforce such control.

In the present instance we have an aggregation of capital seeking a Federal charter for the purpose of carrying out an enterprise of great national importance. Not a dollar of national funds is asked for. Private enterprise will assume the whole cost of the undertaking and the difficulties. It offers to the United States a national control, including the regulation of the rates to be charged, and in return asks only for a Federal charter, allowing such powers as should properly and of necessity belong to it.

The bill has been favorably reported by the committees of both Houses and extensively amended to cover every reasonable objection. The company is to exercise the right of eminent domain in conformity with and subject to the laws of the States through which it is to be constructed; the taking of water from rivers, lakes, brooks, streams, etc., for the use of the canal is to be subject to the rights of the States through which it passes and of the municipalities affected thereby, and the act provides that nothing contained in the bill shall authorize the company to impair the navigability of any rivers or streams, or to diminish at any time the water supply of any city, village, or municipality below the normal minimum discharge of any such river or stream; and in the matter of taxation, the company is made subject to the laws of the respective States in which it does business, regulating the taxation of foreign corporations.

As to the power of Congress to create such a corporation as a means of regulating interstate commerce, there can be no doubt. A similar question arose in the case of Luxton *v.* The North River Bridge Company (153 U. S., 525) over the constitutionality of the act of Congress of July 11, 1890 (ch. 669, 26 Stat. L., 268), incorporating the North River Bridge Company. The court sustained the constitutionality of that act and affirmed the power of Congress to exercise the right of eminent domain whenever this is necessary for the accomplishment of any object within its authority, and with or without a concurrent act of the State in which the lands lie, Mr. Justice Gray saying (p. 529) that the validity of the act rested "upon principles of constitutional law now established beyond dispute."

Mr. President, I will say, in conclusion, that in addition to the safeguards which have been thrown around this bill by the amendments provided in the Senate there is a distinct provision that not a stroke of work upon the canal shall be done until all of the plans have been submitted to and approved by the Secretary of War.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Wisconsin?

Mr. KNOX. I have finished.

Mr. LA FOLLETTE. Before the Senator resumes his seat, I should like to have him state, if he has not already stated, the length of this proposed canal in miles.

Mr. KNOX. About 150 miles.

Mr. SPOONER. How much?

Mr. KNOX. About 150 miles from the nearest point on Lake Erie to a point between the mouth of the Allegheny River and the mouth of the Beaver.

Mr. BACON. Does that include lateral canals?

Mr. KNOX. It does not include lateral canals.

Mr. BACON. How much, including them?

Mr. KNOX. There is nothing in the report or nothing in the testimony which indicates that. The lateral canals, I should imagine, would be half the distance of the whole canal. I judge that from my knowledge of the geography of the country, as it is described in the bill.

Mr. BACON. About 75 miles?

Mr. KNOX. I should say all the lateral canals would not exceed in length 75 miles.

Mr. CULBERSON. Before the Senator resumes his seat, I desire to make an inquiry of him.

Mr. President, Congress chartered the Texas and Pacific Railway Company, which was proposed to be constructed through several States. Among others it crossed the State of Texas. The railroad commission of that State, in 1891, undertook to fix rates of freight for that railroad company for freight which was transported between points wholly within the State. The company attacked the action of the commission on the ground that it was chartered by Federal authority and was not subject to regulation of freight charges by the State even between points wholly within the State. In one of the Reagan cases reported in 154 United States, the one in which the Texas and Pacific Railway Company was a party, the Supreme Court considered that question and held that that company as to intra-State freight was subject to State authority.

The justice who delivered the opinion, however, Mr. Justice Brewer, suggested that if Congress had seen proper it might possibly have conferred such power upon the Texas and Pacific Railway Company as would have taken from the State the authority to regulate freight wholly within its limits, but left the question undetermined. What I desire to ask the Senator from Pennsylvania after this explanation, is what provision there is in this bill on that subject, if any; that is to say, is the power reserved to Congress to regulate and control the rates on freight which will be transported between points entirely within a State?

Mr. KNOX. Mr. President, in the most careful way that has been provided for by a Senate amendment.

That Congress hereby reserves the right to regulate the tolls——

Mr. CULBERSON. What amendment is that?

Mr. KNOX. It is section 9. I am reading from the sixth page of the bill—

to regulate the tolls, fares, and rates to be charged by said company for the use of said canals; and the said company and the said canals and all transportation thereon—

Not interstate transportation—

shall be subject to all the provisions of an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts supplemental thereto and amendatory thereof, now or hereafter enacted.

And then there is a more general provision in the latter part of the bill.

Mr. CULBERSON. I call the Senator's attention, if I do not misunderstand this provision, to the fact that the provision which he has read gives Congress power to regulate the intrastate freight of this canal.

Mr. KNOX. No; it gives the power to regulate all transportation upon the canal.

Mr. CULBERSON. That would include intrastate freight.

Mr. KNOX. Certainly; and that is the idea. The idea was to put this canal absolutely, in consideration of its receiving from the Congress of the United States a charter, under Federal control in respect to every particle of business that it does.

Mr. CULBERSON. The Senator, as I understand him then, takes the position that Congress has the power to regulate freight carried wholly within the limits of the State by a Federal corporation.

Mr. KNOX. I take the position that Congress has the right to regulate anything that a corporation which it creates does by virtue of that charter.

Mr. CULBERSON. But, Mr. President, Congress has no power to charter this company except to regulate interstate commerce, and consequently if its power to charter a company is limited to its power to regulate interstate rates, how can it by chartering the company extend its authority to the regulation of intrastate rates?

Mr. KNOX. I think there can be no doubt of the proposition that if Congress has the power to charter a corporation, to bring it into life, to give it all of its power and vitality under a provision of the Constitution which permits it to regulate commerce between the States, it follows that because of the power of creation it controls everything that that corporation may do. The corporation is not bound to take a charter out under the laws of the United States, but if it does take a charter out under the laws of the United States it may in all respects be made subject to the laws of the United States and the will of the United States by the act of its creation.

Mr. CULBERSON. But, Mr. President, I submit to the Senator from Pennsylvania that the power in Congress is limited to a specific grant in the Constitution, which is to regulate rates of freight which is carried from one State to another or from this country to foreign countries.

Its authority to grant such a charter as this rests upon its authority to regulate such foreign and interstate commerce, and it can not, by granting a charter, exceed its constitutional authority to regulate interstate freight. If that is the proposition which the Senator will insist upon in the passage of this bill, Mr. President, some of us, at least, will be denied the pleasure of supporting it.

Before I take my seat I wish to ask the Senator another question, and I rose simply to make these inquiries of the Senator.

Section 10 of this bill—and that is the only section I have had an opportunity to read—provides for the construction of a number of lateral or branch canals, as I believe they are called. What I desire to ask the Senator is if the construction of these canals will create parallel and competing lines either among themselves or with the main line, so that if this authority is granted a certain territory will be monopolized by this company for the carriage of freight?

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Minnesota?

Mr. KNOX. Certainly.

Mr. NELSON. I desire to answer the Senator from Texas on that point. I am somewhat familiar with the bill, because it was reported by the Committee on Commerce, and that committee largely amended the bill. The other canals that are referred to in the bill are simply small feeders. They are not lateral canals. They are not intended to cover independent territory, but rather as feeders to this canal to bring in traffic by side lines to the main line. The main object is to reach certain coal fields of Pennsylvania and Ohio and bring that coal in those canals into the main canal.

Mr. CULBERSON. An inquiry was made by another Senator a moment ago as to the length of the branch or lateral canals, and I understood the Senator from Pennsylvania, though I may have misunderstood him, to say that he was not able to give the length of these lateral or branch canals.

Mr. KNOX. I can answer only from my knowledge of the geography of that country. If it is an important question, I would not want you to rely upon any answer that I would make without some examination.

Mr. CULBERSON. If the Senator will permit me, the matter in my mind, though it may not be important if I knew all the facts, is whether or not the construction of these branch canals will amount to the construction of parallel waterways for the transportation of freight, so that a considerable portion of country, so far as the carriage of freight is concerned, will be monopolized by this corporation.

Mr. KNOX. I can not answer that question accurately. It would not create any such condition as the Senator has described. I know that from the description of the streams along which the lateral canals are to be built.

Then I want to add to the answer I made a moment ago to the Senator from Texas. The Senator has raised an entirely new question in connection with the ninth section and the power of Congress to regulate the entirely local freight. I do not want to feel that I am myself committed by the answer I have made, but I do not see how, in any event, it is deprived of it because, after all, that is a question for construction by the courts.

Mr. BAILEY. Before the Senator resumes his seat, I wish to say that the trouble is that the language of this bill brings it within the rule which the justice declared in the Reagan case that Congress might do. For my part, I do not believe Congress possesses the power to regulate intrastate commerce, even though the instrumentality of that commerce is created by Congress. I sincerely hope, if that question is presented to the court, that the court will not decide according to the intimation of the justice. But even if Congress possesses that power, I never want to see it exercised. So, following the suggestion of my colleague [Mr. CULBERSON], it seems that if the Senator from Pennsylvania would confine this authority to interstate and foreign commerce, then he would bring this law within the rule laid down in the Reagan case, in which it was held that it was not the intention of Congress to remove it from the regulation of interstate commerce, and the Senator might escape the serious question as to the validity of his bill in the court, for if this amendment remains in it and the court should finally decide, as I think the court ought, that under the power to regulate commerce Congress can not create a corporation for any purpose except the regulation of interstate and foreign commerce, and that when Congress attempts to create a corporation as a means of regulating intrastate commerce it exceeds its authority, then this bill, expressing a different rule, might be subject to a serious constitutional objection.

Mr. NELSON. Mr. President, will the Senator from Pennsylvania allow me to make a suggestion, which I think will solve the difficulty?

Mr. KNOX. Certainly.

Mr. NELSON. After the word "regulate," on page 6, section 9, line 13, I suggest that there be inserted the words "as to interstate commerce;" so as to read:

That Congress hereby reserves the right to regulate, as to interstate commerce, the tolls, fares, and rates to be charged, etc.

Mr. BAILEY. Make it "interstate and foreign commerce."

Mr. NELSON. Very well; "interstate and foreign commerce." I think the Senator from Pennsylvania will have no objection to that provision.

Mr. KNOX. Not the slightest in the world. I only want to add—and I think I am entitled to add, in justice to myself—that I have had nothing whatever to do in the preparation of this bill; I did not even appear before the committee in its interest; and, in fact, had not read it until within the last few days, when we expected to bring the bill up. That was the reason I was so free to disavow the accuracy of my own answer. I think the suggestion, however, made by the Senator from Texas corrects that entirely.

Mr. NELSON. I want to say to Senators that when that amendment in the bill is reached, I will move to add the amendment which I have indicated, if it be agreeable to the Senator from Pennsylvania.

Mr. KNOX. Entirely so.

Mr. CULBERSON. I suggest to the Senator from Pennsylvania that the remaining part of section 9 needs correction also, where it reads, beginning with line 14:

And the said company and the said canals and all transportation thereon shall be subject to all the provisions of an act entitled, etc.

Mr. KNOX. It should read "all transportation aforesaid."

Mr. NELSON. Mr. President, I will say to the Senator from Texas that we can make an amendment there to harmonize with the other amendment.

Mr. PENROSE. Mr. President, I have no prepared speech to make upon this measure, but I desire to say that I earnestly hope the Senate will pass this bill. It is a novelty in legislation. Congress is importuned at every session to pass enormous river and harbor bills for internal improvements. Here is a proposition before this body which involves an internal improvement of a waterway perhaps more far-reaching and important than was ever provided for in a river and harbor bill, and entirely by private enterprise. Not one dollar is asked from the Federal Government to construct this canal, some 100 miles in length, connecting over twenty-four States by a 12-foot waterway—the New England States and the Northwest as far as the great State represented by the Senator from Michigan.

The gentlemen who have applied for this charter of incorporation are not making the application on any speculation. They do not ask this privilege from Congress for the purpose of hawking this act around for syndicates and banks. The act provides that they must pay 10 per cent of the authorized capital within three years in the actual construction of this work, and the probabilities are that the canal will be finished within ten years, thereby adding enormously to the industrial prosperity of Pittsburg and western Pennsylvania, and enabling the ores and farm products of the great States bordering upon the Great Lakes to be brought to the great industrial centers at the head of the Ohio River.

The bill has been most carefully amended by the Senate Committee on Commerce, of which I happen to be a member, largely owing to the fidelity and care with which the Senator from Minnesota [Mr. NELSON] scrutinized the measure, who has inserted, as the Senate will observe, almost every provision which can be imagined to safeguard the Government and the patrons of the canal in line with all the recent thoughts that have been developed in reference to common carriers in the discussion in connection with the railroad rate bill.

The only possible objection that can be made to this bill is the technical one that perhaps Congress has not the power to pass an act of incorporation of this character. It is contended, however, that such authority does exist, and it is evident that if authority does exist this case is beyond all others a proper one for its exercise, as it pertains to the great internal waterway improvements in the country.

It was originally contemplated that the Government should have the right to take possession of this canal within fifty years. The Senate committee struck out that provision, not at the request of the gentlemen having this enterprise in charge, but because the committee did not want to pledge the Government in any way to take possession of the work. But I have no doubt—and I do not think any member of the Senate Committee on Commerce has any doubt—that ultimately this waterway will be controlled and owned by the United States Government. I repeat, it will be 12 feet in depth, a depth similar to that in the Erie Canal, for which the State of New York has appropriated $100,000,000, and will put the manufactured products of Pittsburg and the industrial establishments at the head of the Ohio—the oil, the coal, the iron, and the steel—within the reach of New England, and bring their products in return to that section and to the mouth of the Mississippi.

Mr. BACON. Will the Senator pardon an inquiry?

Mr. PENROSE. Certainly.

Mr. BACON. I should like to ask the Senator from Pennsylvania what good reason there is why this enterprise should not be chartered by the State of Pennsylvania instead of by the United States?

Mr. PENROSE. The reasons are twofold, Mr. President. One reason is that this is a matter which peculiarly should come under the jurisdiction of the Federal Government. It involves the taking of water from great waterways; it involves intruding upon waterways and encroaching upon the Great Lakes and headwaters of the Ohio and Mississippi rivers; it applies to interstate commerce; and there is no legislation either at Harrisburg or at Columbus, and such legislation can not be obtained except after great effort and after a long series of years, which would enable such an incorporation to be made successfully and to be successfully carried out. It would be very difficult to bring about such a union of action between the States of Ohio and Pennsylvania as would render this a practical proposition.

Mr. BACON. If the Senator will pardon me—I do not know that I understood him correctly—did I understand him to say that it would take a number of years to get such a charter from the State of Pennsylvania?

Mr. PENROSE. There are no laws on the statute book of Pennsylvania covering all the questions which arise under this bill and no such laws in the State of Ohio. It would require a separate effort in both States to cover all the points raised and the questions involved. This is a simple and direct method and the most expeditious. As the question involves the waterways of the United States and as the work will unquestionably be some day owned by the Government, there is thought to be ample justification for the application to Congress in this case.

I repeat, the bill has been most carefully amended and the canal will be commenced at once. I for one, in view of the ceaseless efforts from localities all over the country to get help from Congress, contend that this enterprise—a private effort, involving the expenditure of many millions of dollars—should be encouraged by the prompt and favorable action of this body.

Mr. FORAKER. Mr. President, before the vote is taken on the measure, in view of the fact that this proposed canal is to pass through Ohio and that it is to be a canal connecting Lake Erie with Pittsburg, it is proper, perhaps, that I should say a word about it.

When this bill was introduced I had some misgiving as to the power of Congress to incorporate, under the commerce clause of the Constitution, such a company as this, but after having examined the authorities I find that there are at least dicta to the effect that Congress, in the exercise of the power conferred by the commerce clause of the Constitution, has power to create corporations to carry out such enterprises as this.

The only objection I had to this measure at any time was as to the question of power. Accepting these dicta as settling that question, it seems to me there is no good reason, under all the circumstances attending this proposition, why this bill should not pass. It will certainly be a very beneficial help to the commerce that it is intended to accommodate to have such a canal constructed and put into operation as this bill authorizes this company to construct and operate. Therefore, without detaining the Senate at this late hour to add to the arguments which have been made by the Senators from Pennsylvania, I want to express my desire to see the measure enacted.

Mr. TELLER. Mr. President, I wish to inquire of the Senators who have this bill in charge if they desire that it shall be voted on to-night?

Mr. KNOX. So far as I am personally concerned, I will say that I think the longer Senators examine this bill the better they will like it and the fewer objections, I think, they will see in it. I should not, however, myself like it to lose any parliamentary position which it possesses. It will, of course, be subject to the will of the Senate in that respect.

Mr. TELLER. I do not desire to delay the Senators having the bill in charge, nor the Senate, if it desires that there shall be a vote on it. So far as I am concerned, however, I have not had my doubts settled, as has the Senator from Ohio [Mr. FORAKER], as to the power of the Government to authorize the building of this canal. I certainly can not subscribe to the doctrine announced by the Senator from Pennsylvania [Mr. KNOX] that the Government of the United States can control

the entire commerce on this canal—the commerce starting in the State of Ohio and ending in the State of Ohio, or starting in Pennsylvania and ending in Pennsylvania. Mr. President, if Congress has got the power to do that——

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. TELLER. Certainly.

Mr. KNOX. The Senator from Colorado probably was not attending at the time it was agreed among us that that proposition need not be involved here, by eliminating from the bill the provision that the control should be over all commerce and limiting it simply to commerce between the States and between the States and foreign nations.

Mr. TELLER. I suppose the bill might be so framed as on its face it would not claim that. I do not believe the courts would ever hold that we could have control over commerce of the character mentioned. Yet if on the face of the bill it is plainly apparent that we have that power, that might at some time be a very persuasive argument before the court. The court might think Congress had determined that question, although, of course, it would not bind the court.

I do not believe there is any necessity for a charter by the General Government to build this canal. I myself regret very much that there seems to be a growing idea that a charter from the General Government can be had for any kind of an enterprise. I have not the slightest doubt that in the next five or ten years we shall see endeavors made to get Federal charters to carry out ordinary commercial and manufacturing affairs, upon the theory, I suppose, that they are going to export the goods at some time to Europe, to Canada, or elsewhere.

The reason the senior Senator from Pennsylvania [Mr. PENROSE] gives as to the necessity for a charter from the General Government, it seems to me, is not a very strong one. Ohio has chartered railroads that have passed out of Ohio into Pennsylvania, and Pennsylvania has chartered railroads that have passed out of Pennsylvania into Ohio. The States do that. I do not mean to say that Pennsylvania may charter a railroad in Ohio——

Mr. PENROSE. Mr. President——

Mr. TELLER. But there has never been any difficulty—in a moment I will yield to the Senator—in arranging the matter in such way that when a railroad reached another State line it could secure the privilege of entering that State. Now, I will hear what the Senator wants to say.

Mr. PENROSE. The point I made is that neither Pennsylvania nor Ohio has canal legislation as compared with their railroad legislation. There is ample legislation in both States providing for every contingency that may arise in connection with railroads; but neither State has any legislation of any account in connection with canals. It was found that the questions that would arise were so complicated and numerous if a State charter were attempted that, unless both States could be got to work in conjunction to enact legislation—which would obviously be somewhat difficult, as the legislatures may meet in different years and meet separately—it was thought this was the most expeditious, convenient, and best way, and that there was justification for it, as I have said, because it involved great waterways that ultimately would become the property of the United States Government.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. I yield.

Mr. FORAKER. I want to call the Senator's attention to one of the dicta to which I referred a moment ago as leading me to the conclusion that this was within the power of Congress. In 127 United States Reports, Mr. Justice Bradley said, in the case of California *v.* Pacific Railroad Company:

> It can not at the present day be doubted that Congress, under the power to regulate commerce among the several States, as well as to provide for postal accommodations and military exigencies, had authority to pass these laws.

Now, I say that was purely dicta, and I do not like to base a conclusion upon dicta; but dicta similar to that have appeared in other cases. Some other justices, in decisions of the Supreme Court of the United States—just what they would decide were a question to come before the court on that particular point I do not know—but, in so far as they have given any indication, it is to the effect that they would hold that, under the power to regulate commerce, Congress has the power to incorporate a company to construct a railroad or a canal to engage in interstate commerce. It has never seemed to me to be quite clear upon reason that such a conclusion could be deduced from that provision; but I yield to what seems to be the trend of the expressions on that subject.

That is the only trouble I have had at any time in regard to this proposed legislation; and, in view of the comment the Senator made—which I thought was entirely justified, because I had great difficulty about it—I felt as though I wanted to call attention—and I thank him for allowing me to do so—to the quotation that I had in mind.

Mr. TELLER. I have not had the opportunity of reading this bill, except since I came into the Chamber within the last ten minutes. I see some things in it that I do not understand, and there are some things in it that I think might be changed very properly; but I am not prepared to go on at this time. I ask the Senator from Pennsylvania, who has this bill in charge, if he has any objection to allowing the bill to go over until opportunity may be had to examine into it more closely. I do not myself intend to take up any time on this subject, but I should like to look at the bill. Possibly I might be induced to vote for it, but I really do not see how I could with my present opinions.

Mr. BACON. I hope the Senator from Pennsylvania will let the bill go over. I wish to say a word or two with reference to it; but it is rather late this evening, and we have had a somewhat arduous day.

Mr. KNOX. May I ask the Chair—because I have no knowledge upon the subject—what will be the parliamentary position with respect to this bill in the morning?

The VICE-PRESIDENT. It will go to the Calendar, and can be taken up by unanimous consent or upon motion.

Mr. PENROSE. I ask unanimous consent that the bill be taken up after the routine business is over to-morrow morning. My colleague is to leave the city in a few days, and is very anxious to have the bill disposed of, as I am.

Mr. TELLER. I want to say that I have no desire to delay the bill. I should like at least to read it over before I am called upon to vote on it. I confess that I ought to have done that before; but I have had other things to do. I do not object to the suggestion made by the senior Senator from Pennsylvania.

The VICE-PRESIDENT. The senior Senator from Pennsylvania [Mr. PENROSE] asks unanimous consent that the pending bill may be taken up immediately upon the conclusion of the routine morning business to-morrow. Is there objection? The Chair hears none, and it is so ordered.

Mr. LA FOLLETTE. I offer two amendments to the bill called up by the Senator from Pennsylvania. I ask to have them printed in the RECORD, that they may be looked over by members of the Senate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wisconsin that the proposed amendments be printed in the RECORD?

Mr. GALLINGER. And also printed in the usual form.

Mr. PENROSE. And printed in the usual form.

The VICE-PRESIDENT. They will be printed in the usual form and also printed in the RECORD in the absence of objection.

The amendments referred to are as follows:

Amendment intended to be proposed by Mr. LA FOLLETTE to the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, viz: On page 13, after line 13, insert a new section, to read as follows:

SEC. —. It shall be the duty of the Interstate Commerce Commission to investigate and determine the true fair value of the said canal, canals, property, and appurtenances thereto belonging and used, or to be used, for the convenience of the public. Such investigation shall be commenced as soon as any work on the said canal is undertaken and shall continue as improvements are made and contracts are given. For the purpose of such investigation, the Commission is authorized to employ such engineers, experts, and other assistants as may be necessary. The canal company, or any construction company or other person, firm, or corporation engaged in the construction of the said canals or works or any parts thereof, shall furnish to the Commission, from time to time, and as the Commission may require, maps, profiles, contracts, reports of engineers, and other documents, records, and papers, or copies of any or all of the same, in aid of such investigation and determination of the value of the said canals, property, and appurtenances.

The Commission shall thereafter, in like manner, keep itself informed of all extensions and improvements or other changes in the condition of the property of the said canal and ascertain the fair value thereof, and from time to time, as may be required for the regulation of tolls, charges, and services under the provisions of the act to regulate commerce approved February 4, 1887, and all acts amendatory thereof, revise and correct its valuation of the property of the said canal company. To enable the Commission to make such valuation and such changes and corrections in its valuation, the said canal company is required to report currently to the Commission, and as the Commission may require, all improvements and changes in its property and to file with the Commission copies of all contracts for such improvements at the time the same are executed.

Whenever the Commission shall have completed the valuation of the property, or any part thereof, and before said valuation shall be recorded as finally determined by said Commission, the Commission shall give notice by registered letter to the said canal company, stating the

valuation placed upon the said canals, appurtenances, or parts thereof used, or to be used, for the convenience of the public, and shall allow the company twenty days in which to file a protest of the same with the Commission. If no protest is filed within twenty days, such valuation shall be made a matter of record by the Commission.

If notice of contest is filed by the said canal company, the Commission shall fix a time for hearing the same, and shall proceed as promptly as may be to hear and consider any matter relative and material thereto presented by the said company in support of its protest so filed as aforesaid. If after hearing any contest of such valuation, under the provisions of this act, the Commission is of the opinion that its valuation is incorrect, it shall correct the same and determine a fair valuation of such property, and shall make such determination a matter of record in the office of the Commission. All such valuations by the Commission shall be prima facie evidence of the fair value of the said canals, property, and appurtenances in any proceedings under the act to regulate commerce approved February 4, 1887, and all acts amendatory thereof, and in all proceedings which may be instituted for the purchase of the said canals, property, and appurtenances by the United States.

Amendment intended to be proposed by Mr. LA FOLLETTE to the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, viz: After line 5, page 4, insert the following:

Provided further, That the Lake Erie and Ohio River Ship Canal Company, its successors and assigns, shall issue only such amounts of stocks and bonds, coupon notes, and other evidences of indebtedness payable at periods of more than twelve months after the date thereof as the Interstate Commerce Commission may from time to time determine is reasonably necessary for the purpose for which such issue of stock or bonds has been authorized. And the Interstate Commerce Commission is hereby authorized and empowered and it shall be its duty to determine, upon application, what issues of stocks, bonds, coupon notes, or other evidences of indebtedness may be reasonably necessary to pay the cost of construction, equipment, maintenance, and operation of said canals and works. Said Commission shall render a decision, upon an application for such issue, within thirty days after final hearing thereon, which decision shall be in writing, shall assign the reasons therefor, and shall, if authorizing such issue, specify the respective amounts of stocks or bonds or of coupon notes or of other evidences of indebtedness as aforesaid which are authorized to be issued for the respective purposes to which the proceeds thereof are to be applied. Such decision shall be filed in the office of the Commission, and a certified copy of such decision shall be delivered to the said canal company, which shall cause the same to be entered upon its records before any stocks, bonds, coupon notes, or other evidences of indebtedness thereby authorized are issued. Every certificate of stock, every bond, and other evidence of indebtedness of such canal company operating as a lien upon the property of such company which shall be made, issued, or sold without compliance with this act shall be void. Any officer or director of said canal company who shall knowingly make any false statement or shall withhold from the Interstate Commerce Commission any information requested by such Commission to procure the approval of said Commission to any issue of stocks, or bonds, or coupon notes, or other evidences of indebtedness shall be deemed guilty of a misdemeanor, and upon conviction thereof in the United States district court of the district in which such offense is committed shall be punished by imprisonment for a term of not less than two nor more than ten years, and shall likewise be liable to any creditor of such company for the full amount of damages sustained by such wrongful act.

MONUMENT ON KINGS MOUNTAIN BATTLE GROUND.

Mr. OVERMAN. I ask unanimous consent to call up the bill (H. R. 17083) providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces.

Mr. GALLINGER. I shall not object to this bill, but after it has been acted on I shall ask to act on a House bill now on the table.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates $30,000 for the erection of a monument and inclosure for the same on Kings Mountain battle ground, in York County, S. C.

Mr. OVERMAN. After the word "Shelby," in line 1, on page 2, I move to insert "Charles McDowell."

The amendment was agreed to.

Mr. OVERMAN. On page 2, line 10, I move to strike out "Battle Ground" and insert in lieu thereof the word "Centennial."

The SECRETARY. On page 2, line 10, after the word "Mountain," it is proposed to strike out "Battle Ground" and insert "Centennial;" so as to read:

The Kings Mountain Centennial Association of South Carolina.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EMPLOYMENT AGENCIES IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I desire to call up from the table the bill (H. R. 19642) to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations.

The VICE-PRESIDENT. The Chair lays before the Senate the bill indicated by the Senator from New Hampshire.

The bill was read the second time at length.

Mr. GALLINGER. The Committee on the District of Columbia of the Senate has given this matter very careful consideration, and there is on the Calendar a similar Senate bill. I venture to ask unanimous consent for the present consideration of the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (S. 6394) to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations was indefinitely postponed.

CITIZENS' BANK OF LOUISIANA.

Mr. McENERY. I ask for the present consideration of the bill (S. 1816) for the relief of the Citizens' Bank of Louisiana.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the Citizens' Bank of Louisiana $215,820.89, for a claim found due said bank by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALASKA RAILROAD COMPANY.

Mr. BURNHAM. I ask unanimous consent to take up from the Calendar the bill (S. 6358) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska.

Mr. HANSBROUGH. I ask the Senator from New Hampshire whether this is the bill which was reported from the Committee on Territories?

Mr. BURNHAM. It is substantially the same bill. There are certain amendments.

Mr. HANSBROUGH. Is it the same bill which was under consideration here a few weeks ago?

Mr. BURNHAM. Yes; reported from the Committee on Territories on the 9th of February. It is the same bill, with some minor amendments.

Mr. HANSBROUGH. At the time the bill was up in the Senate there was some discussion about it, and I think there are some objections to it.

Mr. BURNHAM. The bill was read at that time, and I only wish to have the bill read now, so that it will not have to be read again.

Mr. HANSBROUGH. I understood that the bill was read at the time it was up before.

Mr. BURNHAM. Yes; but there are some amendments.

Mr. HANSBROUGH. I shall have to object to the passage of the bill.

The VICE-PRESIDENT. Objection is interposed.

Mr. BURNHAM. I desire to have the bill read.

Mr. HANSBROUGH. I do not object to the reading of it.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read.

Mr. BURNHAM. This is a new draft. It was read in substance before, and these amendments are minor amendments. This bill was reported to conform to the bill as it came from the House.

The VICE-PRESIDENT. The bill has been read in full.

STATEHOOD BILL.

Mr. BEVERIDGE. I present a conference report on the statehood bill.

The Secretary proceeded to read the report.

Mr. CARTER. I ask that the report be printed, and that it lie on the table.

The VICE-PRESIDENT. Without objection, it is so ordered.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12707) "to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 7, 13, 37, and 38.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 10, 12, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 39, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to same with an amendment as follows: Strike out all of said amendment and insert: "and the governor, the chief justice, and the secretary of the Territory of Oklahoma shall appoint an election commissioner who shall establish voting precincts in said Osage Indian Reservation, and shall appoint the judges for election in said Osage Indian Reservation;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out "each of said districts" and insert "said Osage district;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: After "President" strike out "who;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "and shall not be changed therefrom previous to anno Domini nineteen hundred and thirteen, but said capital shall, after said year, be located by the electors of said State at an election to be provided for by the legislature: *Provided, however*, That the legislature of said State, except as shall be necessary for the convenient transaction of the public business of said State at said capital, shall not appropriate any public moneys of the State for the erection of buildings for capitol purposes during such period;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: Strike out "or in which the United States maintained laws prohibiting the traffic in intoxicating liquors;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"Where any part of the lands granted by this act to the State of Oklahoma are valuable for minerals, which term shall also include gas and oil, such lands shall not be sold by the said State prior to January first, nineteen hundred and fifteen; but the same may be leased for periods not exceeding five years by the State officers duly authorized for that purpose, such leasing to be made by public competition after not less than thirty days' advertisement in the manner to be prescribed by law, and all such leasing shall be done under sealed bids and awarded to the highest responsible bidder. The leasing shall require and the advertisement shall specify in each case a fixed royalty to be paid by the successful bidder, in addition to any bonus offered for the lease, and all proceeds from leases shall be covered into the fund to which they shall properly belong, and no transfer or assignment of any lease shall be valid or confer any right in the assignee without the consent of the proper State authorities in writing: *Provided, however*, That agricultural lessees in possession of such lands shall be reimbursed by the mining lessees for all damage done to said agricultural lessees' interest therein by reason of such mining operations. The legislature of the State may prescribe additional legislation governing such leases not in conflict herewith."

And the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 23. That the inhabitants of all that part of the area of the United States now constituting the Territories of Arizona and New Mexico, as at present described, may become the State of Arizona, as hereinafter provided.

"SEC. 24. That at the general election to be held on the 6th day of November, 1906, all the electors of said Territories, respectively, qualified to vote at such election, are hereby authorized to vote for and choose delegates to form a convention for said Territories. The aforesaid convention shall consist of one hundred and ten delegates, sixty-six of which delegates shall be elected to said convention by the people of the Territory of New Mexico and forty-four by the people of the Territory of Arizona; and the governors, chief justices, and secretaries of each of said Territories, respectively, shall apportion the delegates to be thus elected from their respective Territories, as nearly as may be, equitably among the several counties thereof in accordance with the voting population as shown by the vote cast for Delegate in Congress in the respective Territories in nineteen hundred and four.

"That at the said general election and on the same ballots on which the names of candidates to the convention aforesaid are printed, there shall be submitted to said qualified electors of each of said Territories a question which shall be stated on the ballot in substance and form as follows:

"'Shall Arizona and New Mexico be united to form one State?'"

Yes. ☐ ☐ No.

"Electors desiring to vote in the affirmative shall place a cross mark in the square to the left of the word "Yes," and those desiring to vote in the negative shall place a cross mark in the square to the left of the word "No" in the form above prescribed. The governors and secretaries of the respective Territories shall certify and transmit, as soon as may be practicable, the results of said election each to the other and likewise to the Secretary of the Interior, and if it appears from the returns thus certified that a majority of the qualified electors in each of said Territories who voted on the question aforesaid at such election voted in favor of the union of New Mexico and Arizona as one State, then, and not otherwise, the inhabitants of that part of the area of the United States now constituting the Territories of Arizona and New Mexico as at present described may become the State of Arizona as hereinafter provided; but if in either of said Territories a majority of the qualified electors voting on the question aforesaid at such election shall appear by such certified returns to have voted against the union of said Territories then, and in that event, section 23 and all succeeding sections of this act shall thereafter be null and void and of no effect, excepting that the appropriation made in section 41 hereof shall be and remain available for defraying all and every kind and character of expense incurred on account of the election of delegates to the convention and the submission of the question aforesaid.

"The governors of said Territories, respectively, shall, within thirty days after the approval of this act, by proclamation in which the aforesaid apportionment of delegates to the convention shall be fully specified and announced and the aforesaid question to be voted on by the electors shall be clearly stated, order that the delegates aforesaid in their respective Territories shall be voted for and the question aforesaid shall be submitted to the qualified electors in each of said Territories as herein required at the aforesaid general election. Such election for delegates shall be conducted, the returns made, and the certificates of persons elected to such convention issued, as near as may be, in the same manner as is prescribed by the laws of said Territories, respectively, regulating elections therein of members of the legislature: *Provided*, That if it appears from the returns that a majority of the qualified electors in the Territory of Arizona who voted on the question at the election voted in favor of the union of New Mexico and Arizona as one State, then, and not otherwise, the secretary or other proper officer of said Territory of Arizona into whose hands the result of said election finally comes, shall immediately transmit and certify the result as to the election of delegates to the convention to the secretary of the Territory of New Mexico, at Santa Fe, and if it appears from the returns from the election held in New Mexico that a majority of the qualified voters aforesaid voted in favor of joint statehood, then in that event the secretary of said Territory of New Mexico shall make up a temporary roll of the convention from the certified returns from both of said Territories, and he shall call the convention to order at the time herein required, and said convention when so called to order and organized shall be the sole judge of the election and qualifications of its own members. Persons possessing the qualifications entitling them to vote at the aforesaid general election shall be entitled to vote on the ratification or rejection of the constitution, if submitted to the people of said Terriories hereunder, and on the election of all officials whose election is taking place at the same time, under such rules or regulations as said convention may prescribe, not in conflict with this act.

SEC. 25. That if a majority in each of said Territories at the election aforesaid shall vote for joint statehood, and not otherwise, the delegates to the convention thus elected shall meet in the hall of the house of representatives of the Territory of New Mexico, in the city of Santa Fe therein, at twelve o'clock noon on Monday, December third, nineteen hundred and six, but they shall not receive compensation for more than sixty days of service, and after organization shall declare

on behalf of the people of said proposed State that they adopt the Constitution of the United States, whereupon the said convention shall be, and is hereby, authorized to form a constitution and State government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State—

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians are forever prohibited.

"Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said limits owned or held by any Indian or Indian tribes, except as hereinafter provided, and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and such Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands and other property belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use; but nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing, as other lands and other property are taxed, any lands and other property owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe.

"Third. That the debts and liabilities of said Territory of Arizona and of said Territory of New Mexico shall be assumed and paid by said State, and that said State shall be subrogated to all the rights of indemnity and reimbursement which either of said Territories now has.

"Fourth. That provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and that said schools shall always be conducted in English: *Provided*, That nothing in this act shall preclude the teaching of other languages in said public schools.

"Fifth. That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, and that ability to read, write, and speak the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all State officers.

"Sixth. That the capital of said State shall temporarily be at the city of Santa Fe, in the present Territory of New Mexico, and shall not be changed therefrom previous to anno Domini nineteen hundred and fifteen, but the permanent location of said capital may, after said year, be fixed by the electors of said State, voting at an election to be provided for by the legislature.

"SEC. 26. That in case a constitution and State government shall be formed in compliance with the provisions of this act, the convention forming the same shall provide by ordinance for submitting said constitution to the people of said proposed State for its ratification or rejection, at an election to be held at a time fixed in said ordinance, which shall be not less than sixty days nor more than ninety days from the adjournment of the convention, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution and for or against any provisions thereof separately submitted. The returns of said election shall be made by the election officers direct to the secretary of the Territory of New Mexico at Santa Fe; who, with the governors and chief justices of said Territories, or any four of them, shall meet at said city of Santa Fe on the third Monday after said election and shall canvass the same; and if a majority of the legal votes cast on that question shall be for the constitution the said canvassing board shall certify the result to the President of the United States, together with the statement of the votes cast thereon, and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitution and government of said proposed State are republican in form, and if the provisions in this act have been complied with in the formation thereof, it shall be the duty of the President of the United States, within twenty days from the receipt of the certificate of the result of said election and the statement of the votes cast thereon and a copy of said constitution, articles, propositions, and ordinances from said board, to issue his proclamation announcing the result of said election, and thereupon the proposed State shall be deemed admitted by Congress into the Union, under and by virtue of this act, under the name of Arizona, on an equal footing with the original States, from and after the date of said proclamation.

"The original of said constitution, articles, propositions, and ordinances, and the election returns, and a copy of the statement of the votes cast at said election shall be forwarded and turned over by the secretary of the Territory of New Mexico to the State authorities.

"SEC. 27. That until the next general census, or until otherwise provided by law, said State shall be entitled to two Representatives in the House of Representatives of the United States, which Representatives, together with the governor and other officers provided for in said constitution, and also all other State and county officers, shall be elected on the same day of the election for the adoption of the constitution; and until said State officers are elected and qualified under the provisions of the constitution, and the State is admitted into the Union, the Territorial officers of said Territories, respectively, including delegates to Congress, shall continue to discharge the duties of their respective offices in said Territories until their successors are duly elected and qualified.

"SEC. 28. That upon the admission of said State into the Union there is hereby granted unto it, including the sections thereof heretofore granted, four sections of public land in each township in the proposed State for the support of free public nonsectarian common schools, to wit: Sections numbered thirteen, sixteen, thirty-three, and thirty-six, and where such sections or any parts thereof have been sold or otherwise disposed of by or under the authority of any act of Congress other lands equivalent thereto, in legal subdivisions of not less than one quarter section and as contiguous as may be to the section in lieu of which the same is taken; such indemnity lands to be selected within said respective portions of said State in the manner provided in this act: *Provided*, That the thirteenth, sixteenth, thirty-third, and thirty-sixth sections embraced in permanent reservations for national purposes shall not at any time be subjected to the grants nor to the indemnity provisions of this act, but other lands equivalent thereto may be selected for such school purposes in lieu thereof; nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants of this act, but such reservation lands shall be subject to the indemnity provision of this act: *Provided*, That nothing in this act contained shall repeal or affect any act of Congress relating to the Casa Grande Ruin as now defined or as may be hereafter defined or extended, or the power of the United States over it, or any other lands embraced in the State hereafter set aside by Congress as a national park, game preserve, or for the preservation of objects of archæological or ethnological interest; and nothing contained in this act shall interfere with the rights and ownership of the United States in any land hereafter set aside by Congress as national park, game preserve, or other reservation, or in the said Casa Grande Ruin as it now is or may be hereafter defined or extended by law, but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this proviso contained shall be construed to prevent the service within said Casa Grande Ruin, or national parks, game preserves, and other reservations hereafter established by law, of civil and criminal processes lawfully issued by the authority of said State; and said lands shall not be subject at any time to the school grants of this act that may be embraced within the metes and bounds of the national park, game preserve, and other reservation, or the said Casa Grande Ruin, as now defined or may be hereafter defined; but other lands equivalent thereto may be selected for such school purposes hereinbefore provided in lieu thereof.

"SEC. 29. That three hundred sections of the unappropriated nonmineral public lands within said State, to be selected and located in legal subdivisions, as provided in this act, are hereby

granted to said State for the purpose of erecting legislative, executive, and judicial public buildings in the same, and for the payment of the bonds heretofore or hereafter issued therefor.

"SEC. 30. That the lands granted to the Territory of Arizona by the act of February eighteenth, eighteen hundred and eighty-one, entitled 'An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes,' are hereby vested in the proposed State to the extent of the full quantity of seventy-five sections, and any portion of said lands that may not have been selected by said Territory of Arizona may be selected by the said State. In addition to the foregoing, and in addition to all lands heretofore granted for such purpose, there shall be, and hereby is, granted to said State, to take effect when the same is admitted to the Union, three hundred sections of land, to be selected from the public domain within said State in the same manner as provided in this act, and the proceeds of all such lands shall constitute a permanent fund, to be safely invested and held by said State, and the income thereof be used exclusively for university purposes. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said State, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

"SEC. 31. That nothing in this act shall be so construed, except where the same is so specifically stated, as to repeal any grant of land heretofore made by any act of Congress to either of said Territories, but such grants are hereby ratified and confirmed in and to said State, and all of the land that may not, at the time of the admission of said State into the Union, have been selected and segregated from the public domain, may be so selected and segregated in the manner provided in this act.

"SEC. 32. That five per centum of the proceeds of the sales of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State. And there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of five million dollars for the use and benefit of the common schools of said State. Said appropriation shall be paid by the Treasurer of the United States at such time and to such person or persons as may be authorized by said State to receive the same under laws to be enacted by said State, and until said State shall enact such laws said appropriation shall not be paid. Said appropriation of five million dollars shall be held inviolable and invested by said State, in trust, for the use and benefit of said schools.

"SEC. 33. That all lands herein granted for educational purposes may be appraised and disposed of only at public sale, the proceeds to constitute a permanent school fund, the income from which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislature shall prescribe, be leased for periods of not more than ten years, and such common school land shall not be subject to preemption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

"SEC. 34. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September fourth, eighteen hundred and forty-one, which section is hereby repealed as to the proposed State, and in lieu of any claim or demand by the said State under the act of September twenty-eighth, eighteen hundred and fifty, and section twenty-four hundred and seventy-nine of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the said State, and in lieu of any grant of saline lands to said State, save as heretofore made, the following grants of land from public lands of the United States within said State are hereby made, to wit:

"For the establishment and maintenance and support of insane asylums in the said State, two hundred thousand acres; for penitentiaries, two hundred thousand acres; for schools for the deaf, dumb, and the blind, two hundred thousand acres; for miners' hospitals for disabled miners, one hundred thousand acres; for normal schools, two hundred thousand acres; for State charitable, penal, and reformatory institutions, two hundred thousand acres; for agricultural and mechanical colleges, three hundred thousand acres: *Provided*, That the two national appropriations heretofore annually paid to the two agricultural and mechanical colleges of said Territories, respectively, shall, until the further order of Congress, continue to be paid to said State for the use of said respective institutions; for schools of mines, two hundred thousand acres; for military institutes, two hundred thousand acres.

"SEC. 35. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the unappropriated public lands of the United States within the limits of the said State, by a commission composed of the governor, surveyor-general, and attorney-general of said State; and no fees shall be charged for passing the title to the same or for the preliminary proceedings thereof.

"SEC. 36. That all mineral lands shall be exempted from the grants made by this act; but if any portion thereof shall be found by the Department of the Interior to be mineral lands, said State, by the commission provided for in section thirty-five hereof, under the direction of the Secretary of the Interior, is hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said State in lieu thereof.

"SEC. 37. That the said State, when admitted as aforesaid, shall constitute two judicial districts, to be named, respectively, the eastern and western districts of Arizona, the boundaries of said districts to be the same as the boundaries of said Territories, respectively, and the circuit and district court of said districts shall be held, respectively, at Albuquerque and Phoenix for the time being, and the said districts shall, for judicial purposes, until otherwise provided, be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary the same as other similar judges of the United States, payable as provided for by law, and shall reside in the district to which he is appointed. There shall be appointed clerks of said courts, who shall keep their offices at said Albuquerque and Phoenix in said State. The regular terms of said courts shall be held in said districts, at the places aforesaid, on the first Monday in April and the first Monday in November of each year, and one grand jury shall be summoned in each year in each of said circuit and district courts. The circuit and district courts for said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of said district, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation now allowed by law to officers performing similar services for the United States in the Territories of Arizona and New Mexico, respectively.

"SEC. 38. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of either of said Territories, or that may hereafter lawfully be prosecuted upon any record from said courts, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district courts, respectively, hereby established within the said State or to the supreme court of such State, as the nature of the case may require. And the circuit, district, and State courts herein named shall, respectively, be the successors of the supreme courts of the said Territories as to all such cases arising within the limits or embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same and award mesne or final process therein; and that from all judgments and decrees of the supreme courts of the said Territories mentioned in this act, in any case arising within the limits of the proposed State prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States or to the circuit court of appeals as they shall have had by law prior to the admission of said State into the Union.

"SEC. 39. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of the said Territories at the time of the admission into the Union of the said State, and arising within the limits of such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said

circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territories, respectively; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of the said Territories at the time of the admission of such Territories into the Union, arising within the limits of said State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of the State shall be pending, in any Territorial court in said Territories shall abate by the admission of such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or State court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party transfers shall not be made to the circuit and district courts of the United States except upon cause shown by written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper State courts.

"SEC. 40. That the constitutional convention shall by ordinance provide for the election of officers for a full State government, including members of the legislature and two Representatives in Congress, at the time for the election for the ratification or rejection of the constitution; one of which Representatives shall be chosen from a Congressional district comprised of the present Territory of Arizona, to be known as the First Congressional district, and the other from a Congressional district comprised of the remainder of said State, to be known as the Second Congressional district; but the said State government shall remain in abeyance until the State shall be admitted into the Union as proposed by this act. In case the constitution of said State shall be ratified by a majority of the qualified voters of said Territories voting at the election held therefor as hereinbefore provided, but not otherwise, the legislature thereof may assemble at Sante Fe, organize, and elect two Senators of the United States in the manner now prescribed by the laws of the United States; and the governor and secretary of state of the proposed State shall certify the election of the Senators and Representatives in the manner required by law, and when such State is admitted into the Union, as provided in this act, the Senators and Representatives shall be entitled to be admitted to seats in Congress and to all rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State government formed in pursuance of said constitution, as provided by the constitutional convention, shall proceed to exercise all the functions of State officers; and all laws of said Territories in force at the time of their admission into the Union shall be in force in the respective portions of said State until changed by the legislature of said State, except as modified or changed by this act or by the constitution of the State; and the laws of the United States shall have the same force and effect within the said States as elsewhere within the United States.

"SEC. 41. That the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying all and every kind and character of expense incident to the elections and conventions provided for in this act; that is, the payment of the expenses of holding the election for members of the constitutional convention and the submission of the question of joint statehood and the election for the ratification of the constitution, at the same rates that are paid for similar services under the Territorial laws, respectively, and for the payment of the mileage for and salaries of members of the constitutional convention at the same rates that are paid the said Territorial legislatures under national law, and for the payment of all proper and necessary expenses, officers, clerks, and messengers thereof, and printing and other expenses incident thereto: *Provided*, That any expense incurred in excess of said sum of one hundred and fifty thousand dollars shall be paid by said State. The said money shall be expended under the direction of the Secretary of the Interior, and shall be forwarded, to be locally expended in the present Territory of Arizona and in the present Territory of New Mexico, through the respective secretaries of said Territories, as may be necessary and proper, in the discretion of the Secretary of the Interior, in order to carry out the full intent and meaning of this act."

Restore the title so as to read: "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States."

And the Senate agree to the same.

ALBERT J. BEVERIDGE,
WM. P. DILLINGHAM,
T. M. PATTERSON,
Managers on the part of the Senate.

E. L. HAMILTON,
A. L. BRICK,
JOHN A. MOON,
Managers on the part of the House.

ALASKA CENTRAL RAILWAY.

Mr. PILES obtained the floor.

Mr. FORAKER. Mr. President, if I can get the floor at this time, I wish to ask for the present consideration of a bill relating to Hawaii.

The VICE-PRESIDENT. The Senator from Washington has been recognized.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (S. 5901) to extend the time for the completion of the Alaska Central Railway, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HANSBROUGH. I should like to ask the Senator from Washington what committee reported the bill.

Mr. PILES. The Committee on Territories. This has no relation to the other bill.

Mr. HANSBROUGH. I know, but I must enter my objection, as chairman of the Committee on Public Lands, to the passag of bills coming from any committee which grant public lands. Any bill granting public lands, it seems to me, should be sent to the Committee on Public Lands. That has been the uniform practice heretofore, and I do not understand why these several railroad bills, which grant public lands for right of way and other purposes, have not been sent to the Committee on Public Lands, which certainly has jurisdiction of questions of that kind.

Mr. PILES. I hope the Senator will not object to the bill.

The VICE-PRESIDENT. Does the Senator from North Dakota object to the present consideration of the bill?

Mr. HANSBROUGH. I do not want to object to it. I do not want to cast any reflection on the Committee on Territories. But it comes from a committee that does not have jurisdiction of these questions, and I simply desire to enter my protest here against it, because I desire to preserve the integrity of the Committee on Public Lands.

Mr. PATTERSON. I hope the Senator will not object to the consideration and passage of the bill.

Mr. HANSBROUGH. I simply wish to enter a protest to legislation of this kind coming from any committee other than the Committee on Public Lands.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Montana?

Mr. PILES. Certainly.

Mr. CARTER. I understand that the senior Senator from Colorado [Mr. TELLER] has some amendments to offer to the bill, and I have some that I desire to offer. The amendments were substantially prepared, but in the meantime the form of the bill was changed somewhat from the original.

Mr. PILES. This is a different bill, if the Senator will pardon me. This is a bill about which I spoke to the Senator a few days ago, which ex-Senator Turner requested me to get through for him.

Mr. CARTER. The Alaska railroad?

Mr. PILES. The Alaska Central Railroad.

Mr. CARTER. I have no objection to it.

Mr. CULLOM. I hope there will be no further objection to the bill.

The bill had been reported from the Committee on Territories with an amendment, on page 4, line 9, after the word "company," to strike out "and its property;" in line 10, after the word "from," to strike out "taxation" and insert "license tax and tax on its railway and railway property;" so as to make the clause read:

Fifth. Said company shall be exempt from license tax and tax on its railway and railway property during the period of construction and for five years thereafter.

Mr. PETTUS. Is this bill now on its passage?

The VICE-PRESIDENT. The bill is in the Committee of the Whole, and the question is on agreeing to the amendment which has just been stated.

Mr. PETTUS. Has the Senate agreed to its consideration?

The VICE-PRESIDENT. The Chair understood there was no objection to its consideration.

Mr. PETTUS. There are a great many important grants in it, and I should like to have them explained by the report of the committee.

Mr. PILES. The grants, if the Senator will pardon me, are not at all important, as I view it. The grant of land to this company, which has already built 46 miles of railroad and which has expended $2,500,000, is 160 acres for terminal facilities on the Tanana and Yukon rivers, and a similar grant between intermediate points approximately 100 miles apart. Then it gives a small amount, a shore line, of an acre, or thereabouts. Then it gives twenty-eight one-hundredths of an acre and the right to purchase an intervening tract of land lying between two homesteads. There is no large grant of land in this bill. It is merely a grant that is absolutely necessary to enable the company to have proper terminal facilities for the carrying on of the great enterprise, on which, as I have heretofore said, they have already spent more than $2,000,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has been stated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLINTON COUNTY, IOWA.

Mr. DOLLIVER. I desire to ask unanimous consent for the present consideration of the bill (H. R. 18330) transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to add at the end of the bill the following:

But the same shall be proceeded with and tried in the said northern district.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LIEUT. JAMES M. PICKRELL, UNITED STATES NAVY, RETIRED.

Mr. MARTIN. I ask unanimous consent for the immediate consideration of the bill (S. 1812) for the relief of Lieut. James M. Pickrell, United States Navy, retired.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint Lieut. James M. Pickrell, United States Navy, retired, a lieutenant-commander on the retired list of the Navy.

The bill had been reported from the Committee on Naval Affairs with an amendment, to insert at the end of the bill the following:

Provided, That no pay, bounty, or other emolument shall accrue by reason of the passage of this act.

Mr. MARTIN. The amendment was incorporated by mistake. It was not ordered by the committee. It is withdrawn.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Naval Affairs reported an amendment, to strike out the preamble; which was agreed to.

CHILD LABOR IN THE DISTRICT OF COLUMBIA.

Mr. DUBOIS. I ask unanimous consent for the present consideration of the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. On June 6 last the bill was considered in Committee of the Whole and read.

The bill had been reported from the Committee on Education and Labor with an amendment, to strike out all after the enacting clause and insert:

That no child under 14 years of age shall be employed, permitted, or suffered to work in the District of Columbia in any factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house, theater, bowling alley, or in the distribution or transmission of merchandise or messages, or selling newspapers. No such child shall be employed in any work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the District of Columbia are in session, nor before the hour of 6 o'clock in the morning or after the hour of 7 o'clock in the evening.

SEC. 2. That no child under 16 years of age shall be employed, permitted, or suffered to work in the District of Columbia in any of the establishments named in section 1, unless the person or corporation employing him procures and keeps on file and accessible to the inspectors authorized by this act and the truant officers of the District of Columbia an age and schooling certificate, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such children are employed.

SEC. 3. That an age and schooling certificate shall be approved only by the superintendent of public schools, or by a person authorized by him in writing, who shall have authority to administer the oath provided for therein, but no fee shall be charged therefor.

SEC. 4. That an age and schooling certificate shall not be approved unless satisfactory evidence is furnished by duly attested transcript of the certificate of birth or baptism of such child, or other religious record, or the register of birth or the affidavit of the parent or guardian or custodian of a child, which affidavit shall be required, however, only in case such last-mentioned transcript of the certificate of birth be not procured and filed, showing the place and date of birth of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor.

SEC. 5. That the age and schooling certificate of a child under 16 years of age shall be in the following form:

AGE AND SCHOOLING CERTIFICATE.

This certifies that I am the (father, mother, guardian, or custodian) of (name of child) ——— ——— and that (he or she) was born at (name of town or city) ———, in the county (name of county, if known) ——— and State (or country) of ———, on the (day and year of birth) ——— ——— and is now (number of years and months) ——— old.

Signature of (father, mother, guardian, or custodian).

(Date.)

There personally appeared before me the above-named (name of person signing) ——— ——— and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief. I hereby approve the foregoing certificate of (name of child) ——— ———, height (feet and inches) ———, eyes (color) ———, complexion (fair or dark) ———, hair (color) ———, having no sufficient reason to doubt that (he or she) is of the age therein certified. I hereby certify that (he or she) can read at sight and can write legibly simple sentences in the English language, and that (he or she) has reached the normal development of a child of (his or her) age, and is in sound health and is physically able to perform the work which (he or she) intends to do, and that (he or she) has regularly attended the public schools, or a school equivalent thereto, for not less than one hundred and thirty days during the school year previous to arriving at the age of 14 years, or during the year previous to applying for such school record, and has received during such period instruction in reading, spelling, writing, English grammar, and geography, and is familiar with the fundamental operations of arithmetic, to and including fractions.

This certificate belongs to (name of child in whose behalf it is drawn) ——— ——— and is to be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer holding the same; but if not claimed by said child within thirty days from such time it shall be returned to the superintendent of schools.

(Signature of person authorized to approve and sign, with official character or authority.)

(Date.)

A duplicate of each age and schooling certificate shall be filled out and kept on file by the superintendent of public schools. Any explanatory matter may be printed with such certificate, in the discretion of said superintendent.

SEC. 6. That whoever employs a child under 16 years of age, and whoever having under his control a child under such age permits such child to be employed, in violation of sections 1, 2, 8, or 9 of this act shall, for such offense, be fined not more than $50; and whoever continues to employ any child in violation of any of said sections of this act, after being notified by an inspector, authorized by this act, or a truant officer of the District of Columbia, shall for every day thereafter that such employment continues be fined not less than $5 nor more than $20. A failure to produce to an inspector authorized by this act, or a truant officer of the District of Columbia, any age or schooling certificate or list required by this act shall be prima facie evidence of illegal employment of any person whose age and schooling certificate is not produced or whose name is not so listed. Any corporation or employer retaining any age and schooling certificate in violation of section 5 of this act shall be fined $10. Every person authorized to sign the certificate prescribed by section 5 of this act who knowingly certifies to any materially false statement therein shall be fined not more than $50.

SEC. 7. That inspectors authorized by this act and the truant officers of the District of Columbia may visit the factories, workshops, and mercantile establishments in the District of Columbia and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the superintendent of public schools and the corporation counsel of the District of Columbia. Inspectors authorized by this act and the truant officers of the District of Columbia may require that the age and schooling certificates and lists provided for in this act of minors employed in such factories, workshops, or mercantile establishments shall be produced for their inspection.

SEC. 8. That no minor under 16 years of age shall be employed, permitted, or suffered to work in any manufacturing, mechanical, or mercantile establishment more than eight hours in any one day, or before the hour of 6 o'clock a. m., or after the hour of 7 o'clock p. m., and in no case shall the number of hours exceed forty-eight in a week.

SEC. 9. That every employer shall post in a conspicuous place in every room where such persons are employed a printed notice, stating the number of hours required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end. The

printed form of such notice shall be furnished by the inspectors authorized by this act and the truant officers of the District of Columbia, and the employment of any such person for a longer time in any day than that so stated shall be deemed a violation of this section.

SEC. 10. That the Commissioners of the District of Columbia are hereby authorized to appoint two inspectors to carry out the purposes of this act, at a compensation not exceeding $1,200 each per annum.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. BRANDEGEE. I desire to offer an amendment to the bill.

The VICE-PRESIDENT. The Senator from Connecticut proposes an amendment, which will be stated by the Secretary.

The SECRETARY. On page 7, line 8, after the word "newspapers," insert the following:

Except that the Board of Commissioners of the District of Columbia may make regulations for the issuance of licenses to minors between the ages of 12 and 14 years to sell newspapers: *Provided*, That no such licenses shall be issued except on the written consent of the superintendent of the public schools, and that such license so issued shall be revoked at any time on the demand of the said superintendent of the public schools.

Mr. DUBOIS. I have no objection to the amendment.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. NELSON. I would inquire whether the bill requires boys to take out licenses before they may sell newspapers?

Mr. BRANDEGEE. I will say to the Senator from Minnesota that, as I understand the bill, it did prohibit newsboys from selling newspapers, and the amendment I have offered allows boys of the age of 12 to 14 to sell newspapers when they have been licensed.

Mr. NELSON. I object to that provision in the bill.

Mr. CLAY. I will ask the Senator whether it is not true——

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Georgia?

Mr. BRANDEGEE. Certainly.

Mr. CLAY. Is it not true that no boy can sell a newspaper in this city, under the bill and amendment, unless licensed by the Commissioners of the District of Columbia, and the Commissioners of the District of Columbia would be the sole judges as to whether a boy may sell newspapers?

Mr. BRANDEGEE. That is true under the amendment, but my understanding is that a boy is absolutely prohibited from doing it under the terms of the bill, and the amendment was designed to fix it so that he might secure a license.

Mr. NELSON. Then I shall have to object to the bill. I began life in 1849 as a newsboy. I had to earn my living. I do not think it is fair that a good honest boy must go and procure a license before he can sell newspapers in the city of Washington. If that is in the bill, I am opposed to it, and object to its present consideration.

The VICE-PRESIDENT. Objection is made to the consideration of the bill. It will lie over and retain its place on the Calendar.

TIMBER ON MENOMINEE INDIAN LANDS.

Mr. LA FOLLETTE. I ask unanimous consent for the consideration of the bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized to permit the business committee of the Menominee tribe of Indians in Wisconsin to cause to be cut into logs and hauled to suitable places for sawing and cause to be scaled, under such rules and regulations as he may prescribe, the dead and down timber on the north one-half of township No. 29, range No. 13 east; the north half of township No. 29, range No. 14 east, and in the south half of township No. 30, range No. 13 east, on the Menominee Indian Reservation in Wisconsin, as herein provided, such cutting of timber to be in addition to the amount authorized to be cut and sold annually by the act of June 12, 1890 (26 Statutes at Large, page 146).

The Secretary of the Interior shall make contracts with a sufficient number of portable-mill owners to come upon the reservation and saw into lumber the logs so cut from such dead and down timber, the compensation for such sawing to be fixed at a certain rate per thousand feet, which amount shall not exceed the sum of $3.50 per thousand feet board measure, both hard and soft wood included. That in so far as possible the labor employed in sawing said timber into lumber shall be secured from among the members of said tribe.

That the Secretary of the Interior is hereby authorized to pay out of the funds of said Menominee tribe of Indians now on deposit in the United States Treasury all necessary expenses incurred in the cutting and sawing of the timber, as provided herein, which amount of money shall be reimbursed from the sale of the lumber as herein provided.

That said lumber shall be sold in such quantities as the Secretary of the Interior may direct, under such rules and regulations as he may prescribe, to the highest and best bidder for cash after due advertisement inviting proposals and in such manner and at such time and place as the Secretary may direct, and from the proceeds of the sales of such lumber there shall be deposited in the Treasury of the United States to the credit of the said Menominee tribe of Indians the amount of money paid out of said fund as the expense of cutting, sawing, piling, and grading said lumber; and there shall also be deposited in the Treasury of the United States to the credit of said Indians the one-fifth part of the net proceeds of the sales of said lumber, to be used under the direction of the Secretary of the Interior for the benefit of said Indians, and the residue of said proceeds shall be deposited in the United States Treasury to the credit of said tribe and shall bear interest at the rate of 5 per cent per annum, to be paid to the said tribe per capita in semiannual cash payments.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the cutting, sawing into lumber, and sale of timber on certain lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin."

PENSIONS TO SURVIVORS OF INDIAN WARS IN UTAH.

Mr. SMOOT. I ask unanimous consent for the consideration of the bill (S. 3469) to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbances, and the Seminole war,' approved July 27, 1892."

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to extend the provisions of the act of July 27, 1892, as amended by the act of June 27, 1902, to include the Indian wars which occurred in the Territory of Utah down to and including those which took place in the year 1867. But before the name of any person shall be placed on the pension roll under this act proof shall be made, under such rules and regulations as the Commissioner of Pensions with the approval of the Secretary of the Interior shall prescribe, that the applicant is entitled to a pension under this act. The loss or lack of a certificate of discharge shall not deprive the applicant of the benefit of this act, but other proof of service performed and an honorable discharge, if satisfactory, shall be deemed sufficient; and when there is no record evidence of such service and such discharge, the applicant may establish the same by other satisfactory testimony.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND IN PENSACOLA, FLA.

Mr. MALLORY obtained the floor.

Mr. BRANDEGEE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from Connecticut?

Mr. MALLORY. I yield to the Senator.

Mr. BRANDEGEE. When I offered the amendment as to boys selling newspapers to the bill regulating the employment of child labor in the District of Columbia, I did not anticipate that the Senator from Minnesota would object to the whole bill. I am perfectly willing to withdraw that amendment, if there will be no objection to the consideration of the bill.

Mr. NELSON. If I understand that the bill itself does not require newsboys to take out licenses and that that amendment is not to be offered, I will make no objection.

Mr. DUBOIS. The bill does not require newsboys to take out licenses.

Mr. NELSON. If that amendment will not be offered, then I withdraw my objection.

The VICE-PRESIDENT. Does the Senator from Florida yield for that purpose?

Mr. MALLORY. I prefer to have the bill considered that I rose to call up. I ask the Senate to proceed to the consideration of the bill (S. 5418) relinquishing the title of the United States to certain land in the city of Pensacola, Fla., to James Wilkins.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAKE SCHUTTE CEMETERY CORPORATION.

Mr. HANSBROUGH. I ask for the present consideration of the bill (S. 6256) to authorize the Lake Schutte Cemetery Corporation to convey lands heretofore granted to it.

The Secretary read the bill.

Mr. PETTUS. That seems to be an act diverting land from the use for which it was granted. I should like to hear the report of the committee read.

The VICE-PRESIDENT. The Secretary will read the report.

The Secretary read the report submitted by Mr. HANSBROUGH May 31, 1906, as follows:

The Committee on Public Lands, to whom was referred the bill (S. 6256) to authorize the Lake Schutte Cemetery Corporation to convey lands heretofore granted to it, having had the same under consideration, beg leave to report it back with the recommendation that it do pass.

The facts leading up to this legislation are as follows:

By section 5 of the act of February 28, 1899 (30 Stat. L., 916), the S. ½ of the NW. ¼ of sec. 30, T. 162 N., R. 72 W., was granted to the Lake Schutte Cemetery Corporation, of Dunseith, N. Dak., "to have and to hold said lands to its use and behoof forever for cemetery purposes."

On May 5, 1905, lots 3 and 4 (N. ½) of the SW. ¼ of this section were patented to Robert C. Wynn.

It transpired subsequent to the passage of the act of February 28, 1899, that the cemetery is located, wholly or in part, on lot 3, or the NW. ¼ of the SW. ¼ of sec. 30, instead of on the lands granted, and it is now desired that the cemetery company be empowered to make a transfer in order to rectify this mistake.

The following letter from Dr. C. M. Wagner, of Dunseith, N. Dak., to Senator HANSBROUGH, serves further to explain the situation:

DUNSEITH, N. DAK., *May 10, 1906.*

MY DEAR SENATOR: We are in a plight about our cemetery being on the wrong land. The land deeded to the Lake Schutte Cemetery through your kindness several years ago is the wrong eighty. The cemetery now is on land owned by one Robert Wynn, while the land deeded to us is an eighty north. Now, Mr. Wynn will transfer the land where the burial ground is now for the land we were given for the cemetery, providing we are given power from Congress to make the transfer. The land given us is the SW. ¼ of the NW. ¼, sec. 30, T. 162 N., R. 72 W., while the burial ground is on the NW. ¼ of the SW. ¼. Can't you have this tangle straightened out for us and greatly oblige the community here?

I am, yours, most truly, C. M. WAGNER.

Hon. H. C. HANSBROUGH, *Washington, D. C.*

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISHERIES OF ALASKA.

Mr. FULTON. I ask for the consideration of bill (H. R. 13543) for the protection and regulation of the fisheries of Alaska.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, which had been reported from the Committee on Fisheries with an amendment, on page 4, to strike out section 3, in the following words:

SEC. 3. That the money derived from the license taxes, as provided for in section 1 of this act, shall be paid into the United States Treasury and shall constitute a permanent appropriation, to be known as the "Alaskan fisheries fund," to be used under the direction of the Secretary of Commerce and Labor for the purpose of propagation and fish culture and the construction and maintenance of fish hatcheries in the waters of Alaska, for the protection, regulation, investigation, and inspection of the Alaskan fisheries and hatcheries, for the collection and compilation of statistics and information pertaining thereto, and for the enforcement of the law and the regulations made thereunder with reference to the subject of fisheries in the waters of Alaska.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LAND IN COMANCHE COUNTY, OKLA.

Mr. LONG. I ask unanimous consent for the consideration of the bill (H. R. 16785) giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.

Mr. BLACKBURN. After the consideration of that bill I shall move to adjourn.

Mr. PETTUS. Mr. President, I suggest that there is no quorum present.

Mr. CARTER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 13, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 12, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

THE JOURNAL.

Mr. SHERMAN. Mr. Speaker, I wish to correct the Journal. As I understood, the Clerk announced that Mr. LAMAR was appointed as one of the conferees on the bill H. R. 19681. It was Mr. ZENOR who was the minority conferee.

The SPEAKER. The Journal is correct.

RAILROAD RATES.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House, No. 571, have had the same under consideration, and in lieu thereof report the following:

"*Resolved*, That the bill (H. R. 12987) to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, with the Senate amendments thereto, be, and hereby is, taken from the Speaker's table; that the House further insists on its disagreement to the Senate amendments thereto in gross, and that the conference asked by the Senate is hereby agreed to; whereupon immediately, without intervening motion, the managers of the conference shall be appointed."

Mr. DALZELL. And on that, Mr. Speaker, I demand the previous question.

Mr. WILLIAMS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. I want to ask the gentleman from Pennsylvania a question.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Mississippi?

Mr. DALZELL. I do.

Mr. WILLIAMS. I want to ask the gentleman from Pennsylvania if he would yield to me for the purpose of offering an amendment before he calls for the previous question?

Mr. DALZELL. Certainly not.

The SPEAKER. The gentleman declines to yield.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 150, noes 81.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 186, nays 92, answered "present" 8, not voting 94, as follows:

YEAS—186.

Acheson	Dawes	Ketcham	Perkins
Adams	Dawson	Kinkaid	Pollard
Alexander	Denby	Klepper	Powers
Allen, Me.	Dixon, Mont.	Knopf	Prince
Allen, N. J.	Draper	Knowland	Reeder
Ames	Dresser	Lacey	Reynolds
Babcock	Driscoll	Lafean	Rives
Barchfeld	Ellis	Landis, Chas. B.	Rodenberg
Bartholdt	Esch	Landis, Frederick	Samuel
Bates	Fletcher	Law	Scott
Bede	Fordney	Lawrence	Shartel
Bennet, N. Y.	Foss	Littauer	Sherman
Birdsall	Foster, Ind.	Littlefield	Sibley
Bishop	French	Loud	Slemp
Bonynge	Fulkerson	Loudenslager	Smith, Cal.
Boutell	Gardner, Mich.	Lovering	Smith, Ill.
Bowersock	Gardner, N. J.	McCall	Smith, Iowa
Bradley	Gilbert, Ind.	McCarthy	Smith, Wm. Alden
Brick	Gillett, Cal.	McCleary, Minn.	Smith, Pa.
Brooks, Colo.	Gillett, Mass.	McGavin	Smyser
Brownlow	Goebel	McKinlay, Cal.	Snapp
Buckman	Graff	McKinley, Ill.	Southwick
Burke, Pa.	Greene	McKinney	Sperry
Burke, S. Dak.	Grosvenor	McLachlan	Stafford
Burton, Ohio	Hale	McMorran	Sterling
Butler, Pa.	Hamilton	Madden	Stevens, Minn.
Calder	Haskins	Mahon	Sulloway
Calderhead	Hayes	Mann	Tawney
Campbell, Kans.	Hedge	Marshall	Taylor, Ohio
Campbell, Ohio	Henry, Conn.	Martin	Thomas, Ohio
Capron	Hepburn	Michalek	Tirrell
Cassel	Hermann	Miller	Townsend
Chaney	Higgins	Minor	Volstead
Chapman	Hill, Conn.	Moon, Pa.	Wachter
Cocks	Hinshaw	Morrell	Waldo
Cole	Hoar	Mouser	Wanger
Conner	Howell, N. J.	Murdock	Watson
Cousins	Howell, Utah	Needham	Webber
Cromer	Hubbard	Nevin	Weems
Crumpacker	Huff	Olcott	Wharton
Currier	Hull	Olmsted	Wiley, N. J.
Curtis	Humphrey, Wash.	Otjen	Wilson
Cushman	Jenkins	Overstreet	Wood, N. J.
Dale	Jones, Wash.	Parker	Woodyard
Dalzell	Keifer	Parsons	Young
Davidson	Kennedy, Nebr.	Payne	
Davis, Minn.	Kennedy, Ohio	Pearre	

NAYS—92.

Adamson	Floyd	Lee	Ruppert
Bartlett	Gaines, Tenn.	Lester	Russell
Beall, Tex.	Garner	Lever	Ryan
Bell, Ga.	Gillespie	Livingston	Shackleford
Bowie	Glass	Lloyd	Sheppard
Brantley	Goldfogle	McLain	Sherley
Burgess	Goulden	Macon	Sims
Burleson	Granger	Meyer	Slayden
Burnett	Griggs	Moon, Tenn.	Smith, Ky.
Candler	Hay	Moore	Smith, Md.
Clark, Fla.	Hearst	Murphy	Smith, Tex.
Clark, Mo.	Heflin	Padgett	Spight
Clayton	Henry, Tex.	Patterson, N. C.	Steenerson
Cockran	Hogg	Patterson, S. C.	Sullivan, Mass.
Cooper, Wis.	Hopkins	Pujo	Sulzer
Davey, La.	Houston	Rainey	Talbott
Davis, W. Va.	Howard	Ransdell, La.	Trimble
De Armond	Humphreys, Miss.	Richardson, Ala.	Underwood
Dixon, Ind.	Johnson	Richardson, Ky.	Wallace
Ellerbe	Keliher	Rixey	Watkins
Finley	Kline	Robertson, La.	Webb
Fitzgerald	Lamar	Robinson, Ark.	Williams
Flood	Lamb	Rucker	Zenor

ANSWERED "PRESENT"—8.

Bennett, Ky.	Dickson, Ill.	Southard	Thomas, N. C.
Broocks, Tex.	Lilley, Pa.	Sparkman	Weeks

NOT VOTING—94.

Aiken	Flack	Kitchin, Claude	Rhinock
Andrus	Foster, Vt.	Kitchin, Wm. W.	Rhodes
Bankhead	Fowler	Knapp	Roberts
Bannon	Fuller	Le Fevre	Schneebeli
Beidler	Gaines, W. Va.	Legare	Scroggy
Bingham	Garber	Lewis	Small
Blackburn	Gardner, Mass.	Lilley, Conn.	Smith, Samuel W.
Bowers	Garrett	Lindsay	Southall
Broussard	Gilbert, Ky.	Little	Stanley
Brown	Gill	Longworth	Stephens, Tex.
Brundidge	Graham	Lorimer	Sullivan, N. Y.
Burleigh	Gregg	McCreary, Pa.	Taylor, Ala.
Burton, Del.	Gronna	McDermott	Towne
Butler, Tenn.	Gudger	McNary	Tyndall
Byrd	Hardwick	Maynard	Van Duzer
Cooper, Pa.	Haugen	Mondell	Van Winkle
Darragh	Hill, Miss.	Mudd	Vreeland
Deemer	Hitt	Norris	Wadsworth
Dovener	Holliday	Page	Weisse
Dunwell	Hughes	Palmer	Welborn
Dwight	Hunt	Patterson, Tenn.	Wiley, Ala.
Edwards	James	Pou	Wood, Mo.
Fassett	Jones, Va.	Randell, Tex.	
Field	Kahn	Reid	

So the previous question was ordered.

The Clerk announced the following pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. WELBORN with Mr. GUDGER.

Mr. SOUTHARD with Mr. HARDWICK.

Mr. WEEKS with Mr. STANLEY.

Mr. EDWARDS with Mr. HILL of Mississippi.

Mr. LE FEVER with Mr. CLAUDE KITCHIN.

Mr. HOLLIDAY with Mr. WILEY of Alabama.

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. HITT with Mr. LEGARE.

Mr. ANDRUS with Mr. THOMAS of North Carolina.

Mr. DOVENER with Mr. SPARKMAN.

Mr. FOSTER of Vermont with Mr. POU.

Mr. GRAHAM with Mr. PAGE.

Mr. VREELAND with Mr. GREGG.

Mr. DUNWELL with Mr. LINDSAY.

Until Thursday:

Mr. BURTON of Delaware with Mr. GILL.

For the day:

Mr. KNAPP with Mr. BANKHEAD.

Mr. GRONNA with Mr. GARBER.

Mr. LILLEY of Connecticut with Mr. TOWNE.

Mr. FULLER with Mr. JONES of Virginia.

Mr. BINGHAM with Mr. BRUNDIDGE.

Mr. MUDD with Mr. LITTLE.

Mr. LONGWORTH with Mr. STEPHENS of Texas.

Mr. KAHN with Mr. REID.

Mr. DICKSON of Illinois with Mr. WILLIAM W. KITCHIN.

Mr. DEEMER with Mr. GARRETT.

Mr. BEIDLER with Mr. BROUSSARD.

Mr. BROWN with Mr. BOWERS.

Mr. BURLEIGH with Mr. BUTLER of Tennessee.

Mr. COOPER of Pennsylvania with Mr. BYRD.

Mr. DARRAGH with Mr. HUNT.

Mr. DWIGHT with Mr. FIELD.

Mr. GAINES of West Virginia with Mr. JAMES.

Mr. GARDNER of Massachusetts with Mr. MCNARY.

Mr. HAUGEN with Mr. LEWIS.

Mr. HUGHES with Mr. MAYNARD.

Mr. MCCREARY of Pennsylvania with Mr. WEISSE.

Mr. MONDELL with Mr. MCDERMOTT.

Mr. FASSETT with Mr. AIKEN.

Mr. WADSWORTH with Mr. SULLIVAN of New York.

Mr. PALMER with Mr. RANDELL of Texas.

Mr. ROBERTS with Mr. TAYLOR of Alabama.

Mr. SCHNEEBELI with Mr. PATTERSON of Tennessee.

Mr. SAMUEL W. SMITH with Mr. RHINOCK.

Mr. TYNDALL with Mr. SOUTHALL.

Mr. VAN WINKLE with Mr. VAN DUZER.

For the vote:

Mr. BANNON with Mr. BROOCKS of Texas.

Mr. RHODES with Mr. WOOD of Missouri.

Mr. BENNETT of Kentucky. Mr. Speaker, at the time my name was called I voted "aye," but I find that I am paired with the gentleman from Pennsylvania, Mr. HUFF. I wish to change my vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BENNETT of Kentucky; and he answered "present."

The result of the vote was announced as above recorded.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] is entitled to twenty minutes, and the gentleman from Mississippi [Mr. WILLIAMS] is entitled to twenty minutes.

Mr. DALZELL. Mr. Speaker, it is not necessary that I should take up any time substantially in explaining the situation. The bill referred to in the resolution which is pending is the rate bill, a bill passed by the House and sent to the Senate, from which it came back to the House with fifty amendments. The House disagreed to those amendments and asked for a conference. The Senate agreed to the conference. The Senate has disagreed to a report made to the Senate by the conference committee, and asked for a further conference on the part of the House. The question presented to the House now arises from the fact that the bill with the Senate amendments and the notice of the Senate disagreement and of its request is on the Speaker's table. The proposition is to take the papers from the Speaker's table, to further insist upon the House disagreement to the Senate amendment, and to agree to the conference.

I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I shall ask the Speaker at the expiration of three minutes to inform me of that fact. The gentleman from Pennsylvania [Mr. DALZELL] is right, I think, in saying it is not worth while talking very much about this matter. The House has grown accustomed to this sort of performance by now, or, if not, it is hard for it to get used to anything. The last time this matter was up and sent to conference the promise was held out, to our ears, at least, that when it came back to the House the House should have an opportunity to express itself upon the several questions involved. Now, a rule, substantially like the other rule, is being urged, and I have no doubt that the same promise that was held out before will be held out again.

I take it that the Members of the House know what they are doing. They know that if they vote "aye" when the roll call comes they shut off all opportunity to amend this rule, shut off all opportunity of the House to be heard upon any one of the particular matters involved, and if they vote "no" and vote the rule down they will get an opportunity to amend in accordance with the views of a majority of the Members, and if they should get an opportunity we would like upon this side to offer an amendment which was offered in the committee and voted down.

A MEMBER. What is it?

Mr. WILLIAMS. In my time I shall read it. It is the amendment which I asked the gentleman from Pennsylvania to yield to allow me to offer. It is this——

Mr. DALZELL. If the gentleman from Mississippi will allow me, the gentleman has made reference to what was done in committee. Now, I want to ask the gentleman a question. Did I not say to the gentleman in committee I was as strongly in favor of this amendment as the gentleman was?

Mr. WILLIAMS. Yes; the gentleman did, and the gentleman indicated in a minute afterwards that he was in favor of it by voting against it, and he indicated it a moment ago by not yielding even to offer the amendment. The amendment we want to offer reads as follows:

Provided, however, That the House conferees are instructed to concur in the Senate amendment declaring sleeping-car companies to be common carriers, and are further instructed to insist upon exempting from the provision forbidding free passes officials and employees of the railroads and their immediate families.

[Applause on the Democratic side.]

Now, Mr. Speaker, further comment is unnecessary, and I shall now yield three minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, this is an effort to again prevent the House from doing that which, under the rules of the

House governing conference reports, it has the right to do. In order to avoid that, this resolution proposes to enact this special rule, in order to prevent the House from passing upon these Senate amendments and agreeing to some and amending others, which it would do if it had the opportunity. The Senate conferees and the House conferees have made a report, agreeing on a number of important amendments that the Senate made, which made the bill a better bill than when it went from the House, and making changes in others. I have not the time to call the attention of the House to all of them, but I will call the attention of the House to two. One is that amendment which strikes from the House bill the words "fairly remunerative," which words ought never to have been written in the bill in the House or elsewhere. [Applause on the Democratic side.] Another amendment to this report, which I favor and which this House will make, is one which will permit railroads to grant free transportation to its employees and their families. Now, when this matter of sending the bill to conference was up for the first time, on the 25th day of May last, that side was told by the gentleman from Ohio [Mr. GROSVENOR] that they ought to vote for the rule, which was then proposed, to send this bill to conference in order to prevent the gentleman from Mississippi and his associates on this side from being "placed in the saddle" and taking control of this legislation, and the distinguished gentleman from Ohio [Mr. GROSVENOR], who was a member of the Committee on Rules then, and is now, and who joins in this report from the Rules Committee, made the statement upon this floor as to what would happen when this conference report should come back; and I desire to call to the attention of the House what the gentleman then said. The gentleman from Ohio, I suppose in order to allay the demand from his own side for an opportunity to vote on the Senate amendments, made this statement:

> We are not in the hands either of the Democratic minority or in the hands of a conference committee. Is there a man here who by his vote will doubt that that conference committee will at a very early date report this important bill back? And let me make a statement, Mr. Speaker, and I ask the House to hear what I say and measure my language—when that conference report comes back there will be a chance to vote on every amendment the House desires to vote upon, and there will be debate, and for once in my life I think I occupy a position where I can enforce the suggestion which I have made.

[Applause on the Democratic side.]

The gentleman occupies to-day the same position he did then; he is still a member of the Committee on Rules, and he can enforce the suggestion that he then made.

Mr. DALZELL. Will the gentleman yield a moment?

Mr. BARTLETT. I have but three minutes—yes; I will.

Mr. DALZELL. The gentleman does not mean to insinuate there is any conference report before this House now?

Mr. BARTLETT. I mean to say I hold in my hand a conference report made by the conferees both to the Senate and the House. Here it is, made to this House on Saturday, June 2, and it was printed in the RECORD of that day in compliance with the rules of the House on that subject.

Mr. DALZELL. Why, the gentleman is sufficiently informed in parliamentary law to know that is no report, but is a disagreement on the part of the Senate when the House has acted on it first. There is no conference report before this House.

Mr. BARTLETT. There is a conference report before this House, made as conference reports are usually made; and does not this rule declare that we take from the Speaker's table the conference report, disagree to the report and to the amendments "en bloc," and send it back to conference? The very report that you make from your committee, the very resolution that you report for our consideration calls it a conference report. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. I appeal to the gentleman from Ohio to live up to the promise he made to the House on the 25th day of May. [Applause on the Democratic side.]

Mr. WILLIAMS. Mr. Speaker, I now yield three minutes to the gentleman from Illinois [Mr. PRINCE]. [Applause on the Democratic side.]

Mr. PRINCE. Mr. Speaker and fellow-Members of the House, the position of this House can not better be stated than by paraphrasing what was stated long ago by Joshua, "Choose you this day whom you will serve"—the sleeping-car companies or the people. As for me and my household, we will serve the people. [Applause on the Democratic side.] It is not fair to this body nor to the other coordinate body to say that this is a political measure. On February 8, 1906, this measure passed this House with an affirmative vote of 346 and a negative vote of 7, all of whom belonged to the same political party of which I am a member—the Republican party. This measure went to another body, and on May 18, 1906, seventy-one Senators voted for this rate bill and three Senators voted against it, one of whom was a Republican and two of whom were Democrats.

My fellow-Members, do not try to dodge behind the fact that it is a party measure. The people know better. Choose you to-day which you will serve. Come out into the open; stand as men and acquit yourselves as men. Do not stand behind the flimsy excuse that you want a full, fair conference and untrammeled by instructions. On last Saturday there came into this House a conference report, and the conferees rejected the sleeping-car companies' amendment and refused to include them under the law. The House conferees insisted that railway officials and their workmen and the members of their immediate families should not have transportation. The House conferees insisted that stockmen in charge of stock should not have free transportation. You can not disguise it. It stands here in the RECORD. It is true, as the gentleman from Pennsylvania [Mr. DALZELL] says, it is not now a conference report, because another body heard from the people, another body found that the people were aroused and outraged at this conference, and they forced that back again to conference; and that is why technically this is not a conference report. But every man in this House knows that if these conferees are appointed again and no instruction is had they will go out and do exactly what they have done in this case, and no one of them dares to stand up on the floor of this House and say that they will include sleeping-car companies and give to these railroad officials and to employees and the members of their immediate families transportation, and give to stockmen free transportation. If the conferees will say so, I will vote for the rule; if they do not say so, I will vote against the rule; and the country will expect every man to do his duty. [Applause on the Democratic side.] From the temper of this House now, I think the conferees will be able to sit up and take notice and govern themselves accordingly.

Mr. WILLIAMS. Mr. Speaker, I now yield two minutes to the gentleman from Pennsylvania [Mr. LILLEY].

Mr. LILLEY of Pennsylvania. Mr. Speaker, I would be glad, indeed, if this House to-day and in this hour could put the seal of its disapproval on that clause in this bill which says that railroad employees and their families can not be furnished free transportation by their employer. How it came in the bill I do not know; but this I do know, that if it was put in in good faith the man who placed it there forgot the engineer leaning far out of the cab, with his eye on the rail all night, and the passenger asleep, and sleeping because he knew the man was there. He forgot the rear brakeman, who often stands out in the storm, with the thermometer below zero, guarding the rear of the train, while he sleeps because he knows the man is there. I would be glad if we could put the seal of our disapproval upon that clause now. I find no fault with the leadership which says that this is not the proper time, but I shall find fault, and I shall not vote for the bill if that clause is not eliminated. Fully one-fourth of the residents of my district are directly affected by this bill. And I ask you now; I ask my friends upon my side of the House, while I am here on the Cherokee Strip, upon the other side—I ask you not to place us in the position of going home to our constituents with having even to vote upon such a proposition, and I ask the conferees when it gets back to them to see to it that it is taken out.

Mr. WILLIAMS. I yield two minutes to the gentleman from Alabama.

Mr. RICHARDSON of Alabama. Mr. Speaker, it seems to me if ever there was any occasion where the rigid rule enforced in the House should be relaxed, it ought to be on this occasion, when a matter of such vast importance is being considered, and an opportunity should be afforded to every gentleman who desires to express his opinion upon these important amendments. This is practically the only way in which the conferees can be informed as to the views of the House.

It will be remembered, Mr. Speaker, that since the declaration made by the gentleman from Ohio [Mr. GROSVENOR], giving us assurances as to an opportunity that each Member of the House would have to express on the floor of the House his opinion as to certain important amendments made by the Senate to the House bill, a very important feature—one which has attracted much attention in this House and throughout the country—has been brought in as added by the report of the conferees. That is the antipass provision that was substituted for the antipass amendment made by the Senate. It relates to the prohibition of free transportation to employees of railroads and their families over the lines on which they are employed. I do not think, Mr. Speaker, that I violate any obligation placed upon me as a conferee when I say that when this matter was brought up in the conference, believing that I rep-

resented fairly the Democratic sentiment, that I protested earnestly against the exclusion of employees and their families from free transportation, and reserved the right, Mr. Speaker, to protest against it on the floor of this House. [Applause on the Democratic side.]

Mr. WILLIAMS. I ask the gentleman from Pennsylvania to use some of his time.

Mr. DALZELL. I yield five minutes to the gentleman from Michigan.

Mr. TOWNSEND. Mr. Speaker, I do not rise for the purpose of opposing the rule. I think I understand that this is an ordinary procedure to determine eventually what this House wishes. If I thought otherwise, I should certainly oppose the rule at this time. It seems to me that a Member of Congress would be exceedingly dull who did not understand the sentiment of the House in regard to certain provisions in this bill, certain amendments pertaining to it. I have been well pleased with the bill up to date. In fact, I think it is a much better bill than the most ardent friends of the legislation thought possible when his Congress began. I am satisfied with the action of the conferees on most of the amendments. I do believe that the two amendments to which reference has been made—namely, in reference to sleeping cars and passes for employees of railroads and their families—should be adopted. I stood on this floor and defended the proposition originally that the House bill included sleeping cars. I believed it then. I am not certain it is not true now. But when I heard gentlemen, some of them now conferees on this bill, declare on the floor of this House that sleeping-car companies were not contained therein; when I recall that the bill went over to the Senate and that that body believed that these companies were not included and adopted an amendment to include them; when I understand, again, that the amendment went out in conference, I am convinced that undoubtedly I was mistaken when I said they were included in the House bill. I realize that the courts in construing a law do not rely upon what Members of Congress say; but the court would be dull indeed which did not take notice of things which have transpired with reference to this amendment. It is true that during all these hearings on this question no witness ever appeared to make complaint against a sleeping-car company, and I have no recollection that a word was ever mentioned in our committee on this subject; but we have reached that point now when it seems to me it would be an invidious distinction which this Congress could not afford to make if it did not in express language include sleeping-car companies. [General applause.] I am not clear that they ought to go in as common carriers. I have thought that they, together with the private cars used for refrigerating purposes, were a means of transportation which could be embraced within the control of the railroad itself, and, if such, would be subject to the powers of the Interstate Commerce Commission with reference to fixing the rate, and it seems to me that they should be included.

These were not specified when the other cars were mentioned; and inasmuch as we adopted the dangerous doctrine of specification, thereby including the other doctrine, elimination, it seems that they possibly—probably, I may say—remain out from the provisions of the bill.

In reference to passes to laboring men and their families, it is a fact that there has been no demand in this country that the railroads should refuse to treat their employees as they have in the past. There is no demand from the people that carriers shall not grant free transportation to their employees and their families, and this favor extended by the railroads to their employees will not furnish a cheaper rate of transportation to the people. Railroad employees are a part of the railroad. Their very business demands that they travel over the road, and their families should not be denied the privilege of traveling with their husbands and fathers if the carriers see fit to extend the favor to them. No harm can come to the people through this amendment, and a great benefit may be extended to one of the most heroic, industrious, and worthy classes of our citizens.

I am in favor of incorporating in the rate bill the amendments as to sleeping-car companies and the one allowing carriers to give free transportation to its employees and their families, and I shall feel it my duty to oppose any conference report which does not include them. I am satisfied that this disposition of mine is the same as that of a majority of the House. I trust that the House conferees will take due notice and govern themselves accordingly. We have done a good work; let it not be spoiled or marred by any act showing either favoritism or disregard of the privileges of men who by accepting them do no harm to others. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DALZELL. How is the time, Mr. Speaker?

The SPEAKER. The gentleman from Mississippi has seven minutes and the gentleman from Pennsylvania has fourteen minutes.

Mr. DALZELL. I yield so much time as he may want to my colleague, the gentleman from Ohio [Mr. GROSVENOR]. I should like to have about two minutes myself. I yield ten minutes to the gentleman from Ohio.

Mr. GROSVENOR. I shall not need that time.

Mr. Speaker, the gentleman from Georgia [Mr. BARTLETT] misapprehends the entire parliamentary situation, and aims a shot at me which can only rebound without injury to me.

Mr. BARTLETT. Will the gentleman permit an interruption?

Mr. GROSVENOR. Oh, I guess I had better not yield. I did not interrupt you, and I am not going to say any more about you. [Laughter.]

If the House will only consider that we are now standing in exactly the same condition in all respects that we were when I made the statement I made before, they will understand that the criticism is not justified. We are in exactly the same condition, and every argument made in favor of the action that we took before applies with equal force to the action sought to be taken now.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. GROSVENOR. Yes; if it is not too long.

Mr. BARTLETT. I want to ask the gentleman if I did him any injustice in reading from the RECORD of the 25th of May what he said when this matter was up before?

Mr. GROSVENOR. You have got the point now, and you need not spend any more time on it. Either you intended to place me in a position of self-stultification, or else what you did did not have any force in it, and ought not to have been introduced at all—one or the other.

Mr. BARTLETT. I simply undertook to put the gentleman in the position that his own language placed him in, that is all.

Mr. GROSVENOR. But what force has that language when we find ourselves exactly where we have been before? Will the gentleman from Georgia say now frankly to the House that he did not intend thereby, in what he did, to suggest that I had changed my position?

Mr. BARTLETT. I intended to suggest to the House the promise you had made, and expressed the hope that the gentleman would keep it. [Applause on the Democratic side.]

Mr. GROSVENOR. Oh, well, then, we are all together and I will keep it; and I reiterate every word of it and stand where I stood before. And if this bill goes back to a conference that we ourselves have already agreed to, and from which we will not now, I think, turn and run, and the conferees come back here, if they are not instructed by the manifest voice of this House, we will find a way to instruct them by a most peremptory process. Now, that is all there is to this.

Mr. DRISCOLL. Mr. Speaker, I wish to know this: If the House now sends this report back to the conferees and the report is not satisfactory to the House in any particular one of these amendments, can the House have a chance to vote on that particular amendment?

Mr. GROSVENOR. They can do it, and do it very easily, and do it without any difficulty, simply by voting down the conference report and send back the bill to the conference with any one or any dozen amendments that we want to have put in the bill. It is the simplest process in the world. Anybody can understand it, and I do not believe now——

Mr. DRISCOLL. Why not do that now?

Mr. GROSVENOR. Simply because it would be treating the conference unfairly.

Mr. DRISCOLL. I have great confidence in the House conferees; they did well the last time, and I hope they will do as well again.

However, many Members of the House, of which I am one, are in favor of a strong antipass provision in this law with an exception in favor of railway employees and their families. The exception should not extend much, if any, beyond this class. Now, if the antipass provision or amendment be stricken from the bill, or be encumbered with so many exceptions as to make it ridiculous and practically useless, we will want an opportunity for a vote on that question. I deem this part of the law very important, for if the companies be permitted to discriminate in the future as they have in the past in the granting of free transportations, my judgment is that the other part of the law against freight discriminations will not, and can not, be rigidly enforced. Both parts must stand or fall together.

Mr. GROSVENOR. The conferees on the part of the House have brought in here a conference report to which they had agreed. The Senate has backed out of that. I do not speak disrespectfully, but they have withdrawn their approval. Now, if we are going to have a full and free conference, we want to

send them back in exactly the same position they occupied when they went to the conference before, and there are not on the floor of this House fifty votes, in my judgment, that would ratify the report now pending before the House; so there need be no fears upon that subject. I quite agree with what the distinguished gentleman from Michigan [Mr. TOWNSEND] has said, that there ought to be a clear enunciation upon these two important questions, and there are some more that I differ with, but not quite so radically as I do upon those two questions.

Now, I think in fairness to the conferees, in fairness to the Senate, and in the disposal of this matter in an orderly, straightforward, businesslike way let us agree to this rule and send the bill back to the conferees, and when it comes back here if your conferees are not now instructed we will find a way to instruct them promptly.

Mr. MURDOCK. Are the Senate conferees under instructions of any kind?

Mr. GROSVENOR. None whatever, except so far as the possible sending of the bill back to them might operate as a repudiation of their action, and we are doing exactly the same thing.

Mr. MURDOCK. The debate in the Senate is in no sense an instruction?

Mr. GROSVENOR. Not to me, and certainly not to the conferees. The vote of the Senate is the only instruction.

Mr. DALZELL. Will the gentleman from Mississippi now use some of his time?

Mr. WILLIAMS. Does the gentleman from Pennsylvania intend to conclude in one speech?

Mr. DALZELL. Yes.

Mr. WILLIAMS. Mr. Speaker, I yield seven minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, I do not think the condition with reference to this matter now is precisely what it was when the matter was before the House on a former occasion. Since then the conferees have been at work, and the House and Senate and the country have been favored with their conclusions in the form of a report. It is fair to presume, I think, if anything may be presumed with reference to this matter, that the conferees of the House will again favor in conference those matters which before they favored in conference. As to a large portion of the amendments, the conference report, I think, is satisfactory. As to these amendments, it would seem that they would again agree to them, without direction or instruction of this House. As to several of the amendments, however, it is very evident that the Senate and the House and the country by no means agree with the conclusions of the conferees, but absolutely and unqualifiedly repudiate them. Two of those are covered by the amendment offered by my colleague from Mississippi, or the amendment which he would offer if a Member of this House, entitled to all the rights and powers and privileges under the Constitution of each Member, could have an opportunity in this House in the discharge of his representative duties to offer an amendment. That would instruct the conferees as to two of the amendments with which they dealt, and dealt to the great dissatisfaction of the Senate, the House, and the country.

One of these amendments is that concerning sleeping-car companies. I happened to be over in the Senate the other day when this conference report was under discussion. It was there asserted over and over and over again that the change in this particular amendment, including express companies and sleeping-car companies in the provision with reference to common carriers, by exempting sleeping-car companies, was made in response to the insistence of the House members; that the House members constrained the Senate members to depart from that portion of their amendment which embraces sleeping-car companies. So we are to have here the spectacle of this House refusing to instruct its own conferees with reference to that and committing it to these dear gentlemen again untrammeled and undirected. It is true we have again the assurance of the gentleman from Ohio [Mr. GROSVENOR] that by and by, in some form, at some time, in some way this House may be unshackled and individual Members and the membership collectively may be permitted to say something or do something about it. We would have the law extended to sleeping-car companies.

Take the amendment with reference to passes. I do not know what the purpose of this language reported, I do not care what the purpose of the conferees was——

Mr. HEFLIN. Mr. Speaker, I ask for order.

The SPEAKER. The House will be in order. Gentlemen wishing to converse will retire to the cloakroom.

Mr. DE ARMOND. Mr. Speaker, I am not in the slightest degree disturbed. Those who have a desire to hear will do so, and those who do not wish to hear will not confer any favor upon me by turning aside from important business. Those who have prejudged this matter, who have closed their minds, who hold out their hands for the shackles, who have abdicated the high rights of the American Representative in an American Congress care not to hear, and I care not to speak to them.

Now, as to the pass amendment, I do not know what was the purpose of framing it in the way it appears in the conference report, but I know, and any man of common intelligence must know, that if that purpose had been to absolutely kill and destroy the antipass Senate amendment ingenuity might have furnished something better in seeming, but ingenuity could not supply anything more effective for the purpose. [Applause.] Nobody is in favor of it except those who do not mean to do anything, who wish to make a pretense and a sham out of this part of the legislation; who, assuming that the number of fools is very much greater than it is, wish to make others believe that there is a real, sober, serious, statesmanlike, honest attempt to do something on the subject, while it is very evident, whatever the purpose or intent, that the effect is to do nothing. Yet the House can not say anything upon it. I do not believe that there is a man upon this floor who dares vote against the proposition to permit passes to be issued to railroad employees and their families. Yet when you vote for this rule, when you adopt this miserable gag rule—and I am not using these terms merely for the purpose of expressing myself in strong language, but because no weak terms will describe this outrage—when you vote for this rule, you vote against permitting the issue of passes to these railroad people, and you trust to the conferees for deliverance. [Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, it seems to me that any difference of opinion which exists in this House to-day with respect to this rule grows out of a misconception of the situation. In the first place, there is no conference report before this House either to be agreed to or disagreed to. The House disagreed to the Senate amendments and asked for a conference. The Senate agreed to the conference, and until the Senate passed on that conference report there was nothing for this House to pass upon. It is true that the conferees came in here with a copy of the report agreed upon and filed with the Senate, and it went into the RECORD for information, but it is not before the House. That report is of no consequence at all until action has first been had by the Senate, so that we are back here to-day in exactly the same situation that we were when we disagreed to the Senate amendments and asked for a conference. That is my first proposition.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman allow me to ask him a question?

The SPEAKER. Does the gentleman yield?

Mr. DALZELL. Yes.

Mr. UNDERWOOD. Before the conferees were appointed the first time we did not know their opinions on these matters. They have now filed a report that, at least, expresses their opinion.

Mr. DALZELL. We know nothing officially now about their opinion, but if we know anything about their opinion, they also know something about our opinion. [Applause.] I think we can safely trust them to carry out our opinions. In the first place, I say that there is no conference report before the House. In the second place, I say that there is nothing unusual about this proceeding. If this were not a bill that attracted great public attention and turned the eyes of the country upon the House, there would be no objection made to a request for unanimous consent to take the papers from the Speaker's table, disagree to the Senate amendments, and send the bill to conference. In the third place, no man is bound here to-day by his vote with respect to any particular amendment. There is no question as to the merits of any amendment before the House here to-day. So far as the question of purpose is concerned, I want to say, speaking for myself, that if any conference report comes into this House excluding railroad employees and their families from free transportation I will join with every other Member of the House that I can find to join with me in voting down that report. [Applause.] Now, what is the use of talking about being gagged?

Mr. RUCKER. Will the gentleman make the same statement with reference to voting down the report providing the report does not include sleeping-car companies?

Mr. DALZELL. Personally, yes; I am in favor of both those propositions. [Applause.] What is the use of talking about being gagged, and what is the use of talking about the House being prevented from expressing its will on this subject? There is nothing in the way of legislation that is not absolutely within the control of the majority of this House at any time, and I want to say, expressing my own opinion, that I believe that a report of the conferees failing to embody the will of the House as it has been expressed here to-day upon those two propositions would not last ten minutes in this House. It would be

voted down, and then the whole fifty amendments would be open to be passed upon by the Members. This rule is, in my judgment, in the interest of expedition. It is in the interest of a fair consideration of all the questions involved in this rate bill. It is in the interest of carrying out the will of the majority of the House, and as I said, particularly is it in the interest of expedition. It is a mere question of methods, not a question of merits. [Applause on the Republican side.]

The SPEAKER. The question is on the adoption of the resolution.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 181, noes 90.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 184, nays 100, answered "present" 7, not voting 89, as follows:

YEAS—184.

Acheson	Davidson	Kennedy, Nebr.	Overstreet
Alexander	Davis, Minn.	Kennedy, Ohio	Parker
Allen, Me.	Dawes	Ketcham	Parsons
Allen, N. J.	Dawson	Kinkaid	Payne
Ames	Denby	Klepper	Perkins
Babcock	Dixon, Mont.	Knopf	Pollard
Barchfeld	Draper	Knowland	Powers
Bartholdt	Dresser	Lacey	Reeder
Bates	Driscoll	Lafean	Rives
Bede	Esch	Landis, Chas. B.	Rodenberg
Bennet, N. Y.	Fletcher	Landis, Frederick	Samuel
Birdsall	Foss	Law	Scott
Bishop	Foster, Ind.	Lawrence	Shartel
Blackburn	French	Littauer	Sherman
Bonynge	Fulkerson	Littlefield	Sibley
Boutell	Gardner, Mass.	Lorimer	Slemp
Bowersock	Gardner, Mich.	Loud	Smith, Cal.
Bradley	Gardner, N. J.	Loudenslager	Smith, Ill.
Brick	Gilbert, Ind.	Lovering	Smith, Iowa
Brooks, Colo.	Gillett, Cal.	McCall	Smith, Wm. Alden
Brownlow	Gillett, Mass.	McCarthy	Smith, Pa.
Buckman	Goebel	McCleary, Minn.	Smyser
Burke, Pa.	Graff	McGavin	Southwick
Burke, S. Dak.	Greene	McKinlay, Cal.	Sperry
Butler, Pa.	Grosvenor	McKinley, Ill.	Stafford
Calder	Hale	McKinney	Steenerson
Calderhead	Hamilton	McMorran	Sterling
Campbell, Kans.	Haskins	Madden	Stevens, Minn.
Campbell, Ohio	Hayes	Mahon	Sulloway
Capron	Hedge	Mann	Tawney
Cassel	Henry, Conn.	Marshall	Taylor, Ohio
Chaney	Hepburn	Martin	Thomas, Ohio
Chapman	Hermann	Michalek	Tirrell
Cocks	Higgins	Miller	Townsend
Cole	Hill, Conn.	Minor	Volstead
Conner	Hinshaw	Mondell	Wadsworth
Cooper, Pa.	Hoar	Moon, Pa.	Waldo
Cousins	Howell, N. J.	Morrell	Wanger
Cromer	Howell, Utah	Mouser	Watson
Crumpacker	Hubbard	Murdock	Webber
Currier	Huff	Needham	Weems
Curtis	Hull	Nevin	Wharton
Cushman	Humphrey, Wash.	Norris	Wiley, N. J.
Dale	Jenkins	Olcott	Wilson
Dalzell	Jones, Wash.	Olmsted	Wood, N. J.
Darragh	Keifer	Otjen	Woodyard

NAYS—100.

Adamson	Floyd	Lever	Ryan
Bankhead	Gaines, Tenn.	Livingston	Shackleford
Bartlett	Garner	Lloyd	Sheppard
Beall, Tex.	Gillespie	McLain	Sherley
Bell, Ga.	Glass	Macon	Sims
Bowie	Goldfogle	Meyer	Slayden
Brantley	Goulden	Moon, Tenn.	Small
Brundidge	Granger	Moore	Smith, Ky.
Burleson	Griggs	Murphy	Smith, Md.
Burnett	Hay	Padgett	Smith, Tex.
Butler, Tenn.	Hearst	Patterson, N. C.	Southall
Candler	Heflin	Patterson, S. C.	Spight
Clark, Fla.	Henry, Tex.	Prince	Sullivan, Mass.
Clark, Mo.	Hogg	Pujo	Sulzer
Clayton	Hopkins	Rainey	Talbott
Cockran	Houston	Reynolds	Trimble
Cooper, Wis.	Howard	Rhodes	Underwood
Davey, La.	Humphreys, Miss.	Richardson, Ala.	Wachter
Davis, W. Va.	Johnson	Richardson, Ky.	Wallace
De Armond	Kellher	Rixey	Watkins
Dixon, Ind.	Kline	Robertson, La.	Webb
Ellerbe	Lamar	Robinson, Ark.	Williams
Finley	Lamb	Rucker	Wood, Mo.
Fitzgerald	Lee	Ruppert	Young
Flood	Lester	Russell	Zenor

ANSWERED "PRESENT"—7.

Brooks, Tex.	Dickson, Ill.	Southard	Weeks
Burton, Ohio	Lilley, Pa.	Sparkman	

NOT VOTING—89.

Adams	Burleigh	Flack	Gregg
Aiken	Burton, Del.	Fordney	Gronna
Andrus	Byrd	Foster, Vt.	Gudger
Bannon	Deemer	Fowler	Hardwick
Beidler	Dovener	Fuller	Haugen
Bennett, Ky.	Dunwell	Gaines, W. Va.	Hill, Miss.
Bingham	Dwight	Garber	Hitt
Bowers	Edwards	Garrett	Holliday
Broussard	Ellis	Gilbert, Ky.	Hughes
Brown	Fassett	Gill	Hunt
Burgess	Field	Graham	James
Jones, Va.	McCreary, Pa.	Ransdell, La.	Thomas, N. C.
Kahn	McDermott	Reid	Towne
Kitchin, Claude	McLachlan	Rhinock	Tyndall
Kitchin, Wm. W.	McNary	Roberts	Van Duzer
Knapp	Maynard	Schneebeli	Van Winkle
Le Fevre	Mudd	Scroggy	Vreeland
Legare	Page	Smith, Samuel W.	Weisse
Lewis	Palmer	Snapp	Welborn
Lilley, Conn.	Patterson, Tenn.	Stanley	Wiley, Ala.
Lindsay	Pearre	Stephens, Tex.	
Little	Pou	Sullivan, N. Y.	
Longworth	Randell, Tex.	Taylor, Ala.	

The Clerk announced the following additional pairs:

On this vote:

Mr. ADAMS with Mr. RANSDELL of Louisiana.

For the balance of this day:

Mr. KNAPP with Mr. HUNT.

Mr. ELLIS with Mr. BURGESS.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BUTLER of Pennsylvania). If there be no objection, the Chair will announce the same conferees. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

Mr. HEPBURN, Mr. SHERMAN, and Mr. RICHARDSON of Alabama.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1907, and for other purposes. Now, I ask unanimous consent that the statement of the conferees may be read in lieu of the reading of the report, which has been printed in the RECORD.

The SPEAKER pro tempore. The gentleman from New York calls up the conference report on the Indian appropriation bill, and requests that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. WILLIAMS. Is this a unanimous report of the conferees?

Mr. SHERMAN. A unanimous report and a complete agreement.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and seven, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 12, 13, 14, 15, 27, 30, 32, 37, 41, 48, 51, 58, 62, 64, 66, 67, 68, 69, 70, 91, 93, 109, 113, 115, 117, 137, 138, 140, 141, 142, 146, 154, 178, 179, 180, 181, 195, 197, 203, and 204;

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 10, 16, 17, 20, 21, 22, 23, 24, 25, 26, 28, 29, 31, 33, 35, 39, 40, 42, 43, 44, 45, 47, 49, 53, 54, 55, 57, 59, 60, 61, 63, 71, 72, 73, 74, 76, 78, 81, 83, 85, 86, 87, 88, 89, 90, 92, 94, 97, 99, 100, 101, 104, 105, 107, 108, 110, 111, 112, 114, 119, 120, 121, 122, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 148, 149, 150, 151, 155, 156, 157, 158, 159, 160, 163, 164, 165, 167, 168, 170, 171, 172, 173, 174, 175, 176, 182, 186, 187, 188, 189, 190, 192, 193, 194, 196, 198, 199, 200, and 201; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In line 1 strike out "upon the petition" and insert "prior to the expiration of the trust period."

In line 5, after the word "best," insert: ": *Provided, however*, That this shall not apply to lands in the Indian Territory."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 3 strike out "to be subjected to" and insert "for."

In line 7, after "Interior," strike out all that follows, including the word "hereunder," in the last line.

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and

agree to the same with an amendment as follows: Strike out the word "ninety-three" and insert "fifty;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out "ninety-three" and insert "fifty;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In line 5 strike out "expenses in connection therewith" and insert "including expenses."

In line 7 strike out "also" and insert "and."

In line 8 strike out "a comprehensive irrigation system" and insert "an irrigation system and storage system."

In lines 10 and 11 strike out ", including consideration of a possible storage system."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell or dispose of unallotted lands in the Coeur d'Alene Indian Reservation, in the State of Idaho.

"That as soon as the lands embraced within the Coeur d'Alene Indian Reservation shall have been surveyed, the Secretary of the Interior shall cause allotments of the same to be made to all persons belonging to or having tribal relations on said Coeur d'Alene Indian Reservation, to each man, woman, and child one hundred and sixty acres, and, upon the approval of such allotments by the Secretary of the Interior, he shall cause patents to issue therefor under the provisions of the general allotment law of the United States.

"That upon the completion of said allotments to said Indians the residue or surplus lands—that is, lands not allotted or reserved for Indian school, agency, or other purposes—of the said Coeur d'Alene Indian Reservation shall be classified under the direction of the Secretary of the Interior as agricultural lands, grazing lands, or timber lands, and shall be appraised under their appropriate classes by legal subdivisions, and, upon completion of the classification and appraisement, such surplus lands shall be opened to settlement and entry, under the provisions of the homestead laws, at not less than their appraised value, in addition to the fees and commissions now prescribed by law for the disposition of lands of the value of one dollar and twenty-five cents per acre, by proclamation of the President, which proclamation shall prescribe the manner in which these lands shall be settled upon, occupied, and entered by persons entitled to make entry thereof: *Provided*, That the price of said lands when entered shall be fixed by the appraisement, as herein provided for, which shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry and the balance in five equal annual installments to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and in case any entryman fails to make the annual payments, or any of them, promptly when due all rights in and to the land covered by his or her entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry: *Provided*, That the right to commute by said entryman shall be allowed as to any lands classified as agricultural and grazing lands, but the entryman, upon commutation, shall not be required to pay in the aggregate any sum in excess of the appraised value of such lands; and nothing in this act shall be held to repeal or extend the provisions of the homestead laws permitting the entryman to cut and remove, or cause to be cut and removed, so much timber as is actually necessary for buildings, fences, and other improvements on the land entered: *Provided further*, That the general mining laws of the United States shall extend after the approval of this act to any of said lands and mineral entry may be made on any of said lands, but no such mineral selection shall be permitted upon any lands allotted in severalty to the Indians: *Provided further*, That all the coal or oil deposits in or under the lands on the said reservation shall be and remain the property of the United States, and no patent that may be issued under the provisions of this or any other act of Congress shall convey any title thereto: *Provided further*, That the lands remaining undisposed of at the expiration of five years from the opening of the said lands to entry shall be sold to the highest bidder for cash, at not less than one dollar per acre, under rules and regulations to be prescribed by the Secretary of the Interior, and that any lands remaining unsold ten years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price: *And provided further*, That sections sixteen and thirty-six of said lands be, and they are hereby, excepted from the foregoing provisions and are hereby granted to the State of Idaho for school purposes, and the United States shall pay to said Indians therefor the sum of one dollar and twenty-five cents per acre: *And provided also*, That if the State of Idaho has made any selections under existing law in lieu of sections sixteen and thirty-six of the lands affected by this act the acreage of such selections shall be deducted from the acreage to be paid for under the preceding proviso.

"That the said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, and enter any of said lands except as prescribed in such proclamation.

"That the Secretary of the Interior shall reserve from said lands, whether surveyed or unsurveyed, such tracts for townsite purposes as, in his opinion, may be required for the future public interests, and he may cause any such reservations, or parts thereof, to be surveyed into blocks and lots of suitable size, and to be appraised and disposed of under such regulations as he may prescribe, and the net proceeds derived from the sale of such lands shall be paid to said Indians as provided in section 7 of this act.

"That the net proceeds arising from the sale and disposition of the lands aforesaid, including the sums paid for mineral and town-site lands, shall be, after deducting the expenses incurred from time to time in connection with the allotment, appraisement, and sales and surveys herein provided, deposited in the Treasury of the United States to the credit of the Coeur d'Alene and confederated tribes of Indians belonging and having tribal rights on the Coeur d'Alene Indian Reservation, in the State of Idaho, and shall be expended for their benefit, under the direction of the Secretary of the Interior, in the education and improvement of said Indians and in the purchase of stock cattle, horse teams, harness, wagons, mowing machines, horserakes, thrashing machines, and other agricultural implements for issue to said Indians, and also for the purchase of material for the construction of houses or other necessary buildings, and a reasonable sum may also be expended by the Secretary, in his discretion, for the comfort, benefit, and improvement of said Indians: *Provided*, That a portion of the proceeds may be paid to the Indians in cash per capita, share and share alike, if in the opinion of the Secretary of the Interior such payments will further tend to improve the condition and advance the progress of said Indians, but not otherwise: *Provided*, That any sums placed in the Treasury of the United States to the credit of said Indians shall bear interest at the rate of 3 per cent per annum, which interest shall be expended in the same manner as the principal.

"That any of said lands necessary for agency, school, and religious purposes, including any lands now occupied by the agency buildings, and the site of any sawmill, gristmill, or other mill property on said lands are hereby reserved for such uses so long as said lands shall be occupied for the purposes above designated: *Provided*, That all such reserved lands shall not exceed in the aggregate three sections and must be selected in legal subdivisions conformable to the public surveys, such selection to be under the direction of the Secretary of the Interior and subject to his approval.

"That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations as to the manner of sale, notice of same, and other matters incident to the carrying out of the provisions of this act, and with authority to reappraise and reclassify said lands if deemed necessary from time to time, and to continue making sales of the same, in accordance with the provisions of this act, until all of the lands shall have been disposed of.

"That nothing in this act contained shall be construed to bind the United States to find purchasers for any of said lands, it being the purpose of this act merely to have the United States to act as trustee for said Indians in the disposition and sales of said lands and to expend or pay over to them the net proceeds derived from the sales as herein provided.

"That to enable the Secretary of the Interior to allot, classify, appraise, and conduct the sale and entry of said lands as in this act provided the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated from any money in the Treasury not otherwise appropriated, the same to be reim-

bursed from the proceeds of the sales of the aforesaid lands: *Provided*, That when funds shall have been procured from the first sales of the land the Secretary of the Interior may use such portion thereof as may be actually necessary in conducting future sales and otherwise carrying out the provisions of this act."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In line 2, after the word "the" (first occurring in said line), insert "unallotted."

In line 10, after the word "tracts," insert "from said lands."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 14, after the word "proceedings," insert "not exceeding $60,000."

In line 21, after "same," insert "*Provided*, That notice of hearing of such application to determine such compensation shall be given the governor of the Cherokee Nation or the attorney of record thereof and the Secretary of the Interior, at least thirty days before the day of said hearing."

And the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In line 1, after "shall," insert "upon completion of the approved rolls."

In line 2 strike out "the tribal" and insert "such."

In line 5 strike out "free of charge" and insert:

"That any person who shall copy any roll of citizenship of the Creek, Cherokee, Choctaw, Chickasaw, or Seminole tribes of Indians, prepared by or under the direction of the Secretary of the Interior, the Commission to the Five Civilized Tribes or the Commissioner to the Five Civilized Tribes, whether completed or not, or any person who shall, directly or indirectly, exhibit, sell, offer to sell, give away, offer to give away, or in any manner or by any means offer to dispose of, or who shall have in his possession, any such roll or rolls, any copy of the same, or a copy of any portion thereof, shall be deemed guilty of a misdemeanor, and punished by imprisonment for not exceeding two years: *Provided*, That this act shall not apply to any persons authorized by the Secretary of the Interior, the Commissioner of Indian Affairs, or the Commissioner to the Five Civilized Tribes to copy, exhibit, or use such rolls, or a copy thereof, for any purpose necessary or required by law."

And the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In line 4 strike out "have" and insert "had."

In line 4, after "prior to," insert "March 4, 1906."

In lines 4 and 5 strike out "the closing of the rolls by the Secretary of the Interior."

In line 6 strike out "have furnished" and insert "furnish."

Strike out all of said amendment after "thereof," in the sixth line.

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In line 13, after "States," insert in said act, in lieu of the matter repealed, the following: "*Provided, further*, That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes, except for minors the children of Indians by blood, or of freedmen members of said tribes, or of Mississippi Choctaws identified under the fourteenth article of the treaty of 1830, as herein otherwise provided, and the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment."

And the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In line 15, after "beginning," insert "; and the place of recording and holding court in said district shall be Duncan;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In line 1, after "who," insert "has been;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In line 4, after "amounts," insert ", if any;" and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In line 6, after "Spade," insert: "Famous Dew numbered 28500, Alexander Proctor numbered 28332, Lizzie Sunday numbered 1522, Sarah Ooyusuttah numbered 20399, Betsy Galeatcher numbered 15211, George W. Bark numbered 18565, Nellie Hicks numbered 6179, Charley Ellis numbered 29525, Tillman England numbered 18003, Taylor Soldier numbered 6315, Carry Downing numbered 18168, Tyler Tilden numbered 6441, Lewis Dragger numbered 27407, Joshua Young numbered 6291;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In line 6, after "removed," insert: "That all restrictions upon the sale of the northeast quarter of the southwest quarter of section fifteen, township ten, range eleven east, in the Creek Nation, the homestead of Martha Lowe, be, and hereby are, removed: *Provided*, That the same be sold under direction of the Secretary of the Interior and upon condition that the said Secretary shall retain the proceeds of such sale and disburse the same in such amounts and at such times as he deems advisable. That all restrictions upon the alienation of the west half of the southeast quarter of the southeast quarter and the southeast quarter of the southeast quarter of the southeast quarter of section twelve, township seven, north of range eight, formerly owned by Manda Proctor, deceased Creek Indian, are hereby removed. That all restrictions upon the alienation or leasing of lands held by Sallie Carey, Bell Leverett (nee Murrell), Maria Williams (nee Jamison), Andrew Wiley and Susie Wiley, mixed-blood Creek Indians, and William N. Taliaferro and Mary Estella Taliaferro (his wife), Choctaw allottees, in the Indian Territory, be, and the same are hereby, removed. That all restriction upon the alienation, leasing, or incumbrance as to the homestead of Nocos Fixico, in the Creek Nation, Indian Territory, be, and are hereby, removed;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: Restore the matter sought to be stricken out and insert the matter in italics; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: Strike out all of said amendment, and insert:

"That the Secretary of the Interior is hereby authorized and directed to make practical and exhaustive investigation of the character, extent, and value of the coal deposits in and under the segregated coal lands of the Choctaw and Chickasaw nations, Indian Territory; and the expense thereof, not exceeding the sum of $50,000, shall be paid out of the funds of the Choctaw and Chickasaw nations in the Treasury of the United States: *Provided*, That any and all information obtained under the provisions of this act shall be available at all times for the use of the Congress and its committees."

And the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In line 1 strike out "fifty-five" and insert "fifty-one;" and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In line 8, after "eighty-five," insert ": *Provided*, That the Secretary of the Interior shall first approve said payment;" and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In line 2 strike out "Ed. L. Rogers" and insert "James I. Coffey, Chippewa allottee number one hundred and twenty-three, of the Fond du Lac (Minnesota) band;" and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In line

29, after "timber," insert "or any part thereof;" and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In line 30, after "States," insert ": *Provided*, That the Secretary of the Interior is authorized to convey the same to the State of Minnesota for such consideration and under such terms as may be agreed upon between said Secretary and the governor of said State;" and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That all restrictions as to sale, incumbrance, or taxation for allotments within the White Earth Reservation in the State of Minnesota, now or hereafter held by adult mixed-blood Indians, are hereby removed, and the trust deeds heretofore or hereafter executed by the Department for such allotments are hereby declared to pass the title in fee simple, or such mixed-bloods upon application shall be entitled to receive a patent in fee simple for such allotments; and as to full-bloods, said restrictions shall be removed when the Secretary of the Interior is satisfied that said adult full-blood Indians are competent to handle their own affairs, and in such case the Secretary of the Interior shall issue to such Indian allottee a patent in fee simple upon application."

And the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: Restore the matter sought to be stricken out and add the matter in italics; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In line 2, after "authorized," insert "in his discretion;" and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to construct an additional building for dining room and other purposes at the Indian school at Santa Fe, New Mexico."

And the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In line 14, after "Texas," insert ", except that the Kickapoos now residing in Oklahoma may receive their shares through the United States Indian agent at Shawnee, Oklahoma, if they so desire;" and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In line 3, after "Indians," insert "who have heretofore been or are now known as Indians of said tribes."

In lines 7 and 8 strike out "in Oklahoma."

And the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: Strike out all after "Nation," in line 7; and the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In line 3 strike out "Jane" and insert "Josephine."

In line 4 strike out "thirty" and insert "thirty-two, Emily Bertrand as to the northwest quarter of section fifteen, township six north of range one east, and the heirs of Gertrude E. Collisser as to the south half of section fifteen, town six north of range one east of the Indian meridian in Oklahoma."

And the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That any missionary society or religious organization now occupying, under proper authority, for religious or educational work among the Indians, any of the lands in the Territory of Oklahoma heretofore ceded to the United States by the Indians theretofore occupying the same, and reserved to such societies or organizations for such religious uses on the schedules of allotments approved by the Secretary of the Interior, shall have the right for two years within which to make application for a patent therefor; and the Secretary of the Interior is hereby authorized and directed, upon such application, to issue patents in fee to such religious societies or organizations, severally, for the lands so occupied, not to exceed one hundred and sixty acres to any one institution: *Provided*, That where such Indians, in their agreement under which the lands were ceded and allotted, reserved to themselves a reversionary interest in such lands, such religious society or organization shall pay therefor a fair valuation to be fixed by the Secretary of the Interior, not to be less than the price paid such Indians by the United States for the lands so ceded, and the proceeds therefrom shall be placed to the credit of the tribes or bands by whom such lands were ceded."

And the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In line 2 strike out "per mam su" and insert "Per Mam Su."

In line 6, after "Sac allottee," insert "numbered five hundred and forty-six."

And the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: Strike out of lines 36, 37, 38, and 39 "the amount necessary to pay said judgment is hereby appropriated out of the funds in the Treasury of the United States to the credit of said Osage Nation;" and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In line 2, after "investigate," insert "as to the validity of."

Strike out from the amendment all after "with," in line 9, and insert: "such recommendation as he may deem proper."

And the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In line 2 strike out "and required;" and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lines 1 and 2 strike out "laundry, six thousand dollars, to be immediately available; for;" and the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: Strike out "thirty-four" and insert "twenty-eight;" and the Senate agree to the same.

Amendment numbered 166: That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In line 7 strike out "any."

In the same line, after "balance," insert "if any is."

In line 14 strike out "any" and insert "the."

In line 15, after "Indians," insert "if any."

In line 39, after "cause," insert "and the court may consider all contracts or agreements heretofore entered into by said Indians with attorneys who have represented them in the matter of their claim."

In line 42 strike out "and" and insert "if any."

And the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In line 6, after "prescribe," insert "That upon the recommendation of the Commissioner to the Five Civilized Tribes and with the approval of the Secretary of the Interior any allottee in the Indian Territory may be permitted to survey and plat at his own expense for town-site purposes his allotment when the same is located along the line of any railroad where stations are located;" and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: Restore the matter sought to be stricken out and add new matter in italics; and the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183,

and agree to the same with an amendment as follows: Strike out from lines 14, 15, and 16 "*however*, That the consent of three-fourths of the adult male Indians to said sale is obtained: *And provided;*" and the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In line 1 strike out "and completing."

In line 3, after "Utah," insert "the limit of cost of which is hereby fixed at."

In lines 3, 4, and 5 strike out "two hundred thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and seven, of which."

In line 6, after "dollars," insert "which."

In lines 7 and 8 strike out "the balance of said appropriation to be used as hereafter designated" and insert "the cost of said entire work."

And the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In line 16, after "County," insert: "*Provided, however*, That where patents have been issued prior to March third, nineteen hundred and three, upon locations made prior to January first, eighteen hundred and ninety-one, of mining claims within the said Uncompahgre Reservation, said patents are hereby validated and confirmed as against any claim or title of the United States;" and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: Strike out all after "dollars" in line 18, down to and including the word "Indians," at the end of line 21, and insert: "and jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment in the name of Butler & Vale (Marion Butler and Josiah M. Vale), attorneys and counsellors at law, of the city of Washington, D. C., for the amount of compensation which shall be paid to the attorneys who have performed services as counsel on behalf of said Indians in the prosecution of the claim of said Indians for payment for said land, and in determining the amount of compensation for such services the court may consider all contracts or agreements heretofore entered into by said Indians with attorneys who have represented them in the prosecution of said claim, and also all services rendered by said attorneys for said Indians in the matter of said claim. Petition hereunder shall be filed in said court by the said attorneys (Butler & Vale), within thirty days from the passage of this act, and the Attorney-General shall appear on behalf of the defendants, and said cause shall be given preference for immediate hearing in said court, and the Secretary of the Treasury is hereby authorized and directed to pay the sum of money so awarded by said court to the said attorneys (Butler & Vale) upon the rendition of final judgment, out of the said sum herein set apart or appropriated for the benefit of said Indians, and payment of said judgment shall be in full compensation to all attorneys who have rendered services to said Indians in the matter of their said claim, the same to be apportioned among said attorneys by said Butler & Vale as agreed among themselves: *Provided*, That before any money is paid to any attorney having an agreement with Butler & Vale as to the distribution of said fees each of the same shall execute and deliver to the Secretary of the Interior a satisfaction and discharge of all claims and demands for services rendered said Indians in the matter of their said claim;" and the Senate agree to the same.

Amendment numbered 202: That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment as follows: Strike out all of lines 86 to 94, inclusive, and insert:

"That the sum necessary to carry out the provisions hereof the Secretary of the Treasury is directed to pay out of the Stockbridge consolidated fund in the Treasury of the United States, which fund on the thirty-first of October, nineteen hundred and four, amounted to $75,988.60, under the direction and upon the warrant of the Secretary of the Interior."

And the Senate agree to the same.

J. S. SHERMAN,
CHARLES CURTIS,
JNO. H. STEPHENS,
Managers on the part of the House.

MOSES E. CLAPP,
P. J. MCCUMBER,
FRED T. DUBOIS,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

Statement of conferees on H. R. 15331—Indian appropriation bill.

The House conferees on H. R. 15331 (Indian appropriation bill) submit the following statement to accompany conference report thereon:

From amendments Nos. 9, 12, 13, 14, 15, 27, 30, 32, 37, 41, 48, 51, 58, 62, 64, 66, 67, 68, 69, 70, 91, 93, 109, 113, 115, 117, 119, 137, 138, 140, 141, 142, 146, 154, 178, 179, 180, 181, 195, 197, 203, 204, the Senate receded, leaving the bill unchanged in matters to which said amendments relate.

The House receded from amendments 1, 2, 4, 5, 6, 7, 8, 10, 16, 17, 20, 21, 22, 23, 24, 25, 26, 28, 29, 31, 33, 35, 39, 40, 42, 43, 44, 45, 47, 49, 53, 54, 55, 57, 59, 60, 61, 63, 65, 71, 72, 73, 74, 76, 78, 79, 81, 83, 85, 86, 87, 88, 89, 90, 92, 94, 97, 99, 100, 101, 104, 105, 107, 108, 110, 111, 112, 120, 121, 122, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 148, 149, 150, 151, 155, 156, 157, 158, 159, 160, 163, 164, 165, 167, 168, 171, 182, 186, 187, 188, 189, 190, 192, 193, 194, 196, 198, 199, 200, 201, and from amendments Nos. 3, 11, 18, 19, 34, 36, 38, 46, 50, 52, 56, 75, 77, 80, 82, 84, 95, 96, 98, 102, 103, 106, 114, 116, 118, 123, 135, 136, 139, 143, 144, 145, 147, 152, 153, 161, 162, 166, 169, 170, 172, 173, 174, 175, 176, 177, 183, 184, 185, 191, 202, with amendments.

Amendments 4, 5, 6, 7, 21, 28, 40, 41, 43, 44, 53, 83, 105, 134, 168, are all either correction of minor errors or phraseological changes which in no case change the amount appropriated or the intent of the provision.

Amendments 1 and 2 relate to furnishing rations to pupils in non-Government schools. The amendment which the Senate adopted and is hereby approved does not change the intent of the House provision.

Amendment No. 8 extends for one year the date of payments to be made by the purchasers of certain Indian lands in Minnesota.

Amendment No. 10 amends the act of 1887, the allotment act, by making the lands allotted under its provisions exempt from liability for debts contracted prior to issuance of patents.

Amendment No. 11 exempts from liability for debts contracted during the trust period or during minority any trust funds of Indians.

Amendments Nos. 16 and 17 increase by $15,000 the amount appropriated by the House to suppress the liquor traffic, and provides that such increase shall be used in the Indian Territory.

Amendment No. 18 increases the general appropriation for construction, repair, etc., of schools from $415,000 to $450,000.

Amendment No. 19 is a change of total made necessary by amendment No. 18.

Amendment No. 20 provides that of the fund appropriated for the transportation of pupils not over $5,000 may be used in placing pupils in positions of remunerative employment, including Alaska Indians.

Amendments Nos. 22, 23, 24, 25, 29, 107, and 111 together lump the sums appropriated for advertising for bids, inspection, and transportation of goods and maintenance of warehouses at New York, Chicago, Omaha, St. Louis, and San Francisco.

Amendment No. 26 amends the railroad right-of-way act so that ground may be acquired to the extent of 200 feet in width and 3,000 feet in length (instead of 100 by 2,000, as at present) for station buildings, depots, shops, side tracks, etc.

Amendment No. 31 appropriates $100,000 to purchase lands, water rights, construct ditches for irrigation, construct buildings, etc., for California Indians.

Amendment No. 33 permits Nez Perce Indians in Idaho to lease lands subject to the approval of the Commissioner of Indian Affairs.

Amendment No. 34 appropriates $25,000 to complete the survey of the Fort Hall and Fort Lemhi Indian Reservations in Idaho, and to examine, survey, and report upon an irrigation system.

Amendment No. 35 provides that there shall be prepared a schedule of the Lemhi Reservation improved lands to be abandoned, with a description of the improvements and the names of the occupants before the lands are opened for entry.

Amendment No. 36 provides for the opening of the Coeur d'Alene Reservation in Idaho and the allotment in severalty to the Indians, and the disposal of the surplus of the proceeds of the sales to be placed in the Treasury to the credit of said Indians after repaying to the United States $15,000, which is appropriated to meet the necessary expenses of appraising, allotting, etc.

Amendment No. 38 reserves of unallotted lands of the Choc-

taw and Chickasaw tribes one acre for the use of each church used exclusively for Choctaw and Chickasaw freedmen.

Amendment No. 39 includes within the segregated coal lands of the Choctaw and Chickasaw nations land it was supposed was so covered and upon which the lessee of an approved lease had expended a large sum of money.

Amendment No. 42 provides that a necessary portion of the appropriation for the removal of restrictions on alienation in the Five Civilized Tribes may be used for clerical work in the Indian Bureau at Washington.

Amendment No. 45 increases by $50,000 the appropriation for establishing schools in the Indian Territory.

Amendment No. 46 authorizes the Court of Claims to hear and determine the claim of the attorneys in the case involving the claim of the intermarried whites among the Cherokee Indians for payment for services and fixes $60,000 as the maximum amount to be allowed.

Amendment No. 47 strikes out of the provision appropriating for the continuance of the work of the Commission to the Five Civilized Tribes the restriction against using the same for the salaries of Commission.

Amendment No. 49 authorizes the Commissioner to the Five Civilized Tribes to add certain names to the final rolls of the Choctaw, Chickasaw, and Cherokee tribes.

Amendment No. 50 provides for publication of the final rolls of the Five Civilized Tribes, and makes it unlawful to improperly use said rolls.

Amendment No. 52 provides that Mississippi Choctaws who had removed to the Territory prior to March 4, 1906, shall not be discriminated against in enrollment.

Amendment No. 54 authorizes the Secretary of the Interior, in his discretion, to set aside certain lands for a certain orphan asylum.

Amendment No. 55: The House recedes from this provision, as it has already been made law by the so-called "Curtis Act."

Amendment No. 56 repeals so much of the Curtis Act as provided that nothing therein should be construed so as to limit the term of filing an application for enrollment when the time limit therefor has been fixed by agreement.

Amendment No. 57 provides that section 15 of the Curtis Act be amended so that the provision as to conveyances shall not take effect until the dissolution of the tribal governments.

Amendments Nos. 59, 60, and 61 create new judicial districts in the Indian Territory, and make the court towns of said districts, respectively, Wilberton, Bartlesville, and Tulsa.

Amendment No. 63 makes Duncan an additional court town in the southern judicial district of the Indian Territory.

Amendment No. 71 authorizes a Quapaw allottee to alienate a portion of his allotment, subject to such regulations as the Secretary of the Interior may prescribe.

Amendment No. 72 authorizes the Court of Claims to hear and determine the claim of Joseph P. T. Fish to be enrolled and allotted as a Shawnee Cherokee.

Amendment No. 73 authorizes the payment, out of the Creek fund, of a warrant to C. W. Turner, on condition that he prove to the satisfaction of the Secretary of the Interior that he was a purchaser of said warrant for value and is an innocent holder thereof.

Amendment No. 74 authorizes the payment, out of Chickasaw funds in the Treasury, to the party entitled thereto, of a certain note made by said tribe.

Amendment No. 75 prohibits a former employee of the Five Civilized Tribes Commission to practice as agent or attorney before said Commission within two years of his severance from that service.

Amendment No. 76 authorizes the Secretary of the Interior to continue the publication of the Cherokee paper at Tahlequah, and to pay for same out of Cherokee funds.

Amendment No. 77 permits the heirs of one Pitchlynn to prosecute in the Court of Claims a claim for services against the Choctaw Indians.

Amendment No. 78 authorizes the Red River Bridge Company to acquire certain land necessary for the transaction of its business from a Chickasaw citizen.

Amendments No. 79, 80, and 81 remove the restrictions upon alienation from certain Indians.

Amendment No. 82 authorizes the issuance of fee-simple patents to certain Indian allottees named in the amendment.

Amendment No. 84 authorizes the Secretary of the Interior to make an examination into the character, extent, and value of the coal deposits on the lands of the Choctaw and Chickasaw Indians, and to report thereon to Congress, and to pay the cost thereof out of said Indians' funds.

Amendment No. 85 is an appropriation of $85,000 to care for the insane in the Indian Territory.

Amendment No. 86 increases by $10,000 the appropriation for Haskell Institute, Kansas; and

Amendment No. 87 is simply to change the total made necessary by amendment 86.

Amendment No. 88 authorizes the Secretary of the Interior to sell and convey, under such rules and regulations as he may prescribe, the tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty with the Wyandotte tribe of Indians, and confers authority upon the Secretary to provide for the removal of the remains of persons interred in said burial ground and their reinterment in the Wyandotte Cemetery at Quindaro, Kans.; also to purchase and put in place appropriate monuments over the remains so interred, and for the disposition of the funds accruing from the sale.

Amendment No. 89 authorizes the Secretary of the Interior, in his discretion, to issue fee-simple patents to the members of the Sac and Fox of Missouri tribe of Indians.

Amendment No. 90 provides for the allotment of the surplus unallotted lands of the Sac and Fox of Missouri to be allotted to members of that tribe as provided in the amendment, and that issues of patents following the allotments shall be in fee simple.

Amendment No. 92 adds to a provision for the issuance of patents to certain Indians the name of one more Indian.

Amendment No. 94 increases by $2,000 the appropriation for installing a water system at the Pipestone School, Minnesota.

Amendment No. 95 is a change in total made necessary by the adoption of amendment No. 94.

Amendment No. 96 provides for paying to Martha A. Allen, widow of Hiram W. Allen, late additional farmer at the Red Lake Indian Reservation, Minnesota, the salary due him for the third quarter of 1885, $197.50.

Amendment No. 97 directs payment to the heirs of Thomas Le Blanc, Sioux scout, the sum alleged to be due said heirs, $901.23. Le Blanc was not enrolled for payment under the act of March 3, 1891, to the scouts and soldiers, but was enrolled for the next two payments under the acts of March 3, 1893, and March 2, 1895. The first payment was $901.23 per capita, which would have been paid to him had not the appropriation been exhausted before his name was enrolled for the two payments.

Amendment No. 98 removes restrictions upon the alienation of allotments of two Indians therein named.

Amendment No. 99 appropriates for the payment to persons therein named the amount of claims for advertising for the Indians, with a provision that the money be paid out of their funds.

Amendment No. 100 provides for the payment to the person therein named of $2,200 for work he performed under proper contract in the surveying of Chippewa lands.

Amendment No. 101 provides for the payment to the party therein named of $2,091.92 for supples furnished to the Indians who did logging on the Red Lake Reservation, payment to be made only after satisfactory approval of the justice thereof is presented to the Secretary of the Interior.

Amendment No. 102 authorizes the sale of the down timber, both merchantable and unmerchantable, on 10 sections of land within the Chippewa Reservation in the State of Minnesota.

Amendment No. 103 provides for the setting aside of Cooper Island, in Cass Lake, Minnesota, to the State of Minnesota, to be used for public park purposes, and the amendment to the amendment provides for the payment by the State to the Indians interested the amount of compensation that they agreed upon between the State and the Secretary of the Interior on behalf of the Indians.

Amendment No. 104 extends the provision of the bill relating to a drainage survey of the unsold Chippewa swamp lands to the lands of the Red Lake Reservation, the sale of which was authorized by the act of February 29, 1904, and which are still unsold.

Amendment No. 106 removes restrictions as to alienation of allotments on the White Earth Reservation, wholly as to mixed bloods, and subject to the approval of the Secretary of the Interior as to full bloods.

Amendment No. 108 makes an appropriation of $30,000 for assistance to the Indians on the Northern Cheyenne Reservation, Mont.

Amendment No. 110 adds to the act providing for the survey and allotment of lands within the limits of the Flathead Reservation in Montana a provision for setting aside town sites, etc., and sets aside and reserves certain springs thereon, and makes provision for the use of water by the Indians, and makes an appropriation of $15,000 to meet the expenses of the survey, etc.

Amendment No. 112 provides for the payment to the Santee

Sioux and the Ponca Indians of Nebraska their share in the permanent Sioux fund, appropriated under the act of March 2, 1889.

Amendment No. 114 adds further names of allottees to those to whom fee simple patents should be granted.

Amendment No. 116 is the same as amendment No. 114.

Amendment No. 118 authorizes the Secretary, in his discretion, to grant a fee patent to a Santee Sioux allottee.

Amendment No. 120 removes the restrictions upon alienation of a certain Santee Sioux allottee.

Amendment No. 121 authorizes the Secretary of the Interior to set apart for the use of the Walker River Indians in Nevada so much timber lands as are reasonably required for fuel and improvements before the balance of the lands are disposed of.

Amendment No. 122 makes a small appropriation ($70) to purchase from the State of Nevada a small portion of an allotment made to a Pahute Indian, which, through error, covered land which was not within the Indian reservation.

Amendment No. 123 appropriates $15,000 for the construction of an additional building for the Santa Fe School in New Mexico.

Amendments Nos. 124, 125, 126, 127, 128, and 129 make appropriation for the new school at Wahpeton, which will be completed before the end of this fiscal year.

Amendment No. 130 provides that a portion of an abandoned military reservation in the State of North Dakota may be restored to the public domain, and provides that, in the discretion of the Secretary of the Interior, the land shall be reserved from entry for twelve months, during which time it may be allotted to the members of the Chippewa band of Indians.

Amendment No. 131 makes provision and appropriation for purchase of water for the Indian school at Bismarck, N. Dak.

Amendment No. 132 authorizes three Devils Lake Sioux to dispose of their allotments, subject to the approval of the Secretary of the Interior.

Amendment No. 133 adds $500 to the appropriation for support and civilization of the Kansas Indians in Oklahoma.

Amendment No. 135 appropriates $40,000 to pay the Mexican Kickapoo allottees who elected to leave in the Treasury their share of the funds provided for in the act of March 3, 1893, and provides the manner for the disposal of such fund.

Amendment No. 136 removes the restrictions on alienation of lands, inherited or otherwise, of the Kickapoo Indians, and those other Indians who affiliate with them.

Amendment No. 139 authorizes the boundary line between the Creek Nation and the Territory of Oklahoma.

Amendment No. 143 removes the restrictions on alienation of a certain Shawnee allottee.

Amendment No. 144 makes provision for the occupancy by religious societies of lands within the Kiowa, Comanche, Apache, and Wichita reservations in Oklahoma and provides in what manner said societies may acquire fee simple title to lands for compensation.

Amendment No. 145 authorizes the Secretary of the Interior, in his discretion, to issue fee patents to certain Indians therein described.

Amendment No. 147 permits claimants Vann and Adair to prosecute in the Court of Claims their claim against the Osage Nation for services alleged to have been rendered for said Indians.

Amendment No. 148 appropriates $6,155.22 to pay one Bailey the amount agreed upon between him and the Chippewa Nation as the amount of compensation for certain services rendered said Indians.

Amendment No. 149 increases the amount of credit a licensed trader on the Osage Reservation may give an Osage Indian from 60 to 75 per cent.

Amendment No. 150 appropriates to pay the Klamath Indians for lands taken from them under an agreement heretofore entered into between them and the United States, the amount of which, because of a defective survey, was not properly ascertained.

Amendment No. 151 authorizes the Secretary of the Interior to exchange with the Klamath Indians lands within the borders of their reservation for certain lands without the reservation.

Amendment No. 152 authorizes the Secretary of the Interior to investigate and report as to the validity of the claims of certain Chinook Indians, and report thereon with a recommendation.

Amendment No. 153 authorizes the Secretary of the Interior to permit sheep and cattle owners to cross the Omahtilla Indian Reservation under such regulations as he may prescribe.

Amendment No. 156 increases by $11,000 the amount appropriated for the Flandreau school, and provides that this amount may be used for the construction of an industrial building.

Amendment No. 157 provides that an appropriation of $2,000 for a new silo shall be used also for the equipment thereof.

Amendment No. 158 is a change of total made necessary by amendment No. 156.

Amendment No. 159 provides $8,650 for the purchase of 100 acres of land for the Rapid City school, in South Dakota.

Amendment No. 160 is a change of total made necessary by amendment No. 159.

Amendment No. 161 appropriates $3,500 for a water system at the asylum at Canton, S. Dak.

Amendment No. 162 makes the necessary change in the total appropriation.

Amendment No. 163 appropriates $5,000 for sinking an artesian well for the benefit of the Indians on the Yankton Reservation, S. Dak.

Amendment No. 164 increases by $1,000 the appropriation for clerical work in connection with the survey of the Pine Ridge Reservation, and amendment No. 165 enlarges the scope of the work.

Amendment No. 166 grants jurisdiction to the Court of Claims to hear and determine and render judgment thereon of the claim of the attorneys for services rendered the Sisseton and Wahpeton band of Sioux Indians.

Amendment No. 167 directs that the Secretary of the Treasury allow to the administrator of a former school superintendent at Yankton credit for $475.63 in the settlement of an account.

Amendment No. 169 authorizes the Secretary of the Interior, in his discretion, to authorize Indian allottees to sell their allotments for town-site purposes.

Amendment No. 170 authorizes the Secretary of the Interior to investigate certain allotments made to certain Indians on the Yankton Reservation, and in his discretion to reallot the lands covered thereby.

Amendment No. 171 removes the restrictions upon the alienation of the allotments of Angeline Duquis.

Amendments Nos. 172, 173, 174, 175, 176, and 177 authorize the Secretary of the Interior, in his discretion, to issue fee patents to certain Indians.

Amendment No. 183 authorizes the Secretary of the Interior, in his discretion, to sell 160 acres of land occupied by the Shebit Indians in Utah.

Amendment No. 184 provides for the commencement of the irrigating system on the Uncompahgre Reservation in Utah to provide for irrigating the land of the Indians who reside thereon. It limits the cost of said work to $600,000, and appropriates $125,000 for the next fiscal year.

Amendment No. 185 is intended to bring within the provisions of the act described therein nine allotments which, because of their record in another county, were not included in the original act.

Amendment No. 186 permits the Secretary of the Interior to authorize the cutting of timber on the Uintah Reservation for the benefit of the Indians.

Amendment No. 187 appropriates $5,000 for the purchase of land and sheep for the Piute Indians.

Amendment No. 188 appropriates $10,500 for the support and civilization of the Kiabeb Indians, Utah.

Amendment No. 189 authorizes the Secretary of the Interior, in his discretion, to sell certain lands of the Puyallup school not now needed for school purposes.

Amendment No. 190 authorizes the Secretary of the Interior, in his discretion, to sell certain flowage on the Spokane Indian Reservation.

Amendment No. 191 ratifies an agreement made many years ago with the Colville Indians for the cession of the northern half of their reservation, and appropriates $1,500,000 in payment therefor.

Amendment No. 192 authorizes the Secretary, in his discretion, to isue fee patents to certain Indians therein named.

Amendment No. 193 removes the restrictions upon alienation from a certain Swinomish allottee.

Amendment No. 194 removes the restrictions upon the right of alienation of Lizzie Peon, Colville allottee.

Amendment No. 196 authorizes the Secretary to issue a fee patent to a certain Yakima Indian.

Amendment No. 197. From this amendment the Senate recedes with an amendment. The effect of this is to restore to the bill the provision authorizing the Secretary of the Interior, in his discretion, to issue fee-simple patents to numerous individuals named, and the Senate amendment adds a name thereto.

Amendment No. 198 adds the name of one Indian to those from whom the restriction of alienation is removed.

Amendment No. 199 makes provision for paying for printing the appeal book for a certain Chippewa Indian.

Amendment No. 200 makes provision for the relief of certain Chippewa Indians who have their homes in the village of Odanah and who can not obtain title to the land.

Amendment No. 201 authorizes the dedication of 40 acres of land on the La Pointe Indian Reservation for cemetery purposes and provides for the timber thereon.

Amendment No. 202 provides for the allotment of the balance of the lands of the Munsee and Stockbridge Indians in Wisconsin and makes further provision for the purchase, with payment therefor out of their funds in trust in the Treasury, of sufficient lands to make the several allotments equal.

J. S. SHERMAN,
CHARLES CURTIS,
JNO. H. STEPHENS,
Managers on the part of the House.

Mr. SHERMAN. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER pro tempore. The gentleman from New York moves the adoption of the conference report.

The question was taken; and the report was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

DISTRICT APPROPRIATION BILL.

Mr. GILLETT of Massachusetts. Mr. Speaker, the bill (H. R. 18198) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes, has come from the Senate with some 300 amendments. I ask unanimous consent that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the House disagree to the Senate amendments to the District of Columbia appropriation bill and ask for a conference. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Massachusetts as to whether there is any new legislation put in this bill by the Senate amendments, and if so, to specify what it is.

Mr. GILLETT of Massachusetts. I have looked through the bill hastily and I have not noticed any new legislation, and therefore can not absolutely state that there is none—yes, I may say the water meters put in by the Senate is new legislation. I do not think there is anything of what is ordinarily called new legislation in the bill, other than that.

Mr. UNDERWOOD. The difference between the two Houses is largely on the amount of appropriation?

Mr. GILLETT of Massachusetts. Almost entirely.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the amendments are disagreed to and a conference asked, and the Chair appoints the following conferees, whom the Clerk will report.

The Clerk read as follows:

Mr. GILLETT of Massachusetts, Mr. GARDNER of Michigan, and Mr. BURLESON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 18536. An act providing for the subdivision of lands entered under the reclamation act, and for other purposes;

H. R. 4468. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895; and

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 4478. An act to amend section 64 of the bankruptcy act.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5986. An act for the establishment of a fish-cultural station in the State of Florida; and

S. 3020. An act for the relief of John P. Hunter.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4376) to quitclaim all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 17510. An act to provide for a reconnoissance and preliminary survey of a land route for a mail and pack trail from the navigable waters of the Tanana River to the Seward Peninsula, in Alaska, and for other purposes;

H. R. 17663. An act to extend the provisions of the act of March 3, 1901, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections 1506 and 1605 for eminent and conspicuous conduct in battle;

H. J. Res. 172. Joint resolution to supply a deficiency in an appropriation for the postal service; and

H. R. 19150. An act to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3020. An act for the relief of John P. Hunter—to the Committee on Claims.

S. 5986. An act for the establishment of a fish-cultural station in the State of Florida—to the Committee on Merchant Marine and Fisheries.

ELIZA SWORDS.

Mr. CHANEY. Mr. Speaker, I desire to call up the conference report in the case of the bill H. R. 1160, and adopt the same.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1160) granting an increase of pension to Eliza Swords, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

W. A. CALDERHEAD,
JOHN C. CHANEY,
LINCOLN DIXON,
Managers on the part of the House.

P. J. MCCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1160) granting an increase of pension to Eliza Swords, submit the following statement in explanation of the action agreed upon and recommended in the conference report:

This bill passed the House at $32 a month and was amended in the Senate to $20 a month. The Senate recedes from its amendment.

W. A. CALDERHEAD,
JOHN C. CHANEY,
LINCOLN DIXON,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to.

HARRIET P. SANDERS.

Mr. CHANEY. Mr. Speaker, I desire to call up the conference report in the case of Harriet P. Sanders (H. R. 9813).

The SPEAKER. Without objection, the statement will be read in lieu of the report.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R.

9813) granting a pension to Hariet P. Sanders having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment and accept the same, and that the bill be amended as follows:

In line 6 strike out the word "Hariet" and insert in lieu thereof the word "Harriet."

Amend the title so as to read: "A bill granting a pension to Harriet P. Sanders."

SAMUEL W. SMITH,
CHARLES E. FULLER,
JNO. A. KELIHER,
Managers on the part of the House.

P. J. MCCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT OF MANAGERS ON PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9813) granting a pension to Hariet P. Sanders submit the following statement in explanation of the action agreed upon and recommended in the conference report: This bill passed the House at $30 a month and was amended in the Senate to $40 a month. The Houses receded from its disagreement to the Senate amendment and accept the same, and the letter 'r" is inserted in the name "Hariet," so that the name will read "Harriet."

SAML. W. SMITH,
CHARLES E. FULLER,
JNO. A. KELIHER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to.

On motion of Mr. CHANEY, a motion to reconsider the votes by which the conference reports were agreed to was laid on the table.

SUNDRY CIVIL BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19844) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19844—the sundry civil appropriation bill—with Mr. WATSON in the chair.

The CHAIRMAN. The Clerk will read.

Mr. TAWNEY. Mr. Chairman, before commencing the reading of this I will say that I asked unanimous consent yesterday to pass over the item in respect to the payment of salaries of registrars and receivers of the Land Office, and also the items for the Geological Survey. I give notice now that I will return to those items as soon as we complete reading that part of the bill immediately preceding the Department of Justice. The gentleman from Alabama, with whom I spoke about this before, agrees to that. We will continue until we get to the Department of Justice, and then return to the items referred to.

Mr. UNDERWOOD. Unanimous consent was asked to return to these matters, and I do not know whether we can pass them now or not.

Mr. TAWNEY. The unanimous consent on yesterday did not state what time we would take them up. I would like to finish the reading of these few paragraphs before going back. That will bring us to the Department of Justice, and then we will take them up in the regular order.

Mr. UNDERWOOD. Then it is understood that we will take them up just as soon as we reach the Soldiers' Home, which just precedes the Department of Justice.

The Clerk read as follows:

Vicksburg National Military Park: For continuing the work of establishing the Vicksburg National Military Park; for the compensation of three civilian commissioners and the secretary and historian; for clerical and other services, labor, iron gun carriages, the mounting of siege guns, monuments, markers, and historical tablets giving historical facts, compiled without praise and without censure; maps and surveys; roads, bridges, restoration of earthworks, purchase of land, purchase and transportation of supplies and materials, and other necessary expenses, $70,000.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the word "seventy," on page 120, in line 14, and insert "one hundred;" and, in explanation of that motion, I desire to read the following letter from the Secretary of War.

The CHAIRMAN. The Clerk will first report the amendment.

The Clerk read as follows:

On page 120, line 14, strike out "seventy" and insert "one hundred;" so as to read "one hundred thousand dollars."

Mr. WILLIAMS. I ask the attention of the chairman of the committee, and I think the amendment will be adopted. The letter is as follows:

WAR DEPARTMENT,
Washington, June 4, 1906.

MY DEAR MR. WILLIAMS: The estimate of the amount of appropriation needed for the next fiscal year as originally submitted by the Vicksburg National Military Park Commission was for $100,000. This was reduced by the Assistant Secretary of War to $70,000, which is $5,000 less than the amount appropriated for the present fiscal year.

The Park Commission have made several very earnest requests that the appropriation be made $100,000, instead of $70,000. The extra $30,000 they want for metaling the park roadways. It has been necessary in the establishment of the field to open up and grade practically all of the 26 miles of roadway in the park, so that positions could be determined and defined, and monuments, memorials, tablets, and markers erected. Owing to the peculiar character of the soil on that field, as you know, great damage is done by the heavy rains to the roads in the preliminary stages of their constructions—that is, after they are graded and before they are metaled.

Mr. Chairman, in this connection I want to say there is a peculiar conformation, running down to the river at Vicksburg, of little mountains, you might call them, without any rock. It is a bluff formation. Down about Vicksburg it is called "Walnut Ridge." It is the formation that runs into the Mississippi River at Memphis, where it is called "The Bluffs;" and farther down, at Vicksburg, and farther still, at Natchez, and then down to Baton Rouge, La., the river Mississippi jutting in and trying to break through at each place. It is almost unlike anything in this country, and a geologist once told me that the only formation like it that he knew is in China. It is a yellow loam, underlaid by gravel and orange sand. And if it is used to make a roadway, and is not metaled, so that the water percolates through the loam, the sand washes out, and the whole thing caves and sloughs. That is what the Secretary is referring to. He says further:

It is therefore of the first importance to have as much metaling done each year as possible. Before the metaling is done the cost of maintenance is very large; after the metaling it is insignificant. At the rate at which we are proceeding now with the limited appropriations it is estimated it will take five or six years to complete this road work.

It will undoubtedly be economical in the end to the Government to appropriate $100,000 instead of $70,000. These facts were presented to the subcommittee of the Appropriations Committee on the sundry civil bill by Mr. Scofield, chief clerk of the War Department, but inasmuch as the estimate submitted by the Department was for $70,000, they have not seen fit to make the increase requested, and the bill as reported carries the appropriation of $70,000.

As the park is in your district, I lay these facts before you for such action as you may see fit to take.

Very truly, yours,
WM. H. TAFT,
Secretary of War.

HON. JOHN SHARP WILLIAMS,
House of Representatives.

The Assistant Secretary who reduced the estimate did not understand the geological conformation. I express the hope, Mr. Chairman, that my friend from Minnesota will accept the amendment I offer.

Mr. TAWNEY. Mr. Chairman, I have no objection to the amendment. I want to say, though, that the Department, in submitting their estimate for this work, submitted an estimate for only $70,000. If the Department had submitted an estimate for $100,000 for the purpose of completing this work, or in connection with the work, the committee undoubtedly would have followed the judgment of the Department; but the Department having estimated for only $70,000, the committee did not feel justified in allowing more. It is true Mr. Schofield did suggest, when before the committee, that more money could be expended, but there was no direct recommendation in respect to it. I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Publication of records of the Philippine insurrection: To enable the Secretary of War to print the records of the Philippine insurrection, $15,000.

Mr. WILLIAMS. I make the point of order on the provision just read—that it is new legislation.

The CHAIRMAN. The gentleman makes the point of order on page 121, to lines 22 to 25.

Mr. TAWNEY. Mr. Chairman, I will say, in explanation of the item, that this is merely for the publication of records which the Government now has, and under previous authority has collected and arranged for the purpose of publication. It is merely a continuation of this work, in order to make the information available and more generally useful, so that people may have the benefit of knowing what the records contain. This does not involve the work of gathering any information or records. It merely provides for the publication of that which has been collected, arranged, and compiled under previous authority, and is a continuation of that work to completion.

The CHAIRMAN. The Chair would like to ask the gentleman for the authorization for the collection of this record, to see whether or not it is a continuation.

Mr. TAWNEY. The only authorization, Mr. Chairman, is the general authority which the War Department has in respect to matters pertaining to the Philippine Islands. One of the duties of the Insular Division of the War Department is collecting, compiling, and arranging the records of the Philippine insurrection. As one of my colleagues on the committee says, the authorization is the same as that which authorized the capture of Aguinaldo. Many of these papers were captured at the same time that Aguinaldo was captured. The records are in the Department by authority of law, and have been classified and prepared for publication.

Mr. LACEY. I will ask the gentleman if these records are to be published in English or in Spanish?

Mr. TAWNEY. The publication will be in English.

Mr. WILLIAMS. Does the Chair desire to hear from the other side?

The CHAIRMAN. Not on the point of order, unless the gentleman desires to be heard.

Mr. WILLIAMS. I do not desire to be heard perfunctorily. Does the Chair have the slightest doubt that the point of order is well taken?

The CHAIRMAN. In the opinion of the Chair the point of order is well taken.

Mr. WILLIAMS. That is what I thought.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For repairs, including the same objects specified under this head for the Central Branch, $36,000.
For repair shop, $3,500.

Mr. OTJEN. I desire to offer an amendment.

The Clerk read as follows:

Page 126, after line 3, insert:
"For officers' quarters, $7,500."

Mr. TAWNEY. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The gentleman from Minnesota makes the point of order against the amendment.

Mr. TAWNEY. On the ground that it is not authorized by law and is new legislation.

Mr. OTJEN. I desire to make a short statement.

Mr. TAWNEY. I will reserve the point of order, so that the gentleman may make a statement.

Mr. OTJEN. The Board of Managers of the National Homes have recommended this sum be appropriated for the erection of a dwelling for one of the officers of the Home, one who is now compelled to reside outside of the grounds. The manager of the Home writes me that this item is very necessary, and it ought to be granted. I was in hopes that the chairman having this bill in charge would not make a point of order against this amendment and would be willing to consent that it go in the bill.

Mr. TAWNEY. I will say to the gentleman from Wisconsin that the estimate submitted for this was $7,500. It was not accompanied by any detailed statement from which the committee could form an intelligent judgment as to the reasonableness of the estimate or whether or not the amount was necessary for the construction of a house such as is contemplated. I will say further, one of the facts that influenced the committee in rejecting this estimate was that it was for quarters for the commissary of subsistence, a man receiving only $1,600 a year. It is proposed to build a house costing $7,500 for a $1,600 man. There are only a very few Members of Congress who can afford a luxury of that kind. The committee thought it altogether out of proportion to the man's position, and for that reason thought the matter should go over until the Board could furnish the committee detailed information regarding the cost of the building. I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

In all, $4,202,944.

Mr. BOWERSOCK. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 134, in line 15, after the word "dollars," insert the following: "*Provided*, That this appropriation shall be available only under the condition that no bar or canteen shall be maintained at said Homes for the sale of beer, wine, or other intoxicating liquors."

Mr. TAWNEY. Mr. Chairman, I make the point of order on that provision.

Mr. STAFFORD. Mr. Chairman, I make the point of order for the reason that it is not only new legislation, but that it is not germane, and that it comes too late to be extended to the prior provisions that have been passed.

Mr. CRUMPACKER. Mr. Chairman, upon the question as to whether the amendment changes existing law I desire to submit a few authorities. I have not read the amendment. I only know what it contains by having heard it read by the Clerk. I understand it to provide that no part of the appropriation for the support of National Soldiers' Homes shall be paid to any branch institution in which a bar is maintained for the sale of intoxicating liquors. I understand that to be the substance of the amendment.

The CHAIRMAN. If there be no objection, the Clerk will read the amendment again.

The amendment was again reported.

Mr. CRUMPACKER. I think the amendment would perhaps better meet the point of order if the form were changed, but it is in substance a limitation.

Mr. Chairman, the Committee on Appropriations has a right, under the rules of the House, to provide that no part of an appropriation shall be available, or shall be paid in support of certain institutions that it would have the right to appropriate for. It is a well-understood principle that appropriation bills may carry appropriations for things authorized by law, and appropriation bills may withhold altogether appropriations for things authorized by law. The rules of the House authorize an appropriation bill to provide that a certain class of objects that it would be legitimate to appropriate for shall not be the beneficiary of any part of the appropriation made, and it would be a proper limitation upon the appropriation.

In the Fifty-eighth Congress a question very much like this arose. An amendment was proposed to the provision in the sundry civil appropriation bill carrying the fund for the assistance of State Soldiers' Homes, to the effect that no part of the appropriation should be paid to any State Soldiers' Home until its rules and regulations with respect to the question of pensions should be made to conform to the rules and regulations prescribed in a certain Federal statute; also that no part of the appropriation should be available or paid to any State Soldiers' Home that permitted a bar or canteen where intoxicating liquors were sold.

A point of order was made against the amendment, and the gentleman from Ohio [Mr. BURTON], being in the chair, held the amendment to be a limitation. He said the question was rather a close one in relation to the rules and regulations, but he held that the principle was well settled in the House that appropriation bills could, by limitation, provide that no part of the appropriation should go to a certain class of objects that it would be legitimate to appropriate for. The practice was so well settled that he reached the conclusion that the amendment was in order without any hesitancy. He rendered a decision of some length. In the discussion of the question he referred to a decision made by the distinguished gentleman from New York [Mr. PAYNE] while he was chairman of the Committee of the Whole respecting an amendment that was offered to an appropriation in the following form:

Provided, That no part of this appropriation shall be available for the agricultural college of any State or Territory until the Secretary of Agriculture shall be satisfied, and shall so certify to the Secretary of the Treasury, that no trustee, officer, or employee of such college is engaged in the practice of polygamy or polygamous relations.

A point of order was made to that amendment, and the gentleman from New York, now the distinguished leader of this side of the House, held the amendment to be in order. There is no question that the amendment was in order. The House has a right in making appropriations for the maintenance of Soldiers' Homes to say that no part of the money it appropriates for those Homes shall be expended or available for the support of a Home, not that permits polygamy within its borders, but for the support of a Home that runs or permits a saloon or canteen where intoxicating liquors are sold to the inmates of the Home. It seems to me that there can be no question about the point of order. If the amendment is in due form, it is a limitation. It limits the appropriation; withholds the appropriation from a certain class of public institutions. It does not legislate canteens out of Soldiers' Homes. An appropriation bill may appro-

priate money for the support of the Departments, for the pay of clerks. It can not contain legislation that no female clerk, for example, shall be employed in a Department, but it can contain a provision that no part of the appropriation shall be available for the purpose of paying the salary of any female clerk, and that would be entirely in order. That is the office of a limitation, and therefore I think, Mr. Chairman, this amendment is in order.

The CHAIRMAN. Does the gentleman from Indiana address himself to the question as to whether or not there is a difference between the amendment offered by the gentleman from Kansas and the usual form of a limitation?

Mr. CRUMPACKER. I do not know. If I had been preparing the amendment I would not have put it exactly in the form in which the gentleman from Kansas has offered this amendment. There may be something in the form. If the Chair please, I have not addressed myself to the question of form, I have assumed that it is in the form of a limitation. If there be objection to the form, that is another question.

Mr. TAWNEY. Mr. Chairman, under the language of this amendment it would be impossible to maintain a Soldiers' Home without prohibiting the sale of beer, which is the only beverage now sold. That is sold under rules and regulations prescribed by the Board, and these rules and regulations are made by the Board under the act incorporating the Board, and so far as the governing of the Homes is concerned.

To the extent, therefore, that this amendment would restrict the Board in its power to make rules to that extent this limitation changes existing law. I think it is clearly subject to a point of order.

The CHAIRMAN. Will the gentleman from Minnesota state the existing law?

Mr. TAWNEY. The existing law authorizes the National Board to make such rules and regulations as in the discretion of the Board may be deemed necessary. This is a clear limitation not only on the law which authorizes that to be done, but a limitation upon their discretion in the matter of making rules and regulations for the maintenance of the Homes and the care of the inmates.

Mr. KEIFER. I desire to ask the gentleman whether there is any law anywhere that authorizes canteens in any Soldiers' Home?

Mr. TAWNEY. No; except the law which gives to the National Board in charge of the Homes the right to determine by rules and regulations what may be done by the inmates or in the management of these Homes. The law has vested this discretion absolutely in the Board, and in the exercise of that discretion they have restricted the sale of all intoxicating liquors in the Homes to beer alone, and to beer of the mildest form, not to exceed, if I am correct, 3 per cent in alcohol.

Mr. OTJEN. I think it is 2 per cent.

Mr. TAWNEY. Two or 3 per cent, and that is fixed by regulation. Now, to the extent that this amendment takes away from the Board the power of determining what shall be done in this respect or in regard to the management of the Homes it changes existing law.

Mr. KEIFER. I understand the proposed amendment is a mere limitation upon the appropriation proposed to be made.

Mr. TAWNEY. It is true it is a limitation on the appropriation, but a limitation that changes existing law, and my understanding is that limitations of that character are not in order. These are National Homes; they have been established by national law, and the people who are assigned to these Homes go there by virtue of that law and under such rules and regulations as are prescribed by the Board created by that law. Now, then, if the Board does not see fit to obey this change and continues under their rules and regulations to sell beer in the mild form in which it is now sold, then, of course, there would be no appropriation available whatever for the maintenance of the Homes and their inmates. This takes from the Board the power it now possesses under existing law in this respect. It may be negative legislation, but that fact does not overcome the fact that the changes it effects in existing law makes it out of order.

Mr. STAFFORD. Mr. Chairman, the suggestion of the gentleman from Ohio that the continuance of canteens at National Soldiers' Homes is only by virtue of the power now vested in the Managers to prescribe rules and regulations does not in anywise contravene the House rule that any limitation that supersedes the power in the executive officers to determine regulations in any matter is new legislation in violation of Rule XXI. I wish to call the attention of the Chair, in confirmation of that contention, to page 353 of the Manual, where it says:

It has been generally held that provisions giving a new construction of law or limiting the discretion which has been exercised by officers charged with the duties of administration are changes of law within the meaning of the rule.

And added thereto are numerous citations, one as recent as the second session of the Fifty-eighth Congress, pages 2438 and 2440.

Further, if the Chair please, that decision rendered two years ago by the then chairman, when the sundry civil bill was under consideration, related to State Soldiers' Homes. I will contend, when that section is before the committee, that it also is subject to a point of order, but there is this distinction, which renders that citation not an authority in this case, because that was a limitation on an appropriation for State Homes, over which the National Government had no jurisdiction whatever. We were there providing an appropriation on the basis of $100 per head for each soldier contained in the State Homes, and that was the only way we could reach that subject.

I will ask the gentleman from Kansas, who has proposed this measure, and I shall contend to the Chair that if this proviso were in the form of a direction that no part of this appropriation should be used at any time unless canteens were established, could it be contended that that was not new legislation?

It would be a direction to establish canteens. The fact that they are now in existence, under the discretion vested in the Board of Managers, does not in any wise change the rule, for it is the same as existing law, and to overcome that practice legislation would be needed.

There is one other point to which I desire to call the attention of the Chair, and I desire to urge this point very strongly, and that is that the proposed amendment comes too late. I wish to call the attention of the Chair to the various eight or ten items in the bill that have just been read, beginning with the provision for the Home at Dayton, followed by that at Milwaukee, followed by that at Togus, Me.; at Hampton, Va.; at Leavenworth, at Santa Monica, at Marion, at Danville, at Mountain Branch, and other places, and I call attention to the fact that each of those provisions is complete in itself. At the end of each there is the clause, including the total amount of appropriations there provided for the separate maintenance of each. Could it be contended for one minute that if at the end of this bill it should state the total aggregate amount of all these various appropriations—in all, $109,000,000—that then an amendment relating to some appropriation in the bill limiting the use of it to places where no canteens would be established would be in order? Yet the gentleman offers it now, and it can only have that effect. He offers it to the last section, which refers to the appropriation for the Battle Mountain Sanitarium, which is complete in itself, and then follows the phraseology in the two lines, "in all, $4,202,944."

In some of the sections referring to these separate establishments there is not one word in which there is an appropriation for anything that could be used for the purpose of sustaining a canteen. Take, for instance, that at Dayton and that at Milwaukee. There is nothing in those appropriations which provides for the purchase of beer or any beverage whatsoever. If the Chair is going to hold that this amendment is now in order to extend to all the various sections that have been read, then it must follow that if there was a provision at the end of the bill, as there is usually in all these supply bills, to the effect "in all, etc.," giving the aggregate amount provided for, it must follow of necessity that an amendment, such as the one proposed now, would be in order to limit a section which is complete in itself in any portion of the bill. If for no other reason, I claim the amendment should not be entertained to the prior sections, for it comes too late, and it can not refer to any section except this particular one—the last section just read. Perhaps that is all the gentleman intends it to cover, because I know of no reason, no matter how strong a Prohibitionist he may be, why it should apply to the Home located in Milwaukee. He may know of some conditions that make it pertinent and why it should apply to the Home at Battle Mountain, but if the Chair is going to hold that it is now in order to have it relate to sections already passed, then it will be in order at the conclusion of the bill, if there is a total appropriation in the clause provided, to have an amendment which will limit any section of the bill that has been gone over and passed.

Mr. TAWNEY. Mr. Chairman, I desire to supplement what I said a moment ago in respect to the power of the Board under existing law in regard to the government of these Homes. I read section 1 of the act of March 21, 1866:

National Asylum for Disabled Volunteer Soldiers, and have perpetual succession, powers to take, hold, and convey real and personal property, establish a common seal, and sue and be sued in courts of law and equity, *and to make by-laws, rules, and regulations for carrying on the business and government of the asylum, and affix penalties therefor.*

That is the law. Now, I submit that this amendment is

clearly a limitation upon the power of the Board, a limitation that absolutely changes the law which controls and governs the action of the Board of Managers in the management of these Homes.

Mr. CRUMPACKER. Will the gentleman permit a question upon that proposition in that connection?

Mr. TAWNEY. Certainly.

Mr. CRUMPACKER. The gentleman will admit that the heads of Departments have the power to employ clerks over 60 years of age. Would it not be a proper limitation to attach to any amendment or any appropriation for the payment of clerical force in the Departments a provision that no part of this appropriation shall be available for the payment of any clerk over the age of 60 years? That does not change the law or take away the power of the head of a Department to employ men over 60 years of age, but it does declare the purpose of Congress not to appropriate for that class of men that the Department may employ. Would not that be a proper limitation?

Mr. TAWNEY. Mr. Chairman, the gentleman is entirely mistaken. First, his premise is not at all analogous to this situation. The head of a Department has no power to employ a clerk at all unless Congress has previously authorized such employment. In determining the individual who shall be employed in a certain position, it may be, and it is a fact, that the head of the Department, subject to the rules and the civil-service law, determines who that particular individual shall be; but, Mr. Chairman, the head of the Department is not clothed by law with the power of governing his entire Department. He must govern that Department under specific legislation enacted by Congress. I will read the whole of that section. I observe that I omitted the first half of it, which is on page 9 of the laws and regulations of the National Homes for Disabled Volunteer Soldiers.

Be it enacted, etc., That the President of the United States, the Secretary of War, the Chief Justice of the United States, and such other persons as from time to time may hereafter be associated with them, according to the provisions of this act, are hereby constituted and established a board of managers of an establishment for the care and relief of the disabled volunteers of the United States Army, to be known by the name and style of the "National Asylum for Disabled Volunteer Soldiers."

This board as constituted by law consists of the President of the United States, the Secretary of War, and the Chief Justice of the United States, and such others as are associated with them under the provisions of this act; and what power has Congress vested in them? They are to have perpetual succession, with power to take, hold, and convey real and personal property, establish a common seal and sue and be sued in courts of law and equity, and to make by-laws, rules, and regulations for carrying on the business and government of the asylum, and to affix penalties therefor. In other words, Mr. Chairman, Congress has clothed this board with plenary power in respect to the government of the Home, and any limitation upon an appropriation made for their maintenance that destroys any part of that power or discretion that this act vests in the board operates as a change of existing law.

The CHAIRMAN. The Chair is of the opinion that the amendment offered by the gentleman from Kansas is not subject to the point of order, but is in order. It is very clear that the mere fact that it seeks to impose a limitation upon the appropriation is not a valid objection to it. It has been repeatedly held in this House, and is an invariable precedent, that the House may provide that no part of an appropriation shall be used except in a certain way, even though Executive discretion be thereby restricted. Whatever may have been the opinion of the Chair had this proposition been presented to the present occupant of the chair originally, the precedents limit the present occupant of the chair to this decision. The idea of limitation on an appropriation bill has been, according to the opinion of the present occupant of the chair, carried to extremes in some instances, but precedents on this point are well established, and the Chair will cite one instance that seems to show conclusively that this amendment or any other amendment of a negative character upon an appropriation bill is not subject to the point of order. On the 31st of March, 1904, the sundry civil appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, and this amendment was offered:

That all carriages and other vehicles used in the public service other than for personal purposes, as authorized in section 2 of the legislative, executive, and judicial appropriation act for the fiscal year 1905, the expense for purchase or maintaining, driving or operating of which are paid for by money appropriated by this act, shall have conspicuously painted thereon at all times the full name of the Executive Department or other branch of the public service for which the same belong and in the service of which the same are used.

The Chair desires to call attention to the fact that this is an affirmative provision. Mr. JAMES W. MANN, of Illinois, thereupon made the point of order that the paragraph was new legislation. The Chairman sustained the point of order. Thereupon Mr. JAMES A. HEMENWAY, from Indiana, proposed a new paragraph, and the Chair will call attention to the fact that it is in the negative form, in this language:

No part of any money appropriated by this act shall be used for purchase, maintenance, driving, or operating of any carriage or other vehicle other than authorized for personal purposes in section 2 of the legislative, executive, and judicial appropriation act for the fiscal year 1905, unless the same shall have conspicuously painted thereon at all times the full name of the Executive Department or other branch of public service to which the same belong and in the service of which the same are used.

And after much discussion the Chair held that this did not change existing law, but was merely a limitation.

It would seem that this legislative body was very much lacking in power if there could not be a provision in the way of a limitation that carriages used for public purposes should have a designation upon them to that effect. The Chair is not led to think that any parliamentary rule makes that other than a limitation.

But the question under consideration has been squarely presented in this body and has been directly decided. On the 31st of March, 1904, the sundry civil appropriation bill was under consideration in the Committee of the Whole House on the state of the Union and this amendment was proposed by Mr. Bell of California:

That no part of this appropriation shall be apportioned to any State or Territorial Home until its laws, rules, or regulations respecting the pensions of its inmates be made to conform to the provisions of section 4 of an act approved March 3, 1893, entitled "An act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes;" but the above proviso shall not apply to any State or Territorial Home into which the wives or widows of soldiers are admitted and maintained; *And provided further*, That no part of this appropriation shall be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold.

Which is, in substance, the same provision as that now proposed by the gentleman from Kansas. Mr. JAMES A. HEMENWAY made the point of order that the proposed amendment would change existing law, and thereupon the Chairman, Mr. BURTON of Ohio, rendered an elaborate decision. The Chair will not take time to read it, but the substance of it is in this paragraph:

The question arises as to whether this is a limitation merely. If so, the amendment is in order. If not, it is out of order. It is maintained that this amendment changes existing law. In a sense, every limitation changes existing law. If any specific condition is mentioned under which an appropriation is to be withheld, that is, pro tanto, a change of existing law, at least to the extent that the whole or a part of the appropriation can not be expended unless the condition is complied with.

And after other suggestions of like character the Chair overruled the point of order.

Directly in point on this proposition the Chair desires to call the attention of the committee to a decision made on the 30th day of January, 1901, when the agricultural appropriation bill was under discussion in the House—a decision rendered by the Hon. SERENO E. PAYNE, sitting as Chairman of the Committee of the Whole House on the state of the Union. An amendment was offered by Mr. CHARLES B. LANDIS, of Indiana, of the following tenor:

Provided, That no part of the appropriation shall be available for the Agricultural College of Utah until the Secretary of Agriculture shall be satisfied, and shall so certify to the Secretary of the Treasury, that no trustee, officer, instructor, or employee of such college is engaged in the practice of polygamy or polygamous relations.

After much discussion on this amendment, Mr. PAYNE held that it was a limitation of an appropriation, which the House had the right to make and Congress had the right to make, and was not new legislation.

Under these holdings, the precedents pointing clearly, in the opinion of the Chair, to the fact that this is not obnoxious to the rule, the Chair overrules the point of order.

Mr. OTJEN. Mr. Chairman, on the merits of this resolution I desire to say a few words. One of these National Homes is in the district that I represent. I hope that this amendment will be defeated. If these were Homes for young men, for boys, there might be some good reason to offer such an amendment. But the men who occupy these Homes are old men. Their habits are all fixed, and will not in the least be affected by having a canteen run upon the ground. There are those in the Homes who will have their drink, and it is a great deal better for them to have it upon the grounds, where there is some control, some regulation. The beer they get upon the ground is specially brewed, with a very small amount of alcohol therein. By closing the canteen in the Homes, you will simply drive these men out to get their drink among saloons where there is no regulation or control. The money that is derived from these canteens is used for their amusement, for their reading room, the support in part of their band, and the rest goes to the post fund. Now, it seems to me, it is not for the

benefit of the Homes to adopt this amendment. Those people who believe that they are doing the old soldier a benefit by prohibiting the running of a canteen upon the ground are, in my judgment, mistaken. Instead of doing him a benefit, I believe by this course you will do him a decided harm. I hope this amendment will be defeated.

Mr. TIRRELL. Mr. Chairman, I have been much interested in this matter, and have made some investigation to ascertain what the facts are relative to the amount of drinking and intoxication connected with National Homes where the canteen exists and where it does not exist. But before I come to this I desire to call the attention of the committee to the line of legislation which the National Government has adopted in regard to this matter. There has been a constant but slow progression along the same line. We find that by the order of the Secretary of the Navy, made in 1868, although not required by law, the sale of intoxicating liquors was prohibited on board naval ships and in navy-yards and workshops. By the law, approved in 1901, liquor selling is forbidden at all military posts, exchanges, and upon all premises and in all buildings used for military purposes. Congress in 1902 prohibited the sale of liquors in the immigrant stations and in the National Capitol at Washington. Congress, by a law approved in 1904, refused aid to State soldiers' homes, as theretofore had been done, which maintained a bar or canteen for the sale of intoxicating liquors, and thus effectively secured the prohibition of such sale.

Mr. STAFFORD. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Wisconsin?

Mr. TIRRELL. I will.

Mr. STAFFORD. Will the gentleman kindly state what prohibition paper he is reading from?

Mr. TIRRELL. It is one that would give the gentleman a great deal of good and benefit if he would read it occasionally.

Mr. STAFFORD. Who prepared the article?

Mr. TIRRELL. The question is not one as to who wrote the article, but are the statements made in that article true and can you deny them? I want to say to the gentleman, and to the other Members of this House, there has never been one step backward taken by the National Government in regard to this matter, and the only places now where intoxicating liquors are allowed to be sold under its auspices are, as far as I can ascertain, in the National Soldiers' Homes, on the reservation at Hot Springs, Ark., where a hotel has been erected, and where, although the Government has not authorized it, the sale of liquor, I understand, is permitted in the hotels in the Yellowstone National Park. Practically the only places now in buildings or upon grounds which are controlled by the Government of the United States where intoxicating liquor is allowed are in the National Soldiers' Homes. They have been eliminated everywhere else.

Mr. STAFFORD. The gentleman asked me whether I could controvert any assertion he has made in his remarks. I would like to ask the gentleman if his statement is based upon observation as to the sale of liquor in National Soldiers' Homes, to specify which National Home he is acquainted with, and whether he saw any liquor sold to any intoxicated old soldier in the canteen connected with the Home?

Mr. TIRRELL. I am delighted to give the gentleman any information which I can. In order that there may be no mistake about it, I wish to make the following statement: I had occasion a few years ago to send my partner, F. N. Adams, down to the National Soldiers' Home, located at Togus, Me., in a prohibitory State; and that I may exactly state what he saw down there, where they maintain a canteen, I had him put in writing the result of his observations, and I will read it for the enlightenment of the gentleman from Wisconsin.

Mr. STAFFORD. Then your statement is based upon the talk with your partner, not upon your own observation?

Mr. TIRRELL. No one can dispute the accuracy of this statement, and it never has been disputed so far as I know:

> Some years ago I had occasion to go to the Togus Home. I took the Kennebec boat. In the hold, to my surprise, I found a large number of beer and ale barrels. Wondering where they could be disposed of in the State of Maine, I inquired and found that they were for the Home at Togus. I spent one day at the Home on the grounds. I did not go into any building. Noticing a continuous stream of people going into one of the buildings, I inquired what it was, and was told it was the canteen. * * * The soldiers having pensions were allowed to spend it as they saw fit. If a man had no penston, he was allowed tobacco and beer tickets. A building was pointed out to me where patients suffering from alcohol were treated. It was "dubbed" the "Keeley cure."
>
> On one side of the Home they had a canteen for the soldiers to go to and on the other side they had the Keeley cure; in one building to get the drinks and the other building to get rid of its evil effect.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask that the gentleman's time be extended five minutes, and I would like to ask him a question.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Massachusetts be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Will the gentleman read that part of the letter which is authority for the statement or that bears upon the fact of the condition that these old soldiers were in when they entered or when they came from this building which the gentleman stated was a canteen—I did not hear anything referring to that read—whether any of those old soldiers were under the influence of liquor at any time?

Mr. TIRRELL. He said he went on the grounds.

Mr. STAFFORD. Will you kindly read that part of the letter where it states that they became drunk after visiting this building?

Mr. TIRRELL. I can not spend any more time on that question. Where they maintain a canteen that condition exists, and where the canteen is not in force, there will be very little of it.

Mr. STAFFORD. Is the committee to infer from the fact that the gentleman does not read anything in support of his statement that there is nothing in that letter that shows that any old soldier was drunk after leaving the canteen? I ask you to read that part to the House, if you will.

Mr. TIRRELL. There is nothing further in reference to the matter in it.

Mr. STAFFORD. There is nothing to show that these old soldiers became drunk when they went into this canteen? I thought the gentleman rose to read that letter for the purpose of showing that that was the fact.

Mr. TIRRELL. I rose to state to you the fact that there was a canteen at that time, and I presume now, maintained at the Togus, Me., Home, as well as the facts to which I have adverted in that letter.

Mr. STAFFORD. There is no dispute about that fact. There is no dispute about the canteen being maintained. You were trying to prove that the soldiers become drunk by frequenting this post exchange at the Maine Soldiers' Home, and you have not presented one scintilla of evidence to bear out that contention.

Mr. TIRRELL. Now, Mr. Chairman, anyone going to the National Soldiers' Home at Phœbus, in Virginia, will see the argument at once refuted that if you have a canteen upon the grounds there will not be drinking outside. There is a road a mile or a mile and a half long from the village of Hampton to the entrance to the Soldiers' Home. On that road there are some thirty-five saloons, and anyone passing along the road will see all the way from one to a dozen veterans, inmates of that Home, hanging around any one of those saloons, and on the piazzas of these dives, in a state of greater or less intoxication.

Mr. OTJEN. I should like to ask the gentleman, if the canteen was not at the Soldiers' Home, would there not probably be a great many more soldiers at the saloons?

Mr. TIRRELL. There would not, for this reason, in my opinion: The old soldier has his appetite whetted by the beer and ale which he obtains in the canteen. It is true he can not get anything stronger there, but with his appetite whetted and his passion for liquor aroused, he goes outside to the dives and there drinks to excess; so that instead of lessening the amount of dissipation and intoxication you increase it, and the statistics which have been gathered of the various Soldiers' Homes show this to be the fact.

Mr. STAFFORD. Will the gentleman permit a question?

Mr. TIRRELL. Yes.

Mr. STAFFORD. How do the soldiers in the Regular Army have their appetites whetted, since the abolishment of the canteen at the post exchange, when they frequent the saloons without the post, since they can not get anything to drink at the post exchange?

Mr. TIRRELL. Oh, I can not answer that.

Mr. STAFFORD. I think it is unanswerable.

Mr. TIRRELL. Now, I want to give an illustration, which is right in point in regard to this matter. There is a Soldiers' Home out in one of the Westren States, at Marion—I think—Indiana, where until the last two years no canteen was maintained. A canteen was put into that Home two years ago, and the statistics show that crime and disorder have increased in that Home 25 per cent since the canteen was established there.

[The time of Mr. TIRRELL having expired, by unanimous consent it was extended five minutes.]

Mr. SIMS. Will the gentleman yield for a question?

Mr. TIRRELL. Yes.

Mr. SIMS. Is it not remarkable that if the canteen reduces the use of beer all the beer makers are in favor of it?

Mr. TIRRELL. Yes, certainly; that is a conclusive argument.

Mr. FREDERICK LANDIS. The Home to which the gentleman refers is in the district that I represent. For that reason I am interested in it. Does the gentleman state as a fact that the increase of crime has been 25 per cent in the last two years?

Mr. TIRRELL. The increase in the arrests made in that Home.

Mr. FREDERICK LANDIS. There has been an increase of 25 per cent in the number of arrests in that Soldiers' Home in the last two years?

Mr. TIRRELL. Yes; those are the figures which have been furnished me, 25 per cent greater than two years ago.

Mr. BUTLER of Pennsylvania. Is the gentleman well enough acquainted with the operation of these bars or canteens to describe them to us? I do not see how the appropriation is concerned in the maintenance of the bar. I understood that the liquor was sold at these canteens in the way in which it is sold at some clubs. Is it possible that the Government runs the bar and that the appropriation goes for liquor sold to the soldiers?

Mr. TIRRELL. I am unable to state to the gentleman the exact manner in which the canteens are conducted. Mr. Chairman, I want to give an illustration right here in Washington that shows that the position taken by those in favor of this amendment is absolutely correct. It has been my fortune during the last five years I have been in Congress to be able to go to the National Soldiers' Home here in Washington, and all over the grounds of that Home at least twenty-five times. I have seen hundreds of soldiers on those grounds, and never yet have I seen one of them in the slightest degree under the influence of liquor. Now, it is well known here in Washington that not only is no canteen allowed in the National Soldiers' Home, but that no saloon is allowed to be licensed within 1 mile of that place. The ebriety, the good conduct, and the fair reputation maintained by the National Soldiers' Home here in Washington is an irrefutable argument in favor of the enactment of this amendment, which will likewise exclude the canteen from the National Soldiers' Homes throughout the country.

Mr. WACHTER. Has the gentleman been to the National Soldiers' Home at Hampton, Va.?

Mr. TIRRELL. I have, many times.

Mr. WACHTER. Have you seen those dives around the National Soldiers' Home there?

Mr. TIRRELL. I have.

Mr. WACHTER. Have you seen the soldiers around there drunk and dilapidated?

Mr. TIRRELL. Yes.

Mr. WACHTER. Don't you think the Government would have more control over those men if their liquor could be obtained within the reservation? Nothing but beer is sold there.

Mr. TIRRELL. What I would do would be to have a law down there similar to what they have in Washington; they should not be allowed a license.

Mr. WACHTER. The conditions there are a disgrace.

Mr. FREDERICK LANDIS. If the gentleman from Massachusetts will permit me, I would like to ask what figures he has showing an increase or decrease in other Homes that are without the canteen?

Mr. TIRRELL. I haven't any. Now, Mr. Chairman, the last reason I wish to give is that I do not believe the National Government should be engaged in the liquor business. There are millions of reputable and Christian people in this country that are opposed to the National Government allowing canteens in Soldiers' Homes, and we ought at least to respect the sentiment of the Christian people of this land, of those who are opposed from conscientious and moral and religious principles to the Government engaging in this traffic. We shock the moral and religious sensibilities of millions of American citizens by enacting laws here by which the old soldier is sent down to his ruin. [Applause.]

Mr. GARDNER of Michigan. Mr. Chairman, in the first place, the canteen, which is the polite word for saloon—nothing more and nothing less—is not necessary in National Homes or in State Soldiers' Homes. If it is, then the National Home right here within the limits of this District is doing without a necessity, and doing well. I want to say, inasmuch as I have been to that Home repeatedly, that I have been proud of the men who have fought under the flag in the conduct that they bear toward each other and toward citizens within and without the inclosure. There is no intoxication there, no obscenity, no unseemly conduct which so often travels side by side with the man under the influence of intoxicating liquors, whether he gets them and under whatever circumstances.

Again, it is not a necessity in our State Homes; all of them are without it, and they all seem to be in good condition. Congress said to the board of managers of every State Home in the Union and in the Territories: "You can not have one dollar of the money of the United States for maintenance of the inmates of the Home if you allow a canteen." We put a prohibition upon the State Homes. Congress says to the old soldiers in the State Homes, "You shall not have the canteen, or, if you do, you can not have any money out of the United States Treasury to maintain your Home." That is the limitation put upon this appropriation for the State Homes.

There can be no question about it in the minds of observing men that intoxicating liquor everywhere leads to misconduct, and often to that condition where you and I are ashamed of our fellow-men.

Let the Government throw around these old men, morally weak, as some of them are, its shield of protection in their declining years, and let it help them to build up the wasted manhood of their earlier years and live the evening of life temperate, sober, upright, worthy citizens, as we all wish and hope for them all to be and as the great body of them now are. I hope, gentlemen, we may do by all of the National Homes as we have done by this one in Washington, and that we may ask no more of the old soldiers in the State Homes than we willingly allow those in the National Homes. They all fought under the same flag, many of them side by side, and yet you say to one class, "You shall not," and you say to another, "You may." [Applause.]

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I desire to call the attention of the House to the fact that what we are discussing is not the question between prohibition and the saloon at all. The question of prohibition generally does not enter into this discussion, nor do the arguments which support prohibition support the amendment which is offered by the gentleman from Kansas [Mr. BOWERSOCK]. These halls in the National Homes are not saloons. They are free from all of the contaminating influences found in the lower-class saloons. The general public is not admitted; it is a company of choice spirits that assemble there—the old soldiers of the Union, some who have fought in one, some in two wars of this country. I do not think Members of this House will say that the old soldier who takes a glass of beer not containing more than 2 per cent of alcoholic strength with any of these men who fought with him under the flag is in bad company or in danger of contamination. There is no liquor question involved in this discussion. If the liquor interests generally were consulted, I do not believe they would take action one way or the other. If you shut down the canteen in the Soldiers' Home, you will inevitably increase the sale of liquors in the saloons surrounding that Home, and if the saloon men in the vicinity of the Soldiers' Home were consulted on the question, they would vote to strike down the canteen in order to increase their sales.

Mr. GARDNER of Michigan. How much does the gentleman think the sale of liquor is increased here in Washington by virtue of the prohibition cut here in the Soldiers' Home?

Mr. SULLIVAN of Massachusetts. I will only say this in answer to the gentleman. I have no statistics. None have been furnished to us; but if the capacity of the old soldier is as great as the proponents of this amendment assert—because they say it is an evil to drink beer in the canteens in the Soldiers' Home, and it can not be an evil unless his capacity is great—if his capacity is as great as they say, the consumption in the saloons surrounding that Home will very largely increase. I answer the gentlemen upon their own premises. They are not mine.

Mr. TAWNEY. Mr. Chairman, if the gentleman from Massachusetts will permit, I desire to call the gentleman's attention to the fact that in the Soldiers' Home in the District, referred to by the gentleman from Michigan [Mr. GARDNER], there is no liquor sold, or on the reservation or within a mile of the reservation, and there can not be, because Congress has passed a law. Congress has absolute control over that matter, and can, therefore, control the sale of liquor in the vicinity of the Home, which it can not do in the National Homes outside of the District of Columbia.

Mr. SULLIVAN of Massachusetts. I think that is a very valuable suggestion. The conditions in the District of Columbia do not apply to the other Soldiers' Homes which we are discussing now.

Mr. WACHTER. Mr. Chairman, I would like to reply to the gentleman from Minnesota [Mr. TAWNEY]——

Mr. SULLIVAN of Massachusetts. I would prefer that the gentleman reply in his own time.

Mr. WACHTER. I will only take a moment—that the land

surrounding the Hampton Soldiers' Home is also Government territory, and the worst kind of a condition exists there.

Mr. SULLIVAN of Massachusetts. I wish also to call the attention of the House to one further fact, and that is that the considerations which were urged upon Congress at the time the sale of liquor was prohibited in the navy-yards, the immigration stations, and in the Capitol are not the same as the considerations which we must regard in this case. I think every man will agree that it was a wise thing to abolish the sale of liquor in the National Capitol—not that I believe any considerable number of legislators would allow themselves to get under the influence of intoxicating liquor; but there are a great many visitors, many constituent visitors, and the time consumed in social pastime would have derogated seriously from the value of the services of the legislators. So, too, there can be no earthly justification for the sale of liquor at immigrant stations, and Congress acted wisely in abolishing the sale there. Neither can there be any justification for its sale in the navy-yard.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN of Massachusetts. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. GARDNER of Michigan. Mr. Chairman, I do not like to interrupt the gentleman——

Mr. SULLIVAN of Massachusetts. Well, the gentleman is not obliged to, of course. [Laughter.]

Mr. GARDNER of Michigan. Still, I must for the side that I am representing just now. It has been stated here, I think by the gentleman, certainly by some one arguing from his standpoint of view, that the Government puts a prohibition around this Home here, and I want to say now, for fear I may be under suspicion, that the gentleman from Maine [Mr. LITTLEFIELD] did not make the suggestion that I am about to make. What does the Government do in the State of Maine? It carries into a State where the State law prohibits the sale of liquor a saloon and tons of intoxicating liquor and sells it in a prohibition State.

Mr. SULLIVAN of Massachusetts. Now, with the gentleman's permission, I shall proceed. I will say that the considerations which apply to these other cases do not apply to this. You are dealing there with men in all ranks of life and of various ages. In this case you are dealing with men of advanced age, mostly above 60 years of age—men whose habits have become fixed. Many of them have become accustomed to the use of liquor in some form in their youth and in the prime of their lives. Would it not be a hardship to cut that practice off now, after they have served their country so well and have attained the age of 60 years? What would be an easy thing for a man of 30 to do might become a hardship for a man of 60. I myself could easily decide never to use intoxicating liquor through the whole course of my life without injury to my health, but if I arrived at the age of 65 or 70, having persevered in the use of liquor, I am not at all certain that I could abandon it then without incurring danger of physical injury, and that is what is likely to result with these old men. If you stop them from getting it in Solders' Homes, what will you do? You will drive them out into the adjacent territory and make them fall prey to the saloon keeper and the dive keeper and subject them to all sorts of contaminating influences. You gentlemen who in supporting this amendment are seeking to befriend the old soldier are actually dealing him a blow. You are doing him an injury. I want to read to the House the statement of a manager of a Soldiers' Home. There were three of them before the committee—General Henderson, who was formerly a Member of this House; Major Harris, and ex-Governor Franklin Murphy, of New Jersey. They stated before the committee, or Major Harris did—he was their spokesman, and he made the statement in their presence—that the canteen as conducted in the National Soldiers' Homes was not a detriment but a benefit to the soldiers, and that they preferred to have it remain. One of the members of the subcommittee, the gentleman from Tennessee [Mr. BROWNLOW], is one of the managers of the Board in control over Soldiers' Homes.

A gentleman appeared before that committee in opposition to the continuation of the canteen, and the gentleman from Tennessee [Mr. BROWNLOW], as a result of his experience as a manager, made this statement, to which I respectfully ask the House to listen:

Mr. BROWNLOW. I want to call your attention to one fact: There is not and has not been in the United States any man more fanatical on the subject of the use of intoxicating drinks than myself. I never tasted a drop of whisky, wine, or beer; I never smoked a cigar, and I never took a chew of tobacco.

And I went into the management of the Mountain Branch Home as much prejudiced against the sale of intoxicating drinks in any way, shape, form, or fashion as any man in this country. But after careful investigation, after visiting all of the National Homes, and after going in there and making a diligent search for all of these things that you complain of, I came to the conclusion that the canteen in the Home was an absolute protection to those who were addicted to the use of intoxicating liquors.

And now I commend the House to this simple statement of a severe and lifelong prohibitionist, based upon his observation as a manager of National Homes, who has the welfare of these soldiers at heart, and who is not willing to be moved by clamor created by a bureau at the dictation of fanatical persons in the community.

Mr. WEEKS. I would like to ask my colleague one question: Whether any managers of the Soldiers' Home or any superintendents of the Soldiers' Home appeared before the committee directly or indirectly in favor of this legislation?

Mr. SULLIVAN of Massachusetts. I will say that members of the Board of Managers of the Soldiers' Homes were present, the three I have named—Major Harris, General Henderson, formerly a Member of this House, and ex-Governor Murphy, of New Jersey. Major Harris was their spokesman, and I directly interrogated him upon this point, and the answer he made was that it was a beneficial thing and that it ought to be retained. The other two sat there and heard what he said and evidently approved it.

Mr. GOULDEN. Mr. Chairman, I regret exceedingly that I can not agree with my distinguished friend and comrade from Michigan [Mr. GARDNER]. This is not a question on which to theorize, but one that resolves itself in its final analysis to that of actual experience. For the last five years I have had the honor of being trustee of the New York State Soldiers and Sailors' Home, located at Bath, with an average number of inmates of 2,000. Our experience during the past two years without the canteen as compared with previous years has been unfortunate. May I be permitted to describe what really constitutes a canteen, as I understand it, and as it was the practice at the Bath Home for many years. It is simply a reading room; a place of amusement and entertainment, where the men assemble and play checkers, chess, or read and talk while enjoying their glass of beer and pipe. They are absolutely limited to beer and ale, with no other intoxicating liquor on the premises. They are obliged to buy their checks from the cashier, who is employed by the Board of Managers under strict rules and regulations, and no man is allowed more than one or two glasses of beer during a visit. Now, as I said, Mr. Chairman, this is a question of actual experience and practical knowledge. It is not a matter of prohibition or license to sell liquor. [Applause.] I hold in my hand——

Mr. GARDNER of Michigan. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. GOULDEN. Certainly.

Mr. GARDNER of Michigan. I would like to know wherein the gentleman's description of his Soldiers' Home canteen differs from that of an ordinary saloon in so far as games and reading is concerned, except in the limitation put upon the amount that you may drink? Now, I want to say right here, if you will allow me, and I will move for more time if you so desire——

Mr. GOULDEN. Thank you.

Mr. GARDNER of Michigan. I did not suppose the bar, as my friend from Pennsylvania calls it, was in the reading room or the room where men could play games and cards and go up and pay their debts at the bar. I supposed that the money that was derived from the sale of intoxicating liquors, or the bar if you call it so, was used to furnish some chosen room where men of all classes met—and to many men it is offensive to be where drinking is going on (excuse me for taking so much time)—but I am sorry if New York State compels the nondrinking soldiers to enjoy the privileges of the reading room and the social room in the midst of a drinking room.

Mr. GOULDEN. That is not the case, Mr. Chairman. They have a very large auditorium fitted up for the purposes of a reading room and as a place of amusement, capable of seating twelve hundred men. But the difference between the canteen formerly at the Home and the ordinary saloon is, first, the limitation as to the amount; secondly, the limitation as to the kind of drink, and third, no game of chance or playing for the drinks was allowed. Therefore it differed entirely from them, and was in reality a club. The gentleman has visited clubs and I know has enjoyed their hospitality and good cheer and did not for a moment feel that he was in a saloon, nor did he think he was encouraging bar-room practices and customs. The profits, if any, from the canteen go into the post fund and are used for the amusement and good of the inmates. [Applause.]

Mr. SIMS. Will the gentleman submit to a question?

Mr. GOULDEN. Certainly.

Mr. SIMS. Is not the gentleman in favor, by strict regulation, of restoring the saloon in this Capitol?

Mr. GOULDEN. No, sir.

Mr. SIMS. Why not?

Mr. GOULDEN. Because I believe it was an advantage to everyone generally at the Capitol to do away with it. It was not my good fortune, Mr. Chairman, to sit in this House when the gentleman from Tennessee and others enjoyed the privileges of a club in the House. Now, Mr. Chairman, the board of trustees of the Soldiers' Home at Bath is made up of nine members. In addition to that, the governor and secretary of state are ex officio members of the board. The president was for several years chairman of the Republican committee of the State of New York and is now at the head of the railroad commission—Col. George W. Dunn.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOLDFOGLE. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended ten minutes.

The CHAIRMAN. The gentleman from New York [Mr. GOLDFOGLE] asks that the time of his colleague [Mr. GOULDEN] be extended ten minutes. Is there objection?

There was no objection.

Mr. RHODES. Is it true that the canteens in the various Soldiers' Homes throughout the country can sell beer only?

Mr. GOULDEN. I believe that is correct, and may I say that the reason assigned for this legislation two years ago was the fact that a Soldiers' Home failed to comply with regulations of that character, and sold all kinds of liquor? But that was the only exception in the entire thirty State and Territorial Homes of the country. That was in California. Of the other gentlemen on the board of trustees of the Bath Home, one is an ex-Member of this body, General McDougall, of Auburn. Another, Colonel Orr, is the pension agent at Buffalo. The board is made up of an excellent class of men. Under their direction this canteen has been in the past practically a club for the inmates of the Home.

I hold in my hand the resolution unanimously adopted by the board of trustees. It is as follows:

Resolved, That it is the sense of the board of trustees of the New York State Soldiers and Sailors' Home that the best interests of the institution and good of the members thereof will be subserved by the reestablishment at the Home of the canteen, at which only malt liquors are sold; and the board urgently requests the several Members of Congress from the State of New York to use their best endeavors to accomplish this result.

Adopted.

I certify that the foregoing is a correct copy of a resolution adopted by the board of trustees of the New York State Soldiers and Sailors' Home at a regular meeting held on the 9th day of November, 1905.

J. E. EWELL, *Commandant*.

The following is a letter from the commandant himself, formerly from Buffalo, and a well-recognized temperance advocate, one who has preached and practiced temperance for many years, and now commandant of the Bath Home, Col. Joseph E. Ewell.

NEW YORK STATE SOLDIERS AND SAILORS' HOME,
Bath, Steuben County, N. Y., December 29, 1905.

Hon. JOSEPH A. GOULDEN, M. C.,
Washington, D. C.

DEAR COLONEL GOULDEN: In the year 1896 the legislature of this State authorized the trustees of this institution to sell beer and ale to members of the Home on the Home grounds, the profits to be used for the support of the library and reading room of the Home and for such purposes as might be deemed best for the comfort and amusement of the members. Under this authority beer and ale were sold on the Home grounds until May 1, 1904, when a "no-license" vote in the town of Bath, in which town the Home is situated, rendered further sale impossible for a period of two years. The town of Bath has now voted for license again, to take effect on May 1 next, so that after that period there will be no obstacle to the reestablishment of the canteen except such as have been or may be imposed by Congress. In the appropriation bill of 1904 making provision for payments on account of State Homes a provision was inserted that no part of the appropriation should be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold. The same provision was also inserted in the supply bill of 1905. The trustees of this institution desire that the above condition be not attached to the supply bill of next year. They think that the "best interests of the institution and the good of the members will be subserved by the reestablishment of the canteen at which only malt liquors are sold." I concur in their view. The canteen is maintained at many of the National Homes, and, as far as I know, at all of them under authority of Congress. Why a distinction should be made between State and National Homes is not obvious. Another circumstance that has a strong bearing upon this subject is that all sorts of vile intoxicants are permitted to be sold in unlimited quantities in the immediate vicinity of the Home. The present no-license régime furnishes no protection whatever in this respect, and after May next such sales will be legal. It seems to me that to prohibit the sale of malt liquors on the grounds of the Home under proper restrictions and restraints while unlimited and unregulated sale of all sorts of intoxicants is permitted just outside the Home grounds does not appeal to good reason or sound judgment. It is to be hoped that the present Congress will take a different view of the matter from that held by its predecessor.

Respectfully,

J. E. EWELL, *Commandant*.

I will now read a letter from the surgeon—Dr. C. K. Haskell—in charge of the Home, as follows:

NEW YORK STATE SOLDIERS AND SAILORS' HOME,
Bath, Steuben County, N. Y., January 2, 1906.

Hon. J. A. GOULDEN, M. C., *Washington, D. C.*

DEAR SIR: Through the commandant I have been informed that you desire my opinion, along with others, as regards the advisability of reestablishing the so-called "canteen" at this Home.

After mature deliberation on the subject I am fully convinced that as a practical means for promoting temperance in the use of alcoholics as well as in conserving the health of the men by offering them a limited amount of a pure beverage (beer or ale) in place of the poisonous material obtainable at our gates the reestablishment of the post exchange should be advocated.

Respectfully, yours, C. K. HASKELL, *Surgeon*.

Also a letter from the Catholic chaplain of the Home, the Rev. John F. Farrell, under date of January 16, 1906, as follows:

NEW YORK STATE SOLDIERS AND SAILORS' HOME,
Bath, Steuben County, N. Y., January 16, 1906.

Hon. J. A. GOULDEN, M. C., *Washington, D. C.*

DEAR SIR: In compliance with your request, I send my views as to the advisability of returning to the canteen system in the Soldiers' Homes of the country.

I have been Catholic chaplain at the New York State Soldiers and Sailors' Home for nearly four years. When I began my work here I was opposed to the canteen, but experience has taught me that it is morally impossible to eradicate intemperance. The best we can do is to endeavor to control it. A large number of the inmates formed an appetite for intoxicating liquors early in life and now consider them essential. To my mind it would be far better to establish a canteen at this Home in which the men could obtain mild stimulants under proper restrictions than to practically force them to frequent the saloons, of which there are many in the proximate vicinity of the Home, where the vilest kind of liquors are generally sold.

I am, yours, sincerely,

JOHN F. FARRELL.

I desire also to allude to a letter written by the fiscal supervisor, Mr. Bender, of the State of New York, who inspects and examines all State institutions, of a recent date, in which he highly commends the management of the Bath Home.

Now, Mr. Chairman, just outside of the Home gates, and at other Soldiers' Homes, except the one here in Washington, are found a number of saloons. Just off the reservation at Bath twenty-five or thirty saloons of a questionable character are found.

Mr. GARDNER of Michigan. Will the gentleman yield to one further question?

Mr. GOULDEN. With pleasure.

Mr. GARDNER of Michigan. You say just outside of the Home in your State and other States they have saloons. In the State from which I come it is prohibited. I merely suggest this to the gentleman, that New York and other States can do the same thing, if they will.

Mr. GOULDEN. But they have not done it. The fact remains that just outside of the reservation are twenty to twenty-five saloons, most of them of a doubtful character, and in most cases selling the vilest sort of stuff, much of which is rank poison; and these old men, my comrades and yours, may I say to the gentleman from Michigan, go and drink the liquor that is positively injurious to them. They not only take beer and ale, but the alleged whisky, brandy, and all sorts of concoctions that are sold, and their condition after a debauch on this sort of stimulant is a pitiable one. I believe it to be in the interest of good morals, of health, and to the comfort of the men who so well and loyally served their country in the civil war to maintain a well-regulated canteen. I believe it is to their interest and to the interest of a common humanity that Congress should reestablish the canteen in the State Soldiers and Sailors' Homes, of which there are thirty, with a population of nearly 20,000 old soldiers awaiting the last summons. There are ten National Homes, and I believe that I am fully justified in favoring its maintenance in these places and the reestablishment of the canteen in all the State Homes, and in the interest of the men who require some mild stimulant in the closing years of their long, useful, and heroic lives, I plead for my unfortunate comrades, and hope that the amendment will not prevail. [Loud applause.]

Mr. LITTLEFIELD. Mr. Chairman, I do not rise for the purpose of engaging in a discussion of this question, and I agree with the suggestion of my friend from Massachusetts that this is not a question of the prohibitory law or a question of personal temperance, but is solely a question of the welfare of the men in the Homes. Now, I do not propose to discuss that as a matter of argument. I am not going to cite letters from officials or resolutions from people who are interested therein. I hope this committee simply wants the facts in relation to this situation, and I am going to give to the committee in a few minutes the benefit and result of an examination of the reports of five Soldiers' Homes for the purpose of ascertaining what the facts are in reference to their welfare in connection with this

question. I am going to take one—that is, the National Home for Regulars, in Washington—in the District of Columbia as one of the standards, and that is a Home where for three years no intoxicating liquors of any kind have been sold. Now, it is true that there is a zone around that Home of 1 mile where liquors can not be sold, and to that extent that may differentiate it from some of the Homes to which I am going to call attention; but it is also true that an electric railroad runs close to the door of that Home, so that any one of those old soldiers who wants to visit any of the saloons of the city of Washington can do so any time he likes for 5 cents, or six tickets for 25 cents.

Mr. FREDERICK LANDIS. Is it true, as the gentleman from Massachusetts suggests, that that 1-mile zone is known as "the Temperate Zone?" [Laughter.]

Mr. LITTLEFIELD. I do not know how that may be. I should hope that it might be. Now, I want to give an analysis of the reports of these Homes, so that the committee may have the benefit of this information; and upon that information I have no doubt every intelligent man can act understandingly.

Average number present in 1903 at the National Home for Regulars, at Washington, 1,414; total cases of discipline, 259; per cent, 0.183. The total number present, the average number, in the Central Branch, Dayton, Ohio, which has a canteen, was 4,729; total cases of discipline, 2,676; a percentage of 0.565, nearly three times as great a percentage as there was in the Washington Home. For bringing liquors into the grounds, National Home at Washington, D. C., 9; per cent, six-tenths of 1. Bringing intoxicating liquors into the Home at Dayton, Ohio, 334; per cent, 0.07 as against six-tenths of 1 per cent where there was no canteen. Drunk and disorderly in the National Home in Washington, 166; percentage, 0.117. In the Central Branch, of Dayton, Ohio, taking drunkenness on and off duty and penal sentences involving drunkeness, the aggregate per cent was 0.201, against 0.117, nearly twice as many where there was a canteen as where there was no canteen. Absent without leave, 74 in the Home in Washington, D. C.; absent without leave in Dayton, Ohio, 1,273; per cent in Washington, 0.052; per cent in Dayton, Ohio, 0.269.

Now, let me take the Southern Branch, Hampton, Va., for 1903, where there is also an electric railroad. I do not know what the zone may be. The average number present was 2,773, and the total cases of discipline were 1,287.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. LITTLEFIELD. I ask unanimous consent to continue my remarks while I complete the reading of these figures in connection with this question.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. LITTLEFIELD. Total cases of discipline, 1,687; per cent of cases of discipline in Southern Branch, at Hampton, where there is a canteen, 0.608, as compared with 0.183 in Washington without the canteen. Bringing liquor into the grounds in Hampton, Va., 42; per cent 0.015, as against 0.006 where there is no canteen. Drunkenness, 1,077 in the Southern Branch, at Hampton, Va., as against 166; per cent in Hampton, Va., 0.388, as against 0.117; nearly four times as many in Hampton, Va., as in Washington, D. C. Absent without leave, 58; per cent 0.02; which is less than the per cent in Washington, D. C.

Mr. STAFFORD. Will the gentleman right there permit a question?

Mr. LITTLEFIELD. Yes.

Mr. STAFFORD. Has the gentleman any figures along the same lines of a Home for Volunteer Disabled Soldiers of the civil war without a canteen, rather than the Home in Washington, where soldiers are limited to those of the Regular Army, and therefore much younger in their average age?

Mr. LITTLEFIELD. I have some figures in one Home for two years with a canteen and one year without.

Mr. STAFFORD. Is that a Home for Volunteers?

Mr. LITTLEFIELD. I trust there is no particular difference.

Mr. STAFFORD. There is a difference in ages, and necessarily in discipline between the two kinds of Homes.

Mr. LITTLEFIELD. The soldiers in the Washington Home are older, with their habits very much more fixed. The distinction, if any, is against the Home here instead of in its favor.

Mr. STAFFORD. The gentleman does not mean to say that the ages of the inmates of the Home in Washington are higher than the ages of the soldiers in the Homes for Volunteers?

Mr. LITTLEFIELD. A member of the Committee on Appropriations informs me that that is the fact. I have no personal knowledge of it. I will ask my friend from Iowa [Mr. SMITH] what the fact is.

Mr. STAFFORD. That can not be, for it goes without question that the Volunteer Homes, being limited to those soldiers who participated in the civil war, which ended forty-one years ago, and the Home here in Washington, being limited to soldiers of the Regular Army, who may be admitted to the Home at any time when they are injured, that the age of those soldiers in the Volunteer Homes must be much higher.

Mr. LITTLEFIELD. Let me say to my distinguished friend, as to that I have no personal knowledge. I will ask my friend from Iowa [Mr. SMITH] to state what the fact is; whether he has investigated it?

Mr. SMITH of Iowa. I have only this to say, that the service in the Regular Army is so long that is required for admission to the National Home that it is absolutely necessary that anybody in the National Home shall be an old man, unless he has been injured in the service; and as I have been out there and have seen them they are a body of old men.

Mr. STAFFORD. Have you not seen very many young men who have been disabled in the service who are inmates of that Home?

Mr. LITTLEFIELD. Very, very few.

Mr. STAFFORD. I have seen quite a number of young men there.

Mr. LITTLEFIELD. I will take the Northwestern Branch.

Mr. SULLIVAN of Massachusetts rose.

Mr. LITTLEFIELD. Will the gentleman from Massachusetts excuse me until I finish these statistics? Then I will listen to his inquiry. I am not undertaking to argue this. I am simply giving the committee the benefit of the facts as they exist.

Mr. SULLIVAN of Massachusetts. I want to give the gentleman some information.

Mr. LITTLEFIELD. I do not yield now. I will yield later. In the Northwestern Branch, Milwaukee, Wis., for 1903, with a canteen the average number present was 2,175; total cases of discipline, 953; per cent, 0.438 against 0.183 in the Washington Home without the canteen. Bringing intoxicating liquors within the Home grounds, 74, as against 9 in Washington; per cent, 0.034, as against 0.006 in Washington. Drunkenness, 362, with a per cent of 0.166, as against 166 in Washington with a per cent of 0.117. Absent without leave, 397; per cent, 0.182, as against 74 in the Home in Washington, with a per cent of 0.052.

Now, I would like to call attention to the Marion Branch, Marion, Ind., for two years without the canteen and a year with the canteen. I won't go over all the details. They are mainly volunteer soldiers in that Branch, as I am informed, but I do not know about that. I will take 1903 and compare it with 1905. At the Marion Branch, Marion, Ind., in 1903 the average number of persons present was 1,750. The total cases of discipline, 543; percentage, 0.31. In 1905, with the canteen, the average number present was 1,682; total cases of discipline, 737; percentage, 0.438, as against 31 per cent. That is an increase of 33⅓ per cent under the canteen as compared with the percentage without the canteen.

Mr. TAWNEY. What is the meaning of the term "discipline?" What does it include?

Mr. LITTLEFIELD. All cases of discipline.

Mr. TAWNEY. Intoxication and anything else?

Mr. LITTLEFIELD. Every infraction of discipline. I am giving the same class of figures with reference to 1903 and 1905, with the canteen and without the canteen, and there was in increase of 30 per cent under the canteen.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. LITTLEFIELD. I ask unanimous consent that my time be extended five minutes more.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. LITTLEFIELD. I do not propose to argue the facts, but only to state the facts. Now, to go on: Bringing intoxicating liquors within the Home 68, per cent 0.038; that is, when no liquors were sold in the Home. Now, in 1905, with the canteen, the number bringing intoxicating liquors into the Home was 71, percentage 0.042, with liquor sold in the canteen, an increase over the period when it was not sold in the canteen. Drunkenness, 265 in 1903, percentage 0.151; drunkenness in 1905, with the canteen, 322, percentage 0.19, as against 0.151 without it.

Now, in 1903 I have not the figures in relation to being absent without leave, but I take those for 1904. They are as follows: Absent without leave 53, percentage 0.03; absent without leave in 1905, with the canteen, 220, percentage 0.13.

I leave this question, Mr. Chairman, with that statement of facts.

Mr. TAWNEY. Will the gentleman from Maine yield for a moment?

Mr. LITTLEFIELD. I will.

Mr. TAWNEY. I hold in my hand a letter from the mayor of Marion, Ind., addressed to Col. George W. Steele, a former Member of this House, and governor of the National Military Home of Indiana, dated June 4, 1906, which reads as follows:

MARION, IND., *June 4, 1906.*

Col. GEORGE W. STEELE,
Governor National Military Home, Indiana.

MY DEAR GOVERNOR: I desire to congratulate you upon the results that you have obtained from the establishment of the canteen at the Home. I have talked with the superintendent of police and with a number of officers, and all are of the opinion that much good has been accomplished by the canteen. The condition of the old soldier on the streets of Marion is much different since the canteen went into effect. At pension time now the citizens are not annoyed by intoxicated old soldiers on the streets. The canteen has not only been of advantage to Marion and her people, but it also has resulted in much good to the old soldier who drinks, for drinking is a disease with him and he can not be cured. The only thing to do is to regulate him as much as possible in the use of intoxicating liquor, and the canteen successfully does this.

Yours, very truly, FIELD W. SWEZEY.

Mr. LITTLEFIELD. Does the gentleman want me to answer that? My answer to that is that the letter of the mayor congratulates the governor of that Home on the fact, first, that in cases of discipline where he had 31 per cent without the canteen he now has 0.438 per cent. Well, I suppose he is to be congratulated upon that result, an increase in the cases of discipline of about 30 per cent. Let the mayor congratulate him. If that is the kind of thing the mayor likes to congratulate him upon, that is the kind of thing the mayor likes.

Mr. TAWNEY. He states his reason, and that is the absence of drunkenness on the streets of Marion.

Mr. LITTLEFIELD. I have stated facts. I am not wasting any time about reasons; I am not undertaking to argue upon those facts.

Mr. YOUNG. Will the gentleman yield?

Mr. LITTLEFIELD. If the gentleman from Michigan will allow me to finish this statement, I will then yield to him. The mayor goes further and congratulates Mr. Steele, a former Member of this House, on the fact that they have succeeded in bringing intoxicating liquor into the Home at the rate of 0.042 per cent under this present régime as against 0.038 under the former, a nice fact to congratulate Governor Steele upon. Upon the question of drunkenness, while the records of the Home show 0.19 per cent, about which he congratulates him, under the former state of facts it only shows 0.151 per cent. Now, if that is a legitimate subject of congratulation upon the part of the mayor of the city of Marion, Ind., I have to repeat if that is the kind of thing he likes to congratulate for, it shows about what he likes to congratulate for. I do not think it will appeal to the average good sense of the Members of this House. I have no criticism to make of the mayor; I am simply giving the facts as they appear. Now, I will yield to the gentleman from Michigan.

Mr. YOUNG. The gentleman has said many times that he was giving us the facts. Will the gentleman be kind enough to tell us just what source the figures he has given us come from and who collected them?

Mr. LITTLEFIELD. They are the reports made by the Homes, and I stand behind their accuracy. Does that satisfy the gentleman?

Mr. YOUNG. Well, I do not see how the gentleman can stand behind their accuracy unless he himself compiled them or was aware of who compiled them.

Mr. LITTLEFIELD. I stand behind their accuracy. I can have the reports produced, however.

Mr. YOUNG. I do not question that the gentleman is quoting his authority correctly.

Mr. LITTLEFIELD. I will stand behind the accuracy of the statements. Does that satisfy the gentleman from Michigan?

Mr. STAFFORD. Has the gentleman himself taken them from any official reports?

Mr. LITTLEFIELD. I have had the reports handed to me this morning to bring in here for this purpose, but I told him I did not want these reports. I took the analysis.

Mr. STAFFORD. Did the gentleman compile these figures himself from official reports?

Mr. LITTLEFIELD. No; but I stand behind their accuracy. Does that satisfy the gentleman?

Mr. STAFFORD. No. I would like to know the authority for the figures which the gentleman has used in this discussion.

Mr. LITTLEFIELD. The gentleman wants to know the name of the gentleman who furnished this analysis?

Mr. STAFFORD. Oh, I do not care for the name.

Mr. LITTLEFIELD. Oh, I can give the name of the gentleman. His name is Edwin C. Dinwiddie.

Mr. STAFFORD. What position does he occupy?

Mr. LITTLEFIELD. He is superintendent of the Anti-Saloon League. [Laughter.] How does that affect it?

Mr. STAFFORD. Well, he is certainly an interested party.

Mr. LITTLEFIELD. Certainly; if he had not been he would not have looked up the statistics.

Mr. GOLDFOGLE. The gentleman from Maine spoke of the percentage of cases of discipline at the Marion Home. Do those cases arise out of drunkenness, or can the gentleman give the proportion of cases arising out of drunkenness?

Mr. LITTLEFIELD. I have given that already.

Mr. GOLDFOGLE. But the gentleman spoke of discipline.

Mr. LITTLEFIELD. I have given you cases of drunkenness, and the cases of discipline include all cases of discipline.

Mr. GOLDFOGLE. There is no way in which the gentleman can tell the proportion which arises out of drunkenness?

Mr. LITTLEFIELD. I can give the gentleman the drunkenness—265, per cent 0.151 without the canteen; with the canteen, 332, per cent 0.19, an increase from 0.151 to 0.19 per cent, an increase of about 30 per cent under the canteen as compared to the period without the canteen.

Mr. GARDNER of Michigan. Mr. Chairman, I notice that the percentage of discipline increased pro rata with the increase of intoxication.

Mr. LITTLEFIELD. Undoubtedly.

Mr. GARDNER of Michigan. Almost every time.

Mr. LITTLEFIELD. Certainly; it always does.

Mr. GARDNER of Michigan. They go hand in hand.

Mr. TAWNEY. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in fifteen minutes.

Mr. FREDERICK LANDIS. Mr. Chairman, I would like to ask the gentleman from Maine a question.

The CHAIRMAN. Does the gentleman yield?

Mr. LITTLEFIELD. Yes.

Mr. FREDERICK LANDIS. The figures the gentleman gave related to cases of arrest in the Home, did they not?

Mr. LITTLEFIELD. I will give the gentleman the exact statement in that respect. Total cases of discipline, and that means, I understand, all the cases of discipline in the Home—of course I am not able to state whether they were actually arrested in the Home or not.

Mr. FREDERICK LANDIS. Has the gentleman any figures showing the increase or decrease of arrests of all old soldiers outside of the Home for intoxication?

Mr. LITTLEFIELD. I have nothing of that kind.

Mr. KEIFER. They are connected with the other.

Mr. LITTLEFIELD. All I can say about that is this——

Mr. WM. ALDEN SMITH. Ask him if he knows anything about it.

Mr. LITTLEFIELD. Oh, the inquiry is entirely proper. I don't know what the fact is, but I assume the cases of drunkenness include all cases of drunkenness that came directly or indirectly to the knowledge of the persons in the Home. Of course the gentleman will appreciate the fact that the figures I gave are precisely the same for each year, and have the same relative weight and bearing, and of course if there are any arrests outside of the Home in 1905, that factor would also be present in 1903.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 18198) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. WETMORE, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6109. An act authorizing the reappointment of midshipmen recently dismissed from the Naval Academy for hazing;

S. 6167. An act to improve the channels along the New Jersey seacoast; and

S. 6375. An act granting lands in the former Uintah Indian Reservation to the corporation of the Episcopal Church in Utah.

The message also announced that the Senate had passed, with

amendments, bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 14968. An act to amend the internal-revenue laws so as to provide for publicity of its records.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. TAWNEY. Mr. Chairman, I move that all debate upon the paragraph and all amendments thereto be closed in fifteen minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota, that all debate on the pending paragraph and all amendments thereto close in fifteen minutes.

The question was taken; and the motion was agreed to.

The CHAIRMAN. The Chair will recognize the gentleman from Wisconsin [Mr. STAFFORD].

Mr. SPERRY rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SPERRY. For the purpose of discussing this matter.

The CHAIRMAN. But the Chair has already recognized the gentleman from Wisconsin [Mr. STAFFORD].

Mr. SPERRY. Oh, I did not understand that.

Mr. STAFFORD. Mr. Chairman, I think that those who have argued this afternoon for the retention of the so-called "canteen" at National Homes are as much concerned in the welfare and the good interests of the old soldiers as those who have taken the opposite side, and it is because we are concerned with the protection of the old soldier that we seek to have the canteen retained. It is surprising, indeed, that the wives of Army and naval officers as distinguished as those of General Chaffee, Surgeon-General Sternberg, General Gillespie, General Schwan, Admiral Schley, and the widows of Admiral Sampson and General Kelton should have united with many other hundreds of estimable ladies in a petition to Congress dated December 15, 1904, petitioning for the reestablishment of the canteen in the Army posts throughout the country, if there was not some good reason for the retention of the canteen. In that petition they say:

> We do earnestly petition Congress to pass the bill that provides "that so much of the act approved February 2, 1901, as prohibits the sale of beer in any post exchange or canteen is hereby repealed."
>
> We make this petition after a careful study of the effect the prohibition of the sale of beer at post exchanges has had upon the enlisted man since February 2, 1901. We think that it is quite in order that we should add our voice in the interest of the moral and physical well-being of the soldier.

Certainly the wives of these eminent officers can not be questioned as to their interest in the welfare of those in the Regular Army. Nor can those advocating the retention of the canteen in the National Homes for Disabled Volunteer Soldiers be questioned as to their interest in those, to use the language of the gentleman from Michigan, who are old, who are decrepit, who are weak, those whose habits are already formed. We desire as much as those advocating the abolishing of the canteen to see the mantle of protection thrown around them and to save them from the low haunts, the vicious places, which surround these Homes and always increase when the canteen is abolished from National or State Homes. I wish the gentleman from Maine could have furnished, even though the author had been the superintendent of the Anti-Saloon League, some figures showing the increased number of saloons that surround these Homes where the canteen has been abolished, showing the increase in drunkenness, showing the increased number of arrests. It is questionable whether any person can controvert the facts set forth in the letter of the mayor of Marion, which has been read by the distinguished gentleman from Minnesota.

Is it not strange, gentlemen of the committee, that if this canteen has produced such dire effects as the gentleman from Maine would have you believe, that there has not been one Board of Managers of all these National Homes that has ever petitioned this Congress in their reports to have the canteen abolished? Are these Boards of Managers composed of estimable men, who are old soldiers themselves, in league with the liquor interests, in league with the beer interests? Are they desirous of dragging down the old soldiers? Is their one sole purpose to injure the soldiers instead of helping them, or is their course in retaining the canteen dictated from a knowledge gained after years and years of management of these Homes, that it is the best way to enforce discipline, the course to follow if the Homes are to be efficiently managed? This has been proved and confirmed by the Army officers in strongly urging the reestablishment of the canteen in the post exchanges, that it is necessary to have the canteen right on the post grounds, where mild beverages are sold which are not sufficient, except when taken in exorbitant quantities, to produce drunkenness, rather than have the soldiers seek saloons outside, where poor liquor is sold, and where, only too frequently, they are beset with vices that destroy all discipline.

This is not a question of prohibition. The speeches which have been made here to-day savor entirely of prohibition. It is purely a temperance question. If you believe in temperance, if you favor having mild beverages, such as beer and light wines, dispensed in the canteen of the National Homes, where the governor of the Home can control and regulate its use, as to-day under the regulations in force, rather than have the soldiers frequent the places without, where the governor has no control whatsoever, then you will vote down this amendment that can only result in dragging down rather than uplifting the old soldier, whom we are all concerned in guarding, helping, and elevating.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, the gentleman from New York very pleasantly and kindly said a while ago he did not happen to be here when we used to have a canteen running on the first floor of this Capitol, therefore I excuse him for not knowing the great difference there is in the conduct of this Capitol now and when we did have it. It is true, and Members of this House know it is true, that the per cent of drinking, the excessive use of intoxicating liquors has been visibly reduced, both as to the Members of the House and by the employees of the Capitol and by visitors——

Mr. GOULDEN. Mr. Chairman——

Mr. SIMS. In one moment—and it has been reduced simply by making it inconvenient. There never was a time or place when it was made more inconvenient to get intoxicating drinks, that there has not been less drinking—let them be old soldiers, young soldiers, Members of the House of Representatives, or anybody else. And why should we, who are taxing the people to keep up the Soldiers' Homes, stand here and vote to keep open saloons in those Homes, in order to keep the soldiers, as it is charged, from going outside and debauching themselves? I want to say that I do not believe there are very many of these old soldiers in these Homes who will go into dives, as has been represented by the gentleman from Wisconsin, if they do not have beer served in the Homes. If they are all so depraved, 5 cents' worth of beer a day will not keep them at the Homes. I do not believe there is a sufficient per cent of that depraved class among the old soldiers, as is here represented, as an argument for bringing the means of depravity to their doors, in order that their drinking may be concealed behind the doors of the Home.

Mr. STAFFORD. The generals of the Army state that has been the effect of the abolition of the canteen from the post exchanges.

Mr. SIMS. Well, I want to say it is a reflection upon the volunteer soldiery of this country to charge that a large per cent are so depraved that they will leave the Homes and go to dens of shame, if not provided with a more convenient resort in the way of a saloon in the Home.

Mr. GOULDEN. Going back a little to the conduct of the Members of this House, I would like to ask the gentleman whether there were not more arrests made at this session of Congress than at any other session?

Mr. RUCKER. Mr. Chairman, I object.

Mr. SIMS. There may have been more arrests of Members for leaving the House and breaking a quorum than when we did have the canteen, but perhaps when they had the canteen here some of them were not in condition to be arrested and produced before the Speaker. If the gentleman desires any further information of that sort he can call for it.

Mr. GOLDFOGLE. Does not the gentleman realize when he speaks of selling liquor at the Capitol that there was sold here whisky, brandy, and other intoxicants? Does not the gentleman realize that in the canteens there is only light beer sold?

Mr. SIMS. Now, Mr. Chairman, alcohol is alcohol. If there was no alcohol in beer the gentleman from New York would not give a nickel for 10 gallons of it. It is only the difference in the percentage of alcohol in beer, wine, whisky, or brandy. It is alcohol that does the work. [Applause.] If you take alcohol out of beer and wine you would not want any of it.

Mr. PADGETT. Is it not simply that beer and those light drinks might be treated as the devil's kindling wood?

Mr. SIMS. It creates a desire to take something stronger. The man that never takes beer will never want red liquor.

Mr. GOLDFOGLE. Does not the gentleman think it is better to let the old soldier have his glass of beer than to allow him to go forth to the saloon in the neighborhood and outside of the reservation?

Mr. SIMS. Where is the old soldier that is asking for this legislation—I mean to put the saloon in the Home? They are not here. The men who are behind this movement are the men

who expect to make money out of having these saloons for the old soldiers in the Government-supported Homes.

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Minnesota, the chairman of the committee, is recognized for the last five minutes.

Mr. TAWNEY. Mr. Chairman, it seems to me that members of the committee are proceeding in this discussion upon a wrong theory. They have been discussing this amendment upon the theory that we are about to legislate as though the proposed amendment was intended to regulate the morals and habits of all classes of society. In other words, this debate has proceeded upon the theory that this is prohibition legislation, applicable to all mankind, whereas, Mr. Chairman, this amendment proposes to limit the power of the men who have been appointed, under the charter of a private corporation, to control, regulate, and care for the class of men known as "old soldiers," inmates of Soldiers' Homes. This legislation does not relate to any other class of men than to the "old soldier." It does not apply to all classes, but to a specific class, to a class, too, who are to be reformed, but who are given a home.

Mr. RUCKER. Mr. Chairman——

Mr. TAWNEY. By the formation of this Board or this corporation Congress has intrusted the care of these old soldiers to the President of the United States, to the Chief Justice, to the Secretary of War, and nine other members of that Board, selected from among those who were the comrades of the men for whose care they are responsible.

We are not legislating, therefore, on the question of prohibition or upon the question of temperance. You propose by this amendment to take away from this Board the power of doing that which has been deemed necessary in the judgment of its members, including the highest officials of the Government, men who have voluntarily and gratuitously accepted the trust of providing for the comfort and well-being of these old soldiers. If it was wise to abolish the canteen in these Homes, don't you suppose this Board, composed of the men it is, would have done so long ago? Is it possible that such men as constitute this Board would permit the doing of that in these Homes which was harmful to their old comrades? It seems preposterous that this House should, without knowledge of the facts, be influenced by a sentiment in favor of temperance to say to this Board, You are not capable to manage these Homes and we will prescribe such rules as we are told by such men as the alleged Doctor Crafts should be adopted.

Mr. GARDNER of Michigan. I simply want to correct, with the gentleman's permission, the impression that nearly all the old soldiers in the Home indulge in intoxicating liquors.

Mr. TAWNEY. I said nothing that would create that impression.

Mr. GARDNER of Michigan. Hear me, please. It was the impression that was created before the gentleman began. It developed in the hearings that 50 per cent are total abstainers and that a comparatively few drink to excess.

Mr. TAWNEY. That is unquestionably the fact, Mr. Chairman. Who is the better qualified to determine what will best promote the welfare of the old soldier in these Homes? Are we better qualified than the President of the United States, the Chief Justice of the Supreme Court, and the Secretary of War, and the comrades of these old soldiers who constitute the Board of Managers to determine this question? Should we not be guided by their experience and their recommendations as to this? Every active member of the Board protests against this legislation. Their protests are based on their knowledge of the inmates of these Homes, their habits, and the influences they would be subjected to if they are left to the tender mercies of the saloon in the vicinity of the Home.

This Board has made the rule, they have adopted the regulation under which beer, having no more than 2 per cent of alcohol, is allowed to be sold. No man can obtain two drinks of beer in any of the canteens except at certain intervals. He must wait until his turn comes. Thus they obtain only the mildest of beers, and are free from any other associations except the men with whom they associated during the war.

Mr. LLOYD. Has the President of the United States, the Chief Justice of the Supreme Court, or the Secretary of War recommended this legislation?

Mr. TAWNEY. None of them have recommended this legislation, and I will say that no member of the Board has recommended it; on the contrary they protest against it.

Mr. LLOYD. Has anyone recommended the canteen?

Mr. TAWNEY. Only by adopting the regulation allowing the canteen they have thereby given it their approval, and have done it in the interest of the old soldier.

Mr. BENNET of New York. I would like to throw a little light on the action of the mayor of Marion, Ind. There is in Indiana a law——

Mr. TAWNEY. I do not yield for a speech.

Mr. BENNET of New York. I want to give some information.

Mr. TAWNEY. The old Soldiers' Home until 1880 was maintained by the fund known as the "forfeiture of pay," and a large amount of clothing turned over to these Homes after the close of the war. It was not until 1880 that the Government of the United States commenced to appropriate money for their maintenance. These Homes are the property of the corporation, not of the United States. They are the property of a corporation created by this act of Congress. I submit in closing, Mr. Chairman, that the men who fought by the side of the men who have been intrusted to their care are better qualified than are we to determine what is for their best interests and what is for their comfort and their well-being, and therefore I submit that the amendment ought to be defeated.

Mr. BENNET of New York. I ask unanimous consent for one minute.

Mr. TAWNEY. I object. [Cries of "Regular order!"]

The CHAIRMAN. The committee by limitation has fixed the closing of debate.

Mr. BENNET of New York. I ask unamimous consent.

Mr. TAWNEY. I object.

The CHAIRMAN. The gentleman from New York asks unanimous consent for one minute. Is there objection?

Mr. TAWNEY. I object.

The CHAIRMAN. The only question now before the committee is the amendment offered by the gentleman from Kansas, which the Clerk will again report.

The amendment was again reported.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. STAFFORD. Division!

The committee divided; and there were—ayes 105, noes 58.

Mr. STAFFORD. I demand tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Kansas [Mr. BOWERSOCK] will take their places as tellers.

The committee again divided; and tellers reported—ayes 109, noes 63.

So the amendment was agreed to.

The Clerk read as follows:

State or Territorial Homes for Disabled Soldiers and Sailors: For continuing aid to State or Territorial Homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, $1,150,000: *Provided*, That no part of this appropriation shall be apportioned to any State or Territorial Home until its laws, rules, or regulations respecting the pensions of its inmates be made to conform to the provisions of section 4 of an act approved March 3, 1883, entitled "An act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes;" but the above proviso shall not apply to any State or Territorial Home into which the wives or widows of soldiers are admitted and maintained: *And provided further*, That no part of this appropriation shall be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold.

Mr. BENNET of New York. I move to strike out the last word.

Mr. Chairman, just before the last vote was taken I attempted to get some information before the House, but was prevented by the extreme courtesy of the chairman of the committee. What I wanted to say to the committee, and what I say now, is that I hold in my hand photographs of six saloons just outside of the gates of this Home at Marion, Ind. Permit me to say that this model mayor of Marion, Ind., where there is a State law that prohibits a saloon within a mile of the Soldiers' Home, allows this. Also I find the chief of police attached to the administration of this mayor is now on trial before the governor of the State of Indiana, at least charges are pending against him, because of the character of the administration that he allows in the city of Marion.

Mr. FREDERICK LANDIS. Permit me to say that the mayor of the city of Marion is a model executive, and in no manner has any jurisdiction over the police force. We have in Indiana a metropolitan police law, which places the control of police matters in a board of police managers. It is simply a State law. I merely say that to exonerate my worthy constituent.

Mr. BENNET of New York. I am very glad to that extent to get the correction, but that does not do away with the fact that there are six saloons under the immediate shadow of the Soldiers' Home.

Mr. SLAYDEN. Will the gentleman allow me to ask him a question?

Mr. BENNET of New York. Certainly.

Mr. SLAYDEN. I want to know, Mr. Chairman, if this is a post-mortem or a motion for a rehearing of a question decided? [Laughter.]

Mr. BENNET of New York. I want to say to the gentleman from Texas that it is neither.

Mr. REEDER. Postprandial.

Mr. BENNET of New York. It is piling up evidence for next year. I withdraw my motion.

Mr. KEIFER. I renew it, and give notice that I will withdraw it later. I wanted to say before the vote was taken on the last amendment—but I do not complain that I was shut out—that we were then engaged in the consideration of an amendment to this bill that was in exact harmony with the paragraph of the bill which we have just read relating to State Soldiers' Homes. I did not quite understand why certain members of the Committee on Appropriations wanted us to be better in our Soldiers' Homes in the States than they were in the Soldiers' Homes that belong to and are under the control of the Federal Government. There should be no distinction. The same class of old soldiers are inmates of the State and National Homes.

I now call the attention of members of the committee to the exact language almost of the amendment we have just voted into the bill applicable to the various Soldiers' Homes that are conducted and managed under Federal law. The last clause of the last paragraph reads:

That no part of this appropriation shall be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold.

This clause relates to Homes in States and Territories that are under the management and control of States. In these State Homes—I speak principally of the one in Ohio—we have soldiers of the civil war, old and indigent soldiers, disabled either by age or disease. I am happy to say that now there is little or no trouble on the subject of the canteen in these State Homes. I do not think you could force a canteen into the State Home in Ohio by any Federal law you could pass.

I want to make one other remark, and that is that there seems to be a general impression among the Members, and perhaps over the country, that in past years, in time of war, we had canteens where the soldiers could go and buy intoxicating liquors ad libitum. No such thing existed in the Union or the Confederate army during the civil war. There were no canteens or sutler's tents where the soldier could go and buy intoxicating liquors. No army in civilized times has been or could be maintained with a canteen of that kind. Sometimes the sutlers sold liquor to officers, but generally speaking that was prohibited. Occasionally in the war, both in the Union and Confederate armies, in bad weather, in times when soldiers were on specially hard police duty, there was issued by the authorities a ration of liquor, but there was no such thing as a canteen where soldiers could go and purchase it. An army where the soldiers had a right to purchase intoxicating liquors at canteens would be one without discipline.

Now, I have said enough on that subject. I could give some experience about the Spanish war, but I have not time now. There were in my command in Florida and Georgia and also in Cuba, in certain regiments, canteens where beer was sold under special regulations, but most of the regiments had no canteens, and it was my experience with a large number of regiments that those having such canteens had the most drunkenness and the most men who broke the guard lines and went on the outside to indulge in the use of intoxicants. It seemed to be true that the soldiers who were allowed a limited use of strong drink were the most likely to seek it where there was no limitation. Only a small per cent, comparatively, of our soldiers in any of our wars were addicted to the use of intoxicating liquors at all. The old and feeble soldiers now in National or State Homes care for it less than ever before, and they seek it less than in earlier life. The question may not be one of prohibition, but it is certainly one of temperance and of discipline.

Mr. Chairman, I withdraw my motion.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to address the House not entirely germane to the pending paragraph.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to address the House for five minutes on a subject not germane to the pending paragraph. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I noticed in one of last evening's newspapers a dispatch relating to a discussion in the House of Commons yesterday on the subject of American meat products, which called my attention not only to the far-reaching and disastrous effects of the present agitation relative to the conditions surrounding the slaughter and preparation of meats in American packing houses, but to such an unfortunate misconception of the facts, and of the nature and character of criticisms which have been made officially or unofficially of packing-house methods, which misconception, I fear, owing to highly colored, sensational, and exaggerated statements, is shared by a considerable number of our own people, that in my opinion it is highly important, in the interest of the good name of the American people as well as of the vast industries affected, that every reasonable effort be made to remind the country and our foreign customers of the facts with regard to our meat-slaughtering and packing industries.

It is important that the fact be emphasized that if all that has been charged in certain official and semiofficial reports were admitted, and it is not by any means, the charges therein made of unsatisfactory conditions relate to the preparation of an almost infinitesimal fraction of the products of a few packing houses, and when analyzed are found to allege conditions in the main affecting the workers in some departments of certain packing houses rather than the products themselves. They complain of conditions admittedly unsatisfactory if they exist, but mostly in the domain of the sociologist rather than in the sphere of the seeker after the truth relative to the healthfulness of food products. The trusted, efficient, scientific inspectors of the Agricultural Department, accustomed to the conditions that must necessarily surround the slaughter of animals, failed to find, we understand, ground for serious criticism as to the healthfulness or cleanliness of the processes employed in the preparation of meats in the great packing houses, but they were followed by well-meaning gentlemen no doubt, but gentlemen whose business, whose profession in life it is to search out things to criticise in order that they may employ themselves in the endeavor to reform them, and they did find some conditions no doubt in some packing houses not as they ought to be, not so much affecting the healthfulness and cleanliness of the meats as affecting the health and, as they say, the morals of employees.

These reports and criticisms scattered broadcast, highly colored and exaggerated as they were passed along, have resulted in incalculable injury, not only to the packing business, but to the live-stock industry of the country generally.

I have no doubt, Mr. Chairman, but what gentlemen so sensitive that their optics and olfactories are offended because a place where animals are slaughtered is not in all of its departments as fragrant as an establishment for the bottling of eau de cologne, and who would probably shrink from the preparation of an omelet because it involves the somewhat mussy performance of breaking and beating eggs, would find quite as much to criticise were they sent out to inspect the kitchens of the best people of the land. There are some processes in the preparation of some kinds of food that are not appealing either to the eye or to the nostrils. I know of no way in which these processes can be rendered altogether satisfactory to sensitive and finicky people.

It was a bad day for Chicago and the packing and stock-growing industries of the United States when that now historic porker slipped his trolley and fell—just where he fell is controverted—whether he actually did soil his jowl is questionable; whether the dust he might have accumulated was entirely removed by antiseptic and disinfectant preparations is still shrouded in mystery. The fact that he was only one of a million of his brethren, of whose cleanliness there could be no question, is forgotten. The further fact that he in all human probability was thoroughly cleansed, if as a matter of fact he was ever seriously soiled, is entirely overlooked, and he goes down in history entirely eclipsing that other famous Chicago animal, Mrs. O'Leary's cow, in the awful loss and havoc he has wrought.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. TAWNEY. Mr. Chairman, the demand for time——

Mr. MONDELL. I have not taken any of the time of the House during this debate. I think I can conclude in three minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. MURDOCK. Mr. Chairman, as a matter of fact, that famous Chicago hog was only half a hog and not a whole one.

Mr. MONDELL. Then there is only half as much in the criticism that has been made of it, ridiculous as it is, as I supposed.

Mr. GAINES of Tennessee. Does the gentleman dispute the statement contained in the President's message; and if so, upon what does he base his denial?

Mr. MONDELL. I have only three minutes, and I can not in that time go into that question. I am giving my opinion, and the gentleman can judge for himself.

Mr. Chairman, the fact is disputed by none that nowhere on earth are large numbers of animals slaughtered and prepared for human food under conditions so absolutely insuring the healthfulness, the cleanliness, and the palatableness of the product as in the packing establishments of our country under Federal supervision. No question has ever been raised, even by the most confirmed and captious fault-finder, of the healthfulness and cleanliness of the vast bulk of our meat products, and particularly that portion which enters into foreign trade.

Mr. Chairman, I consider it most unfortunate for the great packing and live-stock industries, for the peace of mind of our people, for our good name abroad, that it should have been deemed necessary, in order to call attention to the somewhat careless handling in some packing houses of certain meat products, constituting an infinitesimal proportion of the entire product, and certain insanitary conditions affecting some workers in the meat-packing industries, with a view of securing or recommending an extension of Federal inspection, to place before the country in a manner calculated to magnify their contents, certain reports which themselves bear on their face the stamp of hypercritical criticism, if not, indeed, visionary bias.

Now that the matter is up to Congress, I have every confidence that it will be treated by the Committee on Agriculture, which is now considering it, and by this House with that calm, dispassionate judgment which the great importance of the matter warrants and demands. It pertains to and vitally affects vast industries. If the packing industries of the country were alone affected, their rights should demand our attention; but the great live-stock industries of the country are equally affected. They have already suffered and will suffer losses amounting to many millions by this agitation. There must be an extension of Federal inspection, more for the restoration of public confidence than because of any real necessity for it, providing local sanitary laws are enforced; but in providing for this extension of inspection its cost should be paid by the Government rather than laid upon the packers, who would unload it on the stock raisers.

Mr. HILL of Connecticut. Will the gentleman yield for a question?

Mr. MONDELL. Yes; although my time is limited.

Mr. HILL of Connecticut. Who pays for the inspection of the banks? Who pays for the inspection of oleomargarine? Who pays for the inspection of butter? Who pays for the inspection of the insurance companies——

Mr. MONDELL. Mr. Chairman, I did not yield to the gentleman to make a speech in the minute and a half I have remaining. The gentleman probably knows who pays for these inspections.

Mr. HILL of Connecticut. Yes, I do know; and I know who makes them, too.

Mr. MONDELL. But if the country demands a sanitary inspection of any industry the country should pay for it, and it should not be loaded upon a single industry, particularly an industry that can unload the burden upon the stock raisers of the country, who are in no way responsible for the hue and cry, the hysterical agitation that has been raised in regard to this matter.

In passing on the question of inspection the House should neither be disturbed nor affected in its judgment by thoughtless clamor for legislation beyond the power of Congress to enact or so drastic and complicated that it would in the end defeat the very purpose for which it is enacted.

Mr. SLAYDEN. Mr. Chairman, I will ask of the House the same consideration which was shown to the gentleman from Wyoming [Mr. MONDELL]. I ask the indulgence of the House for eight minutes while I discuss the question not pertinent to this bill.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that he may proceed for eight minutes upon a subject not germane to the bill.

Mr. TAWNEY. Mr. Chairman, I trust the gentleman from Texas may defer his remarks until we get further along. In a few minutes more we will complete the reading of the bill up to the Department of Justice, where we agreed this morning to return to those paragraphs passed over a few days ago, the registers and receivers of the Land Office and the Geological Survey. I do not want to give up all the time of the committee and I do not think it is fair to ask the committee to consent to it. I think the gentleman can well defer his remarks now and go on to-morrow.

The CHAIRMAN. Does the gentleman from Minnesota object?

Mr. TAWNEY. Yes.

The CHAIRMAN. The gentleman from Minnesota objects.

Mr. SLAYDEN. Mr. Chairman, I understand the gentleman is not willing to concede to me the same courtesy which was shown to the gentleman from Wyoming.

Mr. TAWNEY. Mr. Chairman, in view of the feeling on the part of the gentleman from Texas that I am discriminating in favor of a Member on this side of the Chamber, I will say that we have just concluded the reading of the bill relating to Soldiers' Homes, and at this point we will stop until to-morrow morning, and when the House goes into Committee of the Whole we will begin on the item reserved in respect to the registers and receivers. I will consent that the gentleman from Texas may have eight minutes this evening, because the gentleman from Massachusetts wants some time on the same subject of meat inspection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. MANN. Mr. Chairman, I wish to say, reserving the right to object, that I do not care what is done this evening, but I announce to the House that I am not willing for the House to get into a debate on some extraneous subject until after the pure-food bill is considered.

The CHAIRMAN. Does the gentleman from Illinois object?

Mr. MANN. No; I do not want to object to anything that may take place to-night, but I do not want anybody to get up to-morrow and claim time on the ground of what has taken place this afternoon.

Mr. CRUMPACKER. Mr. Chairman, I desire to suggest that if we get into a discussion of the meat question now it will follow the course of this bill, and we will not finish it for a week.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SLAYDEN. Mr. Chairman, as every Member of this House knows, the country has been seriously disturbed for several days past, and a great business interest has been upset and hurt by the report made by a special committee sent out, I believe, by the President, to report on the condition of the slaughterhouses in the city of Chicago. That report was sensational in its character and has commanded the attention of the universe. That it has been hurtful to values no man familiar with markets and those things which influence markets can for a moment deny. Whatever harm can be done by that report, however, has been done, and I trust, sir, we shall soon have a compensating amount of good come out of it.

I shall not undertake to inquire whether this reform might not have been brought about in a different manner, but the thought will intrude itself upon my mind that if there had been less beating of drums and less blare of trumpets, less yellow-journal methods in the preparation and publication of the report, the reform might have been equally as effective, less appalling to honest wealth, less disturbing to the business interests of the country, and with much less loss to the cattle growers. [Applause.]

I am not saying a word in defense of the packers. Whatever offense there is in this matter has come from them, and if all that is charged against them be true, laws should be found, or if they do not exist, laws should be made that will compel them to do justice by the consumers of this country. The people of the country pay good round prices for meat, and they are entitled to be get clean, wholesome food. My sympathy goes out in another direction, Mr. Chairman. There is another class of people that I am concerned for and greatly interested in. The packers can take care of themselves. Even if they have lost millions, when this agitation is over they will have millions remaining, and most of it sweated from the brows of the cattle owners, the ranchmen of this country, and the farmers. I say again the packers are not in any particular need of our sympathy.

The newspapers have brought us information of a steady decline in the value of cattle. Day after day my mail is overflowing with appeals from the cattle growers of my district, asking me to use what little influence I may have in inducing Congress to take speedy action. Why, sir, since the beginning of this speech, or to be more accurate, while the gentleman from Wyoming was talking, I am in receipt of a telegram signed by two dozen or more of the prominent citizens of one county in my district protesting vigorously against a continuance of the present intolerable conditions. Unless we are to have speedy relief a useful, honorable, and innocent class of

people—the cattle growers—will suffer losses from which they can only recover after years of uninterrupted prosperity.

The situation is disastrous for the people of the Southwest. Bankers and merchants who have advanced money upon cattle, apprehending that there will be a continued decline in the value of the commodity on which their money has been loaned, are pressing these cattlemen to put their supplies on the market, thus forcing the ranchman to compete with his own distress. To a market already depressed by this report we are to have added and superadded the depression which comes from a tremendous shipment of cattle, forced out by the call of these bankers and merchants for a prompt cancellation of their loans.

Mr. Chairman, as to the report, very sensational and serious things are charged in it, which the packers deny. Whether they be true or not is a matter that should be determined as quickly as possible, and I hope before it adjourns that this Congress will send a committee specially instructed to ascertain and report what are the facts in the case. The serious things that are charged by Neill and Reynolds have been largely denied by the packers. We must know, sir, in the interest of this great industry, whether these things are true or not. The paper this afternoon has a telegram from Chicago saying that twenty-nine governments have ordered their consuls to immediately undertake the investigation of conditions in the stock yards in Chicago, and any refusal of the beef trust to give the foreign government agents the information they seek will result in a report to their governments that "the beef trust has failed to disprove the charges," which will mean the barring of the Chicago stock yards' products from that country. Mr. Chairman, if it did not bar the ranch products of Texas, Wyoming, of Montana and Colorado, and of all the farms and ranches in the country, I would feel less concerned about it. But they are the people who after all will have to pay the shot in this instance. Something must be done and done promptly to restore the confidence of the consumers of meat or we will have a panic precipitated which will carry disaster into every avenue of business.

It has been suggested, Mr. Chairman, that the expense of any inspection that may be established shall be borne by a per capita charge on the cattle that are to be slaughtered. I want to protest in the name of the people whom I represent against what I conceive to be a gross injustice. [Applause.] And in this connection I want to submit to the gentleman from Connecticut [Mr. HILL] that the instances he has referred to should not be taken as a precedent. Less than five years ago this body, largely at his instance, passed a bit of legislation which in my judgment was the most unfair, the most selfish, the most sectional I have ever known. Congress levied a tax upon the cattle producers of the country in the interest of butter makers in a comparatively few States, and now to that injustice, which depreciated the value of the products of the ranches and farms, we are to have added the further obligation of compelling that particular industry to pay officers of the Government for the discharge of governmental functions.

If we are to have Federal inspection it will be by officers of the General Government, and the expense of the system ought to be paid by all the people. The packers have been charged with a great many misdeeds, but no one has yet seen fit to charge them with being fools. They knew how to handle their business in their own interest, and it can not be doubted for a moment that they will shift the burden of supporting the inspection on to the cattle growers. But such a charge should not be put on either the butchers or the people who sell the cattle. The inspectors will be public officers, and the charge for their support should be borne by the people whose officers they are. Some gentlemen say, "I believe the Secretary of Agriculture himself has indulged in this foolish talk—that if we do not support the system of inspection by a per capita tax on the cattle offered for slaughter the whole scheme will fail." Has it come to this that because we fear that some future Congress may fail to do its duty a special burden is to be put on the people who raise cattle? It would be an outrage which I refuse to believe can be seriously thought of.

I do not know how far we can go, under the restraints of the Constitution, in establishing this scheme of inspection. But I do know that something must be done, and quickly. Somewhere, either in the Federal Government or in that of the States or cities where this slaughtering is done, a power certainly exists which can protect the people against the indecencies complained of. And that is the remedy. We want that power invoked and the remedy applied at once. Every day that we let this thing drag is an unpardonable crime against the honest men who have heretofore been victims of the greed of the packers and are now to be made to pay a tax to control their crimes, if certain gentlemen are to have their way. It is time to put away this hysteria and to treat this unfortunate situation in a sane and rational way.

Legislation inspired by a novel and promoted by an essay on slaughterhouse filth is not apt to be either sane or rational, however much it may harmonize with the methods of an Administration which is, by choice, explosive and dramatic, rather than calm and fair.

I send to the Clerk's desk for insertion in the RECORD a few sample telegrams and letters which I have received, all asking for speedy action by Congress.

COMMERCIAL BANK OF BRADY,
Brady, Tex., June 8, 1906.

Hon. JAMES L. SLAYDEN,
Washington, D. C.

DEAR SIR: Inclosed you will find a petition from our citizens which is self-explanatory and voices the sentiment of the entire community. We also think that cost of inspection should be borne by the Government, and not saddled on the producer. We could get practically every man's signature in this country to this petition, but think these are sufficient to show how we feel. Thanking you for anything that you can do for us,

Yours, very truly, G. R. WHITE.

BRADY, MCCULLOCH COUNTY, TEX., *June 7, 1906.*

Hon. C. A. CULBERSON, Hon. J. W. BAILEY, and Hon. J. L. SLAYDEN.

GENTLEMEN: We, the undersigned citizens of McCulloch County, Tex., who are interested in breeding, feeding, and shipping cattle and hogs, request that you use your influence with the Secretary of Agriculture and Bureau of Animal Industry to get him to see that the Government inspection of domestic and foreign meats is thorough, and to make public announcement that such inspection is thorough.

G. R. White, F. M. Richards, J. H. White, C. W. Scott, W. N. White, C. T. White, B. L. Craddock, M. D., F. W. Henderson, J. G. Plummer, A. E. Ballow, John Rainbolt, J. S. Wall, J. T. Baker, J. F. Schaeg, W. L. Souther, W. W. Spiller, Thos. Bell.

SANDERSON, TEX., *June 10, 1906.*

Hon. JAMES L. SLAYDEN, *Washington, D. C.:*

Please have eliminated from Beveridge bill clause regarding packers paying expense of inspection. Distribute this among Members and Senators.

N. H. CORDER.
CHAS. DOWNIE.
A. G. ANDERSON.
H. J. PARKENHAM.

BRADY, TEX., *June 12, 1906.*

Hon. C. A. CULBERSON, *Washington, D. C.:*

We, the undersigned representative citizens of McCulloch County, Tex., request that you use your influence to have the clause eliminated from the Beveridge bill which specifies that packers shall be required to pay cost of inspection.

G. R. White, F. M. Richards, J. H. White, E. E. Polk, W. N. White, S. A. Benham, Thos. Bell, J. E. Bell, F. W. Henderson, W. T. Harris, Evan W. Harris, A. C. Baze, Tom Elliott, C. W. Scott, B. L. Craddock, R. A. King, J. T. Williams, John Savage, J. E. Thompson, C. C. Ledbetter, W. F. Dutton, W. T. Melton, M. Jones.

SAN ANTONIO, TEX., *June 9, 1906.*

Hon. JAMES L. SLAYDEN,
House of Representatives, Washington, D. C.

DEAR SIR: I fear that the investigation now going on will be very damaging to our beef industry. I hope you will use your influence to have the Secretary to announce as soon as possible that our inspection of beef is thorough in all the markets.

Thanking you for your many favors, and when I can be of service to you command me,

Yours, truly, R. R. RUSSELL, *Cattleman.*

Mr. AMES. Mr. Chairman, I ask for the same consideration of eight minutes which has been granted to the two gentlemen who have preceded me, for the purpose of addressing the committee on a subject also not germane to the bill.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for eight minutes on a subject not germane to the pending paragraph. Is there objection?

There was no objection.

Mr. AMES. Mr. Chairman, if the Emperor of Germany should issue a ukase to the effect that, after careful investigation, he had found that all the beet sugar of Germany has been and was being manufactured under atrociously insanitary conditions, what do you imagine would be the effect on the rest of the world, and what in particular do you suppose would be the effect on the German beet-sugar industry itself? We are now face to face with an entirely analogous situation in this country in respect to the slaughtering and packing industries, caused by the publication, by the Executive, of the Neill-Reynolds report and the supplementary report of the Department of Agriculture.

The great export trade in meat and meat products is not only paralyzed, as if by a lightning stroke, but also are we ourselves aghast at the magnitude and enormity of the outrages perpetrated in an arrogance of power that seems in the light of the present publicity to be nothing short of madness.

I have no sympathy whatever for the packers who deliberately

brought this storm of righteous indignation against their methods and upon themselves; but I have the greatest sympathy for the Executive, who, to rectify a crying evil, was forced, much against his desires and earnest appeal, to make public the report that he well knew would reap a whirlwind of horror and reproach for one of our greatest industries.

Had the packers believed or had they been willing or anxious to prove the charges forever untrue they would have welcomed—yes, aided—in the immediate adoption of the Beveridge bill. That bill passed the Senate without a dissenting voice. It meets with the approval of our Executive and of the people. It is now before the House in committee, and the packers, in the arrogance of their boasted strength, are now boldly and openly endeavoring to emasculate its most essential provisions.

The bill represents carefully considered and incessant labor of some three months by a leading member of the Senate, of collaboration with the Department of Agriculture, and at least a dozen revisions, with the sole end in view of securing to us and our families the same care and sanitation required in the preparation of food for foreigners and aliens. They also cry out that the bill was unconstitutional. With all due respect to my friend the Judge from Indiana, the bill is as constitutional as an appropriation bill for maintenance and support of either the Army or the Navy. If he has any real doubt about it, I would refer him to lines 3 and 4 of section 8 of Article I of the Constitution. To-day no one questions the constitutionality of the Federal law that denies the farmer the right to sell or the transportation of his milk, if it does not contain the requisite amount of butter fat. Then can one question our authority to provide that a farmer shall not sell or cause to be transported cattle or meat that has too large a percentage of tuberculosis or other germs?

In order to marshal some show of decency about their demands, in a vain effort to cover their everlasting disgrace and shame, they then seek to hide behind the cloak of disagreement between the House and the Senate; and in order to confound the President, and to discredit his investigations and report, by the apparent refusal of Congress to act thereon, they send word to all the farmers and cattle raisers, to the agricultural interests, that if they, too, would not suffer they must rally to the cause.

And the Committee on Agriculture, in answer to these hysterical demands, is attempting to modify and emasculate the Beveridge bill by providing that the Government shall pay the cost of inspection.

Not content with the shameless acquisition of countless fortunes from tainted sources, safe in their belief of their own immunity, arrogant in their escape from the processes of our courts, violators of our laws against illegal combinations, spreaders of the white plague, slaughterers of humanity—in order to save a paltry two millions—by threats of lowering the price of cattle they would drive their very victims to their own defense and risk, yes, bring ruin to every cattle raiser in the land. To provide that the Government should pay the cost of inspection would be to completely nullify the purpose of the bill. I say this advisedly, and in the belief that I can prove it to every unprejudiced person.

First, let me answer the assumption that the cost will not fall on the packers, but on the raisers.

To begin with, do you suppose for a minute that these philanthropic combiners would risk the delay, the agitation, and consequent loss in their own business affairs in order to save a few pennies to the producers?

Their able and surprisingly frank representative before the Agricultural Committee, Mr. Wilson, admitted that the cost would fall entirely upon the packers, and not upon the farmers.

And this becomes apparent the moment you consider that the packers can not, with any face, demand of the producer a reduction in the price of cattle because of the added cost of inspection to them; when the cost of such inspection to-day is but 3 cents a head, the estimated cost will be 5 cents a head, and 8 cents a head would be an outside figure, providing every convenience and care. Now, an animal will weigh some 1,200 pounds, and there is no practical way by which 8 cents can be distributed over 1,200 pounds in the purchase of an animal by weight.

But for the sake of the argument let us suppose that the meat trusts are risking their all to secure 8 cents a head to the poor farmer, and that the producer will lose in the end 8 cents per head. My contention is that to change the Senate amendment, with the purpose of relieving the packers of a pro rata cost of inspection and place that cost on the Government, will be but to emasculate the bill.

In this connection it would be well to call your attention to the well-proven strength of these immense interests in the halls of Congress, as evidenced by the present inspection law, and to the now most-evident fact of its utter and absolute inefficiency and insufficiency. Yet their proposition is to make a slight increase in the amount of money available for inspection as a cure-all for the evils and outrages perpetrated against humanity. The estimated annual cost at present of an adequate inspection will be about $1,800,000. We have appropriated for this purpose nearly $700,000. The proposition of the packers is that we should appropriate—in the very pressure of our indignation—some $2,000,000.

Assume, what may or may not be true, that this sum will provide inspection of all meat and meat products for the coming year. By next year the business will have grown and the sum would be insufficient—the following year still more insufficient. Now, while there is the greatest agitation on the subject they propose that we appropriate what from a conservative estimate would be absolutely necessary. Next year this agitation will have passed, the cost of inspection will be greater, and all the beef trust will have to do to secure an inspection of only such meat as it seems wise will be to block the appropriation.

There can be no one, within the sound of my voice, who does not appreciate that an adequate appropriation is the hardest of all things to secure; and how easy, in the interest of the beef trust, it would be possible to enlist the voice of the demagogue, the hue of the whole minority party, the cry of the interested around the banner of economy.

It was only a few days ago when one single isolated iconoclast, in the face of the apparent wishes of not only the whole of the Republican majority, but also the opposition to the voice and desires of his own party, stopped the appropriation for such a worthy and necessary object as the payment of the traveling expenses of the President of the United States.

Then, how easy to render absortive a proper inspection and regulation of an interest so vital to us all, if we leave the cost of inspection to the insufficient appropriation, from which we are now suffering and have been suffering in the past.

There is still another most important phase to this proposition. Under whip of public opinion, the larger packers would probably be held up to a fairly high standard; but what are we going to do with the thousand and one small operators that multiply with the increase of our population, and for which no sum that Congress would be willing to appropriate could or would provide inspectors.

No one will doubt that hereafter a slaughter or a packing house that can not furnish with its products a governmental clean bill of health will have to go out of business. I, for one, will not vote for a measure that would so strengthen the hold of the beef trust.

If the trusts alone are inspected and vigorously held to proper standards, then the diseased and noxious cattle and hogs will quickly find their way alive to the uninspected abattoirs. It would seem necessary, therefore, that all slaughter and packing houses be rigidly inspected.

If the cost of inspection be charged pro rata, then the cost of inspection in the large plants would not actually cost as much as the charge pro rated, while in the smaller plants the actual cost would be much larger than the pro rated cost. This, to me, would seem to be the only expedient way. I see in yesterday's morning papers that the President is claimed by the representatives of the packers to have given his tacit consent to proposed changes in the Beveridge bill, relieving the packers of the cost of inspection. This I have found to be unqualifiedly denied. We are agreed that a great wrong has been perpetrated upon humanity; that a great hardship has, rightly or wrongly, been placed on large and varied industrial and agricultural interests; we are agreed that all meats should be properly inspected, and that the wrong done and damage caused can be remedied none too quickly. Then cease trying to emasculate the Beveridge bill, and in the justice of right and equity and power, in the interest of the struggling, toiling humanity, of men overweak from incessant labor, of the women and children of to-day, and in the memory of the countless throng that passed away of a yesterday, in the clutch of the great white plague, insist upon a complete and rigidly enforced inspection by making the packers pay the cost thereof.

Mr. FULKERSON rose.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise. Does the gentleman from Missouri wish——

Mr. FULKERSON. Mr. Chairman, I want to take exception to the closing paragraph of the statement of the gentlemen from Massachusetts, to the effect that the present examination of meat products by the Government is insufficient. I want to deny that statement in toto in so far as the packing houses at St. Joseph, Mo., are concerned. At our stock yards Government ante-mortem inspection and in all our packing houses Govern-

ment post-mortem inspection is strict, adequate, complete, and most effective. Inspection has thus been carried on there for years, and no complaint has ever been made against our meat products of any kind. I was reared on the farm, and I have there officiated at many hog-killings myself. I have many times gone through and carefully examined our packing plants and closely inspected their methods of slaughter and manner of handling meats and meat products, and I want to say that so far as the cleanliness, healthfulness, and wholesomeness of the products—the food products—of the St. Joseph packing houses is concerned, they are par excellent, and can not be surpassed either on the farm or in any other packing plants in the world. Our packing houses are some of them brand new, and all of them comparatively new. They are modern in every particular, and no pains or expense has been spared in their construction, equipment, and maintenance. No complaint should be made against our plants, the employees, the methods, or the products on the ground that they are insanitary or unwholesome, for such is not the case. Government inspectors are on the ground all the time to inspect the animals as they arrive in the yards. Animals diseased or unfit for human food are there weeded out and not allowed to even enter the packing houses. Later each carcass must undergo the strictest post-mortem inspection, and such carcasses as are condemned by the Government inspectors are sent to tanks to be converted into fertilizer. And this is done under the eye and orders of competent inspectors sent there by this Government.

The fact that the packing houses of one city have been accused of careless or unclean methods in the handling of meat products, or the fact that some of the buildings of that city are alleged to be unsanitary, should not be allowed to bring all the other packing houses of the country—and there are hundreds of others—under the condemnation that is being heaped upon the supposed guilty.

It is against that theory that I here and now protest. Merit to whom merit is due. I do not defend the guilty, if any there be, but I seek to protect the innocent. I am a great meat eater myself, and hence I am interested in knowing that the meat that comes to my table is clean and wholesome. To satisfy myself on this point I have time and again visited these packing plants at St. Joseph and examined them critically, and I know as well as I know anything that their food products, in the can or out of the can, the beef, pork, mutton, and every food product manufactured there is clean, healthful, and wholesome in all respects.

Now, this great outcry against packing houses in general is unjust and unwarranted by the facts. [Applause.]

The CHAIRMAN. The gentleman from Minnesota moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19844—the sundry civil appropriation bill—and had come to no resolution thereon.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Mr. WANGER. Mr. Speaker, I desire to file the conference report on Senate bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service, and to impose further duties thereon, with the accompanying statement, that the matter may be printed in the RECORD under the rule.

The SPEAKER. The gentleman from Pennsylvania reports conference report and statement for printing under the rule.

The Chair announces the following appointment:

The Clerk read as follows:

Regent of the Smithsonian Institution: Mr. DALZELL, to take the place of Mr. Adams, deceased.

PERSONAL REQUEST.

By unanimous consent, Mr. WEEKS was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Harriet S. Ripley, Fifty-eighth Congress, no adverse report having been made thereon.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that when the House adjourn to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. R. 1160. An act granting an increase of pension to Eliza Swords;

H. R. 17982. An act to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone lines across said reservation;

H. R. 4478. An act to amend section 64 of the bankruptcy act; and

H. J. Res. 172. Joint resolution to supply a deficiency in an appropriation for the postal service.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5143. An act granting an increase of pension to Eugene V. McKnight;

S. 5085. An act granting an increase of pension to Ellen Donovan;

S. 5065. An act granting an increase of pension to Charles Jackson;

S. 5056. An act granting a pension to Alexander Plotts;

S. 5731. An act granting an increase of pension to James McTwiggan;

S. 5032. An act granting an increase of pension to Daisy C. Stuyvesant;

S. 5022. An act granting an increase of pension to Henry S. Olney;

S. 4937. An act granting an increase of pension to John Reece;

S. 4910. An act granting an increase of pension to William Wright;

S. 4887. An act granting an increase of pension to Calvin C. Hussey;

S. 4879. An act granting an increase of pension to Mary E. Baker;

S. 4811. An act granting a pension to Mae Spaulding;

S. 4790. An act granting an increase of pension to Edward W. Smith;

S. 4784. An act granting an increase of pension to Lemuel Cross;

S. 4770. An act granting an increase of pension to Edward Hart;

S. 4719. An act granting an increase of pension to John Joines;

S. 4585. An act granting an increase of pension to Mary A. Counts;

S. 4497. An act granting an increase of pension to Augustus McDowell;

S. 4492. An act granting an increase of pension to George W. Fletcher;

S. 4458. An act granting an increase of pension to Andrew P. Quist;

S. 4379. An act granting an increase of pension to Roy E. Knight;

S. 4372. An act granting an increase of pension to Emily P. Hubbard;

S. 4346. An act granting an increase of pension to William E. Holloway;

S. 4205. An act granting an increase of pension to George Warner;

S. 4173. An act granting an increase of pension to Catherine E. Smith;

S. 4171. An act granting an increase of pension to Joseph Bovee;

S. 4133. An act granting an increase of pension to George Brewster;

S. 4092. An act granting an increase of pension to John Smith;

S. 3818. An act granting an increase of pension to David B. Johnson;

S. 3904. An act granting an increase of pension to George J. Thomas;

S. 3814. An act granting an increase of pension to John Giffin;

S. 3750. An act granting an increase of pension to Wilber F. Flint;

S. 3728. An act granting an increase of pension to William H. Winans;

S. 3697. An act granting an increase of pension to Sarah A. Petherbridge;

S. 3684. An act granting an increase of pension to George W. Hyde;

S. 5583. An act granting an increase of pension to Foster L. Banister;

S. 5855. An act granting an increase of pension to Blanche Badger;
S. 5700. An act granting an increase of pension to Stacy B. Warford;
S. 5742. An act granting an increase of pension to James A. Bryant;
S. 5708. An act granting an increase of pension to Nathalia Boeple;
S. 5728. An act granting an increase of pension to Emery Wyman;
S. 6063. An act granting an increase of pension to Frances A. Sullivan;
S. 6039. An act granting an increase of pension to George Gardener;
S. 6034. An act granting an increase of pension to William A. Hopper, alias Cuff Watson;
S. 5758. An act granting an increase of pension to Joshua J. Clark;
S. 6024. An act granting an increase of pension to Franklin B. Beach;
S. 5969. An act granting an increase of pension to Franklin Burdick;
S. 5966. An act granting an increase of pension to Christopher C. Davis;
S. 5949. An act granting an increase of pension to George F. White;
S. 5948. An act granting an increase of pension to Samuel B. Rice;
S. 5932. An act granting an increase of pension to Elijah R. Merriman;
S. 5928. An act granting an increase of pension to Patrick Gaffney;
S. 5902. An act granting an increase of pension to George W. Webster;
S. 5557. An act granting an increase of pension to Henry Clay Sloan;
S. 5808. An act granting an increase of pension to Washington Brockman;
S. 5801. An act granting an increase of pension to Andrew Jackson Paris;
S. 5803. An act granting an increase of pension to William H. Meadows;
S. 5791. An act granting an increase of pension to Margaret Simpson;
S. 5442. An act granting a pension to Francis E. Taylor;
S. 5790. An act granting an increase of pension to Jehial P. Hammond;
S. 5786. An act granting an increase of pension to Mary J. Ivey;
S. 5785. An act granting an increase of pension to Joseph W. Doughty;
S. 5784. An act granting an increase of pension to Mahala F. Campbell;
S. 5256. An act granting an increase of pension to John Johnson;
S. 5169. An act granting an increase of pension to James A. Price;
S. 5290. An act granting an increase of pension to James Ramsey;
S. 5783. An act granting a pension to Florence H. Godfrey;
S. 5340. An act granting an increase of pension to Laura Hentig;
S. 5775. An act granting an increase of pension to Harvey M. Traver;
S. 5772. An act granting an increase of pension to Thomas H. Harris;
S. 5767. An act granting an increase of pension to Thomas D. Welch;
S. 5834. An act granting an increase of pension to Charles F. Sheldon;
S. 5501. An act granting an increase of pension to Jacob L. Kline;
S. 5765. An act granting an increase of pension to Theodore F. Montgomery;
S. 5326. An act granting an increase of pension to Annie A. West;
S. 5844. An act granting an increase of pension to John Keys;
S. 5158. An act granting an increase of pension to Andrew J. Fosdick;
S. 5809. An act granting an increase of pension to Hannah C. Church;
S. 5152. An act granting an increase of pension to Holaway W. Kinney;
S. 5559. An act granting an increase of pension to Ann H. Crofton;
S. 6240. An act granting an increase of pension to John G. Fonda;
S. 3629. An act granting an increase of pension to William Hibbs;
S. 3487. An act granting an increase of pension to Joseph Fuller;
S. 3486. An act granting an increase of pension to Edward D. Wescott;
S. 3270. An act granting an increase of pension to William H. Richardson;
S. 3261. An act granting an increase of pension to Charles B. Towne;
S. 3649. An act granting a pension to Sarah Agnes Sullivan; and
S. 3553. An act granting an increase of pension to William Oliver.

SENATE BILLS REFERRED.

Under clause 2, of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated:

S. 6167. An act to improve the channels along the New Jersey seacoast—to the Committee on Rivers and Harbors.

S. 6109. An act authorizing the reappointment of midshipmen recently dismissed from the Naval Academy for hazing—to the Committee on Naval Affairs.

S. 6375. An act granting lands in the former Uintah Indian Reservation to the corporation of the Episcopal Church in Utah—to the Committee on the Public Lands.

LANDING, DELIVERY, ETC., OF SPONGES.

Mr. HINSHAW. Mr. Speaker, I move the adoption of the conference report on the bill (S. 4806) to regulate the landing, delivery, cure, and sale of sponges.

The SPEAKER. The Clerk will report the conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 4806, "An act to regulate the landing, delivery, cure, and sale of sponges," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to same with an amendment as follows:

In the second line of the language proposed to be inserted strike out the word "sponge" and insert "sponges taken from said waters," so that the amendment will read:

"*And provided further*, That no sponges taken from said waters shall be landed, delivered, cured, or offered for sale at any port or place in the United States of a smaller size than four inches in diameter."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House on page 1, line 3, striking out the words "the passage of this act," and inserting "May first, anno Domini nineteen hundred and seven;" and agree to the same.

E. H. HINSHAW,
THOS. SPIGHT,
WILLIAM W. WILSON,
Managers on the part of the House.

S. M. CULLOM,
H. C. LODGE,
A. O. BACON,
Managers on the part of the Senate.

The question was taken; and the conference report was agreed to.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 41 minutes p. m.) the House adjourned to meet at 11 o'clock a. m. to-morrow.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for payment of damages to private property by gun firing—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 280) to provide a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island, reported the same without amendment, accompanied by a report (No. 4916); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20070) to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn., reported the same without amendment, accompanied by a report (No. 4917); which said bill and report were referred to the House Calendar.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16548) to provide for a judicial review of orders excluding persons from the use of United States mail facilities, reported the same without amendment, accompanied by a report (No. 4919); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McLACHLAN: A bill (H. R. 20151) authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, California, to the city of Los Angeles, Cal.—to the Committee on the Public Lands.

By Mr. BROOKS of Colorado: A bill (H. R. 20152) to validate certain applications for soldiers' additional homestead rights—to the Committee on the Public Lands.

By Mr. SHERMAN: A bill (H. R. 20153) providing for the issuance of mileage tickets by railroads engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIGGS: A resolution (H. Res. 578) amending Rule X of the standing rules of the House—to the Committee on Rules.

By Mr. WADSWORTH: A joint resolution (H. J. Res. 174) limiting the gratuitous distribution of the "Rules and Specifications for Grading Lumber Adopted by the Various Lumber Manufacturing Associations of the United States" to the Senate, to the House of Representatives, and the Department of Agriculture—to the Committee on Patents.

By Mr. OLMSTED: A concurrent resolution (H. Con. Res. 33) providing for the printing of 5,000 copies of Senate Document No. 280 of the Fifty-seventh Congress—to the Committee on Printing.

By Mr. JENKINS: A resolution (H. Res. 576) to pay J. C. Stewart a certain sum of money—to the Committee on Accounts.

By Mr. BATES: A resolution (H. Res. 579) to continue the employment of the janitor to the Committee on Coinage, Weights, and Measures, etc.—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 20154) granting an increase of pension to George H. Dyer—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 20155) granting an increase of pension to Frank L. Weiss—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 20156) granting a pension to James H. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20157) granting a pension to H. Clay Stone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20158) granting an increase of pension to Martha Huston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20159) granting an increase of pension to Henry Drake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20160) granting an increase of pension to George W. Nethercutt—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 20161) granting an increase of pension to Mathew L. Richmond—to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 20162) for the relief of the heirs of David W. Swisher, deceased—to the Committee on War Claims.

By Mr. FORDNEY: A bill (H. R. 20163) granting an increase of pension to Benjamin B. Ream—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 20164) granting a pension to John Devine—to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 20165) for the relief of Marcus Stevens—to the Committee on War Claims.

By Mr. PATTERSON of North Carolina: A bill (H. R. 20166) granting an increase of pension to Sarah Salmon—to the Committee on Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 20167) granting a pension to James H. Hoback—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 20168) for the relief of F. Krant, of Leon Springs, Tex.—to the Committee on Claims.

Also, a bill (H. R. 20169) for the relief of Margaret Neutze, of Leon Springs, Tex.—to the Committee on Claims.

By Mr. SOUTHARD: A bill (H. R. 20170) granting an increase of pension to Matthias Mannes—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 20171) granting an increase of pension to Charles H. Miller—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Monongahela Valley Central Trades Council, Charleroi, Pa., for bills H. R. 18752 and H. R. 11651—to the Committee on the Judiciary.

Also, petition of Chamber of Commerce, Pittsburg, Pa., for appropriation for the testing of fuels—to the Committee on Appropriations.

By Mr. BENNETT of Kentucky: Papers to accompany bills for relief of Henry Drake, James H. Carter, Martha Huston, George W. Nethercutt, and H. Clay Stone—to the Committee on Invalid Pensions.

By Mr. BURNETT: Petition of Alabama Steel and Wire Company, against the eight-hour bill—to the Committee on Rules.

By Mr. FLETCHER: Petition of Prof. Cyrus Northrup, University of Minnesota, and many others, for the Foster bill, relative to admission of certain classes of Chinese—to the Committee on Foreign Affairs.

Also, petition of Minnesota State Organization of Builders' Exchanges, against the eight-hour bill—to the Committee on Rules.

By Mr. FORDNEY: Petition of citizens of Tuscola County, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GROSVENOR: Letters and telegrams protesting against passage of eight-hour bill from the following cities: York, Pa.; Cleveland, Ohio; St. Paul, Minn.; Philadelphia, Pa.; Fostoria, Ohio, Worcester, Mass.; and Rome, N. Y.—to the Committee on Rules.

Also, petition of New York business men and manufacturers from New York, Boston, Detroit, Charlotte, N. C., and Cleveland, Ohio, against the eight-hour law—to the Committee on Rules.

By Mr. HAYES: Paper to accompany bill for relief of Mary E. Austin—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Paper to accompany bill for relief of Luman Vanhoosen—to the Committee on Invalid Pensions.

By Mr. LAFEAN: Petition of Manufacturers' Association of York, Pa., against passage of eight-hour law—to the Committee on Rules.

By Mr. LEVER: Petition of City Federation of Trades, Columbia, S. C., for passage of anti-injunction bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of National Woman's Christian Temperance Union, for prohibition of alcoholic liquors in Nation Soldiers' Homes—to the Committee on Alcoholic Liquor Traffic.

By Mr. OLMSTED: Petition of women of Cumberland County, Pa., for investigation of conditions in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of Louis Holt—to the Committee on Military Affairs.

Also, petition of Thomas E. Goodwin et al., against the anti-pass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. REYNOLDS: Paper to accompany bill for relief of Stacy Moon—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Peter Gibbin—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of Marcus Stevens—to the Committee on War Claims.

By Mr. ROBERTS: Petition of Alfred Noon, Eugene T. Endicott, A. C. Douse, and H. B. Hastings, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SULZER: Petition of international committee of Young Men's Christian Association, New York, that they may be the beneficiaries of any exceptional considerations that may be made in rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Illinois State Medical Society, for passage of bill increasing efficiency of the Army—to the Committee on Military Affairs.

By Mr. ZENOR: Papers to accompany bill (H. R. 20041) granting an increase of pension to James Allen—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *June 13, 1906.*

Prayer by Rev. CHARLES CUTHBERT HALL, D. D., of the city of New York.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ISSUE OF NOTES OF SMALL DENOMINATIONS.

Mr. BACON. Mr. President, I submit a memorial from the bankers' associations of Georgia and Florida, in joint session at Atlanta. Before I move its reference I desire to say a word. I ask that it be read.

The VICE-PRESIDENT. Without objection, the Secretary will read the memorial.

The Secretary read as follows:

ATLANTA, GA., *June 11, 1906.*

To the UNITED STATES SENATE,
Washington, D. C.:

Whereas there is great necessity for prompt and immediate legislation authorizing a much larger issue of one, two, and five dollar bills than is now in circulation: Therefore, be it

Resolved by the joint session of the Georgia and Florida bankers' associations, That the Senate is hereby earnestly memorialized to pass during its present session House bill No. 13566.

L. P. HILLYER,
Secretary Georgia Bankers' Association.
GEO. R. DESSONSSURE,
Secretary Florida Bankers' Association.

The VICE-PRESIDENT. Is there objection to the Senator from Georgia submitting remarks on the memorial? The Chair hears none.

Mr. BACON. Mr. President, I will occupy a very few minutes.

I desire to state that the memorial grows out of an application which I recently made to the Treasury Department for the furnishing of small bank bills to banks in Southern States. In response to my application to the Treasury Department, I was informed that under the present law it is impossible for the Department to furnish to the country the needed amount of bills in small denominations, the reason being that under the law gold certificates can only be issued in denominations of not less than $20, and national banks are restricted in their issue of bills of the denomination of $5 to one-third of the amount of their issue.

The Department called my attention to the fact that a bill was then pending in the House which removed both the restrictions, which would allow gold certificates to be issued in denominations of ten and five dollars and removing the restriction upon banks in regard to the proportion of five-dollar bills which they were allowed to issue.

The statement was made to me in the Treasury Department that this bill should be passed by Congress—it has since passed the House—and that if it should become a law, by its passage in the Senate and its approval by the President, the supply of notes of ten and five dollars denomination in gold certificates and in national-bank notes would be such that the Department could then cancel the silver certificates of five-dollar denomination and issue one and two dollar silver certificates in their place.

The important fact, Mr. President, which justifies me in calling the attention of the Senate especially to the matter at this time is the statement that even heretofore the need of the country for bills of this denomination during the harvest season has been insufficient; that in the growing and developing business of the country it is found to be quite insufficient at this season of the year, and that unless this relief is given by Congress at this time there will be very great embarrassment during the coming fall when the crops are being moved.

In response to my request, the Assistant Secretary of the Treasury, Mr. Keep, with whom I had the conversation, put what he then had to say in writing, and I ask that the letter which he has written to me on this subject may now be read. I see some members of the Finance Committee present, and I desire to ask their special attention to the letter. I hope that it may be found consistent with their view of the interests of the country to give early consideration to this matter and bring it to the attention of the Senate. The passage of the bill by the House is referred to in the letter.

The VICE-PRESIDENT. Without objection, the Secretary will read the letter.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, June 4, 1906.

MY DEAR SIR: I return you herewith the letter of Mr. L. P. Hillyer, secretary of the Georgia Bankers' Association, and the letter of Mr. Parsons, assistant cashier of the Chemical National Bank of New York, both relating to a scarcity of small bills.

The inability of the Treasury Department to supply the number of small bills needed for the business of the country is most embarrassing at the present time. This is a season of the year when ordinarily we are able to meet all demands for small notes, and in view of our inability to do so now we have reason to anticipate greater difficulties in the fall, when the movement of the crops always increases the demand for small notes.

For six years past the Treasury has been operating under the provisions of the act of March 14, 1900, and during this period the volume of notes of the denomination of $10 and under has been increased by nearly $190,000,000, through a process of redeeming and canceling notes of larger denominations and issuing in their stead smaller ones. In making changes of this character under existing laws, the limit was practically reached at the close of the last fiscal year, and the attention of Congress was invited to this condition in the annual reports of the Secretary of the Treasury and of the Treasurer of the United States. On the 1st of the present month the outstanding notes of the denomination of $20 and over which, when presented for redemption, could be reissued in small denominations was as follows:

United States notes	$62,000,000
Treasury notes of 1890	2,000,000
Silver certificates	14,000,000
Total	78,000,000

These notes come in very slowly, doubtless because they are held in bank reserves and in packages of currency which have remained in bank vaults for a number of years without disturbance.

Under existing law gold certificates can not be issued under the denomination of $20, and, except for the very small amount of free silver dollars in the Treasury, which are being used gradually for the issue of silver certificates of the denominations of one, two, and five dollars, to meet the daily demands of the subtreasury offices and afford some relief to the needs of business, the Treasury is limited, in its daily issue of small notes, to the unfit currency of small denominations which comes in for exchange into new bills. Any bank, sending direct to the Department at Washington notes of small denominations, can obtain new notes of the same kind and denominations as those sent in. This can not always be done at the subtreasuries, as those officers are quite unable to meet the demands made upon them for small notes, and can only pay out new silver certificates to the extent the Department at Washington is able to supply them.

A bill has passed the House of Representatives, and is now pending in the Senate, to permit the issue of gold certificates of the denominations of five and ten dollars, and to remove the present restriction which limits each national bank in the issue of five-dollar national bank notes to one-third of its outstanding circulation. The passage of this bill would enable a considerable quantity of the outstanding five-dollar silver certificates to be converted into ones and twos, and their places to be supplied with gold certificates and national-bank notes.

Should this bill not become a law at the present session, inconvenience will result, but the national banks themselves can relieve the situation to some extent by issuing as large a proportion of their circulation in five-dollar denomination as the existing statute permits. This would so greatly increase the number of five-dollar national-bank notes as to permit the conversion of not less than $50,000,000 of five-dollar silver certificates into ones and twos.

The free shipment of standard silver dollars from the Treasury to banks applying for the same would not remedy the situation in any degree. A particular bank which is able to circulate silver dollars in this locality might thus have its needs supplied, but every silver dollar shipped from the Treasury reduces the number of silver certificates which the Treasury can issue.

Respectfully, yours

C. H. KEEP,
Assistant Secretary.

Hon. A. O. BACON,
United States Senate.

Mr. BACON. I move that the memorial and accompanying papers be referred to the Committee on Finance.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had

agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

S. 4250. An act to further enlarge the powers and authority of the Public Health and Marine-Hospital Service, and to impose further duties thereon; and

S. 4806. An act to regulate the landing, delivery, cure, and sale of sponges.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURTIS, Mr. BOUTELL, and Mr. CLARK of Missouri managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MONDELL, Mr. REEDER, and Mr. SMITH of Texas managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COUSINS, Mr. CHARLES B. LANDIS, and Mr. FLOOD managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

S. 3261. An act granting an increase of pension to Charles B. Towne;

S. 3270. An act granting an increase of pension to William H. Richardson;

S. 3486. An act granting an increase of pension to Edwin D. Wescott;

S. 3487. An act granting an increase of pension to Joseph Fuller;

S. 3553. An act granting an increase of pension to William Oliver;

S. 3629. An act granting an increase of pension to William Hibbs;

S. 3649. An act granting a pension to Sarah Agnes Sullivan;

S. 3684. An act granting an increase of pension to George W. Hyde;

S. 3697. An act granting an increase of pension to Sarah A. Petherbridge;

S. 3728. An act granting an increase of pension to William H. Winans;

S. 3750. An act granting an increase of pension to Wilbur F. Flint;

S. 3814. An act granting an increase of pension to John Giffen;

S. 3818. An act granting an increase of pension to David B. Johnson;

S. 3904. An act granting an increase of pension to George J. Thomas;

S. 4092. An act granting an increase of pension to John Smith;

S. 4133. An act granting an increase of pension to George Brewster;

S. 4171. An act granting an increase of pension to Joseph Bovee;

S. 4173. An act granting an increase of pension to Catharine E. Smith;

S. 4205. An act granting an increase of pension to George Warner;

S. 4346. An act granting an increase of pension to William E. Holloway;

S. 4372. An act granting an increase of pension to Emily P. Hubbard;

S. 4379. An act granting an increase of pension to Roy E. Knight;

S. 4458. An act granting an increase of pension to Andrew P. Quist;

S. 4492. An act granting an increase of pension to George W. Fletcher;

S. 4497. An act granting an increase of pension to Augustus McDowell;

S. 4585. An act granting an increase of pension to Mary A. Counts;

S. 4719. An act granting an increase of pension to John Joines;

S. 4770. An act granting an increase of pension to Edward Hart;

S. 4784. An act granting an increase of pension to Lemuel Cross;

S. 4790. An act granting an increase of pension to Edward W. Smith;

S. 4811. An act granting a pension to Mae Spaulding;

S. 4879. An act granting an increase of pension to Mary E. Baker;

S. 4887. An act granting an increase of pension to Calvin C. Hussey;

S. 4910. An act granting an increase of pension to William Wright;

S. 4937. An act granting an increase of pension to John Reece;

S. 5022. An act granting an increase of pension to Henry S. Olney;

S. 5032. An act granting an increase of pension to Daisy C. Stuyvesant;

S. 5056. An act granting a pension to Alexander Plotts;

S. 5065. An act granting an increase of pension to Charles Jackson;

S. 5085. An act granting an increase of pension to Ellen Donovan;

S. 5143. An act granting an increase of pension to Eugene V. McKnight;

S. 5152. An act granting an increase of pension to Holaway W. Kinney;

S. 5158. An act granting an increase of pension to Andrew J. Fosdick;

S. 5169. An act granting an increase of pension to James A. Price;

S. 5256. An act granting an increase of pension to John Johnson;

S. 5290. An act granting an increase of pension to James Ramsey;

S. 5326. An act granting an increase of pension to Annie A. West;

S. 5340. An act granting an increase of pension to Laura Hentig;

S. 5442. An act granting a pension to Frances E. Taylor;

S. 5501. An act granting an increase of pension to Jacob L. Kline;

S. 5557. An act granting an increase of pension to Henry Clay Sloan;

S. 5559. An act granting an increase of pension to Ann H. Crofton;

S. 5583. An act granting an increase of pension to Foster L. Banister;

S. 5700. An act granting an increase of pension to Stacy B. Warford;

S. 5708. An act granting an increase of pension to Nathalia Boepple;

S. 5728. An act granting an increase of pension to Emery Wyman;

S. 5731. An act granting an increase of pension to James McTwiggan;

S. 5742. An act granting an increase of pension to James A. Bryant;

S. 5758. An act granting an increase of pension to Joshua J. Clark;

S. 5765. An act granting an increase of pension to Theodore F. Montgomery;

S. 5767. An act granting an increase of pension to Thomas D. Welch;

S. 5772. An act granting an increase of pension to Thomas M. Harris;

S. 5775. An act granting an increase of pension to Harvey M. Traver;

S. 5783. An act granting a pension to Florence H. Godfrey;

S. 5784. An act granting an increase of pension to Mahala F. Campbell;

S. 5785. An act granting an increase of pension to Joseph W. Doughty;

S. 5786. An act granting an increase of pension to Mary J. Ivey;

S. 5790. An act granting an increase of pension to Jehial P. Hammond;

S. 5791. An act granting an increase of pension to Margaret Simpson;

S. 5801. An act granting an increase of pension to Andrew Jackson Paris;

S. 5803. An act granting an increase of pension to William H. Meadows;

S. 5808. An act granting an increase of pension to Washington Brockman;

S. 5809. An act granting an increase of pension to Hannah C. Church;

S. 5834. An act granting an increase of pension to Charles F. Sheldon;

S. 5844. An act granting an increase of pension to John Keys;

S. 5855. An act granting an increase of pension to Blanche Badger;

S. 5902. An act granting an increase of pension to George W. Webster;

S. 5928. An act granting an increase of pension to Patrick Gaffney;

S. 5932. An act granting an increase of pension to Elijah R. Merriman;

S. 5948. An act granting an increase of pension to Samuel B. Rice;

S. 5949. An act granting an increase of pension to George F. White;

S. 5966. An act granting an increase of pension to Christopher C. Davis;

S. 5969. An act granting an increase of pension to Franklin Burdick;

S. 6024. An act granting an increase of pension to Franklin B. Beach;

S. 6034. An act granting an increase of pension to William A. Hopper, alias Cuff Watson;

S. 6039. An act granting an increase of pension to George Gardner;

S. 6063. An act granting an increase of pension to Frances A. Sullivan;

S. 6240. An act granting an increase of pension to John G. Fonda;

H. R. 1160. An act granting an increase of pension to Eliza Swords;

H. R. 4478. An act to amend section 64 of the bankruptcy act;

H. R. 17982. An act to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone lines across said reservation; and

H. J. Res. 172. Joint resolution to supply a deficiency in an appropriation for the postal service.

MEMORIAL.

Mr. PLATT presented a memorial of Telegram Lodge, No. 144, Switchmen's Union of North America, of Elmira, N. Y., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

THOMAS P. MATTHEWS.

Mr. DANIEL presented sundry papers to accompany the bill (S. 6422) for the relief of the heirs of Thomas P. Matthews; which were referred to the Committee on Claims.

ROLL OF EX-SOLDIERS OF THE CIVIL WAR.

Mr. TELLER. I ask unanimous consent to have certain papers printed in connection with Senate bill 2162. It is a bill providing for the roll of the ex-soldiers of the civil war, and I ask to have the papers printed as a document.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Colorado that the papers submitted by him shall be printed as a document?

Mr. GALLINGER. Did I understand the Senator to say that it is a roll of the soldiers of the civil war recently made up?

Mr. TELLER. No; it contains several different papers, but it is in connection with the bill to establish that roll.

Mr. GALLINGER. Oh! Exactly.

Mr. TELLER. There is nothing objectionable in it. It was handed to me by a very distinguished officer of the United States Army.

Mr. GALLINGER. I assume that there is nothing objectionable in it. I simply wanted to know what it was.

The VICE-PRESIDENT. Without objection, the papers will be printed as a document.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service and to impose further duties thereon, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with the following amendments:

In line 6, section 1, page 1, strike out the word "seacoast" and insert in lieu thereof the words "coast line;" and the House agree to the same.

In line 13, section 1, page 1, strike out the word "seacoast" and insert in lieu thereof the words "coast line;" and the House agree to the same.

In lines 1 and 2, section 1, page 2, strike out the words "having on board any person with yellow fever and;" and the House agree to the same.

In line 4, section 5, page 6, after the word "purposes," insert the words "and the quarantine stations established by authority of this act shall, when so established, be used to prevent the introduction of all quarantinable diseases;" and the House agree to the same.

In lines 10 and 11, section 6, page 6, strike out the words "or any permanent structures or improvements be made or maintained thereon;" and the House agree to the same.

Strike out all of section 7; and the House agree to the same.

In line 10, section 8, page 7, after the word "fever," insert the words "and other quarantinable diseases;" and the House agree to the same.

In line 12, section 8, page 7, after the word "eradicating," strike out the word "it" and insert in lieu thereof the word "them;" and the House agree to the same.

In line 12, section 8, page 7, after the word "should," strike out the word "it" and insert in lieu thereof the word "they;" and the House agree to the same.

In line 13, section 8, page 7, after the word "preventing," strike out the word "its" and insert in lieu thereof the word "their;" and the House agree to the same.

In line 14, section 8, page 7, after the word "destroying," strike out the words "its cause" and insert in lieu thereof the words "their causes;" and the House agree to the same.

JOHN C. SPOONER,
FRANK B. BRANDEGEE,
S. R. MALLORY,
Managers on the part of the Senate.

W. P. HEPBURN,
IRVING P. WANGER,
C. L. BARTLETT,
Managers on the part of the House.

The report was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments and agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. CULLOM, and Mr. TELLER as the conferees on the part of the Senate.

CITY OF LOS ANGELES, CAL.

Mr. FLINT. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 6443) authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, Cal., to the city of Los Angeles, Cal., to report it favorably with an amendment, and I submit a report thereon. I ask unanimous consent for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Public Lands was, to add at the end of the bill the following additional proviso:

And provided further, That in the event that the Secretary of the Interior shall abandon the project known as the "Owens River project," for the irrigation of lands in Inyo County, Cal., under the act of June 17, 1902, the city of Los Angeles, in said State, is to pay to the Secretary of the Interior, for the account of the reclamation fund established by said act, the amount expended for preliminary surveys, ex-

aminations, and river measurements, not exceeding $14,000, and in consideration of said payment the said city of Los Angeles is to have the benefit of the use of the maps and field notes resulting from said surveys, examinations, and river measurements and the preference right to acquire at any time within three years from the approval of this act all lands now reserved by the United States under the terms of said act for reservoir or dam sites in connection with said project, upon filing with the register and receiver of the land office in the land district where said reservoir or dam sites are situated a map showing the lands desired to be acquired and upon the payment of $1.25 per acre to the receiver of said land office title to said land so reserved and filed on shall vest in said city of Los Angeles, and such title shall be and remain in said city only for the purposes aforesaid and shall revert to the United States in the event of the abandonment thereof for the purposes aforesaid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANN THOMPSON.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 4899) granting an increase of pension to Ann Thompson, to report it favorably with an amendment.

Mr. GALLINGER. That is a bill which was misplaced, and I ask that it be now considered. It was introduced long ago.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann Thompson, widow of Samuel Thompson, late of Captains Evans and Aiken's companies, New Hampshire Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. LONG.

Mr. McCUMBER. From the Committee on Pensions I report back without amendment the bill (S. 6301) granting an increase of pension to William C. Long.

Mr. LONG. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Long, late of Company I, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4880) granting a pension to Emma K. Tourgee; and

A bill (S. 6359) granting an increase of pension to F. D. Garnsey.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5042) granting an increase of pension to Josephine S. Jones;

A bill (S. 5104) granting a pension to Ellen Bernard Lee;

A bill (S. 6367) granting an increase of pension to Joseph Johnston; and

A bill (S. 6381) granting an increase of pension to John McDonough.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 4366) granting an increase of pension to Henry B. Willhelmy, reported it without amendment, and submitted a report thereon.

He also (for Mr. SCOTT), from the same committee, to whom was referred the bill (H. R. 1143) granting an increase of pension to Ephraim D. Achey, reported it without amendment, and submitted a report thereon.

He also (for Mr. BURNHAM), from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 19670) granting a pension to Maria Rogers;

A bill (H. R. 2789) granting an increase of pension to Merrill Johnson; and

A bill (H. R. 2772) granting an increase of pension to Eli Cero.

Mr. McCUMBER (for Mr. PATTERSON), from the Committee on Pensions, to whom was referred the bill (H. R. 15856) granting a pension to Gordon A. Thurber, reported it without amendment, and submitted a report thereon.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 850) making appropriation to pay to the legal representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Public Lands, to whom was referred the bill (H. R. 18668) ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington, reported it without amendment, and submitted a report thereon.

Mr. BEVERIDGE. I am directed by the Committee on Territories, to whom was referred the bill (H. R. 11787) ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School at Alva, in Oklahoma Territory, passed by the legislative assembly of Oklahoma Territory, and approved the 15th day of March, 1905, to report it favorably without amendment, and I submit a report thereon.

Mr. LONG. I ask unanimous consent for the present consideration of the bill.

Mr. MORGAN. I object.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar.

Mr. GEARIN, from the Committee on Claims, to whom was referred the bill (H. R. 3459) for the relief of John W. Williams, reported it without amendment, and submitted a report thereon.

WATER RESERVOIRS AT DURANGO, COLO.

Mr. HANSBROUGH. I am authorized by the Committee on Public Lands, to whom were referred the amendments of the House of Representatives to the bill (S. 2188) granting to the city of Durango in the State of Colorado certain lands therein described for water reservoirs, to report back the bill and amendments and to move that the Senate disagree to the amendments of the House, and request a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. CARTER, Mr. FLINT, and Mr. PATTERSON as the conferees on the part of the Senate.

REFERENCE OF CLAIMS TO COURT OF CLAIMS.

Mr. FULTON, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims of the trustees of the Methodist Episcopal Church of Webster, W. Va. (S. 105); Methodist Episcopal Church South, of St. Albans, W. Va. (S. 106); Presbyterian Church of French Creek, W. Va. (S. 107); Baptist Church of Fayette County, W. Va. (S. 108); Presbyterian Church of Somerset, Ky. (S. 387); First Presbyterian Church of Harrodsburg, Ky. (S. 388); Baptist Church of Princeton, Ky. (S. 390); Downings Methodist Episcopal Church South, of Oak Hall, Va. (S. 718); First Baptist Church, of Mansfield, La. (S. 858); Methodist Episcopal Church South, of Phoenix, Miss. (S. 1005); trustees of Massaponax Baptist Church, of Massaponax, Va. (S. 1190); Grace Episcopal Church, of Berryville, Va. (S. 1192); Board of Commissioners of Judah Touro Almshouse, New Orleans, La. (S. 1219); trustees of the Methodist Episcopal Church South, of Barboursville, W. Va. (S. 1311); trustees of Methodist Episcopal Church South, Charleston, W. Va. (S. 1312); trustees of Methodist Episcopal Church South, of Boothsville, W. Va. (S. 1313); trustees of Zion Protestant Episcopal Church, of Charleston, W. Va. (S. 1314); trustees of the Methodist Episcopal Church, of Bunker Hill, W. Va. (S. 1315); trustees of the Presbyterian Church, of Springfield, W. Va. (S. 1316); trustees of the Methodist Episcopal Church South, of Petersburg, W. Va. (S. 1317); trustees of the Methodist Episcopal Church South, of Flatwoods, W. Va. (S. 1318); Primitive Baptist Church, of Pelham, Tenn. (S. 1383); trustees of Hennegan's Chapel, Methodist Episcopal Church South, Dunlap, Tenn. (S. 1387); trustees of Pleasant Grove Baptist Church, of Ringgold, Ga. (S. 1871); trustees of the African Methodist Episcopal Church, of Washington County, Md. (S. 2118); trustees of the German Reformed Church, of Boonsboro, Md. (S. 2126); vestry of St. Paul's Protestant Episcopal Church, situated near Point of Rocks, Md. (S. 2129); trustees of the Methodist Episcopal Church, of Keyser, formerly New Creek, W. Va. (S. 2231); trustees of the Presbyterian Church, of Franklin, Tenn. (S. 2298); Methodist Protestant Church, Lynchburg, Va. (S. 2361); trustees of Barea Christian Church, of Spottsylvania, Va. (S. 2362); trustees of the Methodist Episcopal Church, of Warrenton, Mo. (S. 2490); trustees of the Christian Church, of Sturgeon, Mo. (S. 2491); trustees of the Christian Church, of Marshall, Mo. (S. 2492); trustees of Trinity Episcopal Church, of Marshall, Va. (S. 2587);

trustees of the Methodist Episcopal Church South, Centerville, Va. (S. 2588); trustees of Forest Hill Methodist Episcopal Church, of Dumfries, Va. (S. 2589); trustees of the Methodist Episcopal Church South, Deep Creek, Va. (S. 2590); trustees of Andrew Chapel, Methodist Episcopal Church South, Fairfax County, Va. (S. 2591); trustees of Lee Chapel, Methodist Episcopal Church South, Fairfax County, Va. (S. 2592); trustees of the Sons of Temperance, Portsmouth, Va. (S. 2593); trustees of the Macedonia Methodist Episcopal Church, of Stafford County, Va. (S. 2594); Society of the United Brethren in Christ, Tyrone, Pa. (S. 2637); trustees of the Christian Church, of Crab Orchard, Ky. (S. 2830); Church of Christ, of La Vergne, Tenn. (S. 2967); wardens and vestry of Grace Church, Charleston, S. C. (S. 3007); Church of the Cross, St. Luke's Parish, Bluffton, S. C. (S. 3008); Trinity Church, on Edisto Island, South Carolina (S. 3009); Church of the Holy Trinity, Grahamville, S. C. (S. 3010); trustees of Enhan Baptist Church, of Grahamville, S. C. (S. 3011); Protestant Episcopal Church of the parish of Charleston, S. C. (S. 3012); Stony Creek Presbyterian Church, McPhersonville, S. C. (S. 3013); trustees of Black Swamp Baptist Church, Robertville, S. C. (S. 3014); French Protestant Church, at Charleston, S. C. (S. 3015); Winyah Lodge, No. 40, Ancient Free and Accepted Masons, South Carolina (S. 3016); wardens and vestry of St. Helena Episcopal Church, of Beaufort, S. C. (S. 3017); trustees of Baptist Church of Beaufort, S. C. (S. 3018); Sheldon Episcopal Church, of Prince William Parish, South Carolina (S. 3021); Methodist Episcopal Church of Bellefonte, Jackson County, Ala. (S. 3066); trustees of Baptist Church, of Harrisonville, Mo. (S. 3304); trustees of the Christian Church, of Harrisonville, Mo. (S. 3305); Presbyterian Church, of Huntsville, Ala.; trustees of the Methodist Church South, of Decatur, Ala.; trustees of Cumberland Presbyterian Church, of Athens, Limestone County, Ala.; trustees of the Cumberland Presbyterian Church, of Larkinsville, Ala.; trustees of Lebanon Methodist Episcopal Church South, near Whitesburg, Madison County, Ala.; trustees of the Cumberland Presbyterian Church, at New Garden Camp Ground, Limestone County, Ala.; trustees of the Cumberland Presbyterian Church, of Pleasant Springs, Ala.; trustees of Missionary Baptist Church, of Gravelly Springs, Ala.; trustees of First Baptist Church, of Decatur, Ala.; trustees of Harmony Methodist Church, of Limestone, Ala.; trustees of the Presbyterian Church of Decatur, Ala.; trustees of the Methodist Episcopal Church South, of Bellefonte, Ala.; trustees of the Cumberland Presbyterian Church, of Bellefonte, Ala.; trustees of the Walnut Grove Cumberland Presbyterian Church, of Madison County, Ala.; trustees of the Chestnut Grove Church, of Morgan County, Ala.; trustees of La Grange College, of Colbert County, Ala.; trustees of North Alabama College, Huntsville, Ala.; Masonic Lodge of Tuscumbia, Colbert County, Ala.; Florence Masonic Lodge, of Florence, Ala.; Bollivar Lodge of Free and Accepted Masons, of Stevenson, Ala.; Decatur Lodge, No. 52, Independent Order of Odd Fellows, of Decatur, Ala. (twenty-one cases) (S. 6393); trustees of the Cumberland Presbyterian Church, of Russellville, Ky. (S. 3440); congregation of the Christian Church of Acworth, Ga. (S. 3560); trustees of the Missionary Baptist Church, of Powder Springs, Ga. (S. 3561); trustees of the Methodist Episcopal Church South, of Powder Springs, Ga. (S. 3562); Corporation of Roman Catholic Clergymen, of Maryland (S. 3661); Cumberland Presbyterian Church, of Granville, Tenn. (S. 3826); trustees of the Methodist Episcopal Church South, of Franklin, Tenn. (S. 3828); Cumberland Presbyterian Church, of Waverly, Tenn. (S. 3962); vestry of the Church of Messiah Protestant Episcopal Church, of St. Marys, Ga. (S. 3976); trustees of the Methodist Episcopal Church South, of Mount Crawford, Va. (S. 4022); trustees of the Downing Methodist Episcopal Church South, of Oak Hall, Accomac County, Va. (S. 4023); trustees of Court Street Baptist Church, of Portsmouth, Va. (S. 4024); trustees of the Union Church, Toms Brook, Va. (S. 4025); First Baptist Church, of Newbern, N. C. (S. 4117); trustees of the Methodist Episcopal Church of Falls Church, Va. (S. 4217); trustees of Langley Methodist Episcopal Church, of Langley, Fairfax County, Va. (S. 4218); Mount Zion Church, of Williamson County, Tenn. (S. 4241); Presbyterian Church of Linnville, Giles County, Tenn. (S. 4242); trustees of the Methodist Episcopal Church South, of Glennville, W. Va. (S. 4380); Boiling Fork Baptist Church, Cowan, Tenn. (S. 4417); Methodist Episcopal Church South, of Beaufort, Carteret County, N. C. (S. 4602); St. Luke's Protestant Episcopal Church, Marianna, Fla. (S. 4662); trustees of the Church of Christ, Bledsoe County, Tenn. (S. 4706); Jerusalem Evangelical Lutheran Church, of Ebenezer, Ga. (S. 4729); Christian Church of Atlanta, Ga. (S. 4920); Roman Catholic Church of Jacksonville, Fla. (S. 4980); trustees of Three Mile Creek Church of Christ, Barnwell County, S. C. (S. 5232); vestry of St. Peter's Church, of New Kent County, Va. (S. 5404); trustees of Fredericksburg Lodge, No. 4, Ancient Free and Accepted Masons (Virginia) (S. 5407); trustees of the Town School House of Onancock, Accomac County, Va. (S. 5408); trustees of Calvary Protestant Episcopal Church, of Front Royal, Va. (S. 5495); vestry of Falls Church, in Falls Church, Va. (S. 5518); trustees of Pisgah Presbyterian Church, of Somerset, Ky. (S. 5568); Mountain Creek Baptist Church, of Hamilton County, Tenn. (S. 5678); Walnut Grove Church, of Gibson County, Tenn. (S. 5712); trustees of the Christian Church of Savannah, Mo. (S. 5714); Hood Swamp Baptist Church and the Union Baptist Association (North Carolina) (S. 5743); Board of Education of Harpers Ferry district, Jefferson County, W. Va. (S. 5819); Cleveland Masonic Lodge, No. 134, Cleveland, Tenn. (S. 5847); trustees of Eudora Baptist Church, of White Station, Tenn. (S. 5849); trustees of Kent Street Presbyterian Church, of Winchester, W. Va. (S. 5894); trustees of Leavenworth Female College, of Petersburg, Va. (S. 5897); trustees of the College of Beaufort, of Beaufort, S. C. (S. 5914); St. Paul Reformed Church, of Woodstock, Va. (S. 5918); St. John's Episcopal Church, of Charleston, W. Va. (S. 6009); trustees of Ebenezer Methodist Episcopal Church South, of Hampton County, S. C. (S. 6072); trustees of the Baptist Church of Hardeeville, S. C. (S. 6073); Madison Female Institute, Richmond, Ky. (S. 6088); trustees of the Methodist Church of Bunker Hill, formerly Mill Creek, W. Va. (S. 6100); trustees of Loudon Street Presbyterian Church, Winchester, Va. (S. 6178); trustees of Mount Crawford (Va.) Methodist Episcopal Church (S. 6179); trustees of the Methodist Episcopal Church South, of Williamsburg, Va. (S. 6180); trustees of the Methodist Episcopal Church of Brighton, S. C. (S. 6212); trustees of Cumberland Presbyterian Church, of Mulberry, Crawford County, Ark. (S. 6282); Shiloh Presbyterian Church, Calhoun, Tenn. (S. 6296); trustees of the Chickamauga Missionary Baptist Church, Hamilton County, Tenn. (S. 6297); trustees of Presbyterian Church, Keyser, formerly New Creek, W. Va. (S. 6316); trustees of the Methodist Episcopal Church South, of Huntsville, Ala. (S. 6345); Methodist Episcopal Church South, of Ringgold, Ga. (S. 6373); Third Presbyterian Church of New Orleans, La. (S. 6392), and Hiwassee Masonic Lodge, No. 188, Calhoun, Tenn. (S. 6400), now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the "Tucker Act." And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. STONE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6449) for the relief of the trustees of the Presbyterian Church of Macon, Mo.; and

A bill (S. 6450) for the relief of the trustees of the Methodist Episcopal Church of Macon, Mo.

Mr. NELSON introduced a bill (S. 6451) to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River flowing over the dams between St. Paul and Minneapolis, Minn.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CLAPP introduced a bill (S. 6452) to amend an act entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," by defining the boundaries of the forest reserve, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GEARIN introduced a bill (S. 6453) to relinquish the interest of the United States to the west half of section 36, township 9 south, range 5 east, Willamette meridian, situate in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PENROSE introduced a bill (S. 6454) to correct the military record of Isaac Addis; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. MALLORY submitted an amendment proposing to appropriate $3,679.19 to pay the heirs of Joseph Sierra, deceased, late collector of customs at Pensacola, Fla., and proposing to appropriate $900 to pay the heirs of Fernando J. Moreno, deceased, late United States marshal for the southern district of Florida, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. NELSON submitted an amendment relative to cadets and officers of the Revenue-Cutter Service, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PANAMA RAILROAD COMPANY, ETC.

Mr. MORGAN submitted the following resolution, which was read:

Resolved by the Senate, That the Committee on Interoceanic Canals is directed to inquire, with all reasonable diligence, and to report by bill or otherwise—

First. Whether it is necessary and is consistent with public policy and proper economy that the business and property of the Panama Railroad should continue to be held or conducted under and in accordance with the charter of the Panama Railroad Company enacted by the legislature of the State of New York, and should remain under the legislative or other control of that State; or whether the control of said railroad and of all property held or controlled in its name, or in connection with it, should be placed under the jurisdiction and control and in the possession of the Isthmian Canal Commission, or other lawful authority in the Panama Canal Zone subject to the authority of Congress.

Second. Whether the Government of the United States should assume the outstanding debts and obligations of the Panama Railroad Company, and what provision should be made for their liquidation or payment.

Third. Whether the Government of the United States has any and what right to stock in the New Panama Canal Company that was issued to the Government of Colombia to the amount of 5,000,000 francs, or to any dividends or payments due on such stock from any funds in the treasury of said canal company.

Fourth. Whether the persons claiming to be members of the board of directors of the Panama Railroad Company hold such places as directors by any lawful tenure or authority; and if they are not so entitled, whether their appointment as such directors should be sanctioned by the approval of Congress.

Mr. MORGAN. Mr. President, I ask for the present consideration of the resolution. It is a mere resolution of inquiry, instructing the committee to make certain inquiries about matters that are very important to be inquired into and acted upon as speedily, I think, as possible.

The VICE-PRESIDENT. The Senator from Alabama asks unanimous consent for the present consideration of the resolution just read. Is there objection?

Mr. HOPKINS. I did not hear the resolution read. I should like to hear it read before consenting to its consideration.

The VICE-PRESIDENT. The Secretary will again read the resolution at the request of the Senator from Illinois.

The Secretary again read the resolution.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Alabama for the present consideration of the resolution?

Mr. HOPKINS. In the absence of the chairman of the committee, I feel like asking to have the resolution go over until to-morrow morning.

The VICE-PRESIDENT. Under objection, the resolution will lie over.

HARRIET P. SANDERS.

Mr. MCCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9813) granting a pension to Harriet P. Sanders, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment and accept the same, and that the bill be amended as follows: In line 6 strike out the word "Hariet" and insert in lieu thereof the word "Harriet."

Amend the title so as to read: "A bill granting a pension to Harriet P. Sanders.

P. J. MCCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

SAMUEL W. SMITH,
CHARLES E. FULLER,
JNO. A. KELIHER,
Managers on the part of the House.

The report was agreed to.

REGULATION AND SALE OF SPONGES.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 4806, "An act to regulate the landing, delivery, cure, and sale of sponges," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In the second line of the language proposed to be inserted strike out the word "sponge" and insert "sponges taken from said waters," so that the amendment will read:

"*And provided further*, That no sponges taken from said waters shall be landed, delivered, cured, or offered for sale at any port or place in the United States of a smaller size than four inches in diameter."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House on page 1, line 3, striking out the words "the passage of this act," and inserting "May first, anno Domini, nineteen hundred and seven;" and agree to the same.

S. M. CULLOM,
H. C. LODGE,
A. O. BACON,
Managers on the part of the Senate.

E. H. HINSHAW,
THOS. SPIGHT,
Managers on the part of the House.

The report was agreed to.

ENTRY OF LANDS UNDER RECLAMATION ACT.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ANKENY. I move that the Senate insist on its amendments and agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. ANKENY, Mr. CARTER, and Mr. DUBOIS as the conferees on the part of the Senate.

ADDITIONAL COLLECTION DISTRICT IN TEXAS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. Mr. President, I move that the Senate insist upon its amendments disagreed to by the House of Representatives, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. ELKINS, Mr. HOPKINS, and Mr. CLAY as the conferees on the part of the Senate.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. KNOX. I ask the Senate to proceed to the consideration of House bill 14396.

The VICE-PRESIDENT. Under the unanimous-consent agreement the bill is in order, and the Chair lays it before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

The VICE-PRESIDENT. The first amendment reported by the Committee on Commerce will be stated.

The first amendment reported by the Committee on Commerce was, on page 2, section 1, line 2, after the word "seal," to strike out "receive and acquire, by purchase or otherwise, real and personal property and rights of property, and may hold, use, lease, sell, mortgage, encumber, charge, pledge, grant, assign, and convey the same, and generally have and exercise all the powers usually granted to and vested in corporations of the United States of America, and especially full powers to carry out the purposes of this act" and to insert:

And the said corporation shall have and possess full power and authority to construct, equip, maintain, and operate the canals with appurtenances hereinafter described, and with power to take, receive, acquire, purchase, hold, use, lease, sell, mortgage, encumber, charge, pledge, grant, assign, and convey all such real and personal property and rights of property as may be requisite and needed in and about the construction, equipment, maintenance, and operation of said canals or anything appertaining thereto. Said corporation is hereby vested with full and complete power to pledge, encumber, and mortgage any or all of its property and franchises for the purpose of raising, obtaining, and securing such funds or moneys as may be needed for the construction, equipment, maintenance, and operation of said canals or anything appertaining thereto. Said corporation is also vested with all such further and additional powers as may be necessary to carry out the purposes of this act.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. BACON. Is that the first amendment, Mr. President?

The VICE-PRESIDENT. It is the first amendment.

Mr. CULBERSON. Mr. President, just for a moment; by the courtesy of the Senator from Georgia [Mr. BACON], I suggest to the Senator from Pennsylvania [Mr. KNOX] that the last three lines of this amendment seem to me to be entirely too broad.

Mr. PENROSE. Mr. President, I hope we may have order. We can not hear what the Senator from Texas is saying on this side of the Chamber.

The VICE-PRESIDENT. The Senator from Texas will suspend until the Senate is in order. [A pause.] The Senator from Texas.

Mr. CULBERSON. I was suggesting to the Senator from Pennsylvania [Mr. KNOX], who has this bill in charge, that the last three lines of the committee amendment on page 2, lines 23, 24, and 25, it seems to me, ought to be stricken out, because the objects of the corporation and the purposes for which the corporation is to be created are fully stated in the bill. Then to declare generally that, in addition to the specific purposes for which it is created, it "is also vested with all such further and additional powers as may be necessary to carry out the purposes of this act" is entirely too broad and liberal a provision to be inserted in an act for the creation of a corporation of this character. I simply call the attention of the Senator in charge of the bill to it, to see if he does not agree with that suggestion, and to see if it can not be remedied to that extent without debate.

Mr. KNOX. Mr. President, in response to the suggestion of the Senator from Texas [Mr. CULBERSON], I will take this opportunity of saying that, while I called this bill up, I am not in charge of the bill in the sense that I have any control over it. I am not a member of the committee which reported the bill. The bill was reported by the senior Senator from Minnesota [Mr. NELSON], who, on account of engagements, asked me to

call it up and present it to the Senate. Therefore I am in no position authoritatively to commit the committee, but I have no objection whatever to answering the question, so far as I am personally concerned.

While the provision to which the Senator from Texas refers is not unusual and must be construed in the light of specific provisions contained in the bill, personally I see no objection to striking it out, because I do not think it either expands or limits—certainly it does not limit or expand the power that is being specifically conferred.

Mr. NELSON. Mr. President, I was interrupted by the conversation around me and did not catch the suggestion or criticism made by the Senator from Texas, and I should be glad to have him state it again.

Mr. CULBERSON. The suggestion, Mr. President, was simply that the specific purposes for which the corporation is to be created are fully stated in the bill, and that I see no reason to complicate the matter by adding a general declaration that the corporation shall have all other powers necessary to carry out the purposes of the corporation, because, in my judgment, differing from the Senator from Pennsylvania [Mr. KNOX], I believe the effect would be to enlarge rather than limit the purposes of the corporation to those expressly given.

Mr. NELSON. What are the particular words in the bill to which the Senator objects?

Mr. CULBERSON. The last sentence at the bottom of page 2.

Mr. NELSON. Mr. President, I do not think those words are material. They do not enlarge the scope of the bill; and as the Senator objects to them, I shall make no objection to striking those words out, for I do not think that would militate against the main object of the bill.

The VICE-PRESIDENT. The amendment suggested by the Senator from Texas [Mr. CULBERSON] to the amendment of the committee will be stated.

The SECRETARY. It is proposed to amend the committee amendment on page 2, section 1, line 23, after the word "thereto," by striking out:

> Said corporation is also vested with all such further and additional powers as may be necessary to carry out the purposes of this act.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. Without objection, the amendment as amended will be considered as agreed to.

Mr. BACON. I hope that will not be done.

The VICE-PRESIDENT. Then the question will be on agreeing to the committee amendment as amended.

Mr. TELLER. Mr. President, yesterday I hastily made some objections to this bill. I had not then read it; but since then I have read it, and I find that the committee which has had the bill in charge has endeavored to remove some of the objections that certainly existed against it as it came from the other House.

I object to the bill, Mr. President, on general principles. I do not believe that there is any necessity in this case why the Government of the United States should attempt to give a charter to this canal company. I am not going to deny that there can be a case suggested in which the General Government might issue such a charter. It is possible for the Government to do so for certain purposes, but there is no necessity for it in this case.

I suppose this bill will become a law, and I do not know but the bill is as well guarded as it is possible to guard a bill of this character. I understand that section 9 is to be amended, or was amended, perhaps, yesterday before my attention was called to it and I raised an objection to it.

Mr. NELSON. I will say to the Senator from Colorado, if he will allow me to interrupt him——

Mr. TELLER. Certainly.

Mr. NELSON. That at the proper time I shall move an amendment to meet the objection which was raised by the Senator from Texas [Mr. CULBERSON] to section 9.

Mr. TELLER. It would perhaps be a good deal easier to determine what my objection to this bill is if I knew what the amendment intended to be proposed by the Senator from Minnesota would be. Will the Senator offer his amendment now?

Mr. NELSON. I will do so as soon as we reach that point. It would be a little out of order now. I will state, however, that my amendment will be, when we reach that section, after the word "regulate," in line 13, on page 6, to insert the words "as to interstate and foreign commerce;" so that it will read:

> Congress hereby reserves the right to regulate, as to interstate and foreign commerce, the tolls, fares, and rates to be charged by said company for the use of said canals.

That limits it distinctly to interstate and foreign commerce. I propose to amend, also, after the word "all," in line 15, by inserting the words "interstate and foreign;" so as to read:

> And the said company and the said canals and all interstate and foreign transportation thereon shall be subject to all the provisions of an act entitled "An act to regulate commerce," etc.

That limits that paragraph strictly to interstate and foreign commerce, and leaves the States with full power to regulate as to local traffic.

Mr. TELLER. Mr. President, that removes one objection which I had to the bill. When I came into the Senate Chamber yesterday afternoon the Senator from Pennsylvania [Mr. KNOX] was just closing his remarks on the bill, and the Senator from Texas [Mr. CULBERSON] was asking him some questions. I repeat, the amendment suggested by the Senator from Minnesota removes that objection.

I should like to ask the Senator who has the bill more particularly in his charge, and who is informed as to the character of changes from the House bill, whether under this bill the State of Ohio and the State of Pennsylvania will be authorized to tax this property as property, or whether it will be held to be property that is not to be taxed?

Mr. NELSON. I think there is nothing in the bill that would prevent that. That is my understanding.

I will say to the Senator from Colorado that he probably has observed that the committee carefully considered the bill and reported amendments to keep the bill within proper bounds, so as to safeguard the rights of the States in every particular as far as was necessary; and I think the Senator will discover as we proceed with the consideration of the committee amendments that we have amply protected the States in that respect.

Mr. TELLER. Mr. President, that is a matter which, I suppose, the Representatives of the States of Pennsylvania and Ohio ought to have more concern about than I, except that I do not wish to have the precedent established that the Government can charter a canal, a railroad, or any other means of transportation, and relieve it from State taxation and State control so far as interstate commerce is concerned.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. TELLER. Certainly.

Mr. KNOX. I merely wish to ask the Senator from Colorado if he has observed the provision in the twenty-second section, on the last page of the bill?

Mr. TELLER. Yes; I have observed that. I will simply say, however, that if I had drawn that provision I should have drawn it a little more positively, and provided that the States reserve the right to tax even against the Government of the United States.

Mr. PENROSE. Mr. President, I will state, for the information of the Senator from Colorado, that, in the opinion of the committee and of the gentlemen making application for this legislation, there is nothing to prevent either the State of Ohio or the State of Pennsylvania from taxing the franchises and property of this corporation and exercising all the sovereign prerogatives of sovereign States in connection therewith.

Mr. TELLER. Mr. President, I do not myself believe that Congress can charter a corporation of this kind and exempt its property from taxation. There is—I can hardly call it dicta—an expression by the Supreme Court which would seem to sustain that view as to what it could do in a certain case. I will admit that the General Government can exempt certain things from taxation—the property of the United States, for instance—and I do not know but Congress could, in certain cases, organize a company to perform some services for the Government direct, where it might possibly exempt it from taxation, but I deny that it can properly do it in a case of this kind.

I want to deny the right of the General Government at any time to create a mere commercial agency for the transportation of property under the interstate-commerce provision or any other provision of the Constitution and exempt it from taxation.

Mr. SPOONER. Does the Senator think the States could tax the franchise of a corporation created by the General Government to operate a canal as contradistinguished from its physical property?

Mr. TELLER. Mr. President, that is not a question that I care to enter upon just now.

Mr. BACON. I will state to the Senator that the Supreme Court of the United States have decided explicitly that they can not tax it.

Mr. TELLER. That is not the question I was discussing. There is a very great difference between taxing the franchise and taxing the property.

Mr. SPOONER. I had reference to the statement of the senior Senator from Pennsylvania as to what his opinion was.

Mr. TELLER. Mr. President, if this were an original question, I would say to the Senator from Wisconsin, if I had been authorized to determine that question, that I should not hesitate to say when the Government of the United States created an organization they could tax that organization in any way they saw fit if they were not prohibited from doing so by the rights of the States. If it were a pure corporation in the District of Columbia, I think they might and ought to tax its franchise. I think a State ought to be allowed to impose a franchise tax if it sees fit.

But I am not raising that question. I believe when this bill is properly construed the property of the canal corporation will be subject to taxation by the State of Pennsylvania as to such parts as are within Pennsylvania, and by the State of Ohio as to such parts as are within that State. If the Government has any right to charter this corporation at all, it is because it is in the interest of the promotion of interstate commerce. That I am not going to deny. But I think in this case they have gone further. This proposed canal will go from one State into another——

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him a moment?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. TELLER. Yes; I do.

Mr. NELSON. The proposed canal is to connect the waters of the Ohio with Lake Erie. When that connection is made, boats can pass from Duluth, Minn., through Lake Superior, clear down into the Ohio River. It perfects and completes an interstate water course extending from the headwaters of Lake Superior clear to the Gulf of Mexico. If it were only to connect the waters of the State of Ohio with the waters of the State of Pennsylvania, it would be a small matter, but it affects more than twenty-five different States and the commerce of more than twenty-five States.

Mr. TELLER. Mr. President, I fully understand that; but the principle is the same whether it connects the waters of one State with another State or with the waters of several other States. I am not questioning the right of the Government of the United States to charter an agency of interstate commerce, but I do question whether this bill does not go beyond that when it provides for lateral branches in the State of Ohio.

The proposed canal, I think, is an important canal, and I am not going to contend that it is not. It is one that I will be glad to see built, if it is built in a proper manner and under proper restrictions. I do not think, however, that that is the place to connect the Great Lakes with the canal. I think the canal should commence in the neighborhood of the city of Chicago and extend down to the Illinois River, thence flowing into the Mississippi River, and so to the Gulf. Some day I hope that may be done, though it will require, undoubtedly, the assistance of the General Government.

All I want is to have it established, if I can, that this bill is not to create a precedent that will enable some one to turn up here some day and say, "You did this in the case of the Lake Erie and Ohio River ship canal, and thereby have established a precedent by which the Government will practically take control of the commerce of the States by corporations of its creation."

So far as my political feelings and my ideas about these matters have always gone, I am a nationalist in the broadest sense of the term. I believe in the National Government. I believe that every function that can be discharged by the National Government should be discharged in the fullest possible manner, where there is not any limitation or restriction upon it; but when it comes to questions of this kind, then I believe the States are, in the first instance, supreme, and that the great business of this country must be done under the control and direction of the States and not under the nation.

The Government of the United States was given power to regulate commerce not simply between the people of two neighboring States, but between all the States, and between all the States and foreign countries. I believe that the people of the States of Washington, Oregon, Nevada, and the west coast are, as I believe the people of New England are, better acquainted with their needs and wants and better prepared to discharge their duties in respect to those needs and wants than are the whole people of the United States. I want simply to maintain the relation that has always existed heretofore between the States and the General Government. That is all. I want to enter a protest, so far as anything in this bill will mean more than that.

There are some things in the bill which, if I had an opportunity, I could have tried to have eliminated. For instance, I notice a provision that has been put in the bill since it came to the Senate that no water can be taken from the Niagara River. We have had before us a bill to prevent citizens of the State of New York from taking water out of the Niagara River at Niagara Falls. Just so far as the taking of the water out of the Niagara River may interfere with navigation, the Government of the United States has a voice in the matter, but absolutely none otherwise. The Niagara River is not, except in one part of it, a navigable river, and water may be taken out of it without interfering with navigation. This proposed canal company ought to have the right, if they can do it without interfering with navigation, to take water out of that river; and the Government of the United States has neither the right nor the power, in my judgment, to interdict such action unless it would interfere with the navigable character of that stream.

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. TELLER. Certainly.

Mr. MONEY. I simply want to remind the Senator from Colorado that the Niagara River is a boundary stream, and the question of water flow must be settled by treaty arrangement with Great Britain.

Mr. TELLER. I do not care to go into that discussion, except to say that by international law we are allowed to exercise all the powers over our part of the stream we would have if the whole stream were in the United States. We can take water out of it or we can sail on it if we choose. That matter, Mr. President, has been settled by a great many controversies, and there is ample authority for that statement. If the Senator will look at the opinion rendered some years ago by Mr. Harmon, the Attorney-General, he will find a very exhaustive exposition as to the rights of border countries on the rivers which separate them.

Mr. MONEY. Mr. President, if the Senator will permit me to interrupt him again—I have no desire to interfere with him—this matter is now before the Senate in a report from the Committee on Foreign Relations and a proposed treaty with Great Britain which undertakes to settle the question. That treaty is now on the Executive Calendar of the Senate and will settle that whole question. The report refers to all the authorities which the Senator has cited and with which he is very familiar.

Mr. TELLER. Mr. President, I am quite aware of that. I am quite aware that there is a treaty here pending. I have not had time to give it close examination, but I am free to say, from what I know of it, that it is a treaty that never ought to have been negotiated and never ought to be ratified by the United States Government. I will say that if it is in the open Senate. We are called upon in that treaty to make concessions that the law of nations does not require us to make. However, that has nothing to do with this question.

Mr. President, I do not wish to be considered as an opponent of this or any other canal. I would like to see the Government of the United States build a ship canal from the Lakes to the Gulf of Mexico; and some day I have no doubt that will be done. I would like to see the Government do many things in that line in the interest of commerce, which it is not likely to do, but which it has the power to do. If the proposition were to have the Government itself build this canal in the interest of commerce, I should not particularly object, and I do not now object, except that I do not think the bill is as properly guarded as it might be. While it probably is my duty, if I do not like a bill, to try to have it amended, just now in the condition the Senate is in, in the last hours of the session, as it were, with everything pressing upon us, there is no one, unless it is somebody directly interested in the bill, who can spare the time to attempt to make it such a bill as it ought to be.

Mr. ELKINS. Mr. President, as a member of the Committee on Commerce, I am somewhat familiar with the provisions of this bill. I think the matter was fully considered, every possible objection weighed, and the rights and interests of the States as well as those of private citizens properly guarded. I think, Mr. President, it is a fortunate circumstance that we have found capital enough in the United States to build this canal without asking the United States to build it. It has long been in the public mind. For fifty years the question of the building of a canal to connect Lake Erie with the Ohio River has been agitated. The question has always been, Would the Government father such a scheme or enterprise owing to its national importance?

Mr. President, the greatest freight-producing river in the United States and perhaps in the world is the Ohio River. There is a billion dollars' worth of commerce on the Ohio River,

and if this canal is constructed, as I think and hope it will be, vessels from Duluth and from all the Lake points can find an outlet through the Ohio River, down the Mississippi River, with the products of the States on the Lakes——

Mr. PENROSE. And from New England.

Mr. ELKINS. And from New England, as well as twenty-five States of the Union, not to speak of products that may be destined to the Orient, and find all water transportation, instead of part rail and part water.

Mr. President, this enterprise affects most beneficially and immediately the States of West Virginia and Pennsylvania. Take the State of West Virginia. The Government has improved the Monongahela River, the Ohio River, the Little Kanawha, the Big Kanawha, and the Big Sandy. There are four rivers in the State of West Virginia, improved by the Government, which empty into the Ohio River. All those important waterways carry coal. Coal can be loaded in vessels carrying 600 to 1,500 tons and reach all the Lake ports, both in this country and Canada, and thus afford an outlet at a rate for transportation possibly one-half of what the railroads charge. Besides that, the products of West Virginia and Pennsylvania will be able not only to reach Duluth, but all intermediate points and Chicago by water all the way, and by using the Erie Canal can get to New York City and to New England ports, to which transportation now by rail is very high.

I know of no enterprise that would have such an important beneficial effect on the development of the interior commerce of Ohio, Pennsylvania, and West Virginia as the building of this canal, and all without a dollar's expense to the United States.

As I said before, every interest is guarded and protected by this bill. Not only did the House pass upon it first, but amendments that were suggested in the Senate Committee on Commerce and made by the committee were submitted to the War Department and have the approval of the Department. I think everything has been done that possibly could be done in the way of safeguarding private and public interests. As I said, I know of no enterprise which would have the far-reaching effect that the building of this canal will have, and I hope to see the bill pass substantially as it came from the committee, where it had the most careful consideration. In my opinion, the business on these waterways in the long future, I will not say immediately, will be increased 50 per cent, and it will be done at a cost which railroads can not haul the products. The effect upon Ohio River and Mississippi River States will be magical. There is nothing in the history of the development of the country to compare with the building of this canal, and I hope to see the bill pass substantially as it has been reported to the Senate.

Mr. BACON. Mr. President, it is not very pleasant to antagonize a measure in the passage of which Senators have a deep interest, and nothing would induce me to do so in this instance but the conviction, and the very firm conviction, that this is an improper piece of legislation. If I were sure that the bill would pass, I would still feel it my duty to state some of the reasons at least why I can not give it my support.

Everything which is said with reference to the magnitude of this work and its importance I will freely grant, and for the purpose of the objection I may have, it may be fully conceded. My objection is to the work being authorized by an incorporation of the United States, a charter granted by the Government of the United States. It is not in my opinion a proper enterprise for the Government of the United States considered by itself, and considered as to the precedent which will be established, and as to the wide departure upon which we will thus enter, I think it is very much more objectionable than simply when considered as an isolated piece of legislation.

I know, Mr. President, that it is now the vogue to look askance at any suggestion that there is any function which the Federal Government should not perform, and to look with still more disfavor upon the suggestion that there is any remaining function which ought to belong to a State and to be exercised solely by a State, and upon the exercise of which the Federal Government should not intrude. And yet we are here as representatives of States, and we of all officials in the Government of the United States ought to be jealous that the functions which do properly belong to a State should be exercised by a State and not be usurped or exercised by the General Government.

Of course, Mr. President, there are certain claims which have been made in times past as to where that line of demarcation between the Federal function and the State function, or Federal power and State power begins or ends—questions raised in the past which are now settled definitely and finally, and the questions thus formerly involved are forever outside of the domain of dispute or discussion. But there are still important matters in which that line of distinction should be regarded by all of the Government, some matters in which the functions of the States are to be guarded, and especially by us, as the representatives of States.

The dual capacity of this Government is its most distinctive and its most valuable feature, and the larger the country grows and the more numerous the States, the more important becomes the preservation of that feature, because where the General Government legislates, it legislates for the entire country, and legislation which may suit one part of the country does not always suit another, and for that reason, and out of it, grows the great demand and necessity and importance of local government for local affairs and the great importance that the Federal Government shall confine itself to the functions, the necessity for which called it into being.

It is manifest that there is an increasing tendency and practice to devolve in great degree upon the Federal Government the functions which have heretofore been exercised by the States. There is scarcely a public need but that to satisfy it in some shape recourse is had to Congressional or Executive action. Conceding that much of this encroachment is due to the increasing business of the country and the increasing intimacy of the business relations between the people of the different States, and can not be avoided, the fact of such tendency in cases which can not well be resisted makes it all the more important that the legitimate functions of the States should not be invaded or infringed upon in cases where no public interest requires that Congress should do so.

Mr. President, it is a well-recognized rule, one we apparently forget, but none the less fully established by the decisions of the courts, that the Federal Government has no right or authority to grant a charter of incorporation except for the performance of some governmental function. Of course I can not to-day enter into an elaborate argument on this question, and I do not propose to attempt to do so. I am very sorry, indeed, that this bill comes up at the stage of the session spoken of by the Senator from Colorado [Mr. TELLER], when the Senate would be impatient at anything like an extended argument upon these special questions, great and fundamental as they are, and I do no more than to allude to them.

I recognize the fact, Mr. President, that perhaps this particular bill might be held by the courts to be constitutional, but that is not the sole question which should control us. When we as lawmakers come to make a law, we are to be controlled by the larger consideration than what the courts will hold. We are to be controlled by what we deem to be the intent and purpose of the Constitution in conferring upon us all power of legislation.

On this particular question, to omit anything which may be more general, and coming down to the specific question here, of course I recognize that there are agencies of interstate commerce which it is proper that Congress should inaugurate and should charter, if you please. I recognize further that there is a general principle upon which the courts might hold an incorporation to be a constitutional act, which at the same time would not be a legitimate and proper and constitutional exercise of our functions on our part; and I illustrate by this particular case.

There is no doubt that where the object of an incorporation is primarily and truthfully to subserve a great governmental function, that the act is not only one which the courts will hold to be constitutional, but a law in the passage of which we will have discharged our duty and will have in no manner contravened the spirit and design of the Constitution. I recognize, further, that an act of incorporation may be passed and words included in it, as in this act, relative to the carriage of troops and the carriage of the mails, etc., which courts could not dispute or call in question as to the sincerity of Congress in the use thereof, and on account of which words the courts would hold it was a legitimate and constitutional act; but in such case, if the words are inserted for the purpose of giving jurisdiction for such legislation, and such expressed purpose is not the purpose, and where there is no Federal public function to be performed calling for such incorporation, we have transcended our duty when we take advantage of such phraseology for the purpose of placing an improper enactment beyond the condemnation of the courts.

Mr. President, the line is drawn somewhere in the enactment of charters between those which are legitimately for the purpose of enabling the Government to perform some governmental function and the other class which are not for the purpose of the performance of any governmental function, where the line is so indistinct that courts can not assume to draw the distinction, but must depend on the recitations in the act, and where it must be left to our conscience as to whether we will place the proposed legislation on the one side or the other. That proposition was recognized by Mr. Webster in the argument which he made before the Supreme Court in the great case of Gibbons v. Ogden. Senators are all familiar doubtless with that leading

case, and know the fact that it grew out of the attempt of the State of New York to license all steamboats which did business in the waters of New York. It was given as a monopoly to Livingston and Fulton and their assigns. Ogden was their assignee. Gibbons, owning a steamboat in New Jersey, attempted to do business between the town of Elizabeth, in New Jersey, and the city of New York, and an injunction, under the laws of New York, was applied for to restrain the owner of that boat from doing business between those two points in the absence of a license from the assignee under the law of New York.

That injunction was granted in New York and sustained by the highest court there, and came to the Supreme Court of the United States on an appeal from the judgment of the highest court of New York. The State of New York or those representing the law of New York in that particular case, the appellees, attempted to maintain the authority of the State of New York to impose this license upon the proposition that there was a concurrent authority between the States and the United States in the regulation of interstate commerce. When that proposition was controverted by Mr. Webster, the conclusion to be drawn from that position of Mr. Webster was suggested by counsel for the appellees, that if there was not a concurrent power in a State and in the United States Government, necessarily not only as to that important matter of interstate commerce, but as to all the agencies of interstate commerce (which would include every common carrier engaged in interstate commerce), there was an exclusive power in the General Government and none in the State, and the wide-reaching consequences of such conclusion were urged against it. To that Mr. Webster made this reply, and it was for the purpose of reading it that I have made this somewhat extended statement.

Mr. Webster took the position that it was necessarily a question to be determined by Congress as to what were matters of such gravity and so essential concerning the governmental function as would authorize the power to be exercised by Congress, and what were matters not of such an essentially governmental nature as would leave them without that particular class. Mr. Webster used this language:

> Now, what was the inevitable consequence of this mode of reasoning?—

Replying to the suggestion I have just repeated—

> Does it not admit the power of Congress at once, upon all these minor objects of legislation? If all these be regulations of commerce, within the meaning of the Constitution, then, certainly, Congress having a concurrent power to regulate commerce, may establish ferries, turnpikes, bridges, etc., and provide for all this detail of interior legislation. To sustain the interference of the State, in a high concern of maritime commerce, the argument adopts a principle which acknowledges the right of Congress over a vast scope of internal legislation, which no one has heretofore supposed to be within its powers.

And going on:

> But this is not all; for it is admitted that when Congress and the States have power to legislate over the same subject, the power of Congress, when exercised, controls or extinguishes the State power, and therefore the consequence would seem to follow from the argument that all State legislation over such subjects as have been mentioned is at all times liable to the superior power of Congress, a consequence which no one would admit for a moment.
>
> The truth was, he thought—

The report giving Mr. Webster's argument in the third person—

> The truth was, he thought that all these things were, in their general character, rather regulations of police than of commerce, in the constitutional understanding of that term. A road, indeed, might be a matter of great commercial concern. In many cases it is so, and when it is so, he thought there was no doubt of the power of Congress to make it.
>
> But, generally speaking, roads and bridges and ferries, though, of course, they affect commerce and intercourse, do not obtain that importance and elevation as to be deemed *commercial regulations*.

This sentence which follows is the particular point I have in mind in reading this extract:

> A reasonable construction must be given to the Constitution, and such construction is as necessary to the just power of the States as to the authority of Congress.

Mr. President, without elaborating that, the proposition upon which I rest my opposition to this bill, so far as this part of it is concerned, is that this enterprise is not for the purpose of carrying out any great governmental function, unless Senators are prepared to take the position that in every case where the agency proposed to be incorporated can be used in interstate commerce, Congress can be legitimately called upon to incorporate it for the purpose of carrying on commerce.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. I do.

Mr. PENROSE. The Senator says this is not carrying out a governmental function. I would remind the Senator that many hundred million dollars have been spent in the improvement of the rivers referred to by the Senator from West Virginia—the Ohio and the Mississippi—to secure inland water transportation, and the incorporation of this company, that this vast expenditure may be added to by private enterprise, certainly may be considered to be in the line of that governmental policy and that governmental function. It is certainly a laudable governmental function which permits the private individual to contribute and does not make application to the Treasury of the United States for the canal.

I simply submit to the Senator whether this is not a part of a governmental function which is established in the United States, once opposed as unconstitutional and beyond the constitutional limits of the Government, but now established—the improvement of the internal waterways of the country.

Mr. BACON. In reply to the Senator, while of course to follow his suggestion might involve a much more extended argument than I would now like to impose upon the Senate, I will simply say this: It is a very great mistake, in the definition of what may be considered a governmental function, to make such an application of it as the Senator now proposes. If what he says is correct, then let me say that the harbor of New York has had a good deal of money spent upon it to make it the great harbor it is, and if the application now suggested by the Senator is a correct one, it might equally be applied to every steamboat that goes to the city of New York, plying between the city of New York and any other port in the United States. It might be said that any line of boats that comes into any port of the United States upon which the Government has made improvements has thereby become so identified with the performance of a governmental function that the company owning it should receive a charter at the hands of Congress.

Now, what I was saying at the time I had the interruption from the learned Senator is this: If this is to be recognized as a proper thing to do, if every agency engaged in interstate commerce is in the performance of a governmental function such as is suggested, then the time is to come when every enterprise of any kind engaged in interstate commerce will apply to Congress for a charter.

I should like to be told, Mr. President, what argument can be advanced with respect to a canal which goes from one State into another, which thereby asserts that such canal becomes an agency of interstate commerce, and that the company constructing it should for that reason be the recipient of a charter at the hands of Congress, which will not apply with equal force to a railroad running from one State into another.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. With pleasure.

Mr. PENROSE. I will answer the Senator. It is a part of an enormous system of slack-water navigation which the Government is now developing at the expense of the Government. This is an important connecting link, to be built by private enterprise, and the opinion of almost every one who has studied the question is that the work should be done under the control of the United States, that it should be subject to its inspection and regulation, and ultimately will come within the control and possession of the Government.

Mr. BACON. I do not understand that that is any reply to what I was saying. The Senator says the opinion is it should be so. I am trying to show that such an opinion is not a correct opinion.

Mr. President, if the link between the two waterways of which the Senator speaks was a railroad link, would it not have an equal right to claim that it should be chartered by the Government?

Mr. SPOONER. Will the Senator from Georgia allow me to ask him a question?

Mr. BACON. With pleasure.

Mr. SPOONER. Is the Senator denying the power of Congress to incorporate a railway company to construct a railroad from one State to another, or across the continent, if you please?

Mr. BACON. No; I am not denying that. I am not denying the general proposition that Congress has a right——

Mr. SPOONER. How would the Senator justify that? Under what part or clause of the Constitution would he justify it?

Mr. BACON. The Senator did not give me his entire attention in the remarks which I submitted in the beginning, but I will take pleasure in repeating my statement.

Mr. SPOONER. I always listen to the Senator when I am permitted to.

Mr. BACON. I recognize the fact that it is sometimes very difficult in this Chamber.

I had said, Mr. President, that I recognize that there are a

great many charters which might be granted by Congress which would be upheld by the courts as constitutional, but which would not be charters which we in the performance of our constitutional duty could properly grant. I illustrated it by the statement that wherever there was the performance of a governmental function, it made the action of Congress constitutional in granting the charter, not only as to railroads, but as to any other corporation; that the courts could not look behind the language used to see whether or not the use of such language was in fact the desire on the part of Congress to secure the performance of a governmental function which induced the passage of such a law, or whether the use of such language was merely a makeweight, as it were, a device by which freedom from condemnation by the courts on account of unconstitutionality was to be secured; but that the high duty was upon us when we came to legislate to see to it not only that under the language used in a law it would be held to be constitutional by the courts, but that according to the spirit and intent of the Constitution it is under the facts and the real purpose, such a corporation as is designed by the Constitution to be made by the Congress; whether in deed and in truth the object is to secure the performance of a great governmental function, or whether the object is otherwise, and that the complexion of governmental function given to it is in truth simply to insure its freedom from condemnation by the courts.

I had gone on to speak of the fact that while there was the general recognition of the power of Congress to charter corporations for great governmental interests, corporations, if you please, where that principal interest might have as one of its features interstate commerce, it was the duty of Congress to draw the line between those things which were legitimately of that class and other things which had a primary object of another character, where there was no governmental function the performance of which made the creation of that corporation essential.

The illustration of the Pacific railroads is a common one. I will read in the hearing of the Senator what I intended to read a little later, the statement of the Supreme Court of the United States, in 91 United States, as to the character of the corporation and the conditions and the purposes which justified the Congress in doing that which it is not usual for Congress to do, to wit, charter a railroad company. I am reading from page 88, 91 United States, the decision of the court:

The act—

Speaking there of the Union Pacific Railroad act, in the case of the United States *v.* The Union Pacific Railroad Company—

> The act, as has been stated, was passed in the midst of war, when the means for national defense were deemed inadequate and the public mind was alive to the necessity of uniting by iron bands the destiny of the Pacific and Atlantic States.
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> * * * * * * *
>
> But vast as was the work, limited as were the private resources to build it, the growing wants, as well as the existing and future military necessities of the country, demanded that it be completed. Under the stimulus of these considerations Congress acted, not for the benefit of private persons, nor in their interest, but for an object deemed essential to the security as well as to the prosperity of the nation. (U. S. *v.* Union Pacific R. R. Co., 91 U. S. Reports, p. 88.)

I read further from the argument of Mr. Webster in the case of Gibbons *v.* Ogden. Mr. Webster, of course, was not delivering an opinion, but he was "the great expounder," and his utterances are entitled to great weight. There Mr. Webster recognized the necessity of drawing the distinction between the functions which should be recognized as national functions and those which should not be recognized as national functions, even though they were within the same subject-matter. In that case, when counsel representing the appellee, those representing the validity of the act of the State of New York, tried to make application of the argument to show that if what Mr. Webster contended for was true then the governmental function would extend to and relate to and include every agency of interstate commerce, Mr. Webster drew the distinction. He said that such a thing was not to be thought of; that the law must be construed with reference to the proper consideration of the States and also with reference to the needs and necessities of the Government, and should not include matters where the public interest was not the main design, but where the private interest was, in fact, the motive which led to the proposed action on the part of the Government.

I do not know whether I have in this reply made myself clear to the learned Senator or not.

Now, Mr. President, where are we to stop if such a bill as this can be passed and become a law? Who contends that the construction of this canal is necessary for the transportation of troops of the United States, or for the transportation of the mails of the United States, or for the exercise of any other great governmental function? The contention is that it will be an avenue of commerce, that it will be an agency for interstate commerce, and that therefore the charter should be granted. I care not whether it is an agency between two States or between twenty-five States, if that is to be the rule, upon what ground can Congress hereafter ever deny a charter to any proposed agency which shall be or claim to be a means of conducting commerce between the States? When any railroad company, or proposed railroad company, comes to Congress and asks for a charter between the State of Pennsylvania and the State of Ohio or between any other two States, upon what ground can Congress deny it? Upon what ground can Congress deny any charter for any steamboat company that proposes to run a line from the city of Pittsburg to the city of Cincinnati, or from New York to any port along the coast of the United States?

Can we say that Congress will grant such charter in one instance and that it will not grant such charter in another? Is it to be a question whether or not the particular persons who may desire it are those who have influence in the Government? Shall they be favored and shall others with equal right be denied?

Mr. President, if it is not denied, if in all cases we are to act upon such a supposition, what is to become of the legislation of Congress? What will we be doing but sitting here engaged from session's beginning to session's ending in the granting of charters? Because every company will, of course, rather have a charter granted by the United States Government than to have one granted by a State.

But, Mr. President, there are serious considerations of another kind. One of them is this, and I hope I may have the attention of Senators through whose States it is proposed the canal shall run. I would be glad to have the attention of the Senator from Ohio [Mr. FORAKER] for a moment. I say there are serious considerations for States in which enterprises of this kind are to be located.

It may be said that the Senators and Representatives from these particular States do not object, and therefore why should anyone else object? My reply to that is, if this charter is a proper thing it is one which Congress can grant in a State which objects as well as in a State where there is consent.

Now, what is the effect of a charter granted by the United States Government? It becomes the law, not as it does in the case of a Territory or the District of Columbia, by virtue of the law of force in those particular areas, the power which is conferred being thereafter exercised in States only by comity, but a general charter such as this becomes a law governing and controlling in every foot of territory of the United States, including all the States.

Now, what is the effect of that law? In the first place, it takes away from the State of Pennsylvania and the State of Ohio, the two particular States which are most interested in this matter, every right of control of every kind whatsoever in the States, so far as those rights can be asserted in courts. Thereafter no matter of dispute which arises in either of these States can be settled in the courts of those States. It is settled in the removal cases, giving them by their general name, one in 111 United States, I think, and the other in 115 United States, that all matters which arise under a charter granted by Congress are matters arising under the laws of the United States, and that they are, in consequence, under the Constitution, matters within the jurisdiction of the courts of the United States, and not matters which the States can assume and undertake to adjudicate in their own courts.

Here is this wonderful enterprise, vast in its power, tremendous in the capital, with powers in this charter such as I have never seen granted in any charter, and about which I will hereafter speak more in detail if time permits, affecting the entire population not only along the lines of that canal, because there are several of them, but throughout the country both in Ohio and Pennsylvania reached by any of the Allegheny and three or four other rivers tributary. In that vast territory in these States and also in New York, no citizen can be heard in any court of those States, but they must go to the courts of the United States to have their rights adjudicated.

Not only that, Mr. President, but the power of taxation—and I ask the attention of the senior Senator from Pennsylvania [Mr. PENROSE] to this statement as it is somewhat in conflict with what I understand to be his statement—the power of taxation is largely taken away from the State of Pennsylvania and the State of Ohio in regard to this property. It is true that so far as this bill is concerned it stipulates:

> That the corporation hereby created shall be subject, in the respective States in which it does business, to all the laws of said States regulating the taxation of foreign corporations.

Mr. President, of late one very important subject-matter of taxation in corporations is the taxation of the franchises. It

has gotten to be a great issue in the United States, an issue which has been settled largely in the United States—that not only the tangible property of a corporation shall be taxed, but that its franchises shall be taxed. Yet the Supreme Court of the United States has determined, in the case of California *v.* The Railroad Company—I have forgotten the number of the volume—that the franchise of a corporation chartered by the Government of the United States can not be taxed by a State. This immense property, where the franchise is going to constitute possibly the most valuable part of the property, running through Pennsylvania and Ohio, will, so far as that particular value is concerned, be free from liability to State, county, or municipal taxation.

I am speaking now of the hardship upon the communities through which these canals run. I repeat, this is a matter which more particularly concerns the Senators from those States, but as the establishment of a precedent it concerns us all. If powers such as are granted in this charter can be hereafter granted in any charter which promoters of any enterprise may try to get from Congress, then whose State will be next is not known to anyone. When they come for a charter what is done here in this case is to be cited as a precedent.

Now, Mr. President, another thing. I have never known a charter, either Federal or State, where there is such immense power of eminent domain granted as there is in this proposed charter, because not only does it concern the domain to be occupied by the canal, but it concerns the entire domain covered by all of the streams which may be classed among the headwaters of the Ohio, Allegheny, and several other rivers, and all the rivers tributary thereto.

PANAMA CANAL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE and Mr. PENROSE addressed the Chair.

The VICE-PRESIDENT. The Chair recognizes the Senator from South Dakota. Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. KITTREDGE. Certainly.

Mr. PENROSE. I would appreciate it very much if the Senator from South Dakota would permit the consideration of the Lake Erie and Ohio Ship Canal bill to proceed. I do not understand that it will take much more time. It would be a very great convenience to half a dozen Senators representing States immediately affected by the measure.

Mr. KITTREDGE. I inquire about the length of time that will probably be consumed in the completion of the bill which has been under consideration?

Mr. MORGAN. I shall insist on the Senator from Nebraska [Mr. MILLARD] going on if he is ready to proceed and desires to do so.

Mr. PENROSE. I understand objection is made. I ask unanimous consent, with the permission of the Senator from South Dakota, that at the conclusion of the remarks of the Senator from Nebraska the bill which has been under consideration may be taken up and proceeded with.

Mr. MORGAN. Mr. President, it seems that two canals have got into competition, one proposing to be built between Pennsylvania and Lake Erie and one that we have been hammering on and trying to get straightened out here for several years. The Senator from Nebraska is ready to go on; he is chairman of the committee, and I insist that nothing shall interrupt the course of his argument on this bill.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent that at the conclusion of the remarks of the Senator from Nebraska the bill which has just been under consideration may be further considered.

Mr. MORGAN. I have no objection to that.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. KITTREDGE. That, I assume, is upon the unanimous-consent agreement that it shall in no wise prejudice the pending bill?

Mr. PENROSE. Oh, of course.

Mr. KITTREDGE. The pending bill being the unfinished business.

The VICE-PRESIDENT. It is so understood.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. MILLARD. Mr. President, as a member of the Committee on Interoceanic Canals and one of the signers of the minority report, I desire the time of the Senate while I present briefly my objections to the pending bill.

The idea of a ship canal across the Isthmus of Panama has been in the minds of men for generations. Long before the French people embarked upon the enterprise, expending vast sums of money, explorers had conceived a tentative plan of canal and reported upon its possibilities to one or more of the European powers. The scheme of a waterway across the Isthmus between the Caribbean Sea and the Pacific Ocean that would meet the requirements of the commerce of the world has engaged the attention of thoughtful men practically ever since the geography of that region became generally known. Within the last twenty-five years the dream of these pioneers has sought realization in various types of canal and in different localities within the limits of the strip of territory between the two continents. As a result of the accumulated knowledge on the subject we have before us to-day plans of two types of canal, the one commonly spoken of as the sea-level type and the other a plan of canal with locks. The question now before the Senate is, Which of the two types submitted would be the better to meet the ends of commerce and to subserve the military interests of this nation?

Obviously the question of the selection of a type of canal according to one or the other of the plans submitted is one hinging largely upon the engineering problems involved. Other considerations have received careful attention, yet upon every page of the reports of the consulting engineers, of the report of the Commission, of the deductions of the Secretary of War based thereon, and, finally, upon the printed evidence adduced before the Senate committee, there is disclosed the fact that the chief considerations, in the minds of all men who have given the subject painstaking study, were those involving the manifold engineering problems in the construction of the canal, its cost, and the period of time required for its building. The testimony taken before the committee on the subject of type of canal has been embodied into a volume of nearly 1,000 pages, devoted for the most part to the many engineering questions encountered, while the long list of names of both Frenchmen and Americans who have investigated the subject shows a large majority to have been professional engineers, most of whom favored the lock type of canal.

This being the case, I have based my conclusions mainly upon the preponderance of evidence and opinion given by the expert engineers of both America and France, not unmindful, however, of other important considerations. I reach the deduction that the plan for a lock-level canal adopted by the Isthmian Canal Commission, indorsed by the Secretary of War and approved by the President, as the result of much painstaking investigation, is far preferable to the plan of a sea-level canal submitted to the Senate and as described in the majority report of the Board of Consulting Engineers.

I believe, further, that the enormous cost of a sea-level canal as submitted would not be sustained by the people, since there is every reason to believe that a canal of practical utility and equally good can be built, as the President says, at a cost not more than half that of the proposed sea-level canal, and which can be built in about half the time required for building the low-level canal. Time is a most important element in considering this subject as viewed by the American people.

My conception of the subject is that the American people desire a navigable waterway across the Isthmus at the lowest possible cost, and that they will defeat any plan which contemplates the building of a canal that would cost untold millions. I believe that the 85-foot lock type, as proposed in the plans submitted, would prove after construction to be the ideal canal. In other words, that it would be the type of canal that would better serve the needs of the nation at present and in the future than would any sea-level type that could be constructed within the limits of time and money that can be contemplated. While it is undoubtedly true that if an actual sea-level canal could be constructed of sufficient depth and width, the latter to be not less than, say, 500 feet at the bottom, without any dams or locks, there is no question that it would be the ideal waterway, but this is a type which is purely imaginary, and no thinking man, engineer or otherwise, could seriously sanction the starting in to accomplish any such finality.

The length of time and the immense amount of money which under the most favorable circumstances such a project would cost would most effectually bar its completion during this generation, probably many more.

The ease with which the lock-level canal could be made larger, should necessity ever arise, by simply deepening the approach sea-level channels or by the construction of new locks—

ample and favorable location existing to almost any extent—and the simple raising of the spillway of the Gatun dam would enable the depth of water in the lock canal to be increased to any reasonable limit, say to 60 feet of water, if necessary.

Therefore it would appear, taking into consideration all of the elements which enter into the proposition, that it is a safe assertion that the proposed 85-foot lock type of canal is the ideal canal, which is not true of the sea-level type as submitted to the Senate.

In his testimony before the Senate committee, William Barclay Parsons, eminent in his profession and one of the strongest advocates of the sea-level plan, made this qualifying statement, to which I call special attention. He said:

The plan that the minority has submitted is, in my judgment, a feasible scheme. It can be constructed; it can be constructed probably within the limit of cost and time that the minority has set forth. If it was to be regarded as simply a commercial enterprise by a private corporation, that would have to go into the open market and risk its capital, and pay for that capital 5 or 6 or possibly 4 per cent, when commissions and discounts are taken into consideration, and then expect to make a profit over and above that 5 or 6 per cent, I should say that the plan as prepared by the minority would be a perfectly satisfactory plan. It probably represents the least cost at which a canal can be constructed across the Isthmus of Panama. But that is not the case that was presented to you. This is not a canal to be built by a private corporation; it is a canal to be built by the United States Government.

The United States Government, in the first place, instead of having to pay 5 or 6 or more per cent for its money, can borrow it at, say, 2 per cent. The fixed charges, therefore, are reduced to one-third.

It is hardly probable that the American taxpayer would take the view of the case as stated by Mr. Parsons. It goes without saying that the Government has no more right to expend money in excess of actual requirements than has a corporation or individual. In my view of the subject, we are expected by the people to provide for a practicable canal at the lowest possible cost, to be constructed in the shortest possible time. To take any course involving unlimited expenditure would only delay the day of completion of this colossal project and deprive it of the popular favor it now enjoys. If the ultimate aggregate cost of the canal is a matter to be regarded with indifference, as the Senator from South Dakota seems to view it, then, by all means, let us open the Treasury vaults for an annual expenditure of twenty to thirty millions and proceed to build a canal that would realize, when completed, the dreams of those who would merge the waters of the Pacific and the Caribbean Sea by constructing literally the Strait of Panama.

Even in these days of boundless national prosperity the sum of one or perhaps two hundred millions of dollars, in the eyes of the people, is so great that it is staggering. Many Senators here will recall days not so very far back when the appropriation of any such sum would have been impossible in the case of a proposed canal. Who of us is wise enough to say that the nation may never again experience a season of financial depression? Who can say that the time may not come when the people would regard an excess appropriation of that vast sum, when a canal of practical utility can be built without it, as a waste of public money, and criticise any Congress that would be profligate enough to appropriate it? A nation like ours can not afford to pause in the gigantic task by reason of stress of finances, and we should husband our resources and do nothing to impair popular confidence in the ultimate success of the enterprise. The safe course is to build a canal that would be practical for the least possible money. Any other course would be a waste of public treasure which the taxpayers of this nation would be sure to condemn.

In this connection it may be remarked that, if the Panama Canal, when first opened for traffic, should have a tonnage through it of 5,000,000 tons per annum, which is an exceedingly large estimate, and if after that the increase of tonnage through it should be as great as that which has taken place in the last thirty-five years through the Suez Canal, the tonnage passing through the Panama Canal in the year 2000 A. D. would be only about 32,000,000 tons. This is not one-half the capacity of the canal. Witnesses before the committee expressed the opinion that the toll receipts would average a rate in excess of $1 a ton. Mr. Wallace submitted a rate of $1.36 per ton of 2,240 pounds. Should the average rate not fall below $1 a ton, the gross receipts would be about $32,000,000 a year, or a net annual income of nearly $30,000,000, which might be applied toward defraying the cost of building the Strait of Panama, should posterity ever attempt so gigantic an enterprise.

Among the very able men who testified before the Senate committee was Mr. Frederic P. Stearns, chief engineer of the metropolitan water and sewerage board of Boston, recognized not only as one of the great engineers of America, but of the world. His testimony before the committee was remarkably clear and convincing, and I hope every Senator may read it carefully before voting on the bill.

In computing the relative cost of the two proposed plans he took account of the interest charge upon the capital employed in building the great enterprise, and on that point furnished the committee the following estimate, which I will send to the desk and ask that it be read by the Secretary.

The PRESIDING OFFICER (Mr. SCOTT in the chair). In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Relative amount of interest during construction on lock and sea-level canals.

In both cases assume that the interest is at 2 per cent, compounded annually.

Assume in both cases an expenditure of $50,000,000 in 1904.

In the case of the lock canal assume a total expenditure for the ten years from 1905 to 1915, inclusive, of $14,000,000 per year, making a total of $140,000,000 for construction.

For the sea-level canal assume an expenditure of $14,500,000 in 1904 and of $15,500,000 in each of the next fifteen years, making a total of $247,000,000 for construction.

Interest on sea-level canal if completed in 15 years	$66,297,000
Interest on lock canal if completed in nine years	28,502,000
Difference in favor of lock canal	37,795,000
If the time for constructing the sea-level canal should extend to eighteen years, the interest account would amount to	88,532,000
Deduct, as before, interest on lock canal	28,502,000
Difference in favor of lock canal	60,030,000
The cost of the lock canal, including interest and payments to the Panama Canal Company and the Republic of Panama, would be	219,000,000
The cost of the sea-level canal, including interest and the above payments, based upon the cost as estimated by the Board of Consulting Engineers and fifteen years for completion, would be	363,000,000
The cost of the sea-level canal, including interest and the above payments, based upon the cost as estimated by the Isthmian Canal Commission and eighteen years for completion, would be	410,000,000

Mr. MILLARD. Mr. President, when Mr. Stearns was before the committee I asked him this question:

If you were going to own both canals, which one would you think the best, for the same money and the same time in construction?

And he replied as follows:

I have given that matter very careful consideration. It seems to me that a canal is a means of getting ships across the Isthmus; that it is a question of getting them across, in the first place and most important, safely, and, next in importance, to get them across quickly. In both of these respects I believe the lock canal is the best. It has within its depths and widths ample channels which will permit speed and safety, for while groundings occur in wide channels they occur much more frequently in narrow channels.

I believe that the lock canal has the greater capacity for traffic. When one imagines the traffic approaching 60,000,000 tons per year it will be realized that it would not be practicable to get them through if one ship had to be tied up for every other one that passed, there would be so many in the canal at one time. There would be a demand for widening the sea-level canal before any demand would come for the enlargement of the lock canal, except as individual ships might get to be so large as to require another set of locks, which would not be very costly.

Taking all those things into account, I believe that for the same time and money the lock canal is the better canal. I would give more for it.

Gen. Peter C. Hains testified:

I think I would prefer the lock canal even though the relative costs were about the same.

Chief Engineer John F. Stevens, in his report to the Commission, concluded as follows:

Finally, even at the same cost for time and money for each type, I would favor the adoption of the high-level lock canal plan in preference to that of the proposed sea-level canal. I therefore recommend the adoption of the plan for an 85-foot summit level lock canal, as set forth in the minority report of the Consulting Board of Engineers.

Mr. Alfred Noble, another high authority, the chief engineer of the Pennsylvania Railroad Company, testified in committee as follows:

Mr. NOBLE. Certainly; I think that the lock-level canal as planned is a better canal than the sea-level canal as planned—better for the use of commerce, without regard to cost.

Senator TALIAFERRO. If they cost the same?

Mr. NOBLE. If they cost the same. I think that if we had two canals on the route, if it were possible, one built as proposed by the lock-level people and the other built as proposed by the sea-level people, the lock canal when finished would be the better one.

The minority report estimates that eight and one-half years would be required within which to build the lock-level canal, while the majority of the Board estimates that twelve to thirteen years' time would be consumed in the construction of this proposed sea-level canal. The Canal Commission and Chief Engineer Stevens estimate that eighteen or twenty years' time would be required for building this sea-level canal as planned.

Since it must be apparent that an earthquake visitation to a completed canal would be as injurious to the one type as to the other, I will not devote much time to that phase of the subject. Happily the very latest information as to the effects of an earthquake upon the structure of a large dam is that which is

appended to the minority report of the Senate Committee on Interoceanic Canals. Neither type of canal can be constructed without a dam, as is shown by the evidence. The opponents of the lock type point to the results of the recent earthquake in California as evidence that great hazard would be taken in the construction of locks in the Panama Canal. There is some misapprehension on this point. In the testimony reference was made to the arch in the old church at Panama, which has stood firmly in place for two centuries, giving indisputable evidence that earthquakes are not common to the Isthmus and need not be regarded as an element of danger there.

In answer to my query, Mr. Frederic P. Stearns said in a recent letter:

It has never seemed to me that at Panama, where as fragile a structure as a church tower has remained intact for centuries, the effects of an earthquake were to be considered in determining the type of a canal, and the recent experience in San Francisco certainly corroborates this view.

Discussing the effects of the earthquake in California, Mr. Stearns, among other things, says:

The fault line south of the San Andreas dam continued through the middle of the long and narrow Crystal Springs reservoir, in which the water is retained by a concrete dam 115 feet high above the natural surface. The reservoir at the time of the earthquake was full. Professor Derleth, after stating that this dam "was subject to a series of thrusts and pulls in vertical planes along its length, since it is parallel to the fault line," adds: "So far as the writer could see, and he examined the dam carefully, there is not the slightest crack."

I know of no mass of masonry in the country that is more like the masonry of the proposed locks at Panama than the Crystal Springs dam. It is located only one-fourth mile from the fault line and has stood the test of the earthquake without being affected.

Mr. President, I have a statement made by Chief Engineer Stevens before a subcommittee of the House of Representatives a few days since. I shall not trouble the Secretary to read it, but I will ask permission that it may be inserted in the RECORD without reading.

The PRESIDING OFFICER. In the absence of objection, the matter referred to by the Senator from Nebraska will be inserted in the RECORD without reading.

Mr. HOPKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. MILLARD. Yes.

Mr. HOPKINS. I desire to ask the Senator if the extract to which he refers is in reference to the effects of an earthquake on such work?

Mr. MILLARD. Yes; would the Senator like to have it read?

Mr. HOPKINS. I will suggest to the Senator from Nebraska that that is a proposition in which all are interested.

Mr. MILLARD. Then I will ask to have it read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Mr. SULLIVAN. That is the point that is not clear in my own mind, Mr. Stevens, and I would like to have it cleared up. I am not an expert by any means. Rather I am almost a total stranger to the Panama Canal yet, and to the terms regarding it. But I understood the advocates of the sea-level canal based their opinion of its expediency largely upon the fact that an earthquake would do great havoc to a lock canal, but would not to a sea-level canal. Now, if you can enlighten me as to the relative degree to which an earthquake would affect both types, I would be glad.

Mr. STEVENS. I do not know what is running in other minds. I am not a sea-level advocate, as it is pretty well known. But here is a house, for example; it might be in San Francisco, or may be in Washington, standing in a certain location. Who can say, when there comes an earthquake, whether that house, built of a certain size, will be damaged more than a house twice the size would be? We can not say anything about it. Taking the canal as a whole, there are vulnerable points to attack by an enemy by cannonading or by an earthquake; but, in my judgment, there is no difference between the two types as to which would be the most damaged.

We have a big dam at Gatun. I think that the possibility of its destruction might be entirely eliminated. I do not see how an earthquake could disturb that any more than it could disturb a range of mountains. So far as the locks adjacent to it are concerned, they would be located on natural ground, in rock foundations. I do not see how it is possible for an earthquake to disturb it; and yet again it might be disturbed.

On the other hand, adjacent to the canal is the big Gamboa dam, one hundred and eighty-odd feet, holding 170 feet of water, running back 20 miles—hundreds and hundreds of millions of cubic feet of water. You can imagine a sea-level canal down at the bottom of that gorge; imagine this a dam 170 feet high, running back 20 miles. If an earthquake would disturb a dam in the case of a lock level at Gatun, the same argument would show that it would disturb a dam here at Gamboa. You can imagine what would result if that lake, running back 20 miles, would break into the canal.

The CHAIRMAN. That condition would not exist as to a lock canal?

Mr. STEVENS. No, sir.

The CHAIRMAN. There is no dam at that place on that lock canal?

Mr. STEVENS. No, sir. I do not think there is any possibility of any earthquake disturbing the Gatun dam. It is a mountain range, 22,000,000 cubic yards, a mile and a half on the base, 135 feet high, with 80 feet of water against it, and over 300 feet thick at the water level; solid packed earth put in there with pumps, which is the most reliable way of putting in earth that is known. In other words, you are building right across the valley there a spur of the mountain range, and I think if you give it a good shake twenty years from now you would solidify it instead of destroying it. [Laughter.] I think you would make it more solid than it was before.

Mr. LITTAUER. Now compare with that the construction of this dam that would hold back the Chagres River.

Mr. STEVENS. They say either a masonry dam—in the majority report I understand they prefer a masonry dam. That would be a curtain of concrete or built-up masonry, according as they might elect to build it. It would be founded upon rock, 122 feet long and 80 feet high; a curtain put up like this [indicating]. If anything on earth could be disturbed by an earthquake, I think that, standing out there practically alone, would be. I should think an earthquake would jar that up a little. [Laughter].

The CHAIRMAN. What is the history in that section of the Isthmus of Panama with respect to earthquakes?

Mr. STEVENS. I can not get a reliable report, for a couple of hundred years at least, that there have been any earthquakes there that have done any particular damage.

The masonry there that the Mexicans and Panamans are still employing is a class of masonry that you would not think would stand up over night. They do not take any particular pains to shape up their rocks, and they use a poor quality of cement and use limewater. They build these walls up four or five stories high and put their finish on. There are old churches there, built two hundred years, with their walls standing there now, which, if they were in Washington or New York or anywhere else, you would have the fire department there before night pulling them down. They have stood there for two hundred years. I cross over and go on the other side of the street when I walk by them.

Mr. SULLIVAN. You think there would be greater danger, then, of loss or damage by earthquake to a sea-level canal than to a lock canal?

Mr. STEVENS. No; I would not want to go on record as saying that, but I think they are about equally vulnerable. I do not think there is any difference particularly.

Mr. MILLARD. Mr. President, upon the subject of the probable interference with navigation by reason of admission to the canal, under the sea-level project, of the waters of a number of small streams, I will send to the desk and ask to be read an extract from the written statement of Maj. B. M. Harrod to the Interoceanic Canals Committee, wherein reference is also made to the unknown character of the foundations for dams proposed to be built to divert still other streams from the prism of the sea-level canal. Major Harrod is a member of the Commission. I ask that the statement be read by the Secretary.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Of the tributaries to be received into the prism of the canal there are twenty-two of considerable size. Two are known to have a flood discharge of over 3,000 cubic feet per second; eight more have discharges of over 1,000 cubic feet per second. Their flood discharges between Gamboa and Bohio may aggregate 30,000 second-feet. They descend into the canal from heights varying from 13 to 160 feet above sea level. The sea-level plan proposes to overcome this difference of level by masonry-stepped aprons, metallic pipes, or by sloping and lowering the beds of the influent streams, although no designs are presented. Professor Burr, in his testimony, describes basins at the mouths of these streams, to strain out the sediment and débris, allowing only the water to enter the canal, but that is a personal suggestion, and does not appear in the plan. This would certainly add materially to the estimate, and it is doubtful whether it would not be more costly to clean out the several basins, which would rapidly fill up, than to dredge the deposit from the canal itself.

I believe that the discharge of 3,000 cubic feet per second into the canal prism of 8,000 feet cross-section would cause cross currents which would prove an absolute obstruction to navigation as long as they prevailed. No ship could hold a direct course under such conditions. She would be driven against the opposite bank. Even lesser discharges would prove proportionately obstructive to navigation.

I believe that the injection of 3,000 cubic feet per second into a canal prism of only 8,000 or 10,000 square feet of sectional area would cause deposit on one side and would abrade the opposite bank unless it were in rock and that these effects, in combination with a current varying from 1 to 2½ miles an hour, would give to those parts of the projected sea-level canal through earthen banks the characteristics of an alluvial stream, which would ultimately establish meanders or sinuosities that would seriously impair the navigability of the canal for all larger ships unless these banks were artificially protected and the bars constantly dredged.

It is proposed in the sea-level plan to divert the Cano, Gigante, and Gigantito from the canal route by four dams and a spillway. These are all in a region of which little is known by survey. The largest of these dams holds a head of water about 70 feet above sea-level, only a few feet less than the Gatun dam, and is about 3,000 feet long. No intimation is given of the method of construction, whether of earth, masonry, or a combination of the two.

The estimate for completing 21 miles of temporary diversion and of several miles of permanent diversion, aggregating many million yards of excavation, for controlling the descent of twenty or more tributaries, by masonry structures, into the canal, and for the building of four dams and a spillway, for which no plan is proposed, in a region where no investigation of foundations has been made, is three and one half millions plus 20 per cent, which I believe will prove entirely inadequate.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. MILLARD. Certainly.

Mr. TALIAFERRO. I ask the Senator from what has the Secretary just been reading?

Mr. MILLARD. The statement of Major Harrod, which will be found in the report of the testimony of engineers.

Mr. TALIAFERRO. May I ask if the statement was pre-

sented at the hearings before the committee, and if it appears in the hearings?

Mr. MILLARD. It was presented to the committee in a written report, and will be found in the book of testimony of the engineers.

Mr. President, it is not my purpose to discuss the engineering questions in dispute between the advocates of the respective types. That was done to some extent in the report of the minority members of the committee, presented to the Senate a few days ago, and it is to be presumed that Senators have read much of the testimony on these points as printed in the record of hearings of the committee. It may be that these experts can never agree upon some of the issues raised; but to my mind, as the salient points of either side were developed, the conviction became stronger that the lock type as planned presented fewer disadvantages and higher possibilities than the other. The editor of the Engineering News, in a recent edition, expresses a similar view, to wit:

We have followed carefully the testimony of the various experts who have appeared before the Senate committee during the past four months, and we are unable to find that in any important particular the lock-canal plan, recommended by the minority members of the Consulting Board and adopted by the Canal Commission, has been proved to be faulty.

In the report of the majority members of the Senate committee, and also in the remarks of the Senator from South Dakota in the Senate, emphasis is laid upon the elements of so-called "weakness" in the plan of the Gatun dam, according to measurements submitted by the members of the minority board of consulting engineers. I have not regarded it as of the utmost importance to meet the arguments advanced, in view of the fact, which must be known to all Senators, that either type of canal presented for our consideration embraces various dams of greater or less dimensions, but I can not refrain from citing a few extracts from a letter just received from Mr. Frederic P. Stearns, of Boston, who has made a specialty of the scientific construction of dams. I ask to have it read by the Secretary.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

* * * Let us examine next the character of the dams proposed in connection with the sea-level plan. There are four of them—the same number as required in the plan for a lock canal.

The greatest dam is that at Gamboa, for the purpose of holding back the waters of the Chagres River. The Board recommended at that place "either an earth dam with a heavy masonry core carried down to bed rock or an all-masonry structure founded at the same depth and upon the same material" (Report, p. 47), in this way giving their approval to an earth dam with a masonry core wall at this place.

The highest flow line of this reservoir is 130 feet above the river bed and 170 feet above the bed rock, which at this place is at sea level. The lake formed by the dam would have an area of 29½ square miles.

In approving an earth dam of this height with a core wall the Board has gone directly contrary to their unqualified opinion that "no vast and doubtful opinion should be indulged in," and that the work should "include only those features which experience has demonstrated to be positively safe and efficient," because no earth dam of any kind has been constructed to retain water to a greater height than about 115 feet, which is held by the dam already referred to, and no earth dam with a concrete core wall has ever been in use in which the height of the core wall has exceeded 125 feet, while in this dam it would require a height of 170 feet.

The board, in the consideration of the subject of dams (Report, p. 46), states:

"The earth dams, which have already been built for the retention of large bodies of water, some of them exceeding 100 feet in height, show that this type of structure may give satisfactory results when properly designed and constructed, but the character of the foundation material on which such dams are built and the means for preventing dangerous seepage underneath or through such foundations must always be carefully considered."

It then proceeds to recommend three dams, respectively, across the rivers Gigante, Gigantito, and Cano Quebrado, without giving any designs, without any engineer having looked at the sites of these dams to determine whether they were favorable or not, and without any boring at their sites to show the character of the material or the depth to rock. That those dams can be built at those places is merely a matter of conjecture, based upon the rough topographical surveys of a large section of territory made by the French before the canal came into the possession of the United States.

* * * In reviewing the dams proposed in connection with the lock canal and with the sea-level canal it can be confidently asserted that the dams of the lock canal have been designed by engineers of the highest reputation in this branch of engineering after a careful examination of their sites and after extended borings to show the character of the material beneath them, and that they do not go beyond the limits of actual practice except in being made more massive and stronger than any dams heretofore constructed to retain the same depth of water. On the other hand, it can be confidently asserted that three out of the four dams of the sea-level canal have not yet been designed, that their sites have not been examined, and that the character of the material or the depth to rock at the sites is entirely unknown. The fourth dam is far beyond the limits of any actual practice.

Mr. MILLARD. I shall speak of one criticism of the lock canal as planned, touching the inadequate length and depth of locks. The judgment of well-informed men is that the locks should be 1,000 feet long in the clear, providing for a depth of water of not less than 45 feet over the sills, and 100 feet wide. I concur in this opinion, because of the constant increase in the dimensions of seagoing ships which has marked the evolution of shipbuilding the last twenty-five years. Those of us who have crossed the ocean occasionally during the last quarter of a century have noted the remarkable advance in the science of shipbuilding. It was something like twenty-seven years ago that I first crossed the Atlantic and took passage in what was then regarded as the largest ocean liner afloat. My recollection is that the length was a little less than 500 feet, with a carrying capacity of a little over 5,000 tons. When we consider what progress has been made in the construction of ocean vessels since that time, in increased length, depth, width, and carrying capacity, may we not look for still further advances as the years go on?

There are now ships in commission or in course of construction practically 800 feet in length, with proportionate depth and width. The idea will suggest itself to Senators that it would be the part of wisdom to anticipate the future and build the locks accordingly, which may be done at an expense not beyond our resources. Not so with the sea-level canal as proposed. It would not be long until such a canal would have to be enlarged and practically built over in order to accommodate the larger ships. In fact, it is reasonable to say that no prudent ship captain would take a big ship into a shallow canal such as is contemplated by the sea-level plan. Should one or the other of the new Cunard liners now under construction enter a sea-level canal as proposed there would be trouble. Can Senators imagine any ship company taking a ship worth three or four millions of dollars, to say nothing about its cargo, through a waterway with rocky sides and foundations containing only 2 feet of water in excess of the draft of the vessel?

The senior Senator from California [Mr. PERKINS] knows a great deal about ships and shipping. I would like to ask him this question: Assuming that you owned one of these large ships which have been referred to—80-foot beam, 800 feet long, and drawing 35 to 38 feet of water (a diagram of which hangs on the wall)—would you be willing to risk the ship or ships of that character in a channel only 150 feet wide, whose rocky walls are high on either side, containing a depth of but 40 feet of water, leaving but 2 to 5 feet below the keel of the ship?

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. MILLARD. Certainly.

Mr. PERKINS. I will state in reply to the question propounded that the wash or undulation of the water caused by a vessel's movement through it has a tendency to shallow the water under the vessel, and no prudent navigator or commander of a vessel would think of taking his vessel over any bar, except in a case of great emergency, unless there were at least 5 feet of water under the vessel clear, and then it would have to be a still, quiet stream. This wash and undulation of the water by the vessel has the tendency to shallow it several feet.

I remember an instance that occurred some time since in one of our western ports, where an eminent nautical man, in command of one of our battle ships, said it was true there were 5 to 6 feet of good water, according to his soundings, yet he would not think of taking his vessel over that bar or shoal at the time.

Then, again, in answer to the other question as to steering the vessel, in order to have command of a vessel she must have steerage way upon her or she would not answer her helm, unless she was going 5 or 6 knots an hour, without taking up a very great distance. Therefore you must have several degrees of curvature in order to have the vessel answer her helm, to escape from grounding or going into the sides of the canal, whether it is a sea-level canal or a lock canal.

Mr. FORAKER. With the permission of the Senator from Nebraska——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. MILLARD. Certainly.

Mr. FORAKER. This is a matter about which some of us have very little information. The Senator from California has just now given us some facts. I should like to ask him a question, if it is not interrupting too much the Senator who is speaking.

Mr. MILLARD. Not at all.

Mr. FORAKER. Would there be any difficulty in steering a ship with a beam of 88 feet through a canal that is 150 feet in width and has a current of less than 3 miles per hour? I think the Senator from Illinois [Mr. HOPKINS] stated that the current in the canal would probably be 2.64 miles per hour. Would there be any trouble in steering a ship of the width I have indicated, 88 feet—I believe that is the largest ship—through a canal 150 feet in width?

Mr. PERKINS. It would depend in great measure upon the curvature of the canal. If there were abrupt angles, it would be very difficult, indeed, with a long ship. A ship of this great length and beam is far more difficult to steer than a short vessel. I suppose the Senator has run a yacht for a time. Those short vessels will sometimes, to use a nautical term, turn upon their own heels.

Mr. FORAKER. I deny that impeachment. I never ran a yacht. There are many things for which I might apologize, but I never did that.

Mr. PERKINS. My friend is fond of the good things and the pleasures of life, and I know of nothing more exhilarating and invigorating and delightful than to sail a yacht on the wind. Take a short vessel 50 or 60 or 75 feet long. She sometimes, to use a nautical term, will "turn upon her own heel." She will come around within two or three degrees of the compass. But take a long ship——

Mr. FORAKER. I am not asking the question in any controversial sense at all. I want information. Is the curvature of the canal indicated on the map?

Mr. PERKINS. It would be impossible for a ship of that great length and beam to have steerage way unless she was going 8 or 10 miles an hour. That would be necessary in order to have command of the vessel. Such a vessel has a displacement of fifteen or eighteen or twenty thousand tons, and in order to have control of her, in order that she will answer her helm, she must have a steerageway upon which to do so.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. MILLARD. Certainly.

Mr. GALLINGER. The Senator from California made an observation that interested me, and I should like to have him explain a little further. He said it is not safe for a great vessel to navigate a waterway unless there is 5 feet of water to the good. My investigations have led me to believe that in our great harbors of the United States the commercial craft that come from abroad—we have very little of our own, I am sorry to say—run into our ports with very much less than 5 feet of water to the good. I should like the Senator to explain the difference between the conditions in our harbors and in the proposed canal, if I state the matter correctly, as I think I do.

Mr. PERKINS. The Senator states the matter correctly, and as a result ships frequently run upon a sand bank or a shoal in entering the harbor. The Panama Canal will have a rock bottom, and it would ruin the steel plates on the bottom of the vessel should she graze the sharp crags of the rocks.

Mr. GALLINGER. I think the Senator will hardly insist upon that except where accidents occur. Of course if they run over a bar they may get grounded, but as a rule they have no trouble.

Mr. PERKINS. As a rule a ship of a displacement of from sixteen to twenty thousand tons should not cross turbulent water, and it is not safe for it to do so, unless there is at least from 4 to 5 feet under her to the good—clear water.

Mr. GALLINGER. Do you call the canal turbulent?

Mr. PERKINS. No. I think the canal will be still water. At the same time it is too small a margin for the vessel. It would be strained and would suffer injury thereby, and the underwriters would insist, I think, that there should be at least that amount of water under her.

Mr. KEAN. I wish to ask the Senator from California how much water the men-of-war of the United States draw?

Mr. PERKINS. They draw from 25 to 30 feet.

Mr. KEAN. Take the harbor of New York; what is the depth there?

Mr. PERKINS. In the harbor of New York the depth is from 35 to 38 feet at high water.

Mr. KEAN. I think you will find little of that depth.

Mr. PERKINS. A few months since I went on a ship up the harbor. It was thick, and the sailor was in the forechains throwing the lead, and he called out "6 fathoms," "hawmark," "6 fathoms;" nothing less than 5 fathoms, I think. He so reported to the officer on the bridge.

Mr. KEAN. That was very well for that place.

Mr. PERKINS. It was New York Harbor.

Mr. KEAN. But that is not true of the whole channel; and New York Harbor is the greatest harbor in the country.

Mr. PERKINS. No; San Francisco is.

Mr. KEAN. San Francisco may have been great.

Mr. PERKINS. The harbor is all right now.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. MILLARD. Certainly.

Mr. SPOONER. I simply wanted to ask the Senator whether he would prefer to go on with his speech or have some of the rest of us speak.

Mr. MILLARD. I would rather proceed, Senator, at the present time.

Just at this particular time I should like to have read the testimony on the point which we are talking about given by Mr. Stevens before the House Committee on Appropriations, on page 102.

The VICE-PRESIDENT. Without objection the Secretary will read as requested.

The Secretary read as follows:

Mr. STEVENS. I think there is a good deal of mistiness in the average mind on this subject—perhaps not on the part of you gentlemen, but in the newspapers and elsewhere they picture in their minds something entirely different from what a sea-level canal actually would be. There is something very attractive about that word; there was to me before I went down there and saw the conditions that existed there. Then I was a sea-level canal man all right, but I think differently now. A man sees in his mind a picture of that nice blue rippling water through a large strait and sees ships moving through it.

Now, you can put this picture on the plates of your minds: You would have practically, under this present majority report of a sea-level canal, a little, narrow, tortuous strip, the sewer of the country, down at the bottom of everything, with torrential mountain streams pouring down there into it with a fall of from 15 to 130 feet. You have got a current there which, from the best scientific authority we can get, figures out 3 miles an hour. This is a channel 150 feet wide nearly the entire way, only 150 feet wide at the bottom, with sharp curvature, and less than twice the width of the vessel that will have to navigate it, with from 2 to 4 feet of water under their keels, going against a current of nearly 3 miles an hour, which would require them to run at least 7 miles an hour to keep steerageway with their own steam. I do not think there is a shipowner or a ship company on earth that would put a ship through that canal. I know of one that would not. I do not believe a United States battle ship could go through that canal safely. It would be aground all the time.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. MILLARD. Certainly.

Mr. PERKINS. The Senator asked me a question, and while I was endeavoring to answer it, my friend the Senator from Ohio asked me a question. Since then I have looked at the diagram of the vessel, and I wish to ask, with the permission of my friend the Senator from Nebraska, a question of my friend the Senator from Ohio. Those ships are 88 feet beam. Two of them would be 176 feet. The canal is to be 150 feet wide. I wish to ask my friend the Senator from Ohio how these two ships would pass each other in the canal?

Mr. FORAKER. I do not pretend to be an expert on this business. I interrupted the Senator from Nebraska to ask a question of the Senator from California in order to get some information. But I will say to the Senator, in answer, that this occurs to me: I am told that those are the two largest ships ever constructed. They are only now being constructed. I do not know where they are being constructed, but somewhere in Great Britain, I believe. I do not know what trade they are to ply in. I will ask the Senator, in answer, if there are only two such ships in the world, what he thinks is the degree of probability that those two ships will ever meet in the canal?

Mr. PERKINS. There are a great many vessels that are 60 to 75 feet breadth of beam, and they will frequently pass through the canal, if it is to be a financial success, and, as the piece of poetry runs, they will not "pass in the night." They will speak each other in passing. It is physically impossible for two ships 60 to 75 feet beam each, either in the daytime or the nighttime to pass each other in the canal.

Mr. FORAKER. If it does not interrupt the Senator from Nebraska too much, I will say further in answer to the Senator that I understand it is only for a limited part of the way that the canal is as narrow as 150 feet.

Mr. HOPKINS. Nineteen or 20 miles.

Mr. FORAKER. Nineteen or 20 miles out of 49?

Mr. HOPKINS. Out of 49.

Mr. FORAKER. For something like 30 miles the canal is much wider. I suppose there will be telephonic communication, and when the two greatest ships in the world are to go through the canal at the same time there will be the precaution taken of having them pass at a wider place, and not at the narrowest that can be found.

Mr. HOPKINS. I will say to the Senator from Ohio that at other points the canal is 200 feet wide, but for a distance of between 19 and 20 miles it is only a hundred and fifty feet.

Mr. FORAKER. Then it might be, if we were going to have a sea-level canal, that I would conclude to make it wider.

Mr. HOPKINS. That is right. That is what we contend. If you are going to have a sea-level canal, have one wide enough to meet the commercial exigencies of the day.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. MILLARD. Certainly.

Mr. KNOX. I desire to make a suggestion in reply to what the Senator from Ohio said in respect of those being the two largest ships that are now in process of construction and are therefore, of course, exceptional in their character. I wish to call his attention to the fact that the statute which we are now undertaking to execute by the construction of the canal specifically provides that—

> Such canal shall be of sufficient depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated.

So even if these ships are exceptional in their character, it is incumbent upon us, in executing this law, to provide for them and such as we may reasonably anticipate in the future in the way of enlargement.

Mr. FORAKER. I hope the Senator from Pennsylvania will understand that I was not making the suggestions I did make in any spirit of controversy or in the way of saying anything in opposition to any plan which has been proposed. I was simply answering questions which had been propounded to me by the Senator from California, who is well informed upon all nautical matters, and of whom I had asked some information. It was only that I wanted to be informed, and not that I wanted to use it in any spirit of opposition to anything that anybody is contending for.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. MILLARD. Certainly.

Mr. KNOX. I merely want to state that I had not the slightest idea that the suggestion from the Senator from Ohio was intended to indicate any preference as to the type of canal, or any criticism. The only excuse I had for reading to him the provision of the statute was to add to his stock of information upon that subject.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. MILLARD. Certainly.

Mr. TALIAFERRO. I wish to ask if the plan of canal, as recommended by the President, should be adopted by Congress, whether the Senator from Pennsylvania contends that the canal would be built under the act from which he has just read? As I understand, the President of the United States has recommended a plan of canal proposed by the minority of the Board of Consulting Engineers, and if that recommendation should be adopted by Congress, I take it that specific canal would be built, and not a different canal, to which the Senator has referred in reading from the act of Congress—the Spooner Act—of a few years ago.

Mr. KNOX. If I may be permitted in the time of the Senator from Nebraska to answer the question——

Mr. MILLARD. Certainly.

Mr. KNOX. I will answer it as categorically as I can without going into any argument. It is my opinion that the law requires that whatever canal is built shall be of sufficient capacity to carry vessels of the largest tonnage now in use, or that may be reasonably anticipated.

Mr. TALIAFERRO. Then, as I understand, Congress would not be expected to authorize the construction of the canal which the President has recommended?

Mr. KNOX. I do not think there is any such inference to be drawn from anything I have said. I will add further that, in my judgment, the canal proposed here by the minority can be built by the President under the authority of the Spooner Act.

Mr. TALIAFERRO. The locks proposed by the minority, as I understand—and it may be appropriate to speak of the fact now—have a usable length of 770 to 780 feet, and yet for the purpose of showing that a sea-level canal would be inadequate if constructed as proposed by the Board of Consulting Engineers, a diagram is presented here with two ships, the length of each of which is 787 feet. I would ask the Senator to explain how those ships could get through such a lock or such a series of locks?

Mr. MILLARD. Mr. President, I simply gave way for a question. I think I had better proceed.

Mr. HOPKINS. Will the Senator allow me right here?

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. MILLARD. Certainly.

Mr. HOPKINS. I desire to say, in answer to the Senator from Florida, that these locks are duplicate locks, and the engineers say that six vessels of that character can be accommodated in those locks at the same time.

Mr. TALIAFERRO. Will the Senator from Nebraska indulge me for just a moment?

Mr. MILLARD. For a moment.

Mr. TALIAFERRO. I do not understand how one vessel of 787 feet, much less six, can be gotten into a lock with a usable length of 770 to 780 feet.

Mr. HOPKINS. If the Senator from Nebraska will allow me to say just a word, the conditions upon the Isthmus are such that they can fix the locks at almost any length, and the proposition is to make them so that they will comply with the law as just read by the Senator from Pennsylvania. I think when the Senator from Florida comes to study this subject a little further, even his objections will be dissipated.

Mr. MORGAN. Now, if the Senator will allow me for a moment, I will ask the Senator from Illinois——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. MILLARD. Certainly.

Mr. MORGAN. Whose proposition is that? You say the proposition is thus and so. Whose proposition is that?

Mr. HOPKINS. The proposition of the engineers.

Mr. MORGAN. No. I have seen no such proposition.

Mr. HOPKINS. It is an engineering proposition.

Mr. MORGAN. I have seen maps drawn up here in connection with the reports of engineers that show locks of certain lengths, three in flight, like the steps up in the reporters' gallery, one above the other. There is not presented to this Congress any plan whatever upon which it will have expressed any opinion when it votes down the sea-level canal. The field is left open for the President or for the engineers who may accord with him to go anywhere they please, provided they build a lock canal. The misfortune of the situation has been all the time that the President has not made any certain recommendations in regard to the canal, and no gentleman representing him has ever dared to present a bill to embody it. Here is some bill here reported by the committee. Why is there not some bill here reported by the committee, either a majority bill or a substitute for this——

Mr. HOPKINS. Will the Senator allow me?

Mr. MILLARD. For a moment.

Mr. HOPKINS. The bill presented here for a sea-level canal does not provide for four dams, it does not provide for the character of the lock on the Pacific side, and it is otherwise so imperfect that a canal could not be constructed under it.

Mr. MORGAN. That is no answer to my question. If the majority has reported a bill upon the accuracy of which the Senate can not rely, that is their fault. But the Senator will find he is greatly mistaken, because the bill does specify the very report that has been made by the majority of the Board of Consulting Engineers.

Mr. MILLARD. I am informed by ship owners and builders that it is reasonable to expect that within the next fifty years the largest vessels may have a length of 1,000 feet, and the experience of the last thirty years would tend to confirm that view. A canal with locks of the increased dimensions suggested would admit the largest ships afloat for years to come and it must be evident that a sea-level canal, as now proposed, would be wholly inadequate for the passage of such ships.

The lock plan has an advantage over the sea-level plan in that the vessels may turn around in either lake and retrace their course. In time of peace and for commercial vessels this is not a matter of much consequence. It would seldom happen that a commercial vessel would have occasion to turn around in the canal, but for the vessels of war of the United States, during the existence of hostilities, the ability to turn around might be a matter of great importance. Suppose, for instance, a fleet of warships, possibly accompanied by transports, were to start through the canal from either direction. While the fleet is on the way news comes that a superior hostile fleet is approaching the opposite end of the canal, and that it is desirable for our fleet not to engage that of the enemy, but to retrace its course. How would the fleet turn around? Every vessel, be the number great or small, would have to be hauled stern foremost out of the canal into the sea in order to turn around; whereas in the lock type of canal each one could run into the lake and do so.

The sea-level canal as projected can not be regarded as a completed project. The alleged facility with which it can be enlarged is made one of the arguments urged in favor of it. But if the canal is to be widened and enlarged soon after its completion, is it fair to consider it a completed structure?

In speaking of the heavy rainfall on the Isthmus of Panama and the amount of water which would find its way into a sea-

level canal, in answer to a question (page 93 of the volume of engineers' testimony), Chief Engineer Stevens said:

Yes, sir; with numberless large and small mountain torrents—some of them, in flood times, veritable rivers—which must be taken care of, many of them coming directly into the canal, carrying in, as they must inevitably, silt, perhaps trees, mountain débris of all sorts, rocks, bowlders, etc.; so that I hardly think a comparison between the canal at Suez and one of the same dimensions at Panama is a fair one. This is the point that I wanted to make.

I also send to the desk, and ask that it be read by the Clerk, a statement giving the names of the more important streams which enter the site of the canal, the distance of the point of junction from the Caribbean end of the canal, the height above sea level of their junction with the Chagres, Obispo, or Rio Grande rivers, and the volume of discharge at high stage as far as observed or estimated.

Name.	Distance.	Greatest observed discharge.	Elevation at mouth above sea level.
	Miles.	*Sec. feet.*	*Feet.*
Agleta	15.25	1,000	15
Agua Salade, right bank	16.30	2,306	25
Frijolito, right bank	17.36	1,000	20
Frijoles Grande, right bank	17.98	3,740	28
Agua Bendita, left bank	21.26	300	35
Caimito Mulato, left bank	22.32	300	35
Baila Monos, left bank	22.81	1,775	45
Culo Seco, left bank	23.87	300	40
Pisco, right bank	24.18	1,200	34
Juan Grande, right bank	25.11	1,200	38
Carabali, left bank	25.42	760	40
Quatre Calles, right bank	26.66	500	45
Obispo	27.90	3,700	160
Mandingo, left bank	28.80	1,500	45
Camacho, left bank	29.10	1,349	165
Sardinilla	30.30	800	165
Rio Grande, right bank	34.72	660	190
Mallejon, right bank	36.89	----------	33
Pedro Miguel, left bank	37.07	----------	15
Caimitillo, left bank	37.82	----------	13
Rio Cocoli	38.90	----------	----------
Rio Cardenas	39.40	----------	----------

There is a dispute over the estimated values of the lands which would be submerged by the lakes incident to the plan of the proposed lock canal; or, in other words, the overflow of Lake Gatun and Lake Sosa. The subject is treated of in the last chapter of the report of the minority of the Senate committee. The estimates made by the advocates of the sea-level plan touching the value of submerged lands are excessive; and the estimated cost thereof is cited by them as an item of expense that must be added to the total estimated cost of the proposed lock-level canal. I believe there is no ground for placing so high an estimate upon the lands that would be submerged. These figures seem to me to be altogether too high. It is to be regretted that a larger number of Senators have not been able to view the land referred to. I believe the Senator from South Dakota, who presented the majority report of the committee, and myself are the only Senators who have made a recent examination of the locality. My impression is that if any Senator on this floor contemplated purchasing the lands that may be submerged he would hesitate a great deal to pay $7.70 per acre, the price fixed by the Commission, and which I regard as more than fair.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. MILLARD. Certainly.

Mr. KITTREDGE. I ask the Senator what was the value of the crop exported last year from the land proposed to be submerged?

Mr. MILLARD. I do not know.

Mr. KITTREDGE. It exceeded $1,000,000.

Mr. MILLARD. Nor do I believe that the Senator from South Dakota would be willing to exchange twenty sections of the good farming lands in the county in which he resides for all the lands in the Canal Zone between Mindi and Pedro Miguel. It would be just as rational to compare the fertile lands of the greater part of Nebraska, worth $50 to $100 an acre, with the sand hills of the northwestern part of the State, which are of little value in comparison.

The lands on the Ancon Hill purchased by the Commission are, of course, worth much more money than the submerged lands.

A glance at the map of the city of Panama will very easily demonstrate the reason why this tract of land is far more valuable than any other land in the Zone proper, particularly any other land adjacent to Panama.

The city of Panama is situated on a peninsula, or "thumb," running into Panama Bay. It is surrounded on three sides by water, and the only direction in which the city of Panama can grow in the future is over and across the piece of land which was acquired by the Commission for governmental purposes. This land is at the base of the "thumb," so called, and immediately adjoining it on the northwest is the high mountain known as Ancon Hill.

The low-lying swamps are covered by the sea at high tide. To compare in value the trackless jungle, swamps, and lands of such character along the interior of the Zone with that of the tract of land which was acquired by the Commission at Panama would be about as fair as it would be to compare the relative value of the swamps lying along the seacoast in New Jersey, 25 to 50 miles distant from the water front in New York, with values of the high lands along the Hudson River at Weehawken, or opposite the city of New York; or to compare the best residence property which adjoins the thickly built up portion of Washington City with the swamps and marshes which may exist 20 to 50 miles from the site of Washington City down the Potomac River, and any attempt to compare favorably the localities cited would be based either upon ignorance or due to absence of a wish to be fair.

The minority members of the committee have refrained from importuning Senators in behalf of the lock plan as submitted, for it was assumed that every Senator had read the reports of the Commission, the engineers, the Secretary of War, and the views of the minority of the Senate committee. If I am correct in the assumption that Senators have given careful consideration to these reports, and to all the facts bearing upon the question, there can be little doubt of the defeat of the pending bill.

There is nothing in the reports of the engineers, nor in the testimony, raising a doubt of the practicability of the lock type as planned. On the other hand, there is much affirmative evidence that its utility is unquestioned.

The cost of a lock canal, counting interest at 2 per cent, would be less than that of a sea-level canal by $150,000,000 to $200,000,000.

The time required for construction would be much less, thus securing to the nation the benefits of an isthmian canal at the earliest practicable day.

The lock canal as planned would afford more rapid passage to big ships than would the other type, and it would afford also a greater degree of safety to ships, while the wider and deeper channels would minimize the liability of interruption to traffic.

It would afford a canal of greater capacity and therefore be of greater utility to the commercial world, as the sea-level plan contemplates a narrow canal of limited capacity.

Counting interest at the rate of 2 per cent upon the investment for either type, to operate and maintain a lock-level canal would cost less by some $2,000,000 annually as compared with the sea-level plan submitted.

It could be defended against an invasion as readily as could any other type of canal.

In summing up the matter the President said:

Each type has certain disadvantages and certain advantages; but, in my judgment, the disadvantages are fewer and the advantages very much greater in the case of a lock canal. The lock canal at a level of 80 feet or thereabouts would not cost more than half as much to build, and could be built in about half the time, while there would be much less risk connected with building it, and for large ships the transit would be quicker; while, taking into account the interest on the amount saved in building, the actual cost of maintenance would be less.

In concluding these brief observations I wish to say that after listening to the testimony with close attention during the session, after analyzing the written reports and considering them in the light of the evidence adduced, and after a personal survey of the line of the canal, I can not escape the conclusion that a lock-level canal, practically as planned, is far preferable to the sea-level type as proposed, even if the cost and time for construction of both types were the same. I do not think the country would be warranted in spending such enormous sums of money for a sea-level canal when many of the best engineers of the world have given it as the result of their deliberate judgment that a lock canal on the Isthmus of Panama would be of greater practical utility and can be constructed in much less time and for many millions less money. I am hopeful that Senators who have gone fully into the merits of the two plans will sustain the views of the minority of the Committee on Interoceanic Canals.

Mr. KITTREDGE. Mr. President, I make the usual inquiry whether any Senator desires to address the Senate upon the pending bill. In the absence of any request, or any intimation of that character, I present the following order.

The VICE-PRESIDENT. The Senator from South Dakota proposes an agreement, which will be read by the Secretary.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, June 15, 1906, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal, connecting the waters of the Atlantic and Pacific oceans, and the method of construction, and continue the consideration thereof until 4 o'clock p. m., when debate shall cease, and a vote be taken upon all amendments then pending or to be offered, and that a vote be taken on the bill before adjournment on that day.

Mr. HOPKINS. Mr. President, I would want to consult a little longer before I could agree to that order. It is a matter the Senator from South Dakota has had under consideration with different members of the committee. I am not prepared to agree to it at the present time, but, as I said to him, there will be no delay in getting a vote. However, I am not prepared to say that we can take it on Friday.

The VICE-PRESIDENT. Objection is made.

Mr. KITTREDGE. I hope the Senator from Illinois will not insist upon his objection. It has been understood, by myself at least, that the Senator from New Jersey [Mr. DRYDEN] will address the Senate upon the pending bill on Thursday, and that on Friday the Senator from Pennsylvania [Mr. KNOX] will address the Senate.

Mr. HOPKINS. I will take the matter up with the Senator to-morrow. I wish to consult a little further before agreeing to a time.

Mr. KITTREDGE. I hope the Senator will not object to the granting of this order. The reason why I suggest that the date should now be fixed for Friday, is that Senators who are absent and desire to return to vote upon the pending bill may have an opportunity to do so, and if they are unable to return for any reason that they may have an opportunity to arrange pairs.

Mr. HOPKINS. I will say to the Senator that I am not prepared to-day to agree to it. I will see the Senator in the morning. If I find others are agreeable to the limit of debate as expressed there, I shall not interpose any objection, but I am not prepared to say now that I could agree to it, or that we could take the vote on Friday.

Mr. KITTREDGE. Of course in the face of an objection I am powerless, but I do hope that the Senator will not insist on his objection.

Mr. HOPKINS. I will say to the Senator I am not going to try to delay the vote, but I am not prepared to-day to agree to the specific time named.

Mr. KITTREDGE. In view of the fact that no Senator is desirous of speaking upon the unfinished business, I ask unanimous consent that it be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

STATEHOOD BILL.

Mr. BEVERIDGE. Mr. President——

Mr. PENROSE. Under the unanimous-consent agreement the Lake Erie and Ohio River Ship Canal bill is to be laid before the Senate.

The VICE-PRESIDENT. Under the unanimous-consent agreement the Chair lays before the Senate the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

Mr. BEVERIDGE. I desire, with the consent of the Senator from Pennsylvania, to call up for consideration the report of the conferees upon the statehood bill.

Mr. PENROSE. I yield to the Senator from Indiana for the purpose of considering the conference report.

The VICE-PRESIDENT. The Senator from Indiana asks for the consideration of the conference report on the "statehood bill," so called—House bill 12707. Is there objection? The Chair hears none. The question is on agreeing to the conference report.

Mr. BAILEY. The motion to agree to the conference report is debatable?

The VICE-PRESIDENT. It is. The conference report is before the Senate, and the question is on agreeing to the report.

Mr. BAILEY. I desire to ask the chairman of the Committee on Territories if the conference report has made any change in respect to the location of the capital of the new State of Oklahoma?

Mr. BEVERIDGE. It has in the following particulars: It has located the capital temporarily at Guthrie, until 1913, provided that no money shall be appropriated or expended in the meantime for the erection there of any permanent capital buildings.

Mr. BAILEY. Mr. President, I shall not resist an agreement to this conference report, because I believe that the people of Oklahoma and the Indian Territory have already been denied admission to the Union altogether too long. For four years there has been no difference of opinion in the Senate as to their right of self-government as a State, and their just claims in that regard have been postponed to await some settlement of the vexed question with reference to New Mexico and Arizona.

I have never been able to see any political, geographical, or natural connection between the right of the people of Oklahoma and the Indian country to statehood and the same right of the people of New Mexico and Arizona; and I deeply regret that the conferees representing the House could not see their way clear to give to the people of Oklahoma and the Indian Territory their admission promptly and leave this question to be settled between Arizona and New Mexico hereafter.

I do, however, congratulate the Senate, and I congratulate the people of New Mexico and Arizona, that by our persistence we have at least secured to those people the right to determine for themselves whether they shall be admitted jointly and as one State or as separate States into the Union. If it be true that the Territory of Arizona is as much opposed to her forcible annexation to New Mexico as has been represented here, I have no doubt that her people will so express themselves at the ballot box, and thus end once and forever this attempt to unite her against her will to the neighboring Territory.

I shall look forward, too, to the time when even New Mexico, in her own right and as a separate political entity, together with Arizona in her own right and as a separate political entity, shall be admitted as States into the Union, and I sincerely hope that will terminate the struggle of Territories to become States.

If I could have my way, no State would ever be admitted into this Union after those two Territories become Commonwealths. I would settle for all time the problem of the mixed and alien races who now live under our flag and inhabit territory which belongs to us, but which is not treated as a part of us. I would say to them frankly that they can never be admitted into the sisterhood of States; and then I would supplement that denial of all hope on their part of ever becoming States of the Union by allowing them to erect their own governments and pursue the destiny of their own people in their own way.

I would make this Republic a homogeneous one. I would make this Republic a government in which every part by physical contact touched some other part. If I made a single exception to this rule, that single exception should be the Territory of Alaska.

Mr. President, whatever the future may hold for these dependencies and whatever uncertainty may attend their course, the American Congress makes no mistake when it admits to full fellowship in the Union the new State of Oklahoma. Her people are of our kind. They have gathered there from every quarter of our common country, and they have brought with them the highest sentiments of patriotism and integrity from the communities in which they were born.

As no State in the history of the Republic was ever made to wait so long for membership in the Union, so it will happen that no State has ever so rapidly risen to a position of importance and influence in the councils of the nation.

It will be a novel spectacle to see a new State recently admitted equal here, as the great and the small have always been and must always be equal in this Chamber; but in the other branch of Congress this new State will have a representation equal in intelligence and superior in number to some of the ancient Commonwealths.

With her population, with her wealth, with her resources, Mr. President, it does look like she might have been permitted to select her own capital in her own way, and order her domestic affairs according to her own will.

Not only, sir, is she the greatest ever admitted, but you compel her to come into the Union with badges of dishonor and incompetency never before put upon a Commonwealth. You have written it in the enabling act that her people are not to be permitted to deal in their own way with the most vital of all police questions, the regulation of the sale of liquor. If there be one question above all others essentially pertaining to local government, it is the right to determine whether or not intoxicating liquors shall be sold and, if permitted at all, the circumstances and conditions under which the sale may be conducted.

But you have denied that sovereign right to this sovereign State, and you command her to write into her organic law, not the provision which accords with the will and judgment of her people, but the provision which accords with the will and judgment of people in other States. And that yoke of bondage has been put upon her by many Senators who come from States where no such law exists with reference to their people.

I said on another occasion that I am one of the few Senators in this body who, when the question was submitted to his people at home, have supported a constitutional amendment to prohibit

the sale of intoxicating liquors, and I am by that action precisely as a friend of mine was about leaving North Carolina—if it was to do over I would do the same thing. But, sir, while I am ready to decide that question for the people of Texas, when it is submitted to them, I protest that the people of other States have no right to say how we shall decide it or when we shall decide it, or whether we shall decide it at all. It is for us to say; and you ought to have left it for the new State of Oklahoma to settle in her own way.

Do you believe she would say what you have said she must? No; for if you believed it, you would not have required it in this enabling act. The very fact that you demand of her to incorporate in her constitution this provision is a testimony that, without your command, she would not adopt such an ordinance.

The pretense—I will not say "pretense," because it is offensive to talk about Senators pretending; Senators do not pretend, and there is enough of false accusation against the Senate and Senators from those who know no better, without my joining in the unjust clamor. Withdrawing that offensive word, I substitute it is argued that the justification for this course lies in the fact that the Government owes some obligation to the Indians. So it does; and it owes them a much higher obligation than it ever has discharged. But I remind Senators that the Indians in that country now are American citizens; and if you want to live up to the spirit as well as the letter of the Constitution, you must make no distinction between American citizens on account of their race or their color or their previous condition. The Indians are American citizens, and yet you treat them as children; either it was a wrong to make them citizens when you did it, or else it is wrong to treat them as children now. One or the other must be true. But even if the Indian, panoplied with all the rights of an American citizen, is still to be treated as a child, I appeal against the proposition to deny a million and a half of intelligent American citizens the right to exercise their own judgment in a matter peculiarly local, simply because there happen to live among them something like 50,000 Indians.

But, Mr. President, I waste my breath and I waste the Senate's time. I know, of course, that nothing I could say would induce the Senate to take that obnoxious provision out of the bill. I know that nothing I could say would induce the Senate to amend the capital provision. Therefore I forbear to say more than that, with all the objections I have to this Federal interference with local affairs, I rejoice in an opportunity to vote for a report that at last makes a tardy recognition of the rights of that million and a half of American citizens.

Mr. MONEY. Mr. President, if I have never offered any remarks or suggestions on this question of these united Territories coming in under single statehood it has not been because I have never thought of the subject, for it is an old one. The Territory of New Mexico has been ready to be admitted into this Union for now nearly fifty years. For my part, I am unable to see why the two Territories of Arizona and New Mexico should be permitted to vote as to whether they shall be dragged into the Union with one another reluctantly or not, and why the two greater Territories, Oklahoma and Indian Territory, with four times their population, should be united without leaving it to them. I have yet to see a single soul or to get a single letter or telegram out of the many hundreds I have received that has ever expressed a desire on the part of anyone in the Indian Territory to be united with Oklahoma, except when separate statehood failed. They have asked for me to vote for the Territories to be united in one State only because they have been so persistently told that they could not get entrance to the Union separately.

The Senator from Texas [Mr. BAILEY] has told you that here are a million and a half of people. He might have added 300,000 more, as I am informed there is that number in the Territory, covering more area than New England; and the proposed State will have as many votes as the State of Mississippi in the House of Representatives when it is admitted; and yet those Territories are compelled to come in here as one State, whether they will it or not. You are not voting to please the people of the Indian Territory when you bring them in with Oklahoma. I do not admit the right of Congress to do this. I do not deny the power of Congress to do it; but I deny the right. Here are two great Territories, with a great population, greater than that of at least fifteen States of this Union, and yet they are to be compelled to come into the Union as one State; and, I am sorry to say, by Democratic votes, as well as by the united vote of the Republican side of the Chamber.

Mr. BAILEY. Will the Senator from Mississippi permit me?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Texas?

Mr. MONEY. Certainly; of course.

Mr. BAILEY. The Senator from Mississippi forgets that these Democratic votes were first cast for two States. Two years ago the Senator from North Dakota [Mr. MCCUMBER] offered an amendment to the bill then pending providing for two States to be formed out of the Territories of Oklahoma and Indian Territory and I, I believe in common with almost all of the Democrats, voted for that; and only when that failed did the Democrats all agree that those Territories had better come in as one State than not to come in at all.

Mr. MONEY. Mr. President, I had not forgotten what the Senator from Texas has called to mind; I had not forgotten any part of this struggle of great communities to take their rightful place in the galaxy of States. If we voted against joint statehood then, we should vote against it now for identically the same reasons. The plea or the reason or the argument that compelled us to do it then, and which will compel some Senators now to vote for this report, has no force now, and is an invalid one. These Territories have waited, and they can wait. They will take such action independently if they are not compelled to come in now as one State. This measure is beyond the reach of Congress, in one sense of the word at least.

I recall the fact that when the people of California organized as a Territory and held a Territorial convention they sent their constitution here, and they were rejected by Congress as a Territory. California responded to that challenge by holding a State convention; and she was admitted as a State, without ever having been recognized by Congress as a Territory.

There is another thing about this. In the interest of fair play, in the interest of that equilibrium of power which the New England States especially struggled for in the Constitutional Convention, in the interest of that equipoise which Connecticut contended for, and which she secured, of two Senators from each State, and with no power to deprive a State of its equal representation in the Senate, except with its consent. That was the very last act of the Constitutional Convention. It was to preserve the power of the States as such. When the Louisiana purchase was made, Josiah Quincy announced upon the floor of the House, after it was consummated by an act of Congress, that it would be a sufficient cause for the secession of the New England States; that by that act, by the accession of new States, they would be denied their equal power in the Confederacy. Now, I want to say to Senators plainly and unequivocally, without any intention of causing offense, that if these two Territories had been in the North not a man on that side of the Chamber would have voted to unite them as one State.

When Dakota applied for admission, having about 200,000 people, she was divided into two States so as to get four Senators at Washington. There are now a dozen Western States that have not the population to-day of the Indian Territory; and there is not a single Senator on the other side who will admit now that he would vote to unite two Territories lying north of Mason and Dixon's line with a united population of 1,800,000 souls—not one of you gentlemen would do so.

I want to say that this whole movement in relation to the admission of these two Territories is to prevent the accession of Senators upon this floor. There is a feeling that there is now a sufficient number of Senators, and probably too many. A small section of the United States, by the dominating influence of its character and its intelligence on this floor and elsewhere, has succeeded in binding the States of the West and East to its chariot wheels of power, and they have marched together under the protective tariff and other devices of legislative skill to a great summit of prosperity. Mere vassals have been brought in, and not coequal States. Because these Territories happen to lie to the South, this measure is forced upon the country and forced upon these two Territories by the Republican majority, assisted by the Democrats on this side of the Chamber. I do not know that there is a single man here who will vote against this report except myself. I never will sanction an outrage of this sort. However inevitable it may be, it shall not have my indorsement. I say that it is a subject of just indignation among the people of these two Territories that they have been compelled to say that they want joint statehood because they have been continually threatened with exclusion from the Union in their relation as States.

Now, Senators, this measure will pass, as I know. I am not saying anything to prevent it; but I simply want to speak my opinion freely about it. I say that every man in this Chamber who votes for it, whether he be a Democrat or a Republican, is guilty of exactly the same offense against the people of those two Territories.

Why Arizona and New Mexico should be compelled to vote

upon the question of whether or not they are to be united is not a measure that ought to be held to their lips. Each one of them is entitled upon its own merits, from every point of view—from the standpoint of territorial area, of population, of wealth, and especially in the prospective strength of population—to admission as a free and independent State.

The conference committee and the Republican part of the Senate have placed conditions in the constitution of the proposed State of Oklahoma which every single Senator here knows the very moment that Oklahoma becomes a State of this Union will pass for nothing. This Congress can not impose conditions upon a Territory asking for admission that are worth one cent when she has been admitted. When she has entered the Union, she is at that moment the peer of every other State in the Union, and no condition can be imposed upon her that does not rest equally upon every one in the whole sisterhood of States. To make it difficult for those people to take a view of social and domestic matters different from your own, you have embedded certain conditions in the constitution of the proposed State of Oklahoma, because you know it will be more difficult to take them out of the constitution than to put them in. It is an exhibition of that officious, intermeddling character that intrudes itself into everybody else's affairs, of that cant and hypocrisy that undertakes to examine the sins of other people and provide against them, while perfectly unconscious of any guilt in itself. This miserable and detestable feature is the worst thing in this measure, as the people of Oklahoma and Indian Territory are compelled to-day by a people who literally care nothing for them, as a matter of fact, and by a prurient desire to constantly interfere officiously with people and to regulate their affairs, whether they be social, domestic, or political.

The people of these Territories can guide themselves. They are sufficient to-day for their own control. I, for my part, having visited every part of this Union, would not give a hundred thousand men in the West for five hundred thousand men in the East. In all of the elements of manhood, in enterprise, in courage, in adventure, in self-respect, they are the equals of one to five, and they can take better care of their morals than can the effete East.

I tell you to-day the criminal statistics of that western country will compare most favorably with those of the great centers of population in the East. You take the history of the East everywhere and see the absolute lack of self-control in that section that has engendered here in the Senate a desire to hedge about a capable and self-respecting people with that control which those who seek to exercise it feel to be absolutely necessary at their own homes. Gentlemen forget that communities in some places may require blue laws and sumptuary laws and restrictions, but that there are other communities that still maintain their individuality and their manhood and that require nothing of the sort. They are quite sufficient for themselves; and I resent this thing for them, as I would resent it for the State of Mississippi.

These Territories have the right, and every organized society has the right to regulate their police power, to look after the health and morals of the community. There is no power anywhere to deny that, and if it is denied it is an unconstitutional denial; it is the denial of a right that is not only constitutional, but it is natural, it is inherent, and it is inalienable.

Senators may vote as they please here, but it will not affect the case at all. In my opinion, the people of the proposed State can assert their rights whenever they choose. I do not speak here to-day as an advocate or the opponent of temperance or prohibition. I have done my part in this life by always having been a temperate man. I voted for a "dry" ticket in my State, but I would not vote, as the Senator from Texas [Mr. BAILEY] says he would, for an amendment to the constitution of the whole State for prohibition or for anything else, because that would be a denial to the counties, which are the integers of the State, of their right of regulating the police power and to say what is best for them. I say that every single community in the world, every organized society, nay, every unorganized society, every settlement and neighborhood of farmers have a right to control their police matters, so far as health goes and so far as organized society goes, as to morals.

Mr. President, I did not intend to say anything on this matter at all, as I have been silent throughout the discussion; but I did not want this measure to pass, as I have to stand alone in my position, without giving the country the reasons which actuate me. I have no desire to debar the citizens of the Territories from their relation as States in this great galaxy. On the contrary, I have always—and I have been here a long time, in one or the other of the Houses—advocated and voted for the admission of every Territory that knocked at the door of the Union for admission. I have always said that the guardianship of a great community by the other great communities was not a normal feature of our institutions. They are all based upon local self-government, upon the sovereignty of the State, upon the knowledge and the capacity and the right of each community to govern itself exactly as it pleases. Take that away, and the whole proud fabric and superstructure of our liberties tumbles to the ground. So in every case I have always voted for the admission of a Territory, and I cared not what its population might be. I knew that in the near future its population would be enough to meet the requirements of the Constitution as to the representation allotted to the Members of the House according to the last census.

So I have continued to desire, and I desire now, that they should be admitted, but I will not consent to the doctrine that this Congress has a right, or that there is a reason that is valid and sound and a fair one, to unite such Territories as Oklahoma and the Indian Territory, embracing a population of about eighteen hundred thousand souls, into one State without asking their consent. The consent that has been given has been an enforced consent. It was not the wish of the people of the Indian Territory. Perhaps it was the wish of Oklahoma, with a desire to reach out and aggrandize itself as much as possible—a natural desire I will admit, but at the same time an encroachment upon the rights of their neighbors in the Indian Territory.

The people in the Indian Territory, I venture to say, are the equals of any people in the United States. I believe more people have gone there from Mississippi than from any other State in the Union, and that alone is a sufficient guaranty of the character of the people of that Territory. People have gone there from Texas, from Arkansas, from Tennessee, from Kentucky, and a great many have gone there from the North. They are hardy pioneers, willing to blaze the way and establish civilization. Towns have grown up like magic there, and everything has demonstrated the absolute capacity of those great people to govern themselves.

The foreigners are hardly to be noticed in that country. There are Indians there, but there is hardly an uncongenial foreign ingredient compared to the black population of Mississippi of 300,000 majority over the whites. If we could deal with this body of incompetents, with their incapacity to govern, how easy it would be to take care of 100,000 Indians of pure blood still in that Territory, who have those high characteristics of manhood and of self-respect that would entitle them after a while to assert all the dignity of citizenship, into which they have been received by acts of Congress and which they themselves have accepted by dissolving their tribal relations.

Mr. President, this Congress has no right, although it has the power, to pass this act. These people should be permitted to say, not with the threat hanging over them that they shall not come in at all unless they come in as one State, but to say freely whether or not they desire to unite. If that opportunity were allowed to the people of the Indian Territory, you would find an expression in the negative that would astonish those who have been accustomed simply to hear it iterated with damnable iteration on this floor that these people want to come into the Union as one united State.

The people of the Indian Territory desire nothing of the sort, though I believe the people of Oklahoma would like to come in with the Indian Territory under the name of the State of Oklahoma. I think Oklahoma has been reaching out for spoil, naturally, as I say, thereby exhibiting a characteristic that belongs to all nations of the world. They all desire to extend their borders; but there is no such land-hunting, land-robbing, land-grabbing, and land-stealing people on the face of the earth as the Anglo-Saxon. They have taken every rock big enough to plant a cabbage on; they have taken territory on every continent, and every island of the sea, and they have held it with the grip of death. They want land; and as it is with the great English-speaking people so it is with Oklahoma. They have reached out to grasp the Indian Territory and have drawn it to their bosom. That greed for power has found its echo here in this Chamber, and these men are to be confirmed in their right to take in the Indian Territory.

I say again, Senators, that in all my communication with the Indian Territory—and it has been very great—I have not found a solitary man who in the first instance desired a union with Oklahoma. Those people desired separate statehood. But they were informed over and over again by the Republicans, especially by the officers of the Territorial government, appointed by the Republican Administration, and afterwards had it echoed to them by Democratic Senators, that they could not secure admission in any other way. So they said, "Well, we will do anything to get in." Why? To relieve themselves of the appointees of the Administration who have gone there. They said,

"Anything to relieve us from the body of this death; anything to put in our hands the right to control ourselves." I for one would prefer that they should wait longer and get their due, their certain just right to come into this Union exactly on a par with the other Territories that have been admitted as States.

If Dakota had been in the South it would have been admitted as one State, with two Senators. Washington and Utah would have been called upon to enter the Union as one State, with two Senators; and if Oklahoma and the Indian Territory had been North, it would have been admitted as four States, and with eight Senators out of that great population and that fine Territory. Yet it is fair play. It is a game of politics, and the weaker must lose. We lose, Senators. We submit to this decree. Our heads are bloody, but they are not bowed. We still feel the injustice of this movement; we still feel that it is a discrimination against our section, and that this act, which is to-day to be approved, is an act that is extremely sectional, extremely political, and is a blow at the equality of the southern part of this Union to equal representation in this Chamber.

Mr. FORAKER. Mr. President, this is the first time for a long while—I believe it is the first time since I have been a member of this body—that I have heard a speech pitched on a sectional key. I do not want to say very much in answer to it, but I do want to say to the Senator from Mississippi [Mr. MONEY] that there is, in my opinion, no occasion for the turbulent condition into which his mind seems to have passed. I say this with the more freedom because I have been in accord with the Senator from Mississippi all the while as to separate, rather than joint, statehood for the two Territories of Oklahoma and Indian Territory. I spoke in favor of that proposition in one of the preceding Congresses, when we had a bill of that kind under consideration, and I tried very hard at that time to get an opportunity to vote for it. I have supported this bill in this respect, and I intend to vote to accept this conference report, notwithstanding these two Territories are jointed together, not that politics has anything to do with it, but because the best interests within our power to subserve require it.

Having the attitude with respect to this matter that I have maintained, I think I have heard as much as any other Senator in this body of the reasons why Senators on this side of the Chamber have voted to join those two Territories together as one State, and I do not think I have heard any Senator on this side of the Chamber give politics or political advantage as a reason.

Mr. President, the Senator talks as though these two Territories are Democratic in their politics, and that the Republican members of the Senate are seeking to obtain some kind of an improper advantage by consolidating them and making only one State of them, so that it can have only two Senators. Perhaps the Senator has not been reading the election returns from Oklahoma. There have not been any returns from the Indian Territory. But in Oklahoma, from the very beginning of the organization of that Territory, from the very beginning of the time when they commenced to vote, the Republican party has been constantly gaining strength. It was found to be a Republican Territory by the vote of 1902, again in 1904, and I have before me, having sent to the Library for it after the Senator made his remarks, the report of the election of last year, when they elected a legislature. The result of that election was eight members of the council, or senate, Republican, and only five Democratic; fifteen Republicans in the house as against eleven Democrats, making a Republican majority of three in the senate and four in the house, or a Republican majority on joint ballot of seven. So it is that Republicanism is gaining all the while. Politics had nothing to do with this provision, for according to the latest indications we would have gained by having them come in as two States.

Mr. MONEY. Will the Senator from Ohio permit me?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. FORAKER. Certainly.

Mr. MONEY. The Senator thinks I have not been reading the election returns. I am quite familiar with the election returns, and I want to say to him that I do not know of any Territories that do not take the complexion generally of the Administration which appoints the officers who conduct those elections. It is quite common. If the Senator will pardon me, I fully expect every one of these Territories to send Republican Senators and Republican Representatives when they are admitted into this Union, and I do not expect them ever to repeat it.

Mr. FORAKER. I have observed when a Territory or a State takes on the Republican political complexion it generally retains it.

But however that may be, what I wanted to call the Senator's attention to is the fact that I have not heard the reason assigned by him urged by any member of the Senate on this side of the Chamber. The Senator will remember that when Oklahoma Territory was created it was provided in the organic act that Congress reserved the power to reunite, for purposes of statehood, the two Territories, or to deal with them as Congress might see fit. While there has been some objection manifested to a union of the two Territories, there has been comparatively very little. The petitions that I have been receiving have been, as a rule, in favor of joint statehood; certainly in favor of joint statehood if they could not get separate statehood without a contest and without further delay.

But, Mr. President, it was not my purpose to speak particularly of that. Now, I want to say, in answer to the Senator from Texas, that I think he has given more force and effect to this provision prohibiting the sale of intoxicating liquors than he was warranted by the text in giving to that provision. One hearing the Senator speak would have concluded, I think, that there is a requirement in the enabling act that the State of Oklahoma shall put in her constitution a prohibition against the sale or barter or giving away of intoxicating liquors to anybody within the new State of Oklahoma, to be composed of the two Territories. The Senator will find, if he will take the trouble to look at the text, that the provision is not so broad; that it is so narrow and has such a manifestly proper purpose that I think the Senator upon reflection would not find so much fault with it, at any rate, as he has expressed. The provision is:

> First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship, and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians are forever prohibited: *Provided*, That the sale, barter, or giving away, except for mechanical, medicinal, or scientific purposes, of intoxicating liquors within that part of said State heretofore known as the Indian Territory or other Indian reservations within said State be prohibited for a period of ten years from the date of admission of said State, and thereafter until after the legislature of said State shall otherwise provide.

Mr. President, I am not a member of the Committee on Territories. I have not had this bill especially under consideration. I have given very little attention to its provisions with respect to Oklahoma and the Indian Territory. I have been giving some attention to its provisions with respect to Arizona and New Mexico. But what little I know in a general way of the character of these Indians, notwithstanding the fact that we have been dissolving the tribal relations and allotting to them real estate, leads me to think it an eminently wise provision that we should in creating this State require that there shall be a positive prohibition against intoxicating liquors being furnished to them either by sale, by barter, gift, or otherwise. I do not think, Mr. President, that the Committee on Territories, who have brought this measure before us, need any defense as to this matter that they themselves can not make. I do not think anybody needs any defense for the making of a provision of that character. It is true these Indians, I suppose, are not in a wild state, but they are Indians still, although the tribal relations may be dissolved, and although we are proposing to make citizens of them.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. FORAKER. Certainly.

Mr. GALLINGER. I will say they are always wild when they are drunk.

Mr. BAILEY. That is not a peculiarity of the Indians.

Mr. GALLINGER. Yes; it is more than of a white man.

Mr. BAILEY. White folk get as wild as Indians when they are drunk.

Mr. GALLINGER. Not quite.

Mr. FORAKER. Some white folk are liable to.

Mr. BAILEY. And some Indians, too.

Mr. FORAKER. But whether white folk do or not, we know the Indian is a pretty unsafe character when under the influence of intoxicating liquor. I think instead of the conferees being criticised they ought to be commended for that provision. I think it is wise.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. That is not precisely a criticism against the Senate conferees, because that provision was in the House bill when it came to this body, and I intended to complain against the bill rather than against the Senate conferees.

Mr. BEVERIDGE. Will the Senator permit me?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. FORAKER. Certainly.

Mr. BEVERIDGE. I so understood the Senator from Texas, because I knew that the Senator knew what he has just said and also that the widening of the provision was made in the Senate and not in conference.

Mr. FORAKER. I did not know about that. I was only trying to employ language that would be broad enough to cover the Committee on Territories and the conferees and everybody else who was entitled to take credit for it, for I think it is a creditable provision to put in the bill.

I wish to say another word. I was opposed to the former conference report when it was brought in here some days ago because of its provisions with respect to New Mexico and Arizona. At the time when that conference report was brought in it was published all over the country in the newspapers, and particularly in my own State, that the conference report was based on what was known as the "Foraker amendment" of last year; that it had been adopted in precisely the same language, etc. And then followed, a day or two later, some very harsh criticisms of me, particularly in my own State, because I was not satisfied with that conference report and insisted upon something else. I was not satisfied with that, and I am not entirely satisfied with this, but I am so well satisfied with it that I intend to support it.

But the difference between the amendment of last year and the amendment of this year, which is the basis of this conference report, is a very wide difference. I can best make it plain by calling attention to what the bill was that we had before us last year in this particular. It provided, with respect to Arizona and New Mexico, that they should be joined together and admitted into the Union as one State. Then it provided that the governors of those two Territories should, within thirty days after the approval by the President of that enabling act, issue a proclamation ordering an election of delegates to a constitutional convention, to be held on the tenth Tuesday after the approval of the act, and until that date was given by the provisions of the act for the registration of voters and the making of the needful and proper preparations for the vote to be taken upon delegates to the constitutional convention. Then it provided that the convention might remain in session under pay for the term of sixty days in the work of framing the constitution; that they should not be required to meet until the fifth Monday after they had been elected, and that there should be a reasonable and proper time given for a vote to be taken upon the adoption of the constitution.

That was amended by the adoption of an amendment which I offered, so as to insert in the provision as to the vote on the constitution that there should be a majority in favor of the constitution in each of said Territories. That amendment was offered without as careful consideration as should have preceded it. When the matter came up this year there had been more time for consideration, and instead of offering that amendment, I offered the amendment of this year, which provided that there should be, as a first step in determining whether or not there should be joint statehood, an election at which every qualified elector in the Territories should have a right to vote directly on the question of joint statehood—for it or against it. The provisions in other respects were very similar to those of the preceding year.

When the conference report of a few days ago was brought in it provided that within twenty days, instead of within thirty days, after the act should be approved by the President the governors of those two Territories should issue their proclamations calling upon the proper officials to make registration lists of all the qualified voters in the two Territories. This registration was to be completed within thirty days. The election of delegates to the constitutional convention was to be held almost immediately afterwards, on the fifth Tuesday after the act was approved by the President. The delegates so elected were immediately to meet in Santa Fe, and they were within thirty days thereafter to frame and submit a constitution.

It seemed to me, in other words, without specifying further, that there was an undue hastening of the procedure all along the line, and then, what was more objectionable still, was the fact that it provided that there should not be any vote directly on the question of joint statehood, but only a vote on the question of adopting the constitution, and if there should be a failure of a majority in either Territory upon the question of adopting the constitution statehood should be defeated, but not otherwise. That amendment, for the reasons I have indicated, was not satisfactory, but there was another reason still. I have contended all the while, as other Senators have; that if there was to be joint statehood of those two Territories, with the protests against it coming up to us which we have been receiving from Arizona, the people of those two Territories should not only be allowed to vote on the question, but if they were to be allowed to vote they should be allowed to vote before their representatives were required to meet together in joint convention and frame a constitution. They should not be required to frame a constitution until they knew whether or not they were going to need it. It seemed to me to be an illogical sort of an arrangement, with the feeling existing, with the opposition on the part of the people of Arizona, not to say on the part of a good many people living in New Mexico, according to my advices, to require them to meet and frame a constitution before they had determined that they needed one.

Therefore I was not satisfied with that report. I accept this report, Mr. President, because it gives thirty days after the passage of this act and the approval of it by the President for the issuance of the proclamations of the governors calling for the election of delegates to the constitutional convention, and that election is to be held in November next, and then when the delegates assemble in convention, if they ever do, they are to be allowed sixty days—twice as much time as was given under the other report—in which to do the very important work of framing an organic law. The time will prove none too long, I imagine, judging by the experience we have had in our State in making constitutions. We have tried it two or three times, and we have never been able to finish in anything like that period.

Now, in addition to everything else, we save the expense of a special election, for the provision of this conference report is that the vote is to be taken on the question of joint statehood at the regular general election to be held in the Territory for the election of Territorial officers on the 6th day of next November. Everybody can be in attendance without any expense or any trouble, except only that which the people would go to anyhow to attend the regular election. At that election a ballot is to be furnished to each voter which will enable him to vote upon the direct question whether or not he wants joint statehood. Thus we get an expression upon this direct question. At the same election, under the provisions of the conference report, they can elect delegates to the constitutional convention, to take office, if there be in each Territory a majority vote in favor of joint statehood, and frame a constitution. Otherwise the election to go for naught.

It seems to me that, under all the circumstances, this is a fair and just adjustment of the controversy, and I hope the conference report will be adopted.

Mr. PATTERSON. Mr. President, being a member of the Committee on Territories and a minority member of the committee of conference, in view of what seems very much like criticism upon the result of the labors of the conference committee, I think I should not permit this matter to close without saying a few words.

To be sure, a minority member of a committee of conference such as this is not a very enviable position. A minority member is soon given to realize that he is a sort of vermiform appendix. He has no particular function to perform, except to irritate the body of which he is a part. I sometimes think that a surgical operation might as well be performed to eliminate minority members of committees of this kind.

In what may be termed the unimportant features of the bill, although every feature is necessarily important to the Territories concerned, the minority members had their say. But when the real statehood question was reached—the details of the submission of the question of joint statehood for New Mexico and Arizona—we were called in only after the work was done and the fiat of the majority was ready to be proclaimed. To a certain extent we have given enforced acquiescence to it. But to the main propositions contained in the measure we gave most cheerful and hearty acquiescence. To that part of the report which will make certain the statehood of Oklahoma within a reasonable time the minority members of the conference are in most hearty accord. To that part which prohibits joint statehood for Arizona and New Mexico until there shall be an election held under reasonably favorable circumstances we also give our hearty accord. So as to these features of the conference report I am inclined to think the minority members give more hearty support to the report than do the majority members.

But, Mr. President, with reference to joint statehood for Oklahoma and the Indian Territory, I do not regard that as a hardship at all. It is simply the reuniting of parts, united originally, that I believe were intended to be reunited in statehood. Oklahoma was carved out of the Indian Territory, and in the bill creating that Territory it was provided that as rapidly as the tribes left in the Indian Territory ended their tribal relations the land they occupied might be added from time to

time to the Territory of Oklahoma. So I am inclined to think, if we can gather information from legislation of years ago, that it was the anticipation of Congress when Oklahoma became a State the Indian Territory would be united with it—that is, if by the time Oklahoma became a State the tribal relations of the Five Civilized Tribes had ceased and the Indians had become citizens of the United States.

Then again, Mr. President, the joint Territories of Oklahoma and the Indian Territory make a State much less in size than any State which has been admitted into the Union for thirty-five years—hardly half the size of Colorado, not a fifth the size of what would be the State of Arizona if New Mexico and Arizona should be admitted as one State. In addition to the smallness of the area, the information I received from both Territories is that their white population were quite willing, and the great bulk of it were extremely anxious, that their anomalous condition should be ended and that both Territories should be united in one State.

Therefore, Mr. President, I acquiesce with great cheerfulness in the part of the report that makes one State out of Oklahoma and the Indian Territory, and I am inclined to think that I speak for the great majority of the Senators upon this side of the Chamber when I say that they also acquiesce in that part of the report. We have all stood for either the admission of Oklahoma and the Indian Territory as two States or for the admission of both Territories as a single State. Our labors and desires and influence have been from the very first in behalf of the admission of both either as separate States or as a single State. Accepting the logic of the situation, I think I can safely say we are on this side of the Chamber now an harmonious whole for the reception of the new State of Oklahoma as is provided in the conference report and in the bill that passed the Territorial Committee of the Senate.

Mr. President, as to Arizona and New Mexico there is no doubt that every member on this side of the Chamber, with one possible exception, has been from the first in favor of the admission of each as a State in the Union. We have believed from the time this discussion commenced that each had the area, the population, the wealth, and the civilization that are necessary to make each of them a State of which the entire country might well be proud; and therefore almost as a united body we have stood contending here and before the country for the admission of each of them as separate States.

I have been particularly impelled to this by reason of the provision creating Arizona a Territory, for therein it was most solemnly provided that the government of Arizona should continue until the people of that Territory applied to Congress for admission as a State. I regarded the joint-statehood proposition for these Territories as an open and almost inexcusable violation of an obligation that was imposed upon all succeeding Congresses by the Congress that created Arizona Territory, and that it should not be ignored. For that reason we fought to the last ditch, it may be said, in opposition to everything that was intended to forcibly unite them.

To the first conference report, I think, this side of the Chamber was opposed as a body, because it did not submit to the people of each Territory, fairly and squarely and without duress, the proposition of joint or single statehood. In any event, Mr. President, without going into details, as did the Senator from Ohio, no Senator could read the provisions of that report without recognizing that there was no fair time given for registration or for the formation of a constitution or for a proper understanding of a constitution before everything would have to be voted upon next November.

In addition to that, by reason of the peculiar language of the law providing for registration, it was clear to me that upon the final vote upon both the constitution and for officers at least one-half of the legally qualified voters of Arizona would be disfranchised.

But, Mr. President, so far as the provisions of the present conference report go, they, I believe, secure to the people of both New Mexico and Arizona as fair an opportunity as could have been expected for the voters of each to express their desires upon the question of joint statehood. There is nothing that will interfere with a full and free expression of the views of each of those Territories except the fear, which must always be present, that unless they do accept joint statehood they may be kept out of the Union for a great many years to come.

But, Mr. President, I do not believe that such will be the case. If the result of the submission of this question to the voters of the two Territories shall be such, as both sides of this question anticipate, if we may judge of their anticipation by their statements, joint statehood will be overwhelmingly defeated not only in Arizona, but in New Mexico. One good result of the submission of this question to the voters of Arizona, if such shall be the result of the election, will be that neither the Senate nor House will have the hardihood to again attempt to coerce the people of these two Territories into a joint relation that neither desire and that both at heart abhor.

I have no question, Mr. President, but that when the next Congress meets, if the result of the vote shall be such as is predicted, bills for the admission of these two Territories, each to be a separate State, will be introduced and will be passed with little or no controversy.

Mr. President, like the Senator from Texas, I stand here now in behalf of the people of the country to welcome the new State of Oklahoma into the Union of States, and I believe that before another Congress has expired we will be able to welcome the people of New Mexico and Arizona into the Union as inhabitants of two separate, distinct, great, and independent Commonwealths.

Mr. FORAKER obtained the floor.

Mr. STONE. Mr. President——

Mr. FORAKER. Will the Senator from Missouri yield to me just a moment to correct a mistake I made when I was on my feet a moment ago?

The VICE-PRESIDENT. The Chair has recognized the Senator from Ohio.

Mr. STONE. I would yield to the Senator from Ohio anyhow.

Mr. FORAKER. When on the floor a moment ago, replying to the Senator from Texas about the provision as to prohibition in Indian Territory, I made the mistake of picking up the wrong bill. When I came to read the provision I read from the bill of last year. The provision this year is in legal effect, generally speaking, practically the same, but it is much longer and goes much more into details. I ask simply that it may be incorporated in the RECORD without stopping to read it.

Mr. MORGAN. I ask that it be read.

Mr. BAILEY. I suggest that the Senator will have the right to print it where he read the other provision.

Mr. FORAKER. No; I think it would be better to go in just as it is, because the remarks I made with respect to the other might not exactly fit this provision.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio to insert in the RECORD the provision he has sent to the desk?

Mr. MORGAN. Mr. President, I rise to a question of order. I ask that the matter which has been pointed out by the Senator from Ohio, and which he asks to be inserted in the RECORD, may be read.

I wish to make a remark in this connection, Mr. President. Not having been on the conference committee, I shall have to give the excuse to my constituents that I do not know what it is, and I find that the Senator from Ohio did not know what it was.

Mr. FORAKER. I hope the Senator will allow me to say to him that I think that is hardly called for. I was speaking of the general provision, and when I came to read it, having both bills on my table, I by mistake picked up the wrong copy.

Mr. MORGAN. That was very natural, because our tables have been covered with different editions of this measure from day to day. We do not know what is in this bill, and there is not a Senator on this floor to-day, unless he is a member of the conference committee, who can get up and tell the Senate what are the provisions of the bill.

I wanted to suggest that, inasmuch as this is a great matter and inasmuch as under the prediction of the Senator from Texas it is to be the last vote we shall ever take, probably, upon the question of statehood, the Senate of the United States can be indulged in time enough to have this bill printed as it comes from the conference committee.

Mr. KEAN. It has been printed.

Mr. MORGAN. I do not mean merely the report, but the bill with the amendments properly printed in the text, as the rate bill was printed as it came from the conference committee, so that we can be allowed to take it up with some composure and with some idea of what it contains, and pass upon it as becomes gentlemen who are dealing with the highest function of Senatorial power in the United States.

Mr. STONE rose.

Mr. MORGAN. Will the Senator from Missouri excuse me just a minute?

Mr. STONE. With pleasure.

Mr. MORGAN. Mr. President, if we were here making a declaration of war concurrently with the House, I suppose great solemnity and great care would characterize every word that was said and every vote that was given, the reason of that being that we could not share the responsibility of a declaration of war with the President of the United States. The two Houses

have the exclusive control of the question of a declaration of war.

Equally so, Mr. President, is it in regard to the admission of a State into the Union. The President of the United States, if you pass this bill, has no right to veto it. The President of the United States, except for some provisions that are unwise and unnecessary, would have no right to consider it. If the Senate of the United States and the House before midnight of this day should vote a concurrent resolution that the Territories of New Mexico, Arizona, Oklahoma, and the Indian Territory should be admitted into the American Union, with their respective boundaries, to be delayed only until Congress should examine the question whether the constitution that they would adopt was republican in form, those States would be in the Union, and no power in this Union could turn them out or question the legitimacy of their situation in the Union. The Senate and the House by concurrent action can provide for every condition that is requisite to the admission of a State into the Union without referring the subject to the President of the United States at all. It is a separate function.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. MORGAN. Certainly.

Mr. FORAKER. I note with much interest the remark made by the Senator, as I understand him, that it is not necessary for the President to approve an enabling act which we are proceeding to pass. I suppose the Senator bases that upon the language of the Constitution which says that the Congress may admit new States to the Union; but I will ask the Senator if it be not true that every enabling act under which a Territory has been admitted to the Union has been approved by the President?

Mr. MORGAN. No; not every one; but the great majority of them have. I concede that.

Mr. FORAKER. I supposed they all had been approved by the President.

Mr. MORGAN. I concede that; but I am not here for the purpose of following an unconstitutional precedent, if I so regard it. I am sworn to support that instrument as I understand it; and therefore it is not my duty to follow precedents at all.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Maine?

Mr. MORGAN. Certainly.

Mr. HALE. The proposition of the Senator, who is a very profound and learned lawyer, is to some of us novel. Is there any instance where an enabling act passed by Congress providing for the admission of a new State has not been approved by the President?

Mr. MORGAN. The Congress have invited the President to come into their counsels and participate with them in legislation appropriate to or connected with the admission of a new State. But California is a State in this Union. What enabling act did she have?

Mr. HALE. How has Congress invited the President in enabling acts and bills of this kind in any different way from what it does when Congress passes any bill without making any reference to the President and the President receives it and either approves it or vetoes it? I am not aware, in what knowledge I have of legislation on this subject, that an enabling act has in any way differed from other bills passed by Congress; but it has, without any invitation by Congress, been taken up by the President and received his sanction. The Senator may be entirely right, but, as I began by saying, it is a very novel proposition to some of us.

Mr. MORGAN. Mr. President, it is novel to gentlemen who do not pay enough attention or care enough for the opinion of their colleagues on this floor to read what they have said. In the discussion of this measure a year ago or a little more—I do not know just when it was—I put myself to the trouble of making an elaborate argument upon this very proposition, and brought in the authorites and all that. Of course that all went for nothing. It did not even draw the attention of Senators. I am not complaining of it. That is something I have the right to expect, and almost every gentleman on this side of the Chamber has a right to expect the same thing in regard to anything he may propose in this body. I do not complain of it. I do not, however, rest under the impeachment of having sprung a new idea on the Senate.

Mr. SPOONER. I listened to it.

Mr. MORGAN. The Senator from Wisconsin is generally very attentive to all that takes place in this Chamber, no matter who is on the floor.

I brought that up, Mr. President, with a view to illustrate what we are doing here. I am merely speaking of the power of the Senate and the House, not as legislative bodies, not by the enactment of a law, but by the passage of a concurrent resolution, just as we declare war, to admit a State into the American Union.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Montana?

Mr. MORGAN. Certainly.

Mr. CARTER. I think in the remarks made by the Senator to which he has referred he very clearly demonstrated that Congress could admit a State without consulting the Executive. If a State had been formed, as in the case of California, without any enabling act and Senators and Representatives elected, Congress could recognize such Senators and Representatives, and they would become a part of the legislative bodies and the State a part of the Union. But in the bill here presented, I submit to the Senator, the concurrence of the Executive is necessary, not because it is necessary to the admission of a State, but because certain appropriations are made and certain grants included in this bill require Executive approval.

Mr. BEVERIDGE. Grants of land.

Mr. CARTER. Grants of land in great quantity.

Mr. MORGAN. The appropriation that may be made for carrying into effect the joint action of the two Houses can as well be made upon the predicate of a concurrent resolution as upon the predicate of a bill that contains the appropriation itself. So that question answers itself. As to the proposition that a State may be admitted even if it has been formed, that answers itself, because a State can not be formed until it is admitted. It may be formulated, but it can not be formed. It can be stated as a proposition and submitted to the two Houses of Congress for their acceptance, and they may accept it, as they did in the case of California and in the case of Texas; but it is not a State that is formed. It is a proposition from a certain political entity or unit that they propose to form a State with our consent. When we give our consent upon the terms that have been stated, the State is formed; and when it is formed in that way there is no power in the Union that can put it out or disregard its rights.

I do not expect, Mr. President, to advance that proposition in opposition to this measure. Congress, in obeying the precedents that sometimes have obtained, has invited the President of the United States to participate in this "act of legislation," as we term it, which is for the admission of a State, and also for certain appropriations and certain regulations in regard to boundaries and the public lands, etc., that it is very proper the President should participate in.

But, Mr. President, if Arizona and New Mexico should vote in favor of statehood, an election is to determine that fact and returns are to be made from that election. That is an event in the future which determines the right of these two States to joint statehood. So far as separate statehood is concerned, that is not provided for in the case of Arizona and New Mexico. If Arizona and New Mexico or either of them refuse to be consolidated with the other that State passes back into its Territorial condition, and that is the end of it. That is as much as if the law was repealed. It has the same effect as if the law was abrogated or repealed. So that vote has either the effect of repealing, abrogating, and annulling this act, so far as those two Territories are concerned, or it has the effect of bringing them into the Union as one State.

How is Congress going to determine about that election? Who is to have the final act of determination upon that subject? The President of the United States? You might just as well say the Chief Justice of the Supreme Court, because they are both equally outsiders from the question of fact as to whether the State has been admitted into the Union by that vote. Whether it comes into the Union by that vote or not depends upon how you count it, how it is reported. There is no confirmation of it on the part of any person in this bill at all, except the President of the United States. The reports are to be made to him, if I read the bill correctly, or remember it correctly, and he is to detemine whether or not these two States, or either of them, have voted that they will not consolidate or both of them have voted that they will consolidate. Here are all the incidents of a popular election to be settled and determined, first, by the returning board, and, secondly, by the President of the United States.

Suppose the returning board returns that the two States have agreed to unite. The President of the United States says, "Well, I am not satisfied with that. Here are accusations about bribery in elections and the like of that. I am not satisfied that you had a fair election; I will not approve it, and I

will not issue my proclamation." Then nothing is done, and the alleged falsity of the returns of the returning board annuls all that Congress is doing here to-day.

That is not the admission of a State into the American Union under the Constitution. That is the mere pivotal fact that is put up in this case upon which turns the question of the admission of one sovereign State composed of two Territories; and that fact is not to be determined by the Senate or by Congress. We delegate the power to determine that fact to a third party; and I do not care whether it is the President of the United States or the Chief Justice of the Supreme Court, the delegation in both cases is equally void.

The act of admission must be the act of these two Houses, and not the act of somebody else, who shall decide whether the law or the concurrent resolution enacted here has been complied with. The act of admission must be the act of the two Houses. Under this bill the act of admission will not be the act of the two Houses. It will be the act of a returning board, approved or disapproved by the President.

Now, if you intend to bargain this subject away by a contract between four or five Senators on this floor, why have you not provided that that election shall be brought back here and tested by some measure that the two Houses might inaugurate for the purpose of ascertaining its fairness, its honesty, and its justice?

Mr. President, I have no more expectation of seeing an honest election come out of New Mexico and Arizona under the bribe we offer them to unite into statehood than I would to have sweet odors come out of the butchering houses in Chicago. You offer them $5,000,000, paid out of the Treasury to their school fund. Who pays that money? My constituents have to be taxed to pay their part of it. The Treasury of the United States must be unlocked and $5,000,000 voted out there. "If you vote for joint statehood, you will get this money. If you do not vote for joint statehood, you will not get it." Under the pressure of that single bribe, for it is nothing else, upon the mind of the voters of these Territories, we know what the result is going to be. We know it now. When the returns come in they will be that "We accept the money and vote for joint statehood." That will be the return. I do not want the Senate of the United States, by any sort of contrivance, and particularly by an arrangement made by a few Senators, to tax my people to make their contribution to that pile of gold. It was intended for nothing else in the world but to induce men to vote for joint statehood.

Who are the people who are going to vote? They are the people qualified, so far as I remember the bill, according to the laws of New Mexico and the laws of Arizona; and when we come to those qualifications there is a great mix up in regard to Indians who are taxed and Indians who are not taxed. Many Indians, I am informed by the testimony that has heretofore been given before this committee, have declined to vote, although they would have been permitted, because by declining to vote they have escaped taxation.

We draw a classification between Indians. We examine into that in Oklahoma; we hold an election there also; and all the Indians who are American citizens and who are males of 21 years of age are permitted to vote, and all the negroes who are American citizens and who are males of 21 years of age are entitled to vote; and they vote for the constitution, for these organic laws, as to which we ourselves frequently find we are entangled and engulfed in doubt and difficulty in trying to interpret. These are the men to whom we commit the destiny of a State, the fixing of the provisions of the constitution.

Then the reformers have got in there—the reformers on the subject of the prohibition of the sale of liquor. They have invaded that Territory. Then the reformers on the religion of the Mormons have invaded that Territory. Those reformers are hard at work, and they have made their work tell upon this bill. I notice in the conference report, which was printed and for the first time was in the hands of Senators this morning of this very busy, hard-worked, overworked day, that the prohibition in regard to the Territories of Arizona and Mexico is as follows:

> First. That perfect toleration of religious sentiment shall be secured—

Not saying anything about Mormonism; of course that is not religious sentiment—

> and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians are forever prohibited.

To whom? To Indians. These men who have been voting for the constitution; these men who are American citizens, and because they happen to be men of Indian blood—and a man is an Indian if he is a quadroon or an octoroon with Indian blood—you must never sell any liquor to them.

In Oklahoma and in the Indian Territory the negroes, who were formerly the slaves of these very Indians, are permitted to buy all the liquor they want, but the reformer seems to have gone blind on one side of his vision, and while he is trying to reform and to make that country temperate by constitutional law, he neglects the very worst man in the world in respect of his desire for drink and his uncontrollability when he is drunk, and that is the negro.

That is a beautiful specimen of statehood for this Senate to lay before the world and all the coming generations. Gentlemen are so eager to get the advantage, whether political or not, of this situation that they pass upon questions like this without giving them the slightest heed.

You must not sell any liquor to an Indian. Although it may be found in a medicine, the sale of it or the gift of it to an Indian is absolutely prohibited. Under this constitution a doctor can not administer it to him. It is absolutely prohibited in the fundamental and organic law. If his body servant—the fellow he used to own—happens, under the law, to be a negro, he can give him all he wants.

Mr. President, that shows the folly, as well as the hypocrisy, of these half-handed measures of reformation that we put into the organic laws of the States we admit into the Union.

What State, I will ask, of the American Union was ever degraded before by the Congress of the United States by saying, "There is a class of your citizens to whom you shall not sell whisky nor give it to them?" Have we not got the right, if we can pass this law, to say that no man who is a Republican shall be allowed to drink or handle or sell liquor or be indulged in the sale of it to anybody? Of course, if he should be a Democrat, we would do it without the slightest hesitation; but I am talking about the sainted party of Republicans, who find so much of benefaction and beauty and glory in instilling their fundamental convictions, but not their practices, into the constitutions of States. I am appealing to them, because they stand above temptation. It is not to be expeced that anybody would ever think about enacting a law to make a State pass a law to prohibit the sale of liquor to a Republican, but, owing to their manifest infirmities, it might be a subject of consideration when we come to applying it to a Democrat. Mr. President, I want the opportunity to read this bill before I vote upon it.

The Senator from Mississippi [Mr. MONEY] has been charged with having given a political complexion to this bill. If the Senator from Mississippi did a thing of that sort, it was because he could not fail to recognize the complexion that has been given to the bill, and his recognition of it certainly does not make him in any sense reprehensible. He had the right to see a thing when it was spread out before him, and he, seeing it, alluded to it. That is all.

The object of this bill, Mr. President, and the object of this legislation from the time it first took its origin in the caucus of the Republican party in the House of Representatives and was brought in there, and no amendment to it was permitted, and but a limited time was allowed for speaking about it—very limited, a couple of hours or something like that—from the time that this measure which we are considering had its origin in the House of Representatives it was a Republican measure, handled, shaped, and treated exclusively by a Republican caucus. It has never lost that tone. That tone has adhered to it all the time, and it is as much political to-day as it was then.

I will tell you what I believe to be the effect if not the purpose of this bill. It affects the representation of the people of the United States in this body. There are two Senators here from each State in this Union. The splendid little State of Rhode Island and its more majestic and imperial neighbor, New York, are each represented here by two Senators. Both the Rhode Island Senators are here, I believe, but I do not think either of the New York Senators is here to-day to hear what I have to say about this measure.

Mr. President, so it runs throughout the Union. Every State in this Union has an equal suffrage in this body. When you admit a State, you add a suffrage to this body that is equal to that of any of the States that have already been admitted. We go down into the Territories that are open to us, where there are more southern people who shed their blood in winning New Mexico than there ever was of northern blood. As to these large populous areas which we are irrigating, and where we are making the desert bloom as the rose, out of taxation upon the people of the United States, you are bound to say to yourselves: "These vast and hitherto unproductive areas are showing a degree of power in agricultural production and making a vast exhibit of mining power which the brightest-

minded man in the United States, even fifteen years ago, did not dare to anticipate; they are coming forward with all their great wealth and, of course, are attracting population"—not population merely, Mr. President, but the cream of the population of the United States in respect to genius, industry, and manhood, for the frontier populations that have settled up those western countries are superior man by man to the people they left behind them after they have had the trials of a few years' hard experience; they are amongst the wisest and best and noblest of the men over whom the American flag floats. They have proved it in peace and in war. They have proved it everywhere. We know that these Territories are coming forward with a vast population. We have seen Oklahoma and Indian Territory filled up with population until it is a very marvel of the multiplication of population. Great populations are filling up these great areas and they are entitled to have, according to population and area, considered together—not as it exists to-day, but as it necessarily will exist prospectively—they are entitled to have their representation on the floor of the Senate. Animated by this proposition, I was amongst the first of the gentlemen on this side of the Chamber to commence voting for the admission of Territories as States, beginning with the Territory of Washington, and helped to vote in six Territories as States north of Mason and Dixon's line from within nine to twelve months. I rejoiced to do it, because they deserved it. How spleadidly they have filled up all the expectations and prophecies of that period of time in the development of their population and their wealth, agriculture, and all that, and in the splendid men they have sent here to occupy these chairs in the Senate of the United States.

Why should there be a desire to cut down the representation of the same kind of area to which the same kind of people are flocking in the South? Why do you do it? I will impute no ungenerous or improper motives to you, gentlemen, but I see the day coming—and while I do not expect to live to see it consummated, and I hope I will not—I see the day coming when you will have a two-thirds majority trained to party support by party discipline of the same sort out of which this bill originated in the House of Representatives; and when some man who has been educated to liberty of speech and independence of thought gets up on this floor and speaks the truth, without beguiling it with falsehood or apology, if it is disagreeable to gentlemen on the other side—if such a man should get up on this floor and denounce the adoption of the fourteenth and fifteenth amendments to the Constitution as an act in derogation of and an outrage upon decent people, you might say that man's utterances were treasonable—treasonable as being connected with some church affair, perhaps, but far more treasonable in being connected with the Constitution of the United States and our history. You will have two-thirds majority, and all you will have to do will be to say to such a man as that: "You have avowed yourself as being in favor of a treasonable conspiracy under the fourteenth and fifteenth amendments. Take your walking papers and leave this Chamber." Do you want the power to inflict that upon us? Do you want to see the just and fair and proper equilibrium of the Government of the United States, this grand and magnificent Republic of forty-five sovereign States, so disturbed that one political party has the absolute control of a two-thirds majority, passing upon the credentials and the rights to the seats of the gentlemen who occupy this side of the Chamber? You may not want it, you may not anticipate it; but I dare say some day some of you will vote for such a thing. I will not impute it to the body of gentlemen on the other side of the Chamber as the prevailing sentiment; but when you have got the power to do it, I confess to you I dread you. You will do those things that we see are being done every day here, when Senators get up and avow their adhesion to certain principles of government on the most solemn occasion, and win our approbation and get us to stand by them and go with them; but when it suits their personal or political views or convenience, or when they get tired of their patriotic duties, they walk off and make an agreement about it, put it in here in the morning in the form of a report that I can not read and I can not understand, and even refuse to have it printed, that we may look it over and point out our objections to it.

I thought that the provision in regard to the prohibition of liquor was the same for the Indian Territory and Oklahoma as it was for Arizona and New Mexico, but I find that the Senator from Ohio [Mr. FORAKER] having fallen into the same error, has corrected himself and they are quite different. I do not know, Mr. President, why it is that different provisions are made in two sections of the same bill providing for the admission of States to the American Union, one applying to Oklahoma and the Indian Territory and the other applying to Arizona and New Mexico. It disturbs me. I can not account for it. I do not know any reason why it should be so. Even if the humblest Senator on this floor, the least influential or the least respected of all this body, should say he desires some explanation of this difference in regard to the conditions upon which these Territories are to be admitted, the effect of their admission, and what provisions they are to put into their constitutional law, some wiser, abler, or more powerful man of this body, who had charge of this business, who had been working it through all its great ramifications backward and forward here, should get up and explain the reason of this inconsistency in the bill.

Does the other side of the Senate want to be accused by posterity of having put into the same law inconsistent provisions that are to go into the constitution of the State of Oklahoma and the constitution of the State of Arizona, if Arizona and New Mexico should vote to come in as one State? Do you want the schoolmasters and the school children, when reading and trying to interpret the constitution and laws of the United States and the history of the States in which they may be brought up, to be asking each other what was the reason for this difference? There was some reason for it; it could not have been simply the neglect of proper attention to the subject because of the pressure of time. The people of the United States give us all the time and all the money we need for staying here and attending to our business in a correct way; and yet we spring a bill before them, one relating to the southern part, the Territory of Oklahoma and Indian Territory, and the other relating to the northern and western part, New Mexico and Arizona, and when we come to the provisions that are to be put into the constitution of each we find them varying.

That is not creditable legislation; that is not legislation that the Senate of the United States ought to place its imprimatur upon; that is not the sort of legislation that would have been enacted by this body thirty years ago, when I first took my seat in it. There were men here then who would not have tolerated any such culpable neglect in the formation of a bill. But haste, bargaining, arrangement, contract—these things take the Senate and House by storm and run us into confirmation of laws here which, on their face, are censurable.

We hasten off to invite the President of the United States to proclaim the final acts upon which this statehood is to take place; and he bases his proclamation upon the statements made by returning officers, whom, he may think, are corrupt or incorruptible, just as he pleases, and adopt them or turn them aside. All this work that we are doing here to-day still hinges upon the remote and distant possibility or probability of how that election may turn. How it may go and how it may be counted, we do not know.

Senators have ventured to predict in their optimism about the effects of this bill as a healing act; they have ventured to predict that everything will turn out well and that the people of the United States will have occasion to be proud of this transaction when they get through with it. Mr. President, I do not indulge in that happy anticipation. That election will go for joint statehood in these two Territories. If the pile of money, the $5,000,000 that we put up there, does not affect it and influence it, there will be men in both of these Territories bargaining for seats in Congress and for Federal judgeships and for seats in the Senate who will see to it that the poor, illiterate creatures, the Indians themselves, who are permitted to vote there, will be hauled up to the polls and voted, or, if not voted, they will be counted. We will have a repetition here in a small way, but scarcely less tragic way, of those events that attended the condition of the Government at the very moment I first had the honor of being admitted to a seat in this body, when a great commission sat in the Supreme Court room to determine upon the fraudulency of a Presidential election and election returns. We will have the same thing repeated, except that we have made no provision for calling that election before ourselves.

If the President issues his proclamation, that ends it; these Territories are States; and no man would have the hardihood then to rise here and attempt to exclude one of these States, admitted into the Union by the President's proclamation, on the grounds that that proclamation was not justified by the proof. No man would have the hardihood to do that. We are casting the whole destiny of these people and their representation on this floor upon the die as to how it will turn upon the gambler's board, whether they shall be in favor of joint statehood or against it.

I have said more than I expected to say, and I do not expect to ever again address myself to this Senate upon this question. So far as the Indians are concerned in one way or another, we have worked them on this continent—I will not say unjustly or unmercifully or uncharitably—but in our conflicts with them,

which have lasted for more than two centuries, we have now got to the last educated tribes in this country. Not only are they educated tribes, but they are self-educated tribes and tribes that have organized self-government within their own borders. They have had their legislatures, their supreme courts, their circuit and chancery and probate courts, have printed their reports in the English tongue, and have printed them also in that wonderful language of Sequoyah, whom I happened to know when I was a little bit of a boy.

I have known these people. I know them yet. I know Indians now, Creeks and Cherokees, lawyers of great capacity and talent, who are utterly ignored as Indians; yet they are proud of their position as such, and would be very glad indeed to bring up the remnant that is left of their tribes into the civilization which has made them so conspicuous. I will mention Porter as one of them whom I happen to know.

Mr. President, this is the last sod that is to be put on the political coffin of these people. They are not to have any more participation in the government of the State in which they live than the negroes they used to own. They lament it; they deplore it. They refer us back to treaty after treaty which pledges us not to serve them in this way; to act after act of Congress which pledges us never to incorporate them with any other State or any other Territory; that if they are to have Territorial government it shall be an Indian government. Often and over we have made these pledges. Many eloquent and wise remarks have been made in this Chamber by men who have passed away to honor and to glory in defense of the propositions contained in the treaty. And here we are, Democrats as well as Republicans, shoveling them into a coffin and burying them out of sight forever.

I can not feel justified in taking such action, not for the Indians, but for ourselves, under the promises that were made to the Indians by the men who preceded us. But this ends them. This is the close of their career. They were taken and really forced into citizenship and into the dissolution of their tribal government by the laws of the United States, and had American citizenship thus forced upon them, and then because they became American citizens we take and treat them just as well as we would the negroes who were made American citizens by the fourteenth amendment, and in that way, entirely by Congressional pressure, protested against at every move we made, these men have come to their last stand, and I, as an American Senator, simply bid them good-by. That is all I can do.

The VICE-PRESIDENT. Does the Senator from Alabama still desire to have read the portion of the bill sent to the Secretary's desk by the Senator from Ohio?

Mr. MORGAN. I desire to have it read, so that the Senate may hear it, unless the Senate will consent to print the bill as it will appear under the conference report.

Mr. FORAKER. I do not object to its being read. I asked that it might be inserted in the RECORD without reading only to save time.

Mr. MORGAN. I knew what the purpose was.

Mr. FORAKER. The general purport——

Mr. BEVERIDGE. It has been printed.

Mr. MORGAN. I want to see it before I vote on it, if I may have the opportunity.

The VICE-PRESIDENT. The Secretary will read as requested.

Mr. BEVERIDGE. I wish to say to the Senator that this bill has already been printed.

Mr. STONE. Mr. President——

Mr. MORGAN. I will withdraw the demand in deference to the request of my friend the Senator from Missouri [Mr. STONE]. I do not know why, but still I do it.

The VICE-PRESIDENT. Without objection, the portion of the bill requested to be inserted in the RECORD by the Senator from Ohio will be published without reading.

The matter referred to is as follows:

Second. That the manufacture, sale, barter, giving away, or otherwise furnishing, except as hereinafter provided, of intoxicating liquors within those parts of said State now known as the Indian Territory and the Osage Indian Reservation and within any other parts of said State which existed as Indian reservations on the 1st day of January, 1906, is prohibited for a period of twenty-one years from the date of the admission of said State into the Union, and thereafter until the people of said State shall otherwise provide by amendment of said constitution and proper State legislation. Any person, individual or corporate, who shall manufacture, sell, barter, give away, or otherwise furnish any intoxicating liquor of any kind, including beer, ale, and wine, contrary to the provisions of this section, or who shall, within the above-described portions of said State, advertise for sale or solicit the purchase of any such liquors, or who shall ship or in any way convey such liquors from other parts of said State into the portions hereinbefore described, shall be punished, on conviction thereof, by fine not less than $50 and by imprisonment not less than thirty days for each offense: *Provided*, That the legislature may provide by law for one agency under the supervision of said State in each incorporated town of not less than 2,000 population in the portions of said State hereinbefore described; and if there be no incorporated town of 2,000 population in any county in said portions of said State, such county shall be entitled to have one such agency, for the sale of such liquors for medicinal purposes; and for the sale, for industrial purposes, of alcohol which shall have been denaturized by some process approved by the United States Commissioner of Internal Revenue; and for the sale of alcohol for scientific purposes to such scientific institutions, universities, and colleges as are authorized to procure the same free of tax under the laws of the United States; and for the sale of such liquors to any apothecary who shall have executed an approved bond, in a sum not less than $1,000, conditioned that none of such liquors shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers by the United States, and the payment of such special tax by any person within the parts of said State hereinabove defined shall constitute prima facie evidence of his intention to violate the provisions of this section. No sale shall be made except upon the sworn statement of the applicant in writing setting forth the purpose for which the liquor is to be used, and no sale shall be made for medicinal purposes except sales to apothecaries as hereinabove provided unless such statement shall be accompanied by a bona fide prescription signed by a regular practicing physician, which prescription shall not be filled more than once. Each sale shall be duly registered, and the register thereof, together with the affidavits and prescriptions pertaining thereto, shall be open to inspection by any officer or citizen of said State at all times during business hours. Any person who shall knowingly make a false affidavit for the purpose aforesaid shall be deemed guilty of perjury. Any physician who shall prescribe any such liquor, except for treatment of disease which after his own personal diagnosis he shall deem to require such treatment, shall, upon conviction thereof, be punished for each offense by fine of not less than $200 or by imprisonment for not less than thirty days, or by both such fine and imprisonment; and any person connected with any such agency who shall be convicted of making any sale or other disposition of liquor contrary to these provisions shall be punished by imprisonment for not less than one year and one day. Upon the admission of said State into the Union these provisions shall be immediately enforceable in the courts of said State.

Mr. STONE. Mr. President, I do not rise to address the Senate on this question, but to elicit information from the Senator in charge of the bill, if he can furnish it, as I suppose he can, in relation to the Osage Reservation. I know that the Osage Indians reside on that reservation. Does the Senator know and can he inform the Senate whether there are whites residing there; and if so, how many, and whether they have the rights of citizenship on that reservation?

Mr. BEVERIDGE. The Senator from Vermont [Mr. DILLINGHAM], when the bill was before the committee and also in conference, had the question of the Osages particularly in charge, and one day here he made a very exhaustive statement containing all the statistics about which the Senator from Missouri now inquires. My own recollection, which is very vague and indefinite compared with the accurate information which the Senator from Vermont is able to give, is that there are perhaps half as many whites as Indians. I think there are some four or five thousand Indians.

But the Senator from Vermont during the pendency of this bill before the committee in the first place had that matter very particularly in charge, and on a former occasion made a statement in the Senate containing all the data and statistics with reference to it. That is my own vague recollection.

Mr. STONE. If the Senator from Vermont will do me the kindness, I should like to ask how many whites reside on the reservation and what their right of residence there is.

Mr. DILLINGHAM. I think the Senator from Indiana is somewhat incorrect in stating the extent of my information. I do not now recall the exact number of Indians residing there, nor do I recall the exact number of whites. My general recollection is that the whites are about one-half of the number of Indians. I understand that all the land in that reservation is held by the tribe; that they have title to it; that it has not been allotted; and that while several town sites have been laid out, the whites who are residents there have not become landowners, and in fact could not, under the present provision.

Mr. STONE. My understanding has been that the whites residing on this reservation were temporarily there because of leases that have been made with the Osage tribe with respect to oil and gas lands which are being operated; that there is no permanency to their residence; and that really they have only a mere right of occupancy for the purpose of developing these oil wells and gas wells. I think that information is reliable and correct, and if it is I am puzzled to understand why the Osage Indians, who are the only people, or practically the only people, who live permanently on this reservation, and who are entitled to be there, except those who are there temporarily, should be given a delegate in the constitutional convention. Under the bill the Indian Territory is given——

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. STONE. Yes, sir.

Mr. LONG. I think under the provisions of the last conference report, which we are now considering, they are given not only one delegate, but they are given two.

Mr. STONE. I think one, under the report we are considering.

Mr. LONG. Under the first conference report they were given one; under this one I am sure they are given two.

Mr. STONE. As the bill came from the House it gave two, and it was amended in the Senate and reduced to one.

Mr. LONG. But we have receded from that amendment in this conference report.

Mr. STONE. If the Senator states that to be true, I accept it.

Mr. LONG. If I am incorrect, I will ask to be corrected by the Senator from Vermont. I am assured——

Mr. BEVERIDGE. That is correct.

Mr. LONG. I am assured by the Senator from Indiana that that is correct.

Mr. STONE. Then I am still more puzzled, if possible, to understand why the Osage Indians should be given two delegates. The Indian Territory is awarded fifty-five delegates and Oklahoma fifty-five delegates. The Osage Reservation is allowed two delegates, the Senator from Kansas, under the last report, thereby giving to the representatives of the people in that reservation the balance of power in the constitutional convention which is to frame the organic law of the State.

Mr. President, the Osage Indians are not citizens of the United States. They were not of the Five Civilized Tribes. Their land has not been allotted. They are not clothed with citizenship. Moreover, the Osage Indians approach more nearly to the real blanket Indians, or certainly as near to the real blanket Indians as any other tribe in this country. It is proposed in this bill to give to these Indians, who are not citizens, the right to a representation which will exercise the balance of power in the convention or else give that representation to people who are temporarily on the reservation, by right of course, but temporarily, for the purpose of carrying on an industry that will cease in the not distant future.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. STONE. Yes, sir.

Mr. CARTER. I do not state it with authority or on personal knowledge, but I have heard the fact stated that there were about 5,000 white people residing by authority on the Osage Reservation; that by virtue of lawful right town sites have been laid out within the Osage Reservation, and town lots have been sold within those town sites; that the town lots were purchased in legal form; that the titles are good; that business is being conducted within the towns by white men as well as by Indians.

I assume that the representation allowed in the constitutional convention contemplated the representation due these 5,000 white people. The Senator from Kansas is probably thoroughly well informed concerning the conditions there existing, and I have no doubt he can give the Senator from Missouri accurate information upon the points to which his questions are directed.

Mr. STONE. What I have said has been predicated on the belief and understanding that the white population there was small and, as I say, only temporarily residents of the reservation.

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. STONE. Certainly.

Mr. LONG. I think the Senator hardly describes the condition when he says the white population there is temporary. They reside in the towns. They own the lots under laws that have been enacted. I am informed there are 5,000 white persons living in this reservation now in the towns alone. There are also white people living in the country, under leases approved by the Secretary of the Interior, in addition to the 5,000 living in the towns. There are about 1,800 Indians upon the reservation. Those having certain qualifications are entitled to vote for members of the constitutional convention and on the question of the ratification of the constitution.

So these two delegates that are provided for the Osage Reservation will represent not only the Indians, but also the white people who live in the towns and who live in the country in that reservation.

Mr. STONE. If it be true that there are 5,000 people resident on that reservation, with the right to be there, with their homes, my information is not correct. It is a matter of information, a matter of fact. The Senator from Kansas possibly is better informed about it than I am.

Mr. LONG. I will state the source of my information with regard to the population.

Mr. STONE. It is not worth the controversy.

Mr. LONG. It is the Delegate from Oklahoma.

Mr. STONE. I do not care to discuss the matter. I simply wanted the information. I accept that which has been given.

Before I sit down, Mr. President, I will say that I am very glad that this long controversy is about ended. I can but feel that a gross wrong is being done the people of the Indian Territory and of Oklahoma in compelling the union of the two Territories as one State. I will not attribute unworthy motives to those who have brought the pending legislation to this end. That it does inure to the sectional advantage of the smaller States of the East and unfairly lessens the just representation of the great Southwest, to my mind is beyond fair dispute. But the thing is done, and I am glad that the nearly 2,000,000 people of these Territories are at last to have the benefit of the blessings of a government of their own, are at last to be freed from the constant supervision and tutelage of departmental officers in Washington, a thousand miles or more away from them.

I do not share in the apprehension of the Senator from Alabama [Mr. MORGAN] that the great sum to be given out of the Treasury to the school fund of the proposed State of Arizona and the enormous grant of land to that State will operate to bribe the voters of Arizona to accept this repugnant union sought to be forced upon them. There is no reason why the voters of Arizona should accept it; why they should wear this yoke unwillingly. If this proposition is voted down by either of the Territories, it will not come here again in that form. Arizona can be admitted as a separate State, as can New Mexico, and the same generosity is offered in this bill to the support of their schools. The Senator from Alabama [Mr. PETTUS] advises me that the two Territories are to vote jointly. I understand they are to vote separately, and that if either votes against the union, then the whole proposition is lost.

Mr. PETTUS. That used to be so.

Mr. STONE. That is in the conference report. I did not rise to discuss the subject, but to make an inquiry.

Mr. McCUMBER. Mr. President, unlike the Senator from Missouri [Mr. STONE], I am not taking on an extra load of happiness or gratification because of the final settlement of this very vexed question and this long dispute, for the reason that I can not get a great deal of comfort out of the settlement of a controversy until that settlement is a right and not a wrong settlement.

Mr. President, I wish this evening very briefly to suggest to the Senate that I at least, as one who has opposed and, I believe, consistently opposed the uniting of the Territories of Arizona and New Mexico, can not agree to surrender the principle which I feel has been surrendered in this compromise movement. When I voted for the Foraker amendment some two or three years ago in this controversy, I voted for it not because I thought it was sound in principle that we should submit to any given Territory the question whether it should be joined to another and admitted, but because at that time, in order to prevent a greater wrong, the proposition of the Senator from Ohio was placed there as a kind of check against legislation which would, without it, probably have united the two Territories. I voted for it because of that and that only.

Now, the Senator from Ohio [Mr. FORAKER] and the Senator from Montana [Mr. CARTER], who seems to father this compromise measure, appear to me to have surrendered the principle that was really at stake in that proposition. What was that? That no two Territories of themselves should dictate to Congress either whether they should come in jointly or come in together, nor should that question with them in the slightest degree affect us.

Mr. President, the question whether Arizona and New Mexico should come into the Union as a single State is not a question for those two Territories to decide. You might as well say that those two Territories should decide whether they should come in as four States instead of two States. It is for Congress to determine what Territories should be taken into the Union, and no people now living in any one section of the United States have a right by their vote to disfranchise any portion of the territory at present within the boundaries of the United States in their voice in the Senate of the United States fifty or one hundred years from to-day.

With the sparse settlements in those two Territories, with the great influence that will be brought to bear in those Territories by politicians who are spurred on with the hope of securing some political preference, I am not so certain that they will not be able to secure a vote in both of the Territories in favor of

joint statehood. I hope that they will not. I know that if they were not influenced one way or the other they certainly would not vote in favor of any joint statehood. But what I insist upon is that Congress should not be bound by the vote of those two Territories if they desire to come in as one State any more than it should be bound by their preference in coming in as four States.

I do not entirely agree, Mr. President, with the sentiments that have been expressed by the Senator from Mississippi [Mr. MONEY]. The Senator from Mississippi seemed to think that this has been made a political question. As between the two older parties it certainly has not been made a political question. It was within the power of the Republican majority in this body to create two States, one of which would be certainly Republican, the other of which would have been certainly Democratic, and the one would offset the other, so far as political influence in the Senate was concerned. They have laid aside that view of it, and have by a majority voted for a State that will be absolutely Democratic as it comes in as a new State, and, in my opinion, the Senators who will come from that State will be Democratic Senators, because I believe that that is the sentiment of the entire Territory now united in one.

What influence, then, has been at work which has compelled the Senate to adopt a measure which is to take two Territories, either one of which would make a splendid State, and either one of which would be equal in area to the average State east of the Mississippi, and say that those must come in simply as one State? It is not the influence of the politics of parties so much as the influence of the politics of sections. It may be that there is no politics other than sectionalism in this matter.

Mr. President, there has never been a Territory yet admitted as a State that the admission was not influenced more or less by sectionalism, and probably there never will be one. How do I arrive at this? It is the theory of a number of the older States, those that are now settled, that their proportionate force in the Senate of the United States shall not be lessened. I think that is the guiding influence which has affected very many of us in the question that has been before us.

There has been another matter, too, strange as it may seem. A great many Senators have argued this case upon the ground that we did not want to admit a new State with a boundary line such as we will find in the Indian Territory, and thus the irregularity of boundary lines is made an influence more or less great in determining whether we shall have one State or two States in Indian Territory and Oklahoma. In other words, we have been making a map for the United States, rather than making States. It seems to be against our æsthetic taste that we should have any more States as irregular in outline as Florida or as West Virginia, and we want our map hereafter to look more like a checkerboard, as it will be more pleasing to the eye, without reference to these great sections.

Mr. President, I for one wish to vote against this measure for that reason. I believed several years ago, I continue in the belief, that the four Territories remaining west of the Mississippi River should be made four great States; first, because they have the area, and, second, so far as the Territory of Oklahoma is concerned, it has now the population, and in future will have a great deal more than the population for proper representation in both branches of Congress, and that should be the governing feature in the admission of any new Territories.

I am opposed to uniting these two Territories into one State for another reason. That vast section lying west of the Mississippi River, more than two-thirds of the territory of the United States, and in less than one hundred years, in my opinion, having two-thirds of the population of the United States, should have at that time a representation equal to the other third, because they will have both the territory and the population equal to the other third of the United States. In legislating on a subject of this kind we are not legislating for to-day, but we are legislating for fifty, a hundred, and a thousand years from to-day, and we ought to look to the future sufficiently to guard the interests of every section of the country, so that the representation should be as nearly equal as we could possibly make it. In this legislation we have not done so. In this legislation, as proposed by this amendment, we have surrendered the principle that Congress and not a section of the country is to determine whether it is fitted to come into the Union and with what boundary it should be taken as a State into the United States.

Mr. DUBOIS. Mr. President, I believe that Oklahoma should be one State and Indian Territory another State; but inasmuch as the people of those Territories have expressed their willingness to be joined, I accept readily that part of the conference report.

I do not think that Arizona or New Mexico, singly or jointly, should be made a State at this time. I am very much opposed to that part of the conference agreement. I offered an amendment to the Arizona bill when it was pending, which I will ask the Secretary to read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

VI. No person shall be permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idiotic, or insane, or who has, at any place, been convicted of treason, felony, embezzlement of the public funds, bartering or selling or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the rights of citizenship, or who, at the time of such election, is confined in prison on conviction of a criminal offense; or who is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of this State or the United States forbidding any such crime, or who in any manner teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or who teaches or advises that the laws of this State prescribing rules of civil conduct are not the supreme law of the State.

VII. The legislature may prescribe qualifications, limitations, and conditions for the right of suffrage additional to those prescribed in this article, but shall never annul any of the provisions in this article contained.

Mr. DUBOIS. Mr. President, that amendment was adopted by the unanimous vote of the Senate, without opposition by voice or vote, and I think it should have been retained in the bill. If this proposed new State comes into the Union, the hierarchy of the Mormon Church is already there. It has its nucleus, and this provision in the constitution would be a restraint upon its power, which is most powerful.

It is said that there are few Mormons in Arizona and New Mexico. Last year there were seventeen convictions of Mormons for unlawful cohabitation in Arizona and fifteen in New Mexico. That means that at least ninety-three persons were living in the polygamous relation in those Territories. I have myself seen in the office of the Attorney-General of the United States a long list of polygamists in those Territories. There are at least ten living in this relation in Idaho and Wyoming and Utah where there is one in Arizona or New Mexico. Yet you can not convict one of them in any of those States, because of the tremendous political power of this organization, and when you clothe these Territories with statehood, when the power of the United States is taken away, then comes the political power of this hierarchy, and no convictions will be had there for these crimes.

I have been engaged in this conflict with the Mormon hierarchy for twenty-five years—ever since 1881—with the exception of a few years after the issuance of the manifesto, when the Mormon Church proclaimed that they would cease their political dictation; that they would cease their polygamous living; and when, through pleas for amnesty, they reiterated these pledges to the Government. During that era I was led to believe that they were sincere. I accepted their statements, and hoped and said that the church had given up polygamy and polygamous living and had ceased to dominate its followers in political affairs. But soon after statehood came to Utah they resumed these practices, until now conditions are worse and more dangerous to our civilization than in the early days.

I know what this means to me full well. It means the end of my political career. I stated it plainly to my people in Idaho when I started this conflict again. When I announced my determination to put laws on the books to punish polygamous living and to separate the church from the state in politics, I knew and said in public speech that the power of this hierarchy would stop my political career.

I have never asked quarter from them, and I never have given any. I will say to the credit of the chiefs of this organization that they never made the charge against me that I ever sought their political aid. Twice I was elected to the other branch of Congress and twice to this. During all of those elections, popular or otherwise, I received but one Mormon vote. On my last election to the Senate a Mormon from my county voted for me, but he would not have done so if his vote could have beaten me.

I enjoy the life here; I enjoy the duties here; and I would have had a continued service had it not been for this conflict. If it were not for this treasonable and polygamous organization in Idaho, if there were no Mormons there, I would be elected Senator again, almost without opposition. They interrupted my career in 1896. I carried twenty-nine members of the

legislature, who were pledged to me, out of thirty-six necessary to elect. I should have carried all of those in my own section of the country where the Mormons lived. That was in the era of good feeling, too. It took them a month to defeat me in the legislature, and they could not have done it then and would not have done it had it not been for this hierarchy, who controlled enough Mormons, and some who were not Mormons, to prevent my election.

I want to warn the Senate that they are playing with fire when they do not restrain in all proper ways this menace to our civilization. No man can be elected a Senator from Utah or Idaho or Wyoming who will oppose openly the practices of this hierarchy and this organization. Unless you are watchful and understand that Mormons are not Republicans or Democrats, and support no party or no principle except for the benefit of their organization and for the perpetuation of polygamy and the political power of their hierarchy, you will soon find that they are the balance of power in this great body.

I regret that the conferees did not put that amendment in this bill for the benefit of the American citizens there who soon, when statehood comes, will have to fight this fight.

I shall not vote for the conference report.

Mr. BAILEY. Mr. President, just one moment. I think it fair and just to the Democrats, at least in the Senate, in view of what was said by the Senator from Mississippi [Mr. MONEY], to say that no Senator on this side feels that in voting for this conference report he is voting to unite Oklahoma and Indian Territory against their will.

In the early stages of this controversy I was as earnestly in favor of the separate admission of those States as the Senator from Mississippi is or could ever have been. I insisted upon that course so long as there was a possible hope of its accomplishment. I voted to separate them and to admit each as a State into the Union, because I know, and I know it as a neighbor to both, that each possesses the wealth, the population, and the resources to qualify it to discharge all its duties as a Commonwealth of the American Union.

But when by an overwhelming majority the Senate and the House, each upon separate occasions, had voted against the proposition to admit these two Territories as separate States, I abandoned my hope, though I did not change my opinion. I believed then, I have believed throughout the controversy, I believe this afternoon, that they ought to be admitted as two States into the Union.

But, Mr. President, I know as well as I know that I am addressing the Senate this moment that their separate admission is not within the range of human probability. I know that when they are admitted they will be admitted as one State, and I know that a further resistance of their admission as one State is simply a resistance against their admission at all.

Therefore it seemed to me as their neighbor, acquainted with their condition, and with some knowledge of the difficulties under which they labor, that I would fail in my duty to them and I would fail in my duty to the Senate, if I persisted in advocating what will never be done and in resisting the only thing which will be done.

Mr. President, one word more. The Senator from Mississippi seemed to think that the prohibition part of this enabling act is mere brutum fulmen, and that it is without any force or effect. He would be right if this bill provided that no liquor should be given to the Indians at any time, and that no liquor should be sold within a given time throughout what is now the Indian Territory; but the gentlemen who drew that bill were wiser than to draw it in that way. They provide not that it is the law of Congress that no liquor shall be sold, but that before this new State is admitted into the Union it shall itself provide by constitutional enactment that no liquor shall be sold Therefore, if this provision should be attacked in the courts of the country, the people who attack it would not allege that Congress had no power to pass that law, for, if they did, the officers of the State would answer that they prosecuted, not under the law of Congress, but under the constitution of Oklahoma and under the laws made in pursuance of it.

I grant you that after Oklahoma once becomes a State, her people can amend their constitution, although the law of Congress under which they are admitted declares that that provision shall not be amendable. They can amend it, because, in my judgment, it is not competent for Congress to impose a continuing obligation like that upon a State. But when, in obedience to the requirement of Congress, the new State has made this provision a part of its constitution, it will be easier to live under the limitation than it would be to repeal it; and the sum of it all will be that for ten years this new State of Oklahoma will be living under a law imposed upon it by Congress, and not adopted by its free will.

Mr. President, I have no desire to engage with the Senator from Mississippi or any other Senator in an argument upon the prohibition question. I have never believed that this is the forum for that argument. If to-morrow a law of that kind should be proposed here, I would resist it, because it belongs to the States and not to the Federal Government. But while I earnestly believe in the rights of the States, I have yet to learn this new doctrine of the rights of the county. When the Senator from Mississippi insists that in supporting an amendment to the constitution of my State I was destroying the right of local self-government he carries that theory further than it is safe to carry it. I understand that, as a matter of policy, it is better to leave as many things to the local communities as possible, but I have not understood that the counties possess rights against the State the same as the State possesses rights against the General Government.

Mr. FORAKER. Mr. President, referring to the remarks made by the Senator from Idaho [Mr. DUBOIS], I send to the Secretary's desk and ask to have inserted in the RECORD, without taking the time of the Senate to read it, some correspondence with the Department of Justice as to prosecutions in New Mexico and Arizona. I will only state that there were thirty-one convictions, fifteen of which were in New Mexico, and not one of them was a Mormon. There were sixteen prosecutions in Arizona, and only ten of them were Mormons, and all of them were convicted of cohabitation on account of marriages which occurred prior to 1887.

The VICE-PRESIDENT. In the absence of objection, the communication referred to by the Senator from Ohio will be incorporated in the RECORD without reading.

The correspondence referred to is as follows:

Correspondence between Senator Smoot and the Department of Justice relating to the number of polygamists in the Territories of Arizona and New Mexico.

WASHINGTON, D. C., *March 27, 1906.*

Hon. WILLIAM H. MOODY,
Attorney-General, Washington, D. C.

DEAR SIR: On page 3640, CONGRESSIONAL RECORD, March 9, 1906, Senator DUBOIS, of Idaho, made the following statement:

"I saw a list in the office of the Attorney-General of the United States of polygamists in Arizona, which list comprised from fifty to one hundred men and about three times as many women, and there was a large list also of polygamists in New Mexico. This has been ascertained by special agents of the Government, and of course did not include all, by any manner of means, who are living in this relation in those Territories.

If there is such a list in your office, I would be greatly obliged if you would let me know the number of men and also the number of women in the Territory of New Mexico and in the Territory of Arizona who are charged with being polygamists.

On page 3651 of the CONGRESSIONAL RECORD of the same date, Senator BURROWS, of Michigan, read extracts from a letter addressed to him from you, dated December 29, 1905, in which the following occurs:

"It will therefore be observed that the investigation conducted by the Department in the Territories of Arizona and New Mexico since the matter was first called to the attention of the Department by you has resulted in thirty-one convictions in these two Territories, in the majority of the cases upon the charge of unlawful cohabitation."

Please let me know how many of these thirty-one convictions were in Arizona and how many in New Mexico, how many were for unlawful cohabitation, and how many of those convicted were understood to be members of the "Mormon" Church. If you will give me the names of those convicted, I will find out if they are members of the "Mormon" Church; but I do not wish to ask for any information which it would be in any way improper for the Department to give out.

An early reply will be appreciated, and I will be obliged for any information you may be able to convey.

Yours, very truly,

REED SMOOT.

DEPARTMENT OF JUSTICE,
Washington, March 29, 1906.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of the 27th instant, making certain inquiries regarding the investigations conducted under the supervision of this Department of alleged violations of the laws of the United States against polygamy in the Territories of Arizona and New Mexico.

The report of the special agent shows that he investigated seventy-two cases against women and thirty-two cases against men in the Territory of Arizona, and seventeen cases against women and eight cases against men in the Territory of New Mexico.

Of the thirty-one convictions to which you refer, sixteen were in Arizona and fifteen in New Mexico. The report does not indicate who, if any, of this number were members of the "Mormon" Church, nor are the names of the persons of record here. However, if you desire their names and will so inform me, I shall be glad to write the United States attorneys for the Territories in question and secure them.

Respectfully,

H. M. HOYT,
Acting Attorney-General.

WASHINGTON, D. C., *April 2, 1906.*

The ATTORNEY-GENERAL,
Department of Justice, Washington, D. C.

SIR: I have the honor of acknowledging the receipt of your letter of March 29, 1906 (C. H. R. No. 35512), and thank you for the information contained therein. I will consider it a favor if you will write to the United States attorneys for the Territories of Arizona and New Mexico and secure the names of the parties constituting the

thirty-one convictions, as stated in your letter; sixteen in Arizona, and fifteen in New Mexico. I would also consider it a favor if you would ask the attorneys to indicate whether or not the persons convicted were members of the "Mormon" Church, their ages, and the dates of their marriages.

Thanking you in advance for this information, I remain,

Yours, respectfully,

REED SMOOT.

DEPARTMENT OF JUSTICE,
Washington, April 2, 1906.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of the 2d instant, asking that I furnish certain additional information concerning convictions in the Territories of Arizona and New Mexico for unlawful cohabitation, etc.

I have directed the United States attorneys for these Territories to furnish the data as soon as practicable.

Respectfully,

M. D. PURDY, *Acting Attorney-General.*

DEPARTMENT OF JUSTICE,
Washington, April 17, 1906.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

SIR: Adverting to your letter of recent date requesting certain information regarding convictions for unlawful cohabitation in the Territories of Arizona and New Mexico, I beg to inclose you a copy of that portion of the letter from the United States attorney for Arizona furnishing the data for his Territory. The dates of the convictions of these persons, subsequently requested, have not yet been furnished this Department.

Respectfully,

M. D. PURDY,
Acting Attorney-General.

The names of the persons convicted of the above crimes are as follows:

For unlawful cohabitation: J. K. Rogers, Levi Savage, Joseph Fish, J. W. Brown, John P. Rothlisberger, Jacob Butler, David K. Udall, Jesse N. Smith, Henry M. Tanner, and Joseph W. Smith.

For adultery: Mariano Serrano, Mariano Gonzales, John W. Hardy, B. W. Birch, and Mrs. Kate Nelson. The latter two were jointly indicted.

For fornication: Francisco Flores.

For polygamy: Sam A. Nations.

However, from information received by me both from their counsel, the deputy marshal who arrested them, and the judge of the court who sentenced them, I can state that said ten persons were members of the Mormon Church, and that their ages in no case was under 43 years. And from information gathered from the same sources I feel safe in saying that their respective marriages dated back to no later period than 1887.

Relative to the convictions above reported for adultery, fornication, and polygamy, I beg to say that said convictions were had while my predecessor, Mr. Nave, was still in office, and I have never seen any of the defendants in said cases except Flores, Gonzales, and Hardy, and I know that they are not members of the Mormon Church. As to the other defendants in said last-mentioned cases, my information is and I feel certain in saying that they were not members of the Mormon Church. The records in my office do not show the ages of any of the defendants or their dates of marriage.

DEPARTMENT OF JUSTICE,
Washington, May 14, 1906.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

SIR: I have the honor to transmit herewith a copy of the report received from the United States attorney for the district of New Mexico covering the details of prosecutions for polygamy, etc., in that Territory.

Respectfully,

M. D. PURDY,
Acting Attorney-General.

LAS CRUCES, N. MEX., *May 9, 1906.*

The ATTORNEY-GENERAL,
Washington, D. C.

SIR: In reply to your message of the 6th in re the polygamy report, I have the honor to report the following:

FIRST JUDICIAL DISTRICT.

No. 1726. Higins *v.* Gonzales and Maria Naranji. Adultery.
No. 1739. Anacito Martinez and Lucia Gonzales. Adultery.

SECOND JUDICIAL DISTRICT.

No. 2131. Vidal Tapia and Bernarda M. de Mora. Adultery. Bernarda M. de Mora, plea of guilty. Vidal Tapia not arrested.

THIRD JUDICIAL DISTRICT.

No. 1305. Robert Le Brown and ——— ———. Bigamy. Defendant a fugitive. Cause stricken from docket with leave to reinstate.
No. 1344. Jesus Gonzales and Alejandra Trujillo. Adultery. Defendant Gonzales arraigned and plea of guilty. Defendant Trujillo not arrested.

FOURTH JUDICIAL DISTRICT.

No. 763. Bartoldo Gordovia and ——— ———. Adultery.
No. 758. Francisco Gallegos and ——— ———. Fornication.

FIFTH JUDICIAL DISTRICT.

No. 404. Vicente Gonzales and ——— ———. Adultery.

SIXTH JUDICIAL DISTRICT.

No. 23. Juan Montoyo and ——— ———. Incest.

None of these parties belong to the Mormon Church, and none of the parties married; as to their age, it is impossible to ascertain.

Respectfully,

W. H. H. LLEWELLYN,
United States Attorney.

List showing polygamists in Arizona and New Mexico.
[Compiled from affidavits in possession of Senator SMOOT.]

ARIZONA.

Name.	Residence.	Legal wife.	Plural wife.
*David K. Udall	St. Johns	Eliza L. S.	Ida F.
*John W. Brown	do	Cynthia	Thurza.
Williard Farr	do	Mary E. B	Mary Ann.
Andrew V. Gibbons	do	Elizabeth	Ella.
*Jacob N. Butler	Greer	Sarah Ann	Mary S.
*John P. Rothlisberger	St. Johns	Emma[a]	Adelide.[b]
Hyrum S. Phelps	Maricopa Stake, Mesa.	Clarinda	Mary E.
Elijah Pomeroy	do	Etta	Lucretia.
Timothy Metz	do	Lena	Anna.
*James K. Rodgers	Pima	Josephine	Louise.
D. P. Barney	Thatcher	Laura	Sophia.
Hyrum Brinkerhoff	do	Margrett	Ellen.
S. B. Curtis	do	Susan	Ella.
O. M. Allen	do	Diniah	Sorona.
William Ballard	Pima	Mary	Ellen.
James Gale	Franklin	Sarah	Elizabeth.
John Merrill	St. David	Rebbeca	Ester.
Jonathan Hoopes	Thatcher	Mary Ann	Susa.
H. N. Chlarson	do	Hannah	Christeen.
John Nuttall	Pima	Laura	Teeney.
Francis Kirby	do	Rachel	Leah.
Peter A. McBride	do	Ruth	Laura.
James Freestone	Layton	Mariah	Pauline.
J. J. Brady	Show Low	Mehetable	Mary.
*Jesse N. Smith	Snow Flake	Emma S.	Emma, Janet M., Augusta M.
John Hunt	do	Sarah	Hapilona.
*Joseph W. Smith	do	Nellie M	Della.
Levi M. Savage	Woodruff	Lydia L	Hannah A.
David Brinkerhoff	do	Lydia	Vina.
*Joseph Fish	Holbrook	Eliza J	Julia, at Woodruff.
*Henry M. Tanner	St. Joseph	Eliza	Emma.

NEW MEXICO.

F. G. Neilson	Bluewater	Emma[c]	Mary Ellen.[d]
E. A. Tietjen	do	Emma O.	Emma C.
Emer Ashcroft	Ramah	Finty	Agnes.
Benjamin D. Black	Fruitland	Susan	Alice.

[a] Residence, St. Johns. [b] Residence, Eagar.
[c] Residence, Bluewater. [d] Residence, Ramah.

In Arizona: Males, 31; females, polygamists' wives, 33.
In New Mexico: Males, 4; females, polygamists' wives, 4.
Star indicates those convicted for unlawful cohabitation.

Population of the Mormon Church in New Mexico.

Ramah	135
Mammond	142
Burnham	557
Luna	104
Total	938

Population of the Mormon Church in Arizona.

Maricopa stake	1,223
St. John stake	1,300
St. Joseph stake	3,678
Snowflake stake	1,570
Total	7,771

The above includes all souls in these Territories.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

MEMORIAL ADDRESSES ON THE LATE SENATOR BATE.

Mr. CARMACK. Mr. President, a few days ago I gave notice that on Saturday, the 16th instant, I would ask the Senate to consider resolutions of respect to my late colleague, Hon. WILLIAM B. BATE; but on account of the necessary absence of a number of Senators who wish to make remarks, and at their request as well as at the request of my colleagues from Tennessee in the other House, I wish to withdraw that notice, and I shall renew it at some future time.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. LODGE. Mr. President, I desire to offer an amendment to House bill 14396, being the Lake Erie and Ohio River Ship Canal bill, which has been pending in the Senate. I am obliged to leave the city to-morrow, and I will ask that the amendment which I send to the desk may be printed. It is to the proviso on page 10, beginning in line 11. It is intended merely to make the bill conform to the Niagara bill, which has passed both branches and is now in conference.

The Senator from Wisconsin [Mr. SPOONER] has kindly consented to take charge of and move the amendment in my absence. I have spoken to the Senator from Pennsylvania and the Senator from Minnesota, and they see no objection to the amendment.

The VICE-PRESIDENT. The proposed amendment will be printed and lie upon the table.

Mr. PENROSE. Mr. President, having yielded all the afternoon to other business, and therefore being disappointed in the

hope of disposing of the Lake Erie and Ohio River Canal bill this evening, I ask unanimous consent that it may be taken up to-morrow morning after the routine morning business shall have been completed.

The VICE-PRESIDENT. Is there objection to the request?

Mr. BACON. What is the request, Mr. President?

Mr. PENROSE. To take up the Lake Erie and Ohio River Canal bill to-morrow morning.

The VICE-PRESIDENT. The request is that the Lake Erie and Ohio River Canal bill, which has been under consideration, shall be taken up for consideration immediately after the routine morning business to-morrow. Is there objection? The Chair hears none, and that order is made.

AIDS TO NAVIGATION.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 9, 10, 16, 17, 18.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 11, 12, 13, 15, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In the first line of the language proposed strike out the word "light-ship" and insert in lieu thereof the words "light vessel;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In next to the last line of the language proposed strike out the words "to construct" and insert in lieu thereof the words "toward constructing;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Range lights, Superior pierhead, Lake Superior, Wisconsin, at a cost not to exceed twenty thousand dollars;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "A light and fog-signal station, Hinchinbrook entrance, Prince William Sound, Alaska, at a cost not to exceed one hundred and twenty-five thousand dollars;" and the Senate agree to the same.

KNUTE NELSON,
J. H. GALLINGER,
THOMAS S. MARTIN,
Conferees on the part of the Senate.

JAMES R. MANN,
F. C. STEVENS,
W. C. ADAMSON,
Conferees on the part of the House.

Mr. HALE. I rise to a privileged motion.

Mr. NELSON. I ask that the conference report may be printed and lie on the table, to be taken up to-morrow.

The VICE-PRESIDENT. The order to print will be made, in the absence of objection.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 14, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 13, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE ON THE PUBLIC LANDS.

Mr. LACEY. Mr. Speaker, I ask unanimous consent that the Committee on Public Lands have permission to sit during the sessions of the House.

The SPEAKER. Is there objection?

There was no objection.

DIPLOMATIC AND CONSULAR BILL.

Mr. COUSINS. Mr. Speaker, I desire to call up the bill H. R. 19264, the diplomatic and consular bill, and ask unanimous consent that the House nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Iowa [Mr. COUSINS] asks unanimous consent that the bill H. R. 19264 shall be taken from the Speaker's table and that the House nonconcur in the Senate amendments and ask for a conference. The Clerk will read the title of the bill.

The Clerk read as follows:

H. R. 19264. An act making appropriation for the diplomatic and consular service for the fiscal year ending June 30, 1907.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Mr. COUSINS, Mr. CHARLES B. LANDIS, and Mr. FLOOD.

Mr. BANKHEAD. Mr. Speaker, the question of the transportation and distribution of manufactured and agricultural products is the most important subject that at present or hereafter can engage the attention of the lawmaker or the political economist. Upon the correct solution of this problem depends very largely the future greatness and prosperity of this country. Every article manufactured or produced must be transported to market by some means. The question may be well divided into three classes and treated under as many different heads: (1) Transportation by rail; (2) transportation by water; (3) transportation over the common highways or dirt roads.

I need not discuss the first proposition, as many days and weeks have been consumed in the debate on the bill now in the hands of the conferees, and which will doubtless become a law in its most essential features, and which is intended to regulate interstate commerce by rail and to fix and enforce just and reasonable rates. Every phase of the subject has been presented and discussed by able and experienced lawmakers, and to my mind the question of transportation by rail is settled so far as Congress can do it. Further discussion is therefore unnecessary until different conditions demand it.

The question of transportation and distribution by water is so different from that of rail transportation that an entirely different remedy must be applied. No country on the face of the earth is so blessed with navigable rivers and lakes as ours. They are nature's highways of commerce, which we are to use in making our country great. But if we are to get the full benefit of these noble streams they must be improved, the harbors deepened, and canals constructed wherever necessary to complete a system of continuous and uninterrupted navigation. They all flow to the sea, and across the sea are our foreign markets, which we must reach at the lowest possible cost if we expect to meet and undersell our competitors. We are constructing, at a very great cost, the Panama Canal, connecting the two oceans. If our rivers are not improved and our harbors deepened, over and through which our commerce must of necessity reach the canal, we will have lost to a great extent the benefits to be derived from the expenditure of the $200,000,000 required to construct the Panama Canal. We can not reach this canal by rail. We must go by water if at all.

Mr. Speaker, in my own State of Alabama there are nearly 2,000 miles of surveyed and approved rivers, some of which are being improved, but the progress is very slow on account of the inadequate appropriations made by Congress. Some of the most important of these rivers are being neglected and flowing idly to the sea. All of them reach the Gulf of Mexico through the harbor at Mobile, the Tennessee alone excepted. This harbor is the nearest port of importance to the eastern terminus of the Panama Canal. The rivers of Alabama traverse the entire State and flow through the great iron and coal deposits, virgin forests of timber, rich agricultural lands, and inexhaustible beds of cement rock. We demand that all these splendid arteries of commerce be improved so that every day navigation to the Gulf will be secured, and that the channel at Mobile be deepened to at least 27 feet and over the outer bar to 35 feet. When this work is completed and the Panama Canal is opened to commercial use the largest coaling station in the world will be located in Alabama, near Fort Morgan, and the splendid anchorage inside the bar is sufficiently deep and large to hold all the ships that pass through the canal, where all will fill their bunkers with Alabama coal, at a cost not to exceed $1.50 per ton.

In order to show the benefits of an increased export and import trade which have followed the improvement of the harbor at Mobile, I desire to submit certain figures that will settle forever the question of returns for the money expended in improving the harbor at that place and the rivers which flow into it. During the year 1885 4 steamships and 286 sailing ves-

sels entered that port. During the first eleven months in 1905 1,320 steamships and 488 sailing vessels entered the harbor. As late as 1894 the exports for the year were $2,823,690; the imports were $652,113. In the first eleven months of 1905 the exports were $18,407,214; the imports were $4,250,915. This is foreign trade alone. In 1884 43,830 bales of cotton were exported. In the first eleven months of 1905 180,708 bales of cotton left the port of Mobile for foreign markets. These figures show an increase of over 30,000 per cent since the active work of improving that harbor and the rivers began. I am indebted to Hon. R. H. Clarke, of Mobile, for these figures. Mr. Clarke was a Member of this House for ten years, and served on the Rivers and Harbors Committee.

Mr. Speaker, God has placed at our disposal and for our use the best and surest means for regulating railroad traffic and preventing unjust and unreasonable rates. The rivers belong to the people, and can not be combined or organized into a trust or corporation of unjust discrimination. They are free to every citizen who desires to use them. As a competitor the railroads must meet the much smaller cost of water transportation. The improvement of the rivers in Alabama and other States in the Union will reduce railroad rates at every point to a minimum cost of transportation. For illustration, about three years ago, when the river and harbor bill was being considered by the committee, Mr. Jones, of Pittsburg, of the firm of Jones & Laughlin, of that city, was before us. His firm is one of the biggest manufacturing industries of the United States. He stated that when navigation was good on the Monongahela River the freight charges on coal to his factory were at the phenominally low rate of 3½ to 4 cents per ton by barge, but when an accident happened to any of the locks on the river, whenever a freeze came and navigation was stopped, the railroads immediately advanced the charges to 44 cents per ton, or over eleven times as much as the river rates were. This would apply in Alabama, with our rivers opened to navigation, the same as in Pennsylvania. The Monongahela River is not so large as the Coosa and no larger than the Warrior River in Alabama, and neither of these streams ever freeze over.

A few million dollars expended under the continuing-contract system would add many millions to the wealth of the State and save many more millions to producers and consumers. River transportation is the safety valve for unjust and extortionate railroad charges. We are to spend $200,000,000 on the Panama Canal, all of which will be virtually wasted, so far as Alabama and the Southern States are concerned, unless we improve our rivers and harbors and construct necessary canals, so that we may supply the great demands which will be made upon us for the products of our coal, iron, and ore mines, our cement deposits and valuable timber forests, our cotton and other farm products, which will thus be brought so cheaply within reach of the markets of the world. Pittsburg is now demanding $40,000,000 in order that she may have improved water transportation to the Gulf of Mexico by New Orleans. Chicago is clamoring for $60,000,000 so as to connect the Great Lakes with the Gulf. Every section of the country is looking to the completion of the canal and seeking the cheapest means of transportation to it. The producer who reaches the consumer by the cheapest methods of transportation will always find a profitable market. The cost of transportation and the facilities given to it are the greatest factors in our future greatness both as a commercial and agricultural people.

The last Congress appropriated 64 per cent of our revenues for preparation for and reparation of war, and 4 per cent to improve the rivers and harbors of the country to facilitate the transportation of our vast and rapidly increasing commerce. The State of Alabama, which I, in part, represent, is one of the richest States in the Union in natural resources. Her vast iron and coal deposits are being rapidly developed, her cotton fields are being cultivated to their utmost capacity, her timber is being marketed at profitable prices, and nothing stands in the way of her soon becoming the rival of any State unless it be the means of cheap transportation. If our rivers were improved, our products would go south of us to the markets of the world and thereby relieve the home market of the sharp competition now existing. The day is fast approaching when we must rely upon foreign markets in which to dispose of our surplus product, or else competition at home will make business unprofitable. The Birmingham district alone produced last year 37,000,000 tons of freight—more than the great ports of London and Liverpool combined. All this vast commerce is moved by rail, at an average cost of three-fourths of a cent per ton per mile. The average water rate the country over is one-fifth of a cent per ton per mile. If the projected canal from Birmingham to the Warrior River, which has been surveyed and pronounced feasible, had been completed, and the Warrior and Bigbee rivers improved, the saving would have been enough in two years to have paid for the construction of the canal and the improvement of the rivers. These improvements must come. Our growing commerce demands it. The world's markets can not be reached without it.

The cost of transporting a ton of coal by water from Pittsburg to New Orleans, a distance of 2,000 miles, is 70 cents per ton, and when the contemplated improvements are completed it is estimated that the cost will be reduced to 50 cents per ton. The cost of transporting a ton of coal from the Birmingham district to New Orleans by rail, a distance of 448 miles, is $1.50 per ton. The rate from the Birmingham district to Mobile by rail, a distance of 247 miles, is $1.25 per ton. The rate from the Birmingham district by water, by way of the Warrior and Bigbee rivers, is estimated at 30 cents per ton. The cost of transportation over the Coosa and Alabama rivers will be less than over the Warrior and the Bigbee, because the former rivers are wider and will enable a larger number of barges to be towed at one time and consequently a greater number of tons. It is known that the greater number of tons a tow carries the cheaper the rate per ton, and it is estimated that coal could be delivered for domestic and export purposes over the Coosa and the Alabama rivers at not exceeding 25 cents per ton. When the improvement on the Tennessee River at Colbert Shoals is completed and the minor obstructions between that point and Chattanooga are removed it will open a waterway to the Mississippi at Cairo and give continual water connection with all the markets on the great Mississippi River and its tributaries, including St. Louis, Cincinnati, Louisville, and Pittsburg. When the Chicago Ship Canal is completed, which the enterprising people of that wonderful city are now so vigorously pressing before Congress, all of the ports on the Great Lakes, including Duluth, Detroit, Cleveland, Buffalo, and through the Erie Canal the great city of New York, will be connected by a continuous waterway to Chattanooga, Tenn.

The human mind can not conceive the wonderful benefits these waterways when completed will bring to the people of the Southern States. Our natural resources are almost inexhaustible, and when we consider that the value of the cotton crop in the Southern States for the last five years exceeds the entire production of gold and silver in the world by more than $400,000,000 we are forced to the conclusion that the day is rapidly approaching when the South will be the most prosperous section of the country.

It is only through a system of improved waterways that the great, cheap, and heavy products of the mine, forests, and fields are profitably brought to tidewater and thence to the world's markets. With this knowledge before us an imperative demand is upon Congress to go forward actively and energetically with a system of river and harbor improvements.

Mr. Speaker, while we are considering the question of the transportation of the products of the various industries of our country and the cost thereof, we should treat the subject from the broadest point of view. To my mind, the condition of the wagon roads, over which 90 per cent of all the commerce of the country is transported, presents a problem for legislation by Congress far more serious and important in its results than that of railroad-rate regulation. The tax imposed on agricultural products between the starting point and the railroad station or river landing by the miserable condition of these dirt roads is very much greater than the railroad or steamboat charges for carrying them to their ultimate destination. There is no necessity for making an argument to prove the value of good roads. They save worry, waste, and energy. They economize time, labor, and money, and enhance the value of property.

The authority and constitutional warrant for governmental aid to road construction is as old as the Government itself. Jefferson, Clay, Calhoun, and Webster were all in their day advocates of Government aid for good roads. Jefferson said:

> Give us peace until our revenues are liberated from debt, and during peace we may checker our whole country with canals and good roads. This is the object to which all our endeavors should be directed.

He further said:

> I experience great satisfaction at seeing my country proceed to facilitate the intercommunication of its several parts by opening rivers, canals, and roads. How much more rational is this disposal of public money than that of waging war.

Madison, in his messages to Congress, urged this policy of road building by the Government. Clay, Webster, and Calhoun, that great triumvirate and champions of the people's rights, all favored appropriations from the Federal Treasury for road construction. Good roads are the initial fountains of commerce. The cost of hauling agricultural products alone over our dirt roads in their present condition is estimated by the Agricultural Department to be $600,000,000 a year more than it would be over a system of good roads. It is estimated every time

the sun sets the American farmers have lost $1,500,000 because of the poor condition of the roads. The following table of cost of transportation by the three means enumerated will perhaps interest and instruct our farmer friends:

Cost of hauling per ton, horsepower, over dirt roads 5 miles	$1.25
Cost of hauling per ton, steam power, 250 miles	1.25
Cost of hauling per ton, by river, 500 miles	1.25
Cost of hauling per ton, by steamship on Lakes, 1,000 miles	1.25

It will be seen from the above figures that the amount of money it takes to haul a ton 5 miles on our dirt roads will pay the freight for 250 miles on a railroad or 500 miles on a river and 1,000 miles on the Lakes. These figures prove conclusively the enormous tax levied by the bad roads on the farmers, and how much of their legitimate profit is consumed in hauling from the farms to the railroad station, river landing, and to the towns and cities. Not only have the farmers suffered great loss on account of poor roads, but the people in the towns and cities who depend upon them for their supplies have suffered also.

The residents of towns and cities are willing to stand their share of the expense for a system of good roads. They are the gainers because in the end they must stand a great portion of the cost of hauling farm products; they are the gainers because with good roads there will never be an oversupply of farm products in good weather and a scarcity in bad weather; they are the gainers because the mail-order business has been improved since the introduction of rural free delivery and because this increase is but the beginning of what it will be when good roads are the rule instead of the exception; they are the gainers because every act which promotes the general welfare of the country districts increases the buying power of the farmers and stimulates the commerce which makes the existence of towns and cities a possibility. With good roads the farmer does not wait for a good dry day to market his products, but goes to town in bad weather when he can not work on the farm, and when good weather comes he works to make more to carry to market. Millions of dollars are saved to the farmer by being able to go to market when his products are ready and command the highest price. What the farmer needs and must have before he prospers as his labor and industry entitle him to is good roads, so that he can go to market any day in the year when he has something to sell that somebody else needs. Good roads will make farm life more cheerful and will contribute largely to the happiness and contentment of the farmer and his family, who will become better satisfied with life in the country.

The question of governmental road construction has been successfully tried for many years in other countries. The rural population are entitled to share in the benefits bestowed by the National Government. The expense to them of improving and building roads should not be an item of worry. Roads are built and improved by contract, and the farmer can always get a good price for his labor and team when not needed on the farm. The work is usually done during the summer months when the farmer is not engaged in his crop. He can get from $3 to $4 per day for himself and team. The cost of hauling is more than half the expense of building roads in agricultural districts, and therefore instead of being a burden it will become a source of revenue, and his services and that of his team could be profitably employed every day he could spare from the farm. There is timber enough in Alabama too far from any railroad to be profitably hauled to market over the roads in their present condition which if placed on the market would pay for the improvement of every mile of road in that State. If the highways were improved every stick of this timber or the lumber manufactured from it could go to a profitable market, but the mud tax at present imposed makes this impossible.

Mr. Speaker, there is another side to this question of good roads. There is an intellectual side to it. The maintenance and extension of the free-delivery service depends upon good roads. We are appropriating this year $28,000,000 for the rural delivery service, an increase of $7,000,000 over the last appropriation for the same class of service. There is no service rendered by the Government that the people in the rural districts appreciate more highly than the delivery of their mails to their doors every day. This service was inaugurated in the year 1896, about ten years ago. Its growth has been phenomenal. When the Post-Office Department began the experiment of sending the mail to the doors of more than 20,000,000 farmers it was predicted that the expense would be so enormous that the task would never be accomplished. By the extension of rural free delivery farm life is made more attractive, and the farmer comes into daily contact with the social and business world. Every day he may receive market reports, which tell him of the price of every product he may have to sell. The daily newspapers and magazines can also be received.

The extension and perfection of this service depends largely upon the condition of the country roads. Last year 456 petitions were filed for the establishment of rural free-delivery routes in Alabama, 225 of which were reported adversely by the inspector and 224 were established. Half of the routes petitioned for were rejected mainly on account of the unsatisfactory condition of the roads over which the carrier would have to travel. Frequently routes are established upon condition that those interested in the route will improve the roads over which it goes. The Constitution gives Congress power to establish post-offices and post-roads, and every road over which there is a rural free-delivery route has been declared by an act of Congress to be a post-road. Therefore it is as much the duty of Congress to provide good roads over which the mails are to be carried as it is to establish post-offices. We are appropriating millions of dollars to build post-offices and to establish rural delivery.

Now let us begin to improve the post-roads so as to increase and extend rural delivery until all the people are supplied with daily mail at their doors. If Congress will appropriate as much money each year toward the improvement of the post-roads over which the mail must pass as it appropriates to the maintenance of the rural delivery system, in a few years the roads will be improved and all the people supplied with daily mail. The good of the service demands it. The rural free-delivery carrier, an employee of the Government, in my opinion, is entitled to better treatment. For six days in the week and fifty-two weeks in the year he is required to drive his wagon and team over a miserably rough road, which kills his horse and wears out his wagon. He is not paid a sum commensurate with his service—not as much as the city carrier, who is not required to furnish a team or wagon and who has splendid streets and pavements to travel while delivering the mail. It is important that the Government should assist in providing him with good roads over which it requires him to travel, so that he may save his horse and wagon from wear and tear and enable him to serve the Government and patrons along his route more efficiently. He should also be given at least fifteen days' vacation each year. All other Government employees receive this consideration.

Mr. Speaker, the gentleman from Georgia [Mr. LEE] addressed the House on April 5, in which he discussed Federal aid to road construction. He displayed such an intimate knowledge of the subject and stated so many homely truths that I beg to quote his language. He said:

> If the Army needs a road, it gets it. Even our unprofitable and expensive possessions, the Philippine Islands in the Far East, have been the objects of our solicitous care to the extent of expending $5,000,000 in building roads for them. Porto Rico, though not much larger in area than some of our counties, has had over $3,000,000 expended upon its roads since it came into our possession. During our brief occupancy of the island of Cuba our Government expended two and a half millions upon its public roads. Even those little dots out in the Pacific, the Hawaiian Islands, acquired by diplomatic legerdemain, have come in for a share and have a contemplated expenditure of two and a half millions upon their roads.
>
> These various sums aggregate $13,000,000 that have been expended during the past few years in building roads, not a foot of which lie within the United States. What have we against our own people that we should deny to them blessings that are freely extended to the idle islanders of the seas?
>
> But other interests and forces are coming to the aid of the solitary, the isolated, the unorganized, and almost unorganizable farmer. The manufacturer, learning from experience that bad roads interfere materially with his obtaining steady and continuous supplies of raw material, wants the roads improved. The millions of operatives in mines, mills, and shops are learning that bad roads increase the cost and disturb the regular supply of food products from the farms which they must have, and they want better roads. The merchant has learned that bad roads retard and depress trade, and he wants them mended. Our Post-Office Department is greatly hindered and hampered in its efforts to supply to the country regular, prompt, and reliable mail service for lack of better roads. In fact, it would be hard to name an interest, an industry, or an individual who would not be benefited by better roads.

Mr. Speaker, there are several bills pending before Congress looking to the improvement of the highways and post-roads of the country, one of which I introduced myself. The bills provide that nothing therein contained shall prevent the States or Territories or civil divisions thereof from receiving credit for labor, material, and machinery used in the construction or improvement of said highways or sections thereof. The appropriations provided shall be distributed in the following manner:

> No State or Territory shall receive in any one year a larger proportion of the sum hereby appropriated than its population bears to the total population of the United States.

It will be seen that this provision prevents one State or Territory from receiving more of the appropriation than its just proportion. Why should the farmers of the country be required to bear the whole burden of constructing and maintaining the

highways and post-roads? They are not for their exclusive use. They are free to everyone who desires to travel over them or to transport commodities of any kind. Indeed, those who at present are compelled to construct and maintain these roads derive less benefit in actual returns than those who do not contribute one cent to construction and maintenance. It is the duty of the Government to give these patient, toiling people a "square deal."

Let us hasten the day when the public highways and the rivers of the United States shall become great arteries of commerce and potent factors in producing that wealth and prosperity which will indeed make us the greatest and happiest people on the earth.

MARINE-HOSPITAL SERVICE.

Mr. WANGER. Mr. Speaker, I desire to call up the conference report on the bill (S. 4250) to further enlarge the powers and the authority of the Public Health and Marine-Hospital Service and impose further duties thereon, and ask that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Pennsylvania [Mr. WANGER] calls up the following conference report and asks unanimous consent that the statement may be read in lieu of the report. Is there objection as to the latter part of the request?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service and to impose further duties thereon, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with the following amendments:

In line 6, section 1, page 1, strike out the word "seacoast" and insert in lieu thereof the words "coast line;" and the House agree to the same.

In line 13, section 1, page 1, strike out the word "seacoast" and insert in lieu thereof the words "coast line;" and the House agree to the same.

In lines 1 and 2, section 1, page 2, strike out the words "having on board any person with yellow fever and;" and the House agree to the same.

In line 4, section 5, page 6, after the word "purposes," insert the words "and the quarantine stations established by authority of this act shall, when so established, be used to prevent the introduction of all quarantinable diseases;" and the House agree to the same.

In lines 10 and 11, section 6, page 6, strike out the words "or any permanent structures or improvements be made or maintained thereon;" and the House agree to the same.

Strike out all of section 7; and the House agree to the same.

In line 10, section 8, page 7, after the word "fever," insert the words "and other quarantinable diseases;" and the House agree to the same.

In line 12, section 8, page 7, after the word "eradicating," strike out the word "it" and insert in lieu thereof the word "them;" and the House agree to the same.

In line 12, section 8, page 7, after the word "should," strike out the word "it" and insert in lieu thereof the word "they;" and the House agree to the same.

In line 13, section 8, page 7, after the word "preventing," strike out the word "its" and insert in lieu thereof the word "their;" and the House agree to the same.

In line 14, section 8, page 7, after the word "destroying," strike out the words "its cause" and insert in lieu thereof the words "their causes;" and the House agree to the same.

W. P. HEPBURN,
IRVING P. WANGER,
C. L. BARTLETT,
Managers on the part of the House.

JOHN C. SPOONER,
FRANK B. BRANDEGEE,
S. R. MALLORY,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

That managers on the part of the House on the disagreeing vote of the two Houses on Senate bill No. 4250, make the following statement to accompany the conference report thereon:

The Senate recedes from the House amendments and agrees to the same with the eleven amendments thereto following to be agreed to by the House.

Amendments Nos. 1 and 2 are phraseological, by inserting in lieu of the word "seacoast" the words "coast line," whereby all question respecting the application of the bill to the coast of the Gulf of Mexico is avoided;

Amendment No. 3 relieves the bill of superfluous language and avoids possible controversy;

Amendment No. 4 makes clear the utility of the quarantine stations after establishment for all proper quarantine purposes;

Amendment No. 5 permits improvements pending the cession of jurisdiction by the State;

Amendment No. 6 removes from the bill its only provision with reference to interstate commerce;

Amendment No. 7 enlarges the purpose for which the appropriation is made;

Amendments Nos. 8, 9, 10, and 11 are phraseological and harmonize the language of the section with amendment No. 7.

W. P. HEPBURN,
IRVING P. WANGER,
C. L. BARTLETT,
Managers on the part of the House.

Mr. WANGER. Mr. Speaker, I move the adoption of the conference report.

The question was taken; and the motion was agreed to.

On motion of Mr. WANGER, a motion to reconsider the last vote was laid on the table.

COLLECTION DISTRICTS IN TEXAS.

The SPEAKER laid before the House the bill (H. R. 10715) to establish additional collection districts in the State of Texas, and for other purposes, with Senate amendments.

The Senate amendments were read.

Mr. CURTIS. Mr. Speaker, I move to disagree to the Senate amendments and ask for a conference.

The question was taken; and the motion was agreed to.

The SPEAKER announced the following conferees: Mr. CURTIS, Mr. BOUTELL, and Mr. CLARK of Missouri.

SUBDIVISION OF PUBLIC LANDS.

The SPEAKER laid before the House the bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes, with Senate amendments.

Mr. MONDELL. Mr. Speaker, I ask that the House disagree to the Senate amendments and ask for a conference.

The question was taken; and the motion was agreed to.

The SPEAKER announced the following conferees: Mr. MONDELL, Mr. REEDER, and Mr. SMITH of Texas.

COMMITTEE ON INVALID PENSIONS.

Mr. SULLOWAY. Mr. Speaker, I ask for present consideration of a resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Committee on Invalid Pensions be authorized to have such printing and binding done as may be required in the transaction of its business during the Fifty-ninth Congress.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

SUNDRY CIVIL BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19844) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19844—the sundry civil appropriation bill—with Mr. WATSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

Mr. TAWNEY. Mr. Chairman, I ask now to return to page 66, beginning at line 3, the first paragraph under the head of "Expenses of collection of revenue from sales of public lands."

The CHAIRMAN. The gentleman from Minnesota calls up that portion of the sundry civil bill commencing on line 3, page 66, "Expenses of the collection of revenue from sales of public lands," which was passed over without prejudice on a previous day. The Clerk will read the paragraph.

The Clerk read as follows:

EXPENSES OF THE COLLECTION OF REVENUE FROM SALES OF PUBLIC LANDS.

Salaries and commissions of registers and receivers: For salaries and commissions of registers of district land offices and receivers of public moneys at district land offices, at not exceeding $3,000 per annum each, $500,000.

Mr. LACEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At end of line 9, page 66, insert the following:

"That no receivers of public moneys for land districts shall hereafter be appointed, and in all cases where the term of office of such receiver for any land district has expired or shall hereafter expire, and in all cases where the office of such receiver for any land district has or shall become vacant by reason of death, resignation, or removal, all the powers, duties, obligations, and penalties lawfully imposed upon such receivers and upon the registers of the land office for such district shall be imposed upon and exercised by such registers; and such registers shall, in addition to the duties thus imposed, have charge of and attend to the public sale of Indian lands within their respective districts, as provided by law and official regulation, and shall be accountable under their official bonds for the proceeds of such sales and for all fees, commissions, and other moneys received by them under any provision of law or official regulation; and all fees and commissions now allowable under law to both such registers and receivers shall, in all land offices for which there is no receiver of public moneys, be paid to and accounted for by the register in the same manner and in like amounts in which they are now required to be paid to and accounted for by such receivers; but the compensation of such registers shall in no case exceed $3,000 per annum.

That the Secretary of the Interior may appoint or designate a deputy register, without regard to the requirements of the classified service, for any land office in which there is not a receiver of public moneys, which chief clerk shall receive such salary, payable from the appropriation for contingent expenses of land offices, as the Commissioner of the General Land Office may authorize, and such chief clerk shall perform such duties as may be directed by the register of the land office for which he is appointed, or by official regulation, and he shall, during the absence of such register, or in case of a vacancy in the office of such register, exercise all the powers, perform all the duties, and be subject to all the obligations and penalties imposed upon such register by law or official regulation; but such chief clerk shall, before entering upon the duties of his office, execute to the United States a bond in such penal sum as the said Secretary may prescribe, with approved security, for the faithful performance of his official duties; and such chief clerk shall be accountable under his official bond for such proceeds arising from the sale of public or Indian lands within his district, and for such fees, commissions, and other moneys as may come into his hands under any law or official regulation or direction.

Mr. MONDELL. Mr. Chairman, I make the point of order this is new legislation.

Mr. LACEY. I will ask the gentleman from Wyoming to reserve the point of order.

The CHAIRMAN. Does the gentleman make the point of order or reserve it?

Mr. MONDELL. I make the point of order.

The CHAIRMAN. The gentleman makes the point of order. Does the gentleman from Iowa desire to be heard?

Mr. GAINES of Tennessee. I hope the gentleman will reserve the point of order until we can discuss the question.

Mr. LACEY. I would like to be heard on the proposition.

Mr. GAINES of Tennessee. The matter was voted down in the committee, and not considered in the committee, and we are anxious to consider it in the House on its merits.

Mr. MONDELL. I insist on my point of order.

The CHAIRMAN. The gentleman from Wyoming makes the point of order. Does the gentleman from Iowa desire to discuss the point of order?

Mr. LACEY. I would like to be heard before the point of order is disposed of.

Mr. Chairman, this is a proposition to save the United States of America $250,000 a year, and I thought perhaps a proposition to save the Government $250,000 is so unusual that the point of order would not be suggested against it.

Mr. MONDELL. I understand the gentleman rises to discuss the point of order?

Mr. GAINES of Tennessee. The gentleman will certainly allow the gentleman from Iowa to state his premises and state the law, so that he can discuss the point of order as to whether it is an unusual proposition.

Mr. LACEY. It is an unusual proposition, unquestionably. It will save this amount of money a year; and it being so unusual, it may be said to be new, at least in this respect.

But, Mr. Chairman, every once in a while I feel the wisdom of the old Holman rule, that any amendment on an appropriation bill which reduces the expenditures and saves money to the Government ought to be competent, ought to be proper. I suppose that as a matter of parliamentary law this amendment is a new proposition; but yet I would like to have the Chair fully understand it before ruling upon it.

In 1796 the land law was first enacted, providing for the opening of the Northwest Territory. It provided that the governor of that Territory and the Secretary of the Treasury should sell the public land. Later on the act of May 10, 1800, was passed, which provided for the registers of the land office to make the sales and for receivers of the public moneys. The condition at that time was peculiar. The public moneys received consisted of bank bills of various values and denominations, of Spanish milled dollars, of French money—in fact, of almost all kinds of money except money of the United States—and the proposition of taking care of that money and getting it into the Treasury involved a good deal of difficulty, so that a special officer was selected for that purpose. That officer being thus designated and not being fully employed, ultimately was given authority to sit in connection with the register in land cases. Having been given that jurisdiction, the office of receiver has been maintained from 1800 down to the present time, long after all necessity for its existence has disappeared.

The Commissioner of the General Land Office and the Secretary of the Interior in their official report this year have asked that this office be abolished, and that the Register of the Land Office be directed to perform the functions, which he can do without difficulty. There is no necessity for a receiver now. There is always a national bank near into which the money may be turned as a deposit by all land officers of the United States, or nearly all, and by registered mail and postal orders the money can be readily covered into the Treasury without loss or delay. The receiver is no longer necessary.

Now, this proposition in the form in which I offer it does not do away at once with the receivers, but permits them to go out of office as their terms expire, and when one of them goes out there shall be no reappointment. The actual expense, as shown by the Commissioner of the Land Office, of this office for the last five years up to last June has been $1,471,216. If the office is abolished, it will be necessary to have one of the clerks in the office designated to perform the duties of register in the absence of the register, and to perform the duties heretofore performed by the receiver in the absence of the register also. It will require the appointment of about twenty-five chief clerks in offices that now have no clerk and the designation of a chief clerk in each of the others from among the clerical force of the office.

Mr. MONDELL. Mr. Chairman, my understanding is that the gentleman rose to discuss the point of order.

Mr. LACEY. I am stating the proposition first.

The CHAIRMAN. The gentleman from Iowa stated to the Chair that he desired to discuss the point of order. The Chair indulges the presumption that the gentleman from Iowa is laying the foundation for his discussion of the point of order.

Mr. GAINES of Tennessee. "How firm a foundation, ye saints of the Lord!" [Laughter.]

Mr. LACEY. I think if the gentleman from Wyoming understands the proposition, he should withdraw the point of order in order to save the expenses of five or six receivers in his State. It would increase the irrigation fund by that much.

Mr. RUCKER. Will the gentleman yield for a question?

Mr. LACEY. Yes.

Mr. RUCKER. I do not want to ask a question that would in anywise induce the gentleman to discuss the merits of the proposition, but he said something a moment ago about the number of clerks that would have to be appointed.

Mr. LACEY. Yes; there would be about twenty-five.

Mr. RUCKER. At increased salaries, and at every session of Congress following we would be asked to increase them.

Mr. LACEY. Oh, no; not at all. A clerk in every office that has a clerk now can be designated to act.

Mr. RUCKER. Would it not mean that about twenty-five dudes from the District of Columbia would be sent out to these land offices to do the work that ought to be done by people living in the district?

Mr. LACEY. No; the amendment provides that they shall be selected outside the civil service, so that we would be relieved from that difficulty as to these particular appointments.

The CHAIRMAN. It seems to the Chair that we are wandering somewhat from the point of order.

Mr. LACEY. I am being led away from the point of order by the gentleman from Missouri [Mr. RUCKER].

Mr. BURKE of South Dakota. I desire to ask the gentleman a question in regard to a statement of fact which he has made. I believe he has stated the figures which would represent the saving in expense to the Government if receivers were done away with.

Mr. LACEY. Yes; there would be that saving.

Mr. BURKE of South Dakota. I should like to ask the gentleman if the fees of registers and receivers are not based upon the moneys which they receive, and is it not a fact that in many instances those fees are paid by entrymen?

Mr. LACEY. Substantially all paid by entrymen.

Mr. BURKE of South Dakota. Is it not true that there is no salary for registers and receivers above $500 a year, except commissions; that is, that if the commissions exceed $500 a year, no salary is paid?

Mr. LACEY. We appropriated last year out of the commissions received by these officers for their public services $285,835. Under this proposition that would all have been saved, every dollar of it, except about $25,000 to pay for additional clerks, leaving a net saving of about $260,000, based on last year's business. Now, I wish to incorporate in my remarks a statement made by the Commissioner of the General Land Office. The salary of each receiver is $500, with fees of his office in addition up to $3,000.

Mr. STAFFORD. I wish to inquire whether, in the opinion of the Chair, the gentleman is speaking on the point of order?

The CHAIRMAN. The Chair is of the opinion that up to this time the gentleman has not seriously discussed the point of order.

Mr. LACEY. Mr. Chairman, I have almost completed my statement as to the facts. I want to incorporate the statement of the Commissioner, which I will not take the time to read.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WILLIAMS. I understood the gentleman from Illinois [Mr. MANN] yesterday to say that he was going to object to all extraneous debate. I do not see him in his seat at this moment, and I feel somewhat disposed, as a personal friend of his, to do that which he gave notice he would do if he were here. I do not think this can possibly bear upon the point of order.

The CHAIRMAN. The Chair thinks not.

Mr. GAINES of Tennessee. Mr. Chairman, it does bear upon the point of order, because it states the law.

The CHAIRMAN. The gentleman from Iowa has the floor, if he has anything to say on the point of order. [Cries of "Rule!" "Rule!"]

Mr. GROSVENOR. Mr. Chairman, if the gentleman will yield to me, I should like to ask what improvement on present conditions it is claimed that this amendment will make?

Mr. LACEY. It will provide that one man shall do the work heretofore duplicated by two. It is just the opposite of the old proposition of making two blades of grass where only one grew before. We would have one employee of the Government where we had two before. The work would be done as well by one.

Mr. GROSVENOR. And it would change the law to that extent?

Mr. LACEY. It would change the law to that extent.

Mr. GROSVENOR. Then is there any necessity to argue this point any further on the point of order made by the gentleman?

Mr. LACEY. It is not a mere question of academic study. I think it is for the Committee on Rules to give us an opportunity to save this amount of money, and that is the reason I want to get the facts before the House.

Mr. MONDELL. Mr. Chairman, I desire to discuss the point of order. I think it is not necessary to discuss it at any great length.

The CHAIRMAN. The Chair is ready to rule on the proposition.

Mr. MONDELL. I desire to discuss it briefly for the enlightenment of the Chair and the House. The gentleman from Iowa, discussing the point of order, made the claim that it was in the interest of economy. If, as a matter of fact, it was permissible in discussing the point of order to go into that question of economy, it would be clearly demonstrated to the satisfaction of every Member of the House that the Government would not save a penny by the abolition of the office of receiver of the General Land Office.

Mr. PAYNE. If that is correct, why not reserve the point of order and let us discuss it? I would like a little light on it myself.

Mr. MONDELL. My understanding is that the committee desire to get on with the bill and did not desire to have a long discussion on the subject. As a matter of fact, this would lead to a substitution of officers appointed by the President for the performance of important duties with which they are acquainted, by civil-service clerks, and in the main the change would be an additional charge upon the Treasury. The gentleman seemed to have forgotten that of this appropriation of $400,000 only $117,000 is a charge upon the Treasury of the United States, the balance being funds received as fees and commissions, and if we save this amount it will flow not into the Treasury of the United States, but into the reclamation fund.

Mr. STAFFORD. Mr. Chairman, I make the point of order that the gentleman is not discussing the point of order.

The CHAIRMAN. The point of order is well taken, and the Chair is ready to rule. The Chair sustains the point of order.

Mr. LACEY. Mr. Chairman, in line 7, page 66, I move to strike out the following words: "And receivers of public moneys."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 7, page 66, strike out the words "and receivers of public money."

Mr. MONDELL. Mr. Chairman, I make the point of order that that is a change of existing law and new legislation.

Mr. LACEY. I am ready for the Chair to rule on the point of order.

The CHAIRMAN. The Chair overrules the point of order. A motion to strike out is not subject to a point of order.

Mr. LACEY. Now, Mr. Chairman, I think I have already obtained leave to insert in my remarks the report of the Commissioner of the General Land Office upon this subject; and if not, I ask leave to do it now.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa to print as a part of his remarks the extract from the report of the Commissioner of the General Land Office?

There was no objection.

The following is the portion of the report referred to:

RECOMMENDATION THAT THE OFFICE OF RECEIVER OF PUBLIC MONEYS FOR UNITED STATES LAND OFFICES SHOULD BE ABOLISHED AND A QUARTER OF A MILLION DOLLARS ANNUALLY SAVED TO THE GOVERNMENT.

The office of receiver of public moneys was created by the act of May 10, 1800 (2 Stat. L., 73), whereby four land offices were established, each to be under the direction of an officer to be called a register of the land office. Certain lands were, by the terms of the act, to be sold, and all the payments therefor were to be made either to the Treasurer of the United States or to such person or officer as should be appointed by the President of the United States, with the advice and consent of the Senate, receiver of public moneys.

By that act the duties of receivers were, generally speaking, to receive and receipt for moneys paid for the purchase of lands and duly pay over and account for the same. Subsequently, as other land offices were created, the several acts establishing the same made the same provisions for the appointment of a register and receiver at each, and this is a requirement of the law as it now stands. (See R. S., sec. 2234.)

The apparent object in appointing receivers was, perhaps, mainly for the convenience of purchasers of public lands, who were thereby relieved of the necessity of making payments directly to the Treasurer of the United States, and given an officer to whom, and a place where, payments in purchase of lands might be made with a minimum of inconvenience. In those days the transmission of money from the frontier to the Treasury was attended with much trouble, cost, and danger of loss.

The duty of the register, as his name implies, was largely that of a recording officer.

Under the act referred to neither the register nor receiver was clothed with any judicial function, nor were they required to act jointly in any particular. The judicial, or quasi-judicial, function appears to have been first conferred by the act of March 3, 1819, which provided that the register and receiver would hear testimony relative to mistakes and report the same with their opinion to the Treasurer of the United States.

By the act of May 24, 1824 (4 Stat. L., 31), the register and receiver, or either of them, might administer an oath.

By the act of May 29, 1830 (4 Stat. L., 420), proof of settlement and improvements should be made to the satisfaction of the register and receiver.

By the act of June 1, 1840 (5 Stat. L., 382) a preemptor was required to make satisfactory proof of his or her residence before the register and receiver.

By the act of September 4, 1841 (5 Stat. L., 456), questions as to the rights of preemption, arising between different settlers, were to be settled by the register and receiver, subject to appeal and revision by the Secretary of the Treasury, whose appellate jurisdiction was transferred to the General Land Office by section 10 of the act of June 12, 1858 (11 Stat. L., 326).

The substance of the two last-mentioned acts is expressed in section 2273, Revised Statutes. Indeed in every instance the judicial, or quasi-judicial, function has been conferred jointly upon the register and receiver, except where abandonment is, by the terms of section 2297, Revised Statutes, required to be proven to "the satisfaction of the register of the land office." Yet by the rules of practice, even in cases of abandonment, as in the trial of all other issues before the local office, both register and receiver must pass in judgment thereon. It is now firmly established that the office is one, while its body is dual. A vacancy in either office disqualifies the remaining incumbent for the performance of the duties of his own office.

From a consideration of the foregoing it appears that the duties of the receiver have been gradually extended from those of merely receiving and accounting for public moneys to those of an officer vested with judicial functions, joint and coordinate with that of the register.

It is believed that existing conditions are such as to warrant and suggest the abolition of the office of the receiver, and the vesting in the register of the functions now performed by the receiver, for the following reasons:

1. The volume of work now transacted and receipts of money at many, if not all, of the local offices is not such as to require the services of both officers.

The following table, covering all the land offices, shows the number of clerks, the number of entries, the total receipts, and the total expense of each office; and also shows the compensation of each receiver (the register and receiver each receive the same compensation) for the fiscal year ended June 30, 1905:

Land office.	Number of—		Total receipts.	Expense of maintaining office.	Compensation of receivers.
	Clerks.	Entries.			
Huntsville, Ala		637	$5,532.05	$3,421.54	$1,257.69
Montgomery, Ala	2	1,489	22,662.70	6,762.62	2,403.21
Juneau, Alaska		167	10,432.91	4,575.58	1,940.12
Prescott, Ariz		776	17,264.80	4,043.96	1,754.79
Tucson, Ariz	1	627	40,187.76	7,042.90	2,786.30
Camden, Ark	2	1,806	35,022.91	8,528.09	3,000.00
Dardanelle, Ark	1	851	15,465.12	4,759.73	1,999.84
Harrison, Ark	2	2,302	44,427.08	8,767.37	3,000.00
Little Rock, Ark	1	998	12,977.87	6,426.21	2,362.87
Eureka, Cal	1	579	52,290.58	7,523.11	2,679.73
Independence, Cal		124	7,661.83	2,181.64	985.66
Los Angeles, Cal	2	3,465	46,876.10	9,612.50	3,000.00
Marysville, Cal		200	12,409.74	2,968.32	1,297.10
Redding, Cal	1	659	53,891.27	7,481.48	3,000.00
Sacramento, Cal	1	350	24,951.99	5,489.75	2,214.94
San Francisco, Cal	2	1,003	32,541.08	8,248.48	3,000.00
Stockton, Cal		523	17,403.52	4,863.10	2,418.59
Susanville, Cal	1	1,563	266,367.23	7,804.18	3,000.00
Visalia, Cal		349	21,156.70	4,302.68	1,916.34
Akron, Colo		287	4,999.83	2,953.04	1,318.60
Del Norte, Colo		237	8,464.57	2,633.48	1,178.18
Denver, Colo	2	1,840	93,726.55	9,120.01	3,000.00
Durango, Colo	1	687	28,349.88	7,185.38	2,703.12
Glenwood, Colo	1	1,057	107,577.73	8,476.81	3,000.00
Gunnison, Colo		201	5,607.95	2,422.28	1,134.78
Hugo, Colo		441	8,350.15	4,950.92	2,356.65
Lamar, Colo		190	4,016.67	3,019.55	1,135.28
Leadville, Colo		203	12,180.03	3,583.96	1,290.67
Montrose, Colo	1	647	10,902.49	6,546.10	2,380.94
Pueblo, Colo	4	1,301	70,400.17	10,902.53	3,000.00
Sterling, Colo		259	5,504.01	3,312.01	1,387.75
Gainesville, Fla	4	2,936	77,076.73	11,064.00	3,000.00
Blackfoot, Idaho	2	1,592	53,406.71	8,586.48	3,000.00
Boise, Idaho	3	1,913	120,357.90	9,627.42	3,000.00
Coeur d'Alene, Idaho	1	981	110,984.50	8,939.79	3,000.00
Hailey, Idaho	1	1,542	30,244.90	6,627.86	2,940.82
Lewiston, Idaho	2	1,684	109,942.34	9,829.52	3,000.00
Des Moines, Iowa		4	719.25	1,586.22	747.81
Colby, Kans	1	610	9,670.28	5,620.27	2,114.64
Dodge City, Kans	3	1,298	22,998.50	8,020.67	2,833.28
Topeka, Kans		47	1,322.50	1,382.17	653.13
Wakeeney, Kans		439	8,058.70	3,835.69	1,552.83
Natchitoches, La	1	764	23,713.63	5,853.90	2,249.75
New Orleans, La	3	1,457	41,592.84	9,221.55	3,000.00
Marquette, Mich	2	822	42,569.23	8,269.81	2,984.28
Cass Lake, Minn	2	1,358	68,599.18	9,102.82	3,000.00
Crookston, Minn	2	2,581	46,602.18	9,171.35	3,000.00
Duluth, Minn	2	2,995	243,680.02	11,273.94	3,000.00
St. Cloud, Minn	1	718	14,147.06	5,332.03	2,012.02
Jackson, Miss	3	1,786	32,342.31	8,718.17	2,806.76
Boonville, Mo		469	12,602.46	2,759.13	1,194.95
Ironton, Mo		489	9,485.06	2,620.40	1,209.69
Springfield, Mo	2	817	15,856.28	4,912.67	1,794.90
Bozeman, Mont	2	1,749	48,625.20	8,591.62	3,000.00
Great Falls, Mont	2	2,177	112,583.74	9,060.15	3,000.00
Helena, Mont	2	1,406	64,013.31	8,446.86	3,000.00
Kalispell, Mont	1	801	41,765.92	7,416.95	2,935.75
Lewistown, Mont	1	1,141	75,797.98	7,933.57	3,000.00
Miles City, Mont	1	1,703	20,551.70	7,342.43	3,000.00
Missoula, Mont	1	1,126	38,577.97	8,624.18	3,000.00
Alliance, Mont	1	3,751	53,682.75	9,146.39	3,000.00
Broken Bow, Nebr	1	1,886	27,437.21	7,775.94	3,000.00
Lincoln, Nebr		280	6,282.18	2,416.23	1,105.04
McCook, Nebr		538	9,390.07	3,013.78	1,357.89
North Platte, Nebr	1	1,302	22,808.81	7,715.34	3,000.00
O'Neill, Nebr	1	1,883	37,795.40	8,169.10	3,000.00
Sidney, Nebr		666	10,043.55	4,992.34	2,053.23
Valentine, Nebr	1	3,112	45,622.82	8,572.22	3,000.00
Carson City, Nev	1	854	14,072.74	3,923.48	1,952.52
Clayton, N. Mex	1	1,707	19,503.72	7,544.71	3,000.00
Las Cruces, N. Mex		490	13,843.51	3,723.30	1,702.69
Roswell, N. Mex	1	1,866	71,337.80	7,807.15	3,000.00
Santa Fe, N. Mex	2	1,079	51,057.63	8,361.13	3,000.00
Bismarck, N. Dak	5	3,764	136,958.50	11,774.37	3,000.00
Devils Lake, N. Dak	4	4,058	182,708.37	10,963.29	3,000.00
Dickinson, N. Dak	2	2,244	29,892.48	10,102.03	2,933.00
Fargo, N. Dak		631	20,577.97	6,184.11	2,671.80
Grand Forks, N. Dak		431	14,765.19	3,336.88	1,450.50
Minot, N. Dak	8	8,770	481,423.81	14,351.26	3,000.00
Alva, Okla	1	1,061	22,395.84	7,083.07	2,978.08
El Reno, Okla	2	1,225	91,117.64	10,678.52	3,000.00
Guthrie, Okla	2	837	13,028.57	8,460.25	3,000.00
Kingfisher, Okla	2	2,139	39,848.65	8,961.72	3,000.00
Lawton, Okla	2	1,101	169,178.71	10,250.95	3,000.00
Mangum, Okla	2	2,128	66,069.15	8,675.48	3,000.00
Woodward, Okla	5	4,350	123,573.97	13,069.40	2,658.50
Burns, Oreg		591	26,833.06	4,583.30	1,974.63
La Grande, Oreg	3	1,970	150,756.48	10,159.85	3,000.00
Lakeview, Oreg	1	868	112,404.75	8,204.00	3,000.00
Oregon City, Oreg	2	809	84,419.79	8,558.57	3,000.00
Roseburg, Oreg	3	1,041	131,653.89	8,436.03	2,234.00
The Dalles, Oreg	4	2,715	158,391.05	10,682.47	3,000.00
Aberdeen, S. Dak	1	744	31,225.58	6,035.83	2,324.30
Chamberlain, S. Dak	3	5,002	90,749.30	10,298.45	3,000.00
Huron, S. Dak		554	29,312.14	5,134.52	1,915.58
Mitchell, S. Dak		437	13,110.77	3,435.98	1,424.73
Pierre, S. Dak	2	1,294	26,926.14	8,873.77	2,842.52
Rapid City, S. Dak	2	1,418	48,560.27	9,275.98	3,000.00
Watertown, S. Dak		479	11,686.07	5,537.42	2,203.47
Salt Lake, Utah	2	1,061	86,056.58	10,624.24	3,000.00
Vernal, Utah	1				
North Yakima, Wash	1	635	27,457.78	7,432.19	3,000.00
Olympia, Wash		305	34,244.32	5,686.29	2,072.83
Seattle, Wash	2	781	88,979.04	9,275.73	3,000.00
Spokane, Wash	2	1,429	68,847.58	9,634.80	3,000.00
Vancouver, Wash	2	1,403	109,976.74	8,999.00	3,000.00
Walla Walla, Wash	2	1,632	84,676.61	7,845.71	3,000.00
Waterville, Wash	2	2,069	$89,761.87	$8,783.88	$3,000.00
Ashland, Wis		444	14,534.89	4,194.06	1,934.10
Eau Claire, Wis		560	8,444.18	4,294.39	1,574.35
Wausau, Wis		535	10,306.16	3,587.80	1,498.37
Buffalo, Wyo	1	932	58,360.97	7,987.68	3,000.00
Cheyenne, Wyo	2	933	43,601.38	8,578.30	3,000.00
Douglas, Wyo		533	25,760.15	5,681.44	2,071.84
Evanston, Wyo		508	46,861.11	5,871.07	2,303.14
Lander, Wyo		543	25,270.41	3,960.00	1,815.76
Sundance, Wyo	1	1,018	26,889.03	7,379.36	2,888.59
117 offices	154	149,284	6,136,376.76	815,486.15	285,835.22

Of the foregoing offices, the following have recently been abolished: Huntsville, Ala.; Prescott, Ariz.; Marysville, Cal.; Akron, Colo.; Wakeeney, Kans.; Booneville and Ironton, Mo.; McCook, Nebr., and Ashland and Eau Claire, Wis.

II. The existence of the dual responsibility is the occasion of frequent and chronic disagreement between the register and receiver, to the consequent prejudice of the local office, its conduct, and all who are affected thereby. Each charges the other with responsibility for any neglect or misfeasance which may be found to exist therein.

This friction develops at times into a recrimination and antagonism which precludes that prompt and cordial cooperation necessary to an effective administration of the joint duties of the dual office, and has been the cause of much complaint from the public affected, and the expenditure of much time and labor by this office and its inspectors in the effort to compose such differences and harmonize the officers at issue, so as to restore them as a working unit to the condition of normal efficiency. It is obvious that a sole responsibility for the conduct of the local office would necessarily tend to a stimulation in the discharge of duty, consequent upon the certain knowledge on the part of the officer responsible that there could be no successful attempt on his part to evade the consequences of neglect or misfeasance by attributing it, as is now frequently done, to his joint associate. The entire clerical force of the office would be under one control and one influence. Exactness of method, certitude of information given out, uniformity of conduct, harmony of decision, and indisputable responsibility for error or misfeasance would take the place of the opposite conditions which are too often prevalent in the local offices.

III. The convenience of frequent access to and inspection of the local offices is now such as to enable this office to keep itself at all times reasonably informed of the method and efficiency of their conduct, as it could not do in former times, owing to the lack of railroads and telegraphic communication between this office and many of its subordinate officials and the absence of the thorough and efficient system of frequent inspection now in force.

The absence of the present system and facilities for communication and inspection may have been one reason which suggested, in the creation of the land offices, the desirability of having two officers who would operate as a check each upon the other. That necessity, for the reasons just stated, no longer exists.

IV. We are now brought to the consideration of the receiver's function as a joint officer.

As hereinbefore pointed out, he is required to act with the register in the performance of every judicial or quasi-judicial function, and the death, removal, or disqualification of either the register or receiver disqualifies the other, and results in practically closing the office, a condition which often occurs.

Such a condition results in great inconvenience and injury to the public and to all those who have or desire to transact business at the local offices, and creates a congestion of business often difficult to work off. All such results as now ensue from the death, removal, resignation, or disqualification of the receiver would be avoided were the register clothed solely with the authority now jointly vested in both officers and suitable provision made for the appointment of a chief clerk to act in the absence of the register.

V. It is believed that the relief from the undesirable conditions hereinbefore pointed out by the abolition of the office of receiver outweighs the problematical benefit ensuing from the exercise of his joint function with the register. It is not clear why he was so jointly vested. Be the reason what it may, now, when the principles which govern the due inception of claims made under the public-land laws are well established, and the local offices are under constant instruction and frequent inspection, and the right of appeal freely given with opportunity for its expeditious exercise and its prompt disposition, with every decision coming under the notice of this office closely scanned for the detection and correction of error therein, it is believed that the desirability for the continuance of the concurrent action by two officers, instead of one, is far less than the necessity for that increased efficiency and economy which may be accomplished by the abolition of the office of receiver.

VI. It is estimated that the abolition of the office of receiver of public moneys will result in a saving to the Government of over $250,000 per annum.

The following table will show the compensation which has been paid to the several receivers of public moneys for each year for the past five years:

Fiscal year ended June 30—	
1901	$292,480.56
1902	300,757.38
1903	293,803.70
1904	285,339.32
1905	285,835.22
Total for the past five years	1,471,216.57

At the present time the following duplicate records are kept in all local land offices, viz: Register of mineral receipts; register of homestead receipts; register of final homestead receipts; register of final receipts, desert lands; register of cash receipts, in which is also kept account of coal-land receipts; homestead contest docket.

The apparent reason for keeping these duplicate sets of records is for the purpose of having one officer a check upon the other. But under the present method of handling business in local land offices there is little danger of defalcation or misappropriation of funds, as

the General Land Office keeps a record of all disposals of public land and requires the local offices to properly and promptly account for the moneys they should receive therefor. Therefore, if the office of receiver were abolished the practice of keeping duplicate sets of books would be discontinued and a great saving made in clerical labor in the local land offices, which, it is believed, would offset the loss of the services of the various receivers. There would also be a consequent saving of the cost of furnishing all such duplicate books or records.

After careful consideration of the matter, it is my opinion that should the office of receiver be abolished, with the consequent keeping of the aforementioned records and general simplifying of the work, there would be no necessity for an increase in the clerical force in the various offices where clerks are now employed. It would undoubtedly be necessary to place a clerk in each of the twenty-five offices where none are now employed, and this would require an increase of $25,000 in the appropriation for contingent expenses of land offices.

Based upon the foregoing, and for the reasons therein stated, I am of opinion that there is no necessity for the continuance of the office of receiver of public moneys for United States land offices, and that it would be in the interest of both economy and good administration to abolish the office and vest the duties of receiver in the register, the act to go into effect July 1, 1906.

Mr. LACEY. Mr. Chairman, I want to say very briefly that there is absolutely no necessity for the continuation of the office of receiver of the land office. The work is duplicated by the register and the receiver. All of their work is substantially duplicated. When they sit together as judges in hearing a land case, if they disagree, there is no decision, and it must be certified by the Land Office, and if they agree, it does not strengthen the proposition. So that in any event these offices now are supernumerary. The reasons that existed in 1800, when the law was passed, have long since passed away. If it is a desirable office, it carries a salary of $3,000 a year, with very little, if anything, to do, and there is nothing so sacred as an abuse; there is nothing so persistent as a sinecure, and these offices have persisted all these years, until now the Department itself has come to Congress and asked to be relieved from the appointment of any more of them, and that one man should be permitted to perform the duties which practically he has to do anyhow, and the Government should be relieved from the additional expense.

Mr. HOGG. Will the gentleman from Iowa permit a question?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Colorado?

Mr. LACEY. Certainly.

Mr. HOGG. If your amendment prevails, what will be the effect on the local land office—what officer is authorized to receive the money?

Mr. LACEY. If this amendment prevails, some different arrangement will have to be made. That is one way of getting a remedy when an abuse occurs. When an abuse occurs and we can not get it in any other way, we should strike out the appropriation. Congress will then be compelled to act, and that is one of the remedies that Congress always has in its hands. Let me illustrate. Suppose this involved the prerogatives of the Senate, the appointment of all these receivers, 103, by and with the advice and consent of the Senate, and they did not desire to relinquish that prerogative; the House can cut off supplies and compel action in this way. That is the object of this amendment.

Mr. WILLIAMS. Does the gentleman really suppose the House would ever have the courage to do it?

Mr. GAINES of Tennessee. Under the law as it now stands, or, rather, is not this the law, that the Secretary of the Interior has the power to make the necessary rules and regulations to carry out the laws which Congress ordains, and can not he make proper regulations if we strike out this appropriation?

Mr. LACEY. I do not think so.

Mr. GAINES of Tennessee. I think he can.

Mr. LACEY. I think if we strike out this appropriation we will have exercised the high function of the House of Representatives to do away with offices by refusing the salaries, and thus requiring some further legislation in order that public business may proceed.

Mr. MARTIN. Mr. Chairman, I would like to ask the gentleman from Iowa if it is not true that the mere effect of striking out this appropriation will in no way relieve the liability of the Government to pay the receivers? Their duties are prescribed by law. They are appointive officers. They will perform their duties, and their salaries continue and the Government will be liable.

Mr. WILLIAMS. Where is there any authority to pay them unless Congress makes an appropriation?

Mr. POWERS. They will go to the Court of Claims and get it.

Mr. LACEY. This method is an heroic remedy, and one that has been very seldom applied. It is a remedy that was used against the Crown in the old country and used with effect. It is a remedy that can be used here, and, while it has not been used for many years, here is a good place to put it in operation in this House to-day by cutting off the supplies of these supernumerary and unnecessary officers.

Mr. MARTIN. I do not understand that the gentleman from Iowa answered the question. My question is, Would not the liability of the Government to these receivers continue the same after we failed to make this appropriation as before?

Mr. LACEY. That goes without saying. I think they could go into the Court of Claims. But they would have to ask an appropriation later on, however. They would in the end be compelled to submit to the action of Congress.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MONDELL. Mr. Chairman, the gentleman proposes by this indirect method to do away with an office established over one hundred and ten years ago. The receivers of United States land offices have been a part of the public land administration since the foundation of the Government, and for the last eighty-five years they have been important judicial officers of the Government. In my opinion no officers of the Government have rendered more helpful or important service than the receivers of the land offices of the country. It is not true that they are supernumeraries. It is not true that the existence of the dual system of register and receiver creates an unnecessary duplication of work to any considerable extent, and so far as it does it is due to departmental regulations which can be amended. These two officials sit as judge, jury, and State's attorney in all land cases. They have to pass upon the rights of contestants appearing before them in cases involving land and mineral values oftentimes running into the millions. They, as the agents of the Government, must settle important and diversified questions of law, fact, and equity as between the Government and settlers and entrymen in the case of practically every tract of public land disposed of in these United States. The system has in the main worked well. There has been little complaint of it in a hundred years until within the past year. Those who have had to do with local land offices, who understand the working of the dual system, believe that to abolish the office of receiver would not only not be in the interest of the Government, but would work great hardship and injustice to the settler and entryman. These officers receive compensation ranging from $750 to $3,000. They receive salaries of $500, the balance of their emoluments being commissions on the sales of land and fees. I do not intend to take up the time of the committee in the discussion of the many and important duties performed by these officers, of the check and safeguard to the interest of the settler and the Government alike which the office insures, but I want to discuss briefly the question from the standpoint of economy.

The gentleman from Iowa has stated that the abolition of this office would result in a saving to the Treasury of the United States of something like $250,000. Mr. Chairman, I think it can be proven without any difficulty whatever that there would be no saving to the Treasury in the abolition of the office of receiver, but that on the contrary, there will be an additional charge laid on the Treasury by the abolition of this office. As I stated a moment ago, the salaries of registers and receivers are $500 per annum. There are in the United States 117 local land offices with a register and receiver, whose joint salaries amount to a thousand dollars.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to continue for five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. So that the charge upon the Treasury in this item is $117,000. That sum comes directly out of the Treasury of the United States. The further emoluments of registers and receivers come from fees and commissions. By the terms of the national reclamation act all land fees and commissions over and above those paid registers and receivers flow into the national reclamation fund, so that if you saved by this proposed legislation you would not save to the Treasury of the United States, but to the national reclamation fund.

Mr. PAYNE. Well, who owns the national reclamation fund?

Mr. MONDELL. I think that the United States owns it, but the arid-land States get the benefit of it.

Mr. PAYNE. The money that comes out of that comes out of the United States, does it not?

Mr. MONDELL. Well, not exactly; it comes from the sale of lands and fees and commissions. I come from the part of the country that is benefited by the national reclamation fund. I should be delighted to aid any legislation that would swell

that fund if it could be aided without harm both to the Government and to intending settlers, but it can not be done in this way without working great hardship on settlers and causing a great loss to the Government.

Mr. BONYNGE. Will the gentleman yield for a question?

Mr. MONDELL. Certainly.

Mr. BONYNGE. Has there been a bill pending before the Committee on Public Lands for the abolition of the office of receivers during this session?

Mr. MONDELL. Oh, yes; this question has been thrashed over——

Mr. BONYNGE. Has the committee made a report?

Mr. MONDELL (continuing). By the committee having jurisdiction of the subject at great length, with the result that that committee almost unanimously refused to abolish these offices. This is thrashing over old straw.

Mr. GAINES of Tennessee. What committee refused; did the Public Lands Committee refuse unanimously?

Mr. MONDELL. I said almost.

Mr. GAINES of Tennessee. The gentleman is mistaken about that, and we are trying to reconsider it now, and I hope will do so.

Mr. MONDELL. Yes; trying to reconsider it, but we have not reconsidered it. The decision was almost unanimous, and the decision of this House would be equally unanimous if the question was fully understood and discussed. In the first place, there would be no saving to the Treasury. If there was any, the saving would be to the national reclamation fund, but, Mr. Chairman, there would be no saving either to the Treasury or to the reclamation fund. The gentlemen are unfortunate in their mathematics. They assume that to abolish the office of receiver means saving of all the fees and commissions now going to the receivers, when, as a matter of fact, under the operation of the law, the moment you abolish the office of receiver in an office below the maximum the fees and commissions up to the maximum go to the remaining officer, and that on the basis of last year's business reduces this alleged saving something like $125,000. In addition to that, Mr. Chairman, there would be an additional charge upon the Treasury directly, according to the statement of the Commissioner of the General Land Office, by the appointment of twenty-five civil-service clerks at a thousand dollars a year, he says—probably at fifteen hundred dollars—and in addition to that those who are acquainted with the operations of the land laws and the work in local land offices fully appreciate the fact that within a year of the abolition of the office of receiver there would probably be an additional civil-service clerk in every land office in the United States, and these clerks in the aggregate would cost more than the receivers now cost.

There are in the United States at this time 117 land offices. As registers and receivers receive $500 each in salary, the total amount of this appropriation which is a charge upon the Treasury is the amount of the salaries of these officers, or $1,000 for each land office, or $117,000 of the $500,000 appropriated. The remainder of the appropriation, as I have stated, is simply a limitation upon the total amount which registers and receivers may be allowed to retain of the fees and commissions collected by them during the fiscal year, to which they are entitled by law. Any of this portion of the appropriation if saved, would not flow into the Treasury, but go to the reclamation fund, for then it would become part of those surplus fees and commissions in excess of allowances to registers and receivers which flow into the reclamation fund.

In view of this condition of affairs, let us discuss for a moment the question as to the actual saving to the Treasury of the United States by the abolition of this office. As I have before stated, the actual outlay by the Treasury for the payment of registers and receivers is approximately $117,000. If the office of receiver were abolished, however, half of this amount or $58,500 would be saved to the Treasury, provided there were no other charges made upon the Treasury by reason of the abolition of the office; but the Commissioner of the General Land Office, in his statement relative to the abolition of the office, says that it would undoubtedly be necessary to appoint a thousand-dollar civil-service clerk in each one of the twenty-five offices, where no clerk is now employed, to perform the duties now performed by the receiver. This would reduce the saving of $58,500 to $33,500 provided that was the only added expense, but I am of the opinion that practically everyone who has had experience with governmental methods and who is informed in regard to the amount of work in local land offices will agree, first, that instead of the Department clerks for $1,000 apiece to take the places of the receivers, such clerks would ultimately receive at least $1,500, and that in addition thereto every land office would have an additional clerk if the services of the receiver were dispensed with, and admitting for the sake of argument that these additional clerks received only $1,000 apiece, this would entail an expense for salary of $117,000, where we now pay salaries amounting to $58,500. So that instead of the Treasury saving $58,500, there would be an additional charge upon the Treasury of $58,500 by the change proposed.

It is true that the reclamation fund would gain all that the Treasury lost and more, as all fees and commissions now going to receivers which would not by operation of law go to the register were the former office abolished would go into the reclamation fund. Now, those of us who come from the arid regions, where the reclamation law operates, would be very glad, indeed, to secure this additional sum for the reclamation fund and have the cost of the maintenance of the land offices saddled upon the Treasury, which this proposition would do, but we have too keen an appreciation of the value both to the Government and the settler of the services of receivers to be willing to dispense with them, even to the pecuniary advantage of the reclamation fund.

But the gentleman from New York [Mr. PAYNE] reminds me, rather chidingly, that the reclamation fund belongs to the people of the United States, though we are now using it in the West, and so I will discuss the matter from the standpoint of economy, as though whatever saving there might be would in the end amount to the same thing whether saved to the fund or the Treasury direct.

The Commissioner of the General Land Office, in his report for 1905, recommends that the office of receiver of public moneys for United States land offices be abolished, and he states that a quarter of a million of dollars would annually be saved to the Government thereby. The Commissioner bases his estimate of alleged saving on the fact that the total compensation of the 117 receivers last year was $285,000, and if these offices could be abolished without incurring any additional expenditures the saving would, of course, be the amount of the salary now paid. The Commissioner gives it as his opinion that the only additional assistance that would be required by the abolishment of the office of receiver would be one clerk at $1,000 a year in each of the twenty-five land offices, where no clerks are now employed. This would entail an expense of $25,000, and, subtracting that from $275,000, the estimated amount which would be paid to receivers the coming year under the law as it now stands, the Commissioner arrives at his estimate of $250,000 as the amount that would be saved by the abolition of this office.

It is my opinion that the question of cost of maintaining the office of receiver of public moneys is by no means the most important matter for consideration in this connection, for the receivers do perform very important and valuable services to the Government and entrymen; but looking at the matter from the standpoint of economy alone I am unable to agree with the Commissioner's estimate of the saving that would result if the office were abolished.

The fact is that the saving could by no possibility amount to the full sum of the compensation of the receiver, even if no additional clerks were required. The amount saved in salaries in all cases where the compensation of each officer is less than $1,750 is only $500, if no additional clerk is required. The reason for this is plain. The register and receiver receive, first, a salary of $500 each, and above this commissions shared jointly until the maximum compensation of $3,000 each is reached. The proposed amendment abolishing the office of receiver provides that the register shall receive fees in like amounts with the fees now paid to both register and receiver up to the maximum compensation, so that the register would, if the office of receiver were abolished, receive the fees now going to both up to the maximum allowance of $2,500 in fees and $500 in salary, case wherever the total compensation of receivers is less than $2,500 they would all go to the register, and this would be the case wherever the total compensation of receivers is less than $1,750, or $500 salary and $1,250 fees.

The report of the Commissioner shows that there were twenty-one offices where the compensation of the receiver was less than $1,750 last year. The saving in these offices by doing away with the receivers would be twenty-one times $500, or $10,500 if no additional clerks were employed. As the Commissioner, however, contemplates the appointment of a $1,000 clerk at each of these offices, there would be, as a matter of fact, an added expenditure of $10,500 in these twenty-one offices instead of a gain of that amount. The Commissioner, however, evidently estimates a saving in these offices of the total amount of present compensation of the receivers, and this in the twenty-one offices above referred to amounted last year to $26,367.71. If from this estimated saving we subtracted $10,500, the actual saving in this item (doubly offset, however, by the

salary of extra clerks), we have here the sum of $15,867.71 to be subtracted from the Commissioner's estimate of saving.

Nor is this all by any means, for the saving in the offices where the receiver receives between $1,750 and $3,000 would be by no means the full amount of the compensation of the receivers, not to mention the sums necessary for additional clerks. In offices of this class the saving, if no additional clerks were required, would be the difference between the amount of total joint compensation of both registers and receivers and the sum of $3,000, the maximum salary; for wherever the register and receiver are receiving less than the maximum the abolition of one officer would give the other officer the maximum compensation.

There are thirty-nine offices where the compensation of each officer was above $1,750 and below the maximum last year. The total compensation of receivers in these thirty-nine offices last year was $90,637.61, and this is evidently the amount the Commissioner estimates is to be saved. As a matter of fact, however, if no additional clerk were required after the receiver was dismissed, the saving would only be the sum of the amounts which the combined compensation in each office exceeded $3,000. I find the combined compensation of registers and receivers in these thirty-nine offices last year was $181,347.22. If the bill recommended by the Commissioner abolishing the office of receiver passed, the registers in all of these offices would receive the maximum compensation of $3,000 each, or $117,000 in all. The saving, if no additional clerks were required, would therefore be $181,347.22 less $117,000, or $64,347.22, and not $90,637.61, the compensation of receivers.

From the above it will be seen that we must again revise the Commissioner's figures by further reducing the estimated amount of saving by the difference between the amount of saving he estimates in the class of cases above cited (the amount of compensation of receivers), $90,637.61, and the actual amount under the terms of his proposed bill, $64,347.22, the difference being $26,290.39. Add this excess to the excess in the first class of cases and we have the sum of $42,159.10 to deduct from the Commissioner's estimate of saving, leaving it $207,840.90.

But this is not all by any means. The Commissioner estimates that clerks will be required in all offices where there are none now, and I have pointed out to you that to furnish these clerks at even $1,000 a year will entail an extra expense of over $10,000 above the present cost of running these offices.

If clerks are needed, in the opinion of the Commissioner, in the offices where the compensation is now small and therefore the business light, how much more will they be needed if the offices where the receiver now gets from $1,750 to $3,000 per annum? Is it not a rather violent assumption that fifty-four officers that now receive $3,000 each, that pass daily on many important questions and handle vast sums of money, can be dispensed with and no provision whatever made for anyone to take their places and perform their duties? My opinion is that there would have to be and would be within a year a chief clerk in every one of these land offices, and that in all the larger offices this clerk would receive $1,500 per year.

Remember, these clerks would, under the terms of the pending bill, be bonded officers of the Government, clothed with judicial powers in cases which often involve property worth tens of thousands of dollars and in the aggregate many millions; in many cases practically all of the property of a citizen. Many clerks in land offices now receive $1,200 a year, and as these clerks would be the chief clerks and clothed with judicial authority, they would undoubtedly receive at least $1,500 each.

There are 117 land offices. The Commissioner has estimated that 25 of the smallest and least important of these offices would require $1,000 clerks. Surely the remaining 92 will require $1,500 chief clerks, if we dispense with receivers now receiving from $1,750 to $3,000. This would involve a further expense of $138,000 per annum, still further reducing the Commissioner's estimate by this amount and leaving the net saving not $250,000, but possibly $69,840.90, probably less.

But the question as to the possible saving by the abolishment of the office of receiver is comparatively unimportant when considered in connection with the importance of the policy involved. The proposition is simply one of dispensing with the services of 117 officials, appointed by the President from among the body of the people, of men who are conversant with conditions in the public-land States, and who have had in the majority of cases considerable experience with the workings of the public-land laws, and are qualified to weigh intelligently in proofs and contests the evidence presented from the standpoint of the law, as well as of equity and good faith, which must so largely control in the settlement of public-land questions, and to substitute for them civil-service clerks, possibly at a somewhat lessened cost, who, by reason of the character of their preparation and training, can not possibly have the knowledge or experience necessary to qualify them to pass justly and equitably on questions arising between claimants or between a claimant and the Government.

It is not only a movement in the direction of further centralization, but in the direction of still further minimizing the opportunity of the settler to secure a fair statement of the basis of his claims in the first instance, thereby increasing the necessity for expensive appeal.

The assumption that the work now performed by every receiver receiving above $1,750 a year can be performed by the register and the clerks without additional help is not, in my opinion, justified by the facts. If, as a matter of fact, there are receivers who are not performing valuable services who hold their places as the sinecure which the Commissioner seems to consider them, it is, it occurs to me, the duty of the Interior Department to demand of such officers that they resign and make way for those who will perform faithfully and diligently the duties incumbent upon them, rather than make the possible shortcomings of a few the basis of a virtual indictment of all of these officers.

That receivers of the land office generally are rendering most efficient, valuable, and faithful service, both to the Government and the settler, which can not possibly be equally well performed either in the interests of the Government or the settler, and particularly the latter, by the average civil-service clerk, no matter what salary he received, I am in a position to testify from personal knowledge.

I am of the opinion that it might be in the interest of good service to provide that wherever the compensation of a receiver falls below $1,500 per annum for two consecutive years, the office shall be abolished, and the duties performed by the register. This would not be a measure of economy, but would insure offices where the business is light having one officer who received enough to pay a good man to give all his time and attention to it.

Mr. GAINES of Tennessee. Mr. Chairman, I want to call the attention of the committee to a few facts about this matter which came, in part at least, to the attention of the members of the Committee on Public Lands. The gentleman from Wyoming [Mr. MONDELL]—who, by the way, has receivers in his State drawing $14,479 as salaries, according to the official figures furnished by the Land Office, which I have in my hand—is opposed to this. Now, gentlemen, the Land Office has repeatedly recommended the abolition of these offices; and one of the reasons, gentlemen, why they are perpetually recommending this is because the duties of the receiver and the duties of the register are practically identical, and this report in substance says so. The report of the Land Office complains that, the duties of the two men being the same, they are constantly clashing, reversing each other's orders and opinions, to the public detriment. The office is an old one—established in 1800—and the reasons for it have disappeared, and the Department says that it is unnecessary now, besides being a great expense to the public, to the amount of $285,835.32 per year.

Mr. RUCKER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. GAINES of Tennessee. I do.

Mr. RUCKER. I understood the gentleman to say a moment ago the Commissioner was perpetually recommending the abolition of these offices.

Mr. GAINES of Tennessee. I so understand.

Mr. RUCKER. Are you advised about it?

Mr. GAINES of Tennessee. I think I am.

Mr. RUCKER. I understand to the contrary.

Mr. GAINES of Tennessee. I will ask the gentleman from Iowa [Mr. LACEY] if the Department has not recommended repeatedly the abolition of these offices?

Mr. LACEY. I would say the word "repeatedly" would not perhaps apply.

Mr. GAINES of Tennessee. Well, all right. It has been recommended in his last report, from which I shall read:

Mr. TAWNEY. If the gentleman from Tennessee will turn to page 416 of the hearings before the Committee on Appropriations, he will there find the testimony of the Commissioner of the Land Office in favor of the abolition of these offices.

Mr. GAINES of Tennessee. Of course, and here is his recent report I have in my hand. Here, gentlemen, are the very words and many reasons of the Department for abolishing this office. I read one—

That the necessity, for the reasons just stated, no longer exists.

The reasons for having the receiver no longer exist.

Listen to this:

It is now firmly established that the office is one, while its body is dual. A vacancy in either office disqualifies the remaining incumbent for the performance of the duties of his own office.

It is believed that existing conditions are such as to warrant and suggest the abolition of the office of the receiver, and the vesting in the register of the functions now performed by the receiver, for the following reasons:

I. The volume of work now transacted and receipts of money at many, if not all, of the local offices is not such as to require the services of both officers.

II. The existence of the dual responsibility is the occasion of frequent and chronic disagreement between the register and receiver, to the consequent prejudice of the local office, its conduct, and all who are affected thereby. Each charges the other with responsibility for any neglect or misfeasance which may be found to exist therein.

III. The convenience of frequent access to and inspection of the local offices is now such as to enable this office to keep itself at all times reasonably informed of the method and efficiency of their conduct, as it could not do in former times, owing to the lack of railroads and telegraphic communication between this office and many of its subordinate officials and the absence of the thorough and efficient system of frequent inspection now in force.

And so on.

Now, then, in another part of this report you will find that the Department states what the law is, Mr. Chairman, and charges a duplication of work by the receiver and register, their duties being practically the same.

By the act of May 24, 1824, the register and the receiver, or either of them, might administer an oath.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. GAINES of Tennessee. Just a moment, for a question.

Mr. MONDELL. Does the gentleman consider having a jury of twelve men to pass upon important questions a duplication of work?

Mr. GAINES of Tennessee. Mr. Chairman, I am for a jury of twelve men every time I can get it, but two men are not twelve. The parties can finally appeal to a jury of the country in these cases. If not, they should have the right. There is no jury before a register or a receiver.

Mr. MONDELL. They are the jury and the judge.

Mr. GAINES of Tennessee. The report says:

By the act of May 29, 1830, proof of settlement and improvement should be made to the satisfaction of the register and receiver.

It must be to the satisfaction of both of the officers. Now, the officials here say that that is not necessary; that these two officers are constantly clashing, and the Commissioner wants one man responsible for the work and to pay one salary for what two men are certainly doing.

Mr. MONDELL rose.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Wyoming?

Mr. GAINES of Tennessee. I decline to yield. The report further says:

By the act of June 1, 1840, a preemptor was required to make satisfactory proof of his or her residence before the register and receiver.

They have to make their proof before both of these officers. The Department says that is not necessary and causes a clash of authority.

Mr. MONDELL. Will the gentleman yield?

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman has had ten minutes. I do not want to take up the time of the House further than to explain the law and answer the gentleman's speech. This report says:

At the present time the following duplicate records are kept in all local land offices, viz: Register of mineral receipts; register of homestead receipts; register of final homestead receipts; register of final receipts, desert lands; register of cash receipts, in which is also kept account of coal-land receipts; homestead contest docket.

The apparent reason for keeping these duplicate sets of records is for the purpose of having one officer a check upon the other. But disqualifies the other, and results in practically closing the office, a condition which often occurs.

I am showing you, gentlemen of the House, where there is an actual duplication in the law of the work of these two officers, where there is an actual duplication, in fact, which causes a clash of authority.

Mr. MONDELL. Now will the gentleman yield?

Mr. GAINES of Tennessee. I decline to yield, Mr. Chairman; I want to hurry through. The gentleman knows I do not want to be discourteous. The report further says:

By the act of September 4, 1841, questions as to the right of preemption arising between different settlers were to be settled by the register and receiver, subject to appeal and revision of the Secretary of the Treasury, which appellate jurisdiction was transferred to the Land Office by section 10 of the act of June 12, 1858.

This report says the office is one, but dual.

Now, then, gentlemen, the Department, as I have tried to say, though interruptedly and disconnectedly, wants to do away with having two men performing the same work, passing on the same case, clashing in authority, reversing each other, and doing duplicate work, all of which the register can do. They both receive large salaries. As I have stated, there were $14,000 paid in the State of Wyoming alone for the receiver, and yet the receiver gets his compensation for doing practically the same work, work which the Department says the register can do. Now, let us get to the amount of money that has been paid to these receivers, as set out in this recent report.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Now, the following table will show. It is admitted that the abolition of the office of register and receiver of public money will result in the saving to the Government of over $250,000 per annum. The following table will show the compensation which has been paid to the several registers of public money in the years named:

Fiscal year ended June 30—	
1901	$292,480.56
1902	300,757.38
1903	296,803.79
1904	295,339.32
1905	285,835.22
Total for the past five years	1,471,216.57

Now, gentlemen, we have been unable to get this matter before the House on its merits. I voted in committee to bring this measure before the House, and I am ready now to strike down this unnecessary duplication of officers, this cause for unnecessary clash of the authority of public officers, and save this money to the Treasury of the Government, and for the betterment of other people in other matters more important than are two officers to do the same work, one of whom is entirely unnecessary.

Mr. RUCKER. Mr. Chairman——

Mr. TAWNEY. Mr. Chairman, I just want to say a word, and then move to close debate.

Mr. RUCKER. I have been recognized. I only want a minute.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. TAWNEY. If the gentleman only wants a minute I will yield to him after a while.

This matter was considered by the committee very thoroughly. The Commissioner of the General Land Office appeared before the committee and went into the history of the creation of this office, defined the duties, and gave us a detailed statement of the number of officers, clerks, and compensation that they were receiving. The committee is of the opinion that this work can be done as effectively, if not more efficiently, than it is now done under these two officials, and to abolish the office of the receiver will save to the Government $250,000 a year. A point of order would have been made if this had been carried in the bill, and for that reason the committee did not report a provision abolishing these offices.

Now, Mr. Chairman, the amendment offered by the gentleman from Iowa accomplishes nothing, if adopted, even if the Senate should agree to it. The receivers will continue to perform their duties as they are now performing them, because it is a statutory office, and not created by a regulation of the Secretary of the Interior. The two offices are interdependent, their jurisdiction is coequal, so that they must necessarily under the law continue to serve as they are now serving.

In case the appropriation is not provided now for their salaries in the next session of Congress we will be compelled to report on the deficiency bill the amount necessary to cover their salaries, or the receivers could go to the Court of Claims and obtain judgment for their salaries. If the gentleman from Iowa has an idea that this legislation can be inserted in the Senate, it could be done just as easily with this provision in as with it out. Therefore I do not think anything can be gained by the adoption of the amendment. I now move to close debate in two minutes, and ask that those two minutes be given to the gentleman from Missouri.

Mr. FORDNEY. I should like to have a few minutes.

Mr. TAWNEY. I will make it five minutes, to be divided equally between the gentleman from Michigan and the gentleman from Missouri.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on this paragraph and amendments thereto be closed in five minutes, the time being equally divided between the gentleman from Missouri [Mr. RUCKER] and the gentleman from Michigan [Mr. FORDNEY].

The motion was agreed to.

Mr. RUCKER. Mr. Chairman, I will only use about two

minutes, and during that time I want to say I appreciate the fact that this is an important question, one that ought not to be dealt with here under the five-minute rule. It is a subject upon which a great deal may be said on the one side and the other, but looking at these things as they are, I am surprised that gentlemen will permit themselves to be lashed into a fury and that good lawyers, able men, the most studious Members of this House, will reach entirely wrong conclusions as to the merits of the issue involved. I want to say to the gentleman from Tennessee [Mr. GAINES], as I understand him, that he is entirely in error as to the facts which are involved in this controversy. There is no duplication of work so far as receivers and registers are concerned. Mr. Chairman, I think it is unnecessary for this House to act heroically, as suggested by the gentleman from Iowa [Mr. LACEY], in order to protect the Government against the profligate use of money at the other end of the Capitol. I have heard a great deal charged against the other branch of the legislative department of government, but this is the first time a distinguished Member of this House has taken the position that it is necessary for us to pursue this unusual course and strike out this appropriation for these officers in order to protect the country against reckless profligacy. I think this matter should be brought before the House in the usual way and full time allowed for discussion. I yield the balance of my time to the gentleman from Michigan.

Mr. FORDNEY. Mr. Chairman, a bill has been introduced and has been before the committee the entire session which provides for the abolition of all the receivers of all the land offices in the United States. The claim has been set up that if the office of receiver were abolished it would effect a saving to the Government of $250,000 a year; but there has not been one scintilla of evidence presented to the committee showing that it would save one cent to the Government. There is another provision in the bill, providing that clerks may be appointed by the President to fill the offices now occupied by the receivers, such clerks to be selected from the civil-service list. There is nothing to show how many clerks must be appointed to do the work now done by the receivers. There is nothing to show that there would be one single cent saved by the change. The registers and receivers decide all cases where there are contests in land cases, and that has been considered for many years a valuable service, because you are getting the decision of two men instead of one. One is a check upon the other. The receiver handles the money paid into the land office; the register does other work.

I am opposed, Mr. Chairman, to the abolition of the receivers and appointing in their place of clerks, because there is not a land office in the United States to-day that is up to date in the work. I know of land offices in the United States that are two years behind in their work at the present time, due to the men making entries under homestead entries, timber culture, and scrip lands, and every other kind of entry—they are two years behind in their work on account of the lack of sufficient force of clerks in the offices.

If the chairman of the committee could show that one penny can be saved by the abolishing of the receivers, I would give more favorable consideration to the matter; but nothing along those lines has been done. I know of a receiver appointed in a certain land office from Alabama, who held in his hands money paid him by entrymen for two years before sending it to the Government, and not issuing one single receiver's receipt during that whole time, and it was found out that he had this money loaned out at a very high rate of interest for his own benefit. Do you want to appoint clerks from Alabama, under civil-service rules, to do the work in land offices in Alaska or some other distant part of the country? The place from which to choose these officers is the district in which the land offices are located. I am opposed to the proposition, and, gentlemen, there is not a receiver in my district.

The CHAIRMAN. The time of the gentleman has expired. Debate on the pending amendment is exhausted. The question is on the amendment offered by the gentleman from Iowa to strike out.

The question being taken, the motion of Mr. LACEY was rejected.

Mr. TAWNEY. Mr. Chairman, I now call up the provision on page 73, the items under the general head of the Geological Survey.

The CHAIRMAN. The gentleman from Minnesota, chairman of the committee, calls up the items for the United States Geological Survey, on page 73.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, on the subject of registers and receivers.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

For general expenses of the Geological Survey: For the geological survey and the classification of the public lands and examination of the geological structure, mineral resources, and the products of the national domain, to continue the preparation of a geological map of the United States, gauging streams, and determining the water supply, and for surveying forest reserves, including the pay of necessary clerical and scientific force and other employees in the field and in the office at Washington, D. C., and all other absolutely necessary expenses, including telegrams, furniture, stationery, telephones, and all other necessary articles required in the field to be expended under the direction of the Secretary of the Interior, namely:

Mr. CRUMPACKER. Mr. Chairman, I desire to make a point of order against a portion of the paragraph just read, that portion beginning on line 7, page 75, after the word "domain," including all of lines 8 and 9, on the ground that it changes existing law and that there is no authority in law for the provision.

The CHAIRMAN. The gentleman from Indiana makes a point of order.

Mr. CRUMPACKER. I should like to ask the gentleman from Minnesota, in charge of this bill, if he has a copy of the original law providing for the Geological Survey?

Mr. UNDERWOOD. I should like to ask the gentleman from Indiana to state his point of order again.

Mr. CRUMPACKER. The point of order includes all in line 7, after the word "domain," and lines 8 and 9, the words against which I make the point of order being:

To continue the preparation of a geological map of the United States, gauging streams, and determining the water supply.

The point is that it changes existing law. There is no authority of law for appropriations for any such purposes as those mentioned in the sentence to which the point of order is directed.

Mr. TAWNEY. What did the gentleman from Indiana ask me?

Mr. CRUMPACKER. I wanted to know if the gentleman had the original law providing for the Geological Survey?

Mr. TAWNEY. There is a summary there which gives the titles—1879, I think, is the year to which the gentleman refers.

Mr. CRUMPACKER. Yes; 1879. The original statute authorized the Geological Survey, under the Interior Department, to have the direction of the geological survey and the classification of the public lands, an examination of the geological structure, mineral resources, and products of the national domain; that the Director shall have no personal or private interest, etc.; but the authorization of the work of the Geological Survey originally was confined to public lands, or the national domain.

I think this is one of the best illustrations of the evolution of departmental service, the gradual and insidious expansion of the powers and functions of the divisions and the bureaus in the various Departments of the Government.

Mr. KEIFER. I should like to ask the gentleman whether his attention has been called to the act of August, 1882, with reference to the authority of the Geological Survey to make preparation for a geological map?

Mr. CRUMPACKER. Not directly, but incidentally; and I have before me a precedent made in the Forty-seventh Congress, of which the distinguished gentleman from Ohio [Mr. KEIFER] was Speaker—although he was not in the chair and did not decide the question—a decision on the geological map proposition, rendered by Mr. Kasson, of Iowa, on a point of order made by Mr. Hiscock, of New York, on the identical proposition providing for a geological map of the United States. The point of order was sustained because the authorization was not confined to a geological map of the national domain, the only authority that the Geological Survey had to deal with it under the law calling it into existence. There is no authority in law for the Geological Survey to make a map of the United States or to gauge streams or water courses anywhere, excepting in the national domain, and in the sense of this law the term "national domain" has been construed to mean territory or land which the Federal Government owns or over which it has control.

Mr. DALZELL. Does the gentleman from Indiana contend that the words "national domain" and "public land" mean the same thing?

Mr. CRUMPACKER. For the purpose of this law I think they do.

Mr. DALZELL. I think for the purposes of this law they do not. National domain means that territory over which the nation possesses sovereignty.

Mr. CRUMPACKER. I understand this law has been so interpreted that the Geological Survey prosecutes its work all

over the country; it makes topographical surveys of counties and cities where the General Government has not a single dollar's worth of property or a foot of land; where there isn't a square rod of navigable water; that it prosecutes its work, gauging streams all over the country where there can be no possible Federal interests, without any regard to the question of navigation, but with a view of ascertaining power for private use. There is no law authorizing the Geological Survey to gauge streams or to make maps of the United States.

Mr. SMITH of California. I am not certain that I understand the full scope of the gentleman's proposed amendment. Would that cut out the matter of the gauging of streams entirely in the United States?

Mr. CRUMPACKER. No.

Mr. SMITH of California. It is now carried on in connection with the Reclamation Service.

Mr. CRUMPACKER. Stream gauging in connection with the Reclamation Service is a separate and distinct service.

Mr. SMITH of California. But suppose they are carrying on the gauging of streams where the reclamation project has not yet been put forward?

Mr. SMITH of Iowa. This would not affect it if the stream gauging was within the public domain of the United States.

Mr. SMITH of California. Suppose they wanted to gauge the streams at a point where it crossed private property, but affected the result—that is, the result might affect the reclamation project.

Mr. SMITH of Iowa. If the gauging happened to be on private property, but showed the flow over the public domain, it would be permissible even it was outside the Reclamation Service.

Mr. SMITH of California. If it crossed public lands, you couldn't make any distinction between the stream that flows across the public land or the private land. It might be partly on private land and at last the stream flow onto the public land and still be available for reclamation purposes.

Mr. CRUMPACKER. The point is not involved here on this point of order. The question is whether there is authority of law for the Geological Survey to gauge streams anywhere. There is no authority for it to gauge streams on public domain, because that is not enumerated among the powers and duties of the Bureau in any law bearing upon its powers and duties.

Mr. DAVIDSON. I would like to ask the gentleman from Indiana a question.

Mr. CRUMPACKER. I will yield to the gentleman.

Mr. DAVIDSON. Does the gentleman contend that the Geological Survey Bureau would have no authority to make a geological map of any portion of the United States except of land owned by the Government; and if so, would that map grow less annually as the public land was taken off and occupied by homesteaders?

Mr. CRUMPACKER. I think it would have no authority to make a general map of the United States like the one displayed now before the committee. Congress has authority to confer that power on the Geological Survey, but Congress has never done it.

Mr. DAVIDSON. I understand your point is that the only power Congress has ever given is to make a map of the public domain owned by the Government.

Mr. CRUMPACKER. Congress has not done that, and it was held by former Chairman of the Committee of the Whole House that as incident to the work—the work described in the original law, the law creating this Bureau—that perhaps it might make maps and charts of the work it has done on the public domain. Now I want to cite to the Chair a case directly in point on the map question.

Mr. OLMSTED. Before the gentleman goes on to that I want to say that I notice that in the act of 1879, to which the gentleman has referred, it is provided that this officer—the Director of the Geological Survey—shall have direction of the Geological Survey and classification of "public lands;" also the examination of the geological structure, mineral resources, and production of the "national domain." Now does not "public lands" mean one thing and "national domain" mean something far more extensive?

Mr. CRUMPACKER. I think not; I think the authors of the law had some regard to the rules of rhetoric, and in using the words "public land" in one place and "national domain" in another, he did it to avoid tautology.

Mr. OLMSTED. Well, but he has used them both again, I will call to the attention of the gentleman, in a further paragraph providing for the expense of the Geological Survey in the classification of "public lands," and then further on for the "examination of the geological structural mineral resources and products of the national domain," seeming to my mind to make the term "national domain" mean something broader than the term "public lands."

Mr. CRUMPACKER. Even if that is all true, there is no authority for the gauging of streams, and there is no authority for the making of United States maps, and that is the particular point to which the question of order is directed.

Mr. OLMSTED. If the United States is part of the national domain, then it would seem to me that there is authority for making a map of it.

Mr. CRUMPACKER. I want to read some law upon that question.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman allow me to offer him a suggestion?

The CHAIRMAN. Does the gentleman yield?

Mr. CRUMPACKER. I yield for a suggestion.

Mr. SMITH of Iowa. Is it not a fact that owing to the law providing for the sale of the public lands, some at $10 an acre, some at $5 an acre, some at $2.50 an acre, some at $1.25 an acre, according to whether the land is mineral, stone, coal, or agricultural land, this provision is with reference to the classification of public lands, and that was better English than it would have been to use the expression "the classification of the public domain?"

Mr. CRUMPACKER. Yes.

Mr. SMITH of Iowa. And that it was because of the use of the word "classification" that the term "public lands" was used in connection therewith, rather than "national domain?"

Mr. DALZELL. The gentleman claims that the meaning of words is to be determined by the sense of rhetoric of the people who use them and not by their plain and evident meaning.

Mr. CRUMPACKER. We always construe language in the connection in which it is used.

Mr. SHERLEY rose.

The CHAIRMAN. Does the gentleman yield?

Mr. CRUMPACKER. I yield for a question.

Mr. SHERLEY. I want to ask the gentleman if he noticed that in the act creating the Geological Survey the act which had authorized the geographical and geological survey of the Rocky Mountain region was done away with and embraced within this, as was the act for the survey of the Territories? If the gentleman's construction is true, you make this act narrower than the acts which created particular bureaus that are embraced within this act, because the Rocky Mountain region that was to be surveyed under the former act included not only land of the public domain in the sense of belonging to the Government, but also land within the States.

Mr. CRUMPACKER. I beg the gentleman's pardon; but what statute does the gentleman say included private lands?

Mr. SHERLEY. If the gentleman will look at the statute which creates the Geological Survey, he will find the words "and the geological and geographical survey of the Territories and the geographical and geological survey of the Rocky Mountain region." Now, the Rocky Mountain region, which has been provided for in the previous act, embraced not only the lands belonging to the Government, but embraces parts of the States.

Mr. CRUMPACKER. Yes.

Mr. SHERLEY. And that is included within the act creating the Geological Survey.

Mr. CRUMPACKER. The probabilities are if it were necessary to interpret that statute in connection with the present point of order it would be so limited as to include only the national domain in the Rocky Mountain region. It is not likely, or I mean to say it would not be proper, to presume that the Geological Survey was authorized, a Federal administrative agency, to do things that were in no sense Federal functions, that in no sense belonged to the Federal Government; and when the law provides a survey of national domain, a classification of public lands, we, of course, must infer from that that it means public lands and national domain under the control of the Federal Government, because it is a Federal agency and not a local or State agency; and the very purpose of the creation of the Geological Survey was for the furnishing of information respecting public lands, with a view of their classification and sale. I believe that is the object of it.

Mr. SHERLEY. I would like to ask the gentleman this: When the authorization of the survey of the Rocky Mountain region was made, which was prior to this act, is it not a fact that at that time the work was done irrespective of whether it was public lands owned by the United States or not? Didn't it embrace the entire Rocky Mountain region?

Mr. CRUMPACKER. I am not able to answer that question, but it does not have any significance in the consideration of this question. The question is, What authority has the statute conferred upon the Geological Survey? That is the sole and only question; not what it has done, not what it had

done before, but what it has authority to do, and when we settle that question we have determined then whether this provision is in order.

I desire to submit this decision which I have been talking about for some minutes. In the Forty-seventh Congress, in July, 1882, when the sundry civil bill was under consideration, Mr. Kasson, of Iowa, was in the chair, and this identical provision, or part of it, was in the bill and was read. It was in the bill in these words:

And to continue the preparation of a geological map of the United States.

Now, compare that with the language in this bill:

To continue the preparation of a geological map of the United States.

The identical language was contained in that bill that is in the present bill, and is involved or included in the portion of the paragraph to which the point of order is made. Mr. Hiscock made the point of order that there was no authority for the Geological Survey to make a geological map of the United States, and it was discussed by him and Mr. Adkins, of Tennessee, and others, and the Chairman in ruling upon the question said:

The Chair will rule upon the point of order. The case to which attention has been called, and on which a rule has been heretofore made, was with reference to the Geodetic Survey and its authority to proceed to the execution of that work for several miles from the coast—

That was another decision cited to the Chair, and which he distinguished—

Now, it is known to every gentleman here that the work of the Coast Survey embraces necessarily a considerable distance from the coast for scientific purposes, and therefore the Chair ruled that to be in order, as it was within the jurisdiction and in accordance with precedents. On this, however, the question presented is an entirely different one. This section of the bill provides for the geological survey and the classification of the public lands, an examination of the geological structure, mineral resources, and products of the national domain, and is limited to that. Under that language the survey can only be prosecuted upon the national domain. But the proposition of the gentleman from Tennessee here is to continue the preparation of a geological map of the United States. Now, if the words "public domain" were added, the Chair would regard it as following the precedents and within the line of the work which they have been doing by maps and diagrams. But the Chair is of opinion that to continue the preparation of a geological map of the United States would largely increase the functions of this survey and extend it beyond what is contemplated within the boundaries of the State and not warranted by law. The Chair therefore sustains the point of order.

Now, it is not claimed, Mr. Chairman, that there is any authority of law anywhere for the Geological Survey to gauge streams, to determine a water supply, outside, perhaps, of the Reclamation Service, and this provision authorizes the Geological Survey to make a geological map of the United States, gauge streams, and determine the water supply throughout the entire United States. That is the interpretation and that is the practice, because the hearings show that the Geological Survey is engaged in the business of gauging streams all over the country in the old States, in the New England States, the Southern States, the Middle States, and Western States. It does gauge streams everywhere, except, I believe, upon the national domain, the only place it might have any possible show of authority to do that work.

Mr. DAVIDSON. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will.

Mr. DAVIDSON. What would the gentleman say to the proposition that under the head of mineral resources and products of the national domain the Geological Survey would have authority to determine whether there were underground currents of water flowing in different sections, and of the products of the national domain as to whether the water power of the flowing streams on the domain were——

Mr. CRUMPACKER. Oh, I would readily say that is all fanciful; there is no basis for any such authority as that; to determine whether there may be minerals in the bed of a stream it is not necessary to gauge the stream or measure the water supply, and the water supply does not apply to the class of investigations or researches that the original law authorized.

Mr. OLMSTED. Will the gentleman yield again?

Mr. CRUMPACKER. I yield.

Mr. OLMSTED. I notice that the words against which the point of order is made are "to continue the preparation," etc.

Mr. CRUMPACKER. Yes.

Mr. OLMSTED. It is a fact, I believe, that appropriations have been made from year to year and the work is in progress.

Mr. CRUMPACKER. Yes.

Mr. OLMSTED. I desire to know what the gentleman from Indiana says as to that branch of the rule invoked which expressly excepts Government works in progress?

Mr. CRUMPACKER. Well, now, this is identically the same language that was contained in the provision which was held out of order in the Forty-seventh Congress, "to continue preparation of geological maps of the United States;" but another sufficient argument to that is decisions hold that the work must be a tangible object—something in the nature of a structure—that that sort of work which is in a sense abstruse or like scientific research or investigation and the preparation of results is not a public work or object coming within the sense of the rules of the House.

Mr. DALZELL. What has the gentleman to say to the decision made at this session, acquiesced in by the House, that the continuation of a list of claims was a continuation of a public work already in progress? There is nothing very tangible or very structural about that?

Mr. CRUMPACKER. It is in a sense structural, but that is a particular thing. Now, the gauging of streams applies to thousands of streams, all the streams in the country.

Mr. DALZELL. This applies to a thousand claims.

Mr. CRUMPACKER. If it were for the gauging of the Mississippi River, for instance, and we had progressed to a certain extent upon that work, and the proposition was to continue the particular work that we had already entered upon, there would be some force in the argument of the gentleman. We authorized by resolution the Commission to prepare a publication covering the particular subject of a list of claims, and that publication was in process of preparation. The Commission had it partly completed and it was held in order to make an appropriation to complete it. I do not remember whether the question of order was raised respecting that appropriation or not, but it was simply to complete that particular specific work that had been already authorized—we had authorized it by resolution. I do not think, when I come to reflect, that instance is in point at all, because that work was authorized. It was not simply authorized by an appropriation; it was authorized by a resolution, and therefore, of course, was all in order. I think, Mr. Chairman, there can be no doubt that these items are not authorized by law. They are not public works or objects in progress within the meaning of the rule, and they should go out.

Mr. KEIFER. Mr. Chairman, I think we ought to understand exactly what the question made by the gentleman from Indiana [Mr. CRUMPACKER] is. As I understand—and he will correct me if I am wrong—his point of order is made against these words, commencing on page 75 of the bill, "To continue the preparation of a geological map of the United States, gauging streams, and determining the water supply." I understand that is the extent of the point of order.

Now, Mr. Chairman, I think for the purpose of determining the point of order you are conclusively bound to assume that the Committee on Appropriations used this language with a full knowledge of the subject, and when they said, "To continue the preparation of a geological map of the United States," and so forth, they were stating exactly the condition of things. We have in view, before us, of the Members here a geological map of the United States, largely prepared by the Geological Survey. The law in the past authorized the Geological Survey to prepare a map, and it is one of those things that can not be finished in a short time. There will be no completion of such a map so long as the Geological Survey is engaged in its work, and so long as it is necessary to be so engaged it is probable that it will be engaged in the preparation of a geological map. It will hardly ever be completed.

Now, the law of 1879 has been read, and we seem to be sticking on the question as to whether the words used in this act, namely, "national domain," include all of the United States territory. We seem to be troubled about that, but I am not now called on, I think, to undertake to state why in a part of the same clause of the act of 1879 there were used the words "public land" and then "national domain." But let us move up a little closer to the real question made here by the point of order and come to the act of August 7, 1882, which contains a clause on the subject of the Geological Survey, and let me here at the same time dispose of the gentleman's point of order that he claims was made in the Forty-seventh Congress, when he says a decision was made favorable to his point of order made now. That decision was made when we were considering the sundry civil bill, in the month of July, 1882. It is said that the point of order was sustained by ruling out the language "to continue the preparation of a geological map of the United States." The point of order was sustained against that language in the then sundry civil bill. Whatever may have been the ruling in July, 1882, the bill became a law on August 7, 1882, a month later, and it contained exactly that language and provided for a geological map of the United States. So we are not now dealing with the question of the meaning of the words

"public domain" or "national domain," because we entered upon the work of making maps by law under the act of August 7, 1882, and yearly since.

Now, Mr. Chairman, let me read the clause of that act. I read from page 329 of the Statutes, volume 22, as follows:

For the United States Geological Survey and the classification of public lands and examination of the geological structure, mineral resources, and products of the national domain, and to continue the preparation of a geological map of the *United States*.

Is there any doubt about whether that covers the whole of the domain of the United States?

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. KEIFER. Certainly.

Mr. CRUMPACKER. Has the gentleman made sufficient investigation of the history of that provision to know whether or not, after it was ruled out on a point of order in the House, it was inserted in the Senate and became a part of the bill?

Mr. KEIFER. That is a matter that I can not now answer, but I know it is a part of the law of 1882, and it has been a part of the law enacted each year ever since. It has been reenacted over and over every year, and the geological map that we see before us is a product of that sort of legislation, and therefore I was right in saying that the Committee on Appropriations fully understood what they were doing when they used the language here used, which is sought to be struck out, namely, "to continue the preparation of a geological map of the United States."

Mr. TAWNEY. I want to correct one statement made by the gentleman from Ohio.

Mr. KEIFER. Well?

Mr. TAWNEY. That is a map of the United States, not a geological map.

Mr. KEIFER. Partly a geological map, and is so marked and so called.

Mr. SMITH of Iowa. Not at all.

Mr. TAWNEY. It is partly topographical, and shows where some geological surveys have been made.

Mr. KEIFER. It may not be complete, but there are geological markings, and it is so designated on the margin and lower right-hand corner.

Mr. SMITH of Iowa. This map is not a topographical map and not a geological map.

Mr. KEIFER. The gentleman is in error. I am not talking about topography, but about a geological map.

Mr. SMITH of Iowa. It is a map of the United States on which is indicated where topographical and geological surveys have been made, but it is neither a topographical nor a geological map.

Mr. KEIFER. Nobody supposed that it was in a completed state, but it shows that the geology of the country is marked in a general way and in parts greatly in detail. Examine the map; it shows for itself.

Mr. SMITH of Iowa. Not at all.

Mr. STAFFORD. Can the gentleman state any authority for the Bureau of the Geological Survey for the beginning of the work of a geological map other than what is found in the sundry civil appropriation bill, to which he referred?

Mr. KEIFER. Mr. Chairman, I am not familiar enough with the earlier acts to state that there was an express provision in those acts requiring the Geological Survey to enter upon the making of a map, but I am prepared to say that the work of the Geological Survey would have been very worthless and useless if it had not done its work with a view to making a map. It was one of the necessary incidents of the work of the Survey that the Survey should enter upon the making of a geological map of the United States.

So, Mr. Chairman, in the act of 1882 and the acts since we have been providing for a continuation of the preparation of a geological map of the United States. That was the exact wording of the act of 1882 and of later acts, and it is quite immaterial what rule was made earlier than that, whatever the ruling was earlier than the passage of this act of August 7, 1882. I myself am of the opinion that in the use of the words "national domain" they meant the general domain of the United States. It will be impossible to have a geological survey of every piece of land by the side of land owned by individuals. Of course the original idea was to survey the public lands in the West to some extent, but it was meant to have a geological survey of all the country; and the language has been continued, and it has been recognized that a map, a Geological Survey map, was to be made, and we have been from year to year making appropriation to continue the making of a geological map of the United States, and the motion now is to strike out that part of the language that is simply the language used from year to year commencing with the year 1882.

Mr. DALZELL. Mr. Chairman, to sustain the gentleman's point of order it will be necessary for the Chair to hold that "public lands" and "national domain" are absolutely interchangeable terms.

The CHAIRMAN. Will the gentleman permit the Chair to ask a question.

Mr. DALZELL. Certainly.

The CHAIRMAN. Does not the gentleman believe that forest reserves are part of the public domain and not part of the public land?

Mr. DALZELL. That is in the line of my argument.

The CHAIRMAN. As the Chair understood the gentleman, there was no distinction of public lands.

Mr. DALZELL. I say that the Chair, to sustain the point of order made by the gentleman from Indiana, will have to hold that "public lands" and the "national domain," as used in the organization of the Geological Survey, are identical terms. I say that it is perfectly evident that they are not identical.

Mr. TAWNEY. If the gentleman will permit me—I do not care to discuss the point of order, but I want to correct an impression that he and many Members seem to have in regard to the organization and jurisdiction of the Geological Survey. If he will permit me to make a statement in regard to the history of the Geological Survey——

Mr. DALZELL. I know the history.

Mr. TAWNEY. I want to make a statement. The Academy of Sciences reported, in obedience to a resolution passed by Congress, in favor of the organization, in which report they used the word "public domain."

Mr. WM. ALDEN SMITH. When was that?

Mr. TAWNEY. That was in 1878. The resolution was passed by Congress. When the Academy of Sciences was incorporated Congress reserved the right to call upon it for a report on any special scientific subject. In 1878 Congress passed a resolution calling upon the Academy of Sciences for a report as to the best organization for the geological survey of the public domain. The Academy of Sciences accepted this service and made their report. In that report they spoke only of the "public domain" and defined it so that there can be no mistake as to what they intended the field of the activities of the Geological Survey to be. They clearly stated that the Survey should be limited to the public domain, and what they meant by the "public domain" was the Territories and the unsold public lands of the United States. It was upon this report that Congress authorized the organization of the Geological Survey and limited the field of its activities to the public domain. These scientific men did not contemplate or propose an organization that should include in its work a topographic and geological survey of the United States. As a matter of history I felt this statement should be made.

Mr. DALZELL. Mr. Chairman, the gentleman from Minnesota has said what I intended to say, though I probably could not have said it in as clear a manner as he has; but I think it throws considerable light upon this question.

Prior to 1879 there was an inquiry made by the National Academy of Sciences as to the proper method to be pursued to bring about certain national results. The consequence of that inquiry was the passage of the act incorporating the Geological Survey, the act of March 3, 1879, and it is in these words:

For the salary of the Director of the Geological Survey, which office is hereby established under the Interior Department, who shall be appointed by the President, by and with the advice and consent of the Senate, $6,000: *Provided*, That this officer shall have the direction of the Geological Survey, the classification of the public lands, and the examination of the geological structure, mineral resources, and products of the national domain.

The act goes on to say:

And the geological and geographical survey of the Territories and the geographical and geological survey of the Rocky Mountain region, under the Department of the Interior, and the geographical surveys west of the one hundredth meridian, under the War Department, are hereby discontinued, to take effect on the 30th day of June, 1879.

In other words, in addition to the specific authority contained in the sentence "classification of the public lands and examination," etc., there was an intention expressed as to all these varying subjects of national concern. The survey of these particular pieces of territory here and there was turned over to the Geological Survey, which was intrusted with the survey of the national domain. Now, what is the national domain? Why, the national domain, according to all the dictionaries that I have been able to consult, consists of the territory under the jurisdiction of the sovereign. The national domain of the United States consists of the forty-five States and the Territories of Alaska, Porto Rico, Hawaii, and the Philippine Islands. It is absolutely impossible to define the national domain in any other way.

But that is not all. The gentleman from Indiana [Mr. CRUMPACKER] contends that what the men who framed this act meant was this:

The classification of the public lands and the examination of their geological structure, mineral resources, and products.

That is what the gentleman says the parties who framed this piece of legislation meant to say, but that is not what they did say. They said that the Geological Survey should have charge of the classification of the public lands, but when it came to an examination of mineral resources and products, they said that they should be the mineral resources and products, not of the public lands, but of the national domain, the mineral resources and products of the entire country. Why, suppose that the Geological Survey was engaged in the investigation of the mineral resources and products of a little piece of the Territory of Arizona, immediately joining the State of Texas. The moment they struck the State line, according to my friend from Indiana, the Geological Survey would cease to have any function to perform. The functions of the Geological Survey, if my friend from Indiana is correct, have already been performed; the public lands have been classified; the mineral resources and products of the public lands are not so varied that many of them yet remain to be examined. Now, it seems to me that it is absurd to say that the gentlemen who framed this legislation had in view not so much the expression of what they intended, but had in view the matter of rhetorical beauty. My friend from Indiana says they did not want to repeat the term "public lands," that it would have been redundant, and therefore they used in the second part of the sentence the words "national domain," but they meant only to say that the classification of the public lands and the examination of their geological structure, their mineral resources, and their products should be the function of this survey. On the contrary, as it seems to me, they designedly used the right speech in determining by the use of two different terms the two different meanings that they intended to insert in the legislation. The public lands are to be classified, but the mineral resources and the products of the national domain are to be examined by the Geological Survey. Now, I end just exactly as I began. The Chair, in order to sustain the point of order, must hold that in this legislation "public lands" and "national domain" are absolutely interchangeable terms. I do not think he ought to so hold.

Mr. OLMSTED. I wish to add just a word to what my colleague has so well said. In construing a statute we must consider all of its parts. Now, we note, first, on page 394, volume 20 of the Statutes at Large, that in the act of 1879, conferring certain powers upon the Director of the Geological Survey, Congress abolished certain other surveys which plainly did have reference to land not owned by the United States. But they differentiate between public lands in the sense of lands owned by the United States and the national domain, meaning the entire territory within the jurisdiction of the United States.

Now, if, as my friend from Indiana says, they intended merely a rhetorical flourish in using these terms, see how they might with less labor have got better results:

"For the Geological Survey and classification of public lands and examination of geological structure and mineral resources and products thereof" they would have said, if they referred to public lands only; but instead of that they say "national domain," clearly referring to something larger and more extensive than public lands. They would not have abolished the other departments of surveys had they not intended that this Geological Survey should have charge of these matters in the Territories, in the region of the Rocky Mountains, and west of the one hundredth meridian.

The CHAIRMAN. The Chair would like to ask the gentleman if he thinks that under that authorization the United States Geological Survey would have the right to make a geological survey of the State of Pennsylvania as a part of the national domain?

Mr. OLMSTED. It has been doing it; that has been the construction.

The CHAIRMAN. The gentleman from Pennsylvania is not answering the question. The mere fact that it has been done is not proof that it is authorized by law. The question is, Does the gentleman from Pennsylvania believe that under the authority conferred by the statute the Geological Survey would have the power to make a survey of the State of Pennsylvania?

Mr. OLMSTED. It is a well-established principle of construction that contemporaneous exposition is most powerful in law. In that very same year in which they framed this law they appropriated for just that purpose, and have been doing it every year for twenty-five years since. That leads me, Mr. Chairman, to the other branch of the subject which I desire to discuss. These words to which the point of order is made are, "To continue the preparation of a geological map of the United States, gauging streams, and determining the water supply." It must be a conceded fact that this work has been going on for twenty-five years under annual appropriations from the Government, and that brings us to a consideration of the rule that is invoked against this paragraph, to the effect that there shall be no expenditure provided for in an appropriation bill not authorized by law, "unless in continuation of appropriations for such public works and objects as are already in progress." It can not be disputed that this is a work already in progress. The gentleman from Indiana says it is not a tangible work. I never heard that such a work was intangible, and I am not going to stop to discuss it except to call the attention of the Chair to two decisions that bear on the point. The first is on page 348 of the Manual, at the bottom of the page:

An appropriation to continue the marking of a boundary line of the nation is in continuation of a public work.

That was decided in the last Congress—the second session of the Fifty-eighth Congress. The present distinguished chairman of the Committee on Appropriations was in the chair.

Now, on the top of the next page it is recorded as having been held that "an appropriation to complete a list of claims was held to be in continuation of a public work or object." An appropriation had been made to make a list of private claims against the Government, and the list was being made. The further appropriation was asked for the completion or continuation of that list, and it was held to be in continuation of a public work or object in progress. Now, it seems to me that unless the Chair finds that these two rulings ought to be reversed, it will be compelled to overrule this point of order on the same grounds.

Mr. SHERLEY. Mr. Chairman, the point made by the gentleman from Indiana, if it has any validity, results in this proposition: That the words "public domain" mean the same as "public lands."

Mr. DALZELL. If the gentleman from Kentucky will pardon me, the words in the statute are not "public domain;" they are "national domain."

Mr. SHERLEY. The gentleman is right. I should have said "national domain."

The CHAIRMAN. The Chair desires to call the attention of the gentleman from Kentucky to the latter portion of the same act creating the Geological Survey, in which it speaks of the codification of the present laws relating to the public domain. There the words used are "public domain."

Mr. SHERLEY. If the Chair will observe, there are three phrases used to express different things—"public land," "public domain," and "national domain." Now, the absolute inaccuracy of the contention of the gentleman from Indiana is shown by one little side light.

There is a provision that the Director of the Geological Survey shall not be interested in any of the lands surveyed. Now, if the lands were public lands only of the United States and the survey was limited to public lands of the United States, it would follow, as a matter of course, that he could not be interested in any of the lands that were surveyed, and it would be absurd and useless to put in the act the words that are put in, that the Director and members of the Geological Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey. If it were public land they could not have.

Mr. TAWNEY. Why couldn't they have? They could make an entry.

Mr. SHERLEY. Oh, unquestionably they could make an entry, but the moment they made the entry the land would cease in the true sense of the term to be the public domain of the country, and would belong to the man who had made the entry therein under the law of the United States. The Chair will notice another thing. The purpose of this act was to combine certain work that was being done by different departments under one head. There is nothing in the act to show that it was the intention of the framers of it to narrow the work to a smaller compass than existed under the particular heads that were already doing the work. Take the acts that are abolished by this. Take the act for the geological survey of the Rocky Mountain region. Is there anything in that language, has anything been pointed out by the gentleman from Indiana [Mr. CRUMPACKER] that would show that under the act providing for the survey of the Rocky Mountain region they were limited to surveying simply public lands within the Rocky Mountain region? Is there anything within the act authorizing the survey of lands beyond the one hundredth meridian that would indicate that it is confined to public lands only? Now, if it be true that the acts that this act supersedes are broad enough to include lands not belonging to the Government as

public lands, it follows that this act which intends to embrace them must also include things beyond. Then the Chair will bear in mind in construing this section that no construction which is against the common sense and purpose of an act is to be indulged in unless the plain language of the act requires it. The whole act and its purpose must be considered. It is manifest to any man who knows anything in regard to geological work, to topographical mapping, that it is practically impossible to do efficient work if you are to be confined within limited territory. As stated by the gentleman from Pennsylvania [Mr. DALZELL], if a survey had been started in the Territory of Arizona, and the work came to the boundary line of the State of California, under the narrow construction claimed by the gentleman from Indiana [Mr. CRUMPACKER] that work would have to be stopped, even although by stopping it you would not be able to follow a single lead of any ore vein of copper, of silver, or of gold, or to make a real geological survey.

Mr. TAWNEY. Does the gentleman from Kentucky know that that is exactly what happens to-day under the construction of the Geological Survey?

Mr. SHERLEY. I do not know or admit it.

Mr. TAWNEY. Does the gentleman not know that unless California will cooperate with the Geological Survey in making a map the Geological Survey will not continue its work into that State?

Mr. SHERLEY. But the distinction is this: In the first place, the gentleman's facts are not correct. The cooperation with the States is given precedence because it enables the completion of the whole country at a quicker period than otherwise would happen, but the work contemplates the final doing of work all along over the whole country, and the gentleman will find from the reports of the Survey that they have never yet stopped right at the boundary of some particular section of a State line when it was necessary to go beyond. In my own State, in my own district, they are making a topographical survey now of the county of Jefferson, in the State of Kentucky, and because of the topography there, they are carrying that quarter section over into the State of Indiana in order to complete it, not confining it to State lines.

Mr. TAWNEY. But the State of Indiana is cooperating the same as the gentleman's State is.

Mr. SHERLEY. No; it is not cooperating the same as my State is. It may be cooperating in particular work, but the point is this: That the Geological Survey expects to map the whole country, and while they may do some particular work at some time and another particular work at another time, the act contemplates the doing of the whole of it. The construction claimed by the gentleman from Indiana [Mr. CRUMPACKER] would limit them to a narrow strip of public domain, and the result would be that in any number of instances their work could not be completed, because their jurisdiction would end right at the point where it might be most necessary to continue it.

But, Mr. Chairman, without taking further time, I simply want to say this in conclusion, that the use of the term "national domain" is not accidental, because it occurs too often, and it occurs in juxtaposition to the use of the terms "public lands" and "public domain." There might be some plausibility lent to the argument, if, in the first section only did you find the term "national domain." It would be curious that men knowing how to use the English language should use that phrase to express the same thing as "public lands," when it does not express it to the popular mind or to any other mind, save that of the gentleman from Indiana [Mr. CRUMPACKER]. But when you go further down, you find them again using the expression "national domain," having used just above it the expression "public lands," and this second repetition of these two phrases must carry conviction to any mind that they had in mind something other than public lands.

Mr. MARTIN. Will the Chair indulge me upon one point that has not been made?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MARTIN. Just for a moment. Now, in addition to what has been said as to the language of this act creating the Geological Survey, which refers to the classification of public lands, an examination of the geological structure, mineral resources, and products of the national domain, I want to call the attention of the Chair to what seems to me to be an additional authority in the act. The Director of the Geological Survey is also given authority to make a geological and geographical survey of the Territories and a geological and geographical survey of the Rocky Mountain region. I apprehend, of course, that the statute giving authority to the Director to make a geological survey of any region certainly gives him authority incidentally to make a geological map of that region, because the work of the Geological Survey would be of little or no value unless it were placed in the form of a map, where it could be of public utility. Now, what is the Rocky Mountain region and what would be the making of a geological map of the Rocky Mountain region? Certainly it would not be confined to the public lands of the Rocky Mountains. The Rocky Mountain region is something greater than the Rocky Mountains themselves. It is in this instance all of that region lying west of the Missouri River and between that and the Pacific Ocean, and now, upon the admission of States, the Rocky Mountain region embraces many of the United States, notably Idaho, Montana, Wyoming, the Dakotas, Colorado, and others that might be mentioned. Now, the point that I make is that under the direct authorization——

The CHAIRMAN. May the Chair ask the gentleman a question?

Mr. MARTIN. Yes, sir.

The CHAIRMAN. Did the Rocky Mountain region embrace those States at the time or were they Territories?

Mr. MARTIN. Some were Territories and some were States at that time. Colorado was a State and Nevada was a State at the time the bill was passed, and there were other States in that region at that time. Some Territories have been admitted since, but this in no way impairs or affects the argument I seek to make upon this subject. There are now in the Rocky Mountain region additional States of the Union and have been since this language has been used repeatedly in these appropriation acts.

Now, then, the objection or point of order of the gentleman from Indiana is to an entire clause which provides a fund for the Director of the Geological Survey for continuing the making of a geological map of the United States. Undoubtedly, under the specific language to which I have referred, the Director of the Geological Survey has been amply authorized to make a geological survey at least within the Rocky Mountain region, and if to make a geological survey in the Rocky Mountain region to make a geological map of it. It will be presumed that in using any appropriation that will be made here it will not be applied to an unlawful purpose when a lawful purpose is carried in the legislation. The point I make, then, is simply this, that the point of order against this entire clause is not good, providing under this clause the Director can use this fund in any lawful way, and I insist that so far as that portion of the United States within the Rocky Mountain region is concerned this appropriation can be lawfully used to carry on the continuation of a work which is properly authorized within the act creating the Geological Survey.

Mr. UNDERWOOD. Mr. Chairman, I think this proposition has, to some extent, been decided heretofore. It is a well-known proposition of parliamentary law that where an appropriation for a specific purpose has been carried on in an appropriation bill from year to year it is held not to be a change of existing law. In the Forty-ninth Congress a point of order was made against what is known as the "fast mail service" going South, and there the Chairman held the provision was in order in the appropriation bill because it had been carried on from year to year for some fifteen years. Now, there is an exception to that rule. It has also been held that the reenactment from year to year of a law intended to apply during the year of its enactment only does not relieve the provision in reference to the point of order. Now, the Chair will note with that exception it has been held that provisions of law reenacted from year to year are to apply to that year only. Manifestly the proposition here is not to apply to the year only in which the appropriation is made. The survey of the public lands of the United States and the gauging of the rivers of the United States can not be done in one year. It must apply as a continuing proposition or the work would have have no value whatever. Therefore I say that that exception can not apply to the provisions of this bill, but that it is a proposition on its face that contemplates the idea that it shall be considered from one year to another.

But, Mr. Chairman, on January 29, 1904, there was a provision carried on the appropriation bill then before the House that read as follows:

> To enable the Secretary of State to mark the boundary, and make the survey incidental thereto, between the Territory of Alaska and the Dominion of Canada in conformity with the award of the Alaskan Boundary Commission.

Now, Mr. Chairman, that proposition was held to be in order. Why? As the Chair will note in the Digest, on page 348, it was held to be in order on an appropriation bill to continue the marking of a boundary line of the nation as the continuation of a public work. The appropriations had been made some years before for this service. They had expired. There was some intervening time, as I understand the proposition, and after-

wards there was enacted into an appropriation bill provision for sufficient money to carry on the work, and the Chairman, Mr. HEMENWAY, of Indiana, then occupying the chair, held it was in order on the appropriation bill, because it was a continuation of a public work. Now, the question that the gentleman from Indiana [Mr. CRUMPACKER] makes in reference to this Geological Survey——

Mr. OLMSTED. Will the gentleman allow me to make a small correction?

Mr. UNDERWOOD. Certainly.

Mr. OLMSTED. Mr. HEMENWAY was chairman of the Appropriations Committee, and Mr. TAWNEY was in the chair and made the ruling.

Mr. UNDERWOOD. It was Mr. HEMENWAY that was in favor of the proposition. The present chairman of the committee [Mr. TAWNEY] was in the chair.

Now, Mr. Chairman, I take it for granted there can be no distinction between a matter being a public work, to ascertain the boundary line of the United States and for a map to gauge a stream and survey the mineral domain of the United States, or the public national domain of the United States. This is a continuing work to-day, and I contend there is no distinction between the two cases, and I think on that precedent the Chair should hold this proposition in order.

Mr. THOMAS of North Carolina. Mr. Chairman, this point of order has been very fully discussed, and I do not desire to say very much upon it. I simply want to call the Chair's attention to one point with reference to the question which the Chair asked. The Chair asked the question as to the distinction between the national domain and public lands. There is no doubt the national domain includes forest reserves. But it should be remembered by the Chair that at the time the law establishing the Geological Survey was passed, which was read by the gentleman from Pennsylvania [Mr. DALZELL], there were no national forest reserves or parks.

On this point of order, in addition, I want to say to the Chair that it is perfectly clear to my own mind, standing upon the broad proposition stated by the gentleman from Alabama [Mr. UNDERWOOD] and by the gentleman from Pennsylvania [Mr. DALZELL], that this item, having been carried in an appropriation bill for many years under all the decisions and rulings of the Committee of the Whole and of the House, is the continuation of a public work. I do not see how any other view can be taken of it than that.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, there is one matter to which the attention of the Chair has not been called specifically, and that is the distinction between the provision for gauging streams and determining the water supply and the other provision to which the point of order has been made. The provision for gauging streams and determining the water supply does not rest upon the same basis as the other provision, because the item for gauging streams and determining the water supply was not first carried in an independent statute, but in an appropriation bill in 1894, and therefore the argument that this provision has been sanctioned by the action of Congress, that there is a settled construction by Congress, would not apply to that item. The mere fact that an item is carried for years in an appropriation bill is not to be regarded as of any value in determining the question of the validity of the original appropriation.

Now, I think that even if the Chair should rule that the term "public lands" and "national domain" are not convertible terms, but that the latter is a very much broader term, including the whole territory of the United States, and that therefore there is authority for investigating the products and mineral resources of the whole country and for preparing a geological map, it would not follow from that decision by any means that there would be any authority for gauging the streams of the United States and determining the water supply. I wanted to call the attention of the Chair to that point, because I believe in the decision of the Chair these items may be made separable. The main purpose, so far as I can discover, of gauging these streams is stated in the answer of the Director of the Geological Survey, to a question put by a member of the committee. Mr. Walcott, in answer to the question by the chairman, "What governmental purpose does that subserve?" said:

> That serves the purpose of obtaining data in regard to flow through a succession of years on rivers running through many States, as several of them do, thus collecting information in regard to the water available for power or other useful purposes.

It is apparent from his answer that this work has no relation whatever to the investigation of the mineral resources of the United States or products of the United States.

The CHAIRMAN. The Chair will hear the gentleman from Georgia, and then the gentleman from Indiana, who made the point of order, and after that the Chair will decide, as the point of order has been generously discussed.

Mr. BARTLETT. Mr. Chairman, I want to call the attention of the Chair to the fact that there has been in many instances recognition by Congress in various statutes of the distinction between what is called "public domain" and the "national domain." There are a number of acts which show this distinction. I will call attention to the act of Congress of 1862, as amended by the act of 1888, authorizing telegraph companies to build telegraph lines over certain territory of the United States, and they always spoke of it as "public domain," showing clearly that Congress intended simply to grant power and authority to the telegraph companies to build their lines over land the title to which was in the United States as contradistinguished from "the national domain," the title to which would be in the States and in the United States.

Now, in the act of 1862, with reference to this, and the act of August 8, 1888, which is supplementary to the prior act on the subject, it uses this language, speaking of the telegraph lines:

> Shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the *public domain* of the United States, over and along any of the military or post roads.

I read that for the purpose of showing that when the act of 1879, providing for the Geological Survey, used the words "national domain," that Congress meant what it said, and that in these other acts, when they used the language "public domain," they meant public lands of the United States and those lands over which the United States had exclusive ownership and jurisdiction and over which the States had no jurisdiction. Therefore, when Congress used the term "national domain," as it does in the act of 1879, it meant to authorize this geological survey upon any part of the United States, public domain of the United States, or domain of the United States which comes under the broad provision of "national domain."

One word further, Mr. Chairman. This act, up to last year and this year, provides for a continuation of this work of gauging streams—for the "continuation" of the work, showing that Congress recognized that it authorized the work to be instituted, and it has continued the work, through a number of years, in every appropriation bill since 1894. But I will call attention to the act of 1896, where the provision was made for this money for this work, and it is "to enable the Director of the United States Geological Survey to continue to gauge the streams and determine the water supply of the United States." Not water supply upon the public lands of the United States; not water supply of the navigable rivers of the United States, over which the United States has exclusive jurisdiction, but over the waterways of the United States. That would be synonymous, if they had stated over waterways of the national domain; and therefore this act authorized, in 1896, continuation of the work. The work has been in progress ever since. Various acts of Congress—appropriation acts, the appropriation act of 1905, the appropriation act of 1904, and in 1894 and 1895, and on—recognized it as a continuing work and for the benefit of the people of the United States. I do not think that the criticism made by the gentleman from Indiana, who makes the point of order, that the words "national domain" are synonymous and convertible with the term "public domain," is well founded. I do not care to detain the Chair any longer by reference to the other acts, but I could show them, as I have them compiled, for the benefit of the Chair, if he should wish it. The point I am insisting on is that where Congress has used the word intending to show authority over the lands of the United States, and over which the States have no control, they have invariably used the words "public domain" and "public lands;" where they intended to give authority generally to the United States they have used the words "national domain;" and to my mind the distinction is clear, Mr. Chairman.

Mr. CRUMPACKER. Mr. Chairman, gentlemen who have opposed this point of order have, in the main, it seems to me, overlooked the vital question in the case. For the sake of argument it might be admitted that the term "national domain" should have the signification contended for it. There is nothing in the statute that authorizes the making of geological maps for the United States or the gauging of streams with a view to ascertaining the water supply. There is nothing of that kind in the statute, even giving it the interpretation that gentlemen in opposition to the point of order contend.

Now, I think I can very briefly demonstrate that the term "national domain," in the sense of the law, does not have any such signification as is claimed for it by the gentlemen from Pennsylvania [Mr. DALZELL] and Ohio [Mr. KEIFER] and other gentlemen who have spoken in opposition to the point of order. The term "national domain" has a literary meaning, an historical meaning, a political meaning, and a legal meaning, and

we are dealing with it now as a part of a public statute. We are to give it its legal signification, not its literary meaning. I have before me Webster's International Dictionary, defining the meaning of the word "domain." It is defined to be "dominion, empire, authority." Nobody would pretend that the authority, the empire, of the United States is capable of being surveyed and its mineral resources determined.

Mr. LITTLEFIELD. Developed, you mean.

Mr. CRUMPACKER. Developed. Another meaning is "the territory over which dominion or authority is exerted; the possessions of a sovereign or commonwealth, or the like."

Another is "landed property; estate; especially, the land about the mansion house of a lord, and in his immediate occupancy; demesne."

The legal meaning of the term is given by the dictionary as "ownership of land; an estate or patrimony," etc.

Mr. WM. ALDEN SMITH. If the gentleman will permit me to interrupt him there, I should like to ask if it was the intention of the Government to pursue its inquiry in the United States along the line of the legislation which we have been considering, what expression could be more effective than the term that was used in that act; and if it was used for the purpose of giving it effect and force, why should we not stand by it now?

Mr. TAWNEY. The language that the gentleman makes the point of order to is the language that is broader than that which is used in the act creating the Geological Survey.

Mr. CRUMPACKER. I have already suggested that to the Chair—that the provisions I object to now are not included, even giving the term the broad meaning that the gentleman contends for it.

Mr. LITTLEFIELD. Your contention is that the appropriation bill goes further than the law.

Mr. CRUMPACKER. That the appropriation bill goes further than the law, under any interpretation that may be given the law in the first place.

Mr. DALZELL. Does the gentleman think there could be an examination made of the geological structure of the country without mapping it?

Mr. CRUMPACKER. There might, of course.

Mr. LITTLEFIELD. Is not the matter a necessary incident?

Mr. CRUMPACKER. Not a necessary but a reasonable incident; but the geological survey of a county does not authorize, as an incident, a map of the whole United States.

Mr. SMITH of Iowa. Will the gentleman allow me further to suggest there that in the hearings before the Committee on Appropriations it appeared that the State of Pennsylvania made a complete geological survey without any map, and that the sole excuse furnished for the United States spending money there is that that geological survey was not accompanied by maps?

Mr. KEIFER. I should like to interrupt. I think that is a mistake.

Mr. DALZELL. That has been partly done.

Mr. SMITH of Iowa. And that shows that the State of Pennsylvania did make a complete geological survey without a map.

Mr. LITTLEFIELD. Was it not on the ground that the survey is incomplete and the map is necessary to make it complete?

Mr. SMITH of Iowa. Not at all. It was contended by the Director of the Geological Survey that it was hard to identify the geological survey with the location that was described without the maps, but the State of Pennsylvania made their geological survey complete without the maps.

Mr. SHERLEY. I simply want to ask the gentleman from Indiana if he is aware that the act creating the Geological Survey provides for maps and for the size of the volume in which they shall be printed? It provides that memoirs and reports of this Survey shall be issued in uniform quarto series if deemed necessary by the Director, or otherwise in ordinary octavo, and it speaks of the number of copies, providing for the issuing of maps, in the very act creating the Survey.

Mr. CRUMPACKER. Now, suppose the Geological Survey should write an exhaustive history of the United States, along political and literary lines, along with the geological report of investigations for your section, would it have authority in law to do it?

Mr. WM. ALDEN SMITH. I would suggest to the gentleman that under the present directorate of the Geological Survey we have a history of the United States, and a very valuable one.

Mr. CRUMPACKER. That may be. I will not discuss that. In relation to this particular question, the decision I submitted to the Chair earlier in the discussion, that the right, if any right of that kind is given at all, to make a map is confined to the map of the public domain, and the decision was acquiesced in by the House. Those in charge of the bill at that time, after the proposition went out on a point of order, offered an amendment providing for the continuation and making the map of the geological survey of the national domain, putting in the limitation suggested by the Chair, and it was held in order.

Mr. KEIFER. Oh, the gentleman is mistaken.

Mr. CRUMPACKER. I have the record of the whole proceedings before me. The amendment was corrected in accordance with the suggestion of the Chair, and it was held in order. Then when the bill went to the Senate—and I have the original Senate bill—it was reported back and the words "national domain" were stricken out, and that is the way the provision got in the law. It was stricken out in the Senate, and the Chairman of the Committee of the Whole House held that it was not in order, because it was not confined to the national domain.

Mr. WM. ALDEN SMITH. What did the Senate put in?

Mr. CRUMPACKER. Just what is in it now.

Mr. KEIFER. Is it not a fact that since that became a law—since August, 1882—we have been using the words that are used in the bill now that the gentleman seeks to have stricken out?

Mr. CRUMPACKER. I take it for granted and I am willing to admit——

Mr. KEIFER. It provides for a geological map of the United States, and are we not continuing that object under Rule XXI?

Mr. CRUMPACKER. I am willing to admit that every appropriation bill since this ruling has contained the same language in relation to the geological map that I have made the point of order to in this bill, but it was confined to an appropriation and only created law for the fiscal year that the money was appropriated for, and did not, under the decisions of the House, become authority for subsequent appropriations.

Now, if the Chair please, I want to submit a definition from Black's Law Dictionary of the distinction between "public domain" and "national domain," if there be any. "Public domain" is defined to be: "This term embraces all lands the title to which is in the United States, including land occupied for the purpose of Federal buildings, arsenals, docks, etc., and land of an agricultural or of a mineral character not yet granted to private owners." That is the definition of "public domain." Now, "national domain" is substantially the same. This authority gives the definition of "national domain" to be: "A term sometimes used and applied to the aggregate of property owned directly by the nation." That is the only and the entire definition of the author in giving the legal definition of the terms and phrases that occur in the legislative and legal literature of the country.

Mr. DALZELL. Will the gentleman allow me a question?

Mr. CRUMPACKER. Certainly.

Mr. DALZELL. Is not the point of order the gentleman has made equally applicable to almost every paragraph of the appropriation for the Geological Survey?

Mr. CRUMPACKER. I have not examined them carefully.

Mr. DALZELL. I will call the gentleman's attention to them and ask him.

Mr. CRUMPACKER. I presume the questions will be raised as we proceed with the bill.

Mr. DALZELL. It seems to me it is a mighty important matter to know whether we are going to destroy the Geological Survey on points of order. The topographical survey is subject to a point of order, if the gentleman's position is correct.

Mr. CRUMPACKER. It is if there is no authority in law for it; as many of these provisions as are not authorized by existing law are subject to a point of order.

Mr. DALZELL. There is no authorization unless "national domain" means what we contend it means, and the consequence is that every item almost belonging to the Geological Survey, with one or two exceptions, is absolutely stricken out by this point of order, and this Department, which has existed for twenty-six years, is proposed to be destroyed by a point of order, and I don't believe it can be done. [Applause.]

Mr. CRUMPACKER. Mr. Chairman, I think the argument has no bearing on the question of law. Congress in using the term "national domain," in the statute referred to, must, of course, have used it in its legal signification, not in its historical signification, not in its political signification, but as bearing upon the real domain of the United States in its legal sense, and that means the public domain, the public lands.

Mr. GROSVENOR. Mr. Chairman, I would like to ask the gentleman a question. What is the land upon which I live, for instance, to what domain does that belong?

Mr. CRUMPACKER. The chances are that it is the gentleman's domain. It is in the domain of the gentleman from Ohio.

Mr. GROSVENOR. That is the domination that I have as owner.

Mr. CRUMPACKER. Yes.

Mr. GROSVENOR. But under what domain, in a broad term, does it belong to?

Mr. CRUMPACKER. That is the point I want to make, and I thank the gentleman for making the suggestion. There are two domains. There is the State dominion and the national dominion, and when the Congress came to employ the term in this statute it said "national domain;" and the gentleman's home is under the State domain, under the sovereignty or dominion or government of the State of Ohio.

Mr. GROSVENOR. But when I put up a flag on my house it is always the Stars and Stripes.

Mr. CRUMPACKER. There is no doubt about that; and the gentleman is using the term in a political sense, in the sense of empire or sovereignty.

I undertake to say this: That Congress never used the term "national domain" in the sense that it gave permission to Federal officers to go into the States upon private property, to go where Congress had absolutely no power to send public officers to perform a duty. That was not and is not and can not be a Federal duty. We must presume that in using the term Congress used it for the carrying out of some duty or function that Congress had the power to carry out. There is not a gentleman on the floor of the House who will not admit that the State of Massachusetts, the State of Pennsylvania, or the State of Kentucky could exclude every single Federal official who goes there for the purpose of making a geological survey; who goes there for the purpose of making topographical maps; who goes there for the purpose of gauging streams. It is a purely voluntary service. It is not a national function, and I appeal to the argument of the gentleman from Kentucky [Mr. SHERLEY], made a few weeks ago in the House, to refute the argument that he has advanced to-day. Congress, when it used that term, used it in its legal signification, to apply to the property that is owned by the Federal Government, property that it was preparing for the market, that it was seeking information about in order that investors might be attracted; and if this survey has been extended by acquiescence from State to State and from county to county and from township to township and municipality to municipality, it is purely a voluntary service, a service that does not belong to the Federal Government, and there is no authority of law for it. It seems to me that there can be no doubt that the point of order is well taken. I am ready to submit the question.

Mr. WM. ALDEN SMITH. But what authority has the Agricultural Department for inquiring into the character of soils in the State of Michigan? It has unquestioned authority which is conceded by the State of Michigan, for it is intended to help the State and not to harm it; the people welcome it; and the national domain certainly would include all our sovereign territory, which might be properly investigated and examined.

The CHAIRMAN. The Chair thinks this question has been discussed with great freedom, and is ready to submit his ruling on the question involved. It is difficult for the Chair as a Member of the House, as it doubtless is for every other Member of the House, to divorce his ideas as to what the law is, the cold-blooded law, from the sentiment involved in the controversy. The Chair is of opinion that the point of order is well taken. The only authority for the enactment of the sections to which the point of order lies is that they are public works in progress. The Chair thinks that it would have been better had the gentleman from Indiana [Mr. CRUMPACKER] made the point of order on the different phrases instead of the lines. "To continue the preparation of a geological map of the United States" is one proposition. "Gauging streams and determining the water supply of the United States" is a separate and distinct proposition, and in the opinion of the Chair the point of order to these different propositions rests upon different grounds. As the Chair stated in the beginning, the broad proposition that they are public works in progress rests upon two grounds; first, that there is authority of law for the work contemplated by the section, or secondly, that even though they were never authorized by express statute, they are yet works which were begun under authority of Congress, and are therefore works in progress within the meaning, which is a well-established meaning, of the rule of this House. In order to determine whether or not there is authority of law for the first proposition, "to continue the preparation of a geological map of the United States"——

Mr. CRUMPACKER. Mr. Chairman, with the Chair's permission, I would like to state that I shall withdraw the point of order to that provision—the continuation of the maps—and confine it to the gauging of streams.

The CHAIRMAN. The Chair is of opinion that it is wise in the gentleman from Indiana [Mr. CRUMPACKER] to withdraw the point, because it rests upon an entirely different basis from the other proposition involved—gauging streams and determining the water supply. In order to determine whether or not there is authority of law for these works, either of them, recourse may be had to the statute creating the Geological Survey, defining the duties of the officer in charge, and limiting the scope of his authority. And in order that the statute may be intelligently discussed and understood it might perhaps be well to call attention to the conditions which existed with reference to the Geological Survey before the enactment of that statute. This question has been somewhat discussed by gentlemen, and the Chair will not go fully into details; but previous to that time, without any authority of law for making these surveys, appropriation bills had repeatedly contained provisions for geological surveys. For instance, in 1872 (this law having been enacted in 1879), the appropriation bill for that year contained this clause:

> For the continuation of a geological and geographical survey of the Territories of the United States, under the direction of the Secretary of the Interior.

In 1873 there was a like provision, and again in 1875 and 1877. In other words, before the enactment of the statute of 1879, creating the office of a Geological Survey and defining the powers of the officer in charge, the appropriations for geological surveys were always confined to the Territories of the United States. Now, in 1878 the cause of the confusion which theretofore existed—and that confusion the Chair will briefly call attention to—grew out of the fact that the different Departments of the Government undertook to assume jurisdiction of various phases of geological surveys, paleontological surveys, ethnological surveys, and all that sort of thing; so that in 1879 we had a geological and geographical survey of the Territories, a geographical and geological survey of the Rocky Mountain region under the Department of the Interior, geographical surveys west of the one hundredth meridian under the War Department, and confusion resulted because of these several jurisdictions. Thereupon the National Academy of Sciences, in 1878, owing to this confusion and a desire that there should be order and harmony, passed a resolution in this language, which will throw some light upon the statute that was thereafter enacted in response to the demand of the National Academy of Sciences, and will throw some light upon a correct interpretation and construction of that statute.

Mr. TAWNEY. If the Chair will pardon me——

The CHAIRMAN. Yes.

Mr. TAWNEY. A resolution was adopted by Congress calling upon the Academy and Congress requested——

The CHAIRMAN. Did the Chair state it the other way?

Mr. TAWNEY. The Chair stated the resolution was adopted by the Academy of Sciences.

The CHAIRMAN. The Chair thanks the gentleman; it was a resolution adopted by Congress, as follows:

> *Provided*, That the National Academy of Sciences is hereby requested at their next meeting to take into consideration the method and expense of conducting all surveys of a scientific character under the War or Interior Department and the surveys of the Land Office, and to report to Congress as soon thereafter as may be practicable a plan for surveying and mapping the Territories of the United States on such general system as will, in their judgment, secure the best results at the least possible cost.

This resolution had reference solely to the Territories of the United States. Under the foregoing provision the National Academy of Sciences recommended, almost in the exact language of the statute immediately thereafter adopted by Congress:

> That Congress establish under the Department of the Interior an independent organization, to be known as the United States Geological Survey, to be charged with the study of the geological structure and economical resources of the public domain; such survey to be placed under a Director, to be appointed by the President, etc.

Having reference to what? Manifestly to what had been done always before in the history of the Geological Survey; manifestly to what had been called for by the resolution of Congress made to the Academy of Sciences, the Territories of the United States or the public domain. Now, the Chair desires to call attention to the specific item referred to, the gauging of streams and the determining of the water supply of the United States. When the statute creating the Office of Geological Survey was passed it had in it this language, and the Chair assumes that if the Geological Survey of the United States has any power, it was conferred upon the Geological Survey by the express language of this statute, and aside from this statute it has no power. Here is the provision:

> *Provided*, That this officer shall have the direction of the geological survey and the classification of the public lands and the examination of the geological structure, mineral resources, and products of the national domain.

Now, will the gentleman contend, or has it been contended, that the gauging of a stream comes within any of those pro-

visions? Manifestly not, and the Chair believes that even if the language in the appropriation bill was entirely different from what it is and confined to gauging of streams of the public domain, that it would not be in order. Can the gauging of streams be held to be a part of the geological survey, a classification of the public lands, the examination of the geological structure, the examination of the mineral resources, or an examination of the products of the national domain? The Chair thinks not. The Chair thinks that the only power that the Geological Surveyor has has been conferred upon him by the express language of this statute. Aside from that he has no power, and the gauging of streams is not within the provision of these several powers conferred upon him by this statute. Therefore the Chair thinks clearly the term "gauging of streams and determining the water supply" does not fall within any of the provisions of the statute creating the Office of the Geological Survey and defining and limiting the power of its officers. Furthermore, in order to determine whether or not there is authority of law for the work contemplated, we have recourse to the statute passed in 1879, as the Chair has already said; and the Chair repeats that, in the opinion of the Chair, even if the language of the appropriation bill under consideration confined the gauging of a stream and the determining of the water supply of the United States to the national domain, it would yet not be in order. Why not? The Chair thinks it is obnoxious and the point of order should be sustained.

Secondly, because the authority conferred by the law upon the Director of the Geological Survey has reference only to the national domain. And the Chair thinks there has been some confusion in terms between the "national domain" and "public domain." The Chair believes that the District of Columbia is the national domain, but yet it is certainly not the public domain, because the public domain has reference only to the public lands, and "public domain" and "public lands" are terms interchangeably used, in the opinion of the Chair, and mean one and the same thing, and they have reference to land which can be distributed for settlement. The forest reserves are a part of the national domain, and yet are not a part of the public lands, because they have been disposed of. The Chair believes that the Territory of New Mexico is a part of the national domain, and yet vast portions of it which have already been distributed and are already settled are not a part of the public domain. The Chair thinks that that is a distinction which has been lately made and that it is the wise distinction to make in this instance.

Now, what is the other question involved? The only other jurisdiction for the enactment of this section is that it is a public work already in progress within the meaning of our rule. And the reason given therefor is that previous statutes heretofore enacted have contained this express provision. The rule of this House imposes this limitation on the power of the House as to legislation on appropriation bills, that no appropriation shall be made for any expenditure not previously authorize by law, unless such proposed expenditure is in continuation of a public work or object already in progress—that is, a public work or object previously appropriated for and yet not completed. But what is a public work in progress? In order to ascertain that, it will be necessary to have recourse to the discussions on these specific propositions. It has been repeatedly held, and held in one instance by the gentleman from Pennsylvania [Mr. OLMSTED], that the term "public work" as contemplated by the rule of the House clearly has reference to some tangible matter, as to a building, or a road, and such other matters of a like character as will readily suggest themselves.

Now, at the first session of the Fifty-first Congress this subject was taken up, and Mr. Payson, of Illinois, Chairman of the Committee of the Whole House on the state of the Union, in a decision which the Chair regards, after careful examination, was as well considered, if not better, than any other one made on this subject, held that the term "public work" had reference only to a tangible matter. The case is so clear in point and is so certainly decisive of the question involved that the Chair will take the liberty of calling the attention of the committee to it by quoting a part of it:

If this provision—

He says, and it is not necessary to state what provision, because the language is readily applicable to this provision—

is properly in this bill at all, the point of order being raised against it, it must be, in the judgment of the Chair, because it is connected with an "object already in progress" under the statutes of the United States.

The term "public works," in the judgment of the Chair, clearly contemplates tangible matters, as buildings, roads, and such other matters as readily suggest themselves.

So the question only remains, Does the expression "objects already in progress" include the duties to be performed by this board during the ensuing year?

It must be remembered that these duties are only to hear and determine appeals from the Commissioner of Pensions to the Secretary, and to be settled by that officer, but, as it is practically impossible for the Secretary to do this, the performance of that duty is devolved upon this board as part of the force in the Secretary's office.

The duties are only part of the ordinary duties of an important executive office—routine duties, to be performed as the papers come to the Secretary's office day by day.

These duties so to be performed are not, in the judgment of the Chair, the "object in progress" contemplated by the rule.

Then the Chair well says:

The clause in the rule contemplates specific legislation for a certain purpose, for which provision has been made by law, but which specific legislation has not been consummated by an attainment of the object under the appropriation made for it and for which the appropriation made had proved insufficient.

In such case the rule allows an appropriation on a general bill to complete the "object." But the clause does not include the ordinary performance of regular routine duty by the clerical force in the Department.

A decision more clearly in point and on all fours with the present case was rendered by Hon. SERENO E. PAYNE in the second session of the Fifty-fourth Congress. At that time Mr. JAMES A. TAWNEY, of Minnesota, offered this amendment.

The Chair calls attention to the similarity between the amendment offered by the gentleman, in effect, to the one under consideration at this time:

Fiber investigations: To enable the Secretary of Agriculture to continue the investigations relating to textile fibers indigenous in or adapted to the United States, including their economic growth, cleansing, and decorticating.

The Chair again calls attention to the exact language:

Fiber investigations: To enable the Secretary of Agriculture to continue investigations—

Investigations having theretofore been authorized by previous appropriation bills. Thereupon, Mr. WADSWORTH, of New York, made the point of order, and the Chairman, Mr. PAYNE, held that the amendment was not in order, as the investigation was not such a tangible thing as would bring it within the exception whereby public works may be continued.

Mr. OLMSTED, of Pennsylvania, held later, under a similar point of order, public works and objects to mean "tangible matters, like buildings," etc., and "that the mere appropriation of a salary does not thereby create an office so as to justify appropriations in the succeeding year."

Now, the gist of these decisions is: Was it a public object in progress at the time the appropriation was asked for? If so, it must be a tangible work, something that would be completed. An object that could be completed at some time, something with a definite, fixed object, and not a continuing something: that it must have a definite end in sight in order to be an object in progress within the meaning of this rule. Provision for gauging streams is not a tangible object. It is not a definite something that can be concluded, nor is a determination of the water supply of the United States such a definite object in progress; and because of these statements, and because of these reasons, the Chair believes that the point of order should be sustained as to these two items, the gentleman from Indiana having withdrawn the point of order on the other item, and the Chair sustains the point of order.

Mr. WILEY of New Jersey. Mr. Chairman, I move to strike out the last word.

If I had that voice of thunder and that throat of brass which Homer wrote of, or if I had some of the eloquence with which this Chamber resounds, I would feel that I could not use them to better purpose than in the discussion of this bill which is now before us; but the curriculum of the scientific school does not include the art of oratory. Engineers are men of deeds rather than of words, and their motto is: "Res non verba." It is possible this accounts for the few engineers sent to Congress. Moreover, I find myself somewhat hampered by the limitations of this debate under the five-minute rule, and I hope the House will be very generous with me if I have to exceed that time, as I fear I must. I feel like exclaiming with that Latin writer: "When I labor to be brief, I find that I am made obscure." Hence I am forced to write what I should like to deliver without writing.

The work of the Geological Survey is one of the most national enterprises undertaken by the Government, and can not be judged by rules which might be applied to other governmental functions.

A scientific investigation, to be of value, must be not only thorough, but complete. No reliable deductions can be drawn from a half truth; indeed, this half truth may be the most dangerous form of error. It is the acting on half truths which makes men nihilists, anarchists, and criminals.

I am willing to concede to the committee in charge of this bill that they were actuated by a sincere desire to save the public money, and economy is always to be commended unless it degenerates into parsimony, when it is not only unwise, but

far more expensive than lavishness would be. I want to point out certain illustrations of this parsimonious economy falsely so called, which have come under my own observation.

The freeholders of a certain county desired to erect a stone arch bridge and applied to an engineer to superintend it. He stated his salary at $2,500 and declined the $1,500 they offered, so they, in their desire to save the difference, employed a "practical man" at $1,500. He erected the bridge, and before it was open for traffic it fell in and had to be razed to its foundations, costing the county $30,000.

I know an engineer who reported a bridge as unsafe. He did it on several occasions, and he asked for $20,000 with which to make that bridge secure, but his directors refused the money and told him to get along without it. One night in the dead of winter a train went through that bridge and 50 people were burned up and 200 more were injured. The engineer brooded over the misfortune, which was in no way his fault, until he became insane and committed suicide. It cost that road over a half million dollars for damages. While I was sorry for the accident, I was also sorry that the damages were not a million dollars instead of half a million. I could give other instances constantly occurring in the lives of engineers, showing the folly of parsimonious economy, which masquerades as economy.

The estimates submitted to the Committee on Appropriations of this House were carefully prepared by the various chiefs of bureaus in charge of the work contemplated. They were exact estimates, asking only for what was needed, neither more nor less, and there is submitted to this House an estimate made by the committee, a body that could not possibly understand the needs of the Survey, cutting down some estimates one-half, and making an average reduction of one-fifth.

One word here as to the character and attainments of the members of the Geological Survey. In common with the engineering fraternity, I have been in close touch with them for twenty years or more. Engineers look upon them as scientists of the highest standing, and accept their conclusions as reliable and of the greatest value to the profession. They are enthusiasts on the lines of discovery, and there is hardly one of them who could not better his position financially by leaving it. I know much higher salaries have been offered several, but their love for these investigations is so great, and the opportunities of the Government service for scientific research are so attractive to them that they can not be tempted by mere money. Their interest is in science and in science alone.

To show how cutting down an appropriation not only cripples an investigation, but practically neutralizes its results, take the gauging of streams when one-half the appropriation has been cut off. This work must be continuous to enable any definite conclusions to be reached. It will not answer to gauge a stream now and then. The conduct of the stream must be studied year in and year out, so as to predicate on the flow of water as to its amount, velocity, and other actions, under all possible circumstances. In order to make this work of value, it must be continued to completion. Partial results have been obtained on the gauging of streams, and as far as they go they are all right, but until they are complete they are of no practical value to anybody. It may be asked, indeed I have been asked, why the Government should undertake these matters instead of leaving them to private enterprises? There are two reasons: First, few private enterprises could conduct them on the scale on which the Government has done, and will do if this House will give them means to go forward, as they have the plant already constructed to undertake the investigations.

Mr. TAWNEY. I should like to ask the gentleman from New Jersey when he obtained consent to proceed indefinitely in delivering this speech?

The CHAIRMAN (Mr. BOUTELL). The present occupant of the chair will state that he just took the chair, to relieve the previous occupant, and does not know what arrangement was made.

Mr. TAWNEY. I do not understand that the gentleman received unanimous consent to proceed indefinitely.

The CHAIRMAN. The time of the gentleman has expired.

[By unanimous consent, at the request of Mr. MCCLEARY of Minnesota and Mr. BENNET of New York, the time of Mr. WILEY of New Jersey was extended ten minutes.]

Mr. WILEY of New Jersey. I said that few private enterprises could carry out this work as the Government can do it.

Mr. TAWNEY. I desire to ask the gentleman if he is reading the same document that was printed in the RECORD a few days ago by the gentleman from Ohio?

Mr. WILEY of New Jersey. I really do not know. This is what I wrote myself. [Laughter.] I was not aware that the gentleman from Ohio had obtained access to my manuscript.

Mr. TAWNEY. I was informed that it was the brief prepared by the Geological Survey.

Mr. WILEY of New Jersey. This is a brief prepared by myself.

Mr. GROSVENOR. The gentleman from Minnesota has referred to that two or three times. I made no pretense that that was my own production.

Mr. TAWNEY. I did not say you did.

Mr. GROSVENOR. But I think it was a credit to myself that I was able to get it, and I think it would have been a credit to the gentleman from Minnesota if he had. [Applause.]

Mr. WILEY of New Jersey. Second, while the Government results are disinterested and will favor no one unduly, a private investigation is always open to the suspicion of partisanship. The result announced by the Government will have a weight with the engineers and the public which the private investigation will never attain. Moreover, the subjects investigated are of inestimable value to the Government itself; for instance, take the fuel test. I saw the plant at St. Louis erected during my term as State commissioner. I understand the Government contributed $50,000 toward its erection, and from other sources $100,000 was added. The railroad companies were so impressed with the value of these experiments that they have hauled cars of fuel without charge. This is especially true of the southern and western railroads. In this connection, I want to read a report made to the President of the United States on the 6th day of June, 1906.

TO THE PRESIDENT: The executive committee of the advisory board on fuels and structural materials, recently appointed by you, respectfully ask your attention to the following facts brought out in connection with the inquiry made at the request of this board.

I omit all not bearing on the tests of fuel and structural materials.

* * * * * * *

When it is remembered that the yearly losses from fire in the United States aggregate $2.50 per capita, as compared with 33 cents per capita in European countries; that the fire losses in the United States during the past ten years have aggregated not less than $1,250,000,000; that the people expend annually in building and construction work $1,000,000,000, and that this Government itself expends annually for such purposes more than $20,000,000, it is apparent that this whole subject deserves the most serious consideration by the Government.

This committee furthermore begs to express the opinion that a thorough investigation of the properties of the materials of construction and fireproofing, and the resulting increased economies in our systems of construction, may be expected to save annually from 5 to more than 10 per cent of these total expenditures, which would mean an annual saving to the Government alone on its present expenditures of from one to two million dollars and to the people of this country a saving of many millions each year.

* * * * * * *

Very respectfully,

O. H. ERNST, *Corps of Engineers, U. S. Army, Isthmian Canal Commission,*
JAMES K. TAYLOR, *Supervising Architect,*
ROBERT W. HUNT, *Chicago, Ill., President American Institute Mining Engineers,*
CHARLES A. HEXAMER, *Philadelphia, Chairman Board of Experts, National Fire Underwriters' Association,*
HENRY G. STOTT, *New York, Interboro Rapid Transit Company, Executive Committee National Advisory Board for Fuels and Structural Materials.*

After a full investigation it was at once discovered that a fair grade of fuel gas could be obtained from certain lignites which had no great value previously. The importance of this to the Government is at once seen when we consider not only the more convenient location of many fuels to the points where their use by the United States is required, but a greater value arises from the results of the use of the fuel gas itself. Naval experts were at the same time testing coal, and, by the way, that was picked coal from the mines, while the Government test was of coal where the man was sent to the mines and took cars of coal as they ran from the mine, and those cars were under supervision until they arrived at the point where the coal was tested; and therefore it is a disinterested test and a fair test of the coal from that mine. Now, the naval experts were at the same time testing coal, and obtained 2.2 pounds of coal per hour per horsepower. The fuel gas obtained the same result from 0.87 pound. Not only is this saving extremely valuable, but the saving in space required for fuel on a war ship is of even much greater value in the present overcrowded condition of our naval vessels.

Take another instance, the cement test: It has been found from them that by making certain combinations of rock and slate and burning them in a peculiar manner rock hitherto supposed to be unavailable can now be made into cement equal to the Portland brand, and I have been told personally by a Government official this knowledge will save $1,000,000 per annum on Government buildings under construction.

The tests for reenforced concrete are of extreme value, not only for the construction of public buildings, but for the erec-

tion of many of the Government dams designed for the Reclamation Service on the line of the Panama Canal.

As to the mineral resources, I would like to read a few statistics.

In 1901, when the appropriation for mineral resources was placed for the first time at $50,000, the total value of the mineral production of the United States was a little over $1,086,000,000. During the last five years there has been a most remarkable development in nearly all branches of the mining industry, and according to the returns of the Geological Survey for 1905 the production for that year will exceed that of 1901 by over 50 per cent.

The history of the coal production alone is one of great interest. It is necessary to keep in touch with developments in the mining interest by correspondence, and so all these matters are utilized for the benefit of the country at large.

Under the rules it is impossible to more than indicate these matters and let the thoughtful mind carry them forward to a legitimate conclusion, but in general I want to beg of this House to view the question of appropriations for the Survey from the standpoint of the American citizen—nonpartisan, nonpolitical—and resist firmly any attempt to stifle the acquiring and distribution of knowledge, for this I consider to be not only the legitimate function of the Government, but one of its highest and most valuable functions.

In that connection I want to say that reading from the reports of the Panama Canal the other day I found that in determining the seepage through the dam at Gatun the engineer, Mr. Stearns, a week ago Sunday, in his testimony before the Canal Commission, and others, made the statement that what they relied on principally to determine the seepage in compressed earth were the experiments made by the Geological Survey, as he knew them to be thoroughly reliable. Give, then, our patient and self-sacrificing scientists an opportunity to complete their arduous tasks by restoring their appropriation to its full amount, and not only will they rise up and call you blessed, but the country at large will join with them, and the knowledge that a Member of Congress voted to continue these investigations will be a first-class campaign document this fall, and the result will be that the complexion of the next Congress will be very similar to the one that I now see around me.

Mr. BENNET of New York. Mr. Chairman, I would like to ask the gentleman if this gauging of streams is carried on in connection with the question of water-storage problem?

Mr. WILEY of New Jersey. I should judge it had its bearing on it if they were storing water from that particular stream. In New York State at present they are going to build a large dam in the Catskills to get water.

Mr. BUTLER of Pennsylvania. The city of New York?

Mr. WILEY of New Jersey. The city of New York.

Mr. Chairman, in this connection I desire to call attention to several letters that I have, which, with the permission of the House, I will insert in the RECORD. When this matter was brought up I wrote to prominent men around the United States and asked them for an expression of their opinion, and I append herewith the letters which I have received in reply to the letters which I sent out. They are as follows:

YORK, PA., *June 9, 1906.*

Hon. W. H. WILEY,
Member House of Representatives, Washington, D. C.

DEAR SIR: In response to your inquiry of the 26th ultimo, which unfortunately did not reach me until now, as I am located temporarily down here at York, Pa., I will say that I trust the investigation which the Department of the United States Geological Survey has made regarding fuels, and which has been conducted at St. Louis during the past two years, may be continued still further. I consider it one of the most important subjects and one of the greatest possible value to all the industries of this country.

The work, as far as it has progressed, is well and conscientiously done, and is of an inestimable value; but I am assured that it could be still further pursued and still greater advantages obtained. No private individual and no association of engineers could have the facilities, the time, or afford the expense of arriving at a thoroughly scientific data on this subject. I have studied with immense benefit the work which has been accomplished, and I trust, as stated above, that this work will be continued.

I am, very respectfully, yours, CHARLES EKSTRAND,
Mechanical and Electrical Engineer.

RICKETTS & BANKS,
CHEMISTS, ASSAYERS, AND MINING ENGINEERS,
New York, May 29, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In response to your inquiry I would say that I have followed the work of the United States Geological Survey coal-testing plant at St. Louis with much interest. The care with which the equipment has been selected and the precautions taken to insure uniform conditions in all comparative tests have been very gratifying.

Many tests of coal have been made in the past by various operators, and some of the published records are of considerable interest and value; but the data available are scattered and incomplete. Many of the tests have been made under unfavorable conditions and many others under conditions not fully set forth, so that the results are for the greater part inconclusive and not comparable. Often they are unreliable. Faulty samples, the use of inadequate or not properly calibrated apparatus, and in many cases lack of experience of the investigator have combined to introduce factors of uncertainty, which render the reported results often unsatisfactory and unsuitable for use as a basis for close comparisons.

I doubt if there is to-day a thoroughly equipped fuel-testing plant in this country outside of the Government's plant at St. Louis. The cost of providing and maintaining such a plant is too great to be undertaken by private capital. The need of it has been sorely felt by engineers and all interested in the vast field of fuel utilization. Although the plant at St. Louis has already done some excellent work, much still remains to be accomplished. It would be an inestimable loss to engineers and the people at large if a work so favorably begun should not be carried to completion. The Survey now has a corps of trained operators and an equipment carefully standardized. The amount of money required to continue and complete the work is a trifle in comparison with the value of the data to be obtained. Let us hope that we may realize all that the opportunity presented affords, and that Congress may make a liberal provision to carry on the work to a successful completion.

Yours, very truly, JOHN H. BANKS.

SYRACUSE, N. Y., *March 21, 1906.*

Hon. M. E. DRISCOLL,
Congressman Twenty-ninth district, State of New York,
Washington, D. C.

MY DEAR CONGRESSMAN: I am in receipt of Senate Document No. 214, subject, "Fuels and structural materials," being a letter from the Secretary of the Interior to the President of the United States, "transmitting a copy of a letter from the Director of the Geological Survey embodying a summary of the results obtained in the investigations under the survey of fuels and structural materials at the testing plants at St. Louis, etc., pursuant to Senate resolution No. 68," regarding which I wish to ask your kindest attention to the recommendations of Director Charles D. Walcott. It would be impossible for anyone to overestimate the value which continued investigation upon the lines recommended would mean to this nation. The work is wholly industrial as well as thoroughly scientific in character. The results obtained are of instant application to everyone—workmen and owners alike—connected or interested in mines and manufactures.

I can not take either your time or mine to go into details further than to say that even industries as large as those I am connected with, with their able corps of chemists and other investigators, find it impossible to do all they would like to do in these suggested lines of investigation. The United States Government can best do this, and by freely publishing the results lend assistance to all interested.

A year ago, at this time, while in Washington during the mining engineers' convention, I visited the Government laboratories, and there learned many lessons as to the very great importance of the investigations being carried on. Therefore, with all the earnestness of which I am capable, I would ask you to make this subject one of serious interest, and if convinced of the truth and force of my statements, do all you possibly can toward obtaining the appropriation which will continue this important work.

I would be grateful to you, if you think it proper, to have you forward to our Senators copies of this communication, or to anyone else concerned.

With best wishes, and a hearty "thank you" in advance, I remain,

Yours, sincerely,

J. WM. SMITH,
Assistant General Manager the Solvay Process Company.

Heartily approved.

W. B. COGSWELL,
Vice-President and Managing Director.

GENERAL ELECTRIC COMPANY,
Schenectady, N. Y., June 2, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In regard to your inquiry in relation to the practical value of the investigation of fuels begun at the St. Louis Exposition, writer feels that there is a great deal to be learned by an investigation carried on to the extent possible by the Government. There is a great deal of valuable fuel burned without proper economy, largely through ignorance in regard to the best way to burn it. The more knowledge we have on this subject the better.

Yours, very truly, A. S. MANN.

SYRACUSE, N. Y., *June 4, 1906.*

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In reply to your letter of May 26 relative to the continuing of the investigation of fuels, as conducted under the Geological Survey at the St. Louis Exposition during the past two years, I would say that I think it is most important that this work be carried on. I would also like to add that the information obtained from such investigations should be gotten into the hands of the public as soon thereafter as is possible in order to make such investigations as useful and practical as possible.

Yours, very truly,

ABRAM S. BALDWIN,
Assistant Manager Soda Ash Department,
The Solvay Process Company.

NEW YORK, *June 2, 1906.*

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

MY DEAR WILEY: I feel impelled to write to you as to the very great value I attach to the investigations of fuels which have been going on under the Geological Survey at St. Louis, and how greatly they ought to profit the industries of this country. You are already so familiar with the general merits of the case that it is needless for me to enter into an argument, but so far as I have noticed there is a general feeling that this work is of very great public usefulness.

Yours, very truly,

HENRY M. HOWE.

FRANK KLEPETKO, CONSULTING ENGINEER,
New York, May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR:—We wish to express our approval and our appreciation of the importance of continuing the investigation of fuels which has been conducted under the Geological Survey at St. Louis during the past two years. We have looked over the copies of reports which have been sent us with a great deal of interest, and as soon as we have time will go into them very much more in detail.

Trusting that you will be able to continue this excellent work, we are,

Yours, very truly,

FRANK KLEPETKO,
By C. V. DREW.

KAATERSKILL PAVING BRICK COMPANY,
Catskill, N. Y., May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In response to your inquiry in regard to the importance of continuing the investigation of fuels, which has been conducted under the Geological Survey at St. Louis during the past two years, I wish to say that I think this work will prove of very great practical value to manufacturers and others, as these tests can be relied upon, and any person wanting a certain fuel for a given purpose can at once select that fuel and know just what it will do without having to go through expensive and laborious experiments.

I am thoroughly convinced that if this is conducted in the proper manner that it will prove of vast importance to consumers.

Very respectfully, yours,

S. H. BROCKUMER, *Mining Engineer.*

PHILADELPHIA, PA., *May 28, 1906.*

Hon. WM. H. WILEY,
House of Representatives, Washington, D. C.

MY DEAR MR. WILEY: Answering your inquiry as to the importance of continuing the investigation of fuels which has been conducted under the Geological Survey of St. Louis during the past two years: I look upon this investigation as one of the most important, particularly to the manufacturing industries of the United States, that has been undertaken for many years in our country. The facts already brought out as to the best way to use the coal produced in different sections of our country will be invaluable in helping each section to use the apparatus best suited to its particular type of coal, and will also enable manufacturers to definitely decide that they can profitably build factories in certain parts of the country where in the past the question of suitable fuel has been looked upon as an almost insurmountable obstacle.

I should very strongly urge you and your friends in Congress to advocate a liberal appropriation for this purpose.

Yours, sincerely,

FRED W. TAYLOR,
President American Society Mechanical Engineers.

SIBLEY COLLEGE, CORNELL UNIVERSITY,
Ithaca, N. Y., May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: This letter is in response to your inquiry asking for my opinion of the work under the Geological Survey at the coal-testing plant in St. Louis.

I have received the reports of this work, and have examined them with some care, and they surely are a distinct contribution to the data available to the mechanical engineers of this country. The value of these investigations seems to me so great that I sincerely hope appropriations may be made which warrant their continuance.

Yours, respectfully,

ALBERT W. SMITH.

PENNSYLVANIA COAL AND COKE COMPANY,
OFFICE OF THE PRESIDENT,
Philadelphia, Pa., May 29, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In response to your inquiry, I beg to say that, in my opinion, a continuance of the fuel investigation which has been conducted under the Geological Survey at St. Louis during the past two years is very desirable, not only from the standpoint of the producer, but from that of the consumer also, in that it gives absolutely reliable data as to the quality of the various coals of the country and their adaptability for specific purposes. This information is not at present available, and by reason of its great cost is not obtainable by the average individual or company.

Hoping that the appropriation for carrying on this important work will be made upon a liberal basis, I beg to remain,

Very truly, yours,

W. A. LATHROP, *President.*

G. E. ALKINS, COAL AND COKE,
Chicago, May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

MY DEAR SIR: In response to your inquiry, I desire to say that the information furnished manufacturers and other large consumers of coal through the medium of the experiments conducted under the Geological Survey at St. Louis, Mo., is of very great value. Owing to the vast variety of coals produced in this country and the variations in their value, consumers have been at a loss frequently for proper units of value from which to calculate the relative efficiency of fuels offered for sale in the markets of the several States.

Large varieties of coal are transported to central points of distribution, and frequently they represent the products of several States. For example, Chicago, Ill., receives shipments from Pennsylvania, Maryland, the Virginias, Ohio, Indiana, Kentucky, and Tennessee, besides the product of the mines of Illinois. Each of these States contains within its boundary numerous varieties of coal, all of which vary in value at the mine, and many of which carry variations in freights. The work of the fuel-testing plant at St. Louis has covered a wide field, and much remains to be accomplished. In fact, the field for work is practically inexhaustible, and it is of the utmost importance that these investigations be continued for a long time in the future if, indeed, the fuel-testing plant should not be permanently continued under the direction of the Survey.

Yours, very respectfully,

G. E. ALKINS.

THE PENNSYLVANIA STATE COLLEGE,
DEPARTMENT OF MINES AND MINING,
State College, Pa., May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In response to your request, I would state that the industrial life and prosperity of any nation must depend upon its husbanding its resources and using them in the most economical way possible. This has been well shown in this country by the rapid destruction of our timber, and in England by the gradual exhaustion of its iron ores and coal.

Anything that can be done to enable our coal resources to be used economically, to save the fine coal which is at the present time largely wasted, and to employ materials now considered of but little value for the production of gas, are subjects that are intimately interwoven with the future prosperity of this nation.

I feel that the testing plant of the Geological Survey has already done much in this direction, but the work needs to be continued, as far more valuable results ought and can be obtained if it is properly sustained.

I hope everything that the Government can consistently do will be done in developing the lines of research inaugurated in 1904.

Very respectfully, yours,

M. EDWARD WADSWORTH.

SYRACUSE, N. Y., *May 28, 1906.*

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

MY DEAR SIR: Replying to your inquiry of May 26, I am glad to express my approval of the work done by the Geological Survey at St. Louis during the past two years in the investigation of fuels.

The growth of the by-product coke-oven plants in the United States during the past ten years, and the certain very rapid increase of these plants, makes it very important that the country be well informed as to the quality of the different fuels available for all purposes.

The steel industry has been blessed with Connellsville coal, which has enabled a good metallurgical coke to be made with very simple means. The exhaustion of this deposit is very near, and we must turn to other fields, where coals, which will not make metallurgical coke in the ordinary beehive oven, require by-product ovens, which will make good coke.

The production of power by means of gas engines from producer gas is very rapidly coming forward, and the producer is still a crude apparatus, susceptible of very many improvements, which will make it a continuous automatic machine, capable of handling almost any kind of coal—some coals are much better adapted than others for this purpose—and especially in the recovery of by-products, both in the coke-oven and producer industries, it is important that the country has carefully made tests and records of the qualities of the different fuels.

While a great deal of work has been done by private companies and individuals in this direction, the results have not been widely published, and I believe it would be of great benefit to the country at large to have an investigation completed in an authoritative way by the Geological Survey. I think the plant for these investigations should be increased to include the very best up-to-date apparatus and instruments and placed under the control of the best experts the Government can obtain.

It is of great importance to the agricultural community, as well as to the country at large, that the criminal waste of the by-products of coal, which has been going on for centuries, be stopped, and the ammonia and tar products be utilized for fertilizers and the countless by-products which are so important to our industries.

It certainly is the function of the Government to educate the manufacturers in the saving of these by-products, and the agriculturists and textile industries in the use of them. A preliminary step in this education is the obtaining of important information as to the fuels from which these by-products will come.

I am heartily in favor of an extension of the good work, and remain,

Very respectfully, yours,

EDW. N. TRUMP,
General Manager and Chief Engineer the Solvay Process Co.
Vice-President and Consulting Engineer Semet-Solvay Co.

CHAMBER OF COMMERCE OF PITTSBURG,
Pittsburg, Pa., June 1, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In accordance with your request of the 26th ultimo, asking for a letter expressing approval of the continued investigations of fuels, etc., by the Geological Survey Bureau, I inclose herewith a copy of resolutions adopted by the board of directors of the Chamber of Commerce of Pittsburg, May 31, 1906.

Yours, very truly,

LOGAN MCKEE,
Secretary.

[Chamber of commerce. United States testing laboratory.]

Whereas an act is now pending in Congress providing for an appropriation of $350,000, the amount estimated and recommended by the Secretary of the Interior as necessary to carry on the investigations of the Geological Survey Bureau of fuels and structural materials at testing plants at present located at St. Louis; and

Whereas the board of directors of the chamber of commerce believe that such investigation should be continued and would be of inestimable value to the manufacturing interests of the country; and

Whereas the chamber of commerce of the city of Pittsburg is convinced that the ideal location for testing laboratories and investigations of this character is the city of Pittsburg, or its immediate vicinity, being the largest producer of fuel and structural materials in the world: Therefore, be it

Resolved, That this board of directors of the chamber of commerce of the city of Pittsburg requests the Senators and the Representatives from the Pittsburg district, and those Senators and Representatives from adjoining cities and counties to favor the passage of the act carrying such appropriation as may be considered sufficient, provided

that the location of these laboratories be left open until the claims of the Pittsburg district can be brought before the Director of the Geological Survey.

EDWARD V. D'INVILLIERS,
GEOLOGIST AND MINING ENGINEER,
Philadelphia, Pa., May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

MY DEAR MAJOR WILEY: With reference to the fuel tests which have been conducted ever since the Louisiana Purchase Exposition at St. Louis by the Geological Survey, it gives me great pleasure to say that I think the continuance of this work is of the highest importance, not only to those who are engaged solely in professional work, like myself, but principally to the country at large, and the coal industry specifically.

Many of us may differ from time to time as to methods for compiling facts and deducing conclusions, but, nevertheless, there is a proper and well-founded belief that the methods pursued by the United States Geological Survey are at least free from any criticism as to favoritism or bias, and form the only possible standard for safe comparison, which an investigation of this kind demands.

I would therefore urge an enlargement of their appropriation and their means for carrying forward these investigations to a more finite and definite degree than has heretofore been possible, and I believe that the results which shall be derived therefrom will be regarded, within and without the United States, with more respect and confidence than would be secured by any other similar investigation

Trusting that you may be in a position to still further aid this project, which I am sure you will feel has already given evidence of vigorous and lasting results of value, I am,

Very respectfully, yours,

E. V. D'INVILLIERS.

GEORGE W. HARRIS, MINING ENGINEER,
Beckley, W. Va., May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: I have your kind inquiry as to my opinion relative to the importance of continuing the investigation of fuels, which has been conducted under the United States Geological Survey at their testing plant at St. Louis. I gladly avail myself of the privilege of expressing my views to you on a matter which I trust is only the initial step of such investigations. I particularly appreciate the splendid work commenced by those connected with the St. Louis experiment station, and would greatly regret its discontinuance.

Many new coal fields are being opened to-day, and reliable information about the coals of this country is in greater and greater demand, as regards their steaming, coking, and briquetting qualities.

Much has been written about the advantage of experiment stations, in which matters of the utmost importance to the mining interests could receive attention similar to the work carried on by the national and State agricultural institutions. Great Britain and the important mining continental countries have maintained for years experiment stations, which have made most important contributions to mining knowledge, while the United States, the world's largest producer of fuel, has, with the exception of the St. Louis plant, no establishment for experimental work.

I sincerely trust that the investigation of fuels may not only be continued, but that the scope of the St. Louis plant may be enlarged. Many mining problems await solution, and as a most timely illustration, I would respectfully call your attention to the numerous coal-mine explosions that have occurred in the United States within the last few years, and most recently the loss of life from that cause in West Virginia. Foreign countries have conducted experiments along the line of coal-dust explosions, among others, but further research seems to be necessary.

Thanking you for giving me this opportunity of communicating with you on this matter, I beg to remain,

Respectfully, yours,

GEO. W. HARRIS.

GEOLOGIC AND TOPOGRAPHIC SURVEY,
COMMISSION OF PENNSYLVANIA,
Harrisburg, Pa., May 28, 1906.

The Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your request for an expression of opinion from me as to the importance of continuing the investigation of fuels, which has been conducted under the Geological Survey at St. Louis during the past two years, I can only say that I regard this work as among the most important conducted by the Government. The results already obtained have been extremely interesting and of great economic value to the fuel industry and manufacturing interest of the entire country; and the benefits to be derived are not confined to those States which are producers of coal. While it is true that we have large coal resources in this country, it is equally true that, at the present rate of consumption, these must soon become exhausted; and therefore the proper use of the fuel, so as to obtain its full power efficiency, should be ascertained as speedily as possible, and in no way can this be done except under the auspices of the United States Government. Our Government itself should have much interest in the matter, and especially in connection with the Navy Department. I sincerely hope that the recommendations of the Director of the United States Geological Survey will meet with that hearty response from the Members of Congress which the importance of the work so well justifies.

I have understood that should the testing plant now located at St. Louis, be moved to Pennsylvania—and Pittsburg seems to be the logical place for its location—Mr. Carnegie stands ready to contribute a large sum of money for its proper installation there. I can well commend the recommendations of the Director of the Survey to your favorable consideration.

Very truly, yours, ANDREW S. MCCREATH, *Commissioner.*

WILKES-BARRE, *May 28, 1906.*

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

MY DEAR MR. WILEY: In response to your request of the 26th instant, asking my opinion of the importance of continuing the investigation of fuels which has been conducted under the Geological Survey at St. Louis during the past two years, permit me to express my thorough appreciation of the excellent work thus far done and to hope that the investigations will not only be continued, but extended to include more thoroughly both the eastern bituminous and anthracite regions.

There is great need for authoritative data in regard to coal which this investigation is admirably supplying, and I sincerely hope that there can be no question of Congress appropriating the necessary funds for its continuance.

Yours, very truly, R. V. NORRIS, *Consulting Engineer.*

AMERICAN LOCOMOTIVE COMPANY,
Richmond, Va., May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

SIR: In reply to your inquiry in regard to the value of the investigation of the relative heat values of coal of the United States, together with the investigation of structural material, I wish to say that data of this kind is of inestimable value to the users of coal and structural material.

Owing to the lack of data as to the relative heating value of different coals, users are entirely dependent on statements of the mines, without individual investigations, which in nearly all cases is impracticable, and consequently a great deal of money is lost by using fuel not adapted for the individual requirements.

The reports gotten out by the United States Geological Survey, in their Professional Paper No. 48, supplies a great deal of valuable information of this character, and it will be of material assistance not only in engineering circles, but to all engaged in manufacturing industries, if this work is extended and completed.

I trust that the Government will be able to see the importance of the work undertaken, and provide sufficient funds to carry it out in the way that it should be finished, as it would be an appropriation from which the country would derive a direct benefit.

Yours, truly,

V. Z. CRAVAREISTI, *Shop Engineer.*

PHILADELPHIA, *May 28, 1906.*

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: I trespass upon your time most briefly and only to express the sincere hope that the investigation of fuels under the United States Geological Survey at St. Louis may be continued.

To the country at large the results of this research work should be of immense value.

Yours, very truly, WM. G. NEILSON.

BEECH CREEK COAL AND COKE COMPANY,
Patton, Cambria County, Pa., May 28, 1906.

Hon. W. H. WILEY, *Washington, D. C.*

DEAR SIR: In reference to the question of the investigations of fuels which have been conducted under the Geological Survey at St. Louis during the past two years, we learn that the matter of continuing these investigations is in question.

We certainly believe that these investigations should be continued by all means. The use of fuel is receiving more attention than ever before, and scientific research and investigation has done much in this line as well as other lines that concern practical economic results.

Yours, very truly,

E. C. BROWN, *Superintendent.*

NEW YORK, *May 28, 1906.*

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In response to your inquiry of the 26th instant, I take pleasure in saying that I have recently examined the final reports (Professional Paper No. 48) "on fuel investigations during 1904, as a result of a survey of fuels and structural materials, at the testing plant at St. Louis," sufficiently to be impressed by the accomplishments of this testing plant, and am consequently prompted to express the hope, as an interested engineer—a member of the American Society of Mechanical Engineers—that the Senate may act in a way to insure the continuance of these valuable investigations indefinitely.

In my judgment, any appropriation which the Senate may feel disposed to make to this end will be spent to an inestimable advantage.

Very respectfully,

W. W. NICHOLS.

COLONIAL IRON COMPANY,
Riddlesburg, Pa., May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In reply to your inquiry, I beg to state that the investigation of fuels conducted under the direction of the United States Geological Survey at St. Louis during the last two years promises to be of very great value not only to the producer, but also to the consumer of coal and coke. The work already performed has been of considerable value, and it will be a great pity if it should cease.

Only such test can be carried on authoritatively by the Government. There is no private laboratory in existence where such tests can be made, nor would it pay for private parties to establish a plant of this kind; it is too expensive to erect, and requires men of long experience to operate it.

It is a work that the Government can only conduct, and the information and discoveries it will make leading to economy in many directions will add to the material wealth of the country.

Yours, respectfully,

WM. LAUDER, *General Manager.*

JOHNSTOWN, PA., *May 28, 1906.*

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: As you request an unbiased and independent opinion as to the value and importance of continuing the investigation of fuels, which have been conducted under the Geological Survey at St. Louis during the past two years:

I am deeply interested in this work from the fact of its comprehensive usefulness. It is designed to embrace the scientific and economic study of the several varieties of coals in the United States, exhibiting

their relative values for generating steam and for the manufacture of coke.

Only the United States can do this work. It alone can assemble trained scientists to do this testing of coal in an impartial way that will assure general acceptance from the producers and users of coal and its products.

Some isolated determinations have been made by companies and individuals, but these do not command the absolute confidence that the results of the St. Louis coal-testing plant will assure.

With the great expansion of the use of coal—in 1905 364,332,640 net tons—it becomes a matter of the utmost industrial importance to diffuse the knowledge of the adaptability of the several qualities of coal for steam making and for the manufacture of coke and its by-products—ammonia sulphate and tar.

The study of coals for the manufacture of coke is of vital importance from the fact of its rapid expansion and the exhaustion of the fields producing the best coals for coking without preparation by crushing and washing.

We are now in a period in this great manufacture when the several processes for the preparation of the secondary qualities of coal for the production of metallurgical coke is earnestly needed.

During 1904 22,035,292 net tons of coke were produced, requiring 35,256,467 net tons of coal. The years 1905 and 1906 will show a very large expansion of this industry.

The briquetting of coal screenings and of the large fields of lignites will be a most helpful study for this testing plant at St. Louis, and will be largely looked for by the coal producers in the East, and especially in the West.

I feel assured that this testing work is most valuable, as it covers the very genesis of our manufactures in the proper uses of the several varieties of coals, with determinations of the special coals that are adapted for the manufacture of coke.

With the experience already secured at the St. Louis testing plant during the two years of its valuable work, with its well-developed system of testing, it would be a great national loss to have it interrupted until its great industrial mission has been accomplished.

Very truly, yours,

JNO. FULTON, *Mining Geologist.*

E. R. CHAPMAN & CO., BANKERS AND BROKERS,
New York, May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: As a coal producer, it seems to me important that the investigation of fuels, now being conducted by the Geological Survey at St. Louis, should be continued, and I trust you will favor legislation to this end. It seems to me that it is a matter of importance to all interests consuming coal, that chemical properties of the different coals produced in the United States should be absolutely settled and determined, particularly as the different coals vary so much in their efficiency.

I shall be glad at all times to do what I can to aid in securing the desired legislation.

Very truly, yours, E. R. CHAPMAN.

EDITORIAL ROOMS, THE ENGINEERING MAGAZINE,
New York, May 28, 1906.

Hon. WM. H. WILEY, M. C.,
Washington, D. C.

DEAR MR. WILEY: I am writing to you, not only in my own behalf, but in consequence of the opportunity which I have had as editor of the Engineering Magazine of sounding the opinion of the engineering profession in general regarding the great importance to the industries of the United States of the continuance of the work of the fuel-testing board of the Geological Survey so auspiciously commenced at the St. Louis Exposition.

There is no doubt that it would be a national misfortune if anything should occur to prevent the continuance of this important work, while there is no doubt that its completion will add greatly to the wealth of the country by demonstrating the commercial value of fuel deposits hitherto neglected. Already I have had inquiries from abroad regarding the practical developments of the use of lignites and brown coals for the generation of fuel gas, and there is every reason to believe that further developments in these and other valuable results will be extended by the continuance of the work of the board.

It would be a great mistake to cut short in this partially completed condition this investigation already hailed by the engineers of the country with so much satisfaction, and I trust that you will use every effort in your power to have the board continued and the necessary appropriations liberally made.

I am sending you, under another cover, a marked copy of the April issue of the Engineering Magazine, in which reference is made to this subject.

Yours, very truly,

HENRY HARRISON SUPLEE, *Editor.*

THE UNITED COKE AND GAS COMPANY,
New York City, May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In response to your inquiry, would say we sincerely hope that you can see a way clear to continue the investigations of fuels during the coming year at the St. Louis laboratory. It is scarcely necessary to speak of the advantage of a complete knowledge of our own fuels. The report as far as completed is of great value to us as well as to any other users of coal and its products.

Yours, very truly,

THE UNITED COKE AND GAS COMPANY.
D. F. SCHNEIWIND, *Vice-President.*

MECKLENBURG IRON WORKS,
Charlotte, N. C., May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your inquiry about the importance of continuing the investigations of fuel, begun at St. Louis under the direction of the Geological Survey, there can be, in my opinion, no doubt about its importance. The results there obtained are already of service to those using coal in manufacturing. As they become known and are carried to an end, will be of more service and be more valued. Hoping that the appropriation for this work will be continued and increased, I am,

Yours, sincerely and respectfully, JNO. WILKES.

WASHINGTON, D. C., *May 28, 1906.*

Hon. W. H. WILEY,
House of Representatives.

MY DEAR MR. WILEY: In reply to your inquiry, I beg to say that the continuance of the fuel investigations by the United States Geological Survey should be of great importance to our people. No one will deny the value of such investigations when properly carried out, while the record of what has already been accomplished by the Survey in this direction shows how well it has been done. Granting all this, is the Government justified in continuing such work?

As you know, I am strongly opposed to the Government undertaking any work which can be done by private enterprise. Private fuel-testing plants already exist, and any coal operator can have his product tested. A testing plant supported by public money should not be permitted to compete with such private work, but what it should and can do is something very different.

"Good wine needs no bush:" prime coal needs no public assistance to demonstrate its qualities. Now, while many sections of our country are blessed with abundant supplies of excellent fuel, the greater part have no other local resources but inferior coals, lignites, or even peats. It is perfectly well known that by proper treatment these inferior fuels can, in the vast majority of cases, be rendered highly efficient, but this knowledge is of little value to the public unless it can be shown that the investigations in any given case give promise of commercial success. To do this requires that the work be done on a scale that no private enterprise would be justified in undertaking. For example, the lignite of a western district, now of little value, might by suitable treatment be made a valuable smelting material, but nobody is sufficiently interested in it to expend the money required to prove this. Peat also can be made far more valuable than most people think, but again there is not enough prospect of private profit.

Of course it must be understood that the work is to be confined to the investigation of the fuel resources of large areas; that it is only to blaze the way and to indicate the direction for profitable individual effort, and that then the Government should cease its action. Congress must determine the advisability of expending public money in this direction, but I feel sure that if the work is properly administered and confined to its legitimate limits the returns will amply justify the expenditure.

Very truly, yours, THOMAS M. CHATARD.

HENRY S. FLEMING, CONSULTING ENGINEER,
New York, May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: With reference to the importance of continuing the investigation of fuels and carrying out the proposed investigation of all structural materials, I beg to inclose herewith a copy of a letter which I sent Mr. Walcott, acknowledging the published tests of fuel thus far made and which expresses my opinion of the value of the tests. If there is any way in which I could emphasize what I have said I would like to do so. I have been fortunate enough to receive from the Government very many of its publications and find them all most valuable in my work, and of all of them these fuel tests have a more practical and direct value than any. I heartily hope it may be possible to continue them.

Believe me, sincerely, yours, H. S. FLEMING.

NEW YORK, *April 6, 1906.*

CHARLES D. WALCOTT,
Director United States Geological Survey, Washington, D. C.

DEAR SIR: I beg to acknowledge the receipt of Professional Paper No. 48, parts 1, 2, and 3, for which I thank you heartily. The work which has been done and is recorded in these papers is of the utmost value to every engineer, and, I think, of equal value to all who are engaged in any industry in which coal is used. You have carried out a work which no private individual could have done satisfactorily because both of its extent and that if such work was undertaken by an individual it could not have equal reference value, because whether or not there had been a preference shown for any coal or sample of coal the inclination would be to believe there had, and thus throw a shadow over the results given.

I so heartily appreciate the exceeding value of the data presented in these reports that I am at a loss to know how to express my acknowledgments and my earnest hope is that nothing may be allowed to interfere with the plans of your department for carrying out tests of structural materials. It is impossible for a layman to understand how essential it is for an engineer to have reference data covering every class of material and made by unbiased investigators. Without it we are compelled to rely largely on tests published in the transactions of the various societies, which have not the scope of yours.

I do not know of anything which is a more important aid to the industrial development of this country than the work your department is doing, and it is my earnest hope nothing may be allowed to interfere with your progress in these directions.

Believe me, sincerely, yours, ———— ————.

SYRACUSE, N. Y., *May 28, 1906.*

Hon. W. H. WILEY,
House of Representatives, Washington D. C.

DEAR SIR: At your request for the writer's opinion regarding the importance of continuing the investigation of fuels, which has been conducted under the Geological Survey at St. Louis during the past two years, I gladly respond, and would ask you to accept—as fully stating my views—a copy of my letter to our Congressman, Hon. M. E. DRISCOLL. I would like to add that since writing that letter to Congressman DRISCOLL and one also to Congressman DENBY (of Michigan), as well as bringing the same to the attention of Senators PLATT and DEPEW, I have conversed with a number of gentlemen who are deeply interested in mines and manufactures, and gathered from the conversations that all were unanimous in their opinion as to its being one

of the best investments the United States Government could make at this time.

Trusting the inclosure will serve the purpose intended, I beg to remain,

Yours, respectfully, J. WM. SMITH,
Assistant General Manager the Solvay Process Company.

Heartily approved.

W. B. COGSWELL,
Vice-President and Managing Director.

Extracts from letters of prominent engineers and others.

No investigations have been undertaken in recent years by the Government that have such immediate and striking importance and bearing on the proper utilization of raw materials as the fuel tests now being conducted at St. Louis.

R. N. DICKMAN,
Dickman & Mackenzie, Mining Engineers, Assayers, Chemists, and Metallurgists, Chicago, Ill.

We are most emphatically in favor of the appropriation. There is very meager information available concerning the values of the various fuels, except what can be learned from the producers, and the great variance in the tests, which are often made with incomplete facilities, have rendered same uncertain and unreliable. We hope the work will be allowed to progress, as the increasing knowledge of the values and uses of our fuels is adding greatly to the wealth of the country.

JAMES W. ELLSWORTH & CO.,
Cleveland, Ohio.

The investigation of fuels and structural materials by the Government have called forth a widespread interest among members of the American Society of Mechanical Engineers, and I am sure that they are of very great importance to the country.

F. W. TAYLOR,
President American Society of Mechanical Engineers, Philadelphia, Pa.

I consider this a very valuable work which should be continued. It will be of the utmost importance to the country generally.

KARL EILERS,
American Smelters Securities Company, Salt Lake City, Utah.

I trust you will at all times bear in mind our desire to render you any assistance in our power in connection with this most important work.

JAS. J. HILL,
President Great Northern Railway Company, St. Paul, Minn.

I can not too strongly emphasize the importance of the work. It should be of the greatest value not only to the metallurgical, but to all the other manufacturing and the transportation industries of the country who have these data as to fuels.

HENRY M. HOWE,
Professor, School of Mines, Columbian Univeristy, New York.
(The most eminent steel metallurgist in the United States.)

I am heartily in favor of the continuance of the investigations, and consider the work already done on the subject of fuels to be of the greatest value to engineers and manufacturers and to all interested in fuel economy.

WM. H. KAVANAUGH,
Assistant Professor Mechanical Engineering, University of Minnesota, Minneapolis, Minn.

I am greatly interested in the work that the United States Geological Survey has been doing at St. Louis during the past three years. I sincerely hope that the Congress now in session will see fit to not only enlarge the scope of the work, but will support the undertaking liberally in a financial way. The work already done is of great value.

S. W. BEYER,
Department of Geology and Mining Engineering, Iowa State College, Ames, Iowa.

This work of investigation of fuels and structural materials is valuable, and should by all means be continued.

W. A. LATHROP,
President Pennsylvania Coal and Coke Company, Philadelphia, Pa.

We believe it to be a very important matter that Congress should make the necessary appropriation to carry on the investigation of fuel and structural materials.

PICKANDS, MATHER & CO.,
Cleveland, Ohio.

As an architect, I desire to express my view as to the great importance and value of a thorough and systematic Government investigation of the strengths and other properties of building materials, and trust that Congress will not fail to make the modest appropriation asked for that purpose.

WM. G. OSGOOD,
Boston, Mass.

I deeply appreciate the importance of this work being continued, and it would be impossible for anyone to overestimate the value which continued investigation would mean to this nation.

J. WM. SMITH,
SEMET SOLVAY COMPANY,
Syracuse, N. Y.

I can not find terms strong enough to express my approval of this project. The wonder is that this work has not been done long ago and that it is not being done on a larger scale.

A. O. ELZNER,
Secretary Cincinnati Chapter, American Institute of Architects, Cincinnati, Ohio.

The continuance of these investigations ought to be provided for by Congress, and the appropriations estimated for the next fiscal year ought certainly to pass.

AMERICAN METAL COMPANY (LIMITED),
J. LANGELOTH, *President.*

I thoroughly believe that this work should be continued. It is of inestimable value to the coal-using industries of the country.

G. W. BISSELL,
Professor Mechanical Engineering, Iowa State College, Ames, Iowa.

I consider the work of vast importance to the commercial world and feel sure that it should, if possible, be continued.

NEW YORK EDISON COMPANY,
JAS. D. ANDREWS, *Chief Engineer,*
55 Duane Street, New York.

I believe these investigations will be of great benefit to the engineering fraternity of the country.

JOS. H. AMES,
Chief Engineer American Car and Foundry Company, Lincoln Trust Building, St. Louis, Mo.

The importance of this work from an economic standpoint can scarcely be estimated. It reaches into all departments of industry where the question of fuel and power enters. The investigation is in the right direction, and we trust it will be continued.

E. C. BROWN,
Superintendent Beach Creek Coal and Coke Company, Patton, Cambria County, Pa.

I regard the work done at the fuel-testing station as of the greatest possible value to all fuel users.

ALBERT A. CARY,
Member, A. S. M. E., etc., Mechanical Engineer, New York.

The work is of the greatest importance to the architectural profession, and I sincerely hope it may be continued.

F. W. CHANDLER,
Professor of Architecture, Massachusetts Institute of Technology, Boston, Mass.

This is an extremely valuable work, which can not fail to be of benefit to the entire country.

F. K. COPELAND,
President Sullivan Machinery Company, Chicago, Ill.

The tests are carefully made, and the results are invaluable and are accepted as standard.

S. E. FAIRCHILD, Jr.,
Fairchild & Gilchrist, Civil and Mining Engineers, Philadelphia, Pa.

Am greatly impressed with the value of this testing work, in its bearing on coals and cokes. This testing can be conducted only by the Government, with its qualified agents and ample resources.

JOHN FULTON,
Mining Geologist, Johnstown, Pa.

I hope the work will be continued and extended in its range. I can think of no more valuable and immediately useful service that the Survey could render the people of the United States than the continuance of this very successful work on fuels, etc.

R. D. GEORGE,
Professor of Geology, University of Colorado, Boulder, Colo.

I have not seen anything before in the nature of investigation which has been as thorough and complete as these investigations are.

W. P. HANCOCK,
Superintendent Generating Department, Edison Electric Illuminating Company of Boston, Boston, Mass.

I hope the investigations will be continued. The United States is the only prominent coal-producing country that has no adequate knowledge of the properties of its fuels. The classifications based upon European data do not fit the great variety of our coals. Single States have done sporadic work to meet a few local industrial demands, but the question as a whole can be solved only by the General Government.

H. O. HOFMAN,
Professor of Metallurgy, Massachusetts Institute of Technology, Boston, Mass.

The work of this department of the Geological Survey is of the greatest value to the engineers of the country, and I heartily recommend that the laboratories be continued with the fullest facilities.

ABRAM T. BALDWIN,
Syracuse, N. Y.

It is hoped that Congress may make the needed appropriations to continue these investigations.

RICKETTS & BANKS,
Per JOHN H. BANKS.
Ricketts & Banks, Chemists, Assayers and Mining Engineers, 104 John street, New York.

I am very much interested in this work and hope that liberal appropriations may be made for its continuance. The results will be of great interest to the country.

S. H. BROCKMEIR,
Mining Engineer for United States Brick Company, Catskill, N. Y.

Any investigation along lines that will teach economy in the value of fuels and structural materials, and especially any investigation of a local character, will undoubtedly prove of much benefit. Its economic importance can hardly be overestimated.

A. G. BROWNLEE,
President and General Manager Stanley Mines Company, Idaho Springs, Colo.

The question of comparative fuel values and the best methods of utilizing the different kinds of fuels is a matter of vital importance to everyone engaged in mining and the production and use of power, and the cost of such investigations is altogether too great to be borne by any one concern. Nor would the results receive the credence that would be given to results obtained under an independent national advisory board.

S. W. BRUNTON,
The Taylor & Brunton Ore Sampling Co., Salt Lake City, Utah; The Taylor & Brunton Sampling Co., Victor, Colo., etc.

I sincerely hope Congress will see fit to extend the appropriations to enable the work to be carried to completion. The results obtained will be of material advantage.

V. Z. CABARRISTI,
Shop Engineer, American Locomotive Works, Richmond, Va.

The work will be of very great value, particularly to all interests producing or consuming fuel. It seems to me there ought to be no question of the propriety of the extension of this work for the next fiscal year.

S. R. CHAPMAN,
President Chapman Iron, Coal, and Coke Co., 80 Broadway, New York.

The testing of fuels and structural materials is of great importance to both manufacturer and builder. The enormous waste through ignorance of material used can be largely overcome by a scientific knowledge of these matters. I add my word of enthusiastic support of this work.

W. M. CHAUVENET,
Regis Chauvenet & Bro., Mining Engineers, Analytical Chemists, etc., St. Louis, Mo.

Such investigations are of the highest utility to engineers having charge of industrial operations, and I hope that Congress may supply abundant funds for the prosecution of these tests. May I suggest that the extension of the fuel tests to the classification of crude oils for use in gas engines would yield very important results?

COURTENAY DE KALB,
Consulting Engineer, Exposed Treasure Mining Co., of Mojave, Cal. New York Office, 26 Liberty Street, New York.

I am strongly in favor of a continuance of the investigations, and hope Congress may provide for an enlargement of their scope.

HENRY S. FLEMING,
Consulting Engineer, New York.

I desire to commend in the highest possible terms the work that is being done in the investigation of fuels and structural materials at this testing plant at St. Louis, and hope its great importance may be fully realized and that it may be continued for the good of the whole country.

GRANBY MINING AND SMELTING COMPANY,
St. Louis, Mo.,
Per ELIAS S. GATCH, *President.*

It is hoped these investigations will be continued under competent engineers, those who are in position to give an unbiased opinion. Our country should have better facilities for obtaining a knowledge of the materials used in engineering work. The expense of conducting a testing laboratory by manufacturing establishments is a great one. The means placed at the command of the German manufacturers by which results may be obtained at a slight cost is adding much to the competition with which American engineers have to contend.

ALBERT F. HALL,
Member A. S. M. E., Associate Member Institute Civil Engineers, England; Member Society Engineers in Germany.

I consider the investigations which your Bureau is carrying on of the greatest value to engineers and the engineering industries.

J. H. HOFFMAN,
Hoffman Engineering and Construction Company, Philadelphia, Pa.

As a member of the American Society of Mechanical Engineers, I wish to express my interest in the work that is being done in the investigation of fuels. I hope the appropriation for the continuance of the work may be obtained.

MAURICE HOOPES,
Glens Falls, N. Y.

The work of the coal-testing plant is of vital interest to the Engineers' Club. It is the desire of our organization to further the operations of the plant and the extension of their scope, and it was in order that we might do so intelligently and in a manner to be of the greatest usefulness to the public and to the plant that we appointed a committee which we regard as representative of the highest ideals of the Engineers' Club.

W. A. LAYMAN,
President Engineers' Club of St. Louis, St. Louis, Mo.

The influence of the published reports on fuel testing has been great. Even in the clay industries, in which I am particularly interested, in which the waste of fuel is proportionately greater than in any other industry, and which is slowest to take up advanced ideas, the report has had its effect.

Gas producers were eagerly discussed at the recent conventions of the American Ceramic Society and the National Brick Makers' Association, and a number of plants are putting them in. I sincerely hope the work will be continued and extended as proposed.

ELLIS LOVEJOY,
Member American Ceramic Society, and of American Institute of Mining Engineers, Columbus, Ohio.

I trust that Congress will make liberal appropriations for the continuance of the investigations of fuels and structural materials, as this work is of the greatest importance to the country at large.

W. S. LYSLE, E. M.,
Rochester, N. Y.

I trust that the Survey may receive from Congress that recognition which the importance of the work well deserves.

ANDREW S. MCCREATH,
Commissioner.
ANDREW S. MCCREATH & SON,
Harrisburg, Pa.

I believe that the investigations should be pushed energetically.

W. T. MAGRUDER,
Professor Mechanical Engineering, Ohio State University, Columbus, Ohio.

I shall endeavor to impress upon our Representatives the importance of the work and the fact that they should evince a larger interest therein.

W. F. R. MILLS,
General Manager, Mining Reporter, Denver, Colo.

I wish to express the hope as an interested engineer and a member of the American Society of Mechanical Engineers, that the Senate may be sufficiently impressed by the accomplishments of this testing plant and the importance of its investigations to be willing to defray the expenses of such investigations by appropriations to be repeated indefinitely. In my estimation it will be money spent to inestimable advantage.

W. W. NICHOLS,
Allis-Chalmers Company, New York City.

I hope there can be no question of stopping appropriations for the very valuable work of the Geological Survey in testing fuels and building materials which has given us not only the best, but, in many cases, the only authoritative data on these subjects and greatly added in the economical use of building materials.

R. V. NORRIS,
Consulting Engineer, Wilkes-Barre, Pa.

I have been informed of some move to discontinue the investigations of fuels and structural materials in the Survey. Please advise if I have not been misinformed. Surely no one would curtail the work of the Survey of such great importance as this if they appreciate the immense value of it to the mining public.

S. W. OSGOOD,
Chicago, Ill.

The importance of providing for the continuance of this desirable work is of such moment that I sincerely hope that the appropriation necessary for this purpose may be made by Congress.

CHARLES SCHUCHERT,
Curator Yale University Museum, New Haven, Conn.

Our company is very much interested in an appropriation for the continuance of the investigations of structural materials.

S. H. BASSETT,
President The Iola Portland Cement Company, Iola, Kans.

We are greatly interested in this work, and trust that the Government will see the advantage of providing funds for its continuance. The cement industry in particular has grown so enormously that we believe the Government alone can correct the tremendous amount of misinformation that has grown up respecting the use of cement.

H. J. SEAMAN,
General Superintendent Atlas Portland Cement Company, Northampton, Pa.

We desire to express our hope that the investigations of the fuel and structural materials may be continued by the United States Geological Survey. There is a great need of such investigation concerning the efficiency of various fuels and the strength of various materials entering into construction, and such information will be of great value to the manufacturers and engineers of this country.

FRANK E. SHEPARD,
The Denver Engineering Works Company, Denver, Colo.

"*Resolved*, That we, the National Association of Cement Users, in convention assembled at Milwaukee, Wis., deem the investigation of cement, mortars, and other structural materials now being conducted by the United States Geological Survey of so far-reaching importance to the people of the country that we respectfully ask the Congress of the United States to make large provision for the continuance of this important work on a more extensive scale."

The foregoing resolution was passed by the National Association of Cement Users on January 10, 1906.

RICHARD L. HUMPHREY,
President National Association of Cement Users, Philadelphia, Pa.

This work that is being done is of great assistance to all those engaged in work along these lines. It is to be hoped that the Senate will pass a resolution allowing this work to go on.

R. A. WEDDIEOMBE,
Kroeschell Bros. Boiler and Steel Fitting Works, Chicago, Ill.

From the intimate knowledge of the thoroughness and care with which the fuel tests are conducted at St. Louis, I sincerely hope that this work will be continued through a new Congressional appropriation. The results thus far obtained are of inestimable value, and it would be a grave misfortune if this work can not be continued.

H. A. WHEELER, *St. Louis, Mo.*

This work is of great public benefit, and I hope Congress will not cripple nor curtail the work of the Geological Survey, but will favor the continuance or expansion of the same.

EDWIN L. WILES,
Stony Point, N. Y.

I trust that Congress will make appropriations for the continuance of the investigation of fuels and structural materials.

JOHN WILKES,
Manager Mecklenburg Iron Works, Charlotte, N. C.

So far as I can judge, the results obtained are of great value and the investigation should be continued.

HENRY J. WILLIAMS,
Boston, Mass.

I would urge you to do all in your power to get sufficient funds appropriated to continue this work, as it is of great importance and much benefit will be derived from a continuancce of these tests and investigations.

B. N. WILSON,
Professor of Mechanical Engineering,
University of Arkansas, Fayette, Ark.

I consider this report of extreme value and should regret to learn that it is to be discontinued.

R. S. PERRY,
President and General Manager Harrison Brothers & Co. (Inc.),
Philadelphia, Pa.

I desire to say it is my opinion that these investigations are very useful and should be continued. I believe the money is well spent which it costs to make them, and I hope Congress will make the necessary appropriation for the next fiscal year.

ERSKINE RAMSAY,
Vice-President Pratt Consolidated Coal Company,
Birmingham, Ala.

It is my hope that Congress will permit the continued work of the Survey on fuel investigations. The information that has been obtained by the tests at St. Louis have been of great commercial value.

GEORGE S. RICE,
Mining Engineer, Chicago, Ill.

I trust that the value of the work of the plant at St. Louis will be made apparent to Congress and that ample appropriations for the purpose will insure the continuation of the work for some time to come.

F. SCHNEIWIND,
The United Coke and Gas Company,
New York City.

I am very much interested in the work which has been conducted at St. Louis during the past year and believe that Congress should appropriate sufficient funds to continue the work on a larger scale.

M. S. SHERMAN,
Superintendent Sement-Solvay Co.,
Ensley, Ala.

I am impressed very favorably with the idea that the investigation of fuels and structural materials by the United States Geological Survey should be continued.

A. M. SHOOK,
Nashville, Tenn.

We believe that many and great benefits will accrue to the American people by a more general understanding of the scientific principles upon which the economical use of fuel is based.

J. D. SKINNER,
President The Northern Coal and Coke Company,
Denver, Colo.

I sincerely hope that the Government may make appropriations so that this exceedingly valuable work may continue.

ALBERT W. SMITH,
Director Sibley College, Cornell University, Ithaca, N. Y.

I consider the continuance of the investigation of fuels and structural materials by the Geological Survey to be of vital importance to the United States in general.

J. A. SNEDAKER,
Mining Engineer, Denver, Colo.

I am in favor of the continuance of the work of testing fuels and structural materials.

H. H. SUPLEE,
Editor The Engineering Magazine, New York City.

I am satisfied that the work of testing fuels and structural materials by the National Government can be made of great value to the people, and I am in favor of having the organization made permanent, with sufficient appropriations granted to obtain the service of the right kind of men.

R. M. TARLETON,
New York City.

Among the engineers who are familiar with what is being done at the testing plant at St. Louis this is regarded as the most important work that the Government has undertaken, and one which not only gives valuable scientific information, but will bring the greatest practical good to the country. I wish to add my commendation of the work.

ARTHUR THACHER, E. M.,
St. Louis, Mo.

We are very much interested in these investigations and think they will be useful not only to us, but to the community at large.

E. N. TRUMP,
General Manager The Solvay Process Co., Syracuse N. Y.

I warmly indorse the work of your Department and trust Congress may provide for a continuance of the investigations.

EDWARD V. D'INVILLIERS,
Geologist and Mining Engineer, Philadelphia, Pa.

The work is proving of much value to the industries of the country.

JOHN P. JACKSON,
Professor of Electrical Engineering,
Pennsylvania State College, State College, Pa.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 18330. An act transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa;

H. R. 17983. An act providing for the erection of a monument on Kings Mountain battle ground, commemorative of the great victory gained there during the war of the American Revolution, on October 7, 1780, by the American forces;

H. R. 13543. An act for the protection and regulation of the fisheries of Alaska; and

H. R. 13372. An act to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 19642. An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1816. An act for the relief of the Citizens' Bank of Louisiana;

S. 1812. An act for the relief of Lieut. James M. Pickerell, United States Navy, retired;

S. 6256. An act to authorize the Lake Schutte Cemetery Corporation to convey lands heretofore granted to it;

S. 5901. An act to extend the time for the completion of the Alaska Central Railway, and for other purposes;

S. 5418. An act relinquishing the title of the United States to certain land in the city of Pensacola, Fla., to James Wilkins;

S. 3469. An act to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbances, and the Seminole war,'" approved July 27, 1902; and

S. 3413. An act to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For topographical surveys in various portions of the United States, $300,000, to be immediately available.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order to that paragraph.

Mr. SMALL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 75, line 20, amend by adding, after the word "hundred," the words "and fifty."

Mr. TAWNEY. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. Without objection, the amendment will be considered as pending and read for the information of the committee in the time of the gentleman from North Carolina.

Mr. SMALL. Mr. Chairman, this amendment simply restores

the appropriation to the amount in the current law, $350,000. I think it is not necessary to impress upon the members of the House the relative importance of topographic surveys among the whole work of the Geological Survey. It is such work as is preliminary to much of the other work of that Survey. All investigations of mineral resources, of forest resources, of soil survey, made by the Department of Agriculture and various other works are dependent upon the preliminary topographic maps made by the Geological Survey. It is naturally important, therefore, that the topographic survey should precede and be largely in advance of the other work of the service. There is now no such advance as will justify Congress in curtailing this appropriation, and therefore curtailing the work. There is no more popular feature of the work of the Geological Survey than that involved in this paragraph. Demands have come from every State and Territory in the Union, and as the director in his report says, a much larger sum than that contained in the current appropriation and that which is intended by this amendment could be utilized and then the wishes of the country, as reflected by their Representatives here, not be met. I take it, therefore, it is unnecessary to take up the time of the House in any discussion of the merits of this amendment, the only purpose of which is to make the appropriation equal to the appropriation in the current law, $350,000, instead of $300,000, as reported by the committee and contained in the bill.

Mr. McKINLAY of California rose.

The CHAIRMAN. The Chair will recognize the gentleman from California.

Mr. SHERLEY. Mr. Chairman, do I understand that a point of order is pending?

The CHAIRMAN. A point of order is reserved against the paragraph. The gentleman from North Carolina [Mr. SMALL] offered an amendment, which was read in his time, but which would of course not be considered as pending until the point of order reserved by the gentleman from Wisconsin [Mr. STAFFORD] was determined.

Mr. SHERLEY. Is it in order to demand that the point of order be made or withdrawn?

The CHAIRMAN. The Chair thinks that it is.

Mr. SHERLEY. Then I shall insist that the point be made or withdrawn. This may go out on a point of order, and we would like to have the Chair's ruling upon it.

The CHAIRMAN. The Chair would state, however, to the gentleman from Kentucky that before his point was made and while the point of order was pending the Chair had recognized the gentleman from California [Mr. McKINLAY].

Mr. TAWNEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAWNEY. In the event that the gentleman from Wisconsin [Mr. STAFFORD] withdraws his point of order to the paragraph, does the point of order still lie to the amendment which I have reserved, which amendment was offered by the gentleman from North Carolina?

The CHAIRMAN. The Chair will again state that under the parliamentary situation the amendment of the gentleman from North Carolina was simply read in his time and is not now pending.

Mr. TAWNEY. What I want to ascertain is whether in the event of the withdrawal of the point of order to the paragraph I can then insist upon my point of order as against the amendment increasing the appropriation.

The CHAIRMAN. Yes; the gentleman from Minnesota can make the point of order.

Mr. TAWNEY. Will the point of order lie?

The CHAIRMAN. The Chair thinks not. The amendment simply increases the amount.

Mr. TAWNEY. Then, Mr. Chairman, the only way in which we can avoid this would be to have a ruling on the point of order made by the gentleman from Wisconsin.

Mr. SHERLEY. Mr. Chairman, I would like to ask the Chair if I understood the Chair aright in stating that the point of order had to be made or withdrawn whenever the regular order was called for?

The CHAIRMAN. Yes; but the Chair understood the gentleman from Kentucky to rise to a parliamentary inquiry or to make a point of order, and before he made the point or rose to a parliamentary inquiry the Chair had recognized the gentleman from California for five minutes.

Mr. SHERLEY. I have no desire to take the gentleman off his feet.

Mr. McKINLAY of California. Mr. Chairman, all that portion of the sundry civil bill dealing with the appropriations for the maintenance of the Geological Bureau is of vital importance to the entire State of California, but particularly so to that region of the State occupied by the valleys of the San Joaquin and Sacramento rivers.

This section of the bill is peculiarly important to northern California, because of the fact that the items of this portion of the bill have been cut down far below the estimates of the Bureau of Geological Survey, the item of appropriation for topographical work alone having been scaled by the committee $100,000. This item, at least, we contend should be raised in the bill, so that it shall read $400,000 instead of $300,000.

I firmly believe that if the Members of this House will give some consideration to the magnitude and importance of the work now being carried on in all sections of the United States by this very efficient and useful department of the Government, they will come to the same conclusion I have—that the increase of this item, which is now $300,000, to $400,000 is not too much to ask for and expect to receive.

Gentlemen, the work of this Department of the Government is not confined to any one State nor any one section. Every State and Territory of the Union is being surveyed and studied, and in a measure developed by the engineers and scientists of the Geological Bureau. Therefore every Member of the House is interested in having sufficient funds placed at the disposal of the Director of this Bureau for the aggressive continuance of the work now being prosecuted under his direction.

The restoration of all the amounts cut from the estimates of Mr. Walcott is not too much to ask for, for the restoration of those amounts means the continuance in an efficient way of geological survey, topographical survey, stream measurement, and chemical and physical research relative to geology, in all parts of the Republic.

The engineers and scientific men of this Bureau are now scattered over the entire area of the country. They are doing good, valuable work, work that must be done before the lands in the various States and Territories still in the ownership of the Federal Government shall be ready for settlement, occupation, or sale, as the case may be, under the various laws by the provisions of which the public lands may be acquired by private persons.

It is not as though the Geological Bureau were asking increased funds to experiment with along new lines. The lines of work of the Geological Bureau are already set. Their plans have been in operation for years and are still under way, and all the Bureau asks is that that work shall be continued along the lines projected.

Now, as this is a necessary work, useful and profitable to every State of the Union, it should be indorsed, supported, and encouraged by every Member of this House. And the only way this can be done is by the restoration to the sundry civil bill the amounts scaled down from the estimate of the Bureau.

Last year the approved estimates of the Bureau amounted to $350,000, and that was almost an insufficient amount to meet the demands upon the Bureau; and the demands are daily increasing rather than diminishing, so that to keep pace with those increasing demands, to continue the work falling under the supervision of the Geological Bureau and maintain it in its old ratio in proportion to the calls upon the Bureau from many new quarters, it is necessary that the amount the Bureau should have placed at its disposal this year should be $400,000.

Now, the reduction of the fund for topographical survey works a peculiar hardship at this time upon northern California, throughout all the region drained by the San Joaquin and Sacramento rivers, for in those regions topographic, hydrographic, and geological work have been carried on for some years. Reconnoissance surveys have been made over almost the entire extent of the two river basins, and working surveys already extend over a great portion of the Sacramento basin, and the continued prosecution and quick completion of those surveys means everything to the district I have the honor to represent.

Now, gentlemen, do not assume that if the sum of $100,000 is restored to this item of the sundry civil bill it all goes to northern California, or even to all California. The portion of the entire amount which will go to California will be about twenty or twenty-five thousand dollars, the remainder of the amount being divided up among other States. Texas, Georgia, Illinois, New York, Ohio, Montana, Washington, Oregon, and, in fact, every State in which geological work is being prosecuted will share with California.

Mr. GILLETT of Massachusetts. May I ask the gentleman a question?

Mr. McKINLAY of California. Certainly.

Mr. GILLETT of Massachusetts. I would like to ask the gentleman how he knows $20,000 of that will go to California?

Mr. McKINLAY of California. Because last year about $20,000 of the fund was expended and this year, I think, $15,000,

and I am basing my estimate of $20,000 for the future year's work upon the amount which has been expended in the past.

But the peculiar hardship to California arising out of the scaling down of the estimates of the Bureau comes from the fact that the surveys in the valleys of California are nearly completed. One more year's work will finish them. The twenty or twenty-five thousand dollars which would be apportioned to our State, when supplemented by a like sum furnished by California herself, would be sufficient to bring to a successful conclusion an all-important work—a work the completion of which means everything to that portion of our State.

This work of the Geological Bureau throughout our valleys has been varied, extensive, and very necessary.

The hydrographic work now in progress in those valleys consists of stream gauging, the study of underground waters, the study of the quality of the water, and the study of the débris problem and its relation to hydraulic mining. And let me say in passing that the débris problem was, and is, one of the most disturbing questions that has ever agitated California, and a question that is still far from settlement or solution.

The topographic work is in the nature of the location and survey of irrigation reservoir sites, drainage and irrigation canal courses, location of storage basins for waste waters, and all such necessary work as must be done in the preparation of vast and comparatively little understood tracts of land, when preparing them for successful cultivation under a proposed irrigation system.

The continuance of this work is most necessary. Why, its cessation would be a calamity to the State of California; not only that, but it would be against the interests of the people of the whole country to have this work terminated.

Perhaps this may seem like an extravagant statement, but consider the facts. Although the work I have indicated is being carried on within the State lines of California, nevertheless the Federal Government still owns over 10 per cent of all the lands lying in the counties of Tehama, Lake, Glenn, Colusa, and Yolo, on the west side of the Sacramento River. Why, Mr. Speaker, the Federal Government still owns or controls more than half of the lands within the entire area of the State of California.

That magnificent empire of the Pacific slope, containing 99,000,000 acres of land, twelve hundred miles of seaboard—if the indentations of the coast are followed—the greatest harbor in all the world, unbounded resources, and endless possibilities of industry, commerce, manufacture, and productive enterprise of every description, one-half of all this is still in the ownership or under the control of the General Government of the United States.

To whose interest and advantage is it, then, that the work of surveying, studying, planning for, and understanding California shall be continued? To California alone? No. It is to the interest and advantage of all the people—the whole people of the whole country.

Far too great a portion of the public domain—the people's land—has already been thoughtlessly, ignorantly, and wantonly conveyed away. Lands containing vast deposits of minerals of untold value; lands covered with tracts of timber of almost fabulous price; lands possessed of water, springs, and streams of incalculable value; lands upon which reservoir sites and rapids suitable for the generation of power are located by nature have been recklessly given to persons and corporations for but a fraction of their value, because the Government itself did not know the value of the rich agencies of wealth and usefulness it was scattering with a far too lavish hand.

But the General Government has at last turned over a new leaf in this respect, and it wants to know all about its possessions. It wants to know the value of the land, the water, the timber, the minerals, and even the sands, rocks, and climate it intends to hereafter dispose of. And so that it may understand all these things, so that a fund of all such information shall be easily available, the Geological Bureau has been intrusted with the work of gathering information of every nature, information equally valuable to the Government and the private citizen.

Now, that is the work that the Geological Bureau is carrying on not only in California, but all over the country, and the work which we Californians protest against bringing to even a partial conclusion for the want of sufficient funds to bring it to a thorough completion.

Nor has California been backward on her part. She has year by year appropriated sums to be spent in equal amount to that spent by the Federal Government within her boundaries, all sums, both State and Federal, being expended by the United States officials for the carrying forward of Geological Bureau work of every description. Last year she contributed twenty thousand, this year fifteen, in cooperation with the Federal Government, and I am sure she will continue to meet every requirement of the work of the Geological Bureau, so necessary to her development.

So much has been done already of usefulness and profit by the cooperation of State and nation—so much toward the solution of the drainage problem, the irrigation problem, the débris problem—that it would be a shame and disgrace to both State and nation if all this important work should be suspended, the engineers recalled, the scientific men withdrawn, the records, plans and specifications shelved away to molder and be forgotten, and all the work fall into desuetude for the want of a few paltry thousand dollars, which here and now should be restored to the sundry civil bill. And if this should be done—as it ought to be done—be assured of this, Mr. Chairman, that California on her part will pay back to the General Government in the saving of future expense and in the profits of enlarged opportunities $10 for every one she shall receive.

The maintenance of the navigability of the Sacramento River has been for many years a large item of expense which the Federal Government has been compelled to consider. Congress after Congress has been importuned by California Members to grant moneys for the purpose of dredging bars, removing shoals and other obstructions, building weirs and wing dams, so that a reasonable state of navigability might be maintained along the course of this the great artery of northern California's inland commerce, and on the whole Congress has reasonably responded to the solicitations of California along this line.

But notwithstanding the large sums expended, despite the fact that great improvements have been made in the river course as a result of these expenditures, the problem of the control and reclamation of the Sacramento River is still a most vital question, affecting all the valley territory extending from Suisun Bay to the mountain slopes at the head of navigation north of the town of Red Bluff, a distance of over 250 miles.

To understand the intricacies of the Sacramento River problem of the present it is necessary to be acquainted with the fact that in Argonaut days navigation was comparatively easy and unimpeded along the entire river course from its mouth to the mountain rapids. In those days the Sacramento was the highway of northern California commerce and the chief agency for the distribution of people, products, and merchandise to all parts of that section of the State. Old settlers still remember when ocean-going vessels were tied to Sacramento city docks, and cargoes loaded or unloaded that found a passage "round the Horn."

But the use of the hydraulic monitor in mining operations in the foothills of California soon began to fill the tributary streams with refuse and débris of the mines, and this, being carried by currents and floods, found its way to the mother stream, and in time began to change the whole character of the water courses impregnated with it. Great deposits of débris began to fill the beds of the streams and find lodgment against obstructions, forming bars, shoals, and islands, and in many places completely changing the topography of the country.

The Federal Government finally found it necessary to prohibit hydraulic mining, but the prohibition in a great measure came too late. The Sacramento River was almost ruined as a navigable river, and all the tributaries entirely so. The Yuba, the Feather, and the American rivers, emptying into the Sacramento, became almost worthless from a navigable standpoint.

The filling up of the beds of the streams caused, of course, an increased danger of overflow in time of high water. A great danger to life and property each year arose from this changing condition of river and streams. To offset the growing tendency to inundation the landowners along the banks of the streams were compelled to build levees to confine the waters, and this levee building has never ceased to this hour. The work has gone on year after year, the rivers filling, the levees growing higher and higher, and each year the danger of winter's floods increasing. As a result of this filling and building, in places the beds of streams are 12 and 15 feet higher than the adjacent fields.

This condition might not be so very alarming in a sparsely settled country, but the rich lands of the Sacramento River bottom are attracting a large and ever-increasing population, and consequently year by year the menace to life and property along the Sacramento increases.

The Federal Government has taken cognizance of these conditions, and, I believe, at times has even stretched a point in the way of making liberal appropriations for maintaining the navigability of the river, in order that incidentally such work might be done in the expenditure of the appropriation as would tend to mitigate the evils arising out of the river's impairment by the mining débris.

In 1904 a serious break of the levee, just below the city of

Sacramento, permitted the inundation of nearly 60 miles of lands, a great portion of which were under cultivation, and as a result fully $10,000,000 worth of property was destroyed.

Both the State of California and the Federal Government have been working for years upon various plans to eradicate the evils growing out of the tendency of the Sacramento River to overflow its banks. Commissions of engineers have been appointed by both Federal and State governments to study the problem and, if possible, formulate a plan whereby the evils might be overcome.

A very comprehensive plan has been outlined by a commission appointed a few years ago, and in all probability, if the details of that plan could be successfully worked out, the Sacramento River could be confined within its banks, and incidentaly great tracts of overflowed lands drained and brought into a condition fit for cultivation, but the completion of the work under that plan would require an expenditure of $24,000,000. And at the present time neither the State of California nor the landholders of the valley are in a position to expend the amounts which would fall to their respective lots to pay, even if the Federal Government would cooperate with the State of California and the landholders in carrying out the plans of the engineers.

Meanwhile the people of that great valley are in constant apprehension that each recurring winter's floods will sweep away the levees and carry death and destruction to thousands of homes.

Now, strange to say, the passage of the reclamation act of June 17, 1902, came as a star of promise to the people of the Sacramento Valley. Under the provisions of that act a fund should be created out of the proceeds of the sale of public lands, this fund to be expended in the building of storage dams, irrigation canals, and ditches, by means of which the waters of winter might be impounded and stored till the season of summer and then distributed to the thirsty lands within the limits of irrigation districts.

Although the provisions of this act were intended to apply primarily to arid lands in Government ownership, still the scope of the law was not absolutely confined to Government lands. Under its provisions private owners of lands, under the direction of the Reclamation Service Bureau, may dedicate their lands in acreages not to exceed 160 acres by each owner to an irrigation district corporation, and if an aggregate expanse sufficiently large is so dedicated to the corporation, the Secretary of the Interior may cause to be built suitable storage reservoirs and canals and furnish water to the members of the district corporation, the money advanced by the Government to become a lien upon the land of the district until paid, which payment may be made in ten yearly installments, the works then to become the property of the district corporation. In this way, under the provisions of the reclamation act, it is designed that the reclamation fund shall become a revolving fund, and decade after decade perform its beneficent purpose.

Now, the people of the Sacramento Valley were quick to perceive the possibilities of this wise law; perhaps their perception was quickened by the fact that long since much of their land has become partially exhausted from successive years of wheat raising. Year by year the yield has been decreasing, until in many sections the annual return of the land when planted to wheat is not sufficient to maintain the landowner.

So from every part of that great valley a desire was expressed that irrigation be inaugurated under the provisions of the reclamation law.

Students of the river problem saw in the possibility of irrigation under the reclamation law a practical solution of the river problem. With the construction of storage dams on the courses of the various streams emptying into the Sacramento River engineers saw the possibility of holding back a great portion of the flood waters in time of excess and gradually letting them escape as the river flow subsided; then, as the months of drought approached, permitting the reservoirs to fill for the purpose of storing the water for use in irrigation.

Therefore the development of the irrigation systems, the regulation of flood waters, and the drainage and reclamation of land will insure the comparatively easy preservation of the navigability of the Sacramento River. After the passage of the reclamation law the engineers of the Reclamation Service, in making reconnoissance surveys over California, discovered the immense possibilities of the Sacramento from the irrigation standpoint, and every succeeding day's study of that remarkable valley more strongly confirmed the opinion that the Sacramento Basin is the most promising field for successful irrigation operations in the whole United States.

So enthusiastic are the Government officers engaged in surveying the Sacramento Valley that they are very anxious to complete the necessary work, so that very soon the entire valley shall be prepared for the formation of irrigation districts and the prosecution of work under the reclamation law.

The great Sacramento Valley is 400 miles in length and has an average width of about 40 miles. It has an area of more than two and a half million acres, all of which is susceptible of some degree of irrigation, and this vast tract of most fertile land as yet contains a population of much less than a half million people.

The records of the census of 1900 show that this Nile Valley of California produces more than 80 per cent of the wheat crop of the State, more than 60 per cent of the barley, 57 per cent of the onions, and 55 per cent of the potatoes. This valley raises citrus fruits, deciduous fruits, and grapes. In fact, all products of the temperate and semitropic climates are there grown.

This wonderful valley, even under partial irrigation, within twenty years should furnish homes and plenty to more than 5,000,000 souls. Already the progressive citizens in the vicinity of the thriving town of Orland, in Glenn County, have caught the spirit of progress and have organized themselves into an irrigation district, known as the "Orland Water Users' Association." They have dedicated sufficient land to meet the requirements of the reclamation law, and under the direction of a former Member of this House, who was, as well, a member of the Irrigation Committee, the Orland association is endeavoring to proceed according to the plan outlined in that act. They are endeavoring, by the timely use of water, to save their lands and their homes to themselves and their children, and in doing so they are furnishing a valuable example to the people of other semiarid districts, that will, without doubt, be most profitable for them to follow.

But the necessary surveys are as yet incomplete. The plans, the specifications, and the estimates are as yet unfinished, and the Geological Bureau asks funds to complete the work. Without sufficient funds—yes, even without the additional $100,000 we are now importuning the House to add to the estimate of the committee for topographical survey—the work of completing the plans must cease, at least till a more generous House will furnish the means to meet the requirements of the situation.

But surely the plea of the Geological Bureau and of the people of California will be granted and their hope not denied. This Congress, which gave most generously when unparalleled disaster devastated California, will not close its hand in a sudden paroxysm of false economy, and, in order to recoup liberality in other places, bring to a standstill even a portion of the work now being carried on under the direction of the Geological Bureau in the Sacramento Valley.

Let me say again, in conclusion, this is a whole United States project—this mapping out, surveying, and preparing for irrigation the California lands. It is a work which vitally concerns all the people of the Union, for it is the making ready for the welcome of millions who will some day find homes in California.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. CULLOM, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service and to impose further duties thereon.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ANKENY, Mr. CARTER, and Mr. DUBOIS as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2188) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs, had asked a conference with the House on the disagreeing votes of the two

Houses thereon, and had appointed Mr. CARTER, Mr. FLINT, and Mr. PATTERSON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9813) granting a pension to Hariet P. Sanders.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ELKINS, Mr. HOPKINS, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 6176. An act providing for pay of expenses of district judges.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. SHERLEY rose.

The CHAIRMAN. For what purpose does the gentleman from Kentucky rise?

Mr. SHERLEY. I simply rise to ask the parliamentary status. I understand the point of order has been reserved on this section. I insist that the point be made or withdrawn.

The CHAIRMAN. What was the remark of the gentleman?

Mr. SHERLEY. The gentleman from Wisconsin [Mr. STAFFORD], as I understood, reserved the point of order pending the remarks of the gentleman from California [Mr. MCKINLAY]. Now, I understand the regular order is either the making of the point or order or the withdrawal of it.

The CHAIRMAN. The Chair thinks not. The Chair thinks the gentleman has the right to reserve the point of order pending discussion.

Mr. SHERLEY. The former Chairman ruled just the contrary—the predecessor of the gentleman.

The CHAIRMAN. The Chair will say if anybody demands——

Mr. SHERLEY. I do demand it. I demand the regular order.

Mr. STAFFORD. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Can another gentleman, as, for instance, the gentleman from Kentucky [Mr. SHERLEY], make the point of order if he so desires, the point of order having been reserved by another gentleman?

The CHAIRMAN. The gentleman from Wisconsin has reserved the point of order, as the Chair understands.

Mr. STAFFORD. That is true.

The CHAIRMAN. He does that only by unanimous consent. If anyone objects to that and demands that the point of order be made, then the gentleman must either make it or withdraw it, and if the gentleman withdraws it, the gentleman from Kentucky may renew it, if he sees fit to do so.

Mr. SHERLEY. Mr. Chairman, I demand the regular order.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. STAFFORD] insist on his point of order?

Mr. STAFFORD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Do I understand the alternative now as presented to me is to either withdraw the point of order or make it? Or can not I be recognized to speak to the merits of the proposition as I see fit?

The CHAIRMAN. Not when a decision is demanded.

Mr. STAFFORD. I reserved the point of order for the purpose of obtaining some information concerning this paragraph. I suppose that can be done in the regular way, by moving to strike out. So I withdraw the point of order.

Mr. GILLETT of Massachusetts. Mr. Chairman, I renew the point of order.

Mr. SMITH of Kentucky. Regular order, Mr. Chairman.

Mr. OLMSTED. Mr. Chairman, may we know what the point of order is? Some of us were unable to hear it.

The CHAIRMAN. The point of order is on the paragraph, the Chair will state to the gentleman.

Mr. OLMSTED. What is the point of order?

Mr. KEIFER. There is some confusion as to what this is.

The CHAIRMAN. Lines 19, 20, and 21, page 75. The point of order is on the paragraph. An amendment was offered and the point of order made to the amendment.

Mr. KEIFER. On what ground?

The CHAIRMAN. The present occupant of the chair was not here at the time.

Mr. OLMSTED. What we would like to know is, if the gentleman from Massachusetts [Mr. GILLETT] will state what this point of order is. We understand from the Chair against what paragraph it is made, but do not know what the point of order is.

Mr. GILLETT of Massachusetts. It is on page 75, lines 19, 20, and 21.

Mr. OLMSTED. What is the point?

Mr. GILLETT of Massachusetts. The point is that it is new legislation and not authorized by law. I suppose it is practically covered by the Chair's previous ruling.

Mr. OLMSTED. We do not think so.

The CHAIRMAN. The Chair is quite willing to hear the gentleman from Massachusetts on that proposition, also any other gentleman who desires to argue it.

Mr. GILLETT of Massachusetts. I understand that the topographical survey is authorized only by the same statute which was appealed to to uphold a provision for gauging streams. That is my understanding of the law, namely, that that is the only basis for this topographical survey. And if that is so, of course the ruling of the Chair upon gauging streams would apply also to this paragraph.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. OLMSTED. Very briefly. The survey part, as I understand, the important part against which the point of order was originally made by the gentleman from Indiana, was withdrawn, and the point of order upon which the Chair passed had relation only to gauging streams and determining water supply, for which the Chair ruled there was no authority of law either in the public domain or anywhere else. But this paragraph covers topographical surveying throughout the United States. I think it to be a fact that will not be disputed that this is a Government work in progress. It has been appropriated for year after year, and there are at this moment men at work, actually on the ground, doing tangible, actual work in a dozen different States of the Union. It is clearly as much a Government work as continuing the location of boundary lines or the completion of a list of claims—private claims—against the United States, both of which have been held to be Government works in progress.

The rule of this House requiring previous authority of law as the basis of an appropriation expressly excepts appropriations in continuation of "such public works and objects as are already in progress."

Now, here is an actual, tangible thing. It is a tangible work, and a work in actual progress, making a topographical survey of the United States. There is a map spread out before us that shows the extent to which it has been already accomplished from one coast to the other. Surveying has within the past three years, as the hearings before the committee show, been in progress in forty-five States. It will not be disputed that there are thousands of men at work in the field now on that very work. Therefore I say that this is for the continuation of a Government work in progress, and therefore within the exception to the rule.

The CHAIRMAN. Does the gentleman from Wisconsin desire to be heard?

Mr. STAFFORD. I do not desire to discuss that phase of the point of order covered by the gentleman from Pennsylvania, but I would like to present a suggestion as to whether this topographical work is covered by the original law. The Chair construed the same provision of the act in passing upon the point of order just passed upon. There is nothing in the substantive law creating this Bureau that authorizes a topographical survey. There is in the section phraseology that will permit a geological survey; and I wish to call the Chair's attention to the distinction between a topographical survey and a geological survey. A topographical survey is in no wise incident to a geological survey, but entirely separate and distinct, as is borne out by the testimony of the Chief of the Geological Survey in the hearings before the committee. The work of a topographical survey is entirely apart and distinct from a geological survey and in no wise dependent upon it. As the Chair well knows, and as this committee knows, so far as that is concerned, topographical surveys are surveys of the surface. A geological survey is a survey of the substratum, beneath the surface, and has nothing whatever to do with the topographical survey.

I wish to call the Chair's attention to the limited phraseology in the original act, which says that this officer "shall have direction of the geological survey," not topographical survey, "and the classification of the public lands." The mere fact that he has authority to classify public lands does not give him authority to make a topographical survey, because the classification of the public lands has no relation to a topo-

graphical survey. A topographical survey is entirely separate and apart. I read the language that immediately follows:

An examination of the geological structure, mineral resources, and products of the national domain.

There is nothing involved in that phraseology, "examination of the geological structure, mineral resources, and products of the national domain," that would authorize him to have a survey made of the surface. I contend there is nothing dependent and conditional upon a geological survey that can imply an authority to have a topographical survey made. Therefore, I believe the point of order should be sustained.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard on the point of order?

Mr. KEIFER. I do. If I understood the gentleman from Wisconsin, he concedes that if this is a part of the geological survey, then his point of order is not good. Is that right?

Mr. STAFFORD. The point I make is that in no way is a geological survey connected with a topographical survey.

Mr. KEIFER. I understood you to concede that if it was a part of the geological survey, then your point of order is not good.

Mr. STAFFORD. My whole argument was, and I am very sorry I did not convey it to the distinguished gentleman, that a topographical survey was separate and distinct from a geological survey, and therefore there is no authority to make a topographical survey.

Mr. KEIFER. I do not care to have the gentleman repeat the statement. If a topographical survey is an essential part of the geological survey, as we will soon see, or if it is any part of a geographical survey, then the gentleman's point of order is not well taken.

Now, let us see whether we are in any trouble about that. This is a very important question, and covers other important matters and should be carefully considered. This clause provides for the appropriation of $300,000, to be immediately available, for topographical surveys in various portions of the United States. Now, Mr. Chairman, let us see whether a topographical survey is a geographical survey within the meaning of the law. It is, unless the Appropriations Committee, which drew this bill, was entirely mistaken, and unless every other committee and every other Congress making appropriations hitherto of like kind were utterly mistaken. Let us see. I desire the attention of the Chair to this point, for it is the basis of my objection to the point of order.

The CHAIRMAN. The Chair is hearing the gentleman from Ohio.

Mr. KEIFER. I call attention to page 75 of the bill. In capitals we find the words "For general expenses of the Geological Survey," in line 4; then a colon. Now, I read further:

For the Geological Survey and the classification of the public lands and examination of the geological structure, mineral resources, and the products of the national domain—

And so forth. Going down toward the close of that paragraph:

Including telegrams, furniture, stationery, telephones, and all other necessary articles required in the field, to be expended under the direction of the Secretary of the Interior, namely—

That is, the Geological Survey, namely:

For pay of skilled laborers and various temporary employees, $20,000.
For topographical surveys in various portions of the United States, $300,000, to be immediately available.

All these things are connected with the Geological Survey, and are so designated in the bill. The phrase "Geological Survey" is not a mere name which indicates and defines that it is only to be confined to the science purely of geology, but it includes all things that are appropriately placed here under that head. So the topographical survey is put here under the head of the Geological Survey, and so are many other things so indicated in the bill.

Now, if we may appropriate for a Geological Survey, then we may appropriate for this branch of the Geological Survey, as we have been doing hitherto. I do not agree that it is necessary that when we are making an appropriation for the continuance of a survey like this, that it is to be determined by the test as to whether it is a continuation of a public work, or by the test as to whether it must be something tangible or material. It is sufficient if it may be a mere physical survey or a mere scientific investigation, and at all events it comes within the meaning of the language of Rule XXI so often read:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

There has been in progress here for twenty-five years, or a score of years, at least, this work of the Geological Survey, which necessarily includes a topographical survey, and it is so designated and described in the bill and as in former law. It is an object within the meaning of the rules, and it is nothing else, and therefore I insist that the point of order is not well taken.

Mr. MONDELL. Mr. Chairman, in my opinion the point of order is not well taken, as has been suggested by the gentleman from Ohio [KEIFER], for the reason that a topographic survey is a necessary preliminary to a geological survey under the practice of the Geological Survey of this country, and there can be no such thing as a geological survey, as specifically referred to in lines 22, 23, and 24, unless there shall have been a topographical survey of the territory to be mapped and surveyed geologically. This appropriation might properly read:

For the preliminary surveys as a foundation for geological surveys.

And I call the attention of the House to the map before us, which clearly indicates that these topographical surveys are made as the foundation of geological surveys. The examination of geological structure, examination of the mineral resources and products of the national domain, provided for in the law, and against which no point of order has been made; the preparation of the geological map of the United States herein provided for, none of these things could be completely accomplished without a topographic survey, which this paragraph provides for, which is the foundation and initial work of the geological survey. I am inclined to think, Mr. Chairman, that the same work could be done if this particular provision were not in the bill, that topographic surveys could possibly be carried out under lines 22, 23, and 24 of the bill, because they are the necessary preliminary of the geological survey.

They fix the boundaries of the territory to be surveyed geologically, they run the contour lines indicating elevations, the structure, and character of the country, and with the information that is thus obtained the Department proceeds to the examination and mapping of the geological structure provided for in the law. Without this necessary preliminary work the geological survey, of which it is a part, and a most important part, can not be carried out and completed.

The CHAIRMAN. The point of order is made to that section of the pending bill included in lines 19, 20, and 21 on page 75, and reads as follows:

For topographical surveys in various portions of the United States, $300,000, to be immediately available.

The Chair thinks it is not subject to a point of order, and will give his reasons very briefly. The Chair desires to distinguish between this item and the one last ruled out by the Chair. In the opinion of the Chair there is no law in existence now authorizing the gauging of streams, nor is there any law in existence now authorizing the topographical survey of any portion of the United States. The Chair desires, however, to say that in the act creating the Geological Survey there is no positive inhibition or prohibition as against the language contemplated in the section now under consideration.

Mr. STAFFORD. May I interrupt the Chair?

The CHAIRMAN. Yes.

Mr. STAFFORD. Is there anything in the organic act prohibiting the gauging of streams?

The CHAIRMAN. There is nothing in the organic act which prohibits the gauging of streams, and the Chair is about to distinguish between the two cases. There is nothing in the organic act which prohibits either, and either having once been begun by a provision on an appropriation bill would be a work in progress, provided it came within the meaning of "a public work in progress" as set forth by our rule.

Now, any act or any building or any public work can be begun whether there is authorization in law for it or not, provided no point of order is made on the appropriation. And when once begun it may be a public work in progress and may be continued by subsequent appropriations. For instance, the House can put in an appropriation bill a provision to spend $100,000 to erect a public building without any previous authorization of law, provided no point of order be raised against it; but once having been begun under that act of appropriating, all other appropriations necessary to complete the object would be in order.

Now, the Chair thinks the only difference between this pending proposition and the one last ruled on by the Chair rests in the fact that this is a definite, specific something that can be concluded and completed, while the other was not. The gauging of streams is something that might continue forever; you might gauge the same stream over and over again, and as the water supply decreased or increased the gauging could be carried on. What is meant by topography? The Chair will read:

A detailed description of particular places, especially the art of representing on a map the physical features of any locality.

Now, having once taken the topography of a county or of a State, it remains the same; so that this is a continuing work in progress, in the opinion of the Chair, which distinguishes it clearly from the gauging of streams and the determining of the water supply of the United States, and therefore the Chair overrules the point of order.

Mr. SMALL. Mr. Chairman, I now offer again my amendment, which was held not to be in order until the point of order had been determined.

The Clerk read as follows:

On page 75, line 20, amend by adding after the word "hundred" the word "fifty."

Mr. TAWNEY. Mr. Chairman, I want the committee to understand what this amendment is and what it means. There has been a great deal said to Members of this House by the scientific gentlemen in the Bureau of the Geological Survey concerning the action of the Committee on Appropriations in respect to all of these appropriations for the Geological Survey. A great deal has been written by scientific gentlemen all over the country, at whose instance I shall endeavor to show, concerning our action in reducing certain appropriations carried for this service. Briefs have been prepared by the men in the Survey and distributed by members to the Members for use in this debate.

I think, Mr. Chairman, that a statement on behalf of the committee should be made, giving the reasons for our action. I therefore ask the attention of the committee while I state our side of the case.

This is something more than a business proposition. It is a question of whether the Geological Survey shall fix the standard of expenditure in its bureau by determining the amount of its appropriations or whether Congress shall perform that function untrammeled by the influence the officers of the Survey can command by reason of the private, State, and municipal interests they serve.

I want to assure every Member of the House that no personal consideration entered into or influenced the action of the committee, either individually or collectively. I say this because Members of the House have said to me that the Director of the Survey said to them that he thought we were influenced by some prejudice against him personally. The committee, in reducing these few appropriations, were actuated by no other motive than that of serving the best interests of the Government. Take, for example, this appropriation of $300,000 for topographical surveys. The Director of the Survey has had no more than that amount appropriated for the service during the past four years except the current year.

Prior to that time, namely, in 1902, they had $250,000; in 1901, $240,000; in 1900, $240,000; in 1899, $180,000, and so on down. The committee, in the last session of the last Congress, reported this identical item at $300,000. But as the result of the influence which the Geological Survey can and does exert through the private interests that are benefited by its work throughout the United States, the same combination was formed here on this floor that now exists, and the House increased the appropriation to $350,000. We reported it at $300,000, because we all know that during the next fiscal year the revenues and the expenses of the Government will run almost equal, with the chances in favor of a deficit. In the desire of the committee to keep down the appropriations as much as possible, and in the hope of preventing a deficit, we felt justified in reporting the appropriations for topographical surveys at $300,000. It has never been more, except for the current year. In doing this we believed the service would not be impaired in the least. It might retard to some extent the making of a few topographical surveys in some of the States, but there would be no harm done and no injury to the public service, and for that reason, Mr. Chairman, we felt this reduction ought to be made in the interests of economy.

The next appropriation complained of is the appropriation for the report on the mineral resources, collecting statistics of the mineral resources of the United States. In the brief which has been prepared by the Geological Survey and presented to certain Members of the House for the purpose of influencing the action of the House in respect to these appropriations it is said that we have cut that appropriation in two; that we have given them $50,000 instead of $100,000, which they say they have this year. I want to say, Mr. Chairman, that that is absolutely false, and the man who wrote it knows it is false. We gave them this year just what they had in the past and all they have heretofore asked for for this purpose. They obtained $25,000 from the last Congress for the purpose of investigating black sands, which was a new investigation, and at the beginning of this Congress they came to us and said there was a deficit and that it would require $25,000 more to complete that investigation. They had previously represented that if this work could be done at Portland, Oreg., at the exposition, it could be done very much cheaper, and that they had so many tons of samples to analyze and investigate, and that $25,000 would complete the work. That was entirely outside and independent of the collection of statistics of mineral production heretofore carried on by the Department; and in view of the fact that that work will be completed this summer we reported in favor of an appropriation of $50,000—the same amount they have had the last four years for this service.

Mr. BONYNGE. Will the gentleman allow a question?

Mr. TAWNEY. Yes.

Mr. BONYNGE. Mr. Chairman, last year was not $75,000 appropriated for the preparation of the mineral resources, and $25,000 in the urgent deficiency bill of this year, making in all $100,000?

Mr. TAWNEY. No, sir; $50,000 was appropriated last year for collection of statistics relating to mineral production, and $25,000 was appropriated for the black sand investigation, and at this session of Congress we appropriated $25,000 more to complete the investigation of black sands, so that we have reported in this bill all they have ever had heretofore for this purpose, and there has been no reduction.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that I may be permitted to continue my remarks for ten minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for ten minutes. Is there objection?

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the gentleman from Minnesota may be permitted to conclude his remarks. Is there objection?

Mr. CRUMPACKER. Mr. Chairman, I object unless there is some limitation.

The CHAIRMAN. The gentleman from Indiana objects. The gentleman from Minnesota asks unanimous consent that he may be permitted to proceed for ten minutes. Is there objection?

There was no objection.

Mr. BONYNGE. Mr. Chairman, I want to ask the gentleman from Minnesota whether it is not a fact that in the appropriation bill of last year there was one item for the preparation of the mineral resources, which included the examination of the black sands—$75,000—and that there was no apportionment of that $75,000 as between the preparation of the mineral resources and the examination of the black sands.

Mr. TAWNEY. It was carried in the same item with a distinct understanding that $25,000 was to be devoted to the investigation of black sands, and that amount was apportioned for that purpose and was exhausted in that investigation, and at the beginning of this Congress we gave them $25,000 additional for the purpose of completing that work, so that in fact they received $50,000 last year for this work. This is the amount they have had for a number of years prior to this year, and they are to have $50,000 during the next fiscal year.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield for a question?

Mr. TAWNEY. Yes.

Mr. ADAMSON. The committee was so kind as to allow me to speak the other day on this measure, and I do not want to speak again, and therefore I simply want to ask the gentleman this question and desire that his time be extended: As he has succeeded in knocking out on a point of order the expense of gauging streams, does the gentleman think it would interfere with his plan of economy as presented in the bill to let us have now this increase for topographical survey?

Mr. TAWNEY. These items should be considered on their merits.

Mr. MONDELL. Mr. Chairman, as I understand it, the appropriation for the preparation of this work for a number of years past has been $50,000 a year.

Mr. TAWNEY. Yes.

Mr. MONDELL. The committee, I have no doubt, took into consideration the fact that the country is growing, that new mineral fields are being opened all the time, and that a wider range of inquiry is necessary year after year. And taking into consideration that growth and development of the country, does not the gentleman believe that a slightly increased proportion is necessary to take care of the ordinary growth and development of the mineral industries of the country?

Mr. SMITH of Iowa. Will the Chairman allow me to suggest, in reply to the question, that the country is not growing

any larger than it was and as this work is being done the amount to be surveyed is growing smaller every year instead of larger.

Mr. MONDELL. Mr. Chairman, my statement, I think, was not that the country was growing larger, although it has expanded somewhat in the past few years, but the discovery of minerals has vastly expanded. If the gentleman will recall——

Mr. TAWNEY. Mr. Chairman, I did not yield for a speech.

Mr. MONDELL. Excuse me.

Mr. TAWNEY. The gentleman evidently does not know the details of this service. If he would study the hearings he would see that this matter was carefully considered by the committee. The committee insisted upon a full, detailed statement as to what was to be done with this $50,000; we find that there are certain gentlemen who are sent out through the country to gather these statistics. This is the first source from which they obtain information regarding mineral statistics. Then they have a system of communication. They have mailing lists or persons to whom they send blanks to fill out, and in this way they collect the information regarding the mineral products of the country. It does not involve the investigation into the mineral resources, it simply involves the collection of information regarding the mineral products for the fiscal year. To a certain extent this work has been duplicated. The Bureau of the Mint, in the Treasury Department, is engaged in doing the same work with respect to precious metals, and we discovered by comparing the statistics furnished by the Mint and the statistics collected by the Geological Survey in respect to the production of gold and silver, that there was a difference of over a million or a million and a half, as I now recall it, in nine States between the statistics furnished by these two bureaus. We also discovered that this work was being duplicated. We got Professor, or Doctor Day, as he is called, and the Director of the Mint together——

Mr. WILEY of New Jersey. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. TAWNEY. No; I must decline to yield just now. We got them together. They have agreed on a plan for collecting these statistics that will cost the Government less than has heretofore been expended, so the Geological Survey will, with this appropriation, have even more money to expend this year than it has had during the current year with the same amount.

Mr. Chairman, there is only one other appropriation of any consequence that we reduce, and that is the appropriation for the survey of forest reserves. The reduction is $30,000. That appropriation has also increased very rapidly. This service, Mr. Chairman, it will be conceded is not so very important. Even if this reduction of $30,000 does cause a little delay nobody will suffer in consequence of it. It is a service that will continue for many years, but a service that does not directly affect the people, and if retarded a little will do no harm.

Mr. Chairman, if it were not for the active, energetic work of the Geological Survey in creating sentiment throughout the country in favor of its appropriation, there is hardly a man on the floor of this House who would not accept the recommendations of the committee. This sentiment could not be created but for the manner in which most of these appropriations are distributed.

There is no man employed by the Federal Government who has as many favors to distribute throughout this House as the Director of the Geological Survey. These favors are not given to individual Members, but to their States and their home cities, and therein is the secret of his power. What is he doing with these Federal appropriations? He goes to your State, he goes to my State, and so says: "Unless these appropriations can be increased on the floor of the House or in the Senate of the United States, then we can not do this work for you next year."

This method of lobbying has been carried in this instance to an extent far beyond anything ever before attempted. I want to call attention to it briefly. It shows a system whereby appropriations can be increased that has no equal in our Government. I hold in my hand a letter that I received through the mail, which was written by Mr. Holmes, who is an officer, one of the scientific gentlemen employed by the Geological Survey. It was written in respect to structural material. He sent this letter out—a circular letter, as he stated to the committee—to a large number of engineers throughout the United States. He says:

> I am sending you herewith a copy of his report—
>
> Report of the structural material—
>
> in response to this resolution, in which he recommends the continuance of these investigations, giving reasons therefor, and asks Congress to make an appropriation of $350,000 for this work during the next fiscal year. The final report on the fuel investigations during 1904 is now ready for distribution (Professional Paper No. 48), and you can obtain free of charge a copy of this report by applying for it at once to some Member of Congress or to the Director of the Geological Survey. If in writing for this report you feel sufficient interest in this work to express an opinion as to its continuance, I am sure that any such expression of opinion on your part will be considered appropriate.

This is only a part of the letter. I will print it in full with my remarks.

When this gentleman was before the committee he was interrogated concerning his right to thus attempt to influence the action of the committee and create a back fire on Congress for the purpose of securing appropriations in the expenditure of which he is directly interested. In one question that I asked him I quoted this language, and said that I would print the letter in connection with his testimony. Subsequently the gentleman from Iowa [Mr. SMITH], a member of the Committee on Appropriations, asked him a question in which he also quoted that paragraph. On last Sunday I was looking over this testimony to refresh my recollection, and I found this letter as it was printed on page 614 of the hearings. Any gentleman can turn to that page and he will find the letter, but he will not find that paragraph. Knowing that it was there in the original, as shown from my question, I read from page 613:

> You say if in writing for this report you are sufficiently interested in the work to express an opinion as to its continuance, I am sure such an expression on your part will be considered appropriate—

And so forth.

And that also because on the next page, where Mr. Smith asked him the same question, I concluded that some one had tampered with the letter. On the following morning I sent for the original testimony of this gentleman, and found the stenographer sent the letter, with the transcript of that gentleman's testimony, to him personally. When it was sent to him it was not changed in any way. When it came back this paragraph was underscored—that is, the lines I have read were underscored—and on the margin was written, "Leave out these lines" as a direction to the printer. This was done by the man who corrected Mr. Holmes's testimony, and that man was presumably Mr. Holmes, who wrote the letter originally, who was criticised by the committee. He evidently was conscious of having gone a little too far in his attempt to increase the appropriation, and no doubt thought that some criticism might be urged against him on the floor if some Member saw the letter. He therefore deliberately emasculates the letter, which was not his. It was a public document, concerning which he was interrogated, and after that interrogation he deliberately went to work and emasculated the letter by striking out that portion of it which the committee criticised him for writing.

Mr. REEDER. Who wrote the letter?

Mr. TAWNEY. Mr. Holmes.

The time of the gentleman from Minnesota [Mr. TAWNEY] having expired, by unanimous consent he was granted leave to continue his remarks.

Mr. TAWNEY. The name of the gentleman is J. A. Holmes, and when he was before the committee I handed him the letter and asked him if the signature was his. He said it was; and he also testified, as you will see, that he had sent out a number of them to engineers—to the members of a board of engineers, of which I want to speak later.

Mr. DALZELL. Will the gentleman allow me a moment? To whom was this letter addressed?

Mr. TAWNEY. It is not addressed to anyone. It is a circular letter, and you will find that Mr. Holmes admits it was a circular letter and addressed generally to the engineers.

Mr. DALZELL. Did he not say it was sent out in answer to several hundred letters that he had received from various parts of the country, from engineers and architects, and so on, who were seeking information on this subject and who had addressed him concerning it?

Mr. TAWNEY. Yes; I think he made that statement, and in order to show the insincerity, if not the untruthfulness of that statement, I will read the first paragraph of this letter:

> The United States Senate recently passed a resolution asking the Secretary of the Interior for an expression of opinion concerning the continuance of the investigation of fuels and structural materials by the United States Geological Survey.

He does not say in this letter that it was in answer to an inquiry. That was an afterthought. It was like another letter that I have here.

Mr. NORRIS. Will the gentleman permit a question?

Mr. TAWNEY. Just a moment. The day this letter was presented to him he was also confronted with another letter which the gentleman from Pennsylvania [Mr. DALZELL] kindly referred to me as the chairman of the Committee on Appropriations. This letter was written by Mr. Swenson, in Mr. DALZELL'S district, in which Mr. Swenson says:

> Supplementing my letter to you of February 14, 1906, relative to an item of $100,000 in the sundry civil bill for the work of testing

structural materials at the laboratory, World's Fair grounds, St. Louis, under the direction of the United States Geological Survey, I am advised this morning by the gentleman in charge of the loboratory as follows:

"I find—

That is, the gentleman in charge of the laboratory, Mr. Holmes, says:

"I find that there is some doubt in the minds of the subcommittee of the sundry civil bill as to whether or not the Government should carry on tests of concrete and reenforced concrete."

He no doubt made that discovery from the questions that were asked him, and immediately he draws on the men with whom he is acquainted, or the engineers throughout the United States, for the purpose of getting their assistance in securing appropriations for the Geological Survey regardless of the judgment of the committee. Then this gentleman goes on and says:

Knowing my impersonal interest in getting at the truth of this important subject, and my desire to see this matter, which is now spreading over the country like wildfire, put on proper scientific basis, he—

The man in charge of the laboratory, Mr. Holmes—

he goes on to ask me to assist in the matter, even to going before the subcommittee and explaining its importance to the country at large. I regret very much that previous important engagements prevent me from lending my assistance by going to Washington in person, and will have to content myself with falling back on our energetic Representative in Congress. Pardon me for again bothering you—

And so forth.

Mr. Chairman, the Geological Survey is the most ambitious branch of the public service we have. The present Director of the Geological Survey had only about $400,000 appropriated for that service when he was appointed Director in 1894. To-day he has over a million. Therefore his appropriations have increased in that time more than 300 per cent. This is the first time in his administration it has ever been proposed to reduce the aggregate of his appropriation. There has been a steady increase. Every reduction now proposed is recommended in the belief that the public interest demanded it, and that there would be no injury or harm in consequence of such reduction.

Mr. Chairman, I spoke a moment ago about the way in which the influence of the Survey has been exerted to increase these appropriations. I have here a telegram which I received from the general solicitor of the Burlington Railway Company. In order to secure the influence of that railway company it was deemed necessary to show that the appropriation for the gauging of streams would in some way affect the Reclamation Service, although in the brief presented to Members of the House by the Geological Survey it is expressly stated that this appropriation does not in any way involve the Reclamation Service. But it was deemed necessary, in order to secure the influence of that great railroad that traverses the reclamation section of our country, to convey the idea to some one that this Reclamation Service was suffering in consequence of this reduction. I have here a telegram from the general solicitor of that road, Mr. Dawes. It is a carbon copy, I suppose, of many received by Members of Congress.

CHICAGO, ILL., *June 2, 1906.*

Hon. JAMES A. TAWNEY,
House of Representatives, Washington, D. C.:

I am advised that it is proposed to cut down the appropriation for gauging streams and investigating water supply under the reclamation act from $200,000 to $100,000. Such a reduction would greatly hamper the development of the West in this direction and cut off work where it is proceeding rapidly and advantageously. Hope you will consider it consistent with the public interest to use your influence to see that the appropriation is maintained at $200,000.

CHESTER M. DAWES,
General Solicitor Chicago, Burlington and Quincy Railway.

To which message I replied as follows:

JUNE 2, 1906.

CHESTER M. DAWES,
General Solicitor C., B. and Q. R. R., Chicago, Ill.:

Wire received. Please advise me in what respect will the development of the West be hampered by the failure to gauge streams in New England, the South, and other States east of the Mississippi River. It is conceded that this work is being done in the interest of prospective investors in water powers. Under what provision of the Constitution can Congress justify the appropriation of public money for the benefit of prospective or actual investors in private enterprise? I sincerely regret I can not consider it consistent with the public interest or with my duty to the people to continue appropriations for gauging of streams in States where the Government does not own a foot of land and where the streams are admitted to be nonnavigable. Reclamation Service is not involved.

JAS. A. TAWNEY.

To which I received the following reply:

CHICAGO, ILL., *June 4, 1906.*

Hon. J. A. TAWNEY,
House of Representatives, Washington, D. C.:

I was under misapprehension of the situation when I sent my dispatch to you. I thank you very much for your explanation of the matter.

CHESTER M. DAWES.

Later I received the following letter:

CHICAGO, BURLINGTON AND QUINCY RAILWAY COMPANY,
Chicago, June 8, 1906.

Hon. JAMES A. TAWNEY,
Washington, D. C.

MY DEAR MR. TAWNEY: I am in receipt of yours of 6th instant, explaining the situation with reference to the reduction of the appropriation for gauging streams, etc.

I regret very much to have put you to all this trouble through ignorance of the facts. The matter was brought to me, as I stated, by our traffic people, but who set them onto it I do not know. I naturally took their information as accurate and wired you as I did.

I desire to say that I am in full accord with the position you have assumed in the matter. I do not see what else you could do consistently with your public duty.

I am, with great respect, yours, very truly,

CHESTER A. DAWES, *General Solicitor.*

But, Mr. Chairman, this is not all; knowing that Members were receiving numerous telegrams and letters on the subject of these particular appropriations, I sent to the Secretary of the Interior a dispatch, asking him to send me copies of all letters, telegrams, or other communications sent out by the Geological Survey concerning this appropriation, and I received in reply this letter, which I will not stop to read, with a letter inclosed from the Director of the Geological Survey, both of which I will here insert:

DEPARTMENT OF THE INTERIOR,
Washington, June 8, 1906.

Hon. JAMES A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives.

SIR: Your telegram has been received, requesting to be advised "whether any officers or employees of your Department, particularly of the Geological Survey, have written or sent to any person or persons, outside of Washington, letters, circulars, or otherwise, or telegrams on the subject of appropriations estimated for under the Geological Survey, and if such letters have been sent, please cause copies thereof to be furnished to the committee as soon as practicable."

In response thereto, I have the honor to transmit herewith copy of a letter from the Director of the Geological Survey, to whose attention your wishes in the matter were called, submitting a report in the premises, with copies of two letters written by an employee of the Survey in relation to the increasing of certain Survey appropriations.

Due inquiry fails to show that any officers or employees of this Department, outside of the Geological Survey, have sent any person or persons outside of Washington letters, circulars, or otherwise, or telegrams on the subject of appropriations for the work of the Geological Survey.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., June 6, 1906.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: I am in receipt of a copy of a telegram sent to you on June 5, by the Hon. JAMES A. TAWNEY, chairman of the Committee on Appropriations of the House of Representatives, asking that he be advised whether any of the officers or employees of the Department of the Interior, and particularly of the Geological Survey, had written or sent to any person or persons outside of Washington letters, circulars, or otherwise, or telegrams on the subject of the appropriation estimated for under the Geological Survey and asking that if such letters or telegrams have been sent, copies thereof be furnished to the committee as soon as practicable.

I beg to report in this connection that the Director of the Geological Survey has neither written nor sent, nor caused to be written or sent, any such letters, circulars, or telegrams; nor has he been able to learn of any such letters, circulars, or telegrams having been sent by the officers or employees of the Survey, except the two letters copies of which are attached hereto. I may add that a typewritten statement concerning the investigation of fuels and structural materials was sent out on request to the members of the National Advisory Board on Fuels and Structural Materials, about May 20; but it neither contained nor was accompanied by any suggestion of action on their part relative to the appropriation for these subjects.

Yours, truly, CHAS. D. WALCOTT, *Director.*

JUNE 4, 1906.

Dr. C. W. HALL,
University of Minnesota, Minneapolis, Minn.

DEAR SIR: In reply to yours of May 28:

We had hoped to be able to continue our topographic surveys in Minnesota this year, but the Committee on Appropriations, of which Mr. TAWNEY, of Minnesota, is chairman, has reported our appropriation bill with great reductions from previous bills. On the item for topography he cut $50,000. The necessary result is that unless this item is restored on the floor of the House or in the Senate we must reduce the amount of work which we are to do, and this will doubtless prevent the extension of work into new areas.

If you are especially interested in this work, I suggest that you immediately bring it to the attention of your Senators.

Very truly, yours,

H. M. WILSON, *Geographer.*

JUNE 4, 1906.

Hon. JOHN LIND,
Minneapolis, Minn.

DEAR SIR: At the request of Hon. LOREN FLETCHER, there is mailed you to-day a preliminary photolithographic copy of Lake Minnetonka map.

We have just received a request from C. W. Hall, of the University of Minnesota, to extend these surveys into the remainder of Hennepin County, and I have advised him that we had hoped to do so, but that the Committee on Appropriations, the chairman of which is from your State, has reported our appropriation bill with a cut of $50,000 in the item for topographic surveying. Necessarily unless this item is re-

stored on the floor when the bill comes up, about the 7th or 8th, or unless it is restored in the Senate we will not be able to extend our topographic work into new areas, and the survey of this region would therefore doubtless have to be deferred until some future date.

Very truly, yours,

H. M. WILSON, *Geographer.*

Is it not strange, Mr. Chairman, that the only two letters sent out by the Survey concerning these appropriations were sent to Minnesota? This may be a coincidence; if it is, certainly it is a remarkable one. These letters were written to people in my own State, and, the Director says, were the only people addressed on this subject. It may be true, but in view of all the letters and telegrams received by Members it is difficult for anyone to believe it. The first is to Prof. C. W. Hall, of the University of Minnesota—

In reply to yours of the 28th—

Now, I want to say that they started to make a topographical survey of Hennepin County. That is Minneapolis. If any man can tell me or show me wherein we are justified in appropriating public money for the purpose of making a topographical survey for the benefit of street-railway companies and water-power companies, and for the benefit of the municipalities, then I admit that this appropriation ought to be increased twofold, because the Geological Survey could do nothing else but make topographical surveys for the cities of the Union and for the benefit of these private interests during the next fiscal year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I desire to read these two letters.

Mr. CRUMPACKER. I ask unanimous consent that the gentleman may continue his remarks for ten minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Minnesota may continue his remarks for ten minutes. Is there objection?

There was no objection.

Mr. TAWNEY. This letter I will read first is addressed to Dr. C. W. Hall, of the University of Minnesota, and is in reply to a letter addressed to the Bureau. It is signed by H. M. Wilson, geographer of the Geological Survey:

We had hoped to be able to continue our topographic surveys in Minnesota this year, but the Committee on Appropriations, of which Mr. TAWNEY, of Minnesota, is chairman, has reported our appropriation bill with great reductions from previous bills. On the item for topography he cut $50,000—

Which is the amount the Committee on Appropriations reported to the last Congress, and which his department estimated and had estimated for three years prior—

The necessary result is that unless this item is restored on the floor of the House—

How suggestive!

or in the Senate, we must reduce the amount of work which we are able to do, and this will doubtless prevent the extension of work into new areas.

If you are especially interested in this work, I suggest that you immediately bring it to the attention of your Senators.

That letter is signed by Mr. Wilson.

Mr. WILEY of New Jersey. Was not that letter written in answer to one from Doctor Hall?

Mr. TAWNEY. Yes; I so stated.

Mr. WILEY of New Jersey. You omitted the first line.

Mr. TAWNEY (reading):

In reply to yours of May 28—

I stated that it was a reply.

Mr. WILEY of New Jersey. That line was not read by the gentleman before.

Mr. TAWNEY. Now, another letter, which is not "in reply," written to Hon. John Lind, of Minneapolis, who is the man who initiated the movement here in the last Congress to increase this appropriation $50,000:

Hon. JOHN LIND,
Minneapolis, Minn.

DEAR SIR: At the request of Hon. Loren Fletcher, there is mailed you to-day a preliminary photolithographic copy of Lake Minnetonka map.

It does not say that Mr. Fletcher requested him to write in regard to his appropriations.

We have just received a request from C. W. Hall, of the University of Minnesota, to extend these surveys into the remainder of Hennepin County, and I have advised him that we had hoped to do so, but that the Committee on Appropriations, the chairman of which is from your State, has reported our appropriation bill with a cut of $50,000 in the item for topographic surveys. Necessarily, unless this item is restored on the floor when the bill comes up, about the 7th or 8th, or unless it is restored in the Senate—

He was very particular to put in the exact date when this bill was to be considered—

we will not be able to extend our topographic work into new areas, and the survey of this region would therefore doubtless have to be deferred until some future date.

When I received the letter from Mr. Walcott saying a typewritten statement had been sent out, I sent another telegram to the Secretary of the Interior for a copy of this typewritten statement sent to the board of engineers, and also a request to know who had appointed this board of engineers, by what authority of law they were appointed, and what salary or compensation they were receiving, although the testimony of Mr. Holmes says that they are to receive $5 per day when they actually serve. The Secretary, in answering the communication, sends me another letter from the Director of the Geological Survey, all of which I will not take the time to read:

Replying to the same—

Referring to my telegram—

I beg to report that this board was appointed by the President; and I respectfully suggest that this request for information concerning it should be addressed to the President.

The typewritten statement referred to as having been sent to the members of that board, I am informed, was prepared and sent out to them by the acting secretary of the board. I have neither personal nor official information concerning it, except that when Mr. TAWNEY's previous request was received my general inquiry brought out the fact that such a circular statement had been sent out from the Survey building to the members of this board. And notwithstanding the fact that this action was unofficial, and was explained as having no real or intended relation to the committee's estimate, yet I thought it best to mention it in my former reply to Mr. TAWNEY's inquiry.

I have been unable to secure an exact copy of the statement sent out, but will endeavor to do so and forward it to you later in the day if possible.

Now, I want to call your attention, gentlemen, to this national advisory board of engineers, which has been created as an adjunct to the Geological Survey, to assist in carrying on their scientific investigations respecting tests of building material and fuel or coal tests. This board was appointed without authority of law. They number thirty-nine in all. I have the names of all of them here and the positions they occupy and the States in which they reside. The list is as follows:

List of members national advisory board on fuels and structural materials.

From the American Institute of Mining Engineers: Robert W. Hunt, president, Chicago, Ill.; John Hays Hammond, past president, Empire Building, New York; B. F. Bush, member, St. Louis, Mo.

From the American Institute of Electrical Engineers: Francis B. Crocker, Columbia University, New York; Henry G. Stott, New York.

From the American Society of Civil Engineers: C. C. Schneider, ex-president, chairman committee on concrete and reenforced concrete, Philadelphia, Pa.; George S. Webster, chairman committee on cement specifications, Philadelphia, Pa.

From the American Society of Mechanical Engineers: W. F. M. Goss, Purdue University, Lafayette, Ind.; George H. Barrus, Boston, Mass.; P. W. Gates, Chicago, Ill.

From the American Society for Testing Materials: Charles B. Dudley, president, Altoona, Pa.; Robert W. Lesley, vice-president, Philadelphia, Pa.

From the American Institute of Architects: George B. Post, past president, New York; William S. Eames, past president, St. Louis, Mo.

From the American Railway Engineering and Maintenance of Way Association: H. C. Kelley, president, Minneapolis, Minn.; Julius Kruttschnitt, Chicago, Ill.; Hunter McDonald, past president, Nashville, Tenn.

From the American Railway Master Mechanics' Association: J. F. Deems, New York; A. W. Gibbs, Altoona, Pa.

From the American Foundrymen's Association: Richard Moldenke, secretary, Watchung, N. J.

From the Association of American Portland Cement Manufacturers: John B. Lober, president, Philadelphia, Pa.

From the Geological Society of America: Samuel Calvin, professor of geology, University of Iowa, Iowa City, Iowa; I. C. White, State geologist, Morgantown, W. Va.

From the Iron and Steel Institute: Julian Kennedy, Pittsburg, Pa.; C. S. Robinson, Denver, Colo.

From the National Association of Cement Users: Richard L. Humphrey, president, St. Louis, Mo.

From the National Board of Fire Underwriters: Chas. A. Hexamer, chairman board of consulting experts, Philadelphia, Pa.

From the National Brick Manufacturers' Association: John W. Sibley, Birmingham, Ala.; William D. Gates, Chicago, Ill.

From the National Fire Protection Association: E. U. Crosby, chairman executive committee, Philadelphia, Pa.

From the National Lumber Manufacturers' Association: Nelson W. McLeod, president, St. Louis, Mo.; John L. Kaul, vice-president, Birmingham, Ala.

From the Corps of Engineers, United States Army: Lieut. Col. William L. Marshall, Army Building, New York.

From the Isthmian Canal Commission: Lieut. Col. O. H. Ernst, Washington, D. C.

From the Bureau of Yards and Docks, United States Navy: Civil Engineer Frank T. Chambers, Washington, D. C.

From the Supervising Architect's Office, United States Treasury Department: James K. Taylor, Supervising Architect, Washington, D. C.

From the Reclamation Service, United States Interior Department: F. H. Newell, chief engineer, Washington, D. C.

From Bureau of Steam Engineering, United States Navy: Rear-Admiral Charles W. Rae, chief, Washington, D. C.

Mr. Chairman, here is a Bureau which has increased its appropriations more than 300 per cent in twelve years, a Bureau that is constantly reaching out for new fields of investigation, a Bureau that is constantly branching out, and has added to it an organization consisting of thirty-nine distinguished and eminent engineers throughout this country, who are to receive a compensation when they are actually engaged in service of $5 a day.

A bureau or board appointed without authority of law.

When are we going to call a halt in the ambition of this Bureau, this man, the Director of the Survey, for whom I entertain the highest respect? The Director of the Geological Survey is unquestionably the ablest man that has occupied the position, one of the best administrative officers in the Government, but when he seeks to use the influence he acquires by virtue of the administration of his department for the purpose of increasing his appropriation I say it is time for this House to call a halt. [Applause.] While he is an eminent scientist, a good administrative officer, these are not his only accomplishments. He is also the smoothest and most scientific and accomplished lobbyist connected with the Government.

Mr. THOMAS of North Carolina. Mr. Chairman, I want to ask the gentleman from Minnesota one question. The gentleman is a distinguished Member of this House, has been here a great many years, and I have great respect and regard for him. I want to ask him if all the various researches conducted by the Geological Survey under the leadership of Charles O. Walcott, Director—the gentleman for whom he says he entertains such high regard—I want to ask him if the gauging of streams, the investigation of the mineral resources of the country, and the topographical surveys do not all tend to the development of the United States, do they not all tend to develop the resources of the country?

Mr. TAWNEY. I will answer the gentleman in his own time. What right have we as the representatives of the people to appropriate the people's money for the purpose of developing water powers in the interest of prospective investors? [Applause.] There is no governmental function involved in the doing of that work. The duty of the Government is to govern. It is the duty of the people to develop the country, but not at the expense of the Government. The topographic surveys should be made by the States not by the General Government, and the streams should be gauged by the corporations that desire the water powers at their expense. It is not the business of the Government to gauge them to enable these private corporations to determine whether it will or will not pay to invest their capital in them.

Mr. THOMAS of North Carolina. I am not talking about water powers in the interest of investors. I am talking about the development of the resources of the country by the work of the Geological Survey as a whole, which I believe has benefited the whole country.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. GARDNER of Michigan. Mr. Chairman, it has been my fortune to serve on this committee under three different chairmen. Naturally we study our chairman and his methods, and it is no disparagement to either of the other eminent gentlemen who have filled this responsible position since I have been a member of the committee to say that neither one has been more thorough, more nonpartisan, more patriotic in conserving the interests of the Government than the present chairman. [Applause.] Two years ago I served on the subcommittee having the sundry civil bill in charge, and we met precisely the same thing we are meeting to-day. Somebody had been plowing with our heifer. [Laughter.] Somebody had been using influence secretly. We knew it, but could not trace it every time. Somebody was undermining the foundation upon which the committee stood in making this report. Somebody was clandestinely working to undo what the committee had done. The same work has been done now, but it has been traced. It has its headquarters in this city. It is going out to the various parts of the country and coming back here as though the initiative was elsewhere.

I have been on several subcommittees of the Appropriations Committee, and in no other instance, so far as my experience goes, have we run across any bureau chief who seeks as does this one to dominate the committee and therefore dominate the House. Here is a subordinate undertaking to run the committee and through it the Congress. I tell you, gentlemen, when you lose your confidence in the fidelity, the wisdom, and the patriotism of the Appropriations Committee you had better dismiss the committee, and until you do it is not safe to follow the ambitions of a man the appropriations for whose bureau have risen from $400,000 to more than $1,000,000 in a little while, and still he is asking for more. If he can not get in regularly by the front door, then he tries some other way. I appeal to this House to stand by the committee because it is right, and to rebuke this betrayal of trust to gain an end which, however worthy some may think it to be, ought not to be gained by such means as he employs. [Applause.]

Mr. SHERLEY. Mr. Chairman, I decline to determine the wisdom of increasing an appropriation from $300,000 to $350,000, either upon the excellence of the chairman of the Committee on Appropriations, the general fidelity of the committee itself, or the wrongdoing of some employee of the Geological Survey. The question before this committee is whether $300,000 will do the work that ought to be done in making topographic maps for the country. If it is wrong to expend $350,000 in making topographic maps because it helps the street railways, and because it helps some particular individual or set of individuals, it is equally wrong to spend $300,000 for that purpose. If you are going to determine the constitutional validity of your appropriation, determine it not by the size of the appropriation, by the amount of money you spend, but on principle. It does not become right because you spend one sum, and wrong because you spend another sum; neither does it become right because the money is expended in making a topographical map of the country, and become wrong because it is expended in making a topographical map of a city. The people of the cities are as much entitled to have a geographical map made as the people in the country. The act creating this bill provided for a geographical map of the entire country.

Mr. TAWNEY. I beg to differ with the gentleman. The act does not give authority for that at all.

Mr. SHERLEY. The act does provide for the making of a geographical map of the national domain. Now, if the gentleman wants to put all the cities of America out of the national domain, that is his privilege.

Mr. TAWNEY. This is not for a geological survey. I will ask the gentleman this: On what theory does he justify the expenditure of public money for the making of topographical maps of the city of Louisville?

Mr. SHERLEY. On this theory——

Mr. TAWNEY. On the theory that he can get it?

Mr. SHERLEY. No. I do not necessarily justify it that way, for if I did I would have less justification than the gentleman from Minnesota [Mr. TAWNEY], because I have less ability to get from the Administration things for my district than the gentleman has. I justify it for this reason——

Mr. TAWNEY. In the comparison I think the gentleman from Kentucky would be ahead.

Mr. SHERLEY. I hope so. The gentleman is doing me honor overmuch. When I get to be chairman of the Committee on Appropriations I hope to be able to do just as much with my Administration as the gentleman does with his.

Mr. TAWNEY. I hope the gentleman may do more. [Laughter.]

Mr. SHERLEY. Well, perhaps that is a wish that I can second also. [Renewed laughter.] I certainly do not hope to do less. But that is neither here nor there. I justify these appropriations upon the same ground that I justify the National Government doing many things. The National Government undertakes to do certain things that do not fall within the domain of the States, and whatever may have been said of the original proposition as to whether the National Government had a right to go into internal improvements, a proposition that was fought up and down in the halls of Congress by the ablest men that ever came here, the question has been settled once and for all. We are doing it. The National Government is going into internal improvement, and whatever theory I might have had as an original proposition must fall in face of the actual, concrete facts. The question that confronts the House and the committee is whether you want this work to progress at a certain rate of speed or whether you want it to progress at another rate of speed. The very gentlemen of the committee would not, if they could, prevent the geological work being done or the topographical maps being made. They are simply fighting on the ground of economy. If that be so, if that be the truth, then why not come on this floor and make your fight on that ground?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SHERLEY. And not undertake to divert the thing by making an attack on the head of a Bureau and a Department. It may be that there has been lobbying for this item, but the difference between the lobbying of this Bureau and the lobbying of a great many other bureaus of the Government has been that it has been a lobbying back to the people themselves to get their opinion, whereas most of the lobbying from the bureaus has been for the benefit of individual and special interests for the expenditure of money because it helps some particular industry. Is this House going to determine what it will do simply because somebody has been guilty of wrongdoing? If the President of the United States has done something wrong, contrary to law,

as the gentleman says, by making appointments of men to this board of engineers, let the House take such action as it seems proper as against the President of the United States, but do not let us pass upon the validity of an appropriation or its size for any such reason as that. That is neither logical nor is it common sense. What I would like is for some member of the committee to rise and tell us on what theory its reductions have been made of appropriations asked, whether they have simply sliced horizontally without regard to things or whether they have actually looked into it. If they did that, we perhaps might have more opinion of their ability than we have from their own estimates of it.

Mr. TAWNEY. Mr. Chairman, if the gentleman has examined the hearings he will find that our investigation of the appropriation asked for by the Geological Survey takes up almost a third of the entire testimony in that investigation.

Mr. SHERLEY. I am not speaking of volume so much as I am of quality. Now, let the gentleman tell us why he cuts this appropriation $50,000.

Mr. TAWNEY. If the gentleman has not read it, then I maintain he can not pass judgment as to its quality.

Mr. SHERLEY. I ask the gentleman why he has made the reduction of $50,000?

Mr. TAWNEY. I told the gentleman, if he was listening to my statement, the reduction of $50,000 was made because that leaves the amount at $300,000, just the amount they have always had, except this year—not always, for they have only had that amount for the last three years—and we felt that under the testimony, inasmuch as a large amount of this money was to be expended in making topographical surveys of cities for the benefit of street railway companies and water powers and for the benefit of municipalities in determining the grade of streets, that they could get along this next fiscal year with $300,000, especially in view of the fact that the expenses and the revenues of the Government would be very close.

Mr. SHERLEY. If I understand the gentleman, his proposition is based on three things—general economy, the fact that the year before the committee recommended $300,000, and the fact that certain moneys are being expended for topographical maps in cities. I want to ask the gentleman if he knows what proportion of the money in regard to topographical surveys was being expended in cities and what proportion outside of cities?

Mr. TAWNEY. When the Director was before the committee he was asked that very question with respect to the distribution of this—he has said he had no intimation that there was going to be any reduction in his appropriation—but he was asked to state how much the amount could be reduced if we eliminated the topographic survey of cities, and he could not give us a definite answer, but gave us in a general way what it would cost to make a topographical map of Boston, what it would cost to make a topographical map of Louisville and several other cities—one they are making now in Cincinnati—but we could get no definite answer from him as to how much of this would be expended for topographical surveys in cities.

Mr. SHERLEY. Where did the gentleman get his definite information to determine how much reduction to make because of topographical maps in the cities?

Mr. TAWNEY. We inferred that if he carried out the plan for topographical survey of cities, it would cost at least $50,000 to do that the next fiscal year, and on that theory we lopped it off.

Mr. SHERLEY. Does the gentleman know it would cost $50,000 to make topographical maps in cities, and is he willing to state to the House as the ground for this reduction the doing of this work in cities?

Mr. SMITH of Iowa. If the chairman will permit me, does the gentleman mean to say if the Director of the Geological Survey was so ignorant of his own office before this committee that he could not state what it would cost to make topographical maps of the cities that his estimates ought absolutely to be taken by Congress, and the committee is in error in not being bound by his judgment?

Mr. SHERLEY. It does not prove anything of the kind, but it at least brings the matter up for this House to consider and not to be told by a member of the committee if we dare to differ with the committee's estimate on an appropriation it is high time to abolish the committee. Now, with all deference—and I have as much respect for the committee as——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SHERLEY. I ask for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Michigan. May I interrupt the gentleman?

Mr. SHERLEY. I yield to the gentleman from Texas, and then I will yield to the gentleman from Michigan.

Mr. SLAYDEN. I want to say to the gentleman from Kentucky my information is that the Geological Survey does not make topographical maps of cities, but simply adapt to the general work of the Survey maps of the cities made in their——

Mr. TAWNEY. Mr. Chairman, I want to correct that statement, because the Director of the Geological Survey, if the gentleman will read his testimony, gave us a list of cities which they have topographically surveyed.

Mr. SHERLEY. I want to be absolutely frank in that. There is now being made a topographical map of the city of Louisville. It is being made there, and all the cost resulting from making it vary in the slightest from any other topographical map is being borne by the city of Louisville. And I want to say further that it costs less, foot for foot, square for square, mile for mile, to make a topographical map of a city than it does to make a topographical map of the country; and it is a new creed, a new doctrine, that a man who lives in a city should not have the benefit of Government work, but the man who lives in the country may have it. I now yield to the gentleman from Michigan for a question—not all of my time.

Mr. GARDNER of Michigan. The gentleman reaches a criticism of the committee just at that particular point. I will say it will lie against every other appropriation recommended by a committee with equal force. You must rely upon the judgment of the committee or your appropriations will increase three and four and maybe five fold. Who is to be the judge with all the information presented?

Mr. SHERLEY. If the gentleman's argument is valid, the logic of it is we had better take a bill as reported by the committee and pass it without any discussion at all. The proposition defeats itself. If the committee is infallible, what is the good of wasting the time of Congress in discussing any item in the bill? An amendment may relate to a reduction as well as a raise. The trouble is the gentleman is supersensitive because men happen to differ with the committee's wisdom. Because they want to raise an appropriation is no reflection upon the committee. We accord you proper industry, proper intelligence, but we deny you absolute infinite wisdom. [Laughter and applause.]

Mr. TAWNEY. I want to ask the gentleman this question: You are criticising or endeavoring to ascertain on what basis the committee made this recommendation. I want to say in addition to the reasons I gave a moment ago that the head of the Department, the Secretary of the Interior, and the Director of the Geological Survey, in presenting their estimates for the present fiscal year at the last session of Congress, estimated only $300,000 for this service, but as a result of the Director going over the head of his superior and coming into Congress and making the combination that we have been up against today he was able to secure an increase of $50,000. Now, I want to ask the gentleman this: Do you consider, not having read the hearings at all——

Mr. SHERLEY. I never said that, and I now say to the gentleman that I have read them. I simply said that I was not judging the hearings by their size, as the gentleman was.

Mr. TAWNEY. I understood the gentleman to say a moment ago that he had not read them.

Mr. SHERLEY. The gentleman misunderstood me.

Mr. TAWNEY. I was going to ask the gentleman on what facts he bases his judgment that $350,000 is the amount that should be appropriated rather than $300,000.

Mr. SHERLEY. I based my opinion on the fact that the man having this work in charge, who needs no better encomium than the one given him by the gentleman from Minnesota [Mr. TAWNEY], said that he needed that much, and it would seriously cripple the progress of that work if it were reduced; that this House last year determined that was a fair amount to give, and I have a little more respect for the House than the gentleman. If I had been a member of the Appropriations Committee and the House had formally taken action as it did last year, I would respect the action of the House and consider its accumulated wisdom at least equal to my own.

Mr. OLMSTED. Mr. Chairman, I yield to no man in respect for the industry, ability, intelligence, and courage with which the present chairman of the Committee on Appropriations performs the arduous and important duties incident to that position, assisted by the very able Members on either side of this Chamber who compose the balance of that committee. But this is a case in which I find myself compelled to differ with them as to amount to be appropriated. One reason which I have for asking for a larger amount in this appropriation is that for every dollar we appropriate to this service we get $2 worth of work.

Mr. TAWNEY. One moment now. Will the gentleman permit a question there?

Mr. OLMSTED. Certainly.

Mr. TAWNEY. Is the gentleman aware of the fact that this is in violation of the express law?

Mr. OLMSTED. No; I am not.

Mr. TAWNEY. Then I will cite the law to you, and you will see it.

Mr. OLMSTED. The States appropriate a certain sum of money to help bear the expense of this work, and I am not aware of any law or any constitutional provision which prevents them from so doing any more than there is a provision to keep the State of Pennsylvania from appropriating, as it did in the last session of its legislature, $250,000 to assist the Government in dredging the channel at Philadelphia.

Mr. TAWNEY. Yet, under the policy of State cooperation inaugurated by the Geological Survey, the money which we appropriate for topographical service is available and is expended only in States that will contribute a like amount, thereby giving it to States that would not otherwise get any part of this appropriation and withholding from States a part of the appropriation that they are entitled to and would otherwise receive, but because of their inability to put up the money and cooperate with the Federal Government they can not do it. Now, this money is paid by the States for the benefit of the Federal Government in the making of a topographical survey of the United States, and the statute says:

> Nor shall any Department or any officer of the Government accept voluntary services, or the Government employ personal services in excess of that authorized by law.

There is a clear violation against this cooperative plan of making a geological and a topographical map of the United States. If it is the duty of the Government of the United States to do it, as gentlemen claim, then it is unlawful for the Government of the United States to accept a dollar of this money from any State to aid in making that survey.

Mr. COOPER of Wisconsin. I ask unanimous consent that the time of the gentleman may be extended five minutes.

Mr. OLMSTED. Mr. Chairman, I am not entirely familiar with the statute to which the gentleman refers, and, without reading the whole of it, am unwilling to accept his construction. If it can be so construed as to prohibit State aid, it is certainly not enforced, and it ought to be repealed. If there is no other reason why the Government should not avail itself of what assistance it can get in doing this work and keep this work going on than that it may operate to help some water company or street railroad, that argument does not appeal strongly to me. Why, Mr. Chairman, we appropriate millions for improvement of navigable streams and harbors. The very object of the work done by the Government in that direction is to assist the steamboat companies and steamship companies which operate upon them, the railroads that connect with them, and the commerce of the country generally.

Now, one word as to the work of this Survey in cities. It seems to me that it is hardly understood. I will read from the testimony of Mr. Walcott, the Director, himself.

Mr. TAWNEY. On what page?

Mr. OLMSTED. Page 481. I want to read what the Director of the Geological Survey said in his statement before the committee. I have not spoken to the Director nor had any correspondence with him, nor has any employee of the department asked for my influence or my vote upon this or any other provision. The chairman asked him this question:

> The CHAIRMAN. Do you make topographic maps of the cities?
> Mr. WALCOTT. Only incidentally to the survey of the larger area in the progress of making a general topographic map. In only a few instances we made a special attempt to make a city map very accurate; one was Pittsburg and vicinity, in which the city contributed the additional cost of doing it. Another case was the city of St. Louis, prior to the great exposition there, when it was thought to be desirable to have not only the city, but the surrounding country included in the topographic maps of which St. Louis formed a portion. The city of Louisville recently sent a delegation asking if we would furlough three or four of our men this spring to make a topographic map of the surroundings of Louisville, they to pay all expenses, including their salaries, in order to get a detailed topographic map suitable to base their sewerage system upon. They did not feel that they had the men, or that they could well get the men, that would do that work as well for the city. Of course that is no expense to the Government.
> The CHAIRMAN. Were the men furloughed?
> Mr. WALCOTT. The men were furloughed, and are now doing the work.

Now, I do not concede that there is anything in the statute which the worthy chairman alluded to which would prevent the furloughing of men employed by the Government and allowing them to work a little while for and at the expense of a State or city, and it is the way I understand that State aid is accomplished.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLMSTED. I ask for five minutes more.

The CHAIRMAN. The gentleman asks that his time may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. OLMSTED. Mr. Chairman, in my judgment there is one single item in which the utility of these topographical surveys exceed their entire cost. You never can locate a military camp in the United States without making such a survey, and to have it made specially would cost three times as much as to make it in the way they do now. You can not move an army through the United States or conduct any military operations without such a survey. You can not find the roads or locate the best ground in a State for such purposes. You can not tell where to find the best streams to get an adequate supply of water for the army unless such work as this has been done in advance. The basis of military operations is a survey of this kind, and such surveys can be made much more cheaply in this way, where they get the State to pay half the cost. That is merely one item of the value of these topographical surveys. Their importance in other directions is still greater.

Within the past three years, as I find on page 477 of the hearings, there has been topographical work done in forty-five States of the Union; and so great is the interest of the people in it that the Director says 1,007,280 copies of the atlas sheets have been purchased, and the regular price paid for them has been turned into the Treasury of the United States.

Mr. Chairman, I approve this amendment, giving the appropriation for a topographical survey precisely the same amount that the House appropriated for it last year.

Mr. SMITH of Iowa. Mr. Chairman, the debate upon this amendment, to my mind, tends to show that the Chair was in error in his ruling on the point of order made against this paragraph. The Chair held that the paragraph was in order because it was for the continuance of existing work which would ultimately be completed, and distinguished it from the paragraph for the gauging of streams, because to that there would be no end. The distinction made does not seem to be founded in fact, as the record shows that so far from this work of the topographical survey being completed it requires annually larger and larger appropriations. As the work progresses and large portions of the country are supposed to be thus surveyed, and the amount unsurveyed becomes less and less, one would naturally expect to find the appropriations for this purpose falling off, but quite the contrary is true. They are constantly growing, and the less of the country that remains to be surveyed the larger is the appropriation demanded for the purpose.

Mr. PADGETT. Will the gentleman submit to a question?

Mr. SMITH of Iowa. Certainly.

Mr. PADGETT. In the last naval appropriation bill we authorized the construction of a battle ship that it is estimated will cost $11,000,000. How much is the entire appropriation, from its inception until now, for the Geological Survey?

Mr. SMITH of Iowa. I am not able to state what the entire appropriation has been.

Mr. PADGETT. I will ask the gentleman——

Mr. SMITH of Iowa. Nor do I care to be turned aside into a discussion of the merits of the naval programme.

Mr. PADGETT. I will ask the gentleman if——

Mr. SMITH of Iowa. Mr. Chairman, I dislike to decline to yield. I know the gentleman will admit I always yield, but I can not discuss the naval programme.

It has been asserted here this afternoon that the topographical survey is the basis for the geological survey. That, in a measure, is true, and in view of that fact I want to call attention to the map hanging here in front of the House. Those portions colored in pink have been topographically surveyed; those colored purple have been geologically surveyed. Now, if the topographic survey is to be defended as a preliminary to the geological survey, manifestly we have gone so far with the topographic survey that we could wait for years before the geological survey would catch up with the topographic or preliminary work.

I want to call the attention of the House to the distinctions in these topographic surveys. It appears that they have numerous kinds of maps; one, a single sheet covering a square degree, or about 4,000 miles; another size covering about a thousand miles, and another about 250 miles. Now, those that cover the larger area upon the same size paper used for the smaller, manifestly can not go into great detail. They show the result of a cursory reconnoissance. The map covering a smaller area shows more of detail, and so as they reduce the area covered by the map it means more work, more accurate surveys, more accurate records.

If you will examine this map you will find that in the public

domain of the United States practically nothing has been done except to make this cursory reconnoissance in certain regions recorded on maps covering 4,000 square miles on a sheet of no value except for the most general purposes. But under this system of contribution, which was instituted by this Geological Survey, without any act of Congress to sustain it, they provide for selling these appropriations to whoever will pay the highest price for them. If a State says, "We will give $50,000," then this Bureau chief, without authority of Congress, diverts the money that would otherwise go to some place else in the United States to that place, in order that he may spend $100,000 in place of the $50,000 given him by Congress. What has been the practical operation of this administration? There is not an acre of Massachusetts, of Rhode Island, or of Connecticut that is not surveyed upon the most detailed scale, the maps covering the smallest territory; the money diverted from the people of the interior, diverted from the lands of the United States, in order that it may be concentrated in those places that will pay the most to get it.

[The time of Mr. SMITH of Iowa having expired, by unanimous consent it was extended five minutes.]

Mr. TAWNEY. Mr. Chairman, I move that the debate on this paragraph and amendments close in ten minutes, five minutes for the gentleman from Iowa, and five for the gentleman from North Carolina who offered the amendment.

The CHAIRMAN. Does the gentleman from Iowa [Mr. SMITH] yield to the gentleman from Minnesota to make the motion?

Mr. SMITH of Iowa. Yes.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the pending paragraph be closed in ten minutes.

Mr. MONDELL. I move to amend by making that twenty.

The question being taken on the motion of Mr. MONDELL, it was rejected.

The motion of Mr. TAWNEY was agreed to.

Mr. SMITH of Iowa. Mr. Chairman, I will yield to the gentleman from Kansas, and then I can yield no further, in view of my limited time.

Mr. CAMPBELL of Kansas. I would like to ask the gentleman from Iowa who directs the bureau or its operatives where to make these surveys?

Mr. SMITH of Iowa. No one directs them, but the Director, in place of determining where it should go by his unbiased judgment in the interest of the public service, in place of determining whether he will put an equal amount of money in the poorer States not able to contribute as much money as some of the others, diverts the money from the center of the country to New York, Massachusetts, Connecticut, and Rhode Island until they are complete, and the public domain is unsurveyed.

Mr. CAMPBELL of Kansas. That accounts for the reason that I have been refused the money for certain surveys that I have applied for in geological parts of the country.

Mr. SMITH of Iowa. That is the reason, because these funds have been diverted; and I for one believe that the amount they asked for a year ago for this purpose, in view of the fact that the topographical survey is far ahead of the geological survey, is sufficient until we shall have an opportunity to pass such legislation as will require this Geological Survey to make a fair and equitable distribution of the money appropriated.

Mr. SMALL. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from South Carolina?

Mr. SMITH of Iowa. I have stated I could not yield any further. I simply want to give one illustration of the practical operation of this Survey. I was out at Laurel, Md., last Sunday and I met a gentleman at the hotel there, until recently an agent of the Census Office collecting statistics on manufactures, who asked if the party I was with was a party from the Geological Survey. We told him it was not. He said, "They have been having corps of men out here so frequently that I thought you might be a corps from that body; they have been out here surveying the river and surveying to see what is the best route for a prospective new railroad through the country." That is what the Geological Survey is doing with the topographical map. It is pandering everywhere to local interests to provide means for some local business. It is providing for the measuring of streams to find out what it will pay to give for water power; to find where it is best to build a railroad, so that the company will not have to survey it for itself. It is doing every conceivable kind of work of that character, and the time is coming when some legislation ought to be passed by Congress to distribute this money fairly among all the States. [Applause.]

Mr. WILLIAMS. Will the gentleman permit a question?

Mr. SMITH of Iowa. Yes; I am pretty near through.

Mr. WILLIAMS. The gentleman from Iowa has made a right important statement, and if the Geological Survey has been surveying the routes of railroads, and the gentleman has any evidence of that the House ought to have it.

Mr. SMITH of Iowa. I have given you all the evidence I have, except what is in the hearings.

Mr. WILLIAMS. This was a chance remark by an individual you never saw before?

Mr. SMITH of Iowa. I never met him before.

Mr. WILLIAMS. Have you any evidence from any other source of the fact?

Mr. SMITH of Iowa. I have stated all the evidence I have.

Mr. WILLIAMS. If they have been doing that, the country ought to have the evidence, and the House ought to have the evidence.

Mr. SMITH of Iowa. I have stated all the evidence I have.

Mr. TAWNEY. I will say to the gentleman from Mississippi that if he will examine the hearings he will find that it is conceded by the Director of the Geological Survey that the topographical maps of some of the places heretofore made were made for the purpose of locating and grading street railways.

Mr. WILLIAMS. Topographical maps?

Mr. TAWNEY. That is what I understood the gentleman from Iowa to say, that they were making a topographical map.

Mr. WILLIAMS. If that has been done, it ought to be corrected right away, and somebody in the dominant party ought to do it.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SMALL. Mr. Chairman, in the brief time I have I shall not refer to the merits of this topographical survey. That has been stated so concisely and admirably by the gentleman from Pennsylvania [Mr. OLMSTED] and others, that it is unnecessary to do so. But I do wish to refer to one or two inconsistencies which have developed in this debate. The gentleman who made the point of order against this entire paragraph, and who would strike it out, is the gentleman from Massachusetts, Mr. GILLETT, and I would remind the House that he has had his entire State surveyed by the cooperation of the United States Geological Survey. After his State has enjoyed the benefits of this appropriation for this service, he would, it seems, withdraw it from the remainder of the States and Territories of the Union. The chairman of the committee [Mr. TAWNEY] has put the action of the committee on the plea of economy. His entire appropriation for the present year for the Geological Survey is $1,484,000. The report of this committee has cut that down $307,000, or about one-third of the entire appropriation for the current year.

Listen and see in what respect they have cut the current appropriations. They have taken $50,000 from topographical surveys, $30,000 from the survey of forest resources, $25,000 from the report on mineral resources, $100,000 for gauging streams, which I presume will go out upon the ruling of the Chairman, and $102,000 in the investigation of fuel resources; so that it makes a total of $307,000 which the committee has deducted from the appropriations for the current year for the Geological Survey. I take it, then, that it is pertinent to inquire in what respect the committee has followed out its plan of economy, and whether or not it has been consistent. It appears from the report of the committee that the appropriations carried in this bill, not including the amount for the Panama Canal, are $1,728,000, in round numbers, more than in the appropriations for the current year carried in the sundry civil appropriation bill.

Mr. TAWNEY. And will the gentleman also state at the same time that we carry seventeen millions in this bill for rivers and harbors authorized by the last river and harbor bill, which is six millions more than was carried in the last bill, and that as a matter of fact the total amount appropriated by this bill is five million less than the current appropriation?

Mr. SMALL. Oh, Mr. Chairman, the gentleman has had plenty of opportunity to make his speech. I am trying to point out to the House that this plea of economy, which is made by the chairman as a reason for cutting down this amount $50,000, does not apply to all of the items.

The true reason, I think, is stated by the chairman, when he said that $300,000 had been previously appropriated, and that by reason of the fact that $50,000 was given at the last session of Congress he desired it placed back to the old figure of $300,000. Who made the increase? It was the membership of this House. The committee came in with the same recommendation of $300,000, and yet by voluntary action of this House, and by a large majority, that appropriation was increased to $350,000, the same increase which is asked for by this amendment, so that the reason which the chairman gives

for his position is not tenable. There was no lobby, as is alleged, which came into the House last time any more than there is at the present time in favor of these appropriations for this Survey. I doubt if a single Member of this House can be found who will say that he has obtained any information from the Director or any of the officers of the Survey, except by his voluntary application, and that in no instance have they attempted by approaching any Member of the House to do any act inconsistent or which could have been constructed as improper lobbying in favor of any of the items of the appropriation for the Geological Survey. So, gentlemen, I have pointed out all that I can in the limited time at my hand. These are some of the inconsistencies that have been urged against this amendment to this appropriation. I hope that the House, in answer to the demand coming not alone from the South, coming not alone from New England, but from the entire country, a demand for this $350,000, will respond and that the amendment will pass.

The CHAIRMAN. The time of the gentleman has expired, and debate on the paragraph is exhausted.

Mr. DALZELL. I desire to direct the attention of the committee for a few moments from the outside matters that have been discussed to the real question before the committee.

The pending paragraph reads:

For topographical surveys in various portions of the United States, $300,000, to be immediately available.

Upon a point of order made the Chair has ruled that the proposed appropriation is in order as the continuation of a public work already in progress. An amendment has been offered to increase the amount by $50,000. It is claimed by the officers of the Geological Survey that the efficient continuation of this public work will be hampered unless the amendment shall be adopted.

Hence I want to call attention to the character of the work, to what has been accomplished, and to what remains to be accomplished.

The reason why so many Representatives are especially interested in this item is because it directly affects their respective States.

The topographical survey is a cooperative work carried on jointly by the United States and the several States contributing thereto. As the Director of the Geological Survey said before the committee, "If the Government puts up a dollar, the State meets it." The work in its character, its results, and its prospects can not better be described than in the paper filed by Mr. Walcott with the committee. It is as follows:

The idea of cooperation in public surveys between the Federal and State governments originated in connection with the plan to make a topographic map of Massachusetts. The cooperative survey of Massachusetts was commenced in 1885 and completed in 1888.

At the time of commencing the cooperative survey of Massachusetts the State of New Jersey was engaged in making a topographic map of its area. Attention being attracted to the Federal cooperation with Massachusetts, arrangements were made whereby the Federal survey took up the work and carried it to completion in 1887. Since that time appropriations have been made by a number of States.

The table following shows the States in which cooperative surveys have been completed or are in progress. The scale of all work completed under cooperation, except that in California, is 1:62,500, and the contour interval is from 10 to 20 feet. In California some areas have been surveyed on the scale of 1:125,000 with 100-foot contours, and some special maps have been made on the large scale of 2 inches to the mile, with contour intervals of 5 feet. In the column "Area mapped" only those areas mapped since the inception of cooperation are enumerated:

Cooperative topographic surveys in various States.

State.	Area.	Area mapped to April 30, 1906.	Total cost to June, 1906.	Appropriated by State to June, 1906.
	Sq. miles.	*Sq. miles.*		
Alabama	52,250	3,455	$26,500	$8,000
California	158,360	2,669	70,000	35,000
Connecticut	5,047	All.	48,555	25,000
Illinois	56,650	1,480	20,000	10,000
Kentucky	40,000	1,360	33,000	16,500
Louisiana	48,720	1,110	7,500	2,500
Maine	33,040	2,814	36,400	18,200
Maryland	12,210	9,884	77,500	32,550
Massachusetts	8,315	All.	107,845	40,000
Michigan	58,915	1,734	18,400	6,700
Mississippi	46,810	196	2,800	1,400
New Jersey	7,815	All.	54,744	19,670
New York	49,170	35,687	459,738	208,100
North Carolina	52,250	4,023	45,027	21,027
Oklahoma	39,030	356	10,000	5,000
Ohio	41,060	15,122	242,800	121,400
Oregon	93,030	864	5,500	2,500
Pennsylvania	45,215	11,080	224,000	112,000
Rhode Island	1,250	All.	9,732	5,000
Texas	265,780	1,620	----------	5,000
West Virginia	24,780	6,904	150,000	75,000
Total	----------	----------	----------	768,497

METHODS OF COOPERATION.

In the establishment and conduct of cooperative surveys certain methods which have been developed through an experience of eighteen years are followed.

The Director is requested by citizens of a State which may be interested in procuring topographic surveys to inform them as to his ability to accept such offers of cooperation as the State may be prepared to make, it being understood that efforts to secure cooperation must originate with the residents of the State. This Survey furnishes such information concerning the details of previous cooperative arrangements as may be sought, and in other ways assists the State officials and legislators to attain the object desired by them. The State legislature usually enacts legislation providing for a cooperative survey to be conducted under the supervision of a State official or commission, who (1) shall have control of the expenditure of the money appropriated; (2) shall make agreements with the United States Geological Survey as to the methods of conducting the work, and (3) shall recommend the order in point of priority in which various portions of the State shall be surveyed.

It is invariably stipulated that the field operations shall be under the supervision of the Director of the Geological Survey. This Survey furnishes expert assistants, who take charge of the work, and who discuss the results for publication or draft the manuscript maps. All details of the work are performed by them under rules and by methods which experience has shown to be the most economical and judicious, and which tend at all times to maintain a uniformity of treatment for the whole of the United States.

The United States Geological Survey accepts the recommendations of the State officials for the employment of such temporary assistants as may prove qualified for the work, thus insuring the employment of residents of the State so far as practicable. The law usually specifies that a sum equal to that appropriated by the State shall be expended in the same time by the United States Geological Survey.

BENEFITS FROM COOPERATION.

The Federal Survey benefits by the great increase in funds available for the extension of its legitimate operations. This Survey is charged with the duty of making a topographic and geologic map of the entire area of the United States, as well as of studying its water resources and reporting on its other economic products. The expense of this work to the Federal Treasury is reduced by the amount appropriated by the various States for cooperative surveys. To date this amounts to $768,497.

All agreements for cooperation being on the basis of equal expenditure, they necessarily reduce by one-half the cost the Federal Government of conducting its operations. An additional benefit from cooperation is the hastening of the completion of the topographic map, which thus renders it available at an earlier date as a base for the further studies of economic resources, geology, hydrography, and the classification of lands.

From the experience gained certain conditions essential to the success of cooperation have been established. All work which is in part paid for by the Federal Survey and which may be published by it or on its authority must be controlled by the Director. He selects assistants to perform such work, or approves their selection. In its execution the work is subject to the supervision and approval of the appropriate chief of division of the Federal Survey. All agreements for cooperation are drawn in such manner as not to conflict with the organic law of the Survey in regard to collections, furnishing information, or giving expert testimony.

One important point to be considered in all such work is that the general plans and methods of the Federal Survey can not be set aside on account of State cooperation.

At the present time the funds available for cooperation are so limited that its further extension is dependent on increase of appropriations by Congress.

It is against the policy of the Survey to stop work on important areas or subjects in order that cooperation with individual States may be extended. The Director is willing to enter into a cooperative agreement only when the interests of the country as a whole will be benefited.

The appropriations made by the States for cooperative surveys are accepted chiefly for actual field work in which are included the services of temporary employees, who are usually residents of the State, and for the living and traveling expenses of the field force. It may be used in paying office salaries only in so far as it is necessary to equalize the expenses of both parties to the cooperation. Thus the larger part of the amount appropriated by the State is returned to the people thereof.

The appropriation of the Federal Government is devoted chiefly to paying the salaries of the permanent employees, a small portion of it being expended on general administration and a considerable portion on field and office work.

All the assistant surveyors, as levelmen, transitmen, etc., and such helpers as rodmen, teamster, and cook, are employed under regulations of the Department of the Interior, in the locality in which the work is being done and under the terms of a signed application and agreement, which they must file when seeking such employment.

It will be observed from the figures given in this statement of Mr. Walcott that there remain a number of States where the work has not yet been entered upon; and it will further be observed that in none of the States has it been completed. Progress has been made in different degrees in different States. It is apparent, therefore, that this public work in progress demands liberal treatment if its progress is to be continued and any hope of its completion indulged in.

Complaint has been made that the Director of the Survey and his associates have been too active in "lobbying," as it is termed, in the interest of large appropriations, and that they have inspired parties to send letters to their Representatives urging their assistance. At the same time the Director has received merited praise, both for his work and for himself, as a faithful and efficient public officer, in which praise I most cheerfully join. For my part, I rather admire the zeal of a public official who is in love with the work of his department and is desirous of imparting that zeal to others. No part of

the appropriation goes into his pocket. His zeal is impersonal and honest, as he believes in the public interest.

Whatever may be the case with others, so far as I am concerned the people of my State needed no inspiration to induce them to address me on the subject, as they had a perfect right to do. In proof of this I desire to submit as part of my remarks the following letters:

Hon. JOHN DALZELL,
House of Representatives, Washington, D. C.

MY DEAR SIR: I just learn that the sundry civil bill as reported makes a very serious cut in the amount asked for topographic survey work by the United States Geological Survey. This is a matter that very seriously affects the interests of Pennsylvania.

The appropriation is very largely used for cooperative work with the various States, the amount allotted to Pennsylvania being $20,000, the State appropriating an equal amount. Pennsylvania is not an easy State for topographic mapping, yet the results of the work can not but be pleasing to the people of the State.

The United States Geological Survey has not been able to make a larger allotment to Pennsylvania, as the entire appropriation for topographic work has been but $400,000, and this would not allow of a larger sum to this State even if the legislature would make a larger appropriation for the work on behalf of the State. The proposed reduction of $80,000 means a very serious reduction in the amount of work that can be done in Pennsylvania, for there is some work under way under the direction of the United States Survey that probably can not be cut, so that the cut for work in Pennsylvania will probably be much greater than the 20 per cent cut made in the bill as reported.

Personally, and on behalf of the commission in charge of the topographic work in Pennsylvania, I would esteem it a great favor to have you do all in your power to have the appropriations for the work of the United States Geological Survey restored to amounts asked for the work. The reduction of these amounts means the very serious loss to the efficiency of the work, the breaking up of the organization, which means a direct loss, and a postponement of the completion of the topographic mapping, which is daily becoming more valuable as the work goes on toward completion.

Can not these appropriations for the United States Geological Survey be restored to the amounts asked by the Secretary of the Interior?

Very truly, yours,

RICHARD R. HICE.

WASHINGTON, D. C., *June 4, 1906.*

Hon. JOHN DALZELL,
Washington, D. C.

MY DEAR MR. DALZELL: I desire to call your attention to the importance of keeping up the appropriation to the United States Geological Survey at least to what it was last year, and increasing the same, if possible. I do not now have either the time or ability to tell you of the immense economic importance to our country of the work of this department along the various lines of topography, geology, hydrography, testing of fuels and building materials, as well as in other lines of scientific investigation; but, as chairman of the Pennsylvania topographic and geologic commission, I beg to say that some years since I had the honor to introduce a bill in our legislature, which afterwards became a law, authorizing our State to cooperate in this work with the United States Geological Survey. At that time I confess that in our State there was little interest in the subject, but as the work has progressed and the people are learning its real economic and scientific values, the demand for it from every section is increasing so rapidly that it is impossible for us with our present appropriation to meet it. Our commission feel assured that the Pennsylvania legislature will increase its appropriation for this work at the coming session, provided the United States Geological Survey will be in position to similarly increase its apportionment to our State. This it can not do if the amount cut out by your Appropriation Committee is not replaced in the bill. The departments of health, forestry, highways, and military of our State are especially interested in the rapid prosecution of this work. So also is every civil engineer, as well as every citizen or corporation who is interested in the development of our great material resources. I know of no direction in which the expenditure of an equal amount of money has been productive of such permanent benefit to our State. At the head of this department are some of the ablest men the country affords. They are devoting their great abilities unselfishly to this work, and should have the hearty financial support of Congress. As to the actual work so far completed in Pennsylvania, not having access to my office I do not have the data at hand, but have asked H. M. Wilson, esq., to hand it to you. I feel that it is exceedingly important at this juncture that you, if possible, give this matter personal attention.

I beg to remain, very respectfully, yours,

G. W. MCNEES,
Chairman Pennsylvania Topographic and Geologic Survey Commission.

SCHOOL OF ENGINEERING,
THE PENNSYLVANIA STATE COLLEGE,
State College, Pa., June 2, 1906.

Hon. JOHN DALZELL,
House of Representatives, Washington, D. C.

DEAR SIR: After my conversation with you in Washington on the 28th ultimo I had confirmed what before had been rumored, that the items in the sundry civil bill appropriating $250,000 for the investigation of fuels and $100,000 for testing structural materials were in danger of being eliminated from the bill, or at least greatly reduced. We believe this would be most unfortunate to the people of Pennsylvania.

The work in fuel testing, which has been done under the general direction of the Geological Survey commission, is recognized by all who have given the matter any attention as being excellent; but should no further appropriation be made and the work necessarily stop, the money which has already been expended would be largely wasted. Although some results have been reached, the value of the work up to this time has been mostly in showing what may be accomplished by further investigation.

When it is remembered that the fuel of the United States by the time it is in the fire box costs the nation a billion and a half of dollars annually, an appropriation of $250,000 toward experiments looking to fuel economy is certainly a small item. The investigation carried on by the Government would produce results which would be accepted and could be used by all fuel users. Experiments of this character could be carried on only by large corporations, and if so conducted would, of course, be for their special use and the knowledge would be for them only.

With reference to the item for the investigation of structural materials, the benefits to be derived from the study of these is so great and so far-reaching that it is scarcely necessary to mention them. What is capable of being done in this direction is really not known. The character of structures best adapted to withstand fire or earthquakes is also unknown. The uses to which cement may be profitably put is a comprehensive and unsolved problem. The producers of these materials are not so much interested in the economy of the materials as are the users, and the users consist largely of the people of the United States. It seems, therefore, legitimate that the nation should carry on these investigations.

Knowing your attitude on questions of this kind which are so far-reaching in beneficial results, and the interest you have already shown in this measure, I do not hesitate to write you urging your earnest support in securing the passage of these items.

Yours, respectfully,

LOUIS E. REBER,
Dean School of Engineering.

These letters show the general interest taken in this subject apart from any influences operating from the Department. They are evidence of the real and continued and active interest of those who are familiar with the work of the Survey in the past and are interested in its successful prosecution in the future. I hope that the amendment will prevail.

Mr. MONDELL rose.

The CHAIRMAN. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. Mr. Chairman, I rise to call the attention of the House to the fact that no Member from the public-land States has been heard on this proposition. It was originally supposed that this survey was primarily for the benefit of those States. I also rise to ask unanimous consent that I may be permitted to address the committee for five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to address the committee for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I have asked unanimous consent to address the committee on this subject in view of the fact that during the entire discussion the fact seems to have been lost sight of that originally it was intended and expected that these topographical surveys, which are the foundation for geological surveys, should be made of the public lands and largely in the mineral regions, and I want to call the attention of the House to the fact that the map before us indicates that by far the greater portion of these surveys have been made in States that either never had any public lands or where the public lands have long since been disposed of. States that contributed nothing, or long since ceased to contribute, to the Treasury of the United States in the sale of public lands, and that but a small portion of the country west of the one hundredth meridian has been surveyed topographically since the surveys have been executed on the present scale. The gentleman from Kentucky [Mr. SHERLEY] has stated that it costs no more to topographically survey the city of Louisville than a like area out in the country, where the transit men can see for great distances, where from an elevation distances can be triangulated for miles, where mapping is much more simple, and where the surveys made, as in the case of the old Powell surveys in Utah and elsewhere, were on contour intervals of 50 feet, while the contour intervals in the city of Louisville, I assume, are a foot or two.

Mr. SHERLEY. And the additional cost is paid by the city of Louisville.

Mr. MONDELL. And I want to call the attention of the committee to the fact that, in my opinion, that is one of the evils which has grown up under this survey, a survey wisely inaugurated, a survey which, in the main, has been economically carried on, a survey which has been of great value, and I do not claim that these surveys should not be made in the city of Louisville, that they should not be made in the city of Boston. I do wish, however, to emphasize the fact that while we have for years heard discussions of this and similar items as though they were for the especial benefit of the West, and for the development of the western region, the mountain region, the public lands, as a matter of fact, the eastern and southern brethren have managed to secure the lion's share. By far the greatest proportion of the expenditure has been made in States that needed it the least, because they were the best able to make their own surveys, as evidenced by the fact that they have been able to contribute a portion of the cost of the work. I believe in these surveys. I do not complain because of their being executed in all portions of the country, but I do believe that the amount which the committee has reported is quite sufficient to carry on the work in all parts and portions of the country with reasonable speed, and I do trust that in future the West, which was originally expected to be the main beneficiary of this class of work, will at

least get a fair proportion of the expenditure. In that region are the public lands which need developing; there are the public mineral lands which should be geologically surveyed and reported upon. I make no complaint in regard to my own State. I think we have been reasonably well treated, but I do think the public domain, as a whole, has not had as large a share in this work as it should. I hope the work will go steadily on, not by fits and starts, but continuously, and I think it is most likely to do so if we do not further increase the appropriation at this time.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina.

Mr. GROSVENOR. Mr. Chairman, I would like to have the amendment read again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were—ayes 101, noes 54.

Mr. TAWNEY. Tellers, Mr. Chairman.

Tellers were ordered.

The Chair appointed Mr. TAWNEY and Mr. SMALL as tellers.

The House again divided; and there were—ayes 101, noes 55.

So the amendment was agreed to.

The Clerk read as follows:

For the preparation of the report of the mineral resources of the United States, which report shall hereafter be published in one octavo volume and as a distinct publication, the number of copies, printing of separate chapters, and mode of distribution of which shall be the same as of the annual report, $50,000.

Mr. SLAYDEN. Mr. Chairman, I have listened with interest to the lectures on economy to which the House has been treated this afternoon. I sympathize with all real economy, and I am under the impression that genuine economy demands that we liberally support the Geological Survey. This is one department of the Government which aids in the production of wealth, while others that gentlemen do not hesitate to support with lavish appropriations are mere consumers. If we were to spend fewer millions on an excessive naval development, which the country does not need, we would have more to spend in promoting industrial growth, which we do need.

I shall address myself to that item in the bill which has to do with a continuance of the fuel-testing plant at St. Louis. I have been more or less familiar with the work of the plant since it was inaugurated, and I believe that the economies in the consumption of coal which they have suggested is worth much more to the country than the total cost of the Geological Survey since it was established.

SOME FACTS IN REGARD TO THE HISTORY OF COAL PRODUCTION IN THE UNITED STATES TO THE CLOSE OF 1905, AND SOME ESTIMATES AS TO THE FUTURE.

It has been estimated by one of the geologists of the Geological Survey that the total original amount of coal contained in the various beds of the United States was 2,200,000,000,000 tons of 2,000 pounds, which is equivalent to about 422 cubic miles of coal. If spread over the entire coal area of the country it would make a bed averaging 6½ feet thick. I have been informed by a member of the Geological Survey that the history of coal mining in the United States shows that during the last half century the entire production of coal has been practically doubled every ten years, and at my request the following table, compiled from official sources, has been prepared. It bears out the previous statement given me. This shows also that up to the close of 1905 the total production in the United States amounted to, say, 5,980,000,000 tons. This does not include any of the coal left in the mines to support the roof or otherwise necessarily wasted. The fact is, the amount wasted is equal to about one-third of the total amount under our present conditions of mining. This production, by decennial periods, is as follows:

Coal production, by decennial periods, to the close of 1905.

	Short tons.
Total production to close of 1865	335, 865, 947
Production for decade 1866–1875	419, 425, 104
Total production to close of 1875	755, 291, 051
Production for decade 1876–1885	847, 760, 319
Total production to close of 1885	1, 603, 051, 370
Production for decade 1886–1895	1, 556, 098, 641
Total production to close of 1895	3, 159, 150, 011
Production for decade 1896–1905	2, 820, 000, 000
Total production to close of 1905	5, 979, 150, 011

From the foregoing statement I have had prepared an estimate which shows how this production of coal would continue if the proportionate rate of increase were kept up. It will be observed that there is a decreasing ratio in the decennial increase. In the following statement this ratio has been maintained, so that while, as in the preceding statement, it has been shown that the production for the decade 1876–1885 was something more than the total production to the close of 1875, the production estimated for the final ten-year period in the following table is about 55 per cent of the total production to the beginning of that decade. This statement also shows that if this rate of increase continues the entire supply will be practically exhausted in one hundred and ten years, not including the wasted production heretofore mentioned:

Estimated production by decennial periods for the future.

	Short tons.
Total production to close of 1905	5, 980, 000, 000
Production for decade 1906–1915 (90 per cent)	5, 380, 000, 000
Total production to close of 1915	11, 360, 000, 000
Production for decade 1916–1925 (85 per cent)	9, 640, 000, 000
Total production to close of 1925	21, 000, 000, 000
Production for decade 1926–1935 (81 per cent)	17, 000, 000, 000
Total production to close of 1935	38, 000, 000, 000
Production for decade 1936–1945 (77 per cent)	28, 700, 000, 000
Total production to close of 1945	66, 700, 000, 000
Production for decade 1946–1955 (73 per cent)	48, 700, 000, 000
Total production to close of 1955	115, 400, 000, 000
Production for decade 1956–1965 (70 per cent)	80, 000, 000, 000
Total production to close of 1965	196, 200, 000, 000
Production for decade 1966–1975 (67 per cent)	131, 500, 000, 000
Total production to close of 1975	327, 700, 000, 000
Production for decade 1976–1985 (64 per cent)	209, 700, 000, 000
Total production to close of 1985	537, 400, 000, 000
Production for decade 1986–1995 (61 per cent)	327, 800, 000, 000
Total production to close of 1995	855, 200, 000, 000
Production for decade 1996–2005 (58 per cent)	496, 200, 000, 000
Total production to close of 2005	1, 351, 400, 000, 000
Production for decade 2006–2015	743, 300, 000, 000
Total production to close of 2015	2, 094, 700, 000, 000

It is, of course, not to be supposed that even this decreasing ratio of increase will be maintained. I have quoted the above figures simply to show the possibilities, not probabilities. In fact, the member of the Survey to whom I am indebted for an estimate of the quantity of coal originally contained within the coal fields of the United States, states that the production may continue to increase to a maximum of about 150,000,000,000 tons per decade (an average of 15,000,000,000 tons annually), and then gradually decrease for possibly another hundred years. Both estimates, however, are startling in the extreme, particularly when it is realized that at the rate of production in 1904 (350,000,000 tons) the coal supply would last for about 5,000 years. If, on the other hand, the present ratio of increase in consumption is continued the supply will be exhausted in one hundred and ten years.

All this suggests the extreme importace of the fuel tests which for two years we have been making at St. Louis. We must find an economic way of using the fuel supply, or some day, sooner or later, we will be face to face with exhaustion of a commodity which, whatever the future may have in store for us, is now essential to the comfort and happiness of the human race.

The fuel tests conducted by scientific experts offer the only ray of hope in the way of an increased supply.

The best efficiency now obtained in the ordinary railway locomotive practice represents only about 5 per cent of the energy stored in coal. That is to say, we have to burn 20 tons of coal in our locomotives to get the power which Providence put into 1 ton.

In the stationary boiler practice we get better results, for we have managed to make available for economic purposes about 20 per cent of the energy of the coal—that is to say, in stationary boilers we only have to use 5 tons of coal to get the energy that is in one.

It has been stated by some of our best engineering authorities that only one-seventh of 1 per cent of the energy of coal is now made useful in our incandescent electric lighting.

Of course these estimates of the total supply of coal in the country may be inaccurate. Other fields of coal, the existence of which is not now suspected, may be found in the future. Those we know of may not be as extensive as we think. But whatever the amount is we can not increase it except by finding more economical methods of consumption.

It is plain that if we could learn how to use all the energy

of coal in locomotives we would, so far as that particular industry is concerned, multiply the coal supply of the country by twenty, and so on in the proper ratio with other industries. The fuel testing done at St. Louis is intended to do just exactly that thing. To an important degree it has already been successful. Take what has been accomplished in the way of an improved method of using lignite, or brown coal, for instance. It has shown to the mechanical and industrial world that a class of fuel which has heretofore been held in contempt is of vast importance. The State of Texas, except in the one article—fuel—received the favor of the Lord in a prodigal way. We have no really high-grade coal, such as is found in Pennsylvania and West Virgina, for instance. But we do have a great area of lignite deposits, and enough value has been added to these deposits by the fuel testers at St. Louis to justify every dollar of expense for the maintenance of the Geological Survey since its establishment.

The Clerk read as follows:

For the preparation of the report of the mineral resources of the United States, which report shall hereafter be published in one octavo volume and as a distinct publication, the number of copies, printing of separate chapters, and mode of distribution of which shall be the same as of the annual report, $50,000.

Mr. BONYNGE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 76, line 12, strike out the word "fifty" and insert "seventy-five;" so that it will read "seventy-five thousand dollars."

Mr. BONYNGE. Mr. Chairman, in the appropriation bill of last year there was appropriated for this purpose, covered by this item, the sum of $75,000.

Mr. TAWNEY. Mr. Chairman, now right there I want to state that that is not a statement of fact.

Mr. BONYNGE. I submit, Mr. Chairman, it is a statement of fact; and the gentleman, answering a question I propounded to him a short time ago, himself said that it was a fact that $75,000 was appropriated for this purpose, which included, as I was about to say, an investigation of the black sands, which is included in this item, although it is not specifically mentioned.

Mr. TAWNEY. It is not included, and it was included and appropriated for to the extent of $25,000 this present year.

Mr. BONYNGE. The item for the preparation of the report on mineral resources, including the investigation of black sands, in the appropriation bill of last year was $75,000. Later this year, in the urgent deficiency appropriation bill, it was necessary for the Appropriations Committee to appropriate another $25,000 in order to make up the deficiency.

In the hearing before the Appropriations Committee at this session relation to this item, at pages 498–499 of the hearing, the Director of the Geological Survey gave a memorandum as to the cost of preparing the report on mineral resources, and by that memorandum it was shown that the expenses for preparing this document would be in the aggregate $73,200. He gives the items on page 499. On page 505 of the hearing this year before the Appropriations Committee it was also shown that the expense of preparing this document for 1905 aggregated $74,504.75.

Now, Mr. Chairman, for more than five years past, as I recall, the sum of $50,000 has been annually appropriated for this purpose. During that time, Mr. Chairman, the aggregate of our mineral wealth has increased nearly double what it was when $50,000 was first appropriated for this purpose. It has increased from one billion dollars to nearly one billion and three-quarters, and with that growth in the aggregate of the mineral wealth of the United States the cost of preparing the pamphlet has necessarily increased, and the additional amount of $25,000 asked for is a paltry sum in comparison with the increased amount contributed by the mineral industry to the wealth of the nation. The evidence before the committee, on the statement of the Director of the Geological Survey, shows that these statistics can not now be gathered together and this work done for less than $73,000, and that it has cost in the past more than $50,000.

So I submit, Mr. Chairman, that in asking for this increase we are simply asking for an amount which the testimony before the committee developed was necessary to be appropriated in order that this document might be prepared. It is one of great value. We are appropriating large amounts of money for the development of the agricultural resources of the country and for gathering together information relative to the development of our agricultural resources, publishing farmers' bulletins, and other documents of great value to the farmer. No one finds fault with the appropriations made for those purposes. It is also important that the statistics relative to the development of the mineral wealth of the country should be collected and published for the information of the people.

This is a document of very great value to those interested in the mining industry of this country, and we are merely asking for a paltry increase of $25,000, in order that this work may be properly carried on. I hope that the committee will adopt the amendment.

Mr. TAWNEY. Mr. Chairman, I want to correct a statement which the gentleman made in closing, that this involved an increase of only $25,000. Such is not the fact. There was $50,000 appropriated for the report on mineral resources for the fiscal year 1905. When preparing this appropriation for the fiscal year 1906 it was represented that at the Oregon Exposition they could conduct this inquiry into the location of black sands, and investigate their value, with the machinery that would be loaned to them by exhibitors at that exposition.

These facts prompted the committee to recommend an appropriation of $25,000, which amount was included in the appropriation for report on mineral resources. Now, they came to us at the beginning of this session and said that that $25,000 was appropriated for that specific purpose, in connection with the $50,000 appropriated for the Report on Mineral Resources, and that the work could not be completed with that appropriation, that to complete it would require $25,000 more. We gave them $25,000 more, and that $50,000 for the investigation of black sands the Geological Survey now proposes to attach here as a permanent appropriation. For what? Nothing that relates to the development of mineral resources. The development of mineral resources is not involved in this appropriation. It means merely the collection of statistics with reference to the mineral products of the various mines throughout the United States. Why is it so valuable? Who wants this information? Why, Mr. Chairman, this information is collected by the agencies——

Mr. SULLIVAN of Massachusetts. I should like to ask the gentleman if he has any idea of the great number of tons of paper that are printed on this subject that are never opened or looked at at all.

Mr. TAWNEY. I do not know, but I presume that the Committee on Printing could give the gentleman some information on that subject. Or if any Member of this House would go to the folding room, I presume he would find hundreds and hundreds of books entitled "Mineral Resources" lying there undistributed, containing information as to the products of the mines of the country. This appropriation is to pay for collecting information concerning production. In addition to it there is an appropriation of some $68,000 for printing the report after the statistics are collected.

Mr. UNDERWOOD. If the gentleman from Minnesota will allow me, my district may be different from others, but I want to say that I always have requests for all the reports on the mineral resources of the United States that I get.

Mr. TAWNEY. I haven't any doubt but that they are of great value to the colleges and institutions of learning and to those especially interested in the growth and development of the mineral resources of the country, but what I want to make clear to the House is the fact that this appropriation does not relate in any way to the development of the mineral resources of the country. This appropriation is for the purpose of collecting statistics. An appropriation of $50,000 is all that they have ever had for that purpose, and that is what the Committee on Appropriations has recommended.

The appropriation has been $50,000 since 1900. Prior to that time it was $30,000, $20,000, $18,000, and $10,000. In 1891 it was only $10,000. Since that time this Bureau, under these ambitious gentlemen of the Geological Survey, has taken in a number of other scientific gentlemen engaged in this work, and if there is any additional amount needed it is because of their employment. We are giving them as much as they have ever had for this purpose. Now, the $50,000 which they had in addition to this during the present fiscal year is the $50,000 appropriated for the investigation of black sand, which was a new subject, and when we appropriated the last $25,000 we provided that the $25,000 appropriated should complete this investigation. There is absolutely no necessity for this increase of $50,000, which is double the amount that has heretofore been appropriated for this service.

Mr. BONYNGE. The gentleman does not mean that we are asking to double the appropriation?

Mr. TAWNEY. I do say that you are proposing to double it.

Mr. BONYNGE. No; we are only adding $25,000.

Mr. TAWNEY. I now yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I wish to ask the gentleman a question along the line of my interrogatory some time ago—whether or not the committee went thoroughly into the details in regard to the expenditure under this head, and are

satisfied that the sum provided is sufficient to meet the increased and growing demands of the country?

Mr. TAWNEY. I will say that the committee did go into the matter very thoroughly, so thoroughly that we had a conference with the Director of the Mint and Doctor Day, who has this particular branch of the service of the Geological Survey under his charge.

Mr. MONDELL. This is a very important report, but I do not think we ought to appropriate more than is necessary.

Mr. TAWNEY. You are appropriating as much when you give them $50,000 as they have ever had for collecting the statistics in the report.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILEY of New Jersey. Mr. Chairman, I wish to correct the statement made by the chairman of the Appropriations Committee as to the investigation of black sand. I have the report of the last investigation, and it is "An investigation of the properties of black sand: A combination of other methods of treatment; to which is appended a list of the localities where they occur and the proper methods of treatment of each separate section of black sand."

Mr. TAWNEY. Let me ask the gentleman——

Mr. WILEY of New Jersey. The gentleman refused to yield to me, and now I will refuse to yield to him. I am entitled to five minutes and I insist on the full use of my time. To stop the appropriation for the Mineral Resources means the loss of much time and the sacrifice of samples awaiting the tests which have been hauled by the railroads free of charge from various points in the far West.

Mr. MONDELL. Mr. Chairman, the report provided for by this appropriation is an exceedingly important one. The gentleman suggests that it has no relation to the development of the mineral resources of the country.

Mr. TAWNEY. I say it is not the basis of the mineral development.

Mr. MONDELL. The gentleman says it is not the basis of the mineral development, and I admit that. This report does, however, aid, in my opinion, to a considerable extent in developing the mineral resources of the country. The publication of this report of the mineral products of the various States and Territories, of the localities in which minerals are found, the extent of the deposits, and other detailed information given in the report is of great value, and does aid, in my opinion, very considerably in the development of the mineral resources of the country. I understand that the gentlemen of the Geological Survey, in the hearings before the committee, insisted that their detailed statement of the estimated expenditure for the preparation of this work stated the very least sum with which the work could be properly prepared under the conditions now existing, and that was, I am told, a trifle less than $75,000.

Mr. TAWNEY. That detailed expenditure included the black-sand investigation at Portland.

Mr. WILLIAMS. If the gentleman from Wyoming will allow me, the gentleman says that included the black-sand investigation. I want to say from my somewhat inadequate knowledge, that one of the most important things the Government is doing is the black-sand investigation.

Mr. MONDELL. That is true; that work is important, and no doubt this report will contain information on the investigation of the black sands that has been made, and in my opinion, taking into consideration the growth of the mineral products of the country, the discovery of new minerals, the opening of new mineral regions and of many new producing mines in widely scattered areas, this appropriation must necessarily increase gradually.

The fact that there has been no increase in the appropriation for five or six years is the best argument for the increase at this time, in view of the very great increase in the mineral production of the country in the last few years.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The question was taken; and on a division (demanded by Mr. BONYNGE) there were—ayes 29, noes 47.

So the amendment was rejected.

The Clerk read as follows:

For the purchase of necessary books for the library, including directories and professional and scientific periodicals needed for statistical purposes, $2,000.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the sundry civil bill and had come to no resolution thereon.

KINGS MOUNTAIN BATTLE GROUND.

The SPEAKER laid before the House the bill (H. R. 17983) providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces, with a Senate amendment thereto.

Mr. WEBB. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

CLINTON COUNTY, IOWA.

The SPEAKER laid before the House the bill (H. R. 18330) transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa, with a Senate amendment thereto.

Mr. DAWSON. I move that the House concur in the Senate amendment.

The motion was agreed to.

BUSINESS BY UNANIMOUS CONSENT.

The SPEAKER. The Chair desires to state that he has requests from a number of Members about matters that ordinarily are passed by unanimous consent—bridge bills. Is it the sense of the House that they be disposed of now?

Mr. WILLIAMS. Mr. Speaker, it is now 25 minutes after 5 o'clock, and we met this morning at 11. I think that after 5 o'clock is a very bad time for the House to consider matters of unanimous consent. Paradoxical as it may seem, the Speaker, I think, will agree with me that it is easier to pass a bill by unanimous consent than it is by vote of the House, and unanimous consents ought not to come after 5 o'clock.

The SPEAKER. Objection is made.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that when the House adjourn to-day it adjourn to meet to-morrow at 11 o'clock.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

Mr. WILLIAMS. Wait a moment, Mr. Speaker. I have no objection to its being done, with the understanding that the gentleman from Minnesota will attempt to rise by 5 o'clock to-morrow.

Mr. TAWNEY. Mr. Speaker, the gentleman from Mississippi knows very well that in the handling of a bill like the sundry civil bill one can not always fix definitely the time.

Mr. WILLIAMS. It was for that reason that I put it that he would try to rise.

Mr. TAWNEY. I shall try.

Mr. WILLIAMS. Of course if the gentleman tries hard enough he can do it. I understand now this evening that we were in the midst of a little debate on a question, and it was very difficult for the gentleman to cut it short, but I hope that the spirit of that idea will be carried out.

The SPEAKER. The Chair desires to state that there are many conference reports, as the Chair is informed, ready for action. Of course it is only a friendly understanding. The Chair does not understand that there is a hard-and-fast agreement that the House will adjourn at 5 o'clock.

Mr. OLMSTED. Only that the committee will rise.

Mr. WILLIAMS. I understand that in spirit the gentleman will rise by 5 o'clock. After that, matters will come up before the House in the regular way.

The SPEAKER. The Chair hears no objection to the request of the gentleman from Minnesota, and it is so ordered.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. AIKEN to withdraw from the files of the House, without leaving copies, the papers in the case of John F. Lathem (H. R. 8475, Fifty-ninth Congress), no adverse report having been made thereon.

LIGHT-HOUSE ESTABLISHMENT.

Mr. MANN. Mr. Speaker, I present a conference report on the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, together with a statement of the conferees for printing under the rules.

The SPEAKER. The conference report and statement will be printed under the rule.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1812. An act for the relief of Lieut. James M. Pickrell, United States Navy, retired—to the Committee on Naval Affairs.

S. 6256. An act to authorize the Lake Schutte Cemetery corporation to convey lands heretofore granted to it—to the Committee on the Public Lands.

S. 5418. An act relinquishing the title of the United States to certain land in the city of Pensacola, Fla., to James Wilkins—to the Committee on Public Buildings and Grounds.

S. 3469. An act to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherekee disturbances, and the Seminole war,'" approved July 27, 1892—to the Committee on Pensions.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution:

H. J. R. 172. An act to supply a deficiency in an appropriation for the postal service.

STATEHOOD BILL.

Mr. HAMILTON. Mr. Speaker, I desire to present conference report on the bill (H. R. 12707) entitled "An act to enable the people of Oklahoma and Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona and New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States," together with a statement of the conference for printing under the rule.

The SPEAKER. The report and statement will be printed under the rule.

Then, on motion of Mr. TAWNEY (at 5 o'clock and 28 minutes p. m.) the House adjourned until 11 a. m. to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting, with a copy of a letter from the Secretary of War, an estimate of appropriation for pay of Philippine scouts—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John B. Atchison and Clifton E. Atchison, heirs of estate of Jane Elizabeth Rodes, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12869) to revise and amend the United States Statutes relating to the commitment of United States prisoners to reformatories of States or Territories, reported the same with amendment, accompanied by a report (No. 4921); which said bill and report were referred to the House Calendar.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the Senate (S. 6243) to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," reported the same without amendment, accompanied by a report (No. 4923); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10702) to enable the United States to secure the exclusive use and possession of all lands within the present boundaries of the Fort Wingate Military Reservation in the Territory of New Mexico, and for other purposes, reported the same with amendment, accompanied by a report (No. 4924); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 16659) to remove the charge of desertion against Tobe Holt, reported the same with amendment, accompanied by a report (No. 4922); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following bills were introduced and severally referred as follows:

By Mr. LITTAUER: A bill (H. R. 20172) to amend the patent laws for designs—to the Committee on Patents.

By Mr. BURNETT: A bill (H. R. 20173) to authorize Henry T. Henderson and his associates to divert the waters of Little River from the lands of the United States for use of electric-light and power plant—to the Committee on the Public Lands.

By Mr. MARTIN: A bill (H. R. 20174) to amend chapter 559 of the Revised Statutes of the United States, approved March 3, 1891—to the Committee on the Public Lands.

By Mr. CLARK of Missouri: A bill (H. R. 20175) to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri—to the Committee on Interstate and Foreign Commerce.

By Mr. WELBORN (by request): A bill (H. R. 20176) to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD of New Jersey: A bill (H. R. 20177) granting condemned cannon for war monument at Trenton, N. J.—to the Committee on Military Affairs.

By Mr. LAWRENCE: A bill (H. R. 20178) in relation to the Washington Market Company—to the Committee on the District of Columbia.

By Mr. RODENBERG: A bill (H. R. 20179) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes—to the Committee on Interstate and Foreign Commerce.

By Mr. BEALL of Texas: A bill (H. R. 20180) to provide for the investigation of controversies affecting interstate commerce, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON of South Carolina: A bill (H. R. 20181) to establish an agricultural experiment station in the Second Congressional district of the State of South Carolina—to the Committee on Agriculture.

By Mr. GRIGGS: A bill (H. R. 20182) to place linotypes, composing machines, and their parts on the free list—to the Committee on Ways and Means.

By Mr. SHERMAN: A joint resolution (H. J. Res. 175) granting permission for the erection of a bronze statue in Washington, D. C., in honor of Gen. Francis E. Spinner, late Treasurer of the United States—to the Committee on the Library.

By Mr. LAFEAN: A resolution (H. Res. 580) authorizing the Committee on Naval Affairs to investigate the action of the Navy Department in certain matters—to the Committee on Rules.

By Mr. FITZGERALD: A resolution (H. Res. 582) increasing compensation of the special messengers—to the Committee on Accounts.

By Mr. CASSEL: A resolution (H. Res. 583) for the appointment of a clerk to compile the laws, decisions, and practice relating to the contingent fund of the House—to the Committee on Accounts.

Also, a resolution (H. Res. 584) relating to the contingent fund of the House—to the Committee on Accounts.

Also, a resolution (H. Res. 585) authorizing payment of approved accounts for reporting committee hearings out of the contingent fund of the House—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRADLEY: A bill (H. R. 20183) granting an increase of pension to Catherine Way—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 20184) for the relief of Dennis Sexton—to the Committee on Claims.

By Mr. BURLEIGH: A bill (H. R. 20185) granting an increase of pension to Joseph T. Woodward—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 20186) for the relief of Benjamin F. Busick—to the Committee on Claims.

Also, a bill (H. R. 20187) granting an increase of pension to John J. Duff—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 20188) granting an increase of pension to John H. McCain—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 20189) granting an increase of pension to Thomas W. Daniels—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 20190) granting an increase of pension to John W. Scott—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 20191) granting an increase of pension to James P. Mowland—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 20192) granting an increase of pension to Andrew J. Gitchell—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 20193) granting an increase of pension to Christopher Young—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 20194) granting a pension to Mary Shearer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20195) for the relief of the legal representatives of the estate of Martin Preston, deceased—to the Committee on War Claims.

By Mr. KELIHER: A bill (H. R. 20196) to provide relief for those whose property was damaged by the firing of high-power guns at Forts Heath and Banks, Boston Harbor, Massachusetts—to the Committee on Claims.

By Mr. MACON: A bill (H. R. 20197) for the relief of the estate of Q. K. Underwood, deceased—to the Committee on War Claims.

By Mr. PATTERSON of South Carolina: A bill (H. R. 20198) granting an increase of pension to Mary E. Maddox—to the Committee on Pensions.

By Mr. PAYNE: A bill (H. R. 20199) granting an increase of pension to Joseph N. Cadieux—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 20200) for the relief of the estate of Philip Housen, deceased—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 20201) granting an increase of pension to Charles W. Airey—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 20202) granting an increase of pension to William R. Browne—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 20203) granting a pension to Polly H. Daniels—to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 20204) granting an increase of pension to Robert Boyd—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 20205) granting an increase of pension to Zane Smith—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Petition of Mrs. M. D. Ellis, superintendent National Woman's Christian Temperance Union, Washington, D. C., against sale of liquor in Government buildings and National Soldiers' Homes—to the Committee on Alcoholic Liquor Traffic.

Also, petition of M. P. Hocker, secretary Permanent Committee on Temperance, Steelton, Pa., against liquor selling in Government buildings and National Soldiers' Homes—to the Committee on Alcoholic Liquor Traffic.

By Mr. BEALL of Texas: Paper to accompany bill for relief of J. C. Lankford—to the Committee on War Claims.

Also, paper to accompany bill for relief of James Pierce—to the Committee on Pensions.

By Mr. BIRDSALL: Petitions of H. P. Root, Dover, Iowa, and George W. Myers, Alexandria, Iowa, et al., for a pure-food law and Federal inspection of slaughtering and packing business—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: Petition of Joseph Grosner, New York, favoring admission to this country of an unlimited number of healthy, able-bodied men whose work is needed for upbuilding the country—to the Committee on Immigration and Naturalization.

Also, petition of M. P. Hacker and William H. Anderson, against liquor selling in or on all Government premises, National Soldiers' Homes particularly—to the Committee on Alcoholic Liquor Traffic.

By Mr. GROSVENOR: Letters and telegrams protesting against passage of eight-hour law from the following cities: Toledo, Ohio; Rome, N. Y.; Columbus, Ohio; Cincinnati, Ohio; Providence, R. I.; New York, N. Y.; San Francisco, Cal.; Rochester, N. Y.; Cleveland, Ohio; Fostoria, Ohio; Grand Rapids, Mich., and Salem, Ohio—to the Committee on Rules.

By Mr. HEDGE: Petitions of R. W. Newell, Wapello, Iowa, Alex. Hamilton, Newport, Iowa, J. L. Williams, Mount Hamill, Iowa, J. T. Overton, Overton, Iowa, and C. H. Abel, Mediapolis, Iowa, for a pure-food law and Federal-inspection law of meat packing—to the Committee on Interstate and Foreign Commerce.

Also, petition of Leon Daily, of Columbus Junction, Iowa, in favor of pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HOPKINS: Papers to accompany bill granting a pension to Mary Shearer, blind and dependent daughter of William Shearer—to the Committee on Invalid Pensions.

By Mr. MARTIN: Petition of Black Hills District Medical Society, against amendment to pure-food bill favoring manufacturers of proprietary medicines—to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: Petition of Paul C. Phares and L. M. Warner, for an amendment to post-office rules and regulations making legal all paid paper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON of North Carolina: Paper to accompany bill for relief of Sarah Salmon—to the Committee on Pensions.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of Mary E. Maddox—to the Committee on Pensions.

By Mr. PATTERSON of Tennessee: Petition of many practitioners of dentistry in Nashville, Tenn., against certain clause in bill S. 2355, relative to reorganization of corps of dental surgeons of Medical Department of Army—to the Committee on Military Affairs.

Also, petition of Business Men's Club of Memphis, Tenn., asking retention of marine hospital at Memphis—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of Lewis Holt—to the Committee on Military Affairs.

By Mr. SCHNEEBELI: Protest of B. S. Mayer, of Bethlehem, Pa., against passage of eight-hour law—to the Committee on Labor.

Also, petition of railway employees of Leighton, Pa., protesting against adoption of conference report on rate bill prohibiting granting of passes to railway employees and their families—to the Committee on Interstate and Foreign Commerce.

Also, petition of club women in convention, asking favorable action on pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of railway employees of Mauch Chunk, Pa., protesting against adoption of report on rate bill prohibiting granting of passes to railway employees and their families—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Kentucky: Papers to accompany bill (H. R. 14151) for the relief of William J. Ashley—to the Committee on Invalid Pensions.

By Mr. SMYSER: Petition of wage-workers of Chicago, for passage of bill H. R. 18752 (by Mr. PEARRE)—to the Committee on the Judiciary.

Also, petition of E. Z. Hayes, of Warsaw, Ohio, and M. C. Julian & Son, Newcomerstown, Ohio, for amendment to section 14, chapter 180, act of Congress of March 3, 1879, relative to paid newspaper subscriptions, making all of same legal—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *June 14, 1906.*

Rev. CHARLES CUTHBERT HALL, D. D., of the city of New York, offered the following prayer:

Let the people praise Thee, O God; let all the people praise Thee.

Then shall the earth yield her increase; and God, and even our own God, shall bless us.

God shall bless us; and all the ends of the earth shall fear Him.

Let us pray.

O God of nations, who setteth up one and putteth down another, most heartily we thank Thee for Thy good providence toward us and our fathers. We bless Thee for the foundation of this Republic on principles of truth and humanity. We call to remembrance the illustrious founders of our constitutional liberty and all others who by life or death have served and suffered for the welfare of the State.

Inasmuch as on this day, by common consent, the flag of the United States is honored and exalted among the people, we beseech Thee to protect and sanctify that flag forever by the sure defenses of righteousness. Give unto us and to our children the spirit of reverence and obedience. Let integrity and uprightness preserve us. Cleanse the nation from whatsoever defileth or maketh ashamed. Ennoble all citizens with the purpose of goodness, to the end that throughout all the world the flag of the United States may be a symbol of honor, of brotherhood, of peace.

We pray for the President and Vice-President, for all counselors, legislators, judges, ambassadors, and ministers of state, for the Army and Navy. Especially we pray for the Senate this day assembled, that it may be true in purpose, wise in counsel, resolute in action, deserving and receiving the gratitude of the people and the continual favor of God.

This we ask in the name of our Lord Jesus Christ. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SENATOR FROM KANSAS.

Mr. LONG. Mr. President, I present the credentials of Hon. Alfred Washburn Benson, of Kansas, appointed by the governor of that State to fill the vacancy caused by the resignation of Senator Burton. I ask that the credentials may be read, and that the oath of office may be administered to my colleague.

The VICE-PRESIDENT. The Secretary will read the credentials presented by the Senator from Kansas.

The Secretary read the credentials, as follows:

Hon. CHARLES WARREN FAIRBANKS,
Vice-President of the United States and Ex-Officio President of the Senate of the United States, Washington, D. C.:

Know ye that I, E. W. Hoch, governor of the State of Kansas, reposing special trust and confidence in the integrity, patriotism, and abilities of Alfred Washburn Benson, on behalf and in the name of the State, do hereby appoint and commission him a Senator in the Congress of the United States, from the State of Kansas, to fill vacancy caused by the resignation of Hon. Joseph R. Burton until the next meeting of the legislature of this State, and until a successor has been elected and qualified, and empower him to discharge the duties of said office according to law.

In testimony whereof I have hereunto subscribed my name and caused to be affixed the great seal of the State.

Done at Topeka, Kans., this 11th day of June, A. D. 1906.

[SEAL.] E. W. HOCH, *Governor.*

By the governor:

J. R. BURROW,
Secretary of State.

Mr. BURROWS. Mr. President, it will be observed that the certificate is not in proper form. I call attention to the fact that by it the governor appoints not only to the vacancy until the next meeting of the legislature, but until the legislature shall elect. Under that certificate, if valid, and the legislature should fail to elect, Mr. Benson might hold for life. But the certificate nevertheless, I think, is sufficient, as that portion of it which assumes to supply the vacancy "until the legislature shall elect" can be regarded as surplusage.

The VICE-PRESIDENT. The credentials will be filed. The Senator appointed will present himself at the desk and take the oath prescribed by law.

Mr. Benson was escorted to the Vice-President's desk by Mr. LONG, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of James M. Price, sole heir and legatee of Thomas J. Price, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

CREDENTIALS.

Mr. ALLEE presented the credentials of Henry A. Du Pont, chosen by the legislature of the State of Delaware a Senator from that State for the unexpired term ending March 3, 1911; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 17983. An act providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces; and

H. R. 18330. An act transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9813) granting a pension to Harriet P. Sanders.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Philadelphia Sabbath Association, of Philadelphia, Pa., praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of the Women's American Club of Salt Lake City, Utah, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

Mr. SPOONER presented a petition of sundry citizens of Norris, Wis., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. PENROSE presented a petition of sundry citizens of New Wilmington, Pa., and a petition of sundry citizens of McConnellsburg, Pa., praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Indian Association of Bethlehem, Pa., praying for the enactment of legislation for the relief of the landless Indians of northern California; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Woman's Missionary Society of Florence, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. KNOX presented memorials of Lodge No. 218, Brotherhood of Trainmen, of Connellsville; Lodge No. 235, Brotherhood of Firemen, of Pittsburg; Lodge No. 244, Brotherhood of Trainmen, of Glenwood; Division No. 187, Order of Railway Conductors, of Sunbury; General Committee of Adjustment, Pennsylvania lines west of Pittsburg, of New Castle, all in the State of Pennsylvania, remonstrating against the adoption of an amendment to the rate bill prohibiting passes to railroad employees and members of their families; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 13456) for the relief of James McKenzie, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 8428) to regulate the construction of dams across navigable waters, reported it without amendment.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (S. 6209) authorizing certain changes in the permanent system of highways in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Claims, to whom was referred the bill (S. 2951) for the relief of John Scott, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (H. R. 14928) for the relief of F. V. Walker, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands,

to whom was referred the bill (S. 4284) granting to the State of Wisconsin the residue of unappropriated and unreserved public lands within said State as an addition to the State forest reserve of said State, submitted a report thereon, accompanied by a bill (S. 6462) granting lands to the State of Wisconsin for forestry purposes; which was read twice by its title.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7546) granting a pension to Edna Buchanan;

A bill (H. R. 18816) granting an increase of pension to Harriet Weatherby; and

A bill (H. R. 6944) granting an increase of pension to David P. Kimball.

Mr. PENROSE, from the Committee on Finance, to whom was referred the bill (S. 2416) to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898, reported it without amendment.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 6418) to establish an additional recording district in Indian Territory, reported it without amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. RAYNER on the 7th ultimo, relative to funds for the Providence Hospital, intended to be proposed to the sundry civil appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. DUBOIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 130) authorizing the extension of Kalorama road NW., reported it without amendment, and submitted a report thereon.

FIRE DEPARTMENT OF THE DISTRICT OF COLUMBIA.

Mr. SCOTT. I report back from the Committee on the District of Columbia without amendment the bill (H. R. 4464) to classify the officers and members of the fire department of the District of Columbia, and for other purposes, and I submit a report thereon. I ask for the immediate consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. SCOTT. I wish to make one statement in regard to the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HALE. It is a very important bill, and there ought be some scrutiny in these last days of important bills. I hope the Senator in charge of the bill will state for the benefit of the body, so that we may know something about the bill, what features in it are new, what is the need of it, and what changes are made in salaries, so that when the Senate passes it we may not be absolutely "like dumb, driven cattle," knowing nothing whatever of what was before the body. I ask the Senator to tell us.

Mr. SCOTT. I ask the Secretary if he has not with the bill the report of the committee adopting the House report? It will give the Senator the information, I think.

I wish to say to the Senator that this bill was very carefully prepared by Congressman CAMPBELL, of the District Committee of the House. As the Senator no doubt noticed from the reading, it is to take effect the 1st of July, and while there is possibly one amendment which should have gone into the bill, covering the case of the trial of firemen for misconduct, the District Committee thought it best not to endanger the passage of the bill by amending it, for fear that if sent back in an amended form it might not become a law.

If the Senator will listen to the reading of the report, I am sure he will have no objection to the bill. It will explain fully the nature of the bill.

Mr. HALE. What is the main necessity for the bill? The Senator can tell us that.

Mr. SCOTT. The main feature of the bill, I will say to the Senator from Maine, is an increase in the salary of the fire department on the same ratio that the increase was made in the salary of the police department. It increases the salary of the men in the department.

Mr. HALE. To what extent?

Mr. SCOTT. Forty-eight hundred dollars will go to the higher officers. The balance of the increase goes to the men. The total amount that the bill will carry will be about $83,000.

Mr. HALE. Eighty-three thousand dollars annually?

Mr. SCOTT. Yes, sir.

Mr. HALE. I do not object to the firemen having fair and generous pay, but I do not think any bill to increase salaries ought to go through without the Senate knowing the extent. Does the Senator know what percentage of increase the firemen will have under the bill?

Mr. SCOTT. I will say to the Senator from Maine that I was compelled this morning to attend a meeting of the Committee on Military Affairs. I have sent now to the room of the Committee on the District of Columbia for the memorandum concerning this bill. I will ask that the matter go over, and I will call it up a little later.

The VICE-PRESIDENT. The bill will go to the Calendar.

FORT DOUGLAS MILITARY RESERVATION LANDS.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 6395) for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, and other considerations, for lands adjacent thereto, between Le Grand Young and the Government of the United States, and for other purposes, to report it favorably with amendments, and I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Military Affairs were, in section 1, page 2, line 20, after the word "Utah," to insert "and to Salt Lake City, a municipality organized and existing under the laws of the State of Utah, in the State of Utah;" in line 21, after the word "line," to insert "or lines;" on page 3, line 7, after the words "repair of," to strike out "a pipe line over the following-described portion of said lands: Commencing at the northwest corner of the University of Utah campus, running thence north along the west boundary of the Fort Douglas United States Military Reservation 200 feet; thence east 1,164.83 feet; thence south 200 feet; thence west 1,164.83 feet to the place of beginning;" and insert "the tank house belonging to the said Salt Lake City, as at present situated on the foregoing-described land;" in line 22, after the words "six hundred," to insert "and forty;" so as to make the section read:

That the Secretary of War, for and on behalf of the United States, is hereby authorized to grant and convey by deed to Le Grand Young, his heirs and assigns forever, that portion of the lands comprised within the Fort Douglas Military Reservation, adjoining Salt Lake City, Utah, described as follows, to wit: Commencing at the west boundary line of the Fort Douglas Military Reservation at a point where it is intersected by the south line of First South street, in Salt Lake City, Salt Lake County, State of Utah, and running thence north on said west boundary line of said military reservation a distance of 1,590 feet, more or less, to the southwest corner of what is known as "Popperton place," in Salt Lake City; thence east on a line between the said military reservation and the said Popperton place, a distance of 1,159 feet; thence south on a line running parallel to the said west boundary line of the military reservation a distance of 1,590 feet, more or less, to the northeast corner of the land granted to the University of Utah by act of Congress approved July 23, 1894; thence west along the north line of said university lands a distance of 1,159 feet, to the place of beginning, containing 42.3 acres of land, reserving, however, for the use of the military and the public a right of way in and over the present macadamized road leading from the post of Fort Douglas through said premises to Salt Lake City: *Provided*, That there is hereby granted and reserved to the University of Utah and to Salt Lake City, a municipality organized and existing under the laws of the State of Utah, in the State of Utah, a perpetual easement for the construction, maintenance, and repair of a pipe line or lines over the following-described portion of said lands: Beginning at the intersection of the north line of First South street with the west line of the said military reservation, and running thence north along the west line of the said reservation 50 feet; thence east 1,159 feet; thence south 50 feet; thence west 1,159 feet, to the place of beginning: *And provided further*, That there is hereby granted and reserved to Salt Lake City, a municipality organized and existing under the laws of the State of Utah, in the State of Utah, a perpetual easement for the construction, maintenance, and repair of the tank house belonging to the said Salt Lake City, as at present situated on the foregoing described land. The Secretary of War is further authorized to convey to the said Le Grand Young, his heirs and assigns, a right of way 100 feet wide, for a railroad and wagon road, along the south side of the said military reservation, within metes and bounds as follows: Commencing at the southeast corner of the said military reservation, and running thence west 640 rods to the southwest corner; thence north 100 feet; thence east 640 rods; thence south 100 feet to the place of beginning: *Provided*, That said roadway shall be subject to use by the public for highway purposes.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WATERS OF THE MISSISSIPPI RIVER AT ST. PAUL, MINN.

Mr. NELSON. From the Committee on Commerce I report back without amendment the bill (S. 6451) to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River flowing

over the dams between St. Paul and Minneapolis, Minn., and I ask for its present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

Mr. HALE. Is the Senator certain that what is embraced in the bill is not covered in the work of the waterways commission?

Mr. NELSON. I will explain to the Senator the object of the bill. If the bill could be read the Senator would see the object of it. The bill has not been read. Will the Senator allow the bill to be read?

Mr. HALE. Certainly. My only point is whether it is embraced in the great waterways commission which is now at work.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That a commission is hereby created to examine and report to the Secretary of War, for transmission to Congress, concerning the use of the surplus water which shall not be needed for the purposes of navigation flowing over the dams now under construction by the United States in the Mississippi River between the cities of St. Paul and Minneapolis, Minn.

That such commission shall be composed of one officer of the Corps of Engineers of the United States Army, one officer of the Quartermaster's Department of the United States Army, both of whom shall be designated by the Secretary of War, and one official of the Treasury Department, who shall be an expert in electrical engineering, who shall be designated by the Secretary of the Treasury.

SEC. 2. That this commission shall examine and report upon the following propositions:

First. Whether there will be any surplus water flowing over said dams not needed for the purposes of navigation which might be available for mechanical or commercial power.

Second. Whether such power, or any part thereof, could be economically utilized for furnishing the light and power now needed or which hereafter may be needed in the buildings and property of the United States at St. Paul, Minneapolis, and Fort Snelling, Minn.; and if so, to what extent, and what proportion or amount of the available power could be so utilized by the United States or disposed of in any manner to the advantage of the United States.

Third. If it shall appear to said commission feasible and economical for the United States to use or dispose of such power or any part thereof, then said commission shall report a plan or plans, with terms and conditions for such use or disposition, and an estimate of the cost thereof to the United States.

SEC. 3. That the said commission shall meet at such time and place as may be directed by the Secretary of War, and shall transmit said report within two years after the passage of this act.

Mr. ALDRICH. I should like to have the first section read again. My attention was distracted by another matter.

The VICE-PRESIDENT. The Secretary will again read the first section of the bill.

The Secretary read as requested.

Mr. ALDRICH. I think the bill raises a very important question. I should suppose that the water power in these rivers would belong to the riparian owners—the owners of the adjacent land.

Mr. NELSON. I wish to explain to the Senator that these are Government dams constructed in the aid of navigation between Minneapolis and St. Paul, near Fort Snelling. The Government acquired the right by condemnation to construct the dams. It is Government property; and the sole object is to ascertain whether any of the surplus water can be used for these other purposes. Fort Snelling is close by, and the object is to supply it with the electric power, and also the United States public buildings in Minneapolis and St. Paul.

Mr. ALDRICH. Does the Government own the land on both sides of these dams?

Mr. NELSON. It owns it so far as the flowage is concerned.

Mr. ALDRICH. That may raise a very important question of ownership. I assume that the United States does not and will not claim the right to use waters that are navigable for the production of light and power in competition with private individuals.

Mr. NELSON. I do not think there is any conflict. This is simply to provide for an investigation and report on that question. That is all that there is involved in the bill.

Mr. ALDRICH. I am not objecting to the bill for the appointment of a commission, but it looks very much as though it is a first step the Government is going to take into the business of competing with private individuals in the manufacture and production of power.

Mr. NELSON. I do not think there is anything of that kind involved in the bill.

Mr. CULLOM. Does it not look like every drop of water in the country that can be picked up for any purpose is going to be taken away from transportation in the rivers?

Mr. NELSON. This does not allow the taking of a drop of water needed for navigation.

Mr. HANSBROUGH. I understand that it is for the purpose of allowing the Government to use the power from Government dams for the manufacture of light and heating.

Mr. NELSON. Yes. We have a great military post at Fort Snelling, near this dam.

Mr. HANSBROUGH. It is not for private use?

Mr. NELSON. It is not for private use at all. It is for Government purposes.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Illinois?

Mr. NELSON. Certainly.

Mr. HOPKINS. I will ask the Senator if he has looked into the question as to whether the Government of the United States has any control whatever over these waters?

Mr. NELSON. They are Government dams built on a navigable river.

Mr. HOPKINS. That may be, but is there anything in that that would give the Government of the United States the power to divert the water for any purpose?

Mr. NELSON. For public purposes, for Government purposes?

Mr. HOPKINS. Yes; even for that?

Mr. NELSON. I think so; but——

Mr. HOPKINS. Except for navigation, and even in a limited way for that purpose.

Mr. NELSON. I think so. However, this simply involves a consideration of the question and a report. It does not commit the Government to the plan.

Mr. HOPKINS. I will state to the Senator, if he will permit me, that under the river and harbor act that was passed some years ago a commission was authorized to look into the conditions of the waters of the Great Lakes in conjunction with a commission appointed by Great Britain, and that commission, in my judgment, has made some egregious blunders against the interests of the United States, and especially against the interests of the several States that really own the water. The Government of the United States has no authority in the water. The water belongs to the several States, and they must determine its use, outside of the question of navigation. It seems to me that if the Senator will look into this matter he will find that the Government of the United States has no authority whatever over a proposition of this character.

Mr. NELSON. It may be that an act of the legislature supplemental to this act would be necessary. But the Senator can see that, this being a Government dam, without the consent of the United States, even with that of the State legislature, they could not use the water that was made by the dam. These dams were built for the purposes of navigation between St. Paul and Minneapolis, to make the Mississippi River navigable from St. Paul up to the mills at Minneapolis. If any such question as the Senator suggests might arise in the matter, it is a question the legislature of the State will solve. Certainly, if there is such a question, it will require the consent both of the United States and of the State.

The bill simply proposes to appoint a commission to investigate whether any surplus water can be used above what is needed for navigation, and they are to report to the Secretary of War for transmission to Congress. It does not go beyond that. If this other question arises, then it is a matter that can be settled by the State legislature. There are at present no objections anywhere, either by the people of St. Paul or Minneapolis or any of the riparian owners.

Mr. HOPKINS. I will say to the Senator the only reason why a dam was constructed there at all was that it was in the interest of the commerce of the river itself, in which the several States from the source to the mouth of the river are just as much interested as the people at St. Paul and Minneapolis. They can not use that water for any other purpose. In my judgment, the people down at Cairo, Ill., or at St. Louis, Mo., or down farther, clear to the mouth of the Mississippi River, have just as much right to be consulted on the question as to the diversion of any of the water that goes over the dam there as the people of Minneapolis or St. Paul.

Mr. NELSON. The Senator is correct, and this commission is to consider that very question.

Mr. HOPKINS. But the Government of the United States has no authority over that. That must be done through the legislatures of the various States that border the river.

Mr. NELSON. No; the particular question whether any surplus water is needed above the requirements of navigation is a question belonging to the United States Government, not to the States.

Mr. TILLMAN. Mr. President——

Mr. HOPKINS. Mr. President, under the statement of the Senator from Minnesota I am not going to object to this specific bill, because he says it is not to determine any rights; but I think the bill involves a great question that should be care-

fully looked into by the Senators from the several States bordering on that great waterway.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from South Carolina?

Mr. NELSON. Certainly.

Mr. TILLMAN. As I understand the bill it has in view the survey or the investigation by a commission to determine whether any of the water which flows over the dam can be used to run machinery.

Mr. NELSON. To run electrical power in the Government establishments.

Mr. TILLMAN. For the benefit of the Government?

Mr. NELSON. For the benefit of the Government. The Government has a great military post, with which Senators are familiar, at Fort Snelling. There has been a military post there ever since 1820, and it is close by this dam.

Mr. TILLMAN. I merely wish to remark that I never saw any water that was in a mill pond (and this is something like a mill pond above a dam, because the water is deepened by the dam) which could be so far diverted but that it would not get back into the stream below, unless it was pumped off somewhere and destroyed. I can not see how in the name of common sense the utilization of this water to run machinery, when the water would go right immediately back to the river, is going to divert any of it from the Mississippi River at St. Louis.

Mr. NELSON. The Senator is undoubtedly right. The water would go right back into the river immediately, and it would not diminish the flow.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. ALDRICH. I should like to ask whether the jurisdiction of the United States over this matter is supposed to arise from the fact that it built a dam, or whether on account of the fact that these are navigable waters—that is, whether the United States can take possession of any river which is supposed to be navigable and build dams and erect factories of one kind or another and go into the business of competing with citizens of the United States in various ways?

Mr. TILLMAN. I have seen at Rock Island, in Illinois, a somewhat similar situation. There is at Rock Island one of the largest electric plants in the United States. The electricity is generated by the waters of the Mississippi River, and the Government utilizes that electricity to run machinery in the Rock Island Arsenal.

Mr. NELSON. That is the fact; and this case is precisely analogous to it.

Mr. ALDRICH. I thought from listening to the reading of the bill that it contemplated other uses.

Mr. NELSON. Oh, no; simply Government uses, that is all, for the great military post there and for the Government buildings, the public buildings at St. Paul and Minneapolis. It is exactly as the Senator from South Carolina has stated—analogous to the case at Rock Island.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. ALDRICH. I suggest to the Senator from Minnesota that I was not mistaken about the declared purpose for creating the commission. It is to be appointed to report to Congress concerning the use of certain surplus water without restricting its contemplated use to Government purposes.

Mr. NELSON. If the Senator will turn to the other page——

Mr. ALDRICH. That is the second inquiry. The first and the main inquiry is as to the use of it. I will not raise the point, but the first section is subject to the construction which I placed upon it.

Mr. SPOONER. It will not divert any water or involve the Government in competing with any industry until Congress ascertains whether there is surplus water.

Mr. ALDRICH. Oh, no.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHATTAHOOCHEE RIVER BRIDGES.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 19815) to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River between Columbus, Ga., and Franklin, Ga., to report it favorably without amendment, and I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 19816) to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River, one at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga., to report it favorably without amendment, and I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GOVERNMENT RESERVATION IN HILO, HAWAII.

Mr. CLARK of Montana. I am directed by the Committee on Pacific Islands and Porto Rico to report back favorably without amendment the bill (H. R. 10106) providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii, and I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSÉ MARTÍN CALVO.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom the subject was referred, to report an original joint resolution, which I send to the desk. As it is very short and it is important that it should be passed at the present time, I ask for its immediate consideration.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The joint resolution (S. R. 66) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. José Martín Calvo, of Costa Rica, was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of War be, and he hereby is, authorized to permit Mr. José Martín Calvo, of Costa Rica, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the case of the said José Martín Calvo the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORESTRY LAND GRANT TO WISCONSIN.

Mr. LA FOLLETTE. I ask unanimous consent for the present consideration of a bill reported this morning from the Committee on Public Lands by the Senator from North Dakota [Mr. HANSBROUGH], granting lands to the State of Wisconsin for forestry purposes.

The VICE-PRESIDENT. The bill will be read for the information of the Senate, subject to objection.

The bill (S. 6462) granting lands to the State of Wisconsin for forestry purposes was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to cause patents to issue to the State of Wisconsin for not more than 20,000 acres of such unappropriated, unoccupied, nonmineral public lands of the United States north of the township line between townships 33 and 34 north, fourth principal meridian, as may be selected by and within said State for forestry purposes. The lands hereby granted, except as herein provided, shall be used as a forest reserve only, and should the State of Wisconsin abandon the use of said lands for such purpose, alienate or attempt to alienate or use the same or any part thereof for purposes other than that for which granted, except upon consent of the Secretary of the Interior, as hereinafter provided, the same shall revert to the United States. If it shall be made to appear to the satisfaction of the Secretary that any tract or tracts of the land hereby granted are better suited for agricultural than for forestry purposes or by reason of their isolation are not available for forest-reserve purposes, he may, by order, consent to the sale of such tract or tracts by the State of Wisconsin, upon condition that the proceeds of such sale shall be used by the said State in the reforestation of the permanent forest reserves established by said State, and that in event the lands hereby granted shall revert to the United States the said State will account for all such moneys and will pay over to the United States all sums derived from the sales of these lands and not actually used in reforestation.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

Mr. LA FOLLETTE. I move that the bill (S. 4284) granting to the State of Wisconsin the residue of unappropriated and unreserved public lands within said State as an addition to the State forest reserves of said State be indefinitely postponed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. CARMACK introduced a bill (S. 6455) for the relief of Aaron D. Bright; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 6456) granting a pension to Lilla May Pavy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 6457) granting a pension to Anna M. Gregory; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 6458) for the relief of the administrator of Capt. Ephraim Perkins; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6459) granting an increase of pension to Ellen Carpenter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLARD introduced a bill (S. 6460) for the relief of Nye & Schneider Company; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. McLAURIN introduced a bill (S. 6461) for the relief of the estate of Stephen Herren; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HEMENWAY submitted an amendment proposing to appropriate $25,000 per annum to provide for the traveling expenses of the President of the United States, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing that, beginning on the 1st day of July, 1906, and continuing thereafter, the work and employment of all employees of the various mints of the United States shall cease at 12 o'clock noon of every Saturday during the months of July, August, and September, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing that, beginning on the 1st day of July, 1906, and continuing thereafter, the work and employment of the clerks and per diem clerks rated as special laborers, mechanics, helpers, laborers, and apprentices employed in the various navy-yards and naval stations of the United States, etc., shall cease at 12 o'clock noon of every Saturday during the months of July, August, and September, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate $5,000, to be used, at the discretion of the Secretary of the Interior, in placing a herd of 200 or 300 reindeer on the island of Unalaska, intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying memorandum, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MONEY submitted an amendment proposing to appropriate $5,000, to be used in increasing the salaries of clerks (formerly laborers) in the Department of Agriculture, classified by order of the President dated January 12, 1905, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REGULATION OF CHILD LABOR IN THE DISTRICT OF COLUMBIA.

Mr. PILES submitted an amendment intended to be proposed by him to the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia; which was ordered to lie on the table and be printed.

PROPOSED RULE AS TO CONFERENCE REPORTS.

Mr. BAILEY. Mr. President, I desire to give notice, in accordance with the provision of Rule XL, of an amendment intended to be proposed to the rules of the Senate providing for the reception of a point of order against a conference report, and I submit the resolution which I send to the desk.

The VICE-PRESIDENT. The resolution submitted by the Senator from Texas will be read.

The Secretary read as follows:

Resolved, That whenever objection is made that a conference report includes matter beyond the jurisdiction of the conference committee, the point of order shall be determined in the first instance by the Chair, and shall be finally disposed of by the Senate before the conference report itself is considered.

Mr. BAILEY. Mr. President, if it be permissible, I should like to have the resolution remain on the table, so that I may call it up within the next day or two. I think it is generally agreed that some rule of the kind provided for in the resolution ought to be adopted, and it possibly could be adopted without any debate or contest. I therefore ask unanimous consent that the resolution lie on the table.

The VICE-PRESIDENT. The resolution will lie on the table, and be printed.

INTRODUCTION OF REINDEER INTO ALASKA.

Mr. NELSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate the report of Dr. Sheldon Jackson upon "The Introduction of Domestic Reindeer into the District of Alaska" for 1905, together with the maps and illustrations.

ASSISTANT CLERK TO COMMITTEE ON RULES.

Mr. SPOONER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Rules be, and it is hereby, authorized to employ an assistant clerk, in lieu of the messenger authorized by the resolution of January 4, 1906, to be paid from the contingent fund of the Senate at the rate of $1,800 per annum until otherwise provided by law.

BYRON K. MAY.

Mr. McCUMBER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 1510) entitled "An act granting an increase of pension to Byron K. May."

WITHDRAWAL OF PAPERS—SOL MARKEE.

On motion of Mr. CLAPP, it was

Ordered, That permission be, and is hereby, granted to withdraw from the Senate files the petition of Sol Markee and others for the draining of Pelican Lake, Minnesota, referred to the Committee on Public Lands January 11, 1906, no adverse report having been made on the matter.

PANAMA RAILROAD COMPANY, ETC.

The VICE-PRESIDENT. If there be no further concurrent or other resolutions, the Chair lays before the Senate a resolution submitted by the Senator from Alabama [Mr. MORGAN] yesterday, which will be read.

Mr. MORGAN. The Senator from Illinois [Mr. HOPKINS] made objection to the form of the resolution that I offered in the Senate yesterday. We have agreed as to the form of it. I have modified the resolution, and I ask for the adoption of the resolution as it has been modified.

The VICE-PRESIDENT. The Senator from Alabama has modified the resolution presented by him on yesterday, and now asks for its adoption. The resolution as modified will be read.

The Secretary read the resolution as modified, as follows:

Resolved, That it is referred to the Committee on Interoceanic Canals to inquire, with all reasonable diligence, and to report by bill or otherwise—

First. Whether it is necessary and is consistent with public policy and proper economy that the business and property of the Panama Railroad should continue to be held or conducted under and in accordance with the charter of the Panama Railroad Company enacted by the legislature of the State of New York and should remain under the legislative or other control of that State, or whether the control of said railroad and of all property held or controlled in its name or in connection with it should be placed under the jurisdiction and control and in the possession of the Isthmian Canal Commission or other lawful authority in the Panama Canal Zone subject to the authority of Congress.

Second. Whether the Government of the United States should assume the outstanding debts and obligations of the Panama Railroad Company, and what provision should be made for their liquidation or payment.

Third. Whether the Government of the United States has any and what right to stock in the New Panama Canal Company that was issued to the Government of Colombia to the amount of 5,000,000 francs, or to any dividends or payments due on such stock from any funds in the treasury of said canal company.

Fourth. Whether the persons claiming to be members of the board of directors of the Panama Railroad Company hold such places as directors by any lawful tenure or authority, and, if they are not so entitled, whether their appointment as such directors should be sanctioned by the approval of Congress.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

LOANS BY NATIONAL BANKS.

Mr. ALDRICH. I ask unanimous consent for the present consideration of the bill (H. R. 8973) to amend section 5200, Revised Statutes of the United States, relating to national banks.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, on page 1, line 12, after the word "fund," to strike out:

Provided, however, That the total of such liabilities shall in no event exceed 20 per cent of the capital stock of the association.

So as to make the bill read:

Be it enacted, etc., That section 5200 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 5200. The total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such associations, actually paid in and unimpaired and one-tenth part of its unimpaired surplus fund. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed."

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Finance. In the absence of objection, it will be considered as agreed to.

Mr. BAILEY. I object to that, Mr. President.

The VICE-PRESIDENT. Then the question will be on agreeing to the amendment.

Mr. BAILEY. Mr. President, I believe that Congress ought to provide by a suitable law for including a reasonable surplus in the 10 per cent which a bank may loan to one of its customers, but I do not believe that the surplus should be without a limitation.

The trouble with this provision, if the committee amendment should be adopted, is that it will encourage banks to transact their business on a surplus rather than on a capital. To illustrate what I mean, if the bank can treat its surplus in every way precisely as it treats its capital and may loan it without any limitation upon its amount, the temptation would be for men who are about to engage in the banking business to have a small capital and a large surplus, because the money, whether surplus or capital, would be available for all the necessities of the bank without distinction; but when you come to look to the security of the depositors and creditors of the bank there is a very important difference. Stockholders are liable to depositors and creditors of a bank according to the capital stock, and not according to the surplus. Therefore, if the surplus be accorded all the privileges of the capital, the inevitable tendency in this country will be to bank upon surplus and not upon capital.

If I and my associates were about to organize a bank with a million dollars of capital and this bill should become a law, we would not organize with a million dollars capital at all, but we would organize with $100,000 capital and $900,000 surplus. The advantage in so organizing would be that in the event of failure the stockholders would be liable to the creditors and depositors to the extent of $100,000, and no more; whereas if they organized with a capital of $1,000,000 and the bank should fail the stockholders would be liable to the depositors and creditors to the extent of $1,000,000. Now, sir, if a bank organized with $100,000 capital and $900,000 surplus should fail for $500,000 above its assets, the stockholders would respond to the extent of $100,000 only and the creditors would lose $400,000. On the other hand, if it organized with $900,000 capital and $100,000 surplus and it should fail for $500,000, the depositors and creditors would not lose one farthing, assuming that the stockholders were solvent, because the liability of the stockholder to the extent of his holding would be sufficient to liquidate the entire debt.

We have what is said to be the safest banking system in the world. I doubt that; but certainly it is the safest banking system that this country has ever known. The only criticism which is now heard against it is that in its practical operation it lacks elasticity, but it must be remembered that its very want of elasticity is one of the things that insures its safety. Either we ought to repeal that part of the law which limits the liability of the stockholder to the capital and include the surplus or else we ought not to encourage the accumulation of a surplus without limit. Not only, Mr. President, is it wrong looking to the creditors of the bank, but it is not altogether safe if you look merely to the stockholders themselves. A bank is organized; a majority control it; and that majority persistently and continually accumulates a surplus instead of dividing the profits of the bank in the shape of dividends. It may happen that the majority are well able to forego their dividends and permit their accumulation as a surplus, but it may also happen that the minority can not pursue that course with the same convenience.

Mr. President, if we adopt this committee amendment we encourage all banks in the accumulation of a surplus as against a capital, and we have taken a long step toward impairing the safety of our present banking system. I repeat what I said in the beginning, that some law of this kind ought to be passed. I am willing to accord this privilege to a surplus equal to the capital stock. The effect of that would be to reduce actually the liability of a stockholder to 50 per cent, whereas the law made it, and the law ought to have made it, equal to 100 per cent; but I am not willing to see a bill pass, and it can not pass except over my protest, that puts a premium upon the accumulation of a surplus, thus relieving stockholders against their personal liability. That personal liability has heretofore been regarded as a very important element in the credit of all banks and in the operation of the national banking system, and it ought not either to be impaired, reduced, or eliminated.

Mr. ALDRICH. Mr. President, the Finance Committee are unanimous in their approval of the provisions of the bill that enlarge the limit of individual loans by national banks from 10 per cent of the capital, as fixed by existing law, to 10 per cent of the capital and surplus. The Senator from Texas [Mr. BAILEY] believed, and in this differed with the committee, that a further limitation should be placed upon the total amount to be loaned to any one party, and that this amount should not in any case exceed 20 per cent of the capital stock of the bank. He contends that the bill, without this further limitation, reduces the relative liability of the stockholders to creditors.

It is true, as he suggests, that the law as it now stands imposes, in case of failure, a further liability upon stockholders of national banks equal to the amount of capital stock held by them, but I suggest to him that neither the bill nor the amendment proposes to change or reduce that liability.

Mr. BAILEY. I know; but the Senator from Rhode Island agrees that a stockholder is liable to the amount of his stock, and is not liable at all upon the surplus.

Mr. ALDRICH. He is not now, and there is no suggestion to change that liability. The liability remains the same whether the House bill be accepted without amendment or whether the action of the Senate committee in amending it is sustained.

Mr. BAILEY. That is true, Mr. President, but the House bill limiting a loan to 20 per cent of the capital stock where the surplus is sufficient to justify it, still discourages the accumulation of a surplus, because it does not permit the surplus to be used under the same privileges as the capital. So far as the liability is concerned, of course that liability rests upon the capital, and not upon the surplus under the present law, as it will under this. I am not now asking for a change in that respect; I am only insisting that there be a limitation placed in this bill so as not to encourage the accumulation of a surplus as against the investment of capital.

Mr. ALDRICH. The liability of stockholders of the bank to its creditors remains the same in any event; it is also true that the surplus is always available for the creditors of the bank in case of failure. The only question is whether we should put upon loans which may be made by a bank having a large surplus a limit based upon the capital alone and not one based upon both the capital and surplus.

The theory of the bill, as reported by a majority of committee, is that it is perfectly safe banking to loan to any one person found worthy of credit 10 per cent of the capital and accumulated surplus of the bank. The Senator from Texas objects on the ground that some loans might be authorized by banks having a large surplus in excess of 20 per cent of their capital stock. I will say, further, that banks can, under the present law, do the very thing the Senator most strenuously objects to.

Mr. BAILEY. They can not do what I object to now. No bank can now lend over 10 per cent of its capital, without reference to its surplus. It might have a $100,000 capital and $1,000,000 surplus, giving it assets of $1,100,000, but it could make no loan legally or according to the regulations over $10,000 to one customer. If you pass this bill as reported by the committee, it can loan him $110,000. I do not object——

Mr. ALDRICH. Does the Senator think that it would be unsafe banking?

Mr. BAILEY. I do. If the personal-liability element is valuable, then it is not right to let a bank employ $1,100,000 of assets with a personal liability of only $100,000.

Mr. ALDRICH. But the Senator himself does not propose to change that liability, and it will not be changed if this amendment is rejected.

Mr. BAILEY. No; I do not propose to change the liability, because I know I could not do it, but I am protesting against an amendment of the law in this respect when it does not

make the stockholders answerable for any part of the surplus. For instance, I illustrate it in this way: Here is a bank in this country with $300,000 capital and $7,000,000 of surplus, all earned in the business, the Senator from New Jersey [Mr. KEAN] says. I commend the thrift that with a small capital earns a large surplus. I think it would have been a little better to have distributed it among the people who own the stock, but that is none of my affair. Probably every stockholder was willing to accumulate it, and so it passes without any just criticism. But that bank, if it should fail to-morrow, would fail for an enormous sum. I know that it is not within the range of probability that it will ever fail, because it is one of the financial institutions in this country, I understand, conservatively managed and marvelously successful. But if it should fail, it would fail for a sum running into the millions, and when the Comptroller of the Currency called on the stockholders to meet its obligation to its creditors, he would get the sum of $300,000, a beggarly sum in comparison with the $7,000,000 surplus and the $300,000 capital upon which the bank had been transacting business.

Mr. ALDRICH. The Senator from Texas misunderstood my statement that banks do the thing he objects to under the present law. I referred to his suggestion that under the pending bill as we proposed to amend it a bank could be organized with $100,000 capital and $900,000 surplus, with an extra liability, a double liability, on the part of the stockholders of only $100,000. The same thing could be done with the same limited liability under existing law. The only question at issue is whether we should, as a matter of policy, allow a bank thus organized to loan not more than 10 per cent of its capital and surplus to one party; whether that is good and safe banking. That is the sole question.

Mr. BAILEY. I know, but the Senator from Rhode Island overlooks a point, or else for some reason I am incapable of understanding what I am trying to say. As the law stands to-day, they organize a bank with $1,000,000—$100,000 capital and $900,000 surplus. They could only loan to one person——

Mr. ALDRICH. Ten thousand dollars.

Mr. BAILEY. They could loan $10,000, which would be 10 per cent of its hundred-thousand-dollar capital. But if it is organized under this amendment, then they could loan $100,000 to one customer. In other words, they only loan 10 per cent of the capital and surplus to one man. Thus they could loan to one man the entire personal liability of the stockholders. That is what I object to. I do not care only about them loaning the money so much, but when they loan one man $100,000, if it is lost they exhaust the entire personal liability of all the stockholders. That ought not to be done.

Mr. ALDRICH. The Senator understands that this liability accrues only in case of insolvency.

Mr. BAILEY. Certainly.

Mr. ALDRICH. Cases have been very rare where that double liability has been enforced.

Mr. BAILEY. If the Senator will go to the records, he will find that while it has not been frequent, it has happened in a number of instances that stockholders have been assessed.

Mr. ALDRICH. The committee differ with the Senator from Texas as to the policy that should be pursued toward the banks in this regard. A large majority of the committee believe that it is desirable from every standpoint to encourage the creation of a surplus on the part of national banks. Of course that surplus in any event is always liable for outstanding debts. We do not believe that the difference in liability is one of practical value—that is, when loans are limited to 10 per cent of the actual capital, the unimpaired capital, and 10 per cent of the unimpaired surplus. I think no harm can come to any creditor of any bank or to any bank through the adoption of the amendment as it was reported by the committee. But I am extremely anxious that this bill should become a law. It ought to pass at this session. There is a general demand for it from the business interests of the whole country, and I am willing to make some concessions that are not approved by my judgment in order to secure this result.

Mr. BAILEY. I think it ought to pass, but I think it ought to pass in the right way.

Mr. ALDRICH. I had some conference with the Senator from Texas yesterday upon this subject, and I am willing that the bill should be modified so as to make the proviso read:

Provided, however, That the total of such liabilities shall in no event exceed 30 per cent of the capital stock of the association.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Florida?

Mr. TALIAFERRO. I merely wanted to ask the Senator from Rhode Island a question. I was not aware that the Senator from Texas had the floor.

I hope that the modification suggested by the Senator from Rhode Island will not prevail, and that the amendment as proposed by the committee will stand. I understand that the purpose of the bill, if the Senator from Texas will pardon me for a moment, is to correct to some extent a very bad practice which now prevails among the banks, and that is of disregarding the 10 per cent limitation as provided by law, and I am informed that if this bill becomes a law the Comptroller will see that the banks adhere to the law as this bill provides. It is impossible for the banks of this country as a rule to do business on 10 per cent of the capital.

Mr. BAILEY. If the Comptroller of the Currency intends to adhere to any such determination as that, he will tie up business in almost every section of the country. Take it in my section of the country. During the cotton season it would be absurd to attempt to limit the line of credit to responsible cotton men to 10 per cent of the bank's capital and surplus, because it requires more than that in the daily transactions before he can buy and sell, and the banks really run no risk, because the cotton man has his own deposit there, and every pound of cotton he buys goes to the bank as security.

Mr. TALIAFERRO. The Senator from Texas misunderstood me. I did not mean to say that the Comptroller of the Currency would hold the banks to the 10 per cent rule as it exists to-day. I understand the Comptroller has recommended this change of the law, and he takes the position that if the law is so changed he will require the banks to adhere to it. I think it is a wise provision, and I hope the committee amendment may be allowed to stand as it has come to the Senate.

Mr. BAILEY. The trouble with that would be that in certain parts of the country, where the banks are not able to go on accumulating from year to year these enormous surpluses, there would be practically little benefit; and if I thought the Comptroller of the Currency intended to enforce that rule, I would feel it my duty to employ every legitimate means to defeat this bill, because in the cotton States of the South few banks have a surplus equal to their capital, and therefore the extension of the privilege of the 10 per cent loan to the surplus would not meet the conditions that exist there.

My own opinion is that this restriction was originally put into the banking law when loans were made largely on personal credit. I do not believe that it would have ever been insisted that when a man offered to the bank securities which could be realized on without any serious delay this restriction should be enforced. I have never myself been a supporter of the national banking system. I have never believed that the banks ought to issue currency. I have always regarded that as a function of the Government. Nor have I ever been able to reconcile myself to the idea of sending out a $3,000 examiner to tell a $20,000 bank president how to run his bank. I have rather inclined to the belief that when a man puts his money in a bank he ought to trust the honesty and integrity of its officers as he must trust the honor and integrity of other men.

But my views never have prevailed on that question, and so I am bound to legislate, so far as I legislate at all, according to the conditions as they are and not according to the conditions I wish existed. Fearing, Mr. President, that I may not be able to secure any limitation at all, and believing that a limitation is very important, I accept the suggestion of the Senator from Rhode Island that we reject the committee's amendment, which removes all limitation as to the surplus, and make it 30 per cent. That gives the bank the right to treat its surplus the same as capital in making loans to the extent of twice its capital. I hold to the personal liability for two reasons. Not only does it help to reimburse the depositors and to pay the creditors when there is a bank failure, but it makes the men who are stockholders and directors in a bank much more careful when they understand that they have a personal liability beyond and in addition to the loss of their stock.

I am disposed to think that it would be an excellent idea to make the directors liable for capital and surplus. Then I would be willing to remove the restriction as is here provided; but apparently that can not be done. Of course they must lose the surplus before there can be any assessment against them, but the trouble is they put in $100,000 and call it "capital," and they put in $900,000 and call it "surplus." When the bank fails, if it does fail, the stockholders are personally liable to the extent of $100,000 and personally exempt to the extent of the other $900,000. If it were reversed, and they should put in $900,000 of capital and $100,000 of surplus and the bank failed, the stockholders would be liable for $900,000 in addition to their stock, and would only be exempt to the extent of $100,000. What I complain of is that a large surplus is a large

exemption of personal liability in favor of the stockholders. But I am willing to accept the suggestion of the Senator from Rhode Island as the best that can be done.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to modify the language proposed to be stricken out by striking out "twenty" and inserting "thirty," and to disagree to the amendment.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. TALIAFERRO. Mr. President, I hope the amendment will not prevail. I am satisfied that the banks of the country, and especially the banks of the South, will be unable to do the business of their sections under a limitation such as is proposed in this modified amendment. As a rule, the banks of the South have organized with small capital. They have relied on building up a surplus, and it is considered good banking that the surplus should be built up as rapidly as possible. Some of these national banks have a capital of $25,000, and others $50,000, and if they are confined by such a provision as this, they will be totally unable to do the business of their section, because the Comptroller has personally notified me that he will require the banks to adhere to this proposed law if it passes the Congress. He is not requiring them as vigorously to adhere to the existing law as might be done, for the reason that it has become the habit with the banks of the country to disregard the 10 per cent limitation to a certain extent, but he says that if this bill passes he will take it as a direction and he will not allow banks to exceed the amount which this proposed act authorizes them to loan.

I hope, therefore, in the interest of banking all over the country, and particularly in the South, that the proviso as modified will be stricken out.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

Mr. PETTUS. I desire to know on what sound principle it is proposed to strike out the provision as it came from the House, limiting it to 20 per cent?

Mr. TALIAFERRO. I understand that is the House provision, and the amendment comes from the Senate committee.

Mr. PETTUS. The amendment to strike it out comes from the Senate committee.

Mr. TALIAFERRO. Yes.

Mr. PETTUS. I desire to know on what sound principle it is proposed to strike it out.

Mr. TALIAFERRO. It is considered absolutely good banking that a bank of large accumulated earnings in the form of surplus should be allowed to treat the surplus in part as capital in the matter of making loans. I see nothing unsound about that banking principle. I think it is sound; and I think it is one which is essential in doing business in this country, and especially in the section to which the Senator from Texas has referred.

Mr. PETTUS. Suppose they have not any large surplus?

Mr. TALIAFERRO. If they have no surplus they can not loan it.

Mr. PETTUS. They are still authorized to loan to one man double the present amount.

Mr. TALIAFERRO. Not at all. If they have no surplus, they will be confined to the present law as to capital, which is one-tenth.

Mr. PETTUS. As I understand this bill, if they have a capital of a hundred thousand dollars only and no surplus, they would still be authorized to loan $20,000 to one man.

Mr. TALIAFERRO. I do not understand the bill in that way.

Mr. PETTUS. That is the way it reads.

Mr. TALIAFERRO. I understand that a bank without a surplus would be allowed to loan 10 per cent of its capital.

Mr. PETTUS. This does not say a word about having or not having a surplus.

Mr. TALIAFERRO. The banks under this bill would be allowed to treat the surplus as capital, and make a 10 per cent loan on the whole.

Mr. PETTUS. This does not say a word about having a surplus or not having a surplus.

Mr. TALIAFERRO. This is an amendment of existing law.

Mr. PETTUS. The amendment commences with the last word on the first page of the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

Mr. TALIAFERRO. On that I ask for a division.

The VICE-PRESIDENT. The Senator from Florida asks for a division.

Mr. ALDRICH. We may as well have the yeas and nays, I think.

The VICE-PRESIDENT. The yeas and nays are demanded.

Mr. BACON. I beg the Chair to state the immediate matter to be voted upon.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. The committee amendment proposes to strike out the following:

Provided, however, That the total of such liabilities shall in no event exceed 30 per cent of the capital stock of the association.

Mr. BACON. I understood the Chair to say that the question was on agreeing to the amendment as modified.

The SECRETARY. The modification was to strike out "twenty" and insert "thirty;" and it is proposed to disagree to the amendment to strike out the proviso as modified.

Mr. TELLER. The Senator from Rhode Island had better explain the amendment. I was going to do so, but I see the Senator from Rhode Island is here.

Mr. ALDRICH. What is the question of the Senator from Georgia?

Mr. BACON. I was inquiring as to what is the precise question before the Senate. I knew that the Senator from Florida was opposed to the modification, and that is the matter upon which he desired a division. The question as stated by the Chair treated the modification as one which had been adopted, and therefore the matter before the Senate was not the adoption of the modification, but the amendment as thus amended. I was uncertain whether that particular presentation was correct.

Mr. ALDRICH. I am not sure just how the Presiding Officer stated the question.

The VICE-PRESIDENT. The Chair understands that the Senator from Rhode Island moved that the Senate strike out the word "twenty" in the part proposed to be stricken out and insert in lieu thereof the word "thirty."

Mr. ALDRICH. That is right.

The VICE-PRESIDENT. And then to disagree to the Senate amendment to strike out. That is the question.

Mr. BAILEY. I thought the amendment substituting "thirty" for "twenty" had been agreed to. I understood the Senator from Florida to be opposing any limitation with respect to the surplus. Now, if I could vote as between twenty and thirty, I should vote for twenty, the House provision; that is, if there is to be a contest. If there is an understanding, of course, I would abide by the understanding. If there is now to be a vote between no limitation as advocated by the Senator from Florida——

Mr. TALIAFERRO. No limitation beyond the 10 per cent.

Mr. BAILEY. What I am trying to do is to prevent the accumulation of a surplus which exempts the stockholders of banks from personal liability. And that is the whole purpose I have. Now, if there is to be no limitation as the Senate committee reported, of course on that I will vote "no," because I am opposed to it. But my understanding is that the question now is upon the adoption of the amendment as amended.

Mr. ALDRICH. I suppose the first question is to strike out "twenty" and insert "thirty."

The VICE-PRESIDENT. The first question is to perfect the part to be stricken out.

Mr. ALDRICH. That is right.

The VICE-PRESIDENT. And the next question will be on agreeing to the amendment of the committee to strike out the proviso.

Mr. ALDRICH. The first question will be whether we will insert "thirty" instead of "twenty," and then the question will come on striking out the whole proviso.

Mr. BAILEY. The Senator from Florida would want thirty as against twenty.

Mr. TALIAFERRO. I understood the Chair to hold that the amendment as modified by the Senator from Rhode Island had been adopted by the Senate. I asked for a division on the question of the adoption of his modification. That was my purpose.

Mr. BAILEY. That is right.

Mr. TALIAFERRO. I hold that the division or the yea-and-nay vote is to determine whether the amendment as modified by the Senator from Rhode Island shall be adopted by the Senate.

Mr. TELLER. It has not yet been modified.

Mr. CULLOM. That is the question.

Mr. BACON. Mr. President——

Mr. KEAN. Why can we not vote on the committee amendment first?

The VICE-PRESIDENT. The Chair will put the question again, if desired, upon the amendment of the Senator from Rhode

Island, to strike out in the part proposed to be stricken out the word "twenty" and inserting "thirty."

Mr. TALIAFERRO. The question is whether the Senate will accept the amendment of the Senator from Rhode Island, to insert "thirty" instead of "twenty," as the House provided. That is the way I understand it.

Mr. KEAN. Why should we not first vote on the amendment reported by the committee?

The VICE-PRESIDENT. The Chair thinks there will be no difficulty if Senators will note carefully the text of the bill, and will also observe the effect of the motion of the Senator from Rhode Island, which is to strike out "twenty" and insert "thirty" in the part proposed to be stricken out. The Chair will put that question, in order that there may be no misunderstanding.

Mr. PATTERSON. I desire, if there is to be a yea-and-nay vote, that some Senator familiar with the measure shall briefly state what the measure is and what the vote is upon. Several Senators have come in since this discussion has been under way.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Rhode Island, to strike out "twenty" and insert "thirty."

The amendment was agreed to.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment to strike out the proviso as amended.

Mr. PETTUS. Were not the yeas and nays ordered?

The VICE-PRESIDENT. Not upon this question, as the Chair understood. The question is on agreeing to the motion to strike out the proviso.

Mr. KEAN. Let us have a division.

Mr. BAILEY. I ask that the proviso may be read as modified.

The SECRETARY. After the word "fund," in line 12, on page 1——

Mr. PETTUS. Was not a yea-and-nay vote ordered?

The VICE-PRESIDENT. A yea-and-nay vote has not been ordered.

The SECRETARY. After the word "fund," in line 12, page 1, it is proposed to strike out:

Provided, however, That the total of such liabilities shall in no event exceed 30 per cent of the capital stock of the association.

Mr. CULLOM. That is it.

Mr. BAILEY. If the Senate strikes that out, it will remove every limitation.

Mr. ALDRICH. It will remove them all.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified. [Putting the question.] In the opinion of the Chair, the "noes" have it.

Mr. KEAN. Let us have the yeas and nays.

Mr. SPOONER. The yeas and nays are demanded on what?

Mr. BLACKBURN. On the motion to strike out the proviso.

The VICE-PRESIDENT. To strike out the proviso as amended.

Mr. RAYNER. Is there a second to the demand for the yeas and nays?

The VICE-PRESIDENT. The Chair will ask if there is a second.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MILLARD (when Mr. BURKETT'S name was called). My colleague [Mr. BURKETT] is necessarily absent from the city. If he were here, he would vote "yea."

The roll call was resumed.

Mr. GALLINGER. Mr. President, I rise to a point of order. The confusion is so great in the Chamber that no one can hear the responses.

The VICE-PRESIDENT. The roll call will be suspended until Senators take their seats. The Chair must request Senators to kindly preserve order.

Mr. PATTERSON. Mr. President, the trouble about the Senate is that the Senate is in profound ignorance of the question that is now being voted upon, as I am——

Mr. GALLINGER. Debate is not in order.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Debate is not in order. The roll call has begun, and it must proceed.

Mr. PATTERSON. I simply want to ask a parliamentary question, whether or not it will be in order——

The VICE-PRESIDENT. No debate is in order.

Mr. PATTERSON. I rise to a parliamentary inquiry.

Mr. GALLINGER. Let the roll call proceed.

Mr. ALDRICH. The Senator can not interrupt the roll call.

The VICE-PRESIDENT. The Senator from Colorado is out of order.

Mr. PATTERSON. May I ask the Chair a parliamentary question?

The VICE-PRESIDENT. The Chair has said to the Senator that he is out of order.

Mr. PATTERSON. Then I will take my seat.

The roll call was resumed.

Mr. PETTUS (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. CRANE].

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP].

The roll call was concluded.

Mr. BLACKBURN. I desire to state that my colleague [Mr. MCCREARY] is necessarily absent from the city.

Mr. TILLMAN. My colleague [Mr. LATIMER] is necessarily absent from the Senate, and is paired with the Senator from Illinois [Mr. HOPKINS].

Mr. WARREN. I desire to state that my colleague [Mr. CLARK of Wyoming] is necessarily absent from the city to-day.

Mr. SCOTT. If it were in order, I should like to know what this amendment contemplates. I should like to vote, but I do not know——

The VICE-PRESIDENT. The Senator is out of order.

The result was announced—yeas 24, nays 27, as follows:

YEAS—24.

Ankeny	Hansbrough	Martin	Rayner
Bacon	Kean	Millard	Smoot
Bulkeley	Knox	Nelson	Sutherland
Clarke, Ark.	McCumber	Penrose	Taliaferro
Clay	McEnery	Perkins	Warren
Dryden	McLaurin	Proctor	Wetmore

NAYS—27.

Aldrich	Burnham	Fulton	Patterson
Allee	Carmack	Gallinger	Piles
Bailey	Carter	Kittredge	Spooner
Benson	Cullom	La Follette	Teller
Berry	Dillingham	Long	Tillman
Blackburn	Flint	Mallory	Warner
Brandegee	Foraker	Money	

NOT VOTING—38.

Alger	Daniel	Gearin	Nixon
Allison	Depew	Hale	Overman
Beveridge	Dick	Hemenway	Pettus
Burkett	Dolliver	Heyburn	Platt
Burrows	Dubois	Hopkins	Scott
Clapp	Elkins	Latimer	Simmons
Clark, Mont.	Foster	Lodge	Stone
Clark, Wyo.	Frazier	McCreary	Whyte
Crane,	Frye	Morgan	
Culberson	Gamble	Newlands	

So the amendment to strike out the proviso was rejected.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JARIB L. SANDERSON.

Mr. TELLER. I ask leave to call up the bill (S. 6214) for the relief of Jarib L. Sanderson.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Jarib L. Sanderson, of Boulder, Colo., surviving partner of the late firm of Barlow, Sanderson & Co., $7,740, being the amount found by the Secretary of the Interior and the Court of Claims to be the losses sustained by depredations of a band of Cheyenne Indians during hostilities in Kansas and Nebraska in the year 1867, the same to be deducted from annuities now due or hereafter to become due said tribe, this payment being made under treaty stipulations of September 17, 1851.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AIDS TO NAVIGATION.

Mr. NELSON. I call up the conference report on the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment. The report was made yesterday.

The Secretary proceeded to read the conference report.

The VICE-PRESIDENT. The conference report has been printed in the RECORD, and unless it is desired it will not be read in full. The question is on agreeing to the conference report.

The report was agreed to.

NATIONAL CHILD LABOR COMMITTEE.

Mr. SPOONER. I ask unanimous consent for the consideration of the bill (S. 6364) to incorporate the National Child Labor Committee.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with an amendment, in section 2, line 11, page 2, before the word "parental," to strike out the words "public opinion and;" so as to make the section read:

SEC. 2. That the objects of the said corporation shall be: To promote the welfare of society with respect to the employment of children in gainful occupations; to investigate and report the facts concerning child labor; to raise the standard of parental responsibility with respect to the employment of children; to assist in protecting children, by suitable legislation, against premature or otherwise injurious employment, and thus to aid in securing for them an opportunity for elementary education and physical development sufficient for the demands of citizenship and the requirements of industrial efficiency; to aid in promoting the enforcement of laws relating to child labor; to coordinate, unify, and supplement the work of State or local child-labor committees, and encourage the formation of such committees where they do not exist.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PANAMA CANAL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. DRYDEN obtained the floor.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey [Mr. DRYDEN] yield to the Senator from New Hampshire?

Mr. GALLINGER. I am about to go to a meeting of the conference committee on the District of Columbia appropriation bill, which is going to take a great deal of my time for the next few days. I have in my charge a very trifling bill, and yet it is important in some respects to the District. I ask the Senator from New Jersey to yield to me. If it leads to debate I will withdraw it.

Mr. DRYDEN. If it does not lead to debate I will yield.

DISTRICT OF COLUMBIA SAVINGS BANKS.

Mr. GALLINGER. I ask for the consideration of the bill (H. R. 118) to amend sections 713 and 714 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and for other purposes.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with an amendment, on page 2, line 19, to insert the following proviso:

Provided, however, That banking institutions having offices or banking houses in foreign countries as well as in the District of Columbia shall only be required to make and publish the reports provided for in this section semiannually.

The amendment was agreed to.

Mr. GALLINGER. I have an amendment that I desire to offer to follow the amendment just agreed to.

The SECRETARY. Add after the amendment just agreed to the following additional proviso:

And provided further, That the publications authorized or required by said section 5211 of the Revised Statutes, and all other publications authorized or required by existing law to be made in the District of Columbia, shall be printed in two or more daily newspapers of general circulation published in the city of Washington, one of which shall be a morning newspaper.

The amendment was agreed to.

The VICE-PRESIDENT. There is a further amendment reported by the Committee on the District of Columbia, which will be stated.

The SECRETARY. Strike out all of section 714a, beginning with line 8, page 3, and including line 18, in the following words:

SEC. 714a. The Comptroller of the Currency, with the approval of the Secretary of the Treasury, is further authorized to make rules for the regulation of the banking business within the District of Columbia by the banks mentioned in section 713, and to provide for the enforcement of such regulations by the assessment of reasonable fines, which may be collected by suit before the supreme court of the District of Columbia. The expenses of such suit shall be paid from the proceeds of the fines collected, and the balance shall be annually paid to the Treasurer of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Pennsylvania?

Mr. DRYDEN. I yield to the Senator from Pennsylvania.

Mr. PENROSE. I ask unanimous consent that the Erie and Ohio Ship Canal bill shall be taken up for consideration this afternoon after the unfinished business shall have been laid aside.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent that after the unfinished business is temporarily laid aside the Senate proceed with the further consideration of the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce. Is there objection? The Chair hears none, and it is so ordered.

EFFICIENCY OF THE MILITIA.

Mr. HEMENWAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Indiana?

Mr. DRYDEN. I yield to the Senator.

Mr. HEMENWAY. I ask unanimous consent for the consideration of the bill (S. 1442) to increase the efficiency of the militia and promote rifle practice. It is a bill that comes by unanimous report from the Committee on Military Affairs. It is a short bill, and, I think, will give rise to no discussion.

Mr. DRYDEN. If it will not lead to debate, I will yield to the Senator.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SHILOH ELECTRIC RAILWAY COMPANY.

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Mississippi?

Mr. DRYDEN. I understand that the Senator from Mississippi has a little bill which he would like to bring up. I yield if it will not lead to debate.

Mr. MONEY. I ask consent now because I leave to-morrow. This is a local measure which has passed the House unanimously and passed the Military Committee of the Senate unanimously, and is approved by the Secretary of War and the Park Commission. I ask the Senate to proceed to the consideration of the bill (H. R. 16125) authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park, and to operate electric cars thereon.

The VICE-PRESIDENT. The bill has heretofore been read. Is there objection to its present consideration?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRAND CANYON FOREST RESERVE.

Mr. SMOOT. Mr. President——

Mr. DRYDEN. I yield to the Senator from Utah if the bill he wishes to call up will not lead to debate, but I want to say now that I shall have to decline to yield further after the Senator from Utah has presented his measure.

Mr. SMOOT. I ask for the present consideration of the bill (S. 2732) for the protection of wild animals in the Grand Canyon Forest Reserve.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. DRYDEN. Mr. President, the Panama Canal problem has reached a stage where a decision should be made to permanently fix the type of the waterway, whether it shall be a sea-level or a lock canal. An immense amount of evidence on the subject has in the past and during recent years been presented

to Congress. An overwhelming amount of expert opinion has been collected, and an International Board of Consulting Engineers has made a final report to the President, in which experts of the highest standing divide upon the question. The Senate Committee on Interoceanic Canals has likewise divided. It is an issue of transcendent importance, involving the expenditure of an enormous sum of money, and political and commercial consequences of the greatest magnitude, not only to the American people, but to the world at large.

The report of the International Board has been printed and placed before Congress. A critical discussion of the facts and opinions presented by this Board, all more or less of a technical and involved nature, would unduly impose upon the time of the Senate at this late day of the session. In addition, there is the testimony of witnesses called before the Senate committee, which has also been printed in three large volumes, exceeding 3,000 pages of printed matter. To properly separate the evidence for and against one type of canal or the other, to argue upon the facts, which present the greatest conflict of engineering opinion of modern times, would be a mere waste of effort and time, since the evidence and opinions are as far apart and irreconcilable as the final conclusions themselves. It is therefore rather a question which the practical experience and judgment of Members of Congress must decide, and I have entire confidence that the will of the nation, as expressed in its final mandate, will be carried into successful execution, whether that mandate be for a lock canal or sea-level waterway.

The Panama Canal presents at once the most interesting and stupendous project of mankind to overcome by human ingenuity "what Nature herself seems to have attempted, but in vain." From the time when the first Spanish navigators extended their explorations into every bay and inlet of the Central American isthmus, to discover, if possible, a short route to the Indies, or "from Cadiz to Cathay," the human mind has not been willing to rest content and accept as insurmountable the natural obstacles on the Isthmus preventing uninterrupted intercommunication between the Atlantic and the Pacific. Excepting, possibly, Arctic explorations, in all the romantic history of ancient and modern commerce, in all the annals of the early navigators and explorers, there is no chapter that equals in interest the never-ceasing efforts to make the Central American Isthmus a natural highway for the world's commerce—a direct route of trade and transportation from the uttermost East to the uttermost West.

As early as 1536 Charles V ordered an exploration of the Chagres River to learn whether a ship canal could not be substituted for a then already existing wagon road, and Philip II, in 1561, had a similar survey made in Nicaragua for the same purpose. From that day to this the greatest minds in commerce and engineering have given their attention to the problem of an interoceanic waterway, and every conceivable plan has been considered, every possible road has been explored, every mile of land and sea have been gone over to find the best possible and practical solution of the problem.

The history of these early attempts is most interesting, but no longer of practical value or bearing upon present-day problems. Most of the efforts were wasted, much of it was ill advised, but the present can profitably consider the more important lessons of the past. It was written in the book of fate that this enterprise, the most important in the world of commerce and navigation, should be American in its ending as it had been in its practical beginning. From the day when the first train of cars crossed the Isthmus from Panama to Aspinwall to facilitate the transportation of passengers and freight across the narrow belt of land connecting the northern and southern continents, the imperative necessity of a ship canal was made apparent, just as that railway had followed the earlier wagon roads of the Spanish adventurers and their followers.

Natural conditions on the Isthmus materially enhance the physical difficulties to be overcome in canal construction. Even the precise locality or section best adapted to the purpose has for many years been a question of serious doubt. The Isthmus of Tehuantepec, the Nicaraguan route, by utilizing a lake of vast extent, and finally the narrow band of land and mountain chain at Panama, each offer distinct advantages peculiar to themselves, with corresponding disadvantages or local difficulties not met with in the others. Many other projects have been advanced; in all, at least some twenty distinct routes have been laid out by scientific surveys, but the most eminent American engineering talent, considering impartially the natural advantages and local obstacles, each upon their respective merits, finally decided upon the Isthmus, between the Bay of Panama and Limon Bay, in 1849, as the most feasible for the building of the railroad, and some fifty years later for the building of the isthmian canal. Every further study, survey, and inquiry have confirmed the wisdom of the earlier choice, which has been adopted as the best and the permanent plan of the American Government to build a canal at the expense of the nation, but for the ultimate benefit of all mankind.

The Panama Railway marked the beginning of a new era in the history of interoceanic communication. The great practical usefulness of the road soon made the construction of a canal a commercial necessity. The eyes of all the world were upon the Isthmus, but no nation made the subject a matter of more profound study and inquiry than the United States. One surveying party followed another, and every promising project received careful consideration. The conflicting evidence, the great engineering difficulties, the natural obstacles, and, most of all, the civil war delayed active efforts, but public interest continued to view the project with favor and demand an American canal.

During the late seventies a French commission made surveys and investigations on the Isthmus which terminated in the efforts of De Lesseps, who undertook to construct a canal, and, in 1879, called an international scientific congress to consider the project in all its aspects and determine upon a practical solution. The United States was invited to be present by two official delegates, and accordingly President Hayes appointed Admiral Ammen and A. C. Menocal, of the United States Navy, both of whom had been connected with surveys and explorations on the Isthmus. Mr. Menocal presented his plan for a canal by way of Nicaragua, but it was evident that the Wyse project, of a canal by way of the Isthmus of Panama, had the majority in its favor, and the only question to determine was whether the canal to be constructed should be a sea-level or a lock canal. The American delegates were convinced, in the light of their knowledge and experience, that a sea-level canal would be impracticable, if not impossible. In this they were seconded by Sir John Hawkshaw, thoroughly familiar with canal problems, and who exposed the hopelessness of an attempt to make a sea-level ship canal, pointing out that there would be a cataract of the Chagres River at Matachin of 42 feet, which in periods of flood would be 78 feet high, of a body of water that would be 36 feet deep, with a width of 1,500 feet. Opposition to the sea-level project proved to no purpose.

The facts were ignored or treated with indifference by the French, who were determined upon a canal at Panama and at sea level, resting their conclusions upon the success at Suez, with which enterprise, in addition to De Lesseps, many of those present at the congress had been connected. But the problems and conditions to be met on the Isthmus of Panama were decidedly different from those at Suez, and subsequent experience proved the serious error of the sea-level plan as finally adopted. The congress included a large assemblage of nonprofessional men, and of the French engineers present only one or two of whom had ever been on the Isthmus. The final vote was seventy-five in favor of and eight opposed to a sea-level canal. Rear-Admiral Ammen said: "I abstained from voting on the ground that only able engineers can form an opinion *after careful study* of what is actually possible and what is relatively economical in the construction of a ship canal." Of those in favor of a sea-level canal not one had made a practical and exhaustive study of the facts. The project at this stage was in a state of hopeless confusion. In spite of these obstacles, De Lesseps, with undaunted courage, proceeded to organize a company for the construction of a sea-level canal.

As soon as possible after the adjournment of the Scientific Congress of 1879 the Panama Canal Company was organized, with Ferdinand de Lesseps as president. The company purchased the Wyse concession, and by 1880 sufficient funds had been secured to proceed with the preliminary work. The next two years were used for scientific investigation, surveys, etc., and the actual work commenced in 1883. The plan adopted was for a sea-level canal, having a depth of 29.5 feet and a bottom width of 72 feet. This plan in outline and intent was adhered to practically to the cessation of operations in 1888.

In that year operations came to an end for want of funds. The failure of the company proved disastrous to a very large number of shareholders, mostly French peasants of small means, and for a time the cause of interoceanic communication by way of Panama seemed hopeless. The experience proved the utter impossibility of private enterprise carrying forward a project which had attained a stage where large additional funds were needed to make good enormous losses due to errors in plans, miscarriage of effort, and last, but not least, to fraud on a stupendous scale. With admirable courage, however, the affairs of the old company were reorganized after the appointment of a receiver on February 4, 1889. Proceeding this time

with extreme caution, a special scientific commission was appointed to reinvestigate the entire project and report upon the work actually accomplished and its value in future operations.

The commission, made up of eminent engineers, rendered its report on May 5, 1890. The recommendation was for the construction of a canal with locks, the abandonment of the sea-level idea, and a further and more careful reconsideration of the facts on a large scale, upon the ground that the accumulated data were "far from possessing the precision essential to a definite project." This lifted the subject of canal construction out of the domain of preconceived ideas and guesswork into the substantial field of a scientific undertaking for commercial purposes.

The subsequent history of the De Lesseps project and the American effort for a practicable route across the Isthmus are still fresh in our minds and require not to be restated. The Spanish-American war and the voyage of the *Oregon* by way of Cape Horn more than any other causes combined to direct the attention of the American people to conditions on the Isthmus, and led to the public demand that by one route or another an American waterway should be constructed within a reasonable period of time and at a reasonable cost. It will serve no practical purpose to recite the facts and chain of events which led to the passage of the act of March 3, 1899, which authorized the President to have a full and complete investigation made of the entire subject of isthmian canals.

A million dollars was appropriated for the expenses of the Commission, and in pursuance of the provisions of the act the President appointed a Commission consisting of Rear-Admiral Walker, United States Navy, president, and nine members eminent in their respective professions as experts or engineers. A report was rendered under date of November 30, 1901. In this report the cost of constructing a canal by way of Nicaragua was estimated at $189,864,062, and by way of Panama at $184,233,358, including in the last estimate $40,000,000 for the estimated value of the rights and property of the New Canal Company. The company, however, held its property at a much higher value, or some $109,000,000, which the Commission considered exorbitant, and thus the only alternative was to recommend the construction of a canal by way of the Nicaraguan route. Convinced, however, that the American people were in earnest, the New Panama Company expressed a willingness to reconsider the matter, and finally agreed to the purchase price fixed by the Isthmian Commission.

By the Spooner Act, passed June 28, 1902, Congress authorized the President to purchase the property of the New Panama Canal Company for a price not exceeding $40,000,000, the title to the property having been fully investigated and found valid. The Isthmian Commission, therefore, recommended to Congress the purchase of the property, but the majority of the Senate Committee on Interoceanic Canals disagreed, and it is only to the courage and rare ability of the late Senator Hanna and his associates, as minority members of the committee, that the nation owes it that the Nicaraguan project was abandoned and that the Panama Canal was acquired at a reasonable price and made a national enterprise.

The report of the minority members of the Senate committee was made under date of May 31, 1902. It is, without question, a most able and comprehensive dissertation upon the subject, and forms a most valuable addition to the truly immense literature of isthmian canal construction. The report was signed by Senators Hanna, Pritchard, MILLARD, and KITTREDGE. "We consider," said the committee, "that the Panama route is the best route for an isthmian canal to be owned, constructed, controlled, and protected by the United States." It was a bold challenge of the conclusions of the majority members of the committee, but in entire harmony with, and in strict conformity to, the views and final conclusions of the Isthmian Commission. The minority report was accepted by the Congress and a canal at Panama became an American enterprise for the benefit of the American people and the world at large.

Such, in broad outline, is the present status of the Panama Canal. A grave question presents itself at this time, which demands to be disposed of by Congress, and to which all others are subservient. Shall the waterway be a sea-level or a lock canal? It is a question of tremendous importance—a question of choice equally as important as the one of the route itself. A choice *must* be made, and it must be made soon. All the subsidiary work, all the related enterprises, depend upon the fundamental difference in type. Opinions differ as widely today as they did at the time when the project was first considered by the international committee in 1879. Engineers of the highest standing at home and abroad have expressed themselves for or against one type or the other, but it is a question upon which no complete agreement is possible. In theory a sea-level canal has unquestionable advantages, but practically the elements of cost and time necessary for the construction preclude to-day, as they did in 1894, when the new canal company recommenced active operations, the building of a sea-level canal. It is *not a question of the ideally most desirable, but of the practically most expedient*, that confronts the American people and demands solution.

The New Panama Canal Company had approved the lock plan, which placed the minimum elevation of the summit level at 97.5 feet above the sea and a maximum level at 102.5 feet above the same datum. In the words of Prof. William H. Burr:

> It provided for a depth of 29.5 feet of water and a bottom width of canal prism of about 98 feet, except at special places where this width was increased. A dam was to be built near Bohio, which would thus form an artificial lake, with its surface varying from 52.5 to 65.6 feet above the sea. The location of this line was practically the same as that of the old company. The available length of each lock chamber was 738 feet, while the available width was 82 feet, the depth in the clear being 32 feet 10 inches. The lifts were to vary from 26 to 33 feet. It was estimated that the cost of finishing the canal on this plan would be $101,850,000, exclusive of administration and financing.

The Isthmian Commission of 1899–1901 considered the project, reexamined into the facts, and, as stated by Professor Burr—

> The feasibility of a sea-level canal, but with a tidal lock at the Panama end, was carefully considered by the Commission, and an approximate estimate of the cost of completing the work on that plan was made. In round numbers this estimated cost was about $250,000,000, and *the time required to complete the work would probably be nearly or quite twice that needed for the construction of a canal with locks.* The Commission therefore adopted a project for the canal with locks. Both plans and estimates were carefully developed in accordance therewith.

Professor Burr, *now* in favor of a sea-level canal, *then* concurred in the report in favor of a lock canal.

Since the Panama Canal became the property of the nation a vast amount of necessary and preliminary work has been done preparatory to the actual construction of the canal. A complete civil government of the Canal Zone has been established, an army of experts and engineers has been organized, the work of sanitation and police control is in excellent hands, and the Isthmus, or, more properly speaking, the Canal Zone, is to-day in a better, cleaner, and healthier condition than at any time in its history. A considerable amount of excavation and necessary improvements in transportation facilities has been carried to a point where further work must stop until the Isthmian Commission knows the final plan or type of the canal. The reports which have been made of the work of the Commission during its two years of actual control are a complete and affirmative answer to the question whether what has been done so far has been done well and wisely, and the facts and evidence prove that the present state of affairs on the Isthmus are in all respects to the credit of the nation.

Now, it is evident that the question of plan or type of canal is largely one for engineers to determine, but even a layman can form an intelligent opinion, without entering into all the details of so complex a problem as the relative advantage or disadvantage of a sea-level versus a lock canal. This much, however, is readily apparent, that a sea-level canal will cost a vast amount more money and may take twice the time to build, while it will not accommodate a larger traffic or ships of a larger size. A lock canal can be built which will meet all requirements; it can be built deep enough and wide enough to accommodate the largest vessels afloat; it can be so built that transit across the Isthmus can be effected in a reasonably short period of time—in a word, it is a practical project, which will solve every pending question involved in the construction of a transisthmian canal in a practical way, at a reasonable cost, and within a reasonable period of time.

To determine the question the President appointed an international Board of Consulting Engineers. The Board was constituted of the world's foremost men in engineering science, and the report is without question a most valuable document. The President, in his address to the members of the Board on September 11, 1905, outlined his views with regard to the desirability of a sea-level canal, if such a one could be constructed at a reasonable cost and within a reasonable time.

If to build a sea-level canal—

He said—

> will but slightly increase the risk and will take but little longer than a multilock high-level canal, this, of course, is preferable. But if to adopt the plan of a sea-level canal means to incur great hazard and to incur indefinite delay, then it is not preferable.

The problem as viewed by the American people could not be more concisely stated. Other things equal, a sea-level canal, no doubt, would be preferable; but it remains to be shown that such a canal would in all essentials provide safe, cheap, and earlier navigation across the Isthmus than a lock canal.

For, as the President further said on the same occasion, there are two prime considerations: First, the utmost practical speed of construction; second, the practical certainty that the pro-

posed plan will be feasible; that it can be carried out with the minimum risk; and in conclusion that—

There may be good reason why the delay incident to the adoption of a plan for an ideal canal should be incurred; but if there is not, then I hope to see the canal constructed on a system which will bring to the nearest possible date in the future the time when it is practicable to take the first ship across the Isthmus—that is, which will in the shortest time possible secure a Panama waterway between the oceans of such a character as to guarantee permanent and ample communication for the greatest ships of our Navy and for the largest steamers on either the Atlantic or the Pacific. The delay in transit of the vessels owing to additional locks would be of small consequence when compared with shortening the time for the construction of the canal or diminishing the risks in the construction. In short, I desire your best judgment on all the various questions to be considered in choosing among the various plans for a comparatively high-level multilock canal, for a lower-level canal with fewer locks, and for a sea-level canal. Finally, I urge upon you the necessity of as great expedition in coming to a decision as is compatible with thoroughness in considering the conditions.

The Board organized and met in the city of Washington on September 1, 1905, and on the 10th of January, 1906, or about four months later, made its final report to the President through the Secretary of War. The Board divided upon the question of type for the proposed canal, a majority of eight—five foreign engineers and three American engineers—being in favor of a canal at sea level, while a minority of five—all American engineers—favored a lock canal at a summit level of 85 feet. The two propositions require separate consideration, each upon its own merits, before a final opinion can be arrived at as to the best type of a waterway adapted to our needs and requirements under existing conditions.

Upon a question so involved and complex, where the most eminent engineers divide and disagree, a layman can not be expected to view the problem otherwise than as a business proposition which, demanding solution, must be disposed of by a strictly impartial examination of the facts. Weighed and tested by practical experience in other fields of commercial enterprise, it is probably not going too far to say, as in fact it has been said, that there is entirely too much mere engineering opinion upon this subject and not a well-defined concentrated mass of data and solid convictions. It is equally true, and should be kept in mind, that the time given by the Board to the consideration of the subject in all its practical bearings, including an examination of actual conditions on the Isthmus, was limited to so short a period that it would be contrary to all human experience that this report should represent an infallible or final verdict for or against either of the two propositions.

It is necessary to keep in mind certain facts which may be concisely stated, and which I do not think have been previously brought to the attention of Congress. While the Board had been appointed by the President on June 24, 1905, the first business meeting did not take place until September 1, and the final meeting of the full Board occurred on November 24 of the same year. This was the twenty-seventh meeting during a period of eighty-five days, after which there were three more meetings of the American members, the last having been held on January 31, 1906. Thus the actual proceedings of the full Board were condensed into twenty-seven meetings during less than three months, a part of which time—or, to be specific, six days—was spent on the Isthmus.

The minutes of the proceedings have been printed and form a part of the final report made to the President under date of January 10, 1906. They do not afford as complete an insight into the business transactions of the Board as would be desirable, and the evidence is wanting that the subject was as thoroughly discussed in all its details, with particular reference to the two propositions of a sea-level or a lock canal, as would seem necessary. Very important features necessary to the sea-level plan were treated in the most superficial way, guessed at, or wholly ignored. I do not hesitate to say that no banking house in the world called upon to provide the funds necessary for an enterprise of this magnitude as a private undertaking would advance a single dollar upon a project as it is here presented by the majority of the Board to the American Congress as the final conclusion of engineers of the highest standing. The Board, as I have said, divided upon the question and by a majority of eight pronounced in favor of a sea-level against a minority of five in favor of a lock canal. Let us inquire how this conclusion, of momentous importance to the nation, was arrived at and whether the minutes of the Board furnish a conclusive answer.

As early as the sixth meeting, or on September 16—that is, after the Board had been only fifteen days in existence—a resolution was introduced by Mr. Hunter, chief engineer of the Manchester Ship Canal, requesting that a special committee be appointed to prepare at once a project for a sea-level canal.

Mr. SPOONER. What was the date of the resolution with respect to the lock canal?

Mr. DRYDEN. October 3, seventeen days afterwards.

In marked contrast, it was not until after the Board had visited the Isthmus and while the members were on their way home—that is, at sea—on October 3, that, on motion of Mr. Stearns, a corresponding committee was appointed to prepare plans for a lock canal. This recital of dates is of very considerable importance, for it is evident that there was a decided and early preference on the part of certain members of the Board for a sea-level canal, and that to this particular project more attention was given and a more determined attempt was made to secure data in its defense than to the corresponding project for a lock canal.

That is to say, while the special committee for the consideration of a sea-level canal had been appointed on September 16, the corresponding committee to consider the lock project was not appointed until October 3, or seventeen days later, with the additional disadvantage of the Board being on the ocean, with no opportunity to send for persons and papers during the short period of time remaining to take into due consideration all the facts pertaining to a lock canal, for, as I have said before, the last business meeting was held on November 24.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Ohio?

Mr. DRYDEN. Certainly.

Mr. FORAKER. I would ask the Senator whether on the 16th of September, when this motion was made by Mr. Hunter, if I remember correctly, the Board of Engineers had completed their investigations and explorations on the Isthmus? I did not observe.

Mr. DRYDEN. No.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from South Dakota?

Mr. DRYDEN. I yield.

Mr. KITTREDGE. If the Senator from New Jersey will permit me, I will be glad to answer the question of the Senator from Ohio. The Board of Consulting Engineers sailed from New York on the 28th of September for the Isthmus and returned about the middle or 20th of October.

Mr. FORAKER. Sailed from the Isthmus?

Mr. KITTREDGE. Sailed from New York for the Isthmus.

Mr. FORAKER. Then the motion was made by Mr. Hunter before the Board of Engineers left the United States.

Mr. KITTREDGE. Certainly; to appoint a committee of investigation.

Mr. DRYDEN. I should like to say at this point that while I have gladly yielded to Senators, I think it is quite probable that before I get through I shall cover any questions that may be asked. I would prefer to complete my remarks, and then I shall be very glad to answer any questions that Senators may choose to ask.

Mr. FORAKER. I beg pardon.

Mr. DRYDEN. I was glad to yield to the Senator.

Mr. FORAKER. The speech is a very interesting one.

Mr. DRYDEN. There is nothing in the minutes of the Board which discloses that either proposition received the necessary deliberate consideration of the extremely complex and important details entering into the two respective projects, but it is evident that regarding the sea-level proposition at least, there was a decided bias practically from the outset which matured in the majority report favoring that proposition. What was in the minds of the members, what was done outside of the Board meetings, by what means or methods conclusions were reached, has not been made a matter of record, and is not therefore, within the knowledge of Congress.

It is true that the respective reports of the two committees were brought before the Board as a whole on November 14 and that the subject was discussed at some length on November 18, at which each member of the Board expressed his views for or against either of the two projects. But there remained but ten days before the last business meeting of the Board was held, when the foreign members sailed for home. The final reports, as they are now before Congress, apparently never received the proper and extended consideration of the Board as a whole, and the minority report favoring a lock canal seems never to have been discussed upon its merits at all. When I recall the very different procedure of the technical commission appointed by the New Panama Canal Company, which extended its consideration of the subject from February 3, 1896, to September 8, 1898, during which time ninety-seven stated meetings and a large

number of informal meetings were held, I say I can but think that from a practical business point of view, casting no reflection upon either the ability or the fairness of judgment of the members of the International Board, the mere element of time should weigh decidedly in favor of the verdict of the technical commission of 1898, which was unanimous for a lock canal.

Of the technical commission of 1896–1898, Mr. Hunter, chief engineer of the Manchester Ship Canal, was a member, and he, at that time and without a word of dissent, joined the other members in giving the unanimous and emphatic expression of the committee in favor of a lock canal.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Colorado?

Mr. DRYDEN. Certainly.

Mr. TELLER. Will the Senator kindly repeat the date of that?

Mr. DRYDEN. Of the technical commission of 1896–1898. Mr. Hunter, the chief engineer of the Manchester Canal, was a member. The technical commission was of the new French company.

Mr. TELLER. You refer to the commission of the new French company?

Mr. DRYDEN. Yes, sir; the commission of the new French company.

Why he should now change his views and convictions and why he should now be so emphatic and pronounced in favor of a sea-level project is not set forth in anything that has been printed or been communicated to the Senate Committee on Interoceanic Canals. This hurried action, this scanty consideration, as I have stated, is the foundation upon which the advocates of the sea-level plan rest their appeal for support. This is the report and the evidence upon which Congress is requested to pronounce in favor of a sea-level project and give its indorsement to a plan which will involve the country in at least of $100,000,000 of additional expenditure and which will delay the opening of the canal for practical purposes of navigation possibly for ten years or more after the lock canal can be finished and opened for use.

The Isthmian Commission restates certain points in a clear and precise way, which leaves no escape from the conclusion that both as to time and cost the majority members of the Board materially underestimated important factors, and that they have every reason to believe that the total estimate of cost of a sea-level canal should be raised to $272,000,000, and that the estimate of time for construction should be increased to at least fifteen and a half years. But under certain readily conceivable conditions it is practically certain that the construction of a sea-level canal will consume not less than twenty years.

The Isthmian Commission reexamined carefully the question of relative efficiency of the proposed sea-level canal compared with a lock canal, and they pronounce emphatically and unequivocally in favor of the lock project. They consider that the assumed danger from accidents to locks by passing vessels or otherwise, as greatly exaggerated, and hold that while no doubt accidents may occur, and possibly will occur, such dangers can and will be sufficiently guarded against by an effective method of supervision and control. They hold that a lock canal properly constructed and managed is in no sense a menace to the safety of vessels, and that such practical experience, and particularly the half century of successful operation of the Soo Canal, has demonstrated the contrary beyond dispute. They point out that the canal with locks at a level of 85 feet will be a waterway three times the size, in navigable area, of the projected sea-level canal, and that omitting the locks from consideration will therefore afford three times the shipping facilities.

They show that in the sea-level canal there will be many and serious curves, while in the lock canal the courses are straight and changes of direction will be made at intersecting tangents, the same as in our river navigation, in which serious accidents are practically unknown. They show that the courses in a lock canal can be marked with ranges which will greatly facilitate navigation, particularly at night. The Commission points out that the argument of the majority of the Board, that locks will limit the traffic capacity of the canal, carries very little, if any, weight, and they refer to the experience of the Soo Canal, through which there passes annually a larger traffic than through all the other ship canals of the world combined.

Finally, the Isthmian Commission discusses the cost of operation and maintenance. The majority of the Board submit no details upon this most important item in canal construction and subsequent operation. What banking house in the world would advance a single dollar upon a canal or railway project upon a mere statement of the probable ultimate cost, but with no corresponding information as to cost of maintenance and operation? Having been appointed to reexamine into all the facts, and, so to speak, reconsider the entire project, the majority seriously erred in omitting from their report the necessary data and calculations for an accurate and trustworthy estimate of the cost of operation and maintenance of a sea-level canal.

From this point of view and in the light of the facts as presented by the Board for or against either project, the Isthmian Commission could not consistently act otherwise than give their final approval to the more specific and practical recommendations of the minority members of the Board, and they properly say that "*it appears that the canal proposed by the minority of the Board of Consulting Engineers can be built in half the time and for a little more than half of the cost of the canal proposed by the majority of the Board.*" They advance a number of specific reasons why a lock canal when completed will for all practical purposes—commercial, military, and naval—be a better canal than a sea-level waterway with a tidal lock, as proposed by the majority members of the Board.

The report of the Board was carefully and critically examined by Chief Engineer Stevens, of the Isthmian Commission and in actual charge of engineering matters on the Isthmus. Mr. Stevens is a man of very large practical American engineering experience, and he adds to the findings of the Commission the weight of his authority, decidedly and unequivocally in favor of a lock canal. He states as the sum of his conclusions that, all things considered, the lock or high-level canal is preferable to the sea-level type, so called, for the reason that it will provide a safer and quicker passage for ships; that it will provide beyond question the best solution of the vital problem of how safely to care for the flood waters of the Chagres and other streams; that provision is offered in the lock project for enlarging its capacity to almost any extent at very much less expense of time and money than can be provided for by any sea-level plan; that its cost of operation, maintenance, and fixed charges, including interest, will be very much less than any sea-level canal, and that the time and cost of its construction will not be more than one-half that of a canal of the sea-level type; that the lock project will permit of navigation by night, and that finally, even at the same cost in time and money, Mr. Stevens would favor the adoption of the high-level lock canal plan in preference to that of the proposed sea-level canal.

To these observations and comments the Secretary of War, under whose supervision this great work is going on, adds his opinion decidedly and unequivocally in favor of a lock canal. In his letter to the President Mr. Taft goes into all the important details of the subject and reveals a masterly grasp of the situation as it confronts the American people at the present time. He calls attention to the fact that lock navigation is not an experiment; that all the locks in the proposed canal are duplicated, thereby minimizing such dangers as are inherent in any canal project, and he adds that experience shows that with proper plans and regulations the dangers are much more imaginary than real. He goes into the facts of the proposed great dam to be constructed at Gatun and points out that such construction is not experimental, but sustained by large American experience, which is larger, perhaps, than that of any other country in the world. He gives his indorsement to the views of the Isthmian Commission and its chief engineer that the estimated cost of time and money for completing a sea-level canal is not correctly stated by the majority members of the Board, and that the cost, in all probability, will be at least $25,000,000 more, while, in his opinion, eighteen to twenty years will be necessary to complete the sea-level project. He also holds that the military advantages will be decidedly in favor of a lock canal.

This is practically the present status of facts and opinions regarding the canal problem as it is now before Congress, except that since January the Senate Committee on Interoceanic Canals has collected a large mass of additional and valuable testimony. Restating the facts in a somewhat different way, Congress is asked to give its final approval to the sea-level proposition, chiefly favored by foreign engineers, and to give its disapproval to the project of a lock canal, favored by American engineers. Congress is asked to rely in the main upon the experience gained in the management of the Suez Canal, where the conditions are essentially and fundamentally different from what they are or ever will be on the Isthmus of Panama, and to disregard the more than fifty years' experience in the successful management of the lock canals connecting the Great Lakes. Congress is asked to pronounce against the lock canal because in the management of the ship canal at Manchester several accidents have occurred, due to carelessness or ignorance in navigation, and we are asked to disregard

the successful record of the Soo Canal, in the management of which only three accidents, of no very serious importance, have occurred during more than fifty years.

In no other country in the world has there been more experience with lock canals than in this. For nearly a hundred years the Erie Canal has been one of our most successful of inland waterways, connecting the ocean with the Great Lakes. The Erie Canal is 387 miles in length, has 72 locks, and is now being enlarged to accommodate barges of a thousand tons, at a cost of $101,000,000. We have the Ohio Canal, with 150 locks; the Miami and Erie Canal, with 93 locks; the Pennsylvania Canal, with 71 locks; the Chesapeake and Ohio Canal, with 73 locks; and numerous other inland waterways of lesser importance. It is a question of degree and not of kind, for the problem is the same in all essentials and confronts Congress as much in the proposed deep waterway connecting tidewater with the Great Lakes, in which locks are proposed with a lift of 40 feet, or more, or very considerably in excess of the proposed lift of the locks on the isthmian canal.

The proposed ship canal from Lake Erie to the Ohio River provides for 34 locks. The suggested canal from Lake Michigan to the Illinois and Mississippi rivers provides for 37 locks, and, finally, the projected ship canal from the St. Lawrence River to Lake Huron contemplates 22 locks. So that lock canals of exceptional magnitude are not only in existence, but new canals of this type are contemplated in the United States and Canada.

In other words, Congress is asked to regard with preference the judgment and opinions of foreign engineers and to disregard the judgment and opinions of American engineers. We are seriously asked to completely disregard American opinion, as voiced by the Isthmian Commission, responsible for the enterprise as a whole; as voiced by the Secretary of War, responsible for the time being for the proper execution of the work; as voiced by Chief Engineer Stevens, who stands foremost among Americans in his profession, and as finally voiced by all the engineers now on the Isthmus who have a practical knowledge of the actual conditions, and who are as thoroughly familiar as any class of men with the problems which confront us and with the conditions which will have to be met. I for one, leaving for the present out of consideration details which are subject to modification and change, believe that it will be a fatal error for the nation to commit itself to the practically hopeless and visionary sea-level project and to delay for many years the opening of this much needed waterway connecting the Atlantic with the Pacific. I for one am opposed to a waste of untold millions and to additional burdens of needless taxation, while the project of a lock canal offers every practical advantage, offers a canal within a reasonable period of time and at a reasonable cost, offers a waterway of enormous advantage to American shipping, of the greatest possible value to the nation in the event of war and the opportunity for the American people to carry into execution at the earliest possible moment what has been called the "dream of navigators," and which has thus far defied the engineering skill of European nations.

But in addition to the evidence presented for or against a sea-level or lock canal project by the two conflicting reports of the Board of Consulting Engineers, there is now available a very considerable mass of testimony of American engineers who were called as witnesses before the Senate Committee on Interoceanic Canals. The testimony has been printed as a separate document and makes a volume of nearly a thousand pages. Much of this evidence is conflicting, much of it is mere engineering opinion, much of it comes perilously near to being engineering guesswork, but a large part of it is of practical value and may safely be relied upon to guide the Congress in an effort to arrive at a final and correct conclusion respecting the type of canal best adapted to our needs and requirements.

A critical examination and review of this testimony, as presented to the Senate committee from day to day for nearly five months, including the testimony of administrative officers and others, relating to Panama Canal affairs generally, is not practicable at this late stage of the session. Among others, the committee examined Mr. John F. Stevens, chief engineer, upon all the essential points in controversy and regarding which, in the light of additional experience and a very considerable amount of new and more exact information, Mr. Stevens reaffirms his convictions in the practicability and superior advantages of a lock canal.

In opposition to the views and conclusions of Mr. Stevens, Prof. William H. Burr pronounced himself emphatically in favor of the sea-level project. As a member of the former Isthmian Commission, reporting upon the type of canal, Mr. Burr had signed the report in favor of the lock project, but as a member of the Board of Consulting Engineers he had sided with the majority favoring the sea-level canal. Thus engineering opinion is as apt as any other human opinion to undergo a change, and the convictions of one year in favor of a proposition may change into opposite convictions, favoring an opposite proposition only a few years later. Mr. William Barclay Parsons, also a member of the Board of Consulting Engineers, who had signed the report in favor of the sea-level project, gave further evidence before the committee, restating his views and convictions in favor of the sea-level type. Mr. William Noble, an engineer of large experience, for some years in charge of the Soo Canal and who, as a member of the Board of Consulting Engineers, had signed the report in favor of a lock project, restates his views and convictions in favor of the lock-level project. Mr. Noble had also been a member of the Isthmian Commission of 1902, reporting at that time in favor of a lock canal.

Mr. Frederick P. Stearns, the foremost American authority on earth-dam construction, gave evidence regarding the safety of the proposed dams at Gatun and other points. His views and conclusions are based upon large practical experience and a profound theoretical knowledge of the subject. Mr. Stearns had also been a member of the Consulting Board of Engineers and as such had signed the report of the minority in favor of the lock project. He reaffirmed his views favoring a lock canal with a dam at Gatun. Mr. John F. Wallace, former chief engineer, gave testimony in favor of the sea-level type and strongly opposed the lock project. Col. Oswald H. Ernst, United States Army, than whom probably few are more thoroughly familiar with conditions on the Isthmus and the entire project of canal construction, declared himself to be strongly in favor of the lock-canal project.

Gen. Peter C. Hains, United States Army, equally well qualified to express an opinion on the subject in all its important points, pronounced himself strongly and unequivocally in favor of a lock canal.

Gen. Henry L. Abbot, United States Army, one of the highest authorities on river hydraulics, thoroughly familiar with Mississippi River flood problems, a former member of the International Technical Commission, of the New Panama Canal Company, and for a time its consulting engineer, a member of different isthmian commissions, and also a member of the consulting board, reemphasized his conviction, sustained by much valuable evidence, in favor of the lock canal project. General Abbot, as a member of the consulting board, had signed the report of the minority in favor of a lock canal. Gen. George W. Davis, United States Army, for a time the governor of the Canal Zone and president of the International Board of Consulting Engineers, restated his views and conviction as opposed to the lock canal type and in favor of the sea-level project. The last witness, Mr. B. M. Harrod, an engineer of large experience, for many years connected with levee construction and river flood problems of the Mississippi River, submitted a statement in which he restated his views in favor of a lock canal.

So that, summing up the evidence of twelve engineers examined before the committee (including Mr. Lindon W. Bates), there were eight American engineers strongly and unequivocally in favor of a lock canal, while four expressed their views to the contrary. Subjecting the mass of testimony to a critical examination, I can not draw any other conclusion or arrive at any other conviction than *that the lock project, in the light of the facts and large experience, has decidedly the advantage over the sea-level proposition.* And this view is strengthened by the fact that the opinion of the engineers most competent to judge—that is, men like Mr. Noble, who has thoroughly studied lock canal construction, management, and navigation, who as a member of the United States Deep Waterway Commission reexamined probably as thoroughly as any living authority into the entire subject of the mechanics and practice of lock canals, is emphatically opposed to the sea-level proposition.

When we find that a man like Mr. Stearns, of national and international reputation as a waterworks engineer, and who for many years has been in charge of the extensive construction work of the Massachusetts Metropolitan water and sewerage board, and who probably has as large a practical and theoretical knowledge of earth-dam construction as any living authority, declares himself to be strongly in favor of the lock project and believes in the entire safety of the dams required in connection therewith, I hold that such a judgment may be relied upon and that it should govern in national affairs as it would govern in private affairs if the canal construction were a business enterprise and involved the risk of private capital. When we find a man like Mr. Harrod, who for many years has been in charge of levee construction in Louisiana, thoroughly familiar with the theory and practice of river and flood control, express himself in favor of the lock project and in opposition to

the sea-level canal, I hold that we may with entire confidence accept his judgment as a governing principle in arriving at a final decision respecting the type of the canal to be finally fixed by the Congress.

And going back to the minority report of the Board of Consulting Engineers, there we find that Mr. Joseph Ripley, the general superintendent at present in charge of the Soo Canal, and Mr. Isham Randolph, chief engineer of the sanitary district of Chicago, and thoroughly familiar ith canal construction and management, both American engineers of much experience and high standing, pronounce themselves in favor of a lock canal. When confronted by these facts, it matters little to me if all the foreign engineers, of whatever standing or reputation, favor the sea-level type. I for one would rely upon American engineers, American conviction, and American experience, and accept the lock-canal proposition.

In this matter, as in all other practical problems, we may safely take the business point of view and calculate without bias or prejudice the respective advantages and disadvantages, and the more thorough the method of reasoning and logic applied to the canal problem, the more emphatic and incontrovertible the conclusion that the Congress should decide in favor of a plan which will give us a navigable waterway across the Isthmus within a measurable distance of time and with a reasonable expenditure of money, as opposed to a visionary theory of an ideal canal which may ultimately be constructed, possibly for the exclusive benefit of future generations, but at an enormous waste of money, time, and opportunity. I do not think we want to repeat at this late stage of the canal problem the fatal error of De Lesseps, who, when he had the opportunity in 1879 to make a choice of a practical waterway, was influenced by his great success at Suez, and upon the most fragmentary evidence, and in the absence of definite knowledge of actual conditions, decided beforehand in favor of a sea-level canal. It was largely his bias and prejudice which proved fatal to the enterprise and to himself.

I may recall that the so-called "international congress of 1879" was a mere subterfuge; that the opinions of eminent engineers, including all the Americans, were opposed to a sea-level project and in favor of a lock canal, but De Lesseps had made his plans, he had arrived at his decision, and in his own words, at a meeting of the American Society of Civil Engineers, held in January, 1880, said "I would have put my hat on and walked out if any other plan than a sea-level canal project had been adopted."

The situation to-day is very similar to the critical state of the canal question in 1902. What was then a question of choice of route is to-day a question of choice of plan.

What was then a geographical conflict is to-day a conflict of engineering opinions. It has been made clear by the reference to the report of the Board of Consulting Engineers and the testimony of the engineers before the Senate committee that the opinion of eminent experts is so widely at variance that there is little, if any, hope of an ultimate reconciliation. It is a choice of one plan or another—of a sea-level or a lock canal. In respect to either plan a mass of testimony and data exists, which has been brought forward to sustain one view or another. In respect to either plan there are advantages and disadvantages. The majority of the Senate Committee on Interoceanic Canals have reported favorably a bill providing for the construction of a canal at sea level. From this majority opinion the minority of the committee emphatically and unequivocally dissent, and in their report express themselves in favor of the lock canal.

The minority report calls attention to the changed conditions and requirements which now demand a canal of much larger dimensions than originally proposed. Even as late as 1901 the depth of the canal prism was only to be 35 feet, against 40 to 45 feet in the project of only five years later. The bottom width has been increased from 150 to 200 feet and over. The length of the locks, in the lock project, has been changed from 740 to 900 feet, and the width from 84 to 90 feet. These facts must be kept in mind, for they bear upon the questions of time and cost, and a sea-level or lock canal, as proposed to-day, is in all respects a very much larger affair, demanding very superior facilities for traffic, to any previous canal project ever suggested or proposed. This change in plans was made necessary by the Spooner Act, which provides for a canal of such dimensions that the largest ship now building, or likely to be built within a reasonable period of time, can be accommodated.

Now, the estimated saving in money alone by adopting the lock plan—that is, on the original investment, to say nothing of accumulating interest charges—would be at least $100,000,000. Granting all that is said in favor of a sea-level canal, it is not apparent by any evidence produced that such a canal would prove a material advantage over a lock canal. All its assumed advantages are entirely offset by the vastly greater cost and longer period of time necessary for construction, and I am confident that they would not be considered for a moment if the canal were built as a commercial enterprise. I do not think that they should hold good where the canal is the work of the nation, because a vast sum of money, useful and necessary for other purposes, will be eventually sunk if the sea-level project is adopted, and entirely upon the theory that *if* certain conditions should arise that *then* it would be better to have a sea-level than a lock canal. We have never before proceeded in national undertakings upon such an assumption; we have never before, as far as I know, deliberately disregarded every principle of economy in money and time; we have never before in national projects attempted to conform to ideal conceptions, but we have always adhered to practical, hard, common-sense notions of *what is best* under the circumstances.

The majority of the committee attacks the proposition that the proposed lock canal shall have "locks with dimensions far exceeding any that have ever been made." If this principle were adopted in every other line of human effort all advancement would come to an end—even the canal enterprise itself—for, as it stands to-day, it far exceeds in magnitude any corresponding effort ever made by this or any other nation. They say that the proposed flight of three locks at Gatun would be objectionable and unsafe, but we have the evidence of American engineers of the highest standing, whose reputations are at stake, who are absolutly confident that these locks can be constructed and operated with entire safety. The committee say that "the entry through and exit from these contiguous locks is attended with very great danger to the lock gates and to the ships as well;" but if mere inherent danger of possible accidents were an objection there would be no great steamships, no great battle ships, no great bridges and tunnels, no great undertakings of any kind.

The committee point out that accidents have occurred in the "Soo" Canal and in the Manchester Ship Canal; but the conditions, in the first place, were decidedly different, and, in the second place, they proved of no serious consequence as a hindrance to traffic or material injury to the canal. The "Soo" Canal has been in operation as a lock canal for some fifty years, it has been enlarged from time to time, and to-day accommodates a larger traffic than passes through all the ship canals of the world combined. It is a sufficient answer to the objections to say that this experience should have a determining influence in arriving at a final conclusion, for the inherent problems of lock-canal construction are as well understood by American engineers as any other problems or questions in engineering science. The proposed deep waterway with a 30-foot channel from Chicago to tide water, which has been surveyed by direction of Congress, proposes an expenditure of $303,000,000, and several locks with a lift of 40 feet or more. The enlargement of the Erie Canal by the State of New York at an expenditure of $101,000,000 involves engineering problems, including lock construction, not essentially different from those inherent in the lock-canal project at Panama; and if these problems can be solved by our engineers at home, it stands to reason that we may rely upon their judgment that they can be solved at Panama.

The majority of the Senate committee objects to the proposed dam at Gatun, and says that—

> Earth dams founded on the drift and silt of ages, through which water habitually percolates, to be increased by the pressure of the 85-foot lock when made, has been referred to by many of our technical advisers as another element of danger. The vast masses of earth piled on this alluvial base to the height of 135 feet will certainly settle, and as the drift material of this base or foundation has varying depth, to 250 feet or more, the settlement of the new mass, as well as its base, will be unequal, and it is predicted that cracks and fissures in the dam will be formed, which will be reached and used by the water under the pressure above mentioned, and will cause the destruction of the dam and the draining off of the great lake upon which the integrity of the entire canal rests.

But all of this is mere conjecture. The evidence of Engineer Stearns, a man of large experience, and of Engineer Harrod, familiar with river hydraulics and levee construction, and many others, is emphatically to the contrary. There is not an American engineer of ability, nor an American contractor of experience, who would not undertake to build the proposed dam at Gatun and guarantee its safety and permanency without any hesitation whatever. The alternative proposal of a dam at Gamboa would be as objectionable upon much the same ground, and the dam there, which is indispensable to the sea-level project, has also been considered unsafe by some of the engineers. In all questions of this kind the aggregate experience of mankind ought to have greater weight than the abstract theories of individuals, and I am confident that our engineers, who have so

successfully solved problems of the greatest magnitude in the reclamation projects of the far West, and in the control and regulation of the floods of the Mississippi River, will solve with equal success similar problems at Panama.

The committee further says that the sea-level project contemplates the removal of some 110,000,000 cubic yards of material, while the lock canal would require the removal of only about half that amount, and that, in other words, there is a difference of some 57,000,000 cubic yards, which, "to omit to take out * * * is to confess our impotence, which is not characteristic of the American people or their engineers or contractors." By this method of reasoning a nation which can build a battle ship of 16,000 tons displacement is impotent if it can not build one of twice that tonnage, and if this reason applies to quantity of material, why not say that a nation which can dig a canal 150 feet wide through a mountain some 7 miles in length admits its impotence if it can not dig one 300 feet wide, or 600 feet, if it should please to do so? But why should it be less difficult or a declaration of impotency on the part of our engineers to build a safe lock canal, including a satisfactory and safe controlling dam at Gatun? As I conceive the problem, it is one of reasonable compromise, and while I do not question the ability of American engineers and contractors to build a sea-level canal, I am convinced by the facts in evidence that they can not do it within the time and for the money assumed by the advocates of the sea-level project.

This question of *time* is of supreme importance. Ten years in a nation's life is often a long space in national history. Many times the map of the world has been changed in less than a decade. No man in 1890 anticipated the war with Spain in 1898, and no man in 1906 can say what may not happen before the next decade has passed. The progress during peace is far greater in its permanent effect than the changes brought about by war. The world's commerce, the social, commercial, and political development of the South American republics and of Asiatic nations, all depend, more or less, upon the completion of an isthmian waterway. It is the duty of this nation, since we have assumed this task, to construct a waterway across the Isthmus within the shortest reasonable period of time. Valuable years have passed, valuable opportunities have gone by. In 1881 De Lesseps, with supreme confidence and upon the judgment of his engineers, anticipated the opening of the Panama Canal in 1888. That was nearly twenty years ago. Shall it be twenty years more before that greatest event in the world's commercial history takes place? Had De Lesseps, in 1879, gone before the International Congress with a proposition for a feasible canal at reasonable cost, free from prejudice or bias, had he then adopted the American suggestion for a lock canal, he would have lived to see its completion, and the world for fifteen years would have had the use of a practical waterway across the Isthmus.

As to safety in operation, which the committee discuss in their report, there is one very important point to be kept in mind, and that is that nine-tenths, or possibly a larger proportion, of shipping will be of vessels of relatively small size. If this should be the case, then the sea-level project contemplates a canal chiefly designed to meet the possible needs and contingencies of a very small number of vessels of largest size, while the lock canal provides primarily for the accommodation of the class of steamships which of necessity would make the largest practical use of the isthmian waterway. Now, it stands to reason that special precautions would be employed during the passage of a very large vessel, either merchantman or man-of-war, and even if necessity should demand the rapid passage of a fleet of vessels, say twenty or thrity, it is not conceivable that a condition would arise which could not be efficiently safeguarded against by those in actual charge and responsible for the safety in the management of the canal. Considering the immense tonnage passing through the "Soo" Canal, which would not pass through the Panama Canal for a century to come, the very few and relatively unimportant accidents which have occurred during the fifty years of operation of that waterway are in every respect the most suggestive indorsement of the lock-canal project which could be advanced.

The time of transit, in the opinion of the majority committee of the Senate, would be somewhat longer in the case of a lock canal. This may be so, though much depends upon the class of ships passing through and their number. To the practical navigator the loss of a few hours would be a negligible quantity compared with the higher tolls that would have to be charged if an additional $100,000,000 is expended in construction and an additional interest burden of at least $2,000,000 per annum has to be provided for. I understand that the actual value of an hour or two in the case of commercial ships of average size would be a matter of comparatively no importance in contrast with the all-suggestive fact that the alternative project of a sea-level canal would provide no navigation whatever across the Isthmus for probably ten years more. If it is an advantage to gain an hour or two in transit ten years hence by having no trans-Isthmian shipping facilities for the ten years in the meantime, then it might as well be argued that it would be better to project a sea-level canal 300 feet wide at every point, so that the commerce of the year 2000 may be properly provided for. But to the practical navigator of the year 1916, who leaves the port of New York for San Francisco by way of Cape Horn, a possible loss of two or three hours or more would be many times preferable, if the Isthmus were open for traffic, to a certain loss of from forty to fifty days to make the voyage all around South America.

Upon the question of cost of maintenance the majority committee in their report point out that the Board of Consulting Engineers did not submit the details of any estimate of cost of maintenance, repairs, etc., but they say that this factor was properly taken into account by the minority, favoring a lock canal. Now, there is probably no more important question connected with the whole canal problem than this, for if the annual expense of maintenance, to be provided for by Congressional appropriations, should attain to such an exorbitant figure as to make any fair return upon the investment impossible, it is conceivable that the most serious political and financial consequences might arise and the success of the enterprise itself might be placed in jeopardy. Upon a maximum cost, in round figures, of $200,000,000 for a lock canal, and of $300,000,000 as a minimum for a sea-level canal, the additional annual interest charge would be at least $2,000,000 more.

But Mr. Stearns estimates that under certain conditions a sea-level canal might cost as much as $410,000,000, which would add millions of dollars more per annum to the fixed charges which must be included in the cost of maintenance, to say nothing of a possibly much higher cost of operation. I also can not agree to the statement that the cost of operation of a sea-level canal would be $800,000 per annum less than in the case of a lock canal; but, on the contrary, I am fully satisfied that the expense would be very much greater in the sea-level project if proper allowance is made for interest charges upon the additional outlay, which can not be rightfully ignored. Upon this important point the evidence of the engineers and of the minority members of the Board is strongly in favor of the lock-canal project.

As regards ultimate cost, the estimates of the majority are very much more indefinite and conjectural than the more carefully prepared estimates of the minority of the Board of Consulting Engineers. Upon this point the majority of the Senate committee say:

> There are two estimates now before the Senate, both originating with the Board of Consulting Engineers. The basis of computation of cost at certain unit prices was adopted unanimously by the Board, and we are told that the cost, with the 20 per cent allowance for contingencies, will be, for the sea-level canal, the sum of $247,021,200. Your committee has adopted the figures stated by the majority on page 64 of its report of a total of $250,000,000 for the ultimate final cost of the sea-level canal.

The estimate of the minority for a lock canal at a level of 85 feet is, in round figures, $140,000,000, or about $110,000,000 less than for a sea-level canal, which would represent a difference of $2,200,000 per annum in interest charges at the lowest possible rate of 2 per cent. The majority of the Senate committee attempt to meet this difference by capitalizing the estimated higher maintenance charge, which they fix at $800,000 per annum, and they thus increase the total cost of a lock canal by $40,000,000; but this, I hold, involves a serious financial error, unless a corresponding allowance is made for the ultimate cost of the sea-level project. There is, however, no serious disagreement upon the point that a sea-level canal in any event would cost a very much larger sum as an original outlay, certainly not less than $120,000,000 more, and in all probability, in the opinion of qualified engineers, including Mr. Stevens, the chief engineer, possibly twice that sum.

Reference is made in the report to the probable value of the land which will be inundated under the lock-canal project with a dam at Gatun, and the value of which has been approximately placed at $300,000. The majority of the Senate committee estimate that this amount might reach $10,000,000, or as much as was paid for the entire Canal Zone. The estimate is based upon the price of certain lands required by the Government near the city of Panama, but one might as well estimate the worth of land in the Adirondacks by the prices paid for real estate in lower New York. The item, no doubt, requires to be properly taken into account, but two independent estimates fix the probable sum at $300,000 for lands which are otherwise practically valueless and which would only acquire

value the moment the United States should need them. In my opinion, the value of these lands will not form a serious item in the total cost of the canal, and I have every reason to believe that independent estimates of the minority engineers of the Consulting Board, and of Mr. Stevens, may be relied upon as conservative.

The majority of the Senate committee further say that—

It is not necessary to dwell upon the fact that all naval commanders and commercial masters of the great national and private vessels of the world are almost to a man opposed unalterably to the introduction of any lock to lift vessels over the low summit that nature has left for us to remove.

I am not aware that any material evidence of this character has come before the Senate Committee on Isthmian Affairs, investigating conditions at Panama. I do know this, however, that until very recently it has been the American project to construct a lock canal. All the former advocates of an American canal by way of Panama or Nicaragua, or by any other route, contemplated a lock canal of a much more complex character than the present Panama project. All the advocates of a canal across the Isthmus, including many distinguished engineers in the Army and Navy, have been in favor of a lock canal, and almost without exception have reported upon the feasibility of a lock canal across the Isthmus and its advantages to commerce, navigation, and in military and naval operations in case of war. The Nicaragua Canal, as recommended to Congress and as favored by the first Walker Commission, provided for a lock project far more complex than the proposition now under consideration.

Colonel Totten, who built the Panama railroad, recommended the construction of a lock canal as early as 1857; Naval Commissioner Lull, who made a careful survey of the Isthmus in 1874, recommended a lock canal with a summit level of 124 feet and with 24 locks. Admiral Ammen, who, by authority of the Secretary of War, attended the Isthmian Congress of 1879, favored a lock project, in strong opposition to the visionary plan of De Lesseps. Admiral Selfridge and many other naval officers who have been connected, with isthmian surveying and exploration have never, to my knowledge, by as much as a word, expressed their apprehensions regarding the feasibility or practicability of a lock canal.

As a matter of fact and canal history, the lock project has very properly been considered as "an American conception of the proper treatment of the Panama canal problem." Mr. C. D. Ward, an American engineer of great ability, as early as 1879, suggested a plan almost identical with the one now recommended by the minority of the Consulting Board, including a dam at Gatun, instead of Bohio or Gamboa, and, in the words of a former president of the American Society of Civil Engineers, Mr. Welsh, "The first thought of an American engineer on looking at M. De Lesseps raised map is to convert the valley of the lower Chagres into an artificial lake some 20 miles long by a dam across the valley at or near a point where the proposed canal strikes it a few miles from Colon, such as was advocated by C. D. Ward in 1879. The site referred to was Gatun, and this was written in 1880 when the sea-level project had full sway.

So that it is going entirely too far to say that all naval commanders and commercial masters are in favor of the sea-level project. Admiral Walker himself, as president of the former Isthmian Commission, and as president of the Nicaraguan Board, favored a lock canal. Eminent Army engineers, like Abbot, Hains, Ernst, and others, favor the lock project. It requires no very extensive knowledge of navigation to make it clear that passing through a waterway which for 35 miles, or 71 per cent of its distance, will have a width of 500 feet or more, compared with one which, for the larger part, or for some 41 miles, will have a width of only 200 feet or less, must appeal to the sense of security of the shipper while taking his vessel through the canal.

But it is a question of general principles, and not of personal preference. Our concern is with a matter of fact, and not a theory. No shipper on the Great Lakes considers it a serious hindrance to navigation to pass through the lock of the "Soo" Canal; no shipper running 1,000-ton barges through the future Erie Canal will have the least apprehension of danger or destruction; no captain navigating a vessel or boat through the proposed deep waterway from the ocean to the Lakes will hesitate to pass through locks with a proposed lift of over 40 feet. These apprehensions are imaginary and not real. They are not derived from experience or from a summary statement of shipmasters and naval officers, but from the individual expressions and prejudice of a few who are opposed to the lock project. I am confident that if the matter is left to the practical navigator, to the shipowner, and the self-reliant naval officer there will be no serious disagreement of opinion that a lock canal, which can be built within a reasonable period of time, is preferable to any sea-level canal which may be built and opened to navigation twenty years hence or later.

There are two objections made by the majority of the Senate committee against a lock canal, which require more extended consideration. These are, the protection of the canal in case of war, and the danger of serious injury or total destruction by possible earth movements or so-called "earthquakes." Regarding the military aspects of the canal problem, the majority of the Senate committee says:

The Spooner Act and the Hay-Varilla treaty contemplated the fortification and military protection of the canal route. No proposition affecting this policy is now before the Senate. In so far as the type of canal to be adopted has a bearing upon the jeopardy to or immunity of the canal to risk of malicious injury the subject of safety and protection is pertinent and most important. If a canal of one type would be more liable to injury than another, this liability should under no circumstances be neglected in determining the type or plan. It does not require argument that the use of the canal by the United States will cease if the control passes to a hostile power between which and the United States a state of war exists, but this is true whatever the type may be.

As the majority of the committee points out, "no proposition affecting this project is now before the Senate." In my opinion, none is necessary. The neutrality of the canal is by implication, at least, assured, and we have pledged our national good faith that the waterway will be open to all the nations of the world. Some time in the future, when the canal is completed and an accepted fact, it may be advisable to pursue the same course as was done in the case of the Suez Canal. The original concession for that canal provided, by section 3, for its subsequent fortification, but this was never carried into effect. By a convention dated December 22, 1888, between Great Britain, Germany, and other nations, the free navigation of the Suez Canal was made a matter of international agreement, and the same has been reprinted as Senate Document No. 151, Fifty-sixth Congress, first session, under date of February 6, 1900.

This, in any event, is a problem of the future. The canal is the property of the United States, and we shall always retain control. In the event of war we shall rely with confidence upon our Navy to protect our interests on the Pacific and in the Caribbean Sea, but even more may we rely upon the all-important fact that it could never be to the interest of any other nation sufficient in size to be at war with us to destroy this international waterway, which will become an important necessity to the commerce of each and all. No neutral nation engaged in extensive commerce or trade would for an instant tolerate injury, destruction, or serious interference of the traffic passing through the canal on the part of another nation at war with the United States. To destroy as much as a single lock, to injure as much as a single gate, would be equal to an act of war with every commercial nation of the earth. In this simple fact lies a greater assurance of safety than in all the treaties which might be made or in all the fortifications which might be established to protect the canal.

The majority of the committee well say in their report, the power of mischief "is within easy reach of all." The possibility of an assumed occurrence is very remote from its reasonable probability. We have to rely upon our own good faith and the watchful eyes of our officers. Against possible contingencies, such as are implied in the assumed destruction of the locks, by dynamite or other high explosives, we can do no more than take the same precautions which we take in all other matters of national importance. We have to take our chances the same as any other nation would; the same as commercial enterprise would. Certainly the remote possibility of such an event, the still more remote contingency that the injury would be serious or fatal to the operation of the canal, should not govern in a decision to construct a canal for the use of the present generation instead of the generations to come. No canal can be built free from vulnerable points; no forts, no battle ships can be built free from such a risk. It would be folly to delay the construction of a canal; it would be folly to sink a hundred million dollars or more upon so remote a contingency as this, which belongs to the realm of fanciful or morbid imagination rather than to the domain of substantial fact and actual experience.

As a last resort, the opposition to a lock canal brings forward the earthquake argument. It is a curious reminder of the early and bitter opposition to the building of the Suez Canal, which had to fall back upon the absurd theory that the canal would prove a failure because the blowing sands of the desert would soon fill the channel. It was seriously proposed to erect a stone wall 4 feet high on each side of the embankment to provide against this imaginary danger to the canal. Another early objection to the Suez Canal was that the Red Sea level was 30 feet above the level of the Mediterranean, only set at rest in 1847 by a special commission, which in-

cluded Mr. Robert Stephenson, the great son of a great father, bitter to the last in his opposition to the canal, which he considered an impracticable engineering scheme. There was much talk about the assumed prevalence of strong westerly winds on the southern Mediterranean coast, and the danger of constantly increasing deposits of the Nile, it was said, would render the establishment of a port impossible. It was necessary to place a war ship for a whole winter at anchor 3 miles from the shore to prove the error of this assumption and set at rest a foolish rumor which came near proving fatal to the enterprise.

Earthquakes have occurred on the Isthmus, and there is record of one shock of some consequence in 1882. The matter has been inquired into in a general way by the various Isthmian commissions, and assumed some prominence during the discussions and debates regarding a choice of routes. It was plain to even the least informed that the volcanic belt of Nicaragua constituted a real menace to a canal in that region, and one of the strongest arguments advanced in the minority report of the Senate committee of 1902, submitted by Senator KITTREDGE, now a leading advocate of the sea-level project, in opposition to the Nicaragua Canal, was the assertion of the practical freedom of the Panama Isthmus from the danger of earth movements.

The minority of the Senate committee of 1902 in their report, summing up the final reasons in favor of the Panama route (section 12):

> At Panama earthquakes are few and unimportant, while the Nicaraguan route passes over a well-known coastal weakness. Only five disturbances of any sort were recorded at Panama, all very slight, while similar official records at San Jose de Costa Rica, near the route of the Nicaragua Canal, show for the same period fifty shocks, a number of which were severe. (P. 11, S. Rep. 783, part 2, 57th Cong., 1st sess., May 31, 1902.)

In another part of its report the committee said:

> With the dreadful lessons of Martinique and St. Vincent fresh in our minds, we should be utterly inexcusable if we deliberately selected a route for an isthmian canal in a region so volcanic and dangerous, when a route is open to us which is exposed to none of these dangers and is in every other respect more advantageous.

And they quote Professor Heilprin, an authority on the subject, in part, as follows:

> It has, however, been known for a full quarter of a century that the main Andes do not traverse the Isthmus of Panama, and that there are no active or recently decayed volcanoes in any part of the Isthmus. So far, however, as danger from direct volcanic contacts is concerned, the Panama route is exempt. (Pp. 22–23.)

And, further:

> This district represents the most stable portion of Central America. No volcanic eruptions have occurred there since the end of the Miocene epoch, and there are no active volcanoes between Chiriqui and Tolima, a distance of about 400 miles. Such earthquakes as have occurred are chiefly those proceeding from the disturbed districts on either hand, with intensity much diminished by the distance traversed. The canal lies in a sort of dead angle of comparative safety.

The report continues:

> The situation being, then, that the danger from volcanoes at Panama is nothing, and that from earthquakes practically nothing, while at Nicaragua the canal would be situated in one of the most dangerous regions of the world from both these causes, the question should be considered settled.

This was the opinion of the committee of 1902; it was emphatic and plain in its language; it had considered expert views and the available data. It had before it the full report of the Nicaragua Canal Commission printed under date of May 15 of the same year, Chapter VII of which considers the subject at much greater length than has been done since that time and with a full knowledge of the facts and free from bias or prejudice. With the then recent occurrence at Mount Pelee in mind, and a full understanding of the liability of the Isthmus to seismic shocks of minor importance, the committee emphatically indorses the lock-canal project at Panama.

Much can be said with regard to this matter, and it is one which should receive, and no doubt will, the most careful consideration of the engineers in charge of the work. Seismic disturbances have occurred in all parts of the world, and they have occurred at Panama. Where they are not directly of volcanic origin they appear to be the result of subsidence or contraction of the earth's crust, and they have occurred and caused serious destruction far from volcanic centers of activity, among other places at Lisbon, Portugal, and at Charleston, S. C. Some sections of the earth, as, for illustration, Japan and the Philippines, are, no doubt, more subject to these movements than others, and sections subject to such movements at one period of time may be exempt for many years, if not ever thereafter.

The fearful earthquake which affected Charleston, S. C., in 1886 had no corresponding precedent in that section, nor has it been followed by a similar disturbance. Regardless of the terrible experience of 1886, the Government has now in course of construction at Charleston a navy-yard and a great dry dock, costing many millions of dollars, which will be operated by locks or gates, and, I presume, the question of earthquakes or earth movements has not been raised in any of the reports which have been made regarding this undertaking. Earthquakes were formerly quite frequent in New England, and they extended to New York during the early years of our history, and for a time Boston and Newbury, Mass, Deerfield, N. H., and particularly East Haddam, Conn., were the centers of seismic activity, which by inference might be used as an argument against our navy-yards at Portsmouth, N. H., and Charlestown, Mass., our torpedo station at Newport, or the fortifications at Willetts Point. The earthquake which destroyed Lisbon in 1755 might with equal propriety be used as an argument against the building of the extensive docks and fortifications at Gibraltar, but no one, I think, has ever questioned the solidity of the rock.

Seismology is a very complex branch of geologic inquiry into a subject regarding which very little of determining value is known. Theories have been advanced that under certain geological conditions earth movements would be comparatively infrequent, if not impossible. Whether such conditions exist at Panama would have to be determined by the investigations of qualified experts. It would seem, however, from such data as are available, that the local conditions are decidedly favorable to a comparative immunity of this region from serious seismic shocks, at least such as would do great and general damage. Nor can it be argued that the locks and dams would be exposed to special risk. The earthquake of 1882 did more or less damage, but the reports are of a very fragmentary character. Newspaper reports in matters of this kind have very small value. Injury was done to the railway, but not of very serious consequence.

If the risk exists, it would affect equally a sea-level canal, in that it would threaten the tidal lock, the dam at Gamboa, and the excavation through the Culebra cut. Very little is known regarding earthquake motions, and there are very few seismic elements which are really calculable in conformity to a mathematical theory of probability. It is a subject which has not received the attention in this country of which it is deserving, but enough of seismic motion is known to warrant the conclusion that the Senate committee of 1902 was, in all human probability, entirely correct when it made light of the danger of the probability of seismic shocks at Panama.

In fine, the earthquake argument has little or no force against a lock-canal project, and it has never received serious consideration as such or been used in arguments against a lock canal until the recent San Francisco disaster brought the subject prominently before the public. It is a danger as remote as a possible destruction of the proposed terminal plants at Colon and Panama by flood waves equal in magnitude to the one which destroyed Galveston in 1900, but such dangers are inherent in all human undertakings. They must be taken as a matter of chance and remote possibility, which for all practical purposes may be left out of account, except that the subject should receive the due consideration of the engineers and perhaps be made a matter of special and comprehensive inquiry by the Geological Survey. In any serious consideration of the facts for or against a lock canal, I am confident that the earthquake risk may safely be ignored.

The comprehensive report of the minority members of the Senate Committee on Interoceanic Affairs is a sufficient and conclusive answer to all the important points which are in controversy, and it remains for Congress to cut the "Gordian knot" and put an end to an interminable discussion of much solid and substantial conviction on the one hand and of a vast amount of opinion and guesswork on the other hand. All of the evidence, all of the supplementary expert testimony which may be collected or obtained upon the merits or demerits of either of the two propositions, will not change the fundamental basis of the position of those who rest their final conclusions upon American experience and upon the opinions and judgment of American engineers, and who favor a lock canal. While there is no question of doubt that such a canal can be constructed and can be made a practical waterway, there is a very serious question of doubt whether a sea-level canal can be constructed and made a safe and practicable waterway, at least within the limits of the estimated amount of cost and within the estimated time.

The view, which I have tried to impress upon the Senate, is nothing more nor less than a business view of what is, for all practical purposes, only a business proposition. If a lock canal can be built, useful for all purposes, at half the cost and within half the time of a sea-level canal, then I can come to no other conclusion than that a lock canal would be decidedly to our

political and commercial advantage. A decision, however, should be arrived at. The canal project has reached a stage when the final plan or type must be determined, and it is the duty of Congress to act and to fix, for once and for all time, the type of canal, with the same courage and freedom from prejudice or bias as was the case in the decision which finally fixed the route by way of Panama.

Any amount of additional testimony and so-called expert opinion will only add to the confusion and tend to produce a more hopeless state of affairs. Let Congress fix the type in broad outlines and leave it to responsible engineers in actual charge of the construction to solve problems in detail, and to adapt themselves to local conditions met with, and new problems which in the course of construction are certain to arise. Let us take counsel of the past, most of all from the experience gained in the construction of the Suez Canal, an engineering and commercial success which challenges the admiration of the world. We know how near it came to utter defeat by the conflict of opinion, by the intrigue of conniving and jealous powers, and last but not least, by the ill-founded apprehensions and fears of those who were searching the vast domain of conjecture and remote possibilities for arguments to cause a temporary delay or ultimate abandonment.

It is not difficult to secure eminent authority for or against any project when the facts themselves are in dispute, and when the objects and aims are not well defined. The great Lord Palmerston, the most bitter opponent to the Suez Canal scheme, in want of a more convincing argument, seriously claimed that France would send soldiers disguised as workmen to the Isthmus of Suez later to take possession of Egypt and make it a French colony. By one method or another, Palmerston tried to defeat the scheme in its beginning and bring it to disaster during the period of construction. It is a far from creditable story. History always more or less repeats itself, whether it be in politics or engineering enterprise, but in few affairs are there more convincing parallels than in the canal projects of Panama and Suez. Lord Palmerston and Sir Henry Bulwer, then the ambassador at Constantinople, did all in their power to destroy public confidence in the enterprise, and they were completely successful in preventing English investments in the stock of the canal.

It was the same Sir Henry Bulwer who, in 1850, succeeded by questionable diplomatic methods in foisting upon the American people a treaty contrary to their best interests and for half a century a hindrance and the barrier to an American isthmian canal. We owe it chiefly to the masterly and straightforward statesmanship of the late John Hay that this obstacle to our progress was disposed of to the entire satisfaction of both nations. I only refer to these matters, which are facts of history, to point out how an interminable discussion of matters of detail is certain to delay and do great injury to projects which should only receive consideration in broad outlines and upon fundamental principles. If we are to enter into a discussion of engineering conflicts, if we are to deliberate upon mere matters of structural detail, then an entire session of Congress will not suffice to solve all the problems which will arise in connection with that enterprise in the course of time. I draw attention to the Suez experience solely to point out the error of taking into serious account minor and farfetched objections which assume an undue magnitude in the public mind when they are presented in lurid colors of impending disasters to a national enterprise of vast extent and importance.

So eminent an engineer as Mr. Robert Stephenson by his expert opinion deluded the British people into the belief that the Suez Canal would not be practical; that, even if completed, it would be nothing but a stagnant ditch. Said Palmerston to De Lesseps:

> All the engineers of Europe might say what they pleased, he knew more than they did, and his opinion would never change one iota, and he would oppose the work to the end.

Stephenson confirmed this view and held that the canal would never be completed except at an enormous expense, too great to warrant any expectation of return—a judgment as ill advised as it was later proven to have been entirely erroneous. I need only say that the Suez Canal is to-day an extremely profitable waterway, and that while the work was commenced and brought to completion without a single English shilling, through French enterprise and upon the judgment of French engineers, it was only a comparatively few years later when, as a matter of necessity and logical sequence, the controlling interest in the canal was purchased by the English Government, which has since made of that waterway the most extensive use for purposes of peace and war.

These are facts of history, and they are not disputed. Shall history repeat itself? Shall we delay or miscarry in our efforts to complete a canal across the Isthmus of Panama upon similar pretensions of assumed dangers and possibilities of disaster, all more or less the result of engineering guesswork? Shall we take fright at the talk about the mischief-maker with his stick of dynamite, bent upon the destruction of the locks and vital parts of the machinery, when history has its parallel during the Suez Canal agitation in "The Arab shepherd, who, flushed with the opportunity for mischief and with a few strokes of a pickax, could empty the canal in a few minutes?" Shall we be swayed by foolish fears and apprehensions of earthquakes or tidal waves and waste millions of money and years of time upon a pure conjecture, a pure theory deduced from fragmentary facts? Again the facts of canal history furnish the parallel of Stephenson and other engineers, who successfully frightened English investors out of the Suez enterprise by the statement that the canal would soon fill up with the moving sands of the desert, that one of the lakes through which the canal would pass would soon fill up with salt, that the navigation of the Red Sea would be too dangerous and difficult, that ships would fear to approach Port Said because of dangerous seas, and, finally, that in any event it would be impossible to keep the passage open to the Mediterranean.

It was this kind of guesswork and conjecture which was advanced as an argument by engineers of eminence and sustained by one of the foremost statesmen of the century. How absurd it all seems now in the sunlight of history. The Panama Canal is a business enterprise, even if carried on by the nation, and with a thorough knowledge of the general facts and principles we require no more expert evidence, so called, nor additional volumes of engineering testimony. The nation is committed to the construction of a canal. The enterprise is one of imperative necessity to commerce, navigation, and national defense, and any further discussion, any needless waste of time and money, is little short of indifference to the national interests and objects which are at stake.

Of objections for or against either plan there is no end, and there will be no end as long as the subject remains open for discussion. To answer such objections in detail, to search the records for proof in support of one theory and another, is a mere waste of time which can lead to no possible useful result. Among others, for illustration, there has been placed before us a letter from the chief engineer of the Manchester Ship Canal, who is emphatically in favor of a sea-level waterway. It would have been much more interesting and much more valuable to the Members of Congress to have received from Mr. Hunter a statement as to why he should have changed his opinions or why, in 1898, he should have signed the unanimous report of the technical commission in favor of a lock canal, while now he so emphatically sustains those who favor the sea-level project. It is not going too far to say, appealing to the facts of history, that Mr. Hunter may be as seriously in error in this matter and may have drawn upon his imagination rather than upon his engineering experience, the same as Mr. Robert Stephenson was in serious error in his bitter opposition to the canal enterprise at Suez.

Mr. Hunter, in his letter, argues, among other points, that the lifts of the proposed locks would be without precedent. Without precedent? Why, of course, they would be without precedent. Is not practically every American engineering enterprise without precedent? Was not the Erie Canal, completed in 1825, without a precedent? Were not the first steamboat and the first locomotive without precedents? Were not the Hoosac Tunnel and the Brooklyn Bridge feats of engineering enterprise without precedents?

Without precedent is the great barge canal which the State of New York is about to build, which will mean a complete reconstruction of the existing waterway which connects the ocean with the Great Lakes.

All this is without precedent. But it is American. It is progress, and takes the necessary risk to leave the world better, at least in a material way, than we found it. In the proposed deep waterway, which is certain some day to be built to connect the uttermost ends of the Great Lakes with tide water on the Atlantic, able and competent engineers of the largest experience have designed locks with a lift of 52 feet. That will be without precedent. On the Oswego Canal, proposed as a part of the new barge canal of the State of New York, there will be six locks, two of which will have a lift of 28 feet, and that will be without precedent, but neither dangerous nor detrimental to navigation interests.

Need I further appeal to the facts of past canal history? Is it necessary to recite one of the best known and most honorable chapters in the history of inland waterways—I mean the problems and difficulties inherent in the great project of constructing the canal of Languedoc, or "Canal du Midi," which forms a

water communication between the Mediterranean and the Garonne and the Garonne and the Atlantic Ocean, one of the best known canals in France and in the world? Need I refer to that pathetic story of its chief egineer, Riquet, one of the greatest of French patriots, who, in his abiding faith in this great engineering feat, stood practically alone? Need I recall that he met with scant assistance from the Government, with the most strenuous opposition from his countrymen; that he was treated even as a madman, and that he died of a broken heart before the great work was finished?

That canal stands to-day as an engineering masterwork and as a most suggestive illustration of man's ingenuity and power to overcome apparently insuperable natural obstacles. It has been in existence and successful operation, I think, since 1681. For a sixth part of its distance it is carried over mountains deeply excavated. It has, I think, ninety-nine locks and viaducts, and as one of its most wonderful features it has an octuple lock, or eight locks in flight, like a ladder from the top of a cliff to the valley below. If in 1681 a French engineer had the ability and the daring to conceive and construct an octuple lock, will anyone maintain that more than two hundred years later, with all the enormous advance in engineering, with a better knowledge of hydraulics and a more perfect method of transportation and handling of materials, will anyone maintain that we are not to-day competent to construct a lock canal such as is proposed to be built at Panama upon the judgment of American engineers?

Mr. President, the overshadowing importance of the subject has led me to extend my remarks far beyond my original intention. I express my strong convictions in favor of a lock canal and of the necessity for an early and specific declaration of Congress regarding the final plan or type of canal which the nation wants to have built at Panama. I am confident that it lies entirely within our power and means to build either type of a waterway; that our engineering skill can successfully solve the technical problems involved in either the lock or sea-level plan; but there is one all-important factor which controls, and which, in my opinion, should have more weight than any other, and that is the element of time. If I could advance no other reasons, if I knew of no better argument in favor of a lock canal, my convictions would sustain the project which can be completed within a measurable distance of years and for the benefit and to the advantage of the present generation. Time flies, and the years pass rapidly. Shall this project languish and linger and become the spoil of political controversy and a subject of political attack? Can we conceive of anything more likely to prove disastrous to the canal project than political strife, which proved the undoing of the French canal enterprise at Panama?

Shall the success of this great project be imperiled by the possible changes in the fortunes of parties? Shall we incur the risk that changes in economic conditions, hard times, or panic and industrial depressions may bring about? Time flies, and in the progress of industry and commerce, in international competition and the growth of modern nations, no factor is of more supreme importance than the years with new opportunities for political and commercial development. Shall we, then, neglect our chances? Shall we fail to make the most of this the greatest opportunity for the extension of our commerce and navigation into the most distant seas which will ever come to us in our history, because of the demands of idealists, who, with theoretical notions of the ultimately desirable, would deprive the nation and the world of what is necessary and indispensable to those who are living now?

Vast commercial and political consequences will follow the opening of the transisthmian waterway. In the annals of commerce and navigation it is not conceivable that there will ever be a greater event or one fraught with more momentous consequences than uninterrupted navigation between the Atlantic and the Pacific. Little enough can we comprehend or anticipate what the far-distant future will bring forth, but this much we know—that it is our duty to solve the problems of to-day and not to indulge in dreams and fancies in a vain effort to solve the problems of an immeasurable future.

But *money* also counts. Can we defend an expenditure of an additional $100,000,000 or more for objects so remote, and upon the basis of theory and fact so slender and so open to question, when a plan and a project feasible and practicable is before us which will meet all of our needs and the needs of generations to come? Shall we disregard in the building of this canal every principle of a sound national economy and commit ourselves recklessly to an enormous waste of funds and to the imposition of needless burdens upon the taxpayers of this nation and upon the commerce of the world? At least $2,000,000 per annum more will be required in additional interest charges, at least $100,000,000 more will be necessary as an original investment. Do we fully realize what that amount of money would do if applied to other national purposes and projects?

I want to place on record my convictions and the reasons governing my vote in favor of the minority report for a lock canal across the Isthmus at Panama. I entered upon an investigation of the subject without prejudice or bias for or against either project, but I have examined the facts as they have been presented and as they are a matter of record and of history. I have heard or read with care the evidence as it has been presented by the Board of Consulting Engineers and the vast amount of oral testimony before the Senate Committee on Interoceanic Affairs. I am confident that the minority judgment is the better and that it can be more relied upon, because it is strictly in conformity with the entire history of the isthmian canal project. I am confident that the objections which have been raised against the lock plan are an undue exaggeration of difficulties such as are inherent in every great engineering project, and which, I have not the slightest doubt, will be successfully solved by American engineers, in the light of American experience, exactly as similar difficulties have been solved in many other enterprises of great magnitude.

I am not impressed with the reasons and arguments advanced by those who favor the sea-level project, which do not convince me as being sound and which in some instances come perilously near to engineering guesswork characteristic of the earlier enterprises of De Lesseps. I can but think that bias and prejudice are largely responsible for the judgment of foreign engineers so pronounced in favor of a sea-level project. On the contrary, I am entirely convinced that the judgment and experience of American engineers in favor of a lock canal may be relied upon with entire confidence, and that the enterprise will be brought to a successful termination. I believe that in a national undertaking of this kind, fraught with the gravest possible political and commercial consequences, only the judgment of our own people should govern for the protection of our own interests which are at stake. I also prefer to accept the view and convictions of the members of the Isthmian Commission, and of its chief engineer, a man of extraordinary ability and vast experience.

It is a subject upon which opinions will differ and upon which honest convictions may be widely at variance, but in a question of such surpassing importance to the nation, I, for one, shall side with those who take the American point of view, place their reliance upon American experience, and show their faith in American engineers.

Mr. KITTREDGE. Mr. President, I ask for the adoption of the following order.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from South Dakota asks for the adoption of an order which will be read.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, June 15, 1906, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction, and continue the consideration thereof until 4 o'clock p. m., when debate shall cease and a vote be taken upon all amendments then pending or to be offered, and that a vote be taken on the bill before adjournment on that day.

Mr. HOPKINS. Mr. President, in consulting with many Senators on both sides, I find that Monday will be more agreeable than Friday. I therefore suggest a change of the day from Friday to Monday, and of the hour from 4 to 3 o'clock, so that the vote will be taken at 3 o'clock on Monday.

Mr. KITTREDGE. I will agree to that, Mr. President.

The PRESIDING OFFICER. Is there objection to the proposed agreement as modified?

Mr. TELLER. Mr. President, I do not desire to object to the modification or to fixing a date. I object, though, to this being taken as an order. That is not the custom of the Senate.

Mr. KITTREDGE. I have asked for unanimous consent.

Mr. TELLER. It should be done by unanimous consent; it is not an order.

The PRESIDING OFFICER. The proposed agreement will be read as modified.

Mr. TELLER. With that modification I shall not object. Otherwise I do not care anything about it.

The PRESIDING OFFICER. The request of the Senator from South Dakota will be again read.

Mr. HOPKINS. It was a request and not an order. It was a request for unanimous consent.

Mr. TELLER. I understand that it is modified to a request for unanimous consent.

The PRESIDING OFFICER. It reads: "It is agreed by

unanimous consent." The proposed agreement will be read as modified.

Mr. HALE. I take it that what the Senator offering this proposed agreement had in view was that the language should be clearly understood, so that no question would arise afterwards. It ought to read, rather, "ordered by unanimous consent," because, as the Senator from Colorado says, it can only be done by unanimous consent, and it is only put in the form of an order that nobody may misunderstand the terms of the agreement. I take it that is the design of the Senator from South Dakota.

Mr. KITTREDGE. That was my purpose, Mr. President.

Mr. TELLER. I have no doubt what the purpose is; but that has never been the form since I have been here. We simply say it is unanimously agreed to do this or to do that.

The PRESIDING OFFICER. The Chair will inform the Senator from Colorado——

Mr. TELLER. And that is usually printed upon the Calendar.

Mr. HALE. That accomplishes the same purpose.

Mr. TELLER. I do not want to have the word "order" used.

The PRESIDING OFFICER. The Chair will inform the Senator from Colorado that the word "order" is not used. It reads: "It is agreed by unanimous consent."

Mr. TELLER. That is right.

Mr. HALE. That is right.

Mr. TELLER. I understood the Senator to ask for an order.

The PRESIDING OFFICER. Is there objection to the proposed agreement?

Mr. HALE. What is the modification?

The PRESIDING OFFICER. It will be again read.

The Secretary read the proposed agreement as modified, as follows:

It is agreed by unanimous consent that on Monday, June 18, 1906, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction, and continue the consideration thereof until 3 o'clock p. m., when debate shall cease and a vote be taken upon all amendments then pending or to be offered, and that a vote be taken on the bill before adjournment on that day.

Mr. SPOONER. Why not put it at 1 o'clock, so that there will be an opportunity for debate of about an hour? That is only a suggestion.

Mr. FORAKER. Mr. President, I should like to ask, before this order is entered, of some Senator who is entirely familiar with the subject, whether it is necessary for us to determine at this time the type of the canal, or whether it is possible for this matter to be delayed until those of us who have had no opportunity to do so can familiarize ourselves with the testimony which has been taken?

I wish to say in this connection to Senators, and I say it frankly, that my predisposition has been always in favor of a sea-level canal. That is why I turned from Nicaragua to Panama. But since this controversy has arisen I have had some doubt brought into my mind as to whether I am right in that respect, and I have been undertaking to read the testimony and familiarize myself with the subject, hoping that I might thereby remove the doubt that I have. But if the bill is to be voted upon next Monday, I do not see how I can do that to my own satisfaction. I will not object for one moment to the proposed agreement if it is necessary that it should be settled at this time.

Mr. HOPKINS. If the Senator will allow me——

Mr. FORAKER. Certainly.

Mr. HOPKINS. I think that the vote as to the type of the canal could be postponed until the next session of Congress without interfering with the ultimate type that shall be adopted in the construction of the canal. If that should be done, it would allow Senators circumstanced as the Senator from Ohio is to give the same attention to it that those of us who are on the committee have been compelled to do in forming the opinions that we have expressed here on the floor of the Senate.

I will say to the Senator from Ohio that for one I would be very glad to accommodate him or any other Senator similarly situated and permit this question to go over until the first Monday or Tuesday of the next session of this Congress.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FORAKER. I yield the floor.

Mr. TELLER. I think it is thoroughly understood that this measure is not to be touched in the House during the present session. For myself I do not see any object in fixing a date to dispose of it now, though perhaps before the session is over we ought to send it to the House, or perhaps we ought to have sent it earlier in the session. But we certainly can take the balance of the session for debating this question, if we want to do that, without interfering with the final disposition of this case.

I wish myself to make a few remarks upon it this week, because I expect on Saturday to leave the city. I have waited here for some time, supposing that I might get an opportunity to do so to-night, but I see really no opportunity at this late hour to commence a speech on the subject. I do not intend to speak at length, but will be rather brief.

I do not want to object to the proposed agreement, if the Senators who have this measure in charge think it ought to be made, but I do not myself see anything to be gained by it.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. WARREN. I do not wish to interrupt the Senator unless he is through.

Mr. TELLER. I am through, unless I am going to speak on the bill.

Mr. WARREN. If the Senator will pardon me, I only want to indorse heartily what he has said. In the multifold duties that we have to discharge in the last part of the session there has scarcely been time since the Interoceanic Canals Committee finished the hearings for us to inform ourselves sufficiently, in my opinion, about the type of canal. If the members of that committee—and they are prominent members, for that matter—think the work can properly proceed without our deciding at this time the type of the canal, then I think by all means we ought to avail ourselves of longer time and better inform ourselves, through the evidence taken by the committee, which we will have time to read and absorb in the meantime.

Mr. SCOTT. Will the Senator from Colorado yield to me for a moment?

Mr. TELLER. Certainly.

Mr. SCOTT. Mr. President, I think it would be a very wise conclusion to have this matter go over. I have felt that ultimately my views, expressed a few years ago upon the route on which the canal should be built, would be adopted. Every day and every month that this matter has been discussed I at least have been more thoroughly convinced that the position I took at that time is the correct one. I think the Senator from Alabama [Mr. MORGAN] almost, if not entirely, would agree with me now, and I am sure he regrets that he did not report my resolution favorably from the committee to send expert engineers and contractors down there to investigate the route I then advocated.

I do not want to do anything, Mr. President, to delay the building of the canal or to delay a vote on the pending bill; but I think we will find, as years roll by, that a great mistake is being made.

Mr. HALE. I trust if an agreement is not made, which I understood had been assented to by all parties, fixing the time for a vote upon the bill, the Senator in charge of the bill will insist that unless it is displaced by a vote of the Senate, the consideration shall be continued, and that a vote shall be taken upon it.

Mr. KITTREDGE. Mr. President, I do not understand that objection has been made to the modified agreement.

The PRESIDING OFFICER. The Chair will put the question on the request of the Senator from South Dakota. Is there objection to the request of the Senator from South Dakota?

Mr. GALLINGER. What is the request?

The PRESIDING OFFICER. As modified it is proposed that the debate shall cease on Monday next at 3 p. m.

Mr. HOPKINS. I think it is well to fully understand this matter. Personally next Monday is agreeable to me, and I will not delay a vote if the Senate wants to vote upon the bill. The suggestion I made was in answer to the suggestion made by the Senator from Ohio [Mr. FORAKER], and the views concurred in by the senior Senator from Colorado [Mr. TELLER]. In my judgment, no advance will be made at all by a vote in the Senate at this session. I understand the situation in the House to be such that if the bill should go there, no action would be taken at this session. If there is any Senator here on either side who feels that he would like to have more time to investigate the subject before the type of the canal is determined, so far as I am personally concerned I would not interpose any objection to the bill going over.

Mr. TELLER. Mr. President, I suggest that if the Senator who has the bill in charge is anxious to fix a time he might fix, perhaps, the middle of next week, and that would give, perhaps, time for discussion, if he feels that he ought to do that.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. TELLER. Certainly.

Mr. CARTER. Mr. President, with the Senator's permission, I desire to express the personal view that under all the conditions, since no injury to the public business would result from a postponement of the vote until the next session of Congress, the Senate owes to itself and Senators individually should take advantage of the time to cast such a vote upon this momentous question as will comport with their best judgment in the light of a full and clear understanding of all the facts and conditions.

The testimony has been quite voluminous, and it differs, I understand, very materially from the ordinary testimony presented before investigating committees, in that it consists very largely of the opinions, carefully considered, of experts who have examined the conditions upon the ground. I doubt if any Senator will have an abiding sense of satisfaction who casts a vote upon this question without having prosecuted original inquiry to the extent at least of having read the testimony of the experts, the opinions submitted by them from time to time. The experts divided upon the question at almost every point. Men of international reputation as engineers, men of broad experience and great capacity, came to direct issues upon the one question here to be disposed of, to wit, the type of canal.

The experts having divided after inspecting the grounds upon which the work is to be executed, we find that a committee of the Senate, in the light of the testimony of all the experts, again divided upon this subject almost evenly. I believe the bill was reported by a majority of one in favor of a sea-level canal. This Chamber is adorned with maps and plats resulting from long-continued effort and patient study. The physical conditions presented by these maps and plats are elaborately explained by the testimony of the experts under whose guidance the maps and plats were prepared.

There are few Senators in this Chamber not members of the committee who are able to thoroughly and clearly explain the significance at this moment of any one of these charts or maps. I think during the vacation Senators could individually read the testimony, the numerous conflicting opinions, and be prepared to vote upon the question next December in a manner satisfactory to themselves, and, perchance, of much advantage to the country, compared with the present vote.

Mr. HALE. With the provision, I suggest to the Senator, that in the meantime there shall be no work done on the canal until Senators have had ample time to consider it during vacation.

Mr. CARTER. With reference to that suggestion, I understand the statement of the Senator from Illinois [Mr. HOPKINS] to be to the effect that work may be prosecuted between now and the 1st of next January without any reference to the particular type of canal to be ultimately determined upon; that excavation may proceed with reference to either a sea-level or lock canal, as proper depth for the lock canal will not be reached at Culebra cut until long after the 1st of next January; that in the time intervening between this and the next session of Congress it will not be necessary to make any preparation whatever for the construction of any locks, on the assumption that a lock canal would be constructed.

In view of the consideration of the matter in Congress, I assume that the Executive, in charge of this work, would not attempt to irrevocably commit the Government to a lock canal or a sea-level canal pending some definite expression by the Congress on the subject.

If it be true that construction may proceed unhindered by a failure to determine definitely at this time the type of canal, then nothing is to be lost by prosecuting the work. It will not be necessary to discontinue excavation, because every yard of material removed will apply alike efficiently to either a lock or a sea-level canal.

The construction of the dams, of course, may not be proceeded with, because I understand from the explanations made in the course of the speeches of Senators, dams are to be constructed at different points dependent upon the type of canal to be constructed.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Texas?

Mr. CARTER. The Senator from Colorado yielded to me. I have no right to the floor beyond that.

Mr. TELLER. I do not claim the floor.

Mr. CARTER. Certainly, I yield to the Senator from Texas.

Mr. CULBERSON. I wish to call the attention of the Senator to a paragraph in the message of the President. He says:

> The law now on our statute books seems to contemplate a lock canal. In my judgment a lock canal, as herein recommended, is advisable. If the Congress directs that a sea-level canal be constructed its direction will, of course, be carried out. Otherwise the canal will be built on substantially the plan for a lock canal outlined in the accompanying papers, such changes being made, of course, as may be found actually necessary, including possibly the change recommended by the Secretary of War as to the site of the dam on the Pacific side.

Mr. CARTER. From what message is the Senator reading? What is the date?

Mr. CULBERSON. It is the message from the President of February 19, 1906. I do not know what the President means, or rather, when he contemplates that action shall be taken by Congress. If he means that it ought to be taken now, otherwise he will proceed to construct the canal according to the lock-level plan, then if Congress has a different opinion upon this subject it ought to express it now. If any Senator is authorized to give a more definite expression to what is the purpose of the Administration than is contained in this message, it would be well to have him do it.

Mr. CARTER. Irrespective of the policy announced in the message, we may well take into consideration the fact that under the most favorable estimate as to the time hereafter mentioned, from seven to eight years will be required to build a lock canal. I think it is very clear, if it is contemplated that eight years will be consumed in the entire work, that what is done during the next six months will be equally available at the termination of that period for either a lock or a sea-level canal.

As the Senator from Colorado [Mr. TELLER] has suggested, it is not contemplated that any agreement will be reached between the respective Houses of Congress at this session with reference to the type of canal. Therefore, the only result will be to take a hasty vote upon immature consideration rather than a vote at a later date after due deliberation and careful study of the record.

Mr. HALE. Will the Senator allow me a suggestion there?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Maine?

Mr. CARTER. Certainly.

Mr. HALE. The bill reported by the Committee on Intreoceanic Canals is now the unfinished business. It is the only thing in order after 2 o'clock. If the Senator in charge of the bill insists upon the regular order, nothing else can intervene. We can get no postponement unless the Senate by a majority vote displaces this and puts something else in its place. If a majority of the Senate desires to displace this bill and put something else in its place, that does end the matter at this session so far as the Senate is concerned; but the Senator in charge of the bill has a right, and it is his business and his duty, unless the agreement is made as to when a vote shall be taken, to simply call the regular order after 2 o'clock, and unless somebody is ready to debate the bill there must be a vote.

I understand the Senator in charge of the bill to be perfectly willing to agree that on Monday or Wednesday next the vote shall be taken, so that the Senate may decide what it desires shall be done in this matter. But the talk about this going over has no force, because unless the Senate is ready to displace this as the unfinished business it can not go over.

Mr. GALLINGER. That is true.

Mr. HALE. And I notify Senators that unless the Senate does act upon this matter and makes a decision one way or the other, and then leaves it to the other House, the whole matter will come up on the sundry civil appropriation bill, and we shall be for weeks on that bill, debating back and forth because the Senate has not in any way taken action upon the subject. Therefore, it seems to me it is the part of wisdom in good legislation and in help of what everybody wants to draw this matter to an end, that the Senate now agree to fix a time when a vote shall be had upon this subject. Then we shall proceed either to consider this or other matters, and when the day fixed arrives the Senate will pass upon this matter. But if I had charge of the bill, as the Senator from South Dakota [Mr. KITTREDGE] has charge of it, I should see that the regular order was called every day after 2 o'clock until a vote was taken.

Mr. CARTER. Mr. President, the Senator from Maine has stated a parliamentary situation resulting from the action of the Senate. Even if this bill were not the unfinished business, the Senate could obviously make it so very quickly; and, being the unfinished business, the Senate can quickly displace it.

Mr. HALE. Undoubtedly.

Mr. CARTER. It is a question, therefore, merely as to the will of the Senate concerning the disposition of a matter pending here; and I have expressed but the personal desire, before voting upon this question, to have time to more thoroughly consider it. I am perfectly free to say that the arguments here presented in favor of a sea-level canal have been powerful and

well stated out I should not venture to interfere with the existing condition lightly. I believe my vote, if it were cast as I feel now, would be in favor of building a lock canal, whereas, after a mature and careful consideration of the matter, I might change that view; but I should like to have ample time to read the record. It is a matter involving not a trifle—a difference between $250,000,000 and $500,000,000, involving years and years of construction, and involving operation after construction.

Mr. TELLER obtained the floor.

Mr. BLACKBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Kentucky?

Mr. TELLER. Certainly.

Mr. BLACKBURN. Mr. President, there are some facts connected with this situation that I think it would be well enough for the Senate to realize. I take it that it is an open secret, known to every member of this body, that the preference of the Executive is for a lock and dam canal. It is known by every one that, in reaching that conclusion, he has not followed the advice of the majority of the experts, whom he very wisely and very properly summoned to his aid. I think I know the Senate well enough to know that it is not in the habit of being frightened from the proprieties that attend the discharge of its duty by public clamor. I think we are warranted in saying that this Chamber is very much given to following out its own conclusions, when deliberately reached, without giving way to any pressure that may be brought to bear either by the press or by the populace of this country. Yet, Mr. President, I do not believe, and I hope that it is not true if it should be charged, as in some quarters it has been charged, that the Senate is too little responsive to public opinion. I think that an unjust and an unfair criticism.

That brings me to say what all of us know, or should know, that in the judgment of the American people the responsibility rests not upon the executive, but upon the legislative branch of this Government to determine the type of this canal. Its construction is the most gigantic piece of work ever undertaken by this Government from its foundation down till now. Whether measured by the dollars and cents involved in the expenditure, or whether judged in its far-reaching effects upon the commerce of the world, the building of this isthmian canal is the most gigantic project that this American people has ever undertaken.

Congress, the legislative branch of the Government, is primarily and finally responsible, not alone for the appropriation of the money, not alone for the passage of the act that made its construction possible, but for the method of that construction and for the type that is to be employed. Say what we will, the American people will say, and the American people will be justified in saying, that if we fail, if the legislative branch of this Government fail to determine the type of this canal, it is because that legislative branch of the Government lacked the courage to meet the responsibility that rested on it.

It is an open secret, known to you and to all of us—and we had as well face it here and now—that if this session of this Congress adjourns the type of that canal is fixed, and fixed by reason of your nonaction. If this session of this Congress closes without action upon your part, that will be a lock-and-dam canal whether the Congress prefer it or not.

Mr. FORAKER. Mr. President——

Mr. BLACKBURN. It is a plea in abatement——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. BLACKBURN. Certainly.

Mr. FORAKER. The inquiry I addressed to Senators who are serving on this committee was calculated to get information on this point. I understand those Senators, however, to agree that this work may progress until we meet here again in December without affecting the question of the type of the canal. I am unwilling to determine the type of the canal by nonaction. If the Senator from Kentucky be right in saying that nonaction be equivalent to voting for a lock canal, then I should feel differently about the matter of fixing a time to take the vote; but it seems to me, in any event, if the Senator from Kentucky will pardon me a moment longer——

Mr. BLACKBURN. Certainly.

Mr. FORAKER. That next Monday is a very early day, although we are to adjourn within two or three weeks, I suppose, to fix as the time to vote. If we could have this vote taken a little bit later than that, it would give some of us an opportunity to read that which we ought to read, but which we have not yet had an opportunity to read.

When the Senator from New Jersey [Mr. DRYDEN] was making his speech this morning, I noticed he said that General Hains and General Ernst, two very distinguished engineers, were of one opinion, and that Gen. George W. Davis, a man of the highest character and of the greatest ability, and a gentleman in whom I have the greatest confidence, was of a directly opposite opinion. I should like to read, and read with care, the testimony of at least those three men before I am compelled to vote on this very important subject. It does seem to me that to ask us to vote next Monday, when confessedly a majority of the Senators have not had time to read this testimony, is crowding us too much. But I do not want to delay the construction of the canal, and I will do whatever may be necessary to qualify myself to vote intelligently at any time the Senate may see fit to fix. I think nothing is to be lost by determining this matter next December, instead of now; and it seems to me we would all be benefited by an opportunity that would be given by delay to look into this matter and read the testimony.

Mr. BLACKBURN. Mr. President——

Mr. KITTREDGE. Will the Senator yield to me just to make a statement?

Mr. BLACKBURN. With pleasure.

Mr. KITTREDGE. I was engaged when the Senator from Ohio [Mr. FORAKER] made the inquiry which brought forth the statement of the Senator from Kentucky; but I had in mind then, and I submit now, that in a recent interview with the Chief Engineer, Mr. Stevens, he said that, unless Congress acted upon this question at this session, the work would proceed in the construction of a lock canal.

Mr. BLACKBURN. I was coming to that statement of the Chief Engineer.

Mr. President, I am not a member of the committee that reports this bill. I probably have had as little oportunity for complete and full information upon this subject as the average Senator; yet I have looked into it sufficiently to cause me to hold very decided views as to the merits of these two propositions. But that question I do not propose to discuss here and now. It is not for us at this juncture to determine whether the sea-level or the lock and dam canal be the most advantageous. The point to which I was addressing myself was, what seems to me to be the necessity for Congress acting upon this question and determining the type of canal before we shall adjourn and close this session.

It is suggested that if this Congress adjourns and this matter be left in abeyance until next December it will in no wise affect the work to be done between this and that time. It has been suggested by the Senator from Montana [Mr. CARTER] that no work to be done between this and December will be lost, misapplied, or wasted, because it will answer as well for the one type of canal as for the other. Who stands sponsor for this statement? The Senator from Ohio [Mr. FORAKER] tells us that he understands that the committee in charge of the bill are agreed on this condition. I have failed as yet to hear any member of that committee offer a guaranty to the Senate that nonaction at this session will produce no effect upon the final determination of the type to be adopted.

Mr. FORAKER. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. BLACKBURN. Certainly.

Mr. FORAKER. If the Senator will allow me, I will withdraw the statement I made as to the committee being agreed. I made inquiry of members of the committee. One member of the committee answered for the committee, as I understood it, and no member of the committee took any exception to what he said, and so I supposed it was acquiesced in.

Mr. BLACKBURN. I was not criticising the Senator's statement as unwarranted at all.

Mr. FORAKER. But since the Senator from South Dakota [Mr. KITTREDGE] has made a different statement, and in view of his statement, I will withdraw what I said.

Mr. CARTER. Will the Senator from Kentucky permit me?

Mr. BLACKBURN. I am trespassing upon the time of the Senator from Colorado.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. TELLER. I yield.

Mr. CARTER. I wish to say to the Senator from Kentucky that my statement was based upon the statement made by the junior Senator from Illinois [Mr. HOPKINS], a member of the committee.

Mr. HOPKINS. Now, will the Senator from Kentucky allow me?

Mr. BLACKBURN. Is it for a question?

Mr. HOPKINS. No; I want to make a statement in connection with what the Senator from Montana has just said; but I will wait until the Senator from Kentucky concludes.

Mr. BLACKBURN. Mr. President, I will be through in a

moment. It seems to me that if we should let this question go over undecided it will simply be in the nature of a motion for a continuance. The original proposition that I submitted, and to which I invite the attention of the Senate, is this: Fairly, by any rule that you may lay down, it is not the President of the United States, but it is the Congress of the United States that is properly charged with the responsibility of determining the question of the type of this canal. If that be true, then I go one step further and submit the other suggestion. In the light of the statement of the Chief Engineer himself, just quoted by the Senator from South Dakota [Mr. KITTREDGE], and in the light of the situation that confronts us, I submit——

Mr. HOPKINS. Mr. President, will the Senator permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BLACKBURN. Certainly.

Mr. HOPKINS. Does the Senator from Kentucky expect, if a vote is taken by the Senate on the question of the type of canal, that that question will be settled by the two Houses before the adjournment of Congress?

Mr. BLACKBURN. I will answer the Senator from Illinois. I might answer, and say that I hope so; but I will not stop with that answer; I will go further, and, in answer to the Senator's question, I will say that whether some other body is to act upon this question before adjournment does not affect the obligations that rest upon a Senator.

Mr. HOPKINS. But suppose the other branch of Congress——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BLACKBURN. Certainly.

Mr. HOPKINS. Suppose the other branch of Congress adopts the lock-canal plan, and the Senate stands for one proposition and the House for another——

Mr. BLACKBURN. Very well.

Mr. HOPKINS. Does the Senator expect that Congress will remain in session until the two branches of Congress agree upon one type or the other?

Mr. BLACKBURN. I will answer the Senator and say that, as a Senator, I am not responsible for what another House of Congress may do. As a Senator I am responsible for the discharge, and the faithful and intelligent discharge, of the duties that rest upon a member of this Chamber.

Mr. HOPKINS. But, Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BLACKBURN. I should be through in a moment.

Mr. HOPKINS. But give me one moment right there.

Mr. BLACKBURN. Is it a question?

Mr. HOPKINS. Yes, sir.

Mr. BLACKBURN. Very well.

Mr. HOPKINS. Is it not just as much the obligation of a Senator, after the Senate has passed upon the type of the canal, to stay here until that type is settled by legislation as it is——

Mr. BLACKBURN. I will answer that question.

Mr. HOPKINS. As it is to vote on the type without knowing what the other branch of Congress will do?

Mr. BLACKBURN. I hope the Senator will at least let me have the privilege of answering one question before piling up others. But I will undertake to answer all of them, if I have time. I will answer the Senator, and say that he will find that I will not be pressing for an adjournment of this Congress until every effort has been made to complete the work that we owe in the matter of fixing the type of canal. Whether we adjourn on the 1st day of July or the 1st day of October does not matter to me. I have stayed here in the Senate Chamber until September and October in continuous session, and I am perfectly willing and ready to do it again before I will make myself fairly amenable to the criticism that the people of this country will have a right to pass upon us if we quit our post without discharging our duty. If it be true that the obligation of fixing the type of canal rests upon the legislative instead of the executive department, and if it be true, as I believe it is true, as I think the American people believe it is true, and as the Chief Engineer of this canal tells you it is true, that an adjournment of Congress without fixing the type of canal, nonaction upon your part, is affirmative action in favor of a lock and dam canal——

Mr. HOPKINS. What is the authority of the Senator for saying that the Chief Engineer has made that statement?

Mr. BLACKBURN. The Senator from South Dakota [Mr. KITTREDGE] told you so. I read it in the press.

Mr. HOPKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BLACKBURN. Certainly.

Mr. HOPKINS. I have not seen that statement, and I read the newspapers as other Senators do. The Chief Engineer may have made that statement, but I should like to have something definite before it is assumed here in the Senate that the Chief Engineer has made a statement of that kind.

Mr. BLACKBURN. The Senator's colleague from South Dakota [Mr. KITTREDGE] told you so.

Mr. HOPKINS. But what is the Senator's authority?

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Maine?

Mr. HALE. I think the Senator from Colorado has the floor.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Maine?

Mr. TELLER. Certainly.

Mr. HALE. I appeal to the Senator from Colorado to allow the Senator from South Dakota who has charge of this bill to submit his proposition to the Senate.

Mr. TELLER. That is what I have been waiting for.

Mr. BLACKBURN. Mr. President, the Senator from Colorado very courteously yielded me the floor, but it seems that several other Senators are a little jealous of the privileges that that courtesy secured me.

Mr. HALE. I do not think anybody wants to interfere with the Senator. He has put his point very clearly; but really the regular order——

Mr. BLACKBURN. Now, is it the province of the Senator from Maine to regulate and limit the extent of the courtesy extended by the Senator from Colorado?

Mr. HALE. No; it is the province of the Senator from Kentucky.

Mr. BLACKBURN. Mr. President, my vanity almost permits me to conclude that the Senate, or some Senators, are very anxious to have me continue, because I have already stated that if I were left alone I would be through in two minutes by that clock, and I want to quit.

Mr. HALE. Let us see how long the Senator will take in quitting.

Mr. BLACKBURN. The Senator from Maine would be more comfortable in his chair. [Laughter.]

Mr. HALE. I do not want to interfere with the Senator from Kentucky, but I think he and I are trying to secure an agreement about the same thing, namely, to fix a time for a vote.

Mr. BLACKBURN. I am sure we are.

Mr. HALE. Yes.

Mr. BLACKBURN. Now, Mr. President, after the very pleasant suggestion made by the Senator from Maine, I am resolved that I will disappoint Senators and I will quit. I only want to add that, for one I am not willing to have the American people complain of a failure of the discharge of a duty as palpable as this appears to me to be. If we do not, if this Chamber does not by a vote before adjournment express its preference as to the type of the canal that is to be constructed, the people will have a right to say—and, in my judgment, the people will say—that we have simply shirked our responsibility, shown ourselves unequal to the duties that devolve upon us, and are at fault. I do not intend to be guilty of that offense.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota [Mr. KITTREDGE]? The Chair hears none, and it is so ordered.

Mr. HOPKINS. As modified?

The PRESIDING OFFICER. As modified by the Senator from Illinois [Mr. HOPKINS].

Mr. SCOTT. I understood the Senator from Colorado had the floor; and I do not see how the proposition could be accepted without his yielding.

Mr. HALE. He has agreed to it.

Mr. TELLER. I yielded to have this thing settled. I understand it is now settled, and that we will vote on Monday.

The PRESIDING OFFICER. The Chair so understands.

Mr. TELLER. I called attention to the fact that it was not likely that any action would be taken by the House, and that it seemed to me we were unduly hastening this matter, when we might vote any time next week, because whether we voted on Monday or Saturday would not make any difference, inasmuch as the House does not intend to take up the bill at the present session. It may be said that we do not know what the other House is going to do; and that was the condition of things some years ago. But to-day, if you know where to inquire, you can find out in advance what the House is going to do or what it is not going to do. The condition is as I stated it, and I think

other Senators all know as well as I do that this matter will remain quietly in the House during the remainder of the session.

Mr. FORAKER. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio will state his parliamentary inquiry.

Mr. FORAKER. I understand that it was announced from the Chair a moment ago that unanimous consent had been given to vote on this bill on next Monday. I want to say to Senators that I did not agree to vote on next Monday. The Senator from Colorado [Mr. TELLER] was upon the floor, addressing the Senate. He had not quit the floor. I did not know the matter was determined. Other Senators around me were not aware of it. I want to say distinctly and emphatically that I have not agreed, and I do not intend to agree, to vote on the bill on next Monday. Now, I——

Mr. TELLER. I yielded the floor, as is the custom.

Mr. FORAKER. I ask that the request may be again stated, so that we may know whether we are to vote at 3 o'clock on Monday.

Mr. TELLER. It makes no difference whether I yielded the floor or did not, so far as that is concerned. I was not on the floor when the matter was submitted, and I in no wise interfered with the submission of the request. I do not know why the Senator refers to me as having anything to do with it.

Mr. FORAKER. I am not charging the Senator from Colorado with having anything to do with it. The Senator still had the floor. He was being interrupted and was being asked to yield. I did not suppose that in the lull of a moment the request would be submitted and declared agreed to, when disagreement had already been manifested. I do not want to delay this matter, but I am not willing to vote next Monday. I do not know of any necessity for voting so early as Monday. If it could be put off two or three days, it would give a much-needed opportunity to read the testimony. I shall not agree to vote on this measure until I have a chance to look through the testimony given by the distinguished engineers who have been referred to in the speeches made here by Senators on the committee.

The PRESIDING OFFICER. The Chair endeavored to state the request so that every Senator would have a chance to object, and the Chair heard no objection, and so stated.

Mr. FORAKER. Senators are familiar with the way in which a great many matters happen here. Just at that particular moment some Senator spoke to me and my attention was diverted for the moment. I did not know there was any such haste about it.

Mr. KITTREDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Dakota?

Mr. TELLER. I do.

Mr. KITTREDGE. Mr. President, I will ask——

Mr. GALLINGER. Let us have order, Mr. President, so that there shall be no further objection after the agreement is made.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KITTREDGE. I ask that the unanimous-consent agreement be considered open, and that Wednesday afternoon at 3 o'clock be fixed as the time.

Mr. FORAKER. I would rather it would be Thursday, but I will adapt myself——

Mr. KITTREDGE. I will agree to Thursday.

Mr. TELLER (to Mr. KITTREDGE). Give him until Thursday.

Mr. KITTREDGE. I will agree to Thursday.

The PRESIDING OFFICER. The proposed agreement will be stated.

The SECRETARY. That on Thursday, June 21, 1906, at 3 o'clock, the Senate begin voting on the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

Mr. HOPKINS. Mr. President, if we are going to adjourn this month, as some Senators seem to indicate, and if we postpone the vote until Thursday, expecting, as the Senator from Kentucky seemed to indicate in his speech, that we shall settle the type of the canal at this session, we are giving the other branch of Congress no time whatever to take up this great problem and consider it and debate it and settle it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

Mr. HOPKINS. As I have said, I am personally——

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and it is so ordered.

Mr. FORAKER. What is the order?

Mr. HALE. Thursday.

The PRESIDING OFFICER. It will again be stated.

The SECRETARY. It is agreed on Thursday, June 21, at 3 o'clock, to begin voting.

Mr. FORAKER. That is, to vote on the bill and all amendments that may be pending?

The PRESIDING OFFICER. The Chair so understands.

Mr. HALE. I submit a privileged report.

The PRESIDING OFFICER. The Senator from Maine presents a conference report, which will be read.

The Secretary proceeded to read the conference report on the diplomatic and consular appropriation bill.

Mr. TELLER. Mr. President, I raise a question of order. I have not yielded the floor. The Senator from Maine did not ask permission of me.

Mr. HALE. I thought, as the other matter was concluded, that the Senator from Colorado had yielded the floor.

Mr. TELLER. No; I have the floor, and I started in to make a speech.

Mr. HALE. I will withdraw the report.

The PRESIDING OFFICER. The Chair was at fault.

Mr. TELLER. I am quite willing to yield, but I want the rule of the Senate followed out. I want the Senator to ask permission of me, and I will yield.

Mr. HALE. I ask the Senator to yield to me to submit two conference reports.

Mr. TELLER. Does the Senator expect to have action upon them, or does he simply ask that they be read?

Mr. HALE. There is no objection to either one of them. One of the reports is signed by the Senator from Colorado.

Mr. TELLER. I have tried for the last half hour to say something, and if it will convenience the Senate more that I should postpone saying what I have to say until to-morrow, I am perfectly willing to do so.

Mr. HALE. I leave that entirely to the Senator.

Mr. TELLER. I ask unanimous consent that I may suspend now and go on in the morning at the first opportunity; and if the Senator from South Dakota would call up the canal bill early in the morning hour, I think it would be well.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 37, and 38; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "$109,225;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 29, and agree to the same with an amendment as follows: In the last line of said amendment strike out the word "thirty" and insert in lieu thereof the word "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In said amendment strike out the words "and fifty-five;" and the Senate agree to the same.

EUGENE HALE,
S. M. CULLOM,
H. M. TELLER,
Managers on the part of the Senate.

R. G. COUSINS,
C. B. LANDIS,
H. D. FLOOD,
Managers on the part of the House.

The report was agreed to.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, having

met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 4, 9, 34, 35, 38, and 47.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 11, 12, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 53, 54, 57, 58, 59, and 63, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows:

In line 10 of said amendment strike out the colon and insert in lieu thereof a period.

In lines 10, 11, 12, 13, 14, and 15 of said amendment strike out the following: "*Provided*, That hereafter the pay and allowances of chaplains shall be the same, rank for rank, as is or may be provided by law for officers of the line and of the Medical and Pay Corps, all of whom shall hereafter receive the same pay on shore duty as is now provided for sea duty: *And provided further*," and insert in lieu thereof as a new paragraph the following:

"That all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commander in the Navy according to length of service under the provisions of law for that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: *Provided*, That naval chaplains hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have completed seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever vacancies occur, to the grade of lieutenant-commander, which shall consist of five members, and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: *Provided further*, That nothing herein contained shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving."

In line 17 of said amendment, commencing with the word "That," have a new paragraph; and in lines 17 and 18 of said amendment strike out the words "pay and;" and in line 21 of said amendment strike out the words "pay and."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with amendments as follows: In line 4 of said amendment strike out the words "rank, highest;" and in lines 4 and 5 of said amendment strike out the comma after the word "commander" and the words "and of no higher rank;" and in lines 6 and 7 strike out the words "be appointed from civil life in the manner and at" and insert in lieu thereof the word "receive;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In said amendment, after the word "million," strike out the words "three hundred thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "immediately available and to be;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In the last line of said amendment strike out the comma and the words "to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "graduation," insert the following: "or that may occur for other reasons;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lines 4, 5, and 6 of said amendment strike out the following: "therein according to that held by them respectively when so appointed, if such appointees are officers of the Navy, otherwise;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In said amendment strike out the words "one million" and insert in lieu thereof the words "five hundred thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: On page 76 of the bill, at the end of line 5, insert the following: "But this provision shall not apply to or interfere with contracts for such armor already entered into, signed and executed by the Secretary of the Navy;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$33,475,829;" and the Senate agree to the same.

On amendments numbered 2, 6, 7, 13, 32, 33, 37, 55, and 56 the committee of conference have been unable to agree.

EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
ADOLPH MEYER,
Managers on the part of the House.

Mr. GALLINGER. Mr. President, I did not very attentively listen to the reading of the report. Perhaps if I had I would not have secured the information I desire. I desire to ask the Senator from Maine whether the amendment which was placed in the bill by the Senate in reference to securing information concerning the great battle ship which was provided for has been agreed to or not.

Mr. HALE. Mr. President, that is a matter which is left open. The Senate conferees have not by any means yielded, and so far as I know do not propose to yield the Senate amendment.

Mr. GALLINGER. I trust, Mr. President——

Mr. BACON. As I understand the matter, this refers to the amendment by which this subject is left until the next session for final determination by Congress.

Mr. HALE. The type of the vessel being entirely vague, the Senate adopted an amendment requiring the Secretary to report at the next session a plan in detail. All the more, the Senate agreed to it, because it is so marked a departure that it is understood and admitted by everybody that it will take from now until December to get the plans in order.

Mr. GALLINGER. Mr. President, I wish to add that having taken some interest in this matter, being a member of the Committee on Naval Affairs, I sincerely trust the conferees on the part of the Senate will insist to the limit on retaining the amendment in the bill.

Mr. WARREN. I wish to ask the Senator from Maine if that is the only amendment in disagreement?

Mr. HALE. No; there are other disagreements, but I think this is perhaps the only one which will give rise to a contest.

Mr. WARREN. I wish simply to express the hope that the Senator will insist and continue to insist upon the amendment.

Mr. HALE. So far as I am concerned, I certainly shall.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

Mr. HALE. I move that the Senate further insist upon its amendments, and request a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed as the conferees on the part of the Senate Mr. HALE, Mr. PERKINS, and Mr. TILLMAN.

ADDITIONAL COLLECTION DISTRICT IN TEXAS.

Mr. HOPKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Add at the end of section 1 the following: "And the charges for the use of said docks and wharves shall be just and reasonable, and shall not be greater than

charges for similar services at other ports of the United States on the Gulf of Mexico;" and the Senate agree to the same.

S. B. ELKINS,
A. J. HOPKINS,
A. S. CLAY,
Managers on the part of the Senate.

CHARLES CURTIS,
H. S. BOUTELL,
CHAMP CLARK,
Managers on the part of the House.

The report was agreed to.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. PENROSE. I desire to call up the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, if the unfinished business has been disposed of for the day.

Mr. KITTREDGE. I will ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. PENROSE. I now call up the Lake Erie and Ohio River Ship Canal bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. WARREN. Will the Senator from Pennsylvania yield to me to make a report from a committee?

Mr. PENROSE. I yield.

The PRESIDING OFFICER. The Senator has no right to yield for that purpose under the rule.

Mr. PENROSE. Then I ask for the consideration of the ship-canal bill.

Mr. BACON. Mr. President, when the Senate ceased to consider this bill I had the floor, and I presume I would be expected to go on now; but I hope the Senator from Pennsylvania will not insist upon it. I have been here all day long, and am quite weary. The bill can not be finished this evening anyway. I am sure Senators do not want to listen to me at this late hour, and I have as little disposition to be heard at this time. I have been here continuously since 12 o'clock, without any intermission whatever. It would be an imposition upon the Senate, I am sure, for me to attempt to speak now, and it would be disagreeable to me to go on. I am very sure the bill can not be finished this evening. The junior Senator from Wisconsin [Mr. LA FOLLETTE] desires to be heard, and he stated to me that he had conferred with the junior Senator from Pennsylvania [Mr. KNOX], and that he had consented that it should not be concluded to-night. That being the case, I do not know of any particular advantage to be derived in my proceeding this evening. I do not know that I will have very much to say, and I am very sorry I did not have the opportunity to conclude yesterday. It would hardly be fair to go on at this time.

Mr. PENROSE. Of course I do not desire to inconvenience the Senator from Georgia or the Senate. This bill is third on the Calendar. It is one of very great importance to Pennsylvania, West Virginia, Ohio, and twenty-four other States, and the whole country, in my opinion, and it is fairly entitled to early consideration before adjournment. I had hoped that it would be finally disposed of long before this. Still, if the Senator from Georgia makes the request, I will ask unanimous consent——

Mr. BACON. I will say to the Senator that I could have stopped the consideration of the bill at any time yesterday by an objection.

Mr. PENROSE. I know that, and I could also have moved that the Senate proceed to the consideration of the bill, and I think the Senate would have sustained me.

Mr. BACON. I simply stated that to show I have no disposition to interfere with the bill.

Mr. PENROSE. In view of the additional fact that the Senator thinks his remarks will be brief——

Mr. BACON. I do not make any promise, but I think the Senator will not be disappointed in his expectation.

Mr. PENROSE. Those facts lead me to ask unanimous consent of the Senate that this measure may be considered to-morrow, without interfering with the unfinished business and after it has been temporarily laid aside. I make that request.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent——

Mr. BACON. What time?

Mr. PENROSE. I ask unanimous consent that the ship canal bill may be considered, without interfering with anyone desiring to speak on the unfinished business, if any Senator does so desire, after the routine morning business is closed and after the unfinished business is temporarily laid aside.

Mr. BACON. I understand that to be after 2 o'clock.

Mr. PENROSE. If there should be an interval before 2 o'clock, I should like to have the bill taken up.

Mr. BACON. I simply wish to say a word. I have sat here the entire day, hardly taking time for a very hasty luncheon, in order that I might be present if the bill came up. I would very much prefer that the Senator should fix it for some time after 2 o'clock, in order that I may not be compelled to devote my entire time to one matter; and I will certainly consent to any arrangement he may desire, if he will make it subsequent to that time.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Minnesota?

Mr. PENROSE. Yes.

Mr. NELSON. I suggest that the Senator ask unanimous consent to take it up after the routine morning business.

Mr. PENROSE. I should like to make that request, but I am informed that the Senator from Colorado [Mr. TELLER] desires to address the Senate after the close of the routine morning business upon the isthmian canal measure.

Mr. NELSON. I did not know that.

Mr. PENROSE. I will modify my request, and ask unanimous consent that the measure be taken up after the unfinished business is temporarily laid aside after the hour of 2 o'clock.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the bill which is now before the Senate be taken up to-morrow after the unfinished business is laid aside temporarily——

Mr. BACON. And after 2 o'clock.

The PRESIDING OFFICER. And after the hour of 2 o'clock. Is there objection? The Chair hears none, and it is so ordered.

ARTILLERY OF THE UNITED STATES ARMY.

Mr. WARREN. I ask unanimous consent to submit a report. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 3923) to reorganize and to increase the efficiency of the artillery of the United States Army, to report it with amendments.

Mr. President, I ask permission to say a few words.

I want to invite the early and careful consideration of Senators to the provisions of the bill, not with the intention of taking it up and disposing of it at this session, but so that Senators may be ready to assist the Military Committee and, for that matter, the country to unravel and reform somewhat a regrettable tangle.

According to the so-called "Endicott Board," the United States Government has been for a number of years appropriating and expending annually large amounts of money on our coast defenses. Every emplacement and gun put in position requires attention after its installment, and if we are ever called upon to use this arm of defense, we must have skilled artillerymen, machinists, electricians, and others trained in the service.

Now, while we have expended and appropriated these large amounts of money, and are going forward from day to day in the expenditure of still further sums, we are not furnishing artillerymen and others to man the guns and to care for them, and the result is that about one-half of our defenses are manless, motionless, and, as a consequence, worthless in case of sudden attack. The best that can now be done for the guns mentioned is to oil, wax, cover with canvas, and bid them good-by. We are installing expensive systems of searchlights, range finders, and a thousand and one modern improvements, all requiring expert knowledge of handling and careful laborious labor in protecting. And yet we have no more skilled men and pay no higher compensation than we used to when we used the obsolete smoothbore muzzle-loading guns and had but few in position. The situation is becoming well-nigh intolerable, and we must, in ordinary decency, in the performance of our public duties either discontinue further appropriations and box up or sack up a part of our present armament, or we must increase the artillery branch of the Army.

In 1901 we added to the duties of the artillery the torpedo defenses, submarine mines, etc., formerly in charge of the engineers; but we have not provided the men or money to care for these, and this adds to the embarrassment and demoralization.

The War Department is, in all its branches, a unit in urging the addition of about 6,000 men to the artillery branch, and also in advancing the pay of certain skilled electricians, engineers, etc., in the artillery. The Military Committee of the Senate is a unit in the support of this increase, but, Mr. Presi-

dent, there are members of the committee who desire to investigate further the practicability of decreasing some other branch of the service in providing for this increase, and the cavalry has been mentioned as the proper arm to be diminished.

I think we should not reduce any other branch, and a majority of the committee share this opinion. Every member, however, of the committee is free, as is every member of this body, to take up and discuss this subject upon its merits, and I earnestly entreat the Congress to give early attention and relief.

I should like to have every Senator make it his business to look into the subject, so that at an early day in the next session we may take up the whole subject and dispose of it.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

LANDS AND FUNDS OF OSAGE INDIANS, OKLAHOMA TERRITORY.

Mr. LONG. I ask unanimous consent for the present consideration of the bill (H. R. 15333) for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes. I called it up the other day, and the Senator from Wisconsin [Mr. SPOONER] asked that it be laid over in order to make some examination. He has withdrawn his objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

Mr. LONG. I renew the request I made the other day, that the formal reading of the bill be dispensed with, that it be read for amendment, and that committee amendments be first considered.

The PRESIDING OFFICER. It will be so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Indian Affairs was, in section 1, page 2, line 25, after the words "of the," to strike out "introduction of this bill in the House of Representatives, namely, February 21, 1906," and insert "approval of this act;" so as to read:

And the Secretary of the Interior shall have authority to place on the Osage roll the names of all persons found by him, after investigation, to be so entitled, whose applications were pending on the date of the approval of this act.

The amendment was agreed to.

The next amendment was, on page 3, line 17, after the word "*Provided*," to strike out the additional proviso in the following words:

Provided further, That said list shall contain the names of persons now on the Osage roll heretofore investigated by the Secretary of the Interior and whose right to be on said roll was sustained by him unless new and material evidence is submitted.

The amendment was agreed to.

The next amendment was, in section 2, on page 4, line 12, after the word "then," to strike out "it shall be the duty of the United States Indian agent for the Osages to make such selection for such member or members" and insert "such selection shall be made by the person or persons whom the Secretary of the Interior shall designate;" and in line 18, after the word "Osages," to insert "subject to the approval of the Secretary of the Interior;" so as to read:

And if any adult member fails, refuses, or is unable to make such selection within said time, then such selection shall be made by the person or persons whom the Secretary of the Interior shall designate. That all said first selections for minors shall be made by the United States Indian agent for the Osages, subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 6, line 18, after the word "be," to strike out "nontaxable and;" and in line 19, after the word "years," to strike out "and shall be designated as surplus lands" and insert "except as hereinafter provided;" so as to read:

The other two selections of each member, together with his share of the remaining lands allotted to the member, shall be known as "surplus land," and shall be inalienable for twenty-five years, except as hereinafter provided.

The amendment was agreed to.

The next amendment was, on page 7, line 5, after the word "of" where it occurs the first time, to strike out "three members" and insert "one member;" in line 6, after the word "and," to strike out "a person" and insert "two persons;" and in line 8, after the words "Indian Affairs," to strike out "and one other person to be selected by" and insert "subject to the approval of;" so as to read:

Sixth. The selection and division of lands herein provided for shall be made under the supervision of, or by, a commission consisting of one member of the Osage tribe, to be selected by the Osage council, and two persons to be selected by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 7, line 25, after the word "and," to strike out "untaxable" and insert "nontaxable;" on page 8, line 6, after the word "competency," to strike out "the lands of such member (except his or her homestead) shall become subject to taxation, and;" and in line 11, after the words "United States," to insert:

And the Secretary of the Interior is hereby authorized, in his discretion, to pay each member all or any part of the funds segregated and placed to the individual credit of such member; and the Secretary of the Interior is hereby authorized and directed to pay any and all taxes upon the surplus land of any member of said tribe so long as any funds remain in the Treasury credited to such member or belonging to such member as his or her pro rata share of any undistributed funds, and such tax shall be paid prior to the time when any penalty accrues or forfeiture occurs under any law of the Territory or State of Oklahoma.

So as to read:

Seventh. That the Secretary of the Interior, in his discretion, at the request and upon the petition of any adult member of the tribe, may issue to such member a certificate of competency, authorizing him to sell and convey any of the lands deeded him by reason of this act, except his homestead, which shall remain inalienable and nontaxable for a period of twenty-five years, or during the life of the homestead allottee, if upon investigation, consideration, and examination of the request he shall find any such member fully competent and capable of transacting his or her own business and caring for his or her own individual affairs: *Provided*, That upon the issuance of such certificate of competency such member, except as herein provided, shall have the right to manage, control, and dispose of his or her lands the same as any citizen of the United States; and the Secretary of the Interior is hereby authorized, in his discretion, to pay, etc.

The amendment was agreed to.

The next amendment was, on page 9, line 16, after the word "division," to strike out "the quarter section of land conforming to the public surveys, near Gray Horse," and insert "10 acres of land near Gray Horse, to be designated by the Secretary of the Interior;" and in line 21, after the word "said," to strike out "quarter section of land" and insert "10 acres;" so as to read:

There shall also be reserved from selection and division 10 acres of land near Gray Horse, to be designated by the Secretary of the Interior, on which are located the dwelling houses of John N. Florer, Walter O. Florer, and John L. Bird; and said John N. Florer shall be allowed to purchase said 10 acres at the appraised value placed thereon by the Osage Allotting Commission, the proceeds of the sale to be placed to the credit of the Indians and to be distributed like other funds herein provided for.

The amendment was agreed to.

The next amendment was, on page 12, line 1, after the word "commission," to insert "subject to the approval of the Secretary of the Interior;" so as to make the proviso read:

Provided, That the house known as the chief's house, together with the lot or lots on which said house is located, and the house known as the United States interpreter's house, in Pawhuska, Okla., together with the lot or lots on which said houses are located, shall be reserved from sale to the highest bidder and shall be sold to the principal chief of the Osages and the United States interpreter for the Osages, respectively, at the appraised value of the same, said appraisement to be made by the Osage town-site commission, subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 12, line 20, after the words "nineteen hundred and five," to insert "relating to the Osage Reservation, pages 1061 and 1062, volume 33, United States Statutes at Large;" so as to make the paragraph read:

That the provisions of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1906, and for other purposes," approved March 3, 1905, relating to the Osage Reservation, pages 1061 and 1062, volume 33, United States Statutes at Large, be, and the same are hereby, continued in full force and effect.

Mr. LONG. On behalf of the committee, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 13, line 10, after the word "to," to strike out the words "the members of;" so as to read:

Provided, That the royalties to be paid to the Osage tribe under any mineral lease so made shall be determined by the President of the United States.

The amendment was agreed to.

The next amendment was, in section 3, page 13, at the beginning of line 17, to strike out "United States Indian agent for the Osages" and insert:

Secretary of the Interior: *Provided further*, That nothing herein contained shall be construed as affecting any valid existing lease or contract.

So as to read:

And provided further, That no mining of or prospecting for any of said mineral or minerals shall be permitted on the homestead selec-

tions herein provided for without the written consent of the member of the Osage tribe entitled thereto and the approval of the Secretary of the Interior: *Provided further*, That nothing herein contained shall be construed as affecting any valid existing lease or contract.

Mr. LONG. On behalf of the committee, I move, after line 12, after the words "United States," to strike out the two additional provisos beginning on line 13, to the end of the paragraph.

The amendment was agreed to.

Mr. LONG. On behalf of the committee, on page 14, line 1, after the word "as," I move to strike out "hereinafter" and insert "herein;" so as to make the clause read:

SEC. 4. That all funds belonging to the Osage tribe, and all moneys due and all moneys that may become due or may hereafter be found to be due the said Osage tribe of Indians, shall be held in trust by the United States for the period of twenty-five years from and after the 1st day of January, 1907, except as herein provided.

The amendment was agreed to.

The next amendment was, on page 16, to strike out section 5, in the following words:

SEC. 5. That the Secretary of the Interior shall furnish to the Osage tribe of Indians, on or before January 1, 1907, copies of all treaties and a complete record of all transactions of every character between the United States and the said Osage tribe of Indians, and all acts of the United States, or its officials, relating to the Osage Indians or their affairs or interests.

The amendment was agreed to.

The next amendment was, in section (6) 5, page 17, line 1, after the word "interests," to insert "except as hereinbefore provided;" so as to make the section read:

SEC. 5. That at the expiration of the period of twenty-five years from and after the 1st day of January, 1907, the lands, mineral interests, and moneys herein provided for and held in trust by the United States shall be the absolute property of the individual members of the Osage tribe, according to the roll herein provided for, or their heirs, as herein provided, and deeds to said lands shall be issued to said members, or to their heirs, as herein provided, and said moneys shall be distributed to said members, or to their heirs, as herein provided, and said members shall have full control of said lands, moneys, and mineral interests, except as hereinbefore provided.

The amendment was agreed to.

The next amendment was, in section (7) 6, page 17, line 10, after the word "equally," to insert "or to the survivor in case of the death of either;" so as to make the section read:

SEC. 6. That the lands, moneys, and mineral interests herein provided for, of any deceased member of the Osage tribe shall descend to his or her legal heirs, according to the laws of the Territory of Oklahoma, or of the State in which said reservation may be hereinafter incorporated, except where the decedent leaves no issue, nor husband nor wife, in which case said lands, moneys, and mineral interests must go to the mother and father equally, or to the survivor in case of the death of either.

The amendment was agreed to.

The next amendment was, in section (8) 7, line 18, after the word "same," to insert "including the proceeds thereof;" and on page 18, line 1, after the word "the," to strike out "United States Indian agent for the Osages" and insert "Secretary of the Interior;" so as to make the section read:

SEC. 7. That the lands herein provided for are set aside for the sole use and benefit of the individual members of the tribe entitled thereto, or to their heirs, as herein provided; and said members, or their heirs, shall have the right to use and to lease said lands for farming, grazing, or any other purpose not otherwise specifically provided for herein, and said members shall have full control of the same, including the proceeds thereof: *Provided*, That parents of minor members of the tribe shall have the control and use of said minors' lands, together with the proceeds of the same, until said minors arrive at their majority: *And provided further*, That all leases given on said lands for the benefit of the individual members of the tribe entitled thereto, or for their heirs, shall be subject only to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, to strike out section 10, in the following words:

SEC. 10. That the Osage Indian Reservation is hereby made a county, to be known as Osage County, of the Territory of Oklahoma, and that Pawhuska shall be the county seat of said county; and the manner and time of holding the first election of officers for said Osage County shall be provided by the governor of Oklahoma Territory within sixty days after the approval of this act; and the officers elected at said first election shall hold their respective offices like officers in other counties in said Territory and until their successors are provided for at the next general election in said Territory, according to the laws governing elections in other counties in said Territory: *Provided*, That all male persons residing in said Osage County and who have resided therein for at least six months and who are citizens of the United States or members of the Osage tribe of Indians, and who are not otherwise disqualified under the laws of Oklahoma Territory, are qualified electors and shall be competent persons to serve upon all juries in said county, and all juries in and for said county shall be drawn by open venire under the direction of the judge of the district court of said Osage County.

The amendment was agreed to.

The next amendment was, in section (11) 9, page 19, line 9, after the word "and," to strike out "six" and insert "eight;" and in line 17, after the word "council," to insert "and the Secretary of the Interior is hereby authorized to remove from the council any member or members thereof for good cause, to be by him determined;" so as to make the section read:

SEC. 9. That there shall be a biennial election of officers for the Osage tribe as follows: A principal chief, an assistant principal chief, and eight members of the Osage tribal council, said officers to be elected at a general election to be held in the town of Pawhuska, Okla., on the first Monday in June; and the first election for said officers shall be held on the first Monday in June, 1908, in the manner to be prescribed by the Commissioner of Indian Affairs, and said officers shall be elected for a period of two years, commencing on the 1st day of July following said election, and in case of a vacancy in the office of principal chief, by death, resignation, or otherwise, the assistant principal chief shall succeed to said office, and all vacancies in the Osage tribal council shall be filled in a manner to be prescribed by the Osage tribal council, and the Secretary of the Interior is hereby authorized to remove from the council any member or members thereof for good cause, to be by him determined.

The amendment was agreed to.

The next amendment was, on page 20, after line 14, to strike out section 15, in the following words:

SEC. 15. That this act shall be of full force and effect if ratified before the 1st day of December, 1906, by a majority of the adult male members of said tribe at the next general election of said tribe, or at an election held for the purpose of voting upon the acceptance or rejection of said act; and the Secretary of the Interior is hereby authorized and directed to make public proclamation that said act shall be voted on at the next general election of said tribe, or at a special election called by said Secretary, under such rules and regulations as he may prescribe. At the said election all male members of said tribe over the age of 21 years qualified to vote under the tribal laws shall have the right to vote at the election precinct most convenient to their residence: *Provided*, That the votes cast at such election shall be forthwith certified to the Secretary of the Interior by the chief and the business committee of said tribe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

TELEPHONE SYSTEM ON ISLAND OF OAHU.

Mr. FORAKER. Mr. President, I ask for the consideration of the bill (S. 4184) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pacific Islands and Porto Rico with amendments.

The first amendment was, on page 2, line 9, after the word "hereby," to insert "amended, and, as amended, is hereby;" so as to read:

That the act of the legislature of the Territory of Hawaii entitled "An act to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii, by the Standard Telephone Company (Limited)," approved by the governor of the Territory April 26, 1905, be, and is hereby, amended, and, as amended, is hereby ratified, approved, and confirmed, as follows, to wit:

The amendment was agreed to.

The next amendment was, on page 3, line 6, after the word "limits," to strike out "by aerial, underground, or overhead wires, or;" in line 7, after the word "such," to strike out "other;" and in line 9, after the words "public works," to insert ", or any other official or board having control of the streets and roads where said wires are located, which said officials or boards may, after 1912, at any time that the public interests require it, direct any changes in the method of placing or using said wires that have been or may thereafter be put up or laid that they shall determine to be proper and necessary;" so as to read:

SEC. 2. The said telephone system shall be operated by underground wires within a radius of one-half mile, starting from the north corner of Fort and King streets, and beyond said limits by such means or methods as may be adopted by said company from time to time, with the approval of the superintendent of public works, or any other official or board having control of the streets and roads where said wires are located, etc.

The amendment was agreed to.

The next amendment was, on page 3, line 24, after the word "acquired," to insert: "All franchises thus acquired shall be subject to all the conditions and limitations of this act;" so as to read:

SEC. 3. If the Standard Telephone Company (Limited) shall at any time acquire, by lease or otherwise, the rights, franchises, and property of any person or corporation operating a telephone system on the island of Oahu, all of the rights, privileges, powers, and authority by this act conferred with reference to the occupation of streets, lands, and waters, maintenance and operation of telephone companies, and also all other powers so conferred, are hereby authorized in the maintenance and use of the property so acquired. All franchises thus acquired shall be subject to all the conditions and limitations of this act.

The amendment was agreed to.

The next amendment was, on page 4, line 14, after the words

"public works," to insert "or other officials or boards having charge of said streets or roads;" so as to read:

SEC. 5. The said Standard Telephone Company, before laying its conduits or otherwise disturbing any of the streets or roads of the island of Oahu, shall ascertain the lawful grade of such streets or roads from the superintendent of public works or other officials or boards having charge of said streets or roads, who shall furnish the required information within a reasonable time.

The amendment was agreed to.

The next amendment was, on page 4, line 21, after the word "other," to strike out "officer duly appointed by him" and insert "officials or boards having charge of said streets or roads;" in line 24, after the word "the" where it occurs the third time, to strike out "superintendent of public works" and insert "said authorities;" on page 5, line 6, after the word "works," to insert "or other officials or boards having charge of said streets or roads;" in line 8, after the word "the" where it occurs the second time, to strike out "superintendent of public works" and insert "said officials;" in line 10, after the word "Territory," to strike out the parenthesis mark and the word "or;" in the same line, after the word "county," to strike out the parenthesis mark; in the same line, after the word "county," to insert "or municipality;" in line 13, after the words "public works," to insert "or other officials or boards having charge of said streets or roads;" in line 17, after the word "Territory," to insert "county or municipality which maintains said streets or roads;" and in line 19, after the word "recovered," to strike out "by the said Territory;" so as to read:

The conduits or other equipment of the said company which affect the surface of the public streets or roads shall conform to the grades of said streets or roads on which they are laid down, as furnished by the superintendent of public works or other officials or boards having charge of said streets or roads, and the said Standard Telephone Company shall not in any way change or alter the same without the written consent of the said authorities. And the Territory of Hawaii reserves further the right to change and alter the line and grades of its streets at any time, and the said Standard Telephone Company shall, at their own cost, within sixty days conform to such new lines and grades in reconstructing its surface equipment or conduits upon receiving notice in writing from the superintendent of public works or other officials or boards having charge of said streets or roads, and such changes shall be made subject to the approval of the said officials. And in all cases of street improvements by the Territory, county, or municipality, the said Standard Telephone Company shall conform to all such improvements as directed by the superintendent of public works or other officials or boards having charge of said streets or roads. In case of neglect by said Standard Telephone Company to make such repairs, changes, or improvements required of it by this section, they shall be made by the Territory, county, or municipality which maintains said streets or roads, and the cost of such repairs, changes, and improvements shall be recovered from the said Standard Telephone Company.

The amendment was agreed to.

The next amendment was, on page 8, line 7, after the word "Congress," to insert "All franchises and property thus acquired shall be subject to all the conditions and limitations of this act;" so as to read:

SEC. 12. The said Standard Telephone Company (Limited) shall have the right to take over, either by purchase or lease, any or all of the property, real or personal, rights, privileges, and franchises, of any other telephone company, and shall have, when so acquired, and may exercise all the rights, powers, privileges, and franchises of such company, whether the same be derived by charter, by municipal authority, by act of the legislature of the Territory of Hawaii, or by the United States Congress. All franchises and property thus acquired shall be subject to all the conditions and limitations of this act.

The amendment was agreed to.

The next amendment was, on page 9, line 6, after the word "Territory," to insert "of;" and in line 7, after the word "gross," to strike out "proceeds" and insert "receipts;" so as to read:

SEC. 14. The said Standard Telephone Company (Limited) shall pay to the government of the Territory of Hawaii a tax of 2½ per cent of its gross receipts from and after the expiration of two years from the date of the approval of this act by the Congress of the United States. Such payments shall be made quarterly.

The amendment was agreed to.

The next amendment was, on page 9, line 13, before the word "twelve," to strike out "section" and insert "sections 3 and;" so as to read:

SEC. 15. In case of purchase, lease, or acquirement of the property of any other telephone company, as provided in sections 3 and 12 of this act, by the Standard Telephone Company, then and in that case the tax provided for under section 14 of this act shall be paid to the Territory from the date of such purchase, lease, or acquirement.

The amendment was agreed to.

The next amendment was, on page 11, line 7, after the word "the," where it occurs the second time, to strike out "superintendent of public works" and insert "treasurer of the Territory of Hawaii;" so as to read:

SEC. 19. The entire plant, operation, books, and accounts of said Standard Telephone Company shall at any time be open and subject to the inspection of the treasurer of the Territory of Hawaii or any person appointed by him for the purpose.

The amendment was agreed to.

The next amendment was, on page 11, line 15, after the word "works," to insert "or other proper authority;" in line 16, after the word "therewith," to strike out "said superintendent of public works shall, with the consent of;" and in line 18, after the word "attorney-general," to insert "shall;" so as to read:

SEC. 20. *Forfeiture of franchise.*—Whenever said company refuses or fails to do or perform or comply with any act, matter, or thing requisite or required to be done under the terms of this act, and shall continue so to refuse or fail to do or perform or comply therewith after reasonable notice given by the superintendent of public works or other proper authority to comply therewith, the governor and attorney-general shall cause proceedings to be instituted before the proper tribunal to have the franchise granted by this act, and all rights and privileges granted hereunder, forfeited and declared null and void.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PRACTICE OF VETERINARY MEDICINE.

Mr. GALLINGER. I ask for the present consideration of the bill (S. 5698) to regulate the practice of veterinary medicine in the District of Columbia.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment of the Committee on the District of Columbia was, on page 1, line 4, after the word "medicine," to insert "to be appointed by the Commissioners of the District of Columbia;" in line 6, after the word "have," to strike out "a diploma" and insert "graduated;" in line 7, after the word "confer," to strike out "the same, to be appointed by the Commissioners of said District" and insert "degrees;" in line 9, after the word "each," to insert "of whom shall have been;" in the same line, after the word "of," to strike out "the" and insert "said;" in line 10, after the word "District," to strike out "of Columbia;" in line 11, after the word "period," to insert "shall have been;" in line 12, after the word "profession," to strike out "therein" and insert "in said District;" on page 2, line 3, after the word "thereafter," to strike out "each appointment" and insert "appointments;" in line 5, after the word "are," to strike out "necessitated" and insert "occasioned;" in line 8, before the word "judgment," to strike out "exclusive;" and in line 10, before the word "notice," to insert "due;" so as to make the section read:

That there be, and is hereby, created a board of examiners in veterinary medicine, to be appointed by the Commissioners of the District of Columbia, which shall consist of five reputable practitioners of veterinary medicine, who shall have graduated from some college authorized by law to confer degrees, each of whom shall have been a bona fide resident of said District for three years last past before appointment, and each, during said period, shall have been actively engaged in the practice of his profession in said District. The appointments first made shall be one for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter appointments shall be for a period of five years, except such as are occasioned by death, resignation, or removal, in which cases the appointments shall be for the remainders of the unexpired terms: *Provided*, That the said Commissioners may, in their judgment, remove any member of said board for neglect of duty or other sufficient cause, after due notice and hearing.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 13, after the word "necessary," to strike out "*Provided, however*, That the health officer of the District of Columbia for the time being shall be an ex officio secretary of said board, and;" in line 16, before the word "shall," to insert "The secretary of said board;" in line 20, before the word "shall," to strike out "to aforesaid secretary;" in line 24, before the word "shall," to strike out "said board;" on page 3, line 3, after the word "licenses," to strike out "to practice veterinary medicine in the District of Columbia;" in line 4, after the word "which," to insert "register;" in line 5, after the word "each," to strike out "candidate" and insert "applicant;" in line 6, before the word "spent," to strike out "he or she;" in line 9, after the word "lectures," to strike out "of medicine;" and in line 16, after the word "board," to strike out "hereby created;" so as to make the section read:

SEC. 2. That the said board of examiners in veterinary medicine shall elect a president, vice-president, secretary, and such other officers as shall be necessary. The secretary of said board shall have power to administer oaths or affirmations upon such matters as pertain to the business of said board, and any person willfully making any false oath or affirmation shall be deemed guilty of perjury; and said board shall make, alter, or amend, subject to the approval of the Commissioners of the District of Columbia, such rules and regulations as may be necessary to carry into effect the provisions of this act, and shall hold such meetings as shall be necessary for the transaction of

business, and shall issue all licenses to practice veterinary medicine in the District of Columbia. Said board shall keep an official record of its meetings, and also an official register of all applicants for licenses, which register shall show the name, age, place, and duration of residence of each applicant, the time spent in the study of veterinary medicine, in and out of medical schools, and the names and locations of all medical schools which have granted said applicant any degree or certificate of attendance upon lectures, and it shall also show whether said applicant was rejected or licensed under this act, and said register shall be prima facie evidence of all matters contained therein. The Commissioners of the District of Columbia shall have power to require any or all officers of said board to give bond to the District of Columbia in such form and penalty as they may deem proper. The said board shall in the month of July in each year submit to said Commissioners a full report of its transactions during the twelve months immediately preceding.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 22, before the word "desire," to insert "shall;" on page 4, line 2, after the word "shall," where it occurs the second time, to strike out "comply therewith and;" in line 4, before the word "diploma," to strike out "veterinary;" in line 5, before the word "college," to insert "veterinary;" in line 7, before the word "sessions," to strike out "and requiring two or three" and insert "which college shall require at least two;" in line 9, after the word "such," to strike out "diplomas" and insert "diploma;" and in line 11, after the word "evidence," to strike out "of practice of" and insert "that they have practiced;" so as to read:

SEC. 3. That from and after the passage of this act all persons desiring to practice veterinary medicine or any branch thereof in the District of Columbia, or who shall desire to hold themselves out to the public as practicing veterinary medicine or any branch thereof in the District of Columbia, shall make application to said board of examiners in veterinary medicine for a license so to do. Application for this purpose shall be upon a form furnished by said board, and shall be accompanied by satisfactory evidence of good moral character, and by a diploma from some veterinary college authorized by law to confer the same, which college shall require at least two sessions of study of veterinary medicine of not less than six months each prior to the issue of such diploma, and graduates of two-year colleges shall accompany their diplomas by satisfactory evidence that they have practiced veterinary medicine for five years last past subsequent to the issue of such diplomas, and by a fee of $10, except as herein otherwise directed, and from the fund thus created, the board shall pay such necessary expenses as it may incur.

The amendment was agreed to.

The next amendment was, on page 5, line 5, before the word "April," to insert "January;" in the same line, after the word "July," to insert "and;" in the same line, after the word "October," to strike out "and January;" in line 8, before the word "may," to insert "examinations;" and in line 9, after the word "said," to strike out "Commissioners," and insert "board shall;" so as to read:

Such expenses shall not exceed in any one fiscal year the amount of fees collected during that period, but if any balance remain after paying all such expenses the Commissioners of said District shall authorize the payment therefrom to the members of said board for their services of such amounts as said Commissioners deem proper. Said board shall, by means of examinations, ascertain the professional qualifications of all applicants for license to practice veterinary medicine in said District, and shall issue such licenses to all who are found by such examinations to be, in the judgment of said board, competent to so practice; and no such license shall be issued to any person who has not so demonstrated his competence, except as hereinafter otherwise provided. Such examinations shall be held in January, April, July, and October of each year, and shall include all such subjects as are ordinarily included in the curricula of veterinary colleges in good standing, but examinations may be held at such other times and include such other subjects as said board shall authorize and direct. Said board shall number consecutively all applications received, note upon each the disposition made of it, and preserve the same for reference, and shall number consecutively all licenses issued.

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 7, before the word "and," to strike out "maintains" and insert "who has maintained;" in line 9, after the word "before," to strike out "the date of;" in line 21, after the word "medicine," to strike out "to said board of veterinary examiners;" in the same line, after the word "as," to strike out "and existing" and insert "a;" and in line 23, after the word "practitioner," to insert "of veterinary medicine;" so as to make the section read:

SEC. 5. That any person who has received a diploma from a veterinary college lawfully authorized to confer the same and who has maintained an office for the practice of veterinary medicine in the District of Columbia on or before the passage of this act, upon submission of proof of such facts to the board of examiners in veterinary medicine and the payment of a fee of $1, shall be licensed by said board to practice veterinary medicine in the District of Columbia without examination. Any person, not a graduate of a college lawfully authorized to confer a degree in veterinary medicine, who has been continuously engaged in the practice of veterinary medicine in the District of Columbia for five years previous to the passage of this act and has maintained an office in said District for that purpose shall be permitted to present himself for examination before the board of veterinary examiners without fee, and upon proof of satisfactory knowledge of veterinary medicine shall be registered and licensed as a practitioner of veterinary medicine.

The amendment was agreed to.

The next amendment was, in section 6, page 7, line 1, after the word "examination," to insert "may;" in line 2, before the word "appeal," to strike out "may;" in line 5, before the word "forth," to strike out "set" and insert "setting;" in the same line, before the word "accompanied," to strike out "be;" in line 8, before the word "board," to strike out "an appeal" and insert "a;" in line 11, before the word "shall," to insert "board;" in line 13, before the word "findings," to strike out "review or;" in line 17, after the word "said," to strike out "appeal;" in line 18, after the word "board," to insert "of review;" and in line 21, after the word "examiners," to insert "If favorable, the amount deposited shall be returned to the appellant;" so as to make the section read:

SEC. 6. That any person having been examined by said board of examiners in veterinary medicine and having been refused a license as the result of such examination may, within thirty days after formal notification of such refusal appeal from the decision of said board. Such appeal must be in writing, addressed to the Commissioners of said District, setting forth the ground upon which it is based, and accompanied by a deposit of $30. If, after examination of said appeal, said Commissioners deem it proper, they shall appoint a board of review, consisting of three practioners of veterinary medicine having qualifications similar to those required of members of the regular board of examiners in veterinary medicine, which board shall review the examination of appellant, and if they deem necessary reexamine him and report their finding to said Commissioners; and such finding shall be final and binding upon all parties concerned, and if favorable to the appellant the board of examiners in veterinary medicine shall issue to him a license to practice veterinary medicine in said District. Each member of said board of review shall be paid a fee of not more than $10 for each candidate examined, payment to be made from the deposit of the appellant if the finding is adverse to him, but otherwise from the funds of the board of examiners. If favorable the amount deposited shall be returned to the appellant.

The amendment was agreed to.

The next amendment was, in section 7, page 8, line 3, after the word "practice," to strike out "veterinary medicine;" so as to make the section read:

SEC. 7. That every person practicing veterinary medicine in the District of Columbia, or representing himself or permitting himself to be represented as so practicing, shall display or cause to be displayed conspicuously in his usual place of business his license to practice in said District. Said place of business shall, during all reasonable hours, be open to inspection by any representative of the police department or of the board of examiners in veterinary medicine of said District, so far as may be necessary to examine such licenses, and it shall be unlawful for any person to interfere with any inspection made or intended to be made for this purpose.

The amendment was agreed to.

The next amendment was, in section 9, page 9, line 8, before the word "within," to strike oue "meet patients or receive calls" and insert "do business," so as to make the section read:

SEC. 9. That this act shall not apply to veterinary surgeons in the Army or in the employ of the Agricultural Department who are graduates of regular veterinary colleges, nor to regularly licensed veterinarians in actual consultation from other States, nor to regularly licensed veterinarians actually called from other States to attend cases in the District of Columbia, but who do not open an office or appoint a place to do business within said District.

The amendment was agreed to.

The next amendment was, in section 10, page 9, line 16, after the word "license," to strike out "provided for in this act;" in line 17, before the word "conviction," to strike out "on:" in line 20, after the word "for," to insert "any of;" and in line 22, after the word "provided," to strike out "in this act," so as to read:

That the board of examiners in veterinary medicine hereby created may, by a vote of four members, revoke or suspend for a time certain the license of any person to practice veterinary medicine or any branch thereof in the District of Columbia after notice and hearing, for any of the following causes, namely: The employment of fraud or deception in passing the examinations or in obtaining a license, chronic inebriety, or conviction of crime involving moral turpitude. The method of complaint, form and length of notice, and time of hearing charges against any licensee for any of the above causes shall be according to the rules and regulations to be made, subject to the approval of said Commissioners, as hereinbefore provided. Appeal from the decision of said board may be taken to the court of appeals of the District of Columbia, and the decision of said court shall be final.

The amendment was agreed to.

The next amendment was, in section 12, page 10, line 17, before the word "one," to strike out "some;" so as to make the section read:

SEC. 12. That it shall be the duty of the corporation counsel or one of his assistants to prosecute all violations of the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID ROBERTSON.

Mr. BULKELEY. I ask unanimous consent for the present consideration of the bill (S. 4089) to place David Robertson, sergeant, first class, Hospital Corps, on the retired list of the United States Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That in consequence of the long, faithful, and meritorious services in the United States Army of David Robertson, sergeant, first class, Hospital Corps, for a period of over fifty years in the same grade, the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to place said David Robertson on the retired list of the United States Army with the full pay and allowances of the grade held by him at the date of such retirement.

Mr. BULKELEY. Mr. President, in lieu of that amendment, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. It is proposed, in lieu of the amendment of the committee, to insert the following:

That in consequence of the long, faithful, and meritorious services in the United States Army of David Robertson, sergeant, first class, Hospital Corps, for a period of fifty years in the same grade, the Secretary of War be, and he is hereby, authorized to place said David Robertson on the retired list of enlisted men of the Army with full pay of his grade and commutation of allowances at the following rates per month: Clothing, $4.56; rations, $30, and fuel and quarters, $20.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SITE FOR PUBLIC BUILDING AT GREAT FALLS, MONT.

Mr. CLARK of Montana. I ask unanimous consent for the present consideration of the bill (S. 544) to provide for the erection of a public building in the city of Great Falls, Mont.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 1, line 4, after the word "exceeding," to strike out "twenty," and insert "fifteen;" in line 6, after the word "site," to strike out "and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus;" and in line 10, after the word "Montana," to strike out "the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $300,000;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, at a cost not exceeding $15,000, by purchase, condemnation, or otherwise, a site for the use and accommodation of the United States post-office and other Government offices in the city of Great Falls and State of Montana.

The amendment was agreed to.

The next amendment was, on page 2, after line 17, to strike out the remainder of the bill, as follows:

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after said examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all maps, statements, plats, or documents taken by or submitted to them in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossd for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site for a public building in the city of Great Falls, Mont."

JOHN A. MERONEY.

Mr. FRAZIER. I ask unanimous consent for the present consideration of the bill (H. R. 3997) for the relief of John A. Meroney.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to John A. Meroney, of Giles County, Tenn., late a member of Company D, Twelfth Regiment Tennessee Volunteer Cavalry, $150 for a horse taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SPOONER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 15, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 14, 1906.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., delivered the following prayer:

We bless Thee, O God, our heavenly Father, for the spirit of '76 which moved our fathers to high and holy resolves, illustrious deeds, and glorious achievements, which gave to us a government of the people, by the people, and for the people, and for the old flag which they carried to victory on a thousand fields of battle, dear to every American heart, emblem of liberty and freedom, law and order, peace and good will. God grant that it may wave on in triumph until every people of every clime shall feel its influence and rest secure in their sacred rights under its graceful and protecting folds, and Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

DAILY HOUR OF MEETING.

Mr. PAYNE. Mr. Speaker, I offer a resolution which I send to the Clerk's desk, and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from New York offers a resolution and asks unanimous consent for its present consideration. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That for the remainder of this session, unless otherwise ordered, the daily hour of meeting of the House of Representatives shall be 11 o'clock a. m.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

H. G. CLEMENT.

Mr. CASSEL. Mr. Speaker, I offer the privileged resolution (No. 564), from the Committee on Accounts, which I send to the Clerk's desk.

The SPEAKER. The Clerk will read:

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to H. G. Clement the sum of $100, being the amount of clerk-hire allowance due the late Representative Robert Adams, jr., and on account of clerical services rendered by said Clement during the month of May, 1906.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

ROBERT RICHARDSON.

Mr. CASSEL. Mr. Speaker, I also offer a privileged resolution (No. 569), which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized to pay to the widow of Robert Richardson, late an employee in the bathroom of the House of Representatives, a sum equal to six month's pay, at the rate of compensation he was receiving at the time of his death; and a further sum, not exceeding $250, for funeral expenses, said amount to be paid out of the contingent fund.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

CLERK FOR COMMITTEE ON IRRIGATION.

Mr. CASSEL. Mr. Speaker, I desire to offer a privileged resolution (No. 435), which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the chairman of the Committee on Irrigation of Arid Lands is hereby authorized to appoint a clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of $2,000 per annum from and after July 1, 1906, unless otherwise provided for by law; and the Committee on Appropriations is hereby

authorized and directed to provide for the salary of said clerk in one of the general appropriation bills: *Provided*, That the same shall be in lieu of the session clerk assigned to said committee.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the resolution.

Mr. PAYNE. I think it had better go over for the day. I will object for to-day.

The SPEAKER. For the present the gentleman from New York [Mr. PAYNE] objects.

Mr. BARTLETT. Mr. Speaker, I desire, if the Chair will hear me a moment, to say a word in reference to the privileged character of this resolution. The resolution, or a part of it, provides for the payment out of the contingent fund for a certain fixed period, and that makes it privileged, Mr. Speaker. Reports from the Committee on Accounts, which provide for payment of sums out of the contingent fund under the rules of the House, are privileged reports, and resolutions can be called up as privileged which thus provide. The present resolution provides that it shall be paid out of the contingent fund of the House "at the rate of $2,000 per annum from and after July 1, 1906, unless otherwise provided for by law."

It has been the uniform custom in the House, when resolutions of this kind have been reported from the Committee on Accounts and passed by the House, for the Committee on Appropriations to provide for them in one of the appropriation bills. Mr. Speaker, from a number of rulings of the Chair, resolutions of this sort from the Committee on Accounts, passed by the House, have been held time and time again to be existing law, which would authorize the Committee on Appropriations to make provision for them in an appropriation bill and not violate Rule XXI.

Mr. PAYNE. If the gentleman is correct in his statement, that it has been so held and is existing law, of course that takes away the privilege of the resolution, for it provides that hereafter the Committee on Appropriations is directed to make this appropriation. The resolution makes law. If it does, of course it takes away the privilege of the resolution.

Mr. BARTLETT. Not at all, Mr. Speaker; a resolution which provides simply for this clerk to be paid out of the contingent fund is existing law. If I had the House Manual at hand, I think I might readily call the attention of the Chair to certain decisions. If the appropriation was only made for the sessions of Congress, under the rules of the House we could provide that the sum be paid out of the contingent fund until otherwise provided for; and then it would be existing law, and I apprehend that the Committee on Appropriations could make provision if that latter clause was not in the resolution. I think it is privileged, Mr. Speaker; but if it is not, then I suggest to the gentleman from Pennsylvania that he strike from the resolution that part which it is suggested renders the resolution not privileged.

The SPEAKER. The Chair is of the opinion that a nonprivileged provision in a privileged resolution vitiates the whole resolution. The Chair calls the attention of the gentleman from Georgia to the language of this resolution:

Is hereby authorized to appoint a clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of $2,000 per annum from and after July 1, unles otherwise provided by law; and the Committee on Appropriations is hereby authorized and directed to provide for the salary of said clerk in one of the general appropriation bills: *Provided*, That the same shall be in lieu of the session clerk assigned to said committee.

Now, it seems that there is a session clerk assigned to said committee under the law and under the rules, but that assignment is silent.

Mr. BARTLETT. He has already been provided for by the Appropriations Committee.

The SPEAKER. Precisely; but this substitutes an annual clerk for a session clerk. Two things are accomplished. Now, the Chair will be inclined to hold that the grant of $2,000 to this session clerk for the coming fiscal year, or pay at that rate for the remainder of the Congress from the contingent fund would be in order under the rules, because expenditures from the contingent fund are privileged. But it goes further, and provides what the Committee on Appropriations is authorized to do; and it does seem to the Chair that that vitiates the privileged character of the resolution.

Mr. BARTLETT. Mr. Speaker, I want to say that I invoked the ruling of the Chair in order that we might have it for the guidance of the committee in the future as we have a number of resolutions that contain this provision.

The SPEAKER. The Chair is quite aware that under the practice of the House resolutions of this character have been reported and passed, but that is where the point has not been made, and the Chair can not rule without the point of order is made.

Mr. BARTLETT. I understand that; but I wanted the ruling for the guidance of the committee.

Mr. CASSEL. Mr. Speaker Carlisle did rule on a question of this same kind, and I might refer the Chair to that ruling.

The SPEAKER. The Chair is not advised of that ruling; on the contrary there may possibly be one. The Chair would have very great respect for a ruling made by Mr. Speaker Carlisle on what would be construed as a precedent, but the Chair does not say that it would necessarily control the matter. Has the gentleman any further resolutions?

Mr. CASSEL. They are all of the same character of the one that we have already called up.

ORDER OF BUSINESS.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

Mr. MOON of Tennessee. Will the gentleman withhold his motion just a moment?

Mr. TAWNEY. I withhold the motion.

BRIDGE ACROSS TENNESSEE RIVER AT CHATTANOOGA, TENN.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bridge bill—H. R. 20070.

The Clerk read as follows:

A bill (H. R. 20070) to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.

Be it enacted, etc., That the Chattanooga Northern Railway Company, a corporation organized under the laws of the State of Tennessee, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto for railway and other purposes across the Tennessee River at Chattanooga, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MOON of Tennessee, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS GASCONADE RIVER, FREDERICKSBURG, MO.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19571) to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.

The bill was read, as follows:

Be it enacted, etc., That the county court of Gasconade County, Mo., its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Gasconade River at or near Fredericksburg, in the county of Gasconade, in the State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

STATEHOOD BILL.

Mr. HAMILTON. Mr. Speaker, I call up the conference report on the bill (H. R. 12707) to enable the people of Oklahoma and Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona and New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

The SPEAKER. The gentleman from Michigan calls up a conference report on the following bill——

Mr. TAWNEY. Mr. Speaker, I desire to ask whether that report is liable to provoke a protracted debate?

The SPEAKER. The Chair does not know.

Mr. HAMILTON. I do not understand that it is likely to provoke a long debate. I have conferred with the gentleman from Tennessee [Mr. MOON] in relation to it, and I understand that there will be no protracted debate. I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The Chair is informed at the Clerk's desk that there has been no message from the Senate on this subject, and that we have not the original papers.

Mr. HAMILTON. Then I will call up the report later.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19844—the sundry civil appropriation bill—with Mr. WATSON in the chair.

The Clerk read as follows:

For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $100,000.

Mr. CRUMPACKER. Mr. Chairman, I make the point of order against the paragraph just read, that it changes existing law, that there is no authority of law for the appropriation that is carried in the paragraph.

The CHAIRMAN. The gentleman from Indiana makes the point of order.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. MONDELL. I should like to be heard briefly on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MONDELL. Mr. Chairman, on yesterday a point of order was made against certain language in the first paragraph on page 75. Later the point of order was withdrawn as relating to a portion of the paragraph and retained as to the provision "for gauging streams and determining the water supply." In the discussion on the point of order made against the paragraph but little attention seems to have been paid to the portion of the paragraph against which the point of order was finally insisted upon. And in view of the fact that there was but little discussion directly on that point, I desire to discuss the subject very briefly. I hold, Mr. Chairman, that the work contemplated by the paragraph against which the point of order is made is provided for in existing law, and that it is provided for by three different and distinct provisions of existing law, namely, by that provision of law providing for the classification of public lands, and contained in lines 5 and 6, page 77 of the bill; second, that it is provided for in the language providing for the examination of the mineral resources of the United States, contained in lines 6 and 7, page 77, and that further this work is provided for by legislation enacted in 1888, specifically referring to this class of investigation.

Now, Mr. Chairman, as regards that feature of the work of stream gauging and study of underground waters which relates to the classification of the public lands. The public lands are classified into agricultural, mineral, grazing, and forest. In the arid and semiarid regions of the United States the agricultural character of the lands can only be determined by a study of the surface and underground water supply. It would be utterly impossible for the members of the Geological Survey to classify or designate agricultural lands in the arid and semiarid regions without a knowledge of the flow of streams and of the facts as to underground water resources. In strictly arid territory land must be irrigable to be properly classed as agricultural. Its irrigation depends upon the flow of streams, both their volume during the irrigation season and the uniformity of the flow year after year. Without a knowledge of the facts relating to the flow of streams it would be utterly impossibe for the Survey to classify and designate the agricultural lands of the arid region, as those charged with the duty of classifying the land would have no means of knowing whether the land was agricultural or not without a study of the water supply, which alone makes them agricultural.

In the arid region the available water supply marks the only difference between agricultural and nonagricultural lands in many instances. Their agricultural character is not a question of the richness of the soil, but of the water supply, and areas lying side by side, with the same soil structure, with the same chemical composition—one may be agricultural and the other nonagricultural or grazing, depending upon the water available for irrigation, and this must be determined by the gauging of the streams.

Now, as regards the nonmineral, semiarid lands, they are either agricultural, grazing, or irredeemable desert, depending on the existence or absence of underground waters at reasonable depth. They can not be advantageously used for grazing purposes even, in the absence of flowing streams, unless there be underground water sufficiently near the surface that it can be raised by pumps or windmills for stock. Neither can such lands be used for agriculture under irrigation where there are no flowing streams unless there be sufficient underground water available for such purposes. So that there can be no classification of lands as provided for by law, as the Survey is commanded to classify, without a study and investigation of the flow of streams and of the presence of underground waters.

Second, Mr. Chairman, this investigation, this stream gauging, this study of underground waters is provided for by the language of the statute which provides for the examination of the mineral resources of the United States.

Mr. Chairman, it is a well-known fact that water is a mineral; that in many districts it is by far the most valuable of all minerals; that in many regions it is the only mineral that exists in any considerable quantity or of any considerable value. If there be any question in the mind of the Chair as to the mineral character of water, I refer the Chair to the highest authorities in America on the subject of mineralogy, Profs. E. S. and James D. Dana.

Prof. E. S. Dana, in his Text-Book of Mineralogy, page 1, states:

Finally, mineral species are, as a rule, limited to solid substances; the only liquids included being metallic mercury and water.

Prof. James D. Dana, in his Manual of Mineralogy and Petrography, page 1, states:

Water is a mineral, but generally in an impure state from the presence of others minerals in solution.

The Century Dictionary defines a mineral as—

Any constituent of the earth crust; more specifically an inorganic body occurring in nature, homogeneous and having a definite chemical composition.

The Standard Dictionary, in its definition of mineral has this statement:

Water is a mineral that solidifies at 32° Fahrenheit.

Now, Mr. Chairman, authorities could be cited at great length on this question, but I assume that there can be no question the mind of the Chair as to the mineral character of water. I I have never heard that proposition seriously controverted or disputed.

When the Congress provided for the examination of geological structure and mineral resources and organized a bureau, which up to that time had been carrying on the work of geological survey, hydrographic, or water survey, the Congress understood that in providing for an examination of mineral resources it provided for the examination of that mineral, among others, which in many regions is by far the most important and valuable of all, to wit, water, and this Survey did for a number of years investigate the water resources of the United States without this specific provision for gauging of streams.

Moreover, many important mineral regions depend for their value upon the existence or development of water supply for the miners and their processes. As an illustration, one of the richest and most extensive placer regions in the United States, in western Arizona, known as the "Plomosa," has been only slightly developed on account of the lack of water, which is hauled a long distance for domestic purposes, and the gold is obtained by the use of dry washers. It is possible that underground waters can be developed or storm waters stored in the vicinity. Also, it may be possible to develop the water supply on Bill Williams Fork and supply water from the Colorado River to this region. On the solution of the water problem of this region depends the development of placers known to contain hundreds of millions of dollars in gold.

Knowledge of stream flow, to be reliable, must extend over a long series of years and must be continuous. The fluctuations of climate, particularly in the arid region, are such that there is a very great difference between the flow of the wettest year and the driest year, both of which must be known to permit a proper and economical development. The wettest year must be known in order that proper provision may be made against destructive floods, and the driest year must be known in order that the development may not proceed beyond a certain water supply.

It is important to have, not only the maximum, minimum, and mean discharge of every stream which is to be used, but it is equally important to know at what intervals minimum years are to be expected. If they occur at long intervals, it may be feasible to provide for them by reserve storage from wet years, but if they occur at short intervals, or several of them in succession, this may not be feasible.

Proper hydrographic investigation can be successfully carried on only by specialized men, and if the work is suddenly stopped, the force will become scattered, and the value of work already done will be largely lost, owing to the break in the record. It will require years to again build up an organization of equal efficiency, and the result will be that a large number of short

records will be in existence with a gap so wide as to render the former records of little value.

Mr. TAWNEY. Mr. Chairman, I want to ask the gentleman a question. Is the gentleman aware of the fact that this appropriation was never carried in any appropriation bill prior to 1894, and in that appropriation, which was only $12,500, the area within which it could be expended was limited to the arid and semiarid sections of the country? It has not, therefore, always been carried since we have had a Geological Survey in an appropriation bill, as stated by the gentleman. It was a special appropriation.

Mr. MONDELL. Mr. Chairman, I think I stated that when no specific appropriation was carried in the language of the present bill the work was carried on, and it was carried on under the authority granted for the classification of lands and the investigation of the mineral resources of the country, and the specific item was only placed in the bill, I call to the attention of the Chairman, when the Committee on Appropriations insisted on having this lump-sum appropriation divided and its various uses specified. In order that there might be no question as to the portion of the appropriation that was used for the examination of water resources this language was inserted in the bill for carrying on the work provided for by law.

It was upon the insistence of the committee that every separate class of work carried on under the appropriation should be specified, that the appropriation should be separated, so that the committee might know for what particular and specific purpose the appropriation was being used—what part of it was being used for the examination of minerals in general, what part of it was being used for the examination of this particular mineral, what part of it was being used for the classification of lands by surveys.

But, Mr. Chairman, beyond all that, this work is provided for by special statute, so far at least as the arid and semiarid regions of the country are concerned; and I call the attention of the Chairman particularly to the joint resolution of March 20, 1888. That is law; that it is law no one will deny; that it has never been repealed is not questioned, and whatever is provided for in that resolution can be appropriated for in this bill and not be subject to a point of order.

That resolution recites as follows:

> That the Secretary of the Interior, by means of the Director of the Geological Survey, be, and he is hereby, directed to make an examination of that portion of the arid regions of the United States where agriculture is carried on by means of irrigation, as to the natural advantages for the storage of water for irrigating purposes, with the practicability of constructing reservoirs, *together with the capacity of the streams* and the cost of construction and capacity of reservoirs, and such other facts as bear on the question of storage of water for irrigating purposes; and that he be further directed to report to Congress as soon as practicable the result of such investigation.

I call the attention of the Chair to this language in the resolution particularly, "together with the capacity of the streams," etc. I have no doubt but that the Chair has the resolution before him. That is the law, Mr. Chairman. That is the law providing for the examination of the capacity of streams within the arid and semiarid regions and on the public domain. That has never been repealed, and in the sundry civil bill of October 2, 1888, this work was extended. It may be said that an item carried in the appropriation bill is not necessarily continuing law, but I wish to call the attention of the Chair to the fact that the provisions in the appropriation bill of October 2, 1888 (25 Stat., 526), contains this provision, which is continuing law:

> That the Director of the Geological Survey, under the supervision of the Secretary of the Interior, shall make a report to Congress on the first Monday in December of each year, showing in detail how this money has been expended, etc.

This is with reference to the appropriation for the examination of the waters of the arid region and of the public lands. Later, by legislation, which I can not now turn to, provision was made that thereafter all reports relative to the gauging of streams and to examination into the water resources of the country should be published in a certain form, both of these acts being continuing law.

So, Mr. Chairman, this item is provided for, as I said at the beginning of my remarks, by three separate provisions of law: First, that providing for the classification of lands; second, that providing for the examination of the mineral resources of the country; third, by the joint resolution of 1888 and legislation following, specifically authorizing the expenditure herein provided for. And the chairman of the committee makes no argument against all this by saying that for some years this particular language was not used in the appropriation bills, because we all know that this work has been carried on from the organization of the Survey, was carried on before the present organization of the Survey. That the hydrographic branch of the Geological Survey has always been one of its most important branches is beyond question, and when the language objected to was not in the bills work was carried on under the provision of law which authorized the classification of lands and the examination of the mineral resources of the country as a necessary part of such classification and examination.

Mr. BROOKS of Colorado. Mr. Chairman, will the gentleman yield for a question.

Mr. MONDELL. Certainly.

Mr. BROOKS of Colorado. In discussing the fact that this appropriation is carried and authorized by the organic law constituting the bureau, the Geological Survey, I call the gentleman's attention to the fact that of course the only distinction between water and any other mineral is the fact that it is volatile and fluid at a given temperature, and that also iron is volatile at one temperature and liquid at another, and solid at another, and it is simply a question of temperature. Water is just as much a mineral as corrundum or anything else.

Mr. MONDELL. I thank the gentleman for the suggestion. He is quite right. No one can successfully deny that.

Mr. TAWNEY. Will the gentleman from Wyoming permit a suggestion to the gentleman from Colorado? I call the gentleman's attention to the fact that on page 471 of the hearings he will find the purposes for which this appropriation is used, and then I ask him whether it has any reference whatever to minerals.

> The development of water powers has been most important in the Appalachian region of the South, but even as far north as Maine there has been great activity. Investors and engineers have sought for every scrap of information upon which they could base plans for larger utilization of the waters that were running to waste.

That is the language of Mr. Walcott in his detailed statement of the purposes for which this appropriation is expended. It did not relate to water at all.

Mr. MONDELL. Mr. Chairman, I do not think that disproves that water is a mineral by any possibility. The question as to how a mineral may be used does not in any manner affect the facts. Mineral oil, naphtha, benzine, and kerosene are used for the same purpose, for water power, that water is.

The CHAIRMAN. The Chair desires to state that, this being a discussion of the point of order, rests in the discretion of the Chair. The Chair is ready to rule. The Chair does not like to shut gentlemen off if they desire to ask questions or discuss the proposition, but the Chair is entirely satisfied on this proposition, and desires to state that further argument is useless, so far as the question at issue is concerned.

Mr. BROOKS of Colorado. I would like to ask the gentleman from Indiana one question—that is, if a limitation limiting the place where this appropriation is to be expended in that portion of the country west of the one hundredth meridian would meet the objection which the gentleman from Indiana [Mr. CRUMPACKER] makes in reference to water power in the Appalachian region.

Mr. CRUMPACKER. I think not. I understand that the reclamation act has practically provided for the gauging of water courses and the whole water question in the arid and semiarid regions. I do not think it answers the question at all.

The CHAIRMAN. On yesterday the Chair in an elaborate discussion took up the identical proposition presented by the point of order this morning. On page 75 the questions having reference to the "gauging of streams and determination of the water supply" were identical with those on which the point of order is now raised. The Chair, after having carefully examined existing law on the subject, together with the joint resolution to which the gentleman from Wyoming [Mr. MONDELL] this morning called the Chair's attention, decided at that time that, in the opinion of the Chair, it was subject to the point of order. And, for the reasons then stated, without again elaborating or repeating, the Chair sustains the point of order.

Mr. MONDELL. I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Wyoming appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. MONDELL. Division, Mr. Chairman.

The House divided; and there were—ayes 68, noes 37.

So the decision of the Chair was sustained.

Mr. MONDELL. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Chair will state to the gentleman from Wyoming that it is not in order to amend the paragraph, because the paragraph is out.

Mr. MONDELL. My amendment is not to the paragraph.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

After the word "treasury," line 2, page 77, insert "For measuring the capacity of streams in accordance with the joint resolution of March 20, 1888, $100,000."

Mr. CRUMPACKER. Mr. Chairman, I make the point against the proposed amendment, that it is supposed to be an amendment to a paragraph that was passed some time ago—the preceding paragraph—and that it changes existing law. There is no authority of law for an appropriation carried in the amendment. The amendment proposed is to amend the paragraph to the preceding one that went out on the point of order, and that was passed when we took up the reading of this paragraph.

The CHAIRMAN. Does the gentleman want to be heard on that?

Mr. MONDELL. Mr. Chairman, the amendment was offered not as an amendment to the preceding paragraph, but following the preceding paragraph.

The CHAIRMAN. The Chair is inclined to think that the gentleman can not offer it as an amendment, because it does not seem to amend anything. If the gentleman desires to offer it as a substitute to the paragraph that was stricken out, it will be in order to do so.

Mr. MONDELL. That was my intention, Mr. Chairman. I simply provided that my amendment should follow a certain word, that word being the last word of the preceding paragraph.

The CHAIRMAN. The paragraph has been stricken out that has reference to this subject.

Mr. MONDELL. I offer it as a substitute.

The CHAIRMAN. The gentleman offers it as a new paragraph.

Mr. MONDELL. I offer it as a new paragraph. I do not care to take the time of the House now on the point of order.

Mr. CRUMPACKER. I would like to know in what shape the proposition is now.

The CHAIRMAN. The gentleman has offered as a separate paragraph the proposition which was read at the Clerk's desk.

Mr. CRUMPACKER. That is a material change, and I think it ought to be reported, so that we may know in what shape it is.

The CHAIRMAN. Without objection, the Clerk will report it as a new paragraph.

The Clerk read as follows:

Insert as a new paragraph the following:
"And for measuring capacity of streams, in accordance with the joint resolution of March 20, 1888, $100,000."

Mr. CRUMPACKER. I make the point of order that that is a change of existing law. There is no authority of law, as a matter of fact, for the appropriation carried in the amendment.

The CHAIRMAN. The gentleman from Indiana makes the point of order.

Mr. TAWNEY. Mr. Chairman, I want to call the attention of the gentleman from Wyoming to the fact that there has been a repeal of that joint resolution, or part of that joint resolution: I think it was in 1890. I have sent for the book. It was repealed by necessary implication by the reclamation act, because that covered the whole subject.

The CHAIRMAN. Does the gentleman desire to be heard on the point or order?

Mr. MONDELL. The gentleman thinks it has been repealed. Possibly it has. I have searched diligently, and I have found no statute repealing it, either directly or by implication; nothing whatever. It is true that later the further exension of this work was provided for in an appropriation bill, and that further extension was somewhat modified by a repeal of the statute, but there has been no law repealing, directly or indirectly, the provisions of the joint resolution of March 20, 1888. The contention of the gentleman from Indiana [Mr. CRUMPACKER] that it was repealed directly or by implication by the national reclamation act is not sound, in my opinion. There is nothing in the national reclamation act repealing, directly or indirectly, this resolution. This resolution does not provide solely for the investigation of water resources in the interest of irrigation. It provides for a general investigation of the capacity of streams; and, Mr. Chairman, my amendment is simply to carry out the provisions of the joint resolution of March 20, 1888.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. TAWNEY. Mr. Chairman, I have sent for the Statutes at Large, volume 26, which, I think, contains the repealing law. But aside from that, however, I wish to say this amendment the gentleman has offered is contained here in some literature prepared by the Geological Survey and sent to Members of the House, which reads as follows——

Mr. MONDELL. I received a considerable amount of the information I have given the House from the Geological Survey; I admit that, and it is sound and safe doctrine.

Mr. TAWNEY (reading):

That the Secretary of the Interior, by means of the Director of the Geological Survey, be, and he is hereby, directed to make an examination of that portion of the arid regions of the United States where agriculture is carried on by means of irrigation as to the natural advantages for the storage of water for irrigating purposes with the practicability of constructing reservoirs, together with the capacity of the streams and the cost of construction and capacity of reservoirs, and such other facts as bear on the question of storage of water for irrigating purposes; and that he be further directed to report to Congress as soon as practicable the result of such investigation.

Now, Mr. Chairman, the irrigation act, by implication at least if not directly, entirely wipes out this joint resolution, because it expressly provided for the doing of everything which the Secretary of the Interior was directed to do under this joint resolution. There is no authority, therefore, for the expenditure of the money under this resolution, because the resolution has been supplemented and thereby, by implication, repealed.

The CHAIRMAN. Does the gentleman desire to be heard?

Mr. MONDELL. Mr. Chairman, the gentleman thinks that there has been a repeal of this joint resolution. I do not believe there has been any repeal, directly or indirectly, of its provisions.

Mr. TAWNEY. I will ask the gentleman from Wyoming, who is thoroughly familiar with the law and the country in which this reclamation is going on under the reclamation act, has any work been done under this joint resolution?

Mr. MONDELL. Now, Mr. Chairman, I do not know as to that, except that the very work we are trying to continue has, so far as the arid region is concerned, been authorized under that resolution.

Mr. TAWNEY. I would like to ask the gentleman another question. Has the Secretary of the Interior ever reported in compliance with this joint resolution?

Mr. MONDELL. The gentleman will have to ask the Secretary.

Mr. Chairman, I want to call the attention of the Chair to the fact that not only has this joint resolution never been repealed or modified, directly or indirectly, but my paragraph does not seek to put in operation all of the provisions of this joint resolution.

The CHAIRMAN. The Chair would like to ask the gentleman a question. This provides:

That the Secretary of the Interior, by means of the Director of the Geological Survey, be, and he is hereby, directed to make an examination—

Of certain portions of the United States—

and that he be further directed to report to Congress as soon as practicable the result of such investigation.

Was such a report ever made by the Secretary of the Interior to Congress pursuant to that joint resolution?

Mr. MONDELL. There have been a number of reports made on these general subjects, Mr. Chairman.

The CHAIRMAN. Pursuant to this resolution?

Mr. MONDELL. I do not know that there has ever been a complete report made under this resolution. In fact, I do not know whether any report was ever made under the resolution. I assume there was no complete report, and I wish to call the attention of the Chair to the fact that by this amendment I simply provide for the measurement of the capacity of streams, as provided for by this resolution. I do not seek to put in operation any of the other provisions of the resolution, or to provide for carrying out any of the work provided for in the resolution, save the measuring of streams. Now, Mr. Chairman, the reclamation law does not provide for any stream measurements except in connection with irrigation projects under examination; on the contrary, it prohibits any measurements or investigations anywhere except in connection with projects which the Secretary of the Interior contemplates constructing under the reclamation law. Private companies are irrigating lands, farmers are irrigating lands, settlers, far from flowing streams in the western country are irrigating lands, where the depth of the water below the surface is not so great as to make it impracticable to raise it by wind mills and other cheap power, and this investigation is necessary, outside of the field occupied by the Reclamation Service, for the benefit of farmers, intending settlers, purchasers of the Government lands, of which 365,000,000 acres remain on the market in the arid region.

The CHAIRMAN. The new paragraph offered by the gentleman from Wyoming was read, as follows:

For measuring the capacity of streams, in accordance with the joint resolution of March 20, 1888, $100,000.

Recourse must therefore be had to the joint resolution of 1888

in order to determine the meaning of the proposition of the gentleman from Wyoming. That resolution reads as follows:

Resolved, etc., That the Secretary of the Interior, by means of the Director of the Geological Survey, be, and he is hereby, directed to make an examination of that portion of the arid regions of the United States where agriculture is carried on by means of irrigation, as to the natural advantages for the storing of water for irrigating purposes, with the practicability of constructing reservoirs, together with the capacity of the streams, and the cost of construction and capacity of reservoirs, and such other facts as bear on the question of storage of water for irrigating purposes; and that he be further directed to report to Congress as soon as practicable the result of such investigation.

It will be seen from this joint resolution that it is not in any sense a continuing law, but merely a direction to the then Secretary of the Interior to make certain investigations and report as soon as practicable. Now, if the then Secretary, or any Secretary of the Interior since that time, has not reported, a resolution requiring him to report might be in order, possibly, under this joint resolution; but the gentleman from Wyoming does not seek to do that by this paragraph. He seeks to make it a continuing law under this joint resolution, which is not a continuing law, but which is only a resolution directed to the then Secretary of the Interior to do a certain thing.

The Chair therefore thinks very clearly that the new paragraph is subject to the point of order as being new legislation. The Chair sustains the point.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disgreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12707) to enable the people of Oklahoma and Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona and New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4806) to regulate the landing, delivery, cure, and sale of sponges.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For the continuation of the investigation of the structural materials of the United States (stone, clays, cements, etc.), under the supervision of the Director of the United States Geological Survey, to be immediately available, $50,000.

Mr. WEEKS. Mr. Chairman, I make the point of order against the paragraph just read. I make that point based on the fact that the original appropriation for that purpose did not contemplate that it would be a continuing work, and even if it did, its termination was specially provided for by the wording of the appropriation made for that purpose last year, which was for the continuation and completion on or before July 1, etc.

The CHAIRMAN. Does the gentleman from Massachusetts wish to be heard on the point of order?

Mr. WEEKS. I do not.

Mr. KEIFER. Mr. Chairman, the point of order is made against five lines included in lines 8 to 12 on page 77 of the bill, and relates to the investigation of the structural material of the United States—stone, clay, cement, etc.

On yesterday, Mr. Chairman, I undertook to claim that the Appropriation Committee ought to be taken at its word. It ought to be taken that it had investigated the subject about which they propose to legislate, and this brings us sharply to the same question. Line 8 begins "for the continuation of the investigation of structural materials of the United States," etc. The Appropriation Committee in its hearings ascertained what was necessarily true, that this work was going on, and in its preparation of the bill used appropriate language when it said "for the continuation of the investigation of structural material."

Now, Mr. Chairman, if that is true, unless the Appropriation Committee is mistaken, the point of order is not well taken against this paragraph in the bill. No one will dispute, I think, the fact that this matter of investigation of structural material is going on. If dispute was made, I think I could find testimony in support of it in the hearings and in the recommendations and statements made by the different officers of the Government. The work was taken up, Mr. Chairman, largely at St. Louis, in connection with the Louisiana Purchase Exposition, and it was continued there with facilities that were furnished, demonstrating that it was not the work of a day but a work that took a great deal of time to complete. You can not make an investigation in a day; it was not a mere chemical analysis; it involves various tests as to strength and resistance and the plant necessarily had to be constructed for the purpose of carrying on the investigation. And wherever else anything was done in that direction in the United States it required the same preparation and the same plant.

But, Mr. Chairman, in a document that was sent to the Senate and ordered published February 12, 1906—Senate Document 214—we find some reference to the matter. A resolution was passed on the 26th of January, 1906, by the Senate, calling on the Secretary of the Interior to transmit a summary of the results obtained in the investigation, under the direction of the Geological Survey, of fuels and structural materials at the testing plant at St. Louis, and a statement of his opinion and the reasons therefor, whether or not it is desirable for the Government to continue the investigation, giving an estimate of the amount of money which would be necessary to carry on the investigation in a satisfactory manner during the fiscal year commencing July 1, 1906.

I read now from the Secretary's report in response thereto:

I transmit herewith a copy of a letter from the Director of the Geological Survey, embodying the report called for in the above-mentioned resolution, and have the honor to state that, in my judgment, the investigation of fuel and structural materials heretofore authorized by the Congress should be continued, and an appropriation of $350,000, as estimated by the Director of the Geological Survey, be made for that purpose.

Now, I could go through, if it did not weary the Chair and committee, the letter of February 3, 1906, by the Director of the Geological Survey, and show therefrom that the proposed investigation should be continued, as it is now being carried on. In speaking of the matter of investigation, he speaks of fuel investigations and other investigations, and says:

During the current fiscal year various investigations are being conducted in St. Louis on the same site that was used during 1904. The equipment has been enlarged by the purchase of the necessary instruments, machinery, and by the construction of storage bins, conveyors, and other facilities for handling coal. The object of the investigation indicated in the wording of the act the analyzing and testing of coal, lignites, and other fuel substances in order to determine their fuel value. The class under investigation now is the one relating to structural material.

Further on in this letter it will be found that he referred specially to this. In the same letter it is said that the Geological Survey has entered on the conduct of the investigation of the fuel and structural materials in response to a general public demand for information rather than any theoretical consideration. I read from page 8 of the report. This is what is stated:

During the years 1902, 1903, and 1904 the Survey conducted a series of examinations of materials suitable for the manufacture of cement foundations in different parts of the country, and these examinations have already resulted in important industrial developments. During this year, and especially during 1904 and 1905, the need of more extended investigations into the most efficient methods of utilizing the cements and other structural materials has become continually more apparent.

So that this plant that has been established, this work that goes on—whether you call it public work or whether you call it an object, it is quite immaterial—the rule of this House would admit it properly as an appropriate——

Mr. TAWNEY. Mr. Chairman, I regret very much to do it, but I am compelled, in order to save time, to call attention to the fact that the gentleman is not speaking to the point of order.

Mr. KEIFER. I beg the gentleman's pardon. The difficulty is with his own mind. I am trying to demonstrate, and just now stated, that we have a plant where we are continuing now to do, according to the statement of the Secretary of the Interior and the Director of the Geological Survey, this very work. It is going on at present, and nobody denies it. These officers know, and when the gentleman says that has nothing to do with the question, he seems to have awakened from a dream. The question is whether we may strike this down under a point of order when it is a matter that is continuing. We may make appropriations under a paragraph of Rule XXI of this House for a continuation of public works or objects already in progress.

The CHAIRMAN. The Chair would like to ask the gentleman from Ohio a question or two for the information of the Chair, in order that the Chair may rule intelligently upon the point of order. The Chair will ask the gentleman this: This item reads "for the continuation of the investigation of structural materials of the United States." Does the gentleman believe that the word "of" is used in its possessive sense—that is, the structural material belonging to the United States—or is it used in the sense of containing, that is to say, in the United States?

Mr. KEIFER. In the United States.

The CHAIRMAN. In the whole United States?

Mr. KEIFER. Yes; and that is what has been going on, except where we have specially provided otherwise by law in this bill. If the Chair will pardon me, I will call the attention of the Chair to the fact that he will find on page 88 the question of testing materials for the United States provided for under the head of the Watertown Arsenal tests.

The CHAIRMAN. The Chair understands that. Secondly, the Chair desires to ascertain whether or not these investigations that have been provided for in previous appropriations of this character and under this language in this appropriation bill are for private parties, for corporations, or for the United States Government.

Mr. KEIFER. They are for the benefit of the people of the United States. They are not for private parties. I understand that this plant that was established at the Louisiana Purchase Exposition was a place where they invited people who had materials, not only in the State of Missouri, but all over the country, to send the material to be investigated and to be tested, and those materials were tested not for a corporation, but for the purpose of determining the value of the materials generally that we might utilize in work in public buildings.

The CHAIRMAN. But whose coal and structural material was there examined? Was it material belonging to the United States, taken from the United States domain, or was it material belonging to private individuals in different parts of the country?

Mr. KEIFER. Mr. Chairman, I am not able to answer every question that may be asked; but my understanding is that the material was sent there without cost to anybody, some getting it from one place and some from another. It was for the purpose of testing cement, stone, iron, and those very things that enter into our buildings, for the public buildings all over the country, the public buildings here, and other structures, and so on; and it was not made because it belonged to the United States particularly, but it was United States material. Now, it is said by the gentleman who makes the point of order that the appropriation last year was to complete a work; but the committee comes here, the distinguished chairman reporting the bill, and asks for an appropriation to continue the work that began in years before, and he expresses himself aptly through the bill in that way. I am trying to stand by the bill of the committee. I do not care to attack it on the side after it has been reported by the committee. I am here to defend the committee, and insist that it used appropriate language when it made this appropriation for the continuation of the investigation of the structural material.

Mr. MADDEN. Mr. Chairman, I desire to say a word or two on this point of order. The gentleman from Massachusetts [Mr. WEEKS] makes the point of order that there is no existing law under which this appropriation can be made, because the last bill said that the appropriation was made to complete a certain line of tests. I want to call the attention of the Chair and of the committee to the fact that the Agricultural Department is making tests of all kinds in every section of the country, for which appropriations are being continually made, and it can not be said that these tests are being made for the Government of the United States; but it can be said, on the contrary, that they are being made for the people of the United States. The purpose of the tests is to develop a condition of facts upon which the people of the country can base action for the development of the various products of the country.

I want to call the attention of the Chair to the fact, in connection with this point of order, that a short time ago an appropriation was made for the construction of a Naval Academy at Annapolis and a limit of cost was fixed for the construction of the buildings there. The language of the appropriation is that the limit of the cost should be the amount of the appropriation; but later on it was developed that this appropriation was not sufficient to complete the buildings, and, notwithstanding the limit placed on the original cost of these buildings, this House passed additional appropriations. And the same thing is true with relation to the construction of the buildings of the Military Academy at West Point. And so we might go on and on.

This appropriation is recommended for the purpose of developing information which will be advantageous to the people of the country and in every section of the country. It develops the use of building materials, it fixes the location where these materials can be obtained, it develops great business enterprises because of the information furnished. It gives employment to labor everywhere. It demonstrates the character of materials that ought to be used in the construction of fireproof buildings. It has demonstrated the feasibility of the use of cement in the place of stone and other high-priced commodities, and because of the development of the utility of this material the cost of building has been reduced to the people of the country. And to say that this is not a public measure is but to beg the question. I submit, Mr. Chairman, that the point of order made by the gentleman from Massachusetts ought to be overruled.

Mr. BARTHOLDT. Mr. Chairman, I desire to address the committee on the merits of the proposition, but since the point of order has been raised I wish to say that the authority for continuing this work is to be found in the organic act creating the Geological Survey. It reads as follows:

> Under the foregoing provision the National Academy of Science recommended that Congress establish, under the Department of the Interior, an independent organization, to be known as the United States Geological Survey, to be charged with the study of geological structure and economic resources of the public domain—

And so forth.

Under this organic law this work has been continued, and if, as the gentleman from Massachusetts [Mr. WEEKS] claims, the last appropriation act uses the language "to complete such test" I desire to call the attention of the Chair to the fact that no doubt certain tests which were to be made as far as that appropriation reached were completed. But that does not say that this means the completion of this great work.

I will read from a document submitted to the Senate by the Secretary of the Interior to show how much of this work remains yet to be done. And incidentally let me try to dissolve the doubt in the mind of the Chair as to who is benefited by this investigation. It is true that a certain number of private parties have contributed material to the investigation. But the investigation was made on behalf of the Government for the benefit of the people, and if private parties contributed material for those tests and investigations it was done as a gratuitous act and cost the Government nothing, and for which we should be properly grateful. As to the necessity for continuing this work, I merely cite some of the reasons which are given here in this Senate document:

> The prevention of accidents in coal mines by the investigation of the use of explosives in the presence of coal dust and coal gasses in mines. The proportion of men killed in American coal mines is much greater than in any other country—three times greater than in Belgium, which has the most dangerous coal mines.

Mr. WEEKS. May I interrupt right there?

Mr. BARTHOLDT. Yes.

Mr. WEEKS. Mr. Chairman, I would like to call the attention of the gentleman from Missouri to the fact that the point which he is now discussing is in the following paragraph; that it has nothing to do with the paragraph against which the point of order has been made.

Mr. BARTHOLDT. A number of reasons are given here for continuing the structural tests, just the same. I will not detain the House by reading from this report any further. But it is evident and plain to every gentleman, I presume, on this floor who has given any attention to this matter that this investigation has not been completed; that the appropriation provided in this bill is necessary to continue those investigations, and that the investigations are being carried on not in the interest of any private concern, but in the interest of the people of the whole country.

Mr. DALZELL. Mr. Chairman, I would like to say a word. It seems to me that this appropriation is justified by the language of the original act creating the Geological Survey, because it comes within the definition of its powers in the examination of the mineral resources and products of the national domain. But aside from that altogether, this is evidently continuing a public work already in progress. It is of a tangible character, having machinery and all sorts of appliances connected with it, and it is of such a character that it has a perceptible end. It is not a work that goes on forever. It is a work that may be ended. Now, with respect to the question that the Chair put a moment ago——

Mr. LITTAUER. I would like to ask the gentleman a question, if he will yield.

Mr. DALZELL. Certainly.

Mr. LITTAUER. Was not the legislation in connection with this subject last year to put an end to it, and that on the 30th of June next?

Mr. DALZELL. I am coming to that in a moment.

Mr. McCALL. Why should a work of that kind go on forever inspecting and testing any building material that any gentleman may submit? Because, how could you ever bring to an end work of such a kind as to material which may be submitted to a test?

Mr. DALZELL. The testimony before the committee, if the gentleman had read it, was to the effect that this investigation would not last more than a certain number of years, and the number of years was named. Of course there is an end of in-

vestigation work of this kind, because materials to be investigated are necessarily limited; but with respect to the question the Chair put a moment ago, as to whether or not this was a test of materials of the United States or a test of materials in the United States, the fact as to that, I suppose, from reading the testimony, is that materials are supplied to this Survey by various parties to be tested, and of course the result of their investigation becomes a matter of common knowledge, and to that extent their investigation is in the interest of all the people; but the object of this investigation, primarily, is for the United States Government. The Supervising Architect, who appeared before the committee, testified that this investigation was rendered necessary in response to the Irrigation Commission, in response to the Engineer Corps of the Army and Navy, and in response to the demand made by the Isthmian Canal Commission, and he went on to testify. Mr. SULLIVAN asked him:

Mr. SULLIVAN. Do you think the continuance of Government aid would promote the science to such an extent as would make it profitable to the Government to continue the experiments, because of the advantages it would have in the construction of its own buildings?

Mr. J. K. TAYLOR. Yes; I think it would pay it in that advantage, but not in actual money. It would pay it in the advantages it would get in its own construction, which runs into a good many hundred millions of dollars in a year.

Mr. SULLIVAN further asked him:

I meant whether the results of the experiments would be so beneficial as actually to save to the Government in its building operations a sum of money equal to the cost of the experiment.

Mr. J. K. Taylor answered:

I think it would save not only that, but twice or three times as much.

Mr. TAYLOR. You mean it would be an investment paying 200 or 300 per cent?

Mr. J. K. TAYLOR. It certainly would.

Mr. TAYLOR. For the Government in constructing its own buildings now and those in contemplation?

Mr. J. K. TAYLOR. Yes; now in contemplation or already under way.

So that primarily this is an appropriation for a governmental purpose, although the result, of course, will inure to the benefit of all the people.

Now, with respect to the contention that the appropriation last year was for continuation and completion of this investigation. It was for a continuation and completion of an investigation. I do not know whether it related to this particular matter of structural materials or the investigation of coal. The investigation in contemplation when the appropriation was made that would be finished by the 1st of July, 1906, may, so far as I know, be completed then. This investigation is another investigation along the same line, and even if it were not so, the provision for completion was only a limitation on that current appropriation bill and did not make such a law as is contemplated by the rule. It would be absurd to say this Government would be foreclosed from continuing a great public work, because in the first instance it had misconceived the time necessary to be employed for the completion of that work and which had apparently not yet been completed, but was in actual progress.

Mr. BROOKS of Colorado. Will the gentleman yield there? Is that limitation of time any different from the limitation that is put on in cost and which is frequently overridden by subsequent appropriations?

Mr. DALZELL. Not at all. It is a limitation that is valid for the current year, and that is all.

Mr. BARTHOLDT. That is it.

Mr. SMITH of Iowa. Mr. Chairman, the appropriation for this work is first found in the general deficiency bill for 1905. The language is:

For the investigation of the structural materials of the United States—stones, clays, cements, etc.—under the supervision of the Director of the United States Geological Survey, $5,000.

The sundry civil bill of year before last for the same purpose contained identically the same language aside from the difference in the amount carried. Last year, when the appropriation came to be made, fearful that under the guise——

Mr. MADDEN. Will the gentleman allow me to ask him a question?

Mr. SMITH of Iowa. Not at present.

Mr. MADDEN. I should like to ask him——

Mr. SMITH of Iowa. Just in a moment. Fearful that under the guise of making an appropriation for the St. Louis Exposition a new permanent branch of the public service was to be added, Congress changed the language to read:

For the completion of this work by July 1, 1906.

If a bill should pass this House authorizing the erection of a building at the cost of a million dollars, and that million dollars should be appropriated, and toward the close of the expenditure of that million dollars an additional appropriation should be put upon this bill of half a million for the completion or the continuation of that building, it would be no answer to a point of order to say that the building was in course of construction and was a work in progress. It would be a complete and sufficient answer under the ruling to say that if that building could not be completed for the amount appropriated, it was a violation of law and could not constitute a basis of authority in law for the putting of an item in the appropriation bill. Just exactly in the same way the Congress of the United States put a limit of cost upon this investigation of structural materials. It said that this money should be appropriated for the completion of the structural materials before the 1st day of July, 1906. That is an explicit and express limit of cost, just as explicit and just as express as the limit of cost upon a building or any other public work; and when gentlemen come and say the work is not complete, they base the application for a new appropriation, not upon authority of law, but upon an alleged violation of the law and a failure to complete the investigation within the time required by the act of Congress.

Mr. MADDEN. I just wanted to ask the gentleman if he was a member of the Appropriations Committee that reported this bill?

Mr. SMITH of Iowa. I cheerfully answer the gentleman that I am a member of the Appropriations Committee that reported this bill, and that I have opposed this item at every stage of the proceedings.

Mr. MADDEN. I was going to ask him why he was opposing the adoption of the report of his committee.

Mr. SMITH of Iowa. I not only opposed it at the time, but I am opposed to it now, and in the committee I announced publicly that I purposed to resist the insertion of this item in the bill. There has been no concealment of my attitude from my colleagues on the Committee on Appropriations on this subject. Whether right or wrong—and I am not criticising those who differ from me—my conviction is that this thing ought to stop, and the law provides it shall stop, and I have always said that I opposed any continuance of the appropriation.

Mr. BARTHOLDT. Since my friend from Iowa is discussing the merits——

Mr. SMITH of Iowa. No; I am only answering the gentleman from Illinois [Mr. MADDEN].

Mr. BARTHOLDT. Will he allow me to ask him a question?

Mr. SMITH of Iowa. Not upon the merits.

Mr. BARTHOLDT. But you have been discussing the merits.

The CHAIRMAN. The Chair does not desire to hear a discussion of the merits.

Mr. SMITH of Iowa. I have not discussed the merits, begging the pardon of the gentleman from Missouri; I have simply announced what was my reply to the query of the gentleman from Illinois. Now, if Congress provides by a specific law that the work of a bureau is to terminate on the 1st day of July, 1906, that a specific work is to terminate then, if that does not make it out of order to put an additional appropriation on the bill I do not know what language would be chosen for that purpose or what course could be pursued to that end. This law not only gave the right to carry on the work under the then existing appropriation, but it provided that this work should be completed by the 1st day of July, 1906; and when it says that, even though there had been authority in the act creating the Geological Survey to carry on that work, that was a solemn act of Congress declaring that this branch of the work of the Geological Survey should be concluded by the 1st day of July, 1906.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. SMITH of Iowa. Yes.

Mr. BARTHOLDT. If the organic act authorized this work to be continued, which, in my judgment, it undoubtedly does, does the gentleman not believe that this Congress has a right to make a provision to continue it?

Mr. SMITH of Iowa. Answering the gentleman, if he means that it would be in order on this bill, I say no. The Geological Survey was founded to conduct certain investigations, and whenever Congress passed a law that any portion of this investigation must be completed by the 1st day of July, 1906, that terminated the authority of the Geological Survey to make any further investigation upon this subject without a further act of Congress, even though such authority might have been contained in the original act.

Mr. KEIFER. I would like to ask the gentleman a question.

Mr. SMITH of Iowa. Certainly.

Mr. KEIFER. I understand the gentleman's contention to be that because the clause in the sundry civil bill last year pro-

vided for the continuation and completion by the 1st day of July, 1906, of this work of investigation of structural material, that it is not now in order to provide for the continuation because after the 1st of July, 1906, we shall have completed it.

Mr. SMITH of Iowa. Not that we shall have completed it in fact.

Mr. KEIFER. We are dealing with the present, are we not, and the matter certainly has not been completed, and therefore it is in continuation, and we have a right under the rule to continue to appropriate for that object?

Mr. SMITH of Iowa. Mr. Chairman, I have no objection to the gentleman making that argument if he sees fit. I want, if it is possible, to impress a single point on the Chair. I deny that the original act authorized these tests. I deny that the authority contained in this act ever authorized the test at all The Geological Survey was created in an appropriation bill. The language was:

For the salary of the Director of the Geological Survey, which office is hereby established under the Interior Department, who shall be appointed by the President, by and with the consent of the Senate, $6,000: *Provided*, That this officer shall have the direction of the Geological Survey and the classification of the public lands and examination of the geological structure and mineral resources of the products of the national domain.

Mr. MADDEN. What does the gentleman call this, a mineral product?

Mr. SMITH of Iowa. If the gentleman would kindly wait I will try and tell him. Here is a law providing for geological survey of the mineral resources of the United States. I deny that under such a law there is any authority to found a laboratory outside of the national domain to carry on investigations in the laboratory as to the textile strength of materials as to the laws of physics with reference to materials everywhere outside of the national domain.

The CHAIRMAN. What does the gentleman understand by the term "national domain?"

Mr. SMITH of Iowa. I understand "national domain" to be the public lands of the United States, and those lands which have been reserved from entry, as forest reserves, national parks, and the like, and those portions of the United States held in private ownership over which the national authority is supreme and exclusive.

Mr. MADDEN. That covers the whole United States.

Mr. BARTHOLDT. Will the gentleman yield for a question?

Mr. SMITH of Iowa. Certainly.

Mr. BARTHOLDT. In regard to this matter the gentleman's point is not well taken, because these buildings that have been in use for the purpose of the exposition have been turned over to the Government of the United States at St. Louis for the purposes of this investigation. Consequently it may fairly be assumed that this is Government property to all intents and purposes.

Mr. LITTAUER. Has the land been ceded to the Government?

Mr. SMITH of Iowa. Oh, no. Mr. Chairman, I can not see that these interruptions throw any light on the subject. I am clear that the national domain is distinct from State domain, inasmuch as the Supreme Court of the United States has held that the United States has the power to pass police regulations for the government of public lands even in the States, that the national domain necessarily includes the public lands, forest reserves, national parks, and all the Territories in the United States, including the District of Columbia.

But even if I should concede that the national domain had the wild meaning attached to it on yesterday, and that it included everything within the limits of the authority of the United States, still I deny that the geological survey of minerals of the United States has anything to do with the establishment of a laboratory to test the tensile strength of material and the sustaining power of stone. But if we confer express authority upon the Geological Survey to do these very things in the organic act, and then by a solemn act of Congress declare that it should complete that work by a given day, then that portion of its original authority terminates upon that day.

Mr. BARTHOLDT. But the day has not yet come.

Mr. SMITH of Iowa. And consequently there can be no appropriation for the year 1907, because before that year the necessary authority of the Geological Survey to investigate the structural materials will have absolutely ceased under an express act of Congress.

Mr. MADDEN. Does the gentleman contend that Congress has no power to reenact the law?

Mr. SMITH of Iowa. Oh, certainly it has; but not on an appropriation bill.

Mr. WM. ALDEN SMITH. First, one has to obtain the consent of the Committee on Appropriations to do it.

Mr. MADDEN. Is not this appropriation immediately available, if it is passed?

Mr. TAWNEY. No; it is not.

Mr. MADDEN. It says so.

Mr. SMITH of Iowa. It makes no difference whether it is immediately available or not. That probably makes it subject to a point of order in any event, because it is included in the sundry civil bill for the year 1907. It does not help its friends any. This project, this investigation, is not to continue at St. Louis.

Mr. MADDEN. Nobody claims that it is.

Mr. SMITH of Iowa. It is contended here by the gentleman from Missouri [Mr. BARTHOLDT] that the Government of the United States has certain property in Missouri in the city of St. Louis, and that that has become a part of the national domain.

Mr. BARTHOLDT. No, no; that is not my contention.

Mr. SMITH of Iowa. That is what I understood, and that is the only relevancy it had to my remarks.

Mr. BARTHOLDT. I will state for the information of the committee and the Chair that certain buildings have been turned over to the Government of the United States by the city of St. Louis and by the World's Fair Exposition Company for the purpose of this investigation. No rent is being charged the Government. The Government uses those buildings free, and the right of occupancy is guaranteed to the Government of the United States if those tests should be continued.

Mr. SMITH of Iowa. The gentleman's enthusiasm on this subject seems to be moved in a measure by the fact that this is a local interest to him, but I want to assure him that if this appropriation is made it is with the distinct understanding that the whole plant is to be moved away from the city of St. Louis.

Mr. BARTHOLDT. Has the gentleman any positive information on that subject? [Laughter.]

Mr. SMITH of Iowa. I have positive information in the hearings that there is no purpose of continuing the plant at St. Louis. [Renewed laughter.]

Mr. TAWNEY. Mr. Chairman, will the gentleman from Iowa pardon me——

Mr. KEIFER. Mr. Chairman, those statements ought not to be made without the record.

The CHAIRMAN. This discussion is, in the discretion of the Chair, on the point of order. The Chair knows nothing about that.

Mr. TAWNEY. Mr. Chairman, I ask the gentleman to yield to me for a moment on this point of the location of the laboratories to be conducted in connection with these tests.

The CHAIRMAN. That is not a matter that enters into the decision of the Chair at all.

Mr. TAWNEY. It enters in this respect, that it answers the question of the Chair as to what material and for whose benefit this investigation is to be made.

The CHAIRMAN. If it throws light on that proposition, it is relevant.

Mr. TAWNEY. I will read a petition that was referred to the Committee on Appropriations, having been introduced into the House:

UNITED STATES TESTING LABORATORY.

Whereas an act is now pending in Congress providing for an appropriation of $350,000, the amount estimated and recommended by the Secretary of the Interior as necessary to carry on the investigations of the Geological Survey Bureau of fuels and structural materials at testing plants at present located at St. Louis; and

Whereas the board of directors of the chamber of commerce believes that such investigations should be continued and would be of inestimable value to the manufacturing interests of the country; and

Whereas the Chamber of Commerce of the city of Pittsburg is convinced that the ideal location for testing laboratories and investigations of this character is the city of Pittsburg, or its immediate vicinity, being the largest producer of fuel and structural materials in the world: Therefore, be it

Resolved, That this board of directors of the Chamber of Commerce of the city of Pittsburg requests the Senators and Representatives from the Pittsburg district and those Senators and Representatives from adjoining cities and counties to favor the passage of the act carrying such appropriation as may be considered sufficient, provided that the location of these laboratories be left open until the claims of the Pittsburg district can be brought before the Director of the Geological Survey.

Mr. DALZELL. Mr. Chairman, what purpose has the gentleman in view in putting that in now?

Mr. TAWNEY. It is only for the purpose of calling the attention of the Chair to the fact, in answer to his own inquiry a few moments ago as to whose benefit this testing of structural material was made for, and that from this petition it appears that it was for the benefit of the local manufacturers and architects throughout the United States.

The CHAIRMAN. The Chair did not understand the gentleman from Pennsylvania.

Mr. DALZELL. Mr. Chairman, I simply asked the gentleman

from Minnesota why it was he put that into the RECORD at this particular time, and he said in answer to my claim that this was for the benefit of the Government. I expressly said, when I was on my feet before, that the result of these investigations would be for the benefit of everybody, the whole people, as well as the Government, although the Government is primarily interested in it.

Mr. BARTHOLDT. Mr. Chairman, will the gentleman allow just one question? I desire to say in respect to the statement made by my friend from Iowa that this plant would be removed from St. Louis, that if this point of order is not sustained and if the appropriation is made by Congress I am willing to take my chances in this matter as to St. Louis.

Mr. SMITH of Iowa. Mr. Chairman, if I may revert to the point of order, I will say, so far as that is concerned, that the city of St. Louis was left out of this item for the purpose of permitting the plant to be removed; and the gentleman probably is well aware of the fact that the city of St. Louis has appeared in the item heretofore. But that is neither here nor there. I rest this case on two distinct propositions. First, that an authorization for a geological survey is not an authorization to establish in any event laboratories in the United States for the purpose of testing the tensile strength of metals or the sustaining power of stone or cement or the like. Cement is not a natural product. It is a manufactured product. And there is no more power under the Geological Survey statute to provide for the testing plant for cement than for a testing plant for any other manufactured article. I deny that this is limited to the national domain. For these two reasons I insist that it was not within the original act. But if it was within the original act, suppose we pass a law this year appropriating $350,000, which should be the final appropriation for the completion of the work of the Geological Survey, would that not in and of itself terminate the authority of the Geological Survey?

Mr. BROOKS of Colorado. Certainly not.

Mr. SMITH of Iowa. It would in effect repeal this authority for all future time, and nothing more could be done without a specific act of Congress; and so when Congress said, "We will enter upon the testing of structural materials," and later on said, "We will continue this for one year and no longer, and it shall be completed within that year and on the 1st day of July, 1906," there is no authority in law, even if it originally existed, to continue these experiments beyond the 1st day of next July; and as there is no authority to continue these experiments there is no authority to appropriate money to carry them on.

Mr. DALZELL. I would like to ask the gentleman a question, if he will permit me.

Mr. SMITH of Iowa. Certainly.

Mr. DALZELL. Did not this take place before the committee on Tuesday, April 19, 1906:

Mr. SMITH. Are you interested in both the reenforced concrete tests and the fuel tests?

Mr. HUMPHREY. Yes; I am interested in both of them, but the major subject is that of structural materials.

Mr. SMITH. The committee will be glad to hear such a statement as you desire to make with reference to the continuance of the appropriation for experiments in structural materials, but I would suggest to you that the committee has no doubt about the value of those experiments, but that the only question in the minds of members of the committee, so far as I am advised, is whether the matter is not in such an advanced state now that it ought to be left to private effort to develop it, as in the case of other inventions.

Did that take place before the committee?

Mr. SMITH of Iowa. I think substantially it did. I had no doubt then and I have no doubt now of the value of these experiments by people who want to pay for them, but I have some doubt about the duty of this Government to carry on these experiments for the cement manufacturers and steel manufacturers of the United States. I do not want to discuss the merits of this proposition. I have been trying to keep myself on the point of order.

Mr. KEIFER. Mr. Chairman, I do not care to occupy the time of the committee but for a moment, and I want to confine that to a single point. I am now trying to be deliberate in what I say, in the possible hope that the regular chairman of the commitee will return. [Laughter.] I did not rise, Mr. Chairman, to prolong this discussion. I think we get very loose sometimes in our answers when questions are asked hastily. When the gentleman from Iowa was trying to impress upon the Chair the idea that a law last year had terminated the matter of the right to investigate structural material, he was asked a question as to whether or not the appropriation proposed now would be immediately available, and the distinguished chairman of the committee said it would not. Now, I read from the clause of the bill that the point of order is made against. The latter part of it says:

Under the supervision of the Director of the United States Geological Survey, to be immediately available, $50,000.

Mr. TAWNEY. It was understood that that provision was to be stricken out, but it was not stricken out, by mistake, in the reprint of the bill.

Mr. KEIFER. The gentleman says it was not to be put in, but it is in. The proposed appropriation for the purpose is to become immediately available.

Mr. TAWNEY. It is in.

Mr. KEIFER. Yes, it is in; so that the point of the gentleman from Iowa [Mr. SMITH] is entirely eliminated. We are proposing to-day, according to his argument, to continue that appropriation of money to be made immediately available, this work which he admits is not to terminate under the law of last year until the 1st day of July next. So the point of order can not be sustained on that ground. Because we propose in the future to do something, they say the rule does not apply at the present time that we may continue a public work or object.

Mr. McCALL. I wish to ask of the gentleman whether this appropriation can be used after the 1st day of July, 1906?

Mr. KEIFER. It can be used until it is used up.

Mr. McCALL. Then would it not be a change of existing law, if existing law required a certain work to be done before the 1st day of July, 1906?

Mr. KEIFER. Suppose it did. That would not affect the question. If the gentleman is familiar with Rule XXI of the House, he would see that we may make appropriations to continue public works or objects already in process of completion. So the point of order falls there. I understand the gentleman is very jealous of the Watertown Arsenal investigation up in Massachusetts. Some of my friends have been assailed because they were from St. Louis and from Pittsburg and supposed to be influenced by interest. I must say to the gentleman from Massachusetts [Mr. McCALL] that we are not interfering with that little test plant up there at Watertown, which is equipped to test some small material that is provided to be tested for special uses and simply for the United States, and has nothing to do with this general provision.

Mr. McCALL. Mr. Chairman, I would say that the gentleman is simply attempting to divert the attention from the question which I put to him.

Mr. KEIFER. I answered the question.

Mr. McCALL. If he wishes to respond by saying that it relates to the Watertown Arsenal, that is all right, but it is not responsive.

Mr. KEIFER. The distinguished gentlemen who appear here as undertaking to overthrow the great Appropriations Committee put the appropriate language in this clause, providing for the continuation of the investigation of structural materials. I admit, Mr. Chairman, I was drawn aside in my answers by the great precedents that were cited by the chairman of the committee and by the gentleman from Iowa [Mr. SMITH], and by the attack on my friend from Missouri [Mr. BARTHOLDT] and my friend from Pittsburg [Mr. DALZELL].

Mr. SMITH of Iowa. I beg the gentleman's pardon. I did not attack anyone.

Mr. KEIFER. I thought you did.

Mr. CRUMPACKER. Mr. Chairman, I desire to ask the gentleman from Ohio [Mr. KEIFER] a question upon the provision contained in the last sundry civil bill for the continuation and completion. Is it not a custom or usage of the House and the Committee on Appropriations to employ the term "for completion" only where the limitation was fixed in the act authorizing the work?

Mr. KEIFER. Then they violate it in that case.

Mr. CRUMPACKER. I understand that the use of the term "completion" is authorized only where the authorizing act fixes the limitation, and that simply "for completion" does not in and of itself fix the limitation. It is what is termed a precatory provision, one expressing a hope and desire that it shall be, but does not in and of itself fix a limitation that is used where a limitation is already fixed by law as general appropriations are fixed.

The CHAIRMAN. The Chair is not disturbed by that proposition, he will say to the gentleman.

Mr. WEEKS. When the gentleman from Ohio spoke the first time and was asked a question by the Chair, he was discussing the merits of this question, it seems, rather than the point of order; but he did not answer the question of the Chair. Now, I understand this plant, which has been referred to as being in St. Louis, is not engaged in doing Government work. When this appropriation was first made, it was a small one—$7,500—made for the purpose of doing testing for private individuals. The appropriation has been continued three or four years, and now the Geological Survey asks that it be increased about seven times—to $50,000. No work has been done at St. Louis for the

Government. The testing has been entirely for the benefit of private parties. If a man has a clay bank or a stone quarry, he can take the clay or stone to this plant and the Government will do the testing for him, at no expense to himself.

Mr. BARTHOLDT. Will the gentleman permit an interruption?

Mr. WEEKS. I will.

Mr. BARTHOLDT. If this investigation can prove that a certain material is better adapted for construction purposes than another, is cheaper, more valuable, easy to operate, and if the Government of the United States should make use of that knowledge and in the erection of its public buildings should make use of that new material, does not the gentleman think that we are serving a public purpose, particularly in view of the fact that we construct about $20,000,000 worth of public buildings every year, and some plan might be devised by which we could save some money, and if we save only 10 per cent of this $20,000,000, there would be a saving of $2,000,000 in the buildings we are to authorize in the very near future, if our hopes be realized?

Mr. WEEKS. I will admit that there may be some materials tested which will be a public benefit; but failing to make this appropriation does not destroy that public purpose. There are other testing plants owned by the Government, and it is contrary to good public policy for the Government to maintain the same kind of operations under two Departments of the Government. The Government does not test its own material at St. Louis. If an individual has any kind of building material which he wants tested, he can send it to a Government plant which is now in operation, which is not being worked to its full capacity, and can have that test made at cost. It is not right that the Government should be asked to furnish money as well as machinery to do this testing. If it puts its plant at the disposal of corporations and individuals, they should at least pay the cost.

Now, as to the merits of the point of order. The law requires that this testing shall be completed in 1906. I believe the Committee on Appropriations had no authority to insert in the present bill that it was a continuation of any provision of any appropriation, for it is not authorized by any existing law.

The CHAIRMAN. The Chair will state that, in ruling on this proposition, the ruling is made regretfully. The Chair believes this to be a very meritorious measure, and one that ought to be enacted into law in order that it may be properly appropriated for. The Chair is constrained, however, to sustain the point of order on the legal question involved, for the following reasons: In the opinion of the Chair a good part of the difficulty has arisen because of a confusion of terms. The two terms "the United States" and the "national domain" have been greatly confused, in the opinion of the Chair, not only by the House but by the Department, and the Geological Survey itself in times past. If we read these lines carefully, we see here this language: "For the continuation of the investigation of structural materials of 'the United States.'" Now, what does that mean? Does that mean structural material belonging to the United States? In the opinion of the Chair it does mean that; and therefore can have reference only to the structural materials on the national domain, because they alone belong to the United States. But the construction that gentlemen who are the proponents of this proposition place upon it is, that it means all materials belonging to everybody in the United States, throughout the whole United States. Now the Chair desires to call attention to the fact that the gentleman from Ohio has said, that the gentleman from Illinois [Mr. MADDEN] has said, and that all the other gentlemen who have participated in the discussion have said, that this investigation does not have reference to the materials found upon the national domain alone, therefore owned by the United States, but that it does have reference to the material of private individuals anywhere in the United States. The Chair desires therefore to call attention to the organic act conferring power upon the Geological Survey and defining the authority of the Geological Surveyor. The Chair desires especially to call attention to these words, and wants the committee to hear:

> And that the Director and members of the Geological Survey shall have no personal or private interest in the lands or mineral wealth of the region under survey, and shall *execute* no *survey* or *examination* for *private parties or corporations.*

There is an express prohibition. And why was it put in there? Manifestly because under this original act the only materials of this kind that were to be investigated were the materials *of the United States*—that is, *belonging to* the United States. In other words, materials that were on the public domain or the national domain. Therefore when this organic act was passed, it said squarely that only those materials which *belonged to the United States* should be investigated; but not only that, but that no materials belonging to private individuals or to corporations should be investigated; an express prohibition, an express inhibition, and therefore, in the opinion of the Chair, the point of order would have to be sustained on that ground alone.

Mr. NORRIS rose.

The CHAIRMAN. Does the gentleman from Nebraska want to say something?

Mr. NORRIS. I was waiting for the Chair to finish.

The CHAIRMAN. In the further opinion of the Chair, this point of order should be sustained because it is not a public work in progress, as the Chair believes. The Chair believes it is not one of those fixed and definite objects that can be completed, but would go on forever without completion.

> Stones, clays, cements, etc.

In that connection, the Chair might incidentally remark that cement is not a structural material of the United States, but is a compound, and the Chair thinks clearly that this would have reference only to those articles of building material, structural material, found in the earth. But be that as it may, the Chair is of the opinion that it is not one of those fixed and definite objects within the meaning of the law, within the meaning of our rules, that can be appropriated for.

Now, it is quite evident that Congress has not heretofore believed it to be one of those continuing objects, and it is quite evident that the gentlemen who propose this item do not believe it to be a continuing work in progress within the meaning of the law. Last year in the sundry civil appropriation bill this clause was embodied:

> For the continuation and completion on or before July 1, 1906.

Now, the Chair does not believe that that precludes another appropriation, but that it is simply descriptive of that act, and therefore the Chair calls attention to it only for this purpose, that Congress at that time probably thought it was a work which might be completed. But now gentlemen come up with the statement that it is not a work that can be completed for the $7,500 then asked for, but ask for a further appropriation of $50,000, showing conclusively, in the opinion of the Chair, that the gentlemen who framed this bill believed it was not a work which could be completed, but that it would go on indefinitely and with an increasing appropriation. Now, it was evidently the intention of the Congress that framed this law originally to have the structurals of the United States, or those mentioned in the succeeding paragraph, coal, and so forth, belonging to the United States, to be investigated, and not belonging to private individuals, because it says squarely in the organic act that no investigation or examination shall be made for private parties or corporations, evidently having in view that only those materials which belong to the United States should be investigated by the United States and at the expense of the United States. Therefore the Chair is clearly of the opinion that this is obnoxious to the rule; and, regardless of the merits of the proposition, the Chair is compelled to sustain the point of order.

Mr. NORRIS. Mr. Chairman, I offer the following amendment.

Mr. BARTHOLDT. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Missouri appeals from the decision of the Chair.

Mr. DALZELL. Mr. Chairman, may I make a parliamentary inquiry first?

The CHAIRMAN. Certainly.

Mr. DALZELL. Am I right in concluding that the groundwork and foundation of the Chairman's ruling is that "national domain" and "public lands" are convertible terms under the act?

The CHAIRMAN. Oh, no; "national domain" and "public lands" are not convertible terms; but the Chair believes that the national domain has a well-defined meaning, and does not mean the whole United States. The gentleman from Pennsylvania yesterday argued that the "national domain" means the whole United States and all the States of the United States. The Chair has an entirely different opinion from that.

Mr. DALZELL. Because if that is so, then to hold the contrary means that the Geological Survey has no further functions and might as well be abolished.

The CHAIRMAN. The Chair is not responsible for the law.

Mr. DALZELL. It is only a question of order, and a question of this moment ought not to rest on the decision of a point of order.

The CHAIRMAN. The Chair is of the opinion that no Department of the Government ought to be permitted to encroach on the Treasury of the United States simply because it is of

the opinion that it ought to be done and is a meritorious work. Congress can pass a law authorizing these things expressly, and it is not for the Chair to pass on the merits of the controversy. The gentleman from Missouri has appealed from the decision of the Chair, and the question is——

Mr. WEEKS. Mr. Chairman, I would like to ask if the Chair did not recognize the gentleman from Nebraska [Mr. NORRIS] to offer an amendment, and, if he did, if the appeal is now in order?

The CHAIRMAN. The Chair would not seek to take an advantage of that character. The Chair wants to be fair about it, and the gentleman has the right to take the appeal. The question is, Shall the decision of the Chair stand as the decision of the committee?

The question was taken; and it was decided that the decision of the Chair should stand as the decision of the committee.

Mr. NORRIS. Mr. Chairman, I offer the following amendment.

Mr. GROSVENOR. A parliamentary question, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GROSVENOR. This bill seems to have been reported by the Committee on Appropriations. That is the label on the bill; but I should like to have the Chair tell me, with nine-tenths of the brains and four-fifths of the voting power against all these propositions, how they got here. [Laughter.]

Mr. CRUMPACKER. Does the gentleman think this bill ought to have a guardian ad litem?

Mr. GROSVENOR. Yes; or else the committee had. [Laughter.]

The CHAIRMAN. The Chair would refer the gentleman from Ohio to the Committee on Appropriations or to its various members. The Clerk will report the amendment.

The Clerk read as follows:

Insert a new paragraph on page 77, after line 7, as follows:
"For the continuation of the investigation of structural materials belonging to the United States, such as stone, clays, cement, etc., under the supervision of the Director of the United States Geological Survey, to be immediately available, $100,000."

Mr. TAWNEY. Mr. Chairman, I make the point of order that that is the identical question that has just been ruled upon, and further that it is new legislation.

The CHAIRMAN. Does the gentleman desire to be heard?

Mr. NORRIS. Mr. Chairman, I would like to call the attention of the Chair to the fact that the amendment as offered is a reenactment of the provision that went out on a point of order, but it obviates at least one of the reasons that the Chair has given for sustaining the point of order to that provision. As I understand it, one reason given by the Chair—and it seems to me a good reason, one that appeals to me as being substantial—is that the organic act provided that these tests must be made on property belonging to the United States.

The amendment is so framed that it confines it entirely and exclusively to the materials which do belong to the United States, and would not be subject to the criticism that the Chair found existed against the paragraph as it is in the bill, and it obviates the provision in the organic act which provides that no survey or test shall be made for private parties. In other words, it confines the appropriation entirely to the property of the United States. I do not care to discuss the other proposition contained, because it has been fully discussed and the Chair has passed upon it; but at least this amendment obviates the main objection given by the Chair for the decision just rendered.

Mr. TAWNEY. Mr. Chairman, I do not care to be heard on the point of order.

The CHAIRMAN. As everyone who has kept pace with this legislation understands, there are several very fine distinctions constantly being raised by these points of order on these paragraphs. The Chair is of the opinion that the amendment offered by the gentleman from Nebraska is in order and not subject to a point of order. That paragraph reads as follows:

For the continuation of investigation of structural materials belonging to the United States—

Having reference to the materials on the national domain, which alone belongs to the United States, and therefore brings it within the act, in the opinion of the Chair. Further it says:

For the continuation of the investigation of structural materials belonging to the United States, such as stone, clays, cement, etc.

Heretofore the appropriation was for these materials of the United States. Now, the Chair does not know, as a matter of fact, but what there are in progress investigations and examinations of the structural materials on the public domain belonging to the United States, but taking into consideration what is meant now by the national domain, the public domain, the Chair is not inclined to hold that the structural materials to be investigated on the national domain are of such an extensive nature that it is not a work of progress to be completed within our rule.

Mr. MADDEN. Will the Chair be good enough to tell us what he holds the national domain to be?

The CHAIRMAN. The Chair has so often ruled on that proposition that he does not think it necessary to restate it at this time.

Mr. LITTAUER. Did not the Chairman in his decision cover the point that the appropriation of the current year was for the completion of this work?

Mr. GROSVENOR. Mr. Chairman, I just rose to ask that question.

Mr. LITTAUER. And that this is entirely new legislation and subject to a point of order?

The CHAIRMAN. No; the Chair thinks not, under the language of the new paragraph, for the continuation.

Mr. LITTAUER. Then I thoroughly misunderstood the Chair.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard?

Mr. GROSVENOR. The Chair held distinctly that the law had operated and was at an end in its operation which authorized the investigation of this structural material.

The CHAIRMAN. The Chair did not intend to hold that proposition at all.

Mr. GROSVENOR. The Chair will find by reference to the Reporter's notes, I think, that he did hold it, I respectfully submit.

The CHAIRMAN. The Chair thinks not. He thinks the gentleman is in error. The Chair said squarely that the mere fact that the words "for completion of" were incorporated in the last act did not preclude the committee from making this appropriation, and that the words "for the continuation," etc., were merely descriptive of that act. The Chair thinks those were the words employed.

Mr. SMITH of Iowa. The Chair, as I understood him, if the Chair will pardon me, in his former ruling held that cement was not such a subject as could be investigated under the organic law. That item is in this amendment.

Mr. OLMSTED. No, no; I think not.

Mr. SMITH of Iowa. And then I desire to make this further suggestion to the Chair, if the Chair will pardon me: I readily see that gentlemen, anxious to have their materials tested at Government expense, will cheerfully present to the Government of the United States cement and steel, and the mere fact that this amendment provides for the examination of property belonging to the United States does not carry with it the thought that the property is the product of the national domain of the United States.

Mr. KEIFER. Does the gentleman appeal from the decision of the Chair?

Mr. SMITH of Iowa. Oh, I have asked politely the Chair's permission to offer these suggestions, and so long as the Chair does not object, I think the gentleman from Ohio might with great grace remain silent.

The CHAIRMAN. The Chair will state to the gentleman from Iowa [Mr. SMITH] that the Chair would be much better satisfied with the amendment from a legal standpoint if it contained the express prohibition, as the Chair suggested in the other ruling, that none of this investigation was to be conducted for the benefit of private individuals, yet the language of the present amendment is not such, the Chair thinks, as to enable him to decide that it is the intention to conduct these examinations for the benefit of private individuals or private corporations.

Mr. LITTAUER. Right on that point there, if this is a continuation of examinations that have been going on, the experiments have been going on have been on the property of private individuals.

The CHAIRMAN. The Chair stated squarely that, in his opinion, these investigations had not been exclusively for private individuals, but a portion of them may have been for the United States, and of materials belonging to the United States, on the public domain, and that therefore, so far as this amendment was concerned, it might relate to them—a continuation of the investigation of those particular items which had heretofore been investigated. Does the gentleman from New York catch the point?

Mr. LITTAUER. Yes.

The CHAIRMAN. The Chair overrules the point of order.

Mr. TAWNEY. Mr. Chairman, under the language of this amendment there can be no material tested except material taken from the public domain. I will ask the gentleman who introduced the amendment if that is not the fact? Is it not a fact that under your amendment there can be no investiga-

tion of any building material other than that taken from the public domain?

Mr. NORRIS. Well, belonging to the United States.

Mr. TAWNEY. Or belonging to the United States.

Mr. NORRIS. That is true. I take it, however, that the Government may own a good many things that were not taken from the public domain. It might buy certain things, for instance.

Mr. TAWNEY. Yes. Mr. Chairman, it may buy for its public buildings material that may be tested. That being the case, it is not necessary that this appropriation should be $50,000 more than was recommended by the committee in favor of the investigation of material of the United States and the investigation of material belonging to individuals and for the benefit of private corporations, such investigations as are now carried on. Now, why is it necessary to increase the amount which the Geological Survey has this year for this purpose, which is $7,500 to $100,000. The testimony before the committee showed conclusively that all of these tests, with the exception of the few that the Government would have made, of material to be used in the construction of public buildings, would be made of material belonging to individuals and corporations and for their benefit. So far as the material of the Government of the United States or that material which it uses in the construction of buildings is concerned, we have to-day at the Watertown Arsenal, Mass., and have had since 1888, a testing plant that has answered every purpose. Unlike the Geological Survey, the War Department can make tests for private individuals, and is to-day making tests for private individuals and for private corporations at a charge equal to the cost of making those tests. This the Geological Survey is expressly prohibited from doing, as stated by the chairman in his ruling a moment ago.

Mr. MANN. Will the gentleman yield?

Mr. TAWNEY. Certainly.

Mr. MANN. Does not the gentleman know also that the Bureau of Standards, created by the Government for the express purpose of ascertaining the standards of various things, is also engaged in testing the standard or strength of materials of the different departments of the Government, and is equipped for that purpose?

Mr. TAWNEY. I will say that I do know that, and I will state further that the Bureau of Standards is testing the material to-day that is going into the construction of the office building of the House of Representatives. Now, if this is to be a purely governmental testing plant for the purpose of testing and investigating the tensile strength of the structural material used by the Government of the United States in connection with its buildings, we have to-day two plants of that kind erected for that purpose, and which are being maintained and appropriated for annually and operated for that purpose.

Mr. MADDEN. Does not the gentleman know that the Agricultural Department is making tests in various kinds of lines, too?

Mr. TAWNEY. The Agricultural Department, I will say, is also engaged in making tests. The Bureau of Forestry in the Agricultural Department is making tests of building material such as I referred to. This idea of another testing plant originated in the Geological Survey, with the idea of grafting it upon the Geological Survey, thereby giving the Government three bureaus under which these tests can be made, and necessitating appropriations for the operation and maintenance of three plants for the doing of the same work. At the Watertown Arsenal, as I said before, tests are now made for individuals and corporations at their expense.

I am advised by the man in charge of the Watertown Arsenal that they have this year tested building material in sixteen of the States, and they have tested building material in forty-four of the States. They publish annually a book almost as thick as that, and almost that size [indicating], showing the official tests of structural material that are made by the testing machines in the Watertown Arsenal testing plant. I might say, also, that we have at the Watertown Arsenal the largest testing machine in the world. It is considered to be one of the most perfect testing machines. With it you can test the tensile strength of a shaft 6 inches in diameter and 10 feet in length, and this machine will also test the tensile strength of a horsehair, and accurately register the strength of each. That machine was purchased in 1888, at a cost of $250,000. They have also a laboratory in connection with that testing plant. They are thoroughly equipped for the testing of all building material, and for the last six years have been conducting tests of reenforced cement; and if any gentleman has read the testimony before the Committee on Appropriations on this subject he will see that the primary object for which this appropriation was desired by the Geological Survey was for the purpose of solving problems, as they said, with respect to the strength of reenforced cement. And the Watertown Arsenal is to-day conducting that same experiment, solving those same problems, and testing this same structural material. Mr. Chairman, what is the necessity of adding to another bureau of the Government, with all of the necessary machinery, including this board of scientific engineers of thirty-nine men, that I referred to yesterday? This board Mr. Holmes, of the Geological Survey, testified was created for the purpose of acting and consulting with the Geological Survey in the making of these tests, to be paid at the rate of $5 a day for actual services.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to inquire of the gentleman from Minnesota [Mr. TAWNEY], who has just taken his seat, how much we have appropriated for, say, several years back, for this purpose, and how much is carried in this bill?

Mr. TAWNEY. Fifteen thousand dollars is carried in this bill for the Watertown Arsenal testing plant, and the officer in charge of that testing plant says that it has a capacity for doing four times the amount of work they are doing now and that there are demands for the doing of that much work and that it could do it if the appropriation was large enough to enable them to do it.

Mr. GAINES of Tennessee. How much was carried in the last bill previous to this?

Mr. TAWNEY. Fifteen thousand dollars.

Mr. GAINES of Tennessee. How much in the year previous to that?

Mr. TAWNEY. Fifteen thousand dollars for a number of years back.

Mr. GAINES of Tennessee. How much is it proposed now to increase that?

Mr. TAWNEY. Not at all.

Mr. SMITH of Kentucky. I think the gentleman is mistaken in regard to that. It is proposed to increase that a hundred thousand dollars, is it not?

Mr. TAWNEY. No; they do not propose to increase this appropriation for the Watertown Arsenal at all, but they propose to appropriate $100,000 for the creation of a new testing plant, to be operated in conjunction with the Geological Survey, a wholly unnecessary expenditure. The only ground upon which you can justify the establishment of a testing plant by the Government is to test material consumed by the Government in the construction of public buildings and other public works. For this purpose we now have two testing plants—the Bureau of Standards and the testing plant at the Watertown Arsenal, in Massachusetts. The establishment of another in connection with the Geological Survey is absurd, unnecessary, and an extravagant expenditure of public money. The two testing plants we now have are fulfilling the only necessity the Government has for any plant of this kind. This amendment should, therefore, be defeated.

Mr. GAINES of Tennessee. To do the same kind of work that the Geological Survey is now doing? Let me understand the gentleman, please. I think I can catch what he says. The gentleman states propositions very clearly. We have appropriated $15,000 per year heretofore for carrying on this examination, and now you propose to appropriate more money for the same purpose, to create other establishments, to enlarge the work.

Mr. LITTAUER. One hundred thousand dollars.

Mr. TAWNEY. One hundred thousand dollars.

Mr. GAINES of Tennessee. Make a clear increase of $100,000 for this purpose?

Mr. TAWNEY. For the next fiscal year, to be increased hereafter as the Bureau and the testing plant grows; and under this provision, in order that a corporation or private parties that want their material tested may get that test made by the Government for nothing, the owner of the material would make a present of the material to the Government, and then the Government could test it, because it would then be the property of the Government, and by this subterfuge they would defeat the organic law creating the Geological Survey as well as this amendment, which prohibits them from making any tests of material except from the public domain or for individuals or corporations.

Mr. GAINES of Tennessee. Are they making tests for individuals?

Mr. TAWNEY They are.

Mr. GAINES of Tennessee. Is not that in disobedience of the law?

Mr. TAWNEY. Under the organic law they are expressly prohibited from making tests for private individuals or corporations.

Mr. GAINES of Tennessee. And if they are making them they are making them in disobedience to that law?

Mr. TAWNEY. They are testing material for coal companies, coking companies, and for structural material companies, for engineers and for architects. Now, the gentleman can draw his own conclusion.

Mr. GAINES of Tennessee. As I have always understood, the Government has had its own testing plant and experts in these matters. That is my information.

Mr. TAWNEY. I will read to the gentleman from the testimony taken before the committee. It appears on page 576:

The CHAIRMAN. Are the tests which they make sufficient to meet the requirements of the public in the localities in which these local buildings are being constructed?

Mr. HOLMES. The architects and engineers, Mr. Chairman, say they are not; and I may say, in part response to your remark, and to make clear what I want to say in explanation, that there has been appointed by the several engineer societies of the country during the past three years a standing committee to bring together the results of all tests which might be found satisfactory in giving correct information, which the architects and the builders in the country really need.

That committee has gone very carefully over the tests which have been made in one way or another in this country during the past twenty years; and they have come to the conclusion, as expressed by themselves, that hardly any of these tests have any value as giving specific information to the architect or the engineer which is of service to him to-day.

Then the chairman asked him:

Is it not a fact, Mr. Holmes, that the means of making these tests are well known to engineers, architects, and scientific men—that is, how to make the tests is known to all of you?

Mr. HOLMES. There is a good deal of difference of opinion, Mr. Chairman, about that.

I had the testimony marked in one place where they are making tests of coal for the benefit of the coking companies of Pennsylvania. The process is this: When there is a large building contemplated, the individual owner or corporation, when it is proposed to build that structure, calls upon these consulting engineers, one of whom appeared before the committee, for their opinion as to the best material to be used in the construction of that building. Before that material is accepted it must stand a certain test.

Mr. GAINES of Tennessee. Whose building is this you are talking about?

Mr. TAWNEY. A building that may be owned by a private individual or corporation.

Mr. GAINES of Tennessee. Who is paying this officer—the Government?

Mr. TAWNEY. The Government pays the man making the tests; the consulting engineers are paid by the owner of the building; but their opinion is based upon the results of the Government tests.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I ask for two minutes more; I want to get a little more light on this subject.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Mr. Chairman, I am willing to help my fellow-men and countrymen wherever I can legally. I am glad to aid wherever we can aid. If Congress has the power to do this, the question is, Is it wise policy to do it? Now, I submit in all candor that the Government of the United States is going beyond the duties of the Government of the United States to the people of the United States when it takes the money out of the Treasury—tax money—and the Treasury is low enough in funds, and you know that we will need all that we have there, and take this money and go and examine the coal for a coal-mining company, and the clays for another company, and the steel material, and any other thing that a private concern or private individual is connected with and test that. I say the time has come when we ought to put a stop to it. Gentlemen, in all candor are we not going to such a point that the first thing we know we will employ some one to go down and try to teach somebody how to set a hen, and the kind of eggs to use, and directly will have somebody instructing us whether we should mark them in red ink or with charcoal and examine to see whether the chickens will be cross-eyed or not, and all sorts of things that ought not to be done by the Federal Government? I have no objection to the test of material being made where the Government wants to use it or to experiment for the public. I am not surprised that gentlemen, from that standpoint, are endeavoring to preserve the Treasury from profligacy when we have the great strain on it, such as the Panama Canal, rivers and harbors, and other things. An effort is now made to increase this appropriation, and I am satisfied is offered in perfectly good faith, but to help out some community or some individual. That, it seems to me, is unwise—the kindness and generosity of the Government run mad.

Mr. NORRIS. As far as the amount named in the amendment is concerned, it is possible that it ought to be changed. I confess that upon that particular point I have no objection, as far as the amount is concerned, to its being cut down to the amount originally named by the committee in the bill as reported here. But, in the first place, I want to disabuse the mind of my friend from Tennessee and the minds of all others who may think as he does that this appropriation is for the purpose of any particular set of men or for any particular locality. No appropriation that has been made in this Congress will more greatly redound to the benefit of the people of the entire country than will this appropriation, if this amendment is carried. It is a peculiar thing that the Committee on Appropriations of this House have become so wonderfully virtuous since reporting this bill. They themselves put into the bill an item of $50,000 for this purpose, which they have been instrumental in getting out on a point of order, and they are still trying to keep out an amendment that practically puts the paragraph back into the bill. If it is wrong now, it was wrong when the committee framed the bill and put this item in it. In my judgment, Mr. Chairman, the benefit that is to come to the country will be mainly from the tests made by the Government upon the building materials that it owns and that are found upon its lands. I want to pause right here to answer something that the chairman of the Committee on Appropriations referred to. He referred to a whole lot of different departments that he desired us to believe were making tests along the same line. It is true they are making tests. The Agricultural Department is making tests in forestry, and we want them to keep on making tests. He gave the impression, when the gentleman from Tennessee asked about experiment stations, that the investigation and experiments contemplated by my amendment were amply provided for by the appropriation for tests at Watertown, when, as a matter of fact, the $15,000 item for tests at Watertown is something absolutely independent of this particular provision, and on a different page in the bill, having nothing to do with this any more than the flowers that bloom in the springtime.

Mr. GAINES of Tennessee. What does your amendment propose to do?

Mr. NORRIS. My amendment practically puts back lines 9, 10, 11, and 12, of page 77, of the bill.

Mr. GAINES of Tennessee. What are the words?

Mr. NORRIS (reading):

For the continuation of the investigation of structural materials belonging to the United States, such as stone, clays, cement, etc., under the supervision of the Director of the United States Geological Survey, to be immediately available, $100,000.

Mr. GAINES of Tennessee. Will the gentleman indulge me a minute?

Mr. NORRIS. Yes.

Mr. GAINES of Tennessee. Is that to investigate public property belonging to the United States Government?

Mr. NORRIS. Certainly.

Mr. GAINES of Tennessee. And for the United States Government?

Mr. NORRIS. Owned by the United States Government.

Mr. GAINES of Tennessee. And for the Government of the United States?

Mr. NORRIS. For the Government of the United States, and incidentally for everybody in the United States.

Mr. GAINES of Tennessee. The gentleman from Minnesota [Mr. TAWNEY] says we have plenty of money to do that. Now, why do you ask for more?

Mr. NORRIS. As I said, I have no objection to putting it back to $50,000, but the gentleman from Minnesota does not want anything. He wants to take it all out.

Mr. GAINES of Tennessee. I did not so understand the gentleman.

Mr. NORRIS. I put in a hundred thousand dollars, because the committee, it seemed to me, were unjustly cutting down a whole lot of items for the work of the Geological Survey, and I made it large enough. I have no objection to its being put back to $50,000.

Mr. GAINES of Tennessee. Will the gentleman allow me to ask him another question?

Mr. NORRIS. Not in my time. I do not care to do that.

Mr. GAINES of Tennessee. Go ahead.

Mr. NORRIS. Now, Mr. Chairman, one of the principal things coming out of this investigation, and that has already come, is the advancement of knowledge with reference to build-

ing materials—cement, perhaps, more than any other. Lumber is high and has been getting higher all the time. Men are seeking all over the country for some other material to take its place in building, and recent investigations by private parties, and also by the Government, have developed the fact that there are wonderful possibilities in different materials, such as cements and kindred things, and the result is that on account of the investigation and the publicity given to the subject we will have something to take the place of the more expensive materials in building and other branches of industry. I had my attention called to a new material just the other day. The Department is experimenting with it and it promises to equal cement and is much cheaper. This Department is making it easier and cheaper for our people to build houses, and——

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORRIS. I ask for about three minutes more.

Mr. TAWNEY. Mr. Chairman, I shall have to object to further extensions of time, because we want to get through with the bill.

Mr. NORRIS. All right.

Mr. KEIFER. Mr. Chairman, I would not take the floor again to support my Committee on Appropriations but for some criticisms that have been made in the iregular discussions that have been going on in the last few days against certain public officers—the Director of the Survey, and also a very distinguished professor, who the chairman of the Committee on Appropriations thinks ought to have been asleep on duty instead of being actively interested in the business that they are officially chosen to carry on. All the criticisms on the Director of the Survey have been mere criticisms on his enthusiasm to do and vigorously prosecute the work that he has been selected to do; and there has been no criticism that he neglected his duty in any respect. The same may be said of the criticisms of the chairman of the committee of Professor Holmes, who, I believe, is engaged mainly in the investigation of structural materials and fuel. He wanted the country to understand the great importance of the work he was engaged in, and he has made the country, I hope, understand it, as well as Members of Congress. He had a perfect right to answer letters from the gentleman's district from distinguished educators there. I protest against gentlemen coming on the floor of the House and assailing a man, or an official, who can not open his voice in his defense.

Mr. TAWNEY. Does the gentleman from Ohio justify the action of Professor Holmes in emasculating a letter of mine?

Mr. KEIFER. That is an issue I do not propose to take up between the gentlemen.

Mr. DALZELL. I propose later on to say something on that subject. Professor Holmes denies that he did any such thing, and I have a letter from him on that subject, and I have also had a conversation with him.

Mr. TAWNEY. I haven't any doubt that the gentleman has a letter from him.

Mr. DALZELL. I advise the gentleman to go carefully on that question. I shall have something to say about it later on.

Mr. KEIFER. Mr. Chairman, I do not enter into that controversy. It is not necessary for me to do that.

Mr. SMITH of Kentucky. Mr. Chairman, I make the point of order that the Holmes matter has nothing to do with this amendment.

Mr. KEIFER. That is all right; Professor Holmes was assaulted yesterday when he had no opportunity to answer, and I think I may properly offer a word in his defense. Now, there was a great deal said by the chairman about having a plant in Watertown, Mass., that was doing this very same work. I say to the committee that the plant at Watertown has no duty at all connected with the work of investigating structural materials or fuel, and it is so provided in this very bill, in which we make an appropriation of only $15,000 to continue the plant. It is stated in this bill precisely what may be done at Watertown, and it will be seen that there is nothing required to be there done that we are now trying to provide for. Let me read the clause of the bill that relates to it.

> Testing machines, Watertown Arsenal: For the necessary professional and skilled labor, purchase of materials, tools, and appliances for operating the testing machines, for investigative test and tests of United States material for constructions, and for instruments and materials for operating the chemical laboratory in connection therewith, and for maintenance of the establishment, $15,000.

Now, the test thus provided is limited to "United States material for construction," and has nothing to do with the general testing of structural materials belonging to the United States which is for the general benefit of the whole country. But gentlemen say that this testing of material is an expensive thing. In my opinion, if we pass a public-building bill in a day or two, as we are likely to, where we are going to appropriate $10,000,000, or more, if we put in this appropriation, and the tests are faithfully made, as they certainly will be, we will save ten times over the amount of the appropriation now proposed in the construction of the public buildings we will authorize to be erected all over the country.

Mr. BARTHOLDT. Mr. Chairman, I move to strike out the last word.

Mr. TAWNEY. Mr. Chairman, I move that all debate close in five minutes.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the pending paragraph and amendment close in five minutes.

The question was taken; and the motion was agreed to.

Mr. BARTHOLDT. Mr. Chairman, a petition was presented here a little while ago from the Chamber of Commerce of Pittsburg, in which they ask for the removal of this testing plant from the city of St. Louis to Pittsburg. That desire on their part is laudable. I have no doubt there are a large number of other cities that would like to have this plant. But the plant is now at the city of St. Louis, the buildings have been turned over to the Government, the machinery has been provided, and I hope if this item is approved by the committee such action will be construed to mean that the intention of the lawmakers is that the plant is to remain where it is now, namely, in the city of St. Louis.

But, aside from that, Mr. Chairman, I desire to call the attention of the committee to the fact that this investigation is not being carried on for the purpose of developing any private property, as might be inferred from what has been said here. The investigation is carried on only to settle certain fundamental questions as to the relative merits of stone, brick, concrete, and other structural materials, and the use in the investigations of any special granite or limestone is incidental to the general purposes of the investigation. The question is as to what type of material and in what form these materials can be used to the best advantage and most economically by the Government. Through my connection with the Committee on Public Buildings and Grounds, I have become convinced, not only of the absolute necessity of continuing these investigations, but also of their great benefit to the people and to the country, and particularly to the Government itself. As has been stated by the gentleman from Ohio [Mr. KEIFER], if, under this present building bill which we are soon going to pass here, the better material should be used which has already been discovered for use in constructing buildings, we will save nearly $2,000,000—ten or twenty times the amount which this investigation costs—and since the total expenditure of the Government for public buildings and public works of all kinds is about two hundred millions in ten years, the members of the committee can themselves figure out how much saving this investigation will effect to the pockets of the taxpayers of the country. I hope that not only this item of $50,000 will be voted, but that the amendment of the gentleman from Nebraska [Mr. NORRIS], asking for an increase to $100,000, may be voted by this committee.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman yield to an inquiry?

Mr. BARTHOLDT. Yes.

Mr. GAINES of Tennessee. Will the distinguished chairman of the Committee on Public Buildings and Grounds tell us how much the Government of the United States expends annually in structural material in public buildings?

Mr. BARTHOLDT. How much the total is?

Mr. GAINES of Tennessee. Yes; for the material.

Mr. BARTHOLDT. I have a list here which shows that the total expenditures of the Government of the United States for public buildings of all kinds under the War and Navy, Treasury, and all other Departments of the Government was two hundred and two millions during the last decade. It is to be presumed that that amount will be largely increased during the next decade.

Mr. GAINES of Tennessee. Will the gentleman tell the committee how the increase in this appropriation is going to lessen the cost of that material? What has the examination about structural material to do with the cost of the material?

Mr. BARTHOLDT. Mr. Chairman, in answer to the gentleman's question, I will say that as a result of these investigations the cost of construction has already been lessened to the Government by the use of certain materials heretofore unknown, and I want to call the further attention of the committee to the fact that all other countries—all other civilized countries—carry on investigations of this kind, and it is time for the United States to follow suit and do the same, in order that better and cheaper building material may be used in the future.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTHOLDT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska, which, without objection, the Clerk will again report.

There was no objection; and the Clerk again reported the amendment.

The question was taken; and on a division (demanded by Mr. NORRIS) there were—ayes 36, noes 32.

Mr. TAWNEY. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed the gentleman from Minnesota, Mr. TAWNEY, and the gentleman from Nebraska, Mr. NORRIS, as tellers.

The House again divided; and the tellers reported—ayes 46, noes 36.

So the amendment was agreed to.

Mr. SMITH of Iowa. Mr. Chairman, I now move to strike out $100,000 and insert in lieu thereof $50,000, which the gentleman from Nebraska says he has no objection to.

Mr. KEIFER. Mr. Chairman, I make the point of order that that is not in order.

Mr. SMITH of Iowa. The amendment has been adopted and before the paragraph is passed I move to amend it.

Mr. KEIFER. Oh, but it is passed.

The CHAIRMAN. It seems to the Chair that the amendment having been adopted by the committee it is not now subject to amendment.

The Clerk read as follows:

For the continuation of the analyzing and testing of the coals, lignites, and other fuel substances of the United States, in order to determine their fuel values, and so forth, under the supervision of the Director of the United States Geological Survey, to be immediately available, $100,000.

Mr. LITTAUER. Mr. Chairman, I make the point of order against this paragraph. I contend that this paragraph is obnoxious primarily because it does not provide for matters which come properly within the scope of the Geological Survey, which by statutory provision is confined entirely to the examination of geological structures and mineral resources of the public domain, while this paragraph permits, and in fact has in the past, been applied almost entirely to analyzing and testing coals and lignites furnished by private individuals. Secondly, I contend that it is obnoxious to the rule of the House in that it is a change of existing law. The existing law covered by the item in the current appropriation bill is for the continuation and "completion at St. Louis, Mo., on or before July 1, 1906."

It is a change of existing law, in that these words are omitted from this paragraph in the bill under consideration. The current law makes it mandatory that the work be carried on at St. Louis, while the paragraph under consideration omits that mandatory requirement, and consequently permits the work to be carried on elsewhere or anywhere, thereby changing existing law. It is not in continuation of a public work which has been specifically provided for. It is not a public work in continuation in the ordinary acceptation of this term, but was specifically appropriated for continuation and completion at St. Louis, Mo., before July 1, 1906, as I have heretofore stated.

Mr. BROOKS of Colorado. Mr. Chairman, in reply to the point of order, I beg to submit with reference to this paragraph the same objection does not obtain which obtained as to the foregoing paragraph; that this refers plainly to the fuels, coals, and lignites that are the property of the United States.

Mr. LITTAUER. Mr. Chairman, can I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BROOKS of Colorado. Yes.

Mr. LITTAUER. Under the operation of the law which is now current, does the gentleman mean to say that the coals and lignites examined are only such as are the property of the United States?

Mr. BROOKS of Colorado. I say that, speaking to the amendment and the record as it stands, the plain and obvious construction of the language is that it is the coals, lignites, and fuels of the United States—that is, belonging to the United States.

The CHAIRMAN. Will the gentleman from Colorado inform the Chair whether there is any difference, so far as the language of the statutes is concerned, between this paragraph and the preceding paragraph as printed in the bill?

Mr. BROOKS of Colorado. I think not. But, if the Chair please, it seems to me that if this were a piece of absolutely new legislation, if the paragraph had never appeared in any appropriation bill, it still would be obviously in order under the general organic act establishing the Geological Survey, which is meant purely for the development, for the examination, for the inspection and the classification of the mineral resources. I do not care to argue the point. I wanted simply to submit the proposition.

The CHAIRMAN. The present occupant of the chair is unable to differentiate between this paragraph and the preceding paragraph which was ruled out on the point of order. Therefore the Chair sustains the point of order.

Mr. BROOKS of Colorado. Mr. Chairman, I offer the following substitute.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 77, line 12, after the word "dollars," insert the following as a new paragraph:

"For the continuation of the analyzing and testing of the coals, lignites, and other minerals and fuel substances belonging to the United States, in order to determine their fuel value, and so forth, under the supervision of the Director of the United States Geological Survey, to be immediately available, $100,000."

Mr. SMITH of Iowa. Mr. Chairman, I raise the point of order. I do not desire to argue it except to call attention to the fact that these tests are not covered by the resolution of 1882, which was relied upon as sustaining a similar one with reference to the testing of structural material.

The CHAIRMAN. The resolution of 1882 was not relied upon. The question was ruled out as not being continuing law. It has not anything to do with it.

Mr. BROOKS of Colorado. As I understand the ruling of the Chair on a previous paragraph, the point was that the organic act of the survey limited operation to the property of the United States, and the amendment offered is clearly in line.

The CHAIRMAN. The organic act, which has already been referred to and quoted, provides for the examination of the geological structure and mineral resources and products of the national domain. It seems to the present occupant of the chair that that language is broad enough to cover fuel substances belonging to the United States. The Chair therefore overrules the point of order.

Mr. DALZELL. Mr. Chairman, I move to amend by striking out "$100,000" and inserting "$250,000."

Mr. BROOKS of Colorado. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DALZELL] offers an amendment to the amendment offered by the gentleman from Colorado [Mr. BROOKS], which the Clerk will report.

The Clerk read as follows:

Strike out "one hundred" and insert "two hundred and fifty;" so as to read "$250,000."

Mr. SMITH of Kentucky. Mr. Chairman, I did not understand that to be the amendment of the gentleman from Pennsylvania. I understood the gentleman to offer to make this $150,000.

Mr. DALZELL. Two hundred and fifty thousand dollars. I do not propose to occupy any time further than to say that last year's appropriation was $202,000, and the estimate, as furnished by the Geological Survey to the Appropriations Committee, called for $250,000. And the testimony given before the committee satisfies my mind that a very good reason was shown here, if we are to continue these tests and continue the force we have, and do efficient and economic work, it is necessary to have this amount of money.

Mr. LITTAUER. Will the gentleman point out where in the testimony is the part to which he refers?

Mr. DALZELL. I can not take this volume and pick out here and there.

Mr. SMITH of Iowa. The record shows, Mr. Chairman, that the total appropriation for this purpose at the St. Louis Exposition, to which the establishment of this testing plant was an adjunct, was $95,000. Last year, by assurance to the committee that this testing would be completed within twelve months, an increase was obtained from $95,000 to $202,000. At the end of the year, in place of reporting that they have completed these tests, as they had assured the committee they would, they demand $250,000 for the next fiscal year, or an amount far in excess of what they have asked for in the past. I want to say that whatever differences of opinion may have existed in the subcommittee in preparing this bill, as to the wisdom of continuing these tests that subcommittee was unanimous in the opinion that if this was to be a permanent affair, $100,000 was an abundance and all that under the circumstances ought to be given. This proposition is to-day making this practically a per-

manent branch of the public service, with a larger appropriation by nearly 25 per cent than was asked for it when that service was to be completed within twelve months. I certainly hope this House will not establish a precedent of giving $250,000 every year for the testing of fuels alone.

Mr. BROOKS of Colorado. I think, Mr. Chairman, that the gentleman from Minnesota himself has given the reason and the purpose for which the increased appropriation was asked, and that very little need be said. It is true that when this work began it began, as many other governmental operations begin, in a rather small way; but it very soon appeared from these experiments and particularly the experiments in briquetting and in rendering available the lower grades of fuel substances that they were of very great value to all the people of the United States, and they were of exceptionally great value to the Government of the United States itself as owning the large public domain in which these fuel reserves are located. So, very properly, and very aptly, last year the Geological Survey asked for a larger appropriation of $202,000; and they come back this year and make an explanation of the needs of the work and ask for $250,000. Now, this sum is a bagatelle. It is too small to be put into comparison with the immense importance of the work in the development of our fuel resources.

Mr. Chairman, in a single locality, and in a very small locality comparatively, the added value to the fuel resources of the United States resulting from making available previously unavailable lignites is many times the amount carried in this appropriation. There are thousands of miles, and I speak advisedly, under which there are low grades of lignites of hardly any value at the present time, but which, if the investigations——

Mr. LITTLEFIELD. Will the gentleman permit me to ask him what particular location is it where there is such an immense amount of value that has been developed as the result of these investigations and tests? Where is it located, and what is the amount?

Mr. BROOKS of Colorado. I did not say that at all. I said in very many sections throughout the country there are large quantities of very poor lignites which these experiments are showing to be available for fuel.

Mr. LITTLEFIELD. I beg the gentleman's pardon. He said that there were locations where these experiments had already developed thousands and thousands of dollars of value. I would like to know what in and where.

Mr. BROOKS of Colorado. I do not think the gentleman followed my feeble remarks.

Mr. LITTLEFIELD. I thought they were not feeble, but vigorous.

Mr. BROOKS of Colorado. What I meant to say was that these experiments are proving very valuable in demonstrating the adaptability of very low-grade coals to fuel purposes.

Mr. LITTLEFIELD. Can you point me any specific instance of that? What is the specific instance where the test was had? What are they; what have they developed; how much value, and in what place?

Mr. BROOKS of Colorado. I have not the figures; but it has been very great.

Mr. LITTLEFIELD. Give the place.

Mr. BROOKS of Colorado. If the gentleman will kindly allow me to explain, I will state to the gentleman that these low grades of coal, and sometimes even coal dust, can be briquetted at very small cost, so that they can be used and have a value for steam engines, coal for locomotives and furnaces, and very many other purposes where higher grades of coal heretofore have been used; and if the gentleman from Maine cares to go to the Geological Survey he can see the briquets and also the dust and the disintegrated coal from which the briquets are made.

Mr. LITTLEFIELD. Will the gentleman please state the place?

Mr. BROOKS of Colorado. I can not yield further; I have only a few moments.

Mr. LITTLEFIELD. Well, the gentleman has not yet stated the place where there has been this development.

Mr. BROOKS of Colorado. These low-grade coals exist in very large areas in several States of the West. They exist in Texas, in Kansas——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. I ask that the time of the gentleman be extended five minutes.

Mr. BROOKS of Colorado. I do not want to use so much; I would just like to finish this sentence. These areas exist in Kansas, in Iowa, in Texas, and in Colorado, in addition to very large areas of higher grade and more valuable coals; and the same processes apply to coal dust from the harder coals of Pennsylvania and the Allegheny Mountains.

Mr. CAMPBELL of Kansas. Was the time of the gentleman from Colorado extended five minutes?

The CHAIRMAN. It was not.

Mr. CAMPBELL of Kansas. I was hoping that it was. I wanted to ask him a question.

The CHAIRMAN. Does the gentleman ask to have it extended?

Mr. CAMPBELL of Kansas. I do.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the time of the gentleman from Colorado be extended five minutes. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. The gentleman from Colorado mentions Kansas as one of the places that has been benefited by these investigations. May I suggest to the gentleman that the Department for which this appropriation is now being made failed to discover a coke-bearing coal in Kansas, failed to find that the Kansas coal would make coke at all, and published to the world that the bituminous coals of that State would not make coke, in face of the fact that there is a large coking establishment in the State making coke there within that coal field, and in the face of the fact that the Department was offered coal from that district out of which to make tests at St. Louis?

Mr. LITTLEFIELD. Does the gentleman mean that they would not make them?

Mr. CAMPBELL of Kansas. I mean that they refused a carload of Coke from Cokedale.

Mr. BROOKS of Colorado. I did not yield for a speech. I do not know but there may have been a specific instance where these experiments were unsuccessful, but I do know that over very large areas they have been successful, and I am glad that the gentleman called my attention to the matter of coke, because there are many coals which were supposed to be noncoking which these experiments have proved to be coking coals, and if any gentleman is curious, Mr. Walcott will show him examples of the supposed noncoking coals which he has successfully treated and shown to be coking.

Mr. CAMPBELL of Kansas. But in this instance——

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Kansas?

Mr. BROOKS of Colorado. I yield to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. In this instance we were making coke in large quantities, and the Geological Survey said our coal was not a coking coal.

Mr. BROOKS of Colorado. I do not know anything about that specific instance, but for the purposes of the record I will admit all that the gentleman says.

Mr. LITTLEFIELD. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Maine?

Mr. BROOKS of Colorado. Yes.

Mr. LITTLEFIELD. I do not ask the question for the purpose of embarrassing the gentleman from Colorado, as I hope he understands.

Mr. BROOKS of Colorado. Certainly.

Mr. LITTLEFIELD. I want to get information of a detailed character in regard to the question. I am entirely uninformed about it. Is there any particular place where the Geological Survey have made practical tests and investigations and produced tangible, valuable results; and if so, where, so that we can get some notion of it?

Mr. BROOKS of Colorado. I shall be very glad to answer that question to the best of my ability.

Mr. DALZELL. May I call attention to just one item?

Mr. LITTLEFIELD. I shall be glad to get information from anywhere.

Mr. DALZELL. I call the gentleman's attention to the testimony of Mr. Holmes, who says:

> The result of our investigation shows that less than nine-tenths of a pound of coal was required to develop 1 horsepower for an hour, whereas for the new battle ship *New Jersey*, recently tried and about to be accepted, the best that could be done with marine steam boilers was the production of 1 horsepower with 2.2 pounds of coal.

Now, there is a result that may be estimated in dollars and cents.

Mr. LITTLEFIELD. That is one specific instance. Now, are there any others? I want to get information of what they are doing.

Mr. BROOKS of Colorado. In Colorado there are great deposits of lignite coal of varying quality, some very good, some

not so good, and some poor. Mr. Wolcott told me he had experimented with the coals from some of those poorer mines, where when the veins come to the top of the ground they are very shaley, and sometimes almost disintegrated, and found that he could make an excellent coal briquet from them, and he showed me the briquets which he said came from there. Of course that appealed to me at the time. I did not expect to speak upon this question when I came a little while ago, but I remember that specific instance. And in the same conversation and more than once he has mentioned to me half a dozen other places in the United States where similarly important results have been reached.

[The time of Mr. BROOKS of Colorado having expired, by unanimous consent it was extended one minute.]

Mr. BROOKS of Colorado. He cited numerous instances where the bituminous coal dust of Pennsylvania and of the Allegheny Mountains could be rendered available in the same way. He mentioned, also, the coals of Missouri. These experiments have only just started, and therefore it is natural that complete results in many instances have not yet been attained.

Mr. LITTLEFIELD. May I inquire this?

Mr. DIXON of Montana. Mr. Chairman——

Mr. BROOKS of Colorado. I yield to the gentleman from Montana.

Mr. DIXON of Montana. Mr. Chairman, I want to say to the gentleman from Maine——

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MONDELL. Mr. Chairman, had the item remained in the bill in its original form, I should have supported the committee as against any demand for an increase, believing that this work could be continued advantageously with an annual appropriation of $100,000. But, Mr. Chairman, the item has been amended and now relates only to coals belonging to the Government, coals on the public land, and as this seems to be the only way to secure any appropriation I shall support the amendment. I think it is not generally understood—and I would like to have the attention of the gentleman from Maine—how very extensive are the deposits of bituminous, anthracite, and semianthracite and lignite coals on the public lands. In my own State there are about 30,000 square miles, nearly one-third of our entire territory, underlaid with lignite and semi-bituminous coal.

In New Mexico there are several million acres underlaid with the best qualities of bituminous, anthracite, and semianthracite coal. In the Dakotas, in Montana, in Washington, in Oregon and elsewhere on the public lands there are very large areas of coal. In other words, the Government has to-day many millions of acres of coal lands.

Mr. DALZELL. Forty-five million acres.

Mr. MONDELL. The gentleman from Pennsylvania says 45,000,000 acres, and I think that is a conservative estimate. There may not be that many acres underlaid with valuable coal, but certainly on the entire public domain there is that amount of land underlaid with coal of some character.

Mr. LITTLEFIELD. Do I understand that the appropriation is confined to the development of coal owned by the Government?

Mr. MONDELL. Yes; as I understand the amendment, the appropriation will be confined to coal in which the Government is interested, and largely the coals upon the public land.

Mr. LITTLEFIELD. So the appropriation is not to be used for the purpose of developing private property?

Mr. MONDELL. It would have been used for the purpose of developing generally the coal and coal values of the country except for the point of order made against the original item of appropriation.

Mr. LITTLEFIELD. But under existing conditions it is simply Government property that it applies to?

Mr. MONDELL. Yes; I think so. Now, Mr. Chairman, this land is for sale by the Government at $20 an acre. The Government owns hundreds of millions of dollars' worth of coal lands. These lands, some of them, contain coal which is not of a high grade in its natural state, and some of the investigations of great value which have been made have been along the line of briquetting lignites and testing the use of lignites in locomotives and elsewhere under forced draft. A few years ago it was not thought that the lighter lignite coals could be used for locomotive purposes. The large per cent of water and volatile gases in these coals seemed to render them useless for locomotives, owing to the forced draft. Some years ago experiments were made with a view of utilizing lignites for locomotive purposes. One of the results is that in my own State mines, which a few years ago could only market their coal for stationary engines and domestic purposes, are now finding a good market on the railroads. The coals are being used successfully for locomotives, with the result that the Government has sold hundreds of acres of coal lands which otherwise it would not have sold. Such investigations and experiments as this have been and can be carried on under this appropriation. It has made possible the development of industries that could not otherwise have been developed. The question of briquetting coal, lignites, the waste of anthracite and bituminous coals, is a most important one. Up to the time that these investigations were undertaken we knew little in this country of the possibility of utilizing these fuels which generally go to waste. Valuable work has been done along these lines. It has been proven that many lignites can be successfully briquetted, and at a reasonable cost, a cost so low as to make them commercially valuable. They have proven that lignites, heretofore held of trifling value, can be made valuable by being utilized in gas-producing engines. It has been demonstrated that the waste of bituminous coal can be briquetted, and they desire to further investigate to learn whether the briquettes of lignite coals, made without a binder, can be waterproofed. This investigation has been exceedingly valuable in the examination of the coals of practically every section of the country.

I am surprised to hear the gentleman from Kansas [Mr. CAMPBELL] say that the gentleman in charge of this work refused to take coal from Kansas, because my experience is that they have sent notices out all over the country, have asked people to send coal, have sent men to the mines to superintend the loading of coal on the cars in order that they might examine a fair sample of the mine.

Mr. CAMPBELL of Kansas. Mr. Chairman, it is only fair that I state that we have a coal district that runs diagonally across the southeast corner of the State. One of the coal companies that was a subsidiary company of a railway that ran into St. Louis turned a carload of coal over to this department for tests as to its coke-bearing qualities. Everyone in the coal district knew that the coal from that section of the field was not a coke-bearing coal. The coke-bearing coal is in the southeast portion of the field, and they were offered a carload of coal from there, which they never used. They did make an official report, in which they declared that the field did not contain coke-bearing coal, whereas there is a large coke establishment in the field.

Mr. MONDELL. Mr. Chairman, I have no doubt that the coal that was tested from that field would not coke. They made such a report with regard to a particular field in my State, and I want to say to the gentleman that that report was valuable because it saved intending investors a considerable amount of money and led them to look for a market for that coal in another direction.

Mr. CAMPBELL of Kansas. It was unfair to that whole field to publish that it did not contain a coal that would make coke.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Chairman, in response to the question of the gentleman from Maine [Mr. LITTLEFIELD] as to the manner and where values have been shown to exist where values were not suspected or known before, I desire to submit the case of the augmented value and importance of the Texas lignite beds. As I said yesterday in the House when it was in a state of great confusion and when probably he and no one else heard what I said, we have no important coal deposits in the State of Texas. We have no high-grade coal so far discovered in that State. We do have vast deposits of lignites, or unmatured coal. Experiments made at St. Louis by the Geological Survey have shown that by the conversion of that lignite into gas, which is not an expensive process, and by the use of it in gas engines, which probably cost no more to install originally than coal-consuming engines, steam can be generated as cheaply as by the use of West Virginia and Pennsylvania coal. Now, that is of vast importance in a State like Texas, which is inadequately supplied with coal, and what is true of Texas is true of a great part of the West.

With reference to the observation made by the gentleman from Kansas [Mr. CAMPBELL], I have made inquiry and my information is that the report of the survey on the coal from Kansas was to the effect that it did not make satisfactory blast-furnace coke. That was in their report, I am informed. They do make coke in the vicinity of Pittsburg, Kans., which is entirely satisfactory for the smelting of zinc, the purpose to which it is mainly devoted, I believe, but it is not satisfactory for blast-furnace work. Mr. Chairman, I believe that the experiments conducted at St. Louis in the coal testing have added enough value to the lignite beds in two or three States in the West to justify the cost of the Geological Survey from the moment of its foundation down to the present time, and I do believe, and

I state this from observation, and close observation at that, of the plant in St. Louis, that there is no branch of the service which has been of so much practical, commercial benefit to the country at large as the coal testing, and I sincerely hope that the House will not only permit those tests to go on, but that it will extend the experiments whenever it may be necessary to make a showing of the latent business resources of the country.

Mr. TAWNEY. Mr. Chairman, I want to say a word in opposition to the amendment offered by the gentleman from Pennsylvania, increasing this appropriation from $100,000 to $250,000. This debate has served to illustrate the extent to which the Federal Government is asked to go in the matter of the expenditure of public money for the benefit and to promote the interests of private enterprise. The vote will no doubt show the power of private enterprise in the matter of controlling sufficient votes on both sides of the House to obtain any appropriation deemed necessary to enable the Government to do certain work these enterprises should do. The coal tests that have been conducted under the appropriations heretofore made, as testified to by Members of this House representing coal districts, have been tests of coal produced by private corporations and for the purpose of determining for their benefit the heat units or the relative units of heat which different coals produced by different producers contain. I want to ask gentleman of this House what governmental function is performed by the ascertainment of the relative heat units of coal produced by this man from this mine or of coal produced by another man from a different mine. When the gentleman in charge of these tests was before the committee one of the chief reasons he advanced for the $250,000 appropriation was the fact that these investigations were developing the utility of the by-products of coal. He also said that the results of these tests would materially enhance the profits of the coking companies of the United States.

Mr. Chairman, if we are going into the business of developing the relative values of natural products produced by different corporations, or into the business at the Government expense of investigating the by-products of great corporations in order to show how their profits may be increased by the utilization of these by-products, then, I submit, you can appropriate money for any purpose in the interest of any individual or in the interest of any corporation. When we once commence upon this plan of governmental development of private enterprise there is no point at which we can stop. The committee felt that in appropriating or recommending $100,000 for this purpose we were doing all that could be reasonably asked for the development of the coal deposits and the intrinsic value of the coal on the public domain. We did it in the hope that the investigation that was now going on might be completed during the next fiscal year in so far as the Government itself was interested in developing the fuel resources of the public domain. We did not intend that a dollar of that amount should be expended for the testing of coal at Government expense for private parties.

Mr. ADAMS. Mr. Chairman, if it is not a proper function of government to authorize some bureau or department to make scientific investigations to determine the value of coal, why is an appropriation made at all?

Mr. TAWNEY. Mr. Chairman, the gentleman evidently did not hear my statement. I don't think there ought to be any appropriation, but the majority of the Committee on Appropriations did not agree with me, and I agreed to stand by the $100,000 in favor of which the committee reported in the belief that that amount would be expended in determining the value of the coal and lignite that has been discovered on the public lands of the United States, which is the public domain, and that to that extent and to that extent alone could we justify the appropriation. Mr. Chairman, I know the tendency of the times is toward government aid to private enterprise. But it is wrong. It should be stopped. It is demoralizing the individual citizen and pauperizing the States. [Applause.]

Mr. Chairman, if my time is about to expire, I ask for five minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. TAWNEY. If you can justify the expenditure of this appropriation for the purpose of determining the value of coal mines, then you can justify the expenditure of the public money for the investigation of gold mines and silver mines. There is no distinction between the investigation and the development of a gold mine and a coal mine. And I repeat that it is not part of the business of this Government to engage in private enterprise. It is the duty of the Government, State and national, to govern and to allow the people under that government the opportunity of developing the resources of the nation. Beyond this the Government can not legitimately go. [Applause.]

Mr. DIXON of Montana. Mr. Chairman, in reply to an inquiry made by the gentleman from Maine a few minutes ago as to a specific case where this appropriation has resulted in the development of the coal fields of this country, I want to make a statement to this committee which I do not believe that many of the Members know at this time. As has been stated by my friend from Wyoming [Mr. MONDELL], in enumerating the great and vast fields of lignite in the western part of this country, the Director of the Geological Survey reports about 145,000 square miles of lignite. At the present time it is practically valueless. The Government yet owns 70,000 square miles of these lignite coal fields, that with the present treatment of the lignite coals renders them practically useless for commercial purposes. Under this appropriation heretofore made, I now state to the gentleman from Maine that during the investigation in St. Louis the Geological Survey did determine this one thing, that by taking the lignite coal, which at present is of no value or of little value, they have invented, I might say, an engine for driving the gas from the coal and using the gas directly in a gas engine. From these experiments they have determined that this use of the gas direct from the lignite coal produces two and one-half times the power that the best bituminous coal does in the old-fashioned way of making steam under a steam engine. They have determined that this great 150,000 square miles of lignite coal is equally as valuable for power purposes as the best coals in western Virginia or western Pennsylvania. This is one thing these gentlemen have performed with the bagatelle that has been appropriated here for the past three years. [Applause.]

Mr. TAWNEY. I move that the debate close on this amendment.

Mr. GROSVENOR rose.

Mr. TAWNEY. How much time does the gentleman from Ohio desire?

Mr. GROSVENOR. I would not want to belittle myself by speaking less than ten minutes. [Laughter.]

Mr. TAWNEY. I move that the debate close in ten minutes, and that the time be allowed to the gentleman from Ohio.

The CHAIRMAN. The gentleman can not make that motion.

Mr. BROOKS of Colorado. I will ask the gentleman from Minnesota——

Mr. TAWNEY. We will have to close the debate on this.

Mr. BROOKS of Colorado. As a substitute to the motion of the gentleman from Minnesota, Mr. Chairman, I move that the debate on the pending paragraph be closed in twenty-five minutes.

The CHAIRMAN. The gentleman from Colorado moves to amend the motion of the gentleman from Minnesota by inserting "twenty-five minutes" in place of "ten minutes;" so that the debate will close in twenty-five minutes. The question is on the amendment.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. BROOKS of Colorado. Division, Mr. Chairman.

The House divided; and there were—ayes 34, noes 50.

So the amendment was rejected.

The CHAIRMAN. The question recurs on the motion of the gentleman from Minnesota to close the debate upon this paragraph and amendments thereto in ten minutes.

The question was taken; and the motion was agreed to.

Mr. GROSVENOR. Mr. Chairman, I will only use five minutes. It is my opinion that the distinguished chairman of the Committee on Appropriations is mistaken in his estimate of the public importance of the investigation provided for in the amendment offered by the gentleman from Pennsylvania. I would not advocate this proposition if I thought that the benefit, in a whole or in a majority, to go from it was to go to private individuals or private corporations.

I represent a district in which upward of 40 per cent of the good grade of coal production of Ohio is mined. It is a coal and of a condition that needs no aid from the Government. All the tests necessary for the establishment of the character of what is called the Hocking and Sunday Creek coal have already been established, and I have no interest in this resolution. But, Mr. Chairman, the question of the coal supply of the United States is a very grave and serious one. So much so that I learn with great interest the fact that it is proposed very shortly, as appears by the newspaper press—I have not time to have it read—that it is the purpose of the Government, the Executive Department, to ask legislation at the hands of Congress during this Congress to prevent the acquisition of the title to any of the 40,000,000 acres of coal and oil lands now belonging to the Government of the United States by private

parties for the purpose of holding on to, in the interest of the public, all the remaining deposits of coal.

Not many years ago, Mr. Chairman, within the memory of the gentleman from Minnesota, we had a condition in regard to the production of coal in the United States that was extremely suggestive to the people of the United States. The fathering of one of the great developments of anthracite by a great combination of operators, precipitating a strike among the producers of the coal in the other deposits of the country which brought to the mind of the people of this country that there could not be too much coal and that there could not be too great an understanding of the character of the coal.

Why, Mr. Chairman, the Government of the United States has tested over and over again—that is, often—the character of the coal deposits. It was the Government of the United States that made known to the owners of merchant ships—the few that we have—the character of what is called "Pocahontas coal;" and it has come about that every trial of every war ship of the United States and every great merchant ship is carried on specifically under the provision that the test shall be made by Pocahontas coal or its equivalent.

Mr. TAWNEY. Will the gentleman permit me to interrupt him?

Mr. GROSVENOR. Certainly.

Mr. TAWNEY. Are you aware of the fact that the Navy made these tests, and that the Navy has a coal-testing plant, and wherever there is new coal discovered anywhere in the world samples of those coals are submitted to the Navy and the Navy makes the test; and they made the test that developed the value of Pocahontas coal?

Mr. GROSVENOR. I know that, and have had occasion, growing out of my interest in a discovery in my own district long ago, and a discovery made by some young men in West Virginia in whom I felt an interest, to know that the Navy Department had made the test that the gentleman has spoken of. But at the same time, in connection with this mutilated department, that we are apparently assailing from every direction, and which I hope will be either redeemed from the operations of the Committee on Appropriations or abolished, I think that this extensive and widely disseminated interest can be better looked after than it can be in the Navy Department.

Mr. TAWNEY. Will the gentleman pardon me again?

Mr. GROSVENOR. Yes.

Mr. TAWNEY. Does he not think this is simply a duplication of service in respect to the testing of coal in the United States?

Mr. GROSVENOR. Now, if the gentleman while at the head of this committee, and I trust that he may be for a long time—several Congresses—will get rid of duplication in all Departments with as much vigor as he is trying to get rid of it in this, I will say "amen" to his efforts.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TAWNEY. Division, Mr. Chairman.

The committee divided; and there were—ayes 57, noes 44.

Mr. TAWNEY. Tellers, Mr. Chairman.

Tellers were ordered.

Mr. TAWNEY. May I ask unanimous consent that the amendment be again reported, so that Members may know what they are voting on?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment to the amendment was again reported.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Pennsylvania [Mr. DALZELL] will take their places as tellers.

The committee again divided; and tellers reported—ayes 83, noes 45.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment as amended. The Clerk will report the amendment as amended.

The amendment as amended was read.

The CHAIRMAN. The question is on the amendment as amended.

The question was taken; and the amendment as amended was agreed to.

The Clerk read as follows:

For continuation of the survey of the public lands that have been or may hereafter be designated as forest reserves, $100,000, to be immediately available.

Mr. GILLETT of California. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 77, in line 21, strike out "one hundred" and insert in lieu thereof "one hundred and thirty."

The CHAIRMAN. The question is on the amendment.

Mr. GILLETT of California. Mr. Chairman, I present this amendment because I believe that it is necessary that the large area now included in our forest reserves should be surveyed as quickly as possible, to enable the Agricultural Department properly to handle it and to protect the interests of the people living in the immediate vicinity of these forest reserves.

At the present time our forest reserves embrace about 100,000,000 acres of land. Of this amount, about 44,000,000 acres have been mapped and surveyed. Within the last year we added about 36,000 square miles of territory—timbered land—to our forest reserves, and we have surveyed only about 7,824 square miles. At the present time there is a demand upon the Geological Survey for a survey of over 3,000 additional square miles. Now, if we are to realize anything out of the forest reserves by the sale of the timber or by the leasing of the land for grazing purposes, it is very important that the boundaries should be marked. At present these boundaries are uncertain. A great many of the lines run through the mountains, where the surveys are very incomplete, and it is the purpose of the Government so to mark the boundary lines that people can readily know where they are and whether or not they are trespassing upon the public lands. Now, upon these forest reserves there are supervisors and rangers, placed there by the Government for the purpose of protecting the lands from trespassers and those going upon them for grazing or for timber, and unless these boundaries are well fixed and plain there will be endless trouble, and perhaps people who go there innocently may be arrested.

I had some conversation with the head of the Bureau of Forestry in relation to this matter. I did so because I am much interested, and the people whom I represent are interested in this question. Nearly one-half the territory embraced in my Congressional district lies within forest reserves. I wanted to know just exactly the reason of the Department why they wanted this survey made quickly and without any unnecessary delay. At my request, Mr. Pinchot, of the Bureau of Forestry, made this statement, which I will read for the benefit of the Members of this House:

Decrease in the special fund appropriated for the mapping of forest reserves would have harmful results not only in still further delaying the mapping of reserves, but also in applying to reserve maps the scale of approximately one-half inch to the mile used by the Survey in its regular topographic work. A map of this small scale is of little use in the administration of forest reserves except for general reconnoissance purposes. A scale of at least 1 inch to the mile is usually required, while in many reserves where active work in timber sales and in forest planting is going on a scale of at least 2 inches to the mile is necessary.

To sum up, the fund hitherto appropriated for reserve mapping is already too small to provide promptly maps urgently needed for the development of the reserves. To reduce it still further would be to tie up the resources of the reserves correspondingly, for maps are absolutely essential to the development of these resources. Without them, in most cases development can not even begin. To take money from the fund for mapping the forest reserves would be to reduce the actual income from forest reserves by many times that amount. Without forest maps the reserves can not be made self-supporting.

[The time of Mr. GILLETT of California having expired, by unanimous consent it was extended three minutes.]

Mr. GILLETT of California. Now, Mr. Chairman, I desire to say that the appropriation made last year was for $130,000. I see no reason why the same appropriation should not be made for the coming year. The work is of vast importance. Large tracts of land have been segregated from the public domain, and it is necessary that we should know just exactly where we are. It is of importance that the boundary line should be run, and the Department having this work in charge insists that it shall be done as quickly as possible. It seems to me to be asking but little to increase the amount to what it was a year ago. I therefore ask the House to adopt this amendment to give to the Geological Survey the same amount of money appropriated last year, because it is necessary.

Mr. SMITH of Iowa. Mr. Chairman, I want to say a very few words in opposition to this amendment. The forest reserves of the United States constitute one-twentieth part of the total area of the United States. In other words, the other portion of the United States is nineteen times as large in area as the forest reserves.

The House has now fixed the appropriation for all the rest of the United States at $350,000 for the next year, and if we should give exactly the same proportion for the area of the forest reserves they would be entitled to $18,400. But the committee did not feel that it was possible to thus radically reduce this item so as to proceed regularly and uniformly with the forest reserves and the property outside of the forest reserves. We

have given the forest reserves in this bill five times as much, relatively, as is given to any other place in the United States, even by the amount fixed by the House increasing the appropriation fixed by the committee. Unless the House wants to carry on the work more than five times as fast as it is possible to carry it on by the appropriation fixed by the House in the topographical survey for the rest of the United States, this amendment ought not to pass.

Mr. TAWNEY. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be closed in eight minutes.

The CHAIRMAN. The gentleman moves that all debate on this paragraph and amendments thereto be closed in eight minutes.

The question was taken; and the motion was agreed to.

Mr. MONDELL. Mr. Chairman, I come from a region of country where we have large areas within forest reserves. I appreciate the value, the importance, and the necessity of these surveys within forest reserves. I think they should be prosecuted diligently, continuously to a conclusion, but I am of the opinion that the amount carried in the bill is sufficient to carry on the work as rapidly as it is necessary to carry it on in the interest of the public service, in the interest of the Government and of the people. It should be remembered that these surveys are topographical in their nature. The rectangular surveys within the forest reserves are made by the General Land Office, and when settlers go upon forest reserves and settle, and there is a necessity of surveying out the lands held by them, that work is executed by the General Land Office, under an appropriation of $400,000 for surveying the public lands.

Considerably less than one-half of the area now within the forest reserves has been surveyed. About 7,000 acres were surveyed last year under the appropriation of $130,000. In all probability about that area or a little less could be surveyed with the appropriation carried in the bill, and at that rate in about seven or eight years at the most we would have all the present forest reserve area surveyed and completely mapped with the appropriation as it now stands. In my opinion it is better to proceed steadily and continuously with this work, rather than attempt a large increase for a year or two and then possibly have a considerable reduction. The work can be done to the best advantage with an organization kept at about the same size all the time. My experience is that a largely increased appropriation forced from Congress is likely to be followed by a reduction below what the service actually requires. Therefore I am of the opinion that the amount should not be increased.

I want to call attention to the fact that it is quite possible to travel too fast in carrying out one of the purposes of this survey, and I think some work has been done in that line which might better have been somewhat delayed. This item is not only for survey of the lands within forest reserves, but of the boundaries of the forest reserves also. The boundaries of most of the forest reserves of the country are constantly being changed by the addition or elimination of territory. It will be many years before the proper boundaries of many of the forest reserves are definitely and finally settled. Until there is a definite and final settlement of the proper boundaries of forest reserves the boundaries should not be definitely surveyed and permanently monumented.

I know of one locality where the boundaries of a forest reserve were surveyed at considerable expense and where what was once the boundary is now public land for some distance, and at another part of the line the present is some distance beyond the former and marked boundary and does not indicate the present boundary of the reserve at all. This condition is very confusing, both to settlers and to the forestry service. That survey should have been delayed until the boundaries of the forest reserve were finally and definitely settled. That can only occur after careful investigation, after settlements have extended to the boundaries, and the proper limits of the reserve have been fixed, both in the interest of the people of the region and of the service.

Mr. GILLETT of California. Does the gentleman know how far the settlements extend to the boundaries of the public lands now set aside in California and Oregon?

Mr. MONDELL. The gentleman from Wyoming does not pretend to know what the boundaries of the forest reserves in California are, and neither does anyone else, I presume, know them all.

Mr. GILLETT of California. I want to say that that is just what we want to do, we want them pointed out so that a man need not be arrested for trespassing upon them.

Mr. MONDELL. I can not yield any further, because my time is limited. The ordinary blazing and marking of the boundaries, the ordinary marking of forest reserves to indicate the boundaries, so that settlers and stock growers may know where they are, this can, and is, done by the forestry guards, by the rangers, and can be done without an expensive, permanent survey and monumenting, which is proper and valuable when the reserves are finally and definitely defined. I doubt if there is a forest reserve in the United States to-day the boundaries of which will not be changed very considerably. There may be places where the time has now arrived——

Mr. GILLETT of California. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I can not yield now.

The CHAIRMAN. The gentleman declines to yield.

Mr. GILLETT of California. Then, Mr. Chairman, I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GILLETT of California. Having offered this amendment, I want to know if I am not entitled to close the debate.

The CHAIRMAN. Not under the limitation imposed by the committee. The committee, by vote, has fixed the time for closing debate.

Mr. MONDELL. Mr. Chairman, I do not want to be misunderstood. I am not criticising what has been done further than to point out the fact, known to every man who lives in the public-lands States, that the boundaries of forest reserves are being constantly and necessarily changed, and that therefore this expensive, final, definite surveying and monumenting of boundaries should be done only when there is little probability that the boundary will be changed. The marking of the boundary by tree blazing or otherwise, so that people in the locality may be informed, can be done by any forest guard who is worth his salt.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILLETT of California rose.

The CHAIRMAN. The gentleman is recognized for three minutes.

Mr. TAWNEY. Mr. Chairman, I understood the gentleman from Wyoming to have the floor.

Mr. LITTLEFIELD. Has not the Chair already recognized the gentleman from California for three minutes.

Mr. TAWNEY. I thought the gentleman from Wyoming had consumed the eight minutes of time.

Mr. MONDELL. I understood that I was recognized for eight minutes, but I have no desire to go on.

The CHAIRMAN. The Chair had no power to recognize the gentleman for eight minutes, because we are working under the five-minute rule. The gentleman, under that rule, was recognized for five minutes. His time has expired. The Chair so stated to him, and thereupon the gentleman from California was recognized for the remaining three minutes.

Mr. GILLETT of California. Mr. Chairman, it is well known that a person who goes upon public land and trespasses there and removes timber from it has committed a crime. It is very important that the people who are settling the country and developing it should have some knowledge of where the boundaries run, so that they shall not lay themselves liable to arrest and prosecution by the Government. It will take from eight to ten years to make the necessary surveys, even if we appropriate $130,000 a year. It seems to me that this is a very small amount of money. We ought to make the survey as quickly as possible. It is very important to all concerned that the boundaries should be established.

Mr. TAWNEY. Will the gentleman permit an inquiry? When these forest reserves are created by proclamation of the President, are not their boundaries fixed—not the exact boundaries, but their general boundaries—and can anybody make an entry on public land in the Land Office within the forest reserves and within that boundary?

Mr. GILLETT of California. I want to state this, that when our surveys were made through the mountains they were very imperfectly made. No man can go there to-day and find where the survey was made. They were in some instances fraudulently made. Under an act that passed the House the other day, people have a right to go on the forest reserves and take up homesteads where the land is agricultural. They have a right to know where the boundaries are. They have a right to locate and to settle there, and they have the right to be protected when they go there. It is the duty of the Government to fix the boundaries so that we shall know what our rights are and what our property is, so that we shall not be liable to arrest every time we turn around by some supervisor or some ranger. I suppose if this bill provided for the fixing of boundaries for the coal lands in Wyoming the gentleman from Wyoming [Mr. MONDELL] would vote for $200,000 instead of $100,000. The law-abiding people of the country want to know where the boundaries are. The law-breaking people of the country

don't care to know where they are. Our people are law-abiding, and they want the Government to fix the boundaries so that we can know where our property is located and can know where we may go without trespassing.

The CHAIRMAN. The question is on the amendment of the gentleman from California.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were—ayes 29, noes 45.

Mr. GILLETT of California. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from California demands tellers. As many as are in favor of tellers will rise and remain standing until counted. [After counting.] Fifteen gentlemen have arisen, not a sufficient number, and tellers are denied.

The Clerk read as follows:

Hereafter, in the settlement of the accounts of deceased officers or enlisted men of the Army, where the amount due the decedent's estate is less than $500 and no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow or legal heirs in the following order of precedence: First, to the widow; second, if decedent left no widow, or the widow be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow or descendants, then to the father and mother in equal parts, provided the father has not abandoned the support of his family, in which case to the mother alone; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes: *Provided*, That this act shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers.

Mr. SLAYDEN. Mr. Chairman, reserving the point of order, I would like to inquire the purpose of that legislation. It seems to be new. I refer to the item on page 136 about the settlement of accounts of deceased soldiers.

Mr. TAWNEY. I will say to the gentleman that that provision is in accordance with the practice to-day, which practice has existed for a long time, but under the present Auditor for the War Department, there being no statutory authorization for the distribution of this money as it is now distributed where the amount is less than $500, he declines to make the distribution and insists that he is right. I personally think he is. This provision is merely to legalize the present practice.

Mr. SLAYDEN. It legalizes the present practice?

Mr. TAWNEY. Yes.

Mr. SLAYDEN. Then I withdraw the point of order.

The Clerk read as follows:

For erection of court-house, with fireproof vaults, at Fairbanks, Alaska, to replace the one destroyed by fire.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 139, line 14, after the word "fire," insert the words "fifteen thousand dollars."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6443. An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, California, to the city of Los Angeles, Cal.;

S. 6462. An act granting lands to the State of Wisconsin for forestry purposes;

S. 6301. An act granting an increase of pension to William C. Long; and

S. 4899. An act granting an increase of pension to Ann Thompson.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 19816. An act to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River, one at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga.;

H. R. 19815. An act to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River between Columbus, Ga., and Franklin, Ga.;

H. R. 16125. An act authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park, and to operate electric cars thereon; and

H. R. 10106. An act providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 1510) entitled "An act granting an increase of pension to Byron K. May."

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Defense of suits before Spanish Treaty Claims Commission: For salaries and expenses in defense of claims before the Spanish Treaty Claims Commission, including salaries of Assistant Attorney-General in charge as fixed by law, and of assistant attorneys and necessary employees in Washington, D. C., or elsewhere, to be selected and their compensation fixed by the Attorney-General, to be expended under his direction, so much of the provisions of the act of March 2, 1901, providing for the Spanish Treaty Claims Commission, as are in conflict herewith notwithstanding, $92,000, of which not exceeding $200 may be expended for law books and books of reference.

Mr. PERKINS. Mr. Chairman, I wish to raise a point of order to this section. As I understand—and if I am wrong in this, I will be corrected by the committee—this provision authorizes the expenditure of this money in a way that is not now authorized by law, because it expressly says that this is to be expended, so much of the provisions of the law of March 2, 1901, as are in conflict therewith notwithstanding. In other words, it does change those provisions.

Now, Mr. Chairman, the reason that I wish to make this point of order is not that I am so very anxious about the manner in which this money should be expended, but it does seem to me that the long continuance of great expense for the Spanish Treaty Claims Commission should in some way be stopped. If it can be stopped by a point of order, I would be glad to assist in stopping it in that way. I do not know how far the members of the Appropriations Committee have jurisdiction over the amount to be allowed and how far these items may be fixed by express law, but I apprehend that to some extent these allowances are not made in conformity with the provisions of the statute law, but are allowances made for the purpose which, it seems to me, should be in some way stopped.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I think I can explain in a word.

Mr. PERKINS. I shall be glad to hear any explanation.

Mr. SULLIVAN of Massachusetts. I think the gentleman from New York is in error. The act of March 2, 1901, established the Commission, and in that act the permanent specific appropriation of $50,000 was made which goes on automatically from year to year. The appropriation bills since 1901 have carried, under the title "Defense of suits before the Spanish Treaty Claims Commission," an amount additional to the $50,000 permanently appropriated. That $50,000 goes on, as I have said, automatically from year to year, and this language is employed in this act in order that it might not be construed to cut out the $50,000 which is permanently appropriated. To make that more clear, the $50,000 goes on from year to year, and, in addition, this $112,000 is granted for the purpose of defending the suits before the Spanish Treaty Claims Commission.

Mr. PERKINS. Under what authority?

Mr. SULLIVAN of Massachusetts. Under the authority of the statute.

Mr. PERKINS. I do not see, Mr. Chairman, that the gentleman has replied to the point of order. The Spanish Commission, of course, has been created by law, and still continues to exist, until such time, which I hope will not be long, as it may be abolished. That appropriation, of course, is authorized by law, but the gentleman has referred to no provision of law which authorizes the appropriation of $92,000 to be expended by counsel or other officers in the defense of suits before that Commission. The Commission must act automatically, as he says. The Government must pay the $50,000 due the Commission, but that does not authorize the Appropriations Committee or this body to appropriate for an expense, to be incurred in the hearings before that Commission, of $92,000, or any other sum of money. We must pay for the Commission, but we are not bound to appropriate, and there is no provision of law that requires us to appropriate for the expense of the hearings before

the Commission. We can leave them there in their own dignity, paid, but not acting.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I thought I made it clear, but it seems I have not. The act of 1901 established this Commission, and in that act provision was made for the defense of these claims. In that act they were to be under charge of the Attorney-General, who was authorized to appoint his force for the purpose of defending the claims before the Spanish Treaty Claims Commission. Therefore there is authority of law for the defense of these claims in the organic act. Now, it was thought when the act was passed $50,000 would be a sufficient appropriation. Later it was discovered that, owing to the expense of taking testimony in Cuba, much more would be needed, and hence this $112,000 was appropriated subsequently from year to year.

Mr. CAMPBELL of Kansas rose.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Kansas?

Mr. PERKINS. I do.

Mr. CAMPBELL of Kansas. One hundred and twelve thousand dollars is appropriated for preparing defense to suits that are being prosecuted. Is that correct?

Mr. SULLIVAN of Massachusetts. That is correct.

Mr. CAMPBELL of Kansas. Are there any suits being prosecuted at this time?

Mr. SULLIVAN of Massachusetts. Yes; there are now, according to the last report of the Commission, some 321 cases pending before the Commission.

Mr. CAMPBELL of Kansas. But is it not a fact that these cases have been on the docket or have been filed for some years, and that there is no one now pressing them, and the Commission is practically without anything to do?

Mr. SULLIVAN of Massachusetts. That is hardly germane to the point we are now discussing, but I will say to the gentleman it is my judgment that——

Mr. CAMPBELL of Kansas. I thought it was germane to the extent of $112,000.

Mr. SULLIVAN of Massachusetts (continuing). The Commission, in my judgment, might very well be abolished, and I have introduced a bill for that purpose. But, as a member of the Committee on Appropriations, I felt obliged to vote for this appropriation, because if the Commission is abolished by this Congress on September 2, 1906, as my bill provides, the appropriation, at all events, should be made, in order to enable them to continue their work until that time. If Congress should abolish the Commission, the unused portion of that appropriation would be covered back into the Treasury. If it does not abolish the Commission, the appropriation will be needed.

Mr. CAMPBELL of Kansas. The gentleman says "continue their work." Will he specify any work they are doing?

Mr. SULLIVAN of Massachusetts. It would not take long to tell how much they are doing.

Mr. SMITH of Iowa. Mr. Chairman, I do not wish to discuss the point of order, because there may be a line or two in this language that is subject to the point of order. I do want to appeal to the gentleman from New York [Mr. PERKINS] to withhold this point of order. This bill as passed carries with it $50,000 a year. This pays the judges, if I may style them such, the commissioners, the clerks, or the functionaries, in this quasi-judicial tribunal, or perhaps this fully judicial tribunal.

Mr. SULLIVAN of Massachusetts. Is the gentleman thinking of the $50,000 now?

Mr. SMITH of Iowa. Yes.

Mr. SULLIVAN of Massachusetts. Then that is correct.

Mr. SMITH of Iowa. Now the proposition is, with this Commission continuing in existence and drawing $50,000 a year in salaries for themselves and their subordinates, to strike out all appropriations for the Government counsel. This is to absolutely insure that during the fiscal year these Commissioners and their subordinates shall continue to draw their salaries from the Federal Treasury, and that nothing whatever shall be done in their court.

Mr. CAMPBELL of Kansas. Was it not kept in that way for the last three or four years?

Mr. SMITH of Iowa. I will say, in answer to the gentleman, that I think he is very far from correct.

Mr. CAMPBELL of Kansas. Is it not true that they have not tried a single case on its merits?

Mr. SMITH of Iowa. That is not correct.

Mr. CAMPBELL of Kansas. Is it not true that all the cases disposed of before that Commission have gone out through motion or demurrer?

Mr. SMITH of Iowa. That is not correct. But even if it were correct——

Mr. CAMPBELL of Kansas. The information contained in the hearings is not very accurate if that is not correct.

Mr. SMITH of Iowa. About the time of the hearings, to my knowledge, an inquiry started on which I think the arguments alone consumed something like two weeks. I am stating from memory as to the time.

Mr. CAMPBELL of Kansas. But, as a matter of fact, no case has been tried on its merits in that court?

Mr. SMITH of Iowa. If I may be permitted to suggest——

Mr. CAMPBELL of Kansas. Is that a fact?

Mr. SMITH of Iowa. No; I think that is not true, but that nine-tenths have been disposed of on their merits.

Mr. SULLIVAN of Massachusetts. The gentleman is in error in that. Fully nine-tenths of the cases have been disposed of on demurrer and motions to dismiss or for lack of prosecution. Certainly not more than 10 per cent have been disposed of upon the merits.

Mr. SMITH of Iowa. The gentleman and myself differ as to words and not as to meaning. What I mean to say is that the precedents established in the decisions of this tribunal, as shown in the hearings, disposed of about nine-tenths of these cases, and in that sense nine-tenths of the cases have been disposed of on their merits. Now, I want to call the attention of the House to some of the peculiarities of this whole matter.

Mr. CAMPBELL of Kansas. Now, right there. If it is true that propositions of law have been laid down that dispose of nine-tenths of these cases, upon what theory can the gentleman justify an additional appropriation of $112,000 for the purpose of taking testimony and making further defense in cases that are four years old and more on the docket?

Mr. SMITH of Iowa. These appropriations, or part of them, are for the taking of testimony in Cuba and Spain. Twenty thousand dollars of this money is for the purpose of taking Government testimony in Spain and in Cuba. The other $92,000 is to cover the expense of the attorneys of the United States and the agents of the United States in Spain and in Cuba who have searched and are searching for evidence for the defense in these cases.

Mr. CAMPBELL of Kansas. Will the gentleman, while not discussing the point of order, tell the committee some of the things that these agents and attorneys are doing?

Mr. SMITH of Iowa. If the gentleman will allow me to proceed, I will tell the House with great pleasure some of the difficulties which have confronted this Commission. When the United States representatives went to Paris to negotiate the treaty of peace with Spain, they took with them $29,000,000 of claims against the Spanish Government that they tried to utilize in making a settlement. For the purpose of settling with Spain we claimed that these $29,000,000 of claims were genuine bona fide claims, and then we assumed all claims of Americans against Spain in favor of citizens of the United States. Of course, immediately we turned right square around and claimed that none of these $29,000,000 worth of claims that we were trying to collect off Spain were valid, but claimed they were invalid, put these cases before the Spanish Claims Commission, and were required to take a position directly at variance with the position officially taken by our own Government in the negotiation of the treaty of Paris.

That is not all. We had persistently refused to recognize that a state of war existed in Cuba. We had refused to recognize the Cuban people as belligerents, and yet as soon as these claims, which had grown to $60,000,000, were filed against the Government of the United States we turned square around and planted ourselves upon the proposition that a state of war was raging over a territory 700 miles long in Cuba and that the injuries inflicted on the claimants were directly caused by such war. So that the task intrusted to the counsel for the American Government before the Spanish Treaty Claims Commission was the task of repudiating everything the United States has contended for at Paris and everything the United States had contended for before we took possession of the island of Cuba.

Mr. CAMPBELL of Kansas. All that is far from a justification for five or six stenographers and interpreters here in Washington, located in and about the Commission rooms here on H street. Do you know what they are doing?

Mr. SMITH of Iowa. I am not going to assume to know what every clerk under this Commission is doing individually.

Mr. CAMPBELL of Kansas. A part of this appropriation is for their salaries, is it not?

Mr. SMITH of Iowa. I am going to answer you. As a matter of fact, when we concluded to change our minds, and that a state of war did exist in the island of Cuba for years before we took possession of the island, the first thing to do was to get evidence of that fact.

Mr. PERKINS. Yes; but what has that to do with the present question whether this appropriation shall be further continued? The question is not what has been done in the past, but whether there is any necessity or propriety of doing more in the present and the future.

Mr. SMITH of Iowa. If I could proceed without interruption I think I could make it plain.

Mr. PERKINS. The gentleman would have to make it plainer than he has.

The CHAIRMAN. Does the gentleman from Iowa decline to yield?

Mr. SMITH of Iowa. I prefer to proceed, but I do not decline to yield. Now, it was not a question whether war existed on the whole 700 miles, because these losses were not sustained all at one place, nor were the losses, so to speak, affected by the state of war at any place except where the injury was inflicted; that is to say, as each claimant's case came up, in these $60,000,000 worth of claims, it was necessary——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. I ask unanimous consent to proceed for five minutes.

There was no objection.

Mr. SMITH of Iowa. It was necessary for us to take up each man's case and attempt to demonstrate that a state of war existed at the place where the loss was inflicted at the time the loss was incurred. In order to do that we had to take the testimony of Spanish officers. We did not know who those officers were. For a long time after the war our relations were not so pleasant with Spain that the Spanish Government was cooperating to advise us just which officers could give us the information.

Mr. CAMPBELL of Kansas. May I ask the gentleman a question just there?

Mr. SMITH of Iowa. Yes.

Mr. CAMPBELL of Kansas. Have you succeeded yet in establishing the fact as to whether war did exist?

Mr. SMITH of Iowa. At each given point, no. We have taken the evidence as to many points and many days.

Mr. CAMPBELL of Kansas. How many points yet remain to cover?

Mr. SMITH of Iowa. I am not claiming such detailed knowledge of the progress of this litigation as to be able to inform the gentleman upon that. I have informed him that nine-tenths of these cases are practically disposed of, almost all of them favorably to the Government of the United States, in the face of the fact that we ourselves vouched for them at the time of the negotiation of the treaty of Paris.

Now, there is about one-tenth of this business undisposed of. It will be disposed of, so say the Commission and the legal branch, in about a year, and here it is suggested that at this hour in the transaction of this business, without abolishing the Commission, we shall simply strike out the pay of every legal officer of this Government in charge of the defense of those claims in order that the salaries of the Commissioners and their subordinates may go on and no business be transacted and at the end of the fiscal year have no progress made over what has been made at this hour. I submit it is against the public interest. It is destructive of the public interest. It is wasteful of the public money to keep the court going but to refuse the money for the counsel who are in defense of the claims against the American Government.

Mr. CAMPBELL of Kansas. Do you not think that every right and interest of the Government could be subserved by transferring these claims to the Court of Claims and that we could still make money by paying the salaries of the Commission for another year?

Mr. SMITH of Iowa. Every dollar provided in this bill would have to be expended for counsel to defend the cases in the Court of Claims. You would not save a penny of this money. You would save the salaries of the Commission, covered by the $50,000 appropriation. But I want to say that the law creating the Commission provided that after two years the Commission should die, except as extended from time to time for six months by order of the President of the United States, and whenever the President of the United States fails to give his order extending the life for six months this Commission dies, and he will fail to give that order whenever the public service will be bettered by abolishing this Commission; and I think it would be folly to transfer these cases from a court that has studied the questions of international law involved, to some of which I have given an examination myself and know to be exceedingly difficult, and turn the cases over to a court that is not familiar with the subject-matter of the litigation.

Mr. PERKINS. Mr. Chairman, I regret exceedingly to insist upon a point of order when my friend from Iowa says that it is folly to do so. If I thought there was any benefit in it, if my experience did not show that when a commission is once created it never ends, unless by positive act of Congress the thing is forced to come to an end, I would not make this point. This Commission has gone on in desuetude that has become more innocuous, but not less costly, every year. Finally, when attention is turned to it the gentleman says the judges come in and say that in another year we will come to an end. I do not believe it. I do not believe that one-quarter of the Members of the House believe it. But if now this provision be passed, the pretense of work can be kept up on the part of the Commission, but if it is stricken out it will quicken the pulse of the House to pass the bills that are already pending and to do away with the court itself. My friend says that the judges have little to do now; but so long as we allow them to remain they will draw $50,000 a year. Is that any reason why we should appropriate $92,000 more and increase the expenses of an organization admitted on all sides to have long survived its usefulness? Mr. Chairman, I insist on my point of order.

Mr. SULLIVAN of Massachusetts. Will not the gentleman reserve his point of order long enough for me to make an explanation?

Mr. PERKINS. Certainly I will reserve the point of order.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I would like to discuss the matter briefly. I am in sympathy with the sentiments of the gentleman from New York, and believe that this Commission ought to be abolished at the earliest possible date. But I think it would not be wise for Congress to strike out the appropriation for the defense of the claims while the Commission itself is left in existence. If we succeed in striking out the $92,000, the Commission will stand, and the appropriation of $50,000 for the expense of the Commission itself will remain.

Mr. PERKINS. Will the gentleman yield?

Mr. SULLIVAN of Massachusetts. In a moment. The result will be that the Commission will not have any work before it to perform, but will be continued under the law with its salaries preserved. Now, while the Commission exists we ought to make a provision for what is the only useful branch of the service, in my judgment, namely, that branch that establishes the defense to claims and which is under the immediate charge of the Assistant Attorney-General. Now I yield to the gentleman from New York.

Mr. PERKINS. Does the gentleman think anything would have more effect to hasten action in reporting the bill which the gentleman himself has introduced to abolish this Commission than just such action as here will be taken, and does he not believe, does he not fear, that in the absence of such action his bill and similar bills will sleep the sleep of the just, and that this Commission will be continued for many a long day if not many a long year?

Mr. SULLIVAN of Massachusetts. If I did concur with the gentleman in that belief, I would not have voted for the appropriation as it appears in the bill.

Mr. PERKINS. But we know that an item being in this appropriation bill is no evidence that any particular member of the committee voted in favor of it. [Laughter.]

Mr. SULLIVAN of Massachusetts. It may have that appearance after what has taken place here in the last few days, but it is not always true. This Commission was established in 1901. Under the law in six months after its organization, which was effected April, 1901, all the claims had to be filed, and there was a provision that for just cause shown other claims could be filed in the following six months. Under that limitation all claims were filed which can possibly be brought before the Commission for adjudication. The total number was 542. There have been 221 disposed of. Three hundred and twenty-one, or a large majority of them, still remain to be adjudicated. The claims aggregated some $60,000,000 in amount. The number disposed of aggregated $10,000,000. There is some $50,000,000 worth of claims remaining. Now, the Commission can not disposes of these claims unless the testimony is taken in Spain and in Cuba. If this item is stricken out, there will be no provision for taking the testimony in Spain and in Cuba, and the result will be that the Commission will be left standing with magnificent salaries provided for them and with absolutely nothing to do.

Mr. PERKINS. Does not the gentleman believe it to be a fact, does he not know it to be the fact, that of this great total of $50,000,000 of claims, 95 per cent, like the great volume of most damage claims, will never be pressed, and are of no possible validity, as is known to the claimants just as much as to anyone else?

Mr. SULLIVAN of Massachusetts. On the contrary, I think

it is the hope of the claimants to get favorable action upon their claims.

Mr. PERKINS. Then why haven't they pressed their claims in all these years?

Mr. SULLIVAN of Massachusetts. The reason, to be very frank with the gentleman, is because the Commission has laid down certain rules of decision which the claimants believe will cause the cases to be decided adversely to them. For that reason they have sought in every way possible to postpone action upon their cases, and the Commission has been very accommodating to these claimants, probably realizing that the longer they postpone action the longer they will be allowed to draw their salaries. At all events, it seems to me that the claimants and the Commission are now simply playing a waiting game in order to see what Congress may do. There is a bill pending now for certiorari, under which these claimants hope to get relief. There is another bill pending, introduced by myself, calling for the abolition of the Commission on the 2d of September, 1906, and the transfer of the remaining claims to the Court of Claims upon that day.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. LITTLEFIELD. Mr. Chairman, I would like to ask the gentleman a question. I don't know whether this bill for certiorari has passed the House or not.

Mr. SULLIVAN of Massachusetts. It is in the Senate, I am informed. It has not passed the House.

Mr. LITTLEFIELD. If it should become law, it simply probably opens up not only cases that have already been decided, but probably would render valid quite a number of claims now pending which would come within the line of suggestion of the gentleman from New York [Mr. PERKINS].

Mr. SULLIVAN of Massachusetts. I do not care to discuss the certiorari bill now, but I do not think the gentleman is quite right in that assumption. If I am correctly informed, the bill provides certiorari only in those cases that are pending, but I will say this in candor to the gentleman, that if that bill should pass I think it would be immediately followed by another bill asking that the claims already decided adversely could be resubmitted.

Mr. LITTLEFIELD. The purpose of the bill, and the gentleman behind the bill, is to reverse the rule of law laid down by the Commission, and if the Supreme Court should reverse that rule, then you have another avenue of litigation opened up. That is the logic of it.

Mr. SULLIVAN of Massachusetts. I think there is no doubt that would result if the certiorari bill should pass. Personally I hope it will not pass. I trust the committee of which the gentleman is a distinguished member will do its duty and have a meeting on the bill to abolish the Spanish Treaty Claims Commission and report that bill to the House at this session.

Mr. LITTLEFIELD. My impression is that they have already reported the other bill favorably.

Mr. SULLIVAN of Massachusetts. The gentleman means the certiorari bill in the Senate.

Mr. LITTLEFIELD. Yes.

Mr. WM. ALDEN SMITH. The certiorari bill gives them the right of appeal, does it not?

Mr. SULLIVAN of Massachusetts. Practically the right of appeal.

Mr. WM. ALDEN SMITH. It makes no final decision.

Mr. SULLIVAN of Massachusetts. Oh, no; it gives a review to the Supreme Court, which may remand the case to the Commission again for further action.

Mr. SIMS. Mr. Chairman, I had the honor of being a member of the committee that reported this Spanish treaty claims law.

Mr. SULLIVAN of Massachusetts. Well, I think that is a very doubtful honor. [Laughter.]

Mr. SIMS. I think it is, too. I know it was the thought of that committee that it could not last long. Are we continuing this Commission simply because those who have claims to present are failing to present them? Can not we abolish that Commission by amendment on this bill?

Mr. SULLIVAN of Massachusetts. I wish the gentleman would make that attempt, and I trust he will succeed.

Mr. SIMS. Then the gentleman would not make the point of order.

Mr. SULLIVAN of Massachusetts. I assure the gentleman that I would not. It is true, as the gentleman from Tennessee [Mr. SIMS] says, that when this bill was passed by Congress in the Fifty-sixth Congress it fixed the limit of two years for the winding up of this Commission's work, and no one dreamed then that it would take longer than two years to dispose of all these claims. In order to guard against all possible contingencies, a proviso was included giving the President the right to extend the life of the Commission for six months at a time, and since March 2, 1903, he has extended its life six times under that provision. I remember very well the statement of the gentleman from Ohio [Mr. GROSVENOR] at that time. He was quite convinced, as were the Members of the House, that this Commission could dispose of this work much more speedily than the Court of Claims. The argument was advanced that the Court of Claims was congested, that it was not up with its work, and that great injustice would result to these claimants if the claims were submitted to that tribunal. Subsequent events have shown that Congress was wrong in that assumption and that the Court of Claims would have disposed of these cases far more speedily than this Commission has done.

Mr. PERKINS. Did the gentleman ever, in his experience as a lawyer or as a politician, know of any commission that disposed of business with any degree of promptitude?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection?

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I agree with the gentleman that the tendency of all temporary commissions is to make their tenure permanent, particularly where the salary is large. In this case each of the five Commissioners receives a salary of $5,000 a year, and it seems to me they have stretched the law to the utmost in providing the salaries for special counsel and assistants, etc.

The annual salary roll of this Commission is about $114,000, and I would like to read the roll briefly. There are five Commissioners at $5,000; then there are five Commissioners to take testimony, one at $2,500 and one at $2,100 and three at $8 per diem. There is one clerk at $3,500, two assistant clerks at $2,000, and one at $14,000; six interpreters at $1,800; seven stenographers at $1,200; one typewriter at $1,200; three messengers, two at $720 each, and one at $1,000; one Assistant Attorney-General at $5,000, and one special counsel at $5,000.

Now, Mr. Chairman, I believe that the Commission has not done all the work that it ought to have done. In the first year, 1901, it did not dispose of a single case. In the second year it disposed of only two cases, and those were two of the battle ship *Maine* cases, and they were disposed of on demurrer. In the third year it disposed of 157 cases and only 7 of them were ordinary cases, and the other hundred and fifty were battle ship *Maine* cases, and they were heard on demurrer and disposed of on a single principle and as a single case. In 1904 the Commission did not dispose of a single case, although it was then three years in existence and fully equipped for its work. In 1905, 49 cases were disposed of, and so far in 1906, 13. That makes a total of 221 cases. But in considering the rate of progress of the Commission it is fair to consider those 152 battle ship claim cases as one case, because they were all disposed of on one principle and upon demurrer. Therefore, if we add that case to the other 69, it really makes 70 cases, or an average rate of 14 cases per year, which is a very small rate indeed.

Mr. WM. ALDEN SMITH. Will the gentleman permit me to make an observation there to the effect that in the early history of this Commission they had no authority to take testimoney, as I understand it, in Cuba or in Spain.

Mr. SULLIVAN of Massachusetts. I think the gentleman is entirely wrong about that.

Mr. WM. ALDEN SMITH. I think I am right about it. The question arose as to whether or not the Spanish Government had used such force to put down the insurgent rebellion as they were required to use under the rule of international law in order to shift the burden of legal responsibility from their own Government, and in order to understand fully the situation they were obliged to go there and take testimony. And I dissent wholly and completely from the statement that this Commission has not shown both diligence and ability.

Mr. SULLIVAN of Massachusetts. Will the gentleman tell me whether any of the Commissioners reside in his own State or in his district?

Mr. WM. ALDEN SMITH. Yes.

Mr. SULLIVAN of Massachusetts. Yes?

Mr. WM. ALDEN SMITH. I am proud to say they do.

Mr. SULLIVAN of Massachusetts. I will go on now and answer the argument of the gentleman.

Mr. WM. ALDEN SMITH. That does not make any difference, let me say to the gentleman. The gentleman from Michigan who is upon that Commission has plenty to do, is an able lawyer, and his services in his own State are in demand at any time, and his services to the Government are highly creditable.

Mr. SULLIVAN of Massachusetts. I will supplement the gan who is upon that Commission has plenty to do, is an able lawyer, but he is in active practice, and he is trying cases at home nearly all the time, and devotes very little of his time to the work of this Commission.

The gentleman has raised a question as to the power of this Commission——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I ask that I may proceed for five minutes longer.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes longer. Is there objection?

There was no objection.

Mr. GROSVENOR. I want also to say that there is a member of that Commission from my State also, and in order that the gentleman may be fully advised, I will say that I think he comes from the same town I do.

Mr. SULLIVAN of Massachusetts. I think that is possibly why he is a member of the Commission. [Laughter.]

Mr. GROSVENOR. I want to ask the gentleman if it is not a fact that while the number of cases decided and disposed of is small in number, apparently, that the principles on which some of these leading cases have been disposed of practically now dispose of a very large majority of those remaining on hand?

Mr. SULLIVAN of Massachusetts. I think the gentleman is entirely right in that assertion, and the president of the Commission made the statement, with which the Attorney-General for the defense of claims agreed, that if the Commission adhered to the principles already laid down they would dispose of fully 80 per cent of the remaining cases adversely to the claimants. I think right here I might correct a statement of the gentleman from Iowa, which I am certain he made inadvertently, and that is that these cases were likely to be wound up in one year. As I recall the testimony of the Commissioner the statement was this, that 80 per cent of the remaining cases would be disposed of within the next year. But, although I asked a number of questions, I could get no definite answer to the question as to how long it would take to dispose of the remaining 20 per cent of these cases.

Now, the gentleman from Michigan has said that it was doubtful whether this Commission had power to take testimony abroad. I am aware that that question did arise, but I do not think there was any substantial ground for it. It is true that the Commission required the attorneys who represented these claimants to file briefs with them upon that proposition, and they submitted those briefs to the Senate, and that matter has become a public document. But if you consider that in the organic act the Spanish Treaty Claims Commissioners were given power to appoint commissioners to take testimony, and consider the further fact that the theater of war in which these claims arose was Cuba, you will wonder how there could be a scintilla of doubt that these commissioners must perforce go to Cuba to take the testimony. I think it was a useless quibble, which consumed at least six months, if not more, time of the Commission. The question was finally settled in June of 1902 by the action of Congress itself. There has been no doubt since then about the power to take testimony in Cuba, and therefore from 1902 to 1906 the Commission has not had that as an excuse for its delay.

Mr. WM. ALDEN SMITH. They have shown reasonable diligence in view of the importance of their task.

Mr. SULLIVAN of Massachusetts. I think the gentleman is mistaken about their having shown reasonable diligence above other commissions. I can point to the action of a good many other commissions where they have proceeded at a much greater rate of speed. I will not take the time of the House to cite them now, but, with the consent of the committee, I would like to put the cases of those other commissions in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to insert matter in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

Thus the Mixed Commission on American and British Claims disposed of its whole docket of 478 cases against the United States and 19 against Great Britain—in all, 497 cases—in exactly two years—that is, from September 26, 1871, to September 25, 1873—with no more cost to the United States than $273,672.94. This Commission had to take testimony in almost every State and Territory of the United States, in all the British provinces of North America, in Mexico, in several of the West India islands, in England, Scotland, and Ireland, and in Egypt.

The French and American Claims Commission disposed of its whole docket of 726 cases against the United States and 19 against France—in all, 745 cases—in three years and three months, from December 22, 1880, to March 31, 1884. The total expense to the United States was $325,000.

SPANISH-AMERICAN CLAIMS COMMISSION.

[Act March 3, 1821; 3 Stat. L., 639.]

(Moore, V, 4500.)

Three Commissioners, at $3,000 per annum. Secretary, at $2,000 per annum. Clerk, at $1,500 per annum.

Convened June 9, 1821. Adjourned June 8, 1824. Total existence of three years. Over 1,800 cases decided. Amount of claims allowed, $5,454,545.13.

Amount provided by act of Congress for payment of awards limited to $5,000,000; therefore sums allowed were abated 8½ per cent on each claim.

Government not defended.

FRENCH-AMERICAN CLAIMS COMMISSION.

[Act July 13, 1832; 4 Stat. L., 574.]

(Moore, V, 4461.)

Three Commissioners, at $3,000 per annum. Secretary, at $2,000 per annum. Clerk, at $1,500 per annum.

Convened first Monday in August, 1832. Adjourned December 31, 1835. Total existence of three years and five months.

Number of claims presented, 3,148. Number of claims allowed, 1,567. Amount of claims presented, $51,834,170.15. Total amount awarded, $9,352,193.47.

Government not defended.

MEXICAN-AMERICAN CLAIMS COMMISSION.

[Act March 3, 1849; 9 Stat. L., 393.]

(Moore, II, 1249.)

Three Commissioners, at $3,000 per annum. Secretary, at $2,000 per annum. Clerk, at $1,500 per annum.

Convened April 16, 1849. Adjourned April 15, 1851. Total existence of two years.

Number of claims presented, 292. Number of claims allowed, 198. Total amount awarded, $3,208,314.96.

Government not defended.

FIRST COURT OF COMMISSIONERS OF ALABAMA CLAIMS, 1874.

[Act June 23, 1874; 18 Stat. L., 245.]

(Moore, V, 4639.)

Five members of court, at $6,000 per annum. Clerk, at $3,000 per annum. Shorthand reporter, at $2,500.

Also allowed "necessary actual expenses of office rent, furniture, fuel, stationery, and printing, and other necessary incidental expenses, to be certified by the presiding judge of said court, and to be audited and paid on vouchers under the direction of the Secretary of State."

Convened July 22, 1874. Adjourned December 31, 1877. Total existence of two years five months.

Number of claims filed, 2,068, amounting to $14,499,316.99, exclusive of interest. Total amount awarded, $9,316,120.25.

SECOND COURT OF COMMISSIONERS OF ALABAMA CLAIMS.

[Act June 5, 1882, 22 Stat. L., 98.]

(Moore, V, 4660.)

Three judges, at $6,000 per annum. Clerk, at $3,000 per annum; increased to $4,400 in year 1885. Shorthand reporter, at $2,500.

Also allowed "the necessary actual expenses of office rent, furniture, fuel, stationery, and printing, and other necessary incidental expenses, to be certified by the presiding judge of said court, and to be audited and paid on vouchers under the direction of the Secretary of State." Counsel to receive fees or $8,000 per annum.

Court organized July 13, 1882. Adjourned December 31, 1885. Total existence of three years five and a half months.

Number of claims adjusted, 11,377. Total amounts awarded: First class, $3,346,016.32; second class, $16,312,944.53.

First-class awards paid in full. Second-class awards paid pro rata from fund remaining in Treasury, aggregating $10,089,004.96.

Expenses, exclusive of the compensation of the officers expressly provided for by law, $341,216.34.

Mr. SMITH of Iowa. Is it not a fact that these cases to which you refer, about which you were asked about the Commissioners taking testimony abroad, it required them to be citizens or to take the oath of allegiance to the United States?

Mr. SULLIVAN of Massachusetts. I did not hear the gentleman, and therefore do not understand him.

Mr. SMITH of Iowa. Is it not a fact that the query arose as to the authority to take testimony abroad by reason of the doubt as to authority to appoint anybody but a citizen of the United States or one who had taken an oath of allegiance?

Mr. SULLIVAN of Massachusetts. I think you refer to the case of taking testimony in Spain.

Mr. PERKINS. That question could be disposed of without taking six months in hearing the question.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. SULLIVAN of Massachusetts. Certainly.

Mr. MANN. Do you think there would be any difficulty in abolishing the Commission if the other Members would follow the example of the chairman and get into a controversy about legislation? [Laughter.]

Mr. SULLIVAN of Massachusetts. I do not know; but I will state to the gentleman I have found considerable difficulty in getting the Commission abolished.

Mr. MANN. I think if you would get the other two gentle-

men on the same line of work you would have no difficulty. [Laughter.]

Mr. SULLIVAN of Massachusetts. I would like to read briefly from the testimony concerning the time put in by this Commission. Although I asked for a statement of the time actually spent by this Commission in their hearings, and that statement was promised to be supplied to us, later the president of the Commission sent a letter to the committee stating that there were no records of the time spent by the Commissioners.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN of Massachusetts. I will ask for about two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SULLIVAN of Massachusetts. Two members of the Commission, without naming them, because I think the gentleman from Michigan is sensitive on that——

Mr. WM. ALDEN SMITH. I am not at all sensitive; I am proud of all the Commission. I would like you to name them.

Mr. SULLIVAN of Massachusetts (continuing). Have law firms at their own homes; they are very able lawyers and very actively engaged in practice at home. The special counsel of this Commission, who gets $5,000 a year, was sent abroad as the counsel on the Alaskan boundary arbitration at London. He received a fee from the United States Government for his services in that connection and at the same time drew his salary as special counsel for the Spanish Commission.

Mr. GAINES of Tennessee. How much were the counsel fees on that occasion?

Mr. SULLIVAN of Massachusetts. I can not answer that question. That special counsel, by the way, is a lecturer at one of the law schools in Washington and also has a private practice. Another member of the Commission is a lecturer in that law school, and the president of the Commission himself, it is needless for me to say to the House, has been very diligent in attending to every business under the sun except the business for which his office was created.

Mr. GROSVENOR. Mr. Chairman, while I understand that there is a question of order pending, I am going to assume that it will be sustained by the Chair, and then the question will recur upon the appropriation.

First, I want to go back to the origin of this Commission. Intimately connected with that fact is the suggestion that is now being made to send these cases to the Court of Claims. There was a sharp contest in this House when the Commission was created, and I then took a very earnest position in favor of the Commission, rather than in favor of sending the matter to the Court of Claims. If there is a place on earth that the people of the United States ought to carefully avoid as much as possible, aside from some place that is immoral in its nature, it is the Court of Claims of the United States of America. And in this connection I want to suggest to the gentleman from Massachusetts [Mr. SULLIVAN], who is intelligently posted upon everything connected with this matter, that nothing could be more injurious to the best interests of the people of this country than to permit an amendment of the statute that would in the first place send these cases to the Court of Claims, and thereby open the door to the Supreme Court of the United States to adjudicate ultimately the international law involved herein. And by that same token I have opposed always and earnestly oppose now any change in the statute that would give to these claimants the right to go to the Supreme Court of the United States by appeal. The United States never did undertaken any such procedure as that in the Spanish treaty. We simply agreed to audit and pay the claims that arose under the stipulation of the treaty. The statement of the gentleman from Iowa [Mr. SMITH] is a correct one, that we found ourselves greatly embarrassed by our position as a country. We had taken the position, for instance, that one Doctor Reiss had been murdered in a Spanish prison, and that he was a citizen of the United States, and we asserted our claim against Spain to pay and make good the damage to our citizen. When that case came before the Spanish Claims Commission it turned out that we had no right whatever to interfere, and yet we were practically estopped by our own claim. That is one of the claims that has been allowed and paid, but not nearly so large a sum as was originally claimed by our Government against the Government of Spain.

We therefore undertook to audit and pay those claims. We did not stipulate how it was to be done. At length comes this question, Shall we open an avenue by which these claimants, many of whom are without merit, shall have permission to go to the Supreme Court on appeal, and thereby force our court to make such precedents in regard to adjudications upon questions of international law as in the long future ahead of us will rise up to estop our denial, and the positions that we may take in future controversies of a similar character?

Mr. SULLIVAN of Massachusetts. Will the gentleman from Ohio allow a question?

Mr. GROSVENOR. Yes.

Mr. SULLIVAN of Massachusetts. Do we not now send the French spoliation claims to the Court of Claims to report on the law and facts and send the same to Congress, Congress then appropriating the money to pay them? And let me ask the gentleman if the Court of Claims does not by its decisions create precedents in those cases. I should like to ask the gentleman a further question. Does he think that the Supreme Court of the United States would render a decision which was wrong, and therefore make a wrong precedent for the future? And if the Supreme Court decided the question right, should we complain of any precedent created thereby?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GROSVENOR. I ask for five minutes more.

There was no objection.

Mr. GROSVENOR. At the beginning of it, I want to ask the gentleman from Massachusetts if he would like to have any more French spoliation claims haunting this Congress and the people of the United States? A relative of mine had one of these claims, the Lord knows how long ago. I voted to pay some of the claims here, and they are coming and going constantly. That was the very ground I took, the reason why I have opposed any more Supreme Court adjudications of these claims that really appeal rather to benevolence than to any legal status.

This Commission therefore has undertaken to decide these cases. I leave the situation as it was described by the gentleman from Iowa [Mr. SMITH], who made a fair statement, so far, at least, as I heard and understood it.

Now, what is to be done? Shall we at once now destroy the efficiency of this Commission, or shall we permit it to go on, with the admonition that certainly it must recognize in the light of the discussions here to-day.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman from Massachusetts made the statement just now that some one of the members of this Commission was actively practicing law at home.

Mr. GROSVENOR. I have no doubt of that.

Mr. GAINES of Tennessee. Two of them, he says.

Mr. GROSVENOR. I have no doubt of that. I am actively engaged in the practice of the law sometimes. Does the gentleman think there is anything objectionable in that?

Mr. GAINES of Tennessee. It is to be regretted that Members of Congress have to practice law at home at all; but I was trying to ask the gentleman, Does he himself know that some of these Commissioners are actively practicing law at home?

Mr. GROSVENOR. I am not a witness here. The gentleman from Massachusetts says it is a fact.

Mr. SULLIVAN of Massachusetts. It is conceded in the hearings.

Mr. GROSVENOR. I will certainly take the statement of the gentleman from Massachusetts, if he positively asserts a thing to be a fact. Really, I would take it in preference to my own knowledge.

Mr. GAINES of Tennessee. He says it is admitted in the record of the hearings.

Mr. GROSVENOR. I do not think there is any doubt about it.

Mr. SULLIVAN of Massachusetts. I do not want the gentleman to think that I am opposed to this appropriation.

Mr. GROSVENOR. I do not; I understand the gentleman's position. Now, speaking about the practice of law at home, these gentlemen live within twelve or fourteen hours' travel to the place in which they practice law at home. Is there any impropriety, under certain circumstances, that these gentlemen should go home and try a special case if they did not neglect the business that brings them here?

Mr. GAINES of Tennessee. It seems that one of the Commissioners lives in Michigan.

Mr. GROSVENOR. That is not very far away.

Mr. GAINES of Tennessee. It is twelve or fourteen hours.

Mr. GROSVENOR. That is a very short distance, and you can do the most of that in a night.

Mr. PERKINS. Mr. Chairman, I would like to ask the gentleman a question. The gentleman from Ohio was in Congress when the act was passed and the salaries were fixed. Does he think at the time the salaries were fixed at $5,000 each for five men that it was supposed by Congress that that board was to give its entire time to these matters, and not that its members would draw $5,000 a year and practice law besides?

Mr. GROSVENOR. I supposed they would give so much time as was necessary for the efficient discharge of their duties. I say that it is yet to be shown that they have not done that.

Mr. PERKINS. The gentleman will concede that they have received six years' pay, and that the work is far from done, and that that undoubtedly is a very much longer lapse of time than was thought to be necessary at the time the Commission was established.

Mr. GROSVENOR. Well, the gentleman is making a speech in my time. I can not understand what he is saying, but I know he is making a speech by his gesticulations. [Laughter.]

Mr. PERKINS. Did the gentleman state to Congress when he advocated the bill that this court would take six years to get through its business?

Mr. GROSVENOR. Certainly I did not; nor did I have the slightest apprehension, no more than the gentleman from New York has now, of the magnitude of the difficulties that this Commission has encountered. Imagine yourself going to the city of Madrid and undertaking to find out who was the captain of a Spanish company located at Post A, in the island of Cuba.

Mr. SMITH of Iowa. Will the gentleman pardon me? The attorney for the Government didn't even know what company it was that was located there; they had first to find out what company it was and who the captain was.

Mr. GROSVENOR. That is true. The best answer to the whole is that the Commission has succeeded in cutting down the claim of $10,000,000 by actual adjudication to something under $1,000,000.

Mr. SULLIVAN of Massachusetts. To $322,000. Let me ask the gentleman from Ohio if he considers that is an admirable thing except upon the assumption that they have dealt justly with the claimants? If the claims were just ones, then cutting down the awards would be an injustice. I do not think they are entitled to credit unless the law and the facts warranted them in cutting down the claims.

Mr. GROSVENOR. They are entitled to this: There stands the affirmative of the claimant and the negative is the Government of the United States. The affirmative is prepared with some evidence to enforce its claim, the Government of the United States is not only without any evidence but primarily without any information.

Mr. SULLIVAN of Massachusetts. Following out the gentleman's reasoning, the excellence of the Commission would be still greater if they had allowed nothing at all.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GROSVENOR. Mr. Chairman, I will ask for ten minutes more time, and then I will promise to speak no further to-day.

The CHAIRMAN. The gentleman from Ohio requests that his time be extended ten minutes. Is there objection?

There was no objection.

Mr. GROSVENOR. Now, the suggestion of the gentleman from Massachusetts would be valuable if he can show that the Commission has been unjust in its awards to any one of these claimants. I do not believe they have, but they have been beset by more conspiracies and villainy than ever surrounded a Commission in all the annals of time. While I am going to criticise that Commission directly, I do think that in the investigation of these claims, that in the adjudications which they have rendered, they have been eminently conservative, eminently just, and eminently efficient.

Mr. SULLIVAN of Massachusetts. I hope the gentleman will understand that I am not attempting any criticism of their rules of decision.

Mr. GROSVENOR. I think the only criticism that can be made of this Commission is this: I think that under the treaty and the law of their creation every one of these cases, when it was finally adjudicated, ought to have been dismissed permanently and forever within a very brief period of time, just long enough for an able lawyer to prepare a motion for a rehearing or any other procedure that the Commission might see fit to grant in the nature of giving to the claimant every opportunity to have justice done him. Inasmuch as they have permitted the claims to stand there, according to the statement, I think that is a mistake in their administration, and I will tell you where I think the trouble is to come from.

I have had knowledge that there has been a purpose on behalf of these claimants—claimants represented by many of the very best and most distinguished lawyers in the United States—to ultimately secure in some way an avenue to the Supreme Court, and there is a degree of modesty in every judicial tribunal that is worthy of the name not to cut off appeals, not to prevent rehearings; and I have suspected not only that idea in the minds of the Commission, but I have thought it was just barely possible that there might be one or more of the Commission who would be glad to see appeals granted. What would be the result? To give an appeal to the Supreme Court of the United States in $50,000,000 worth of claims against this Government. Why our great grandchildren down to the remotest generation to come would never hear the end of the Spanish Claims Commission.

Mr. SULLIVAN of Massachusetts. Do I understand the gentleman to say that if the claimants could have their cases taken to the Supreme Court that that court would allow $50,000,000 worth of claims?

Mr. GROSVENOR. No; I did not say anything like that.

Mr. SULLIVAN of Massachusetts. Then, Mr. Chairman, I misunderstood the gentleman. I will say this: I think one effect of it would be that possibly some claims would be remanded to the Commission and the Commission would be obliged to hear them again, and in that manner the life of the Commission would be prolonged still further.

Mr. GROSVENOR. Eternity would be too short to reach the end of those claims.

Mr. CAMPBELL of Kansas. Mr. Chairman, much of the discussion here has hinged about appropriating money for getting testimony on the part of the Government. Is it not a fact that the burden of proof is upon the claimants in the first instance?

Mr. GROSVENOR. It certainly ought to be.

Mr. CAMPBELL of Kansas. Well, what I want to know is this: Is that a rule of this Commission?

Mr. GROSVENOR. Let me tell the gentleman. I think I will give a little bit of secret history.

Mr. CAMPBELL of Kansas. And in that connection let me make this further suggestion or ask this further question. Is it the practice of this Commission to require the claimants to take their testimony at the pleasure of the Commission as is the custom in the Court of Claims?

Mr. GROSVENOR. I think they limit the time when they shall take their testimony, and there is no question that the ruling is a proper one, that the burden of proof is upon the man who asserts a fact, which is like any other question. I will say to the gentleman now, inasmuch as he has gone to the brink of the question, when that Commission was first organized some of the ablest lawyers in the United States, and others whom I believe have no superior, came before that Commission and for days and days they argued that the Commission was a mere auditing board; that it had nothing to do with the question of whether the injury had transpired or not, and I have been told that two members of the Commission voted to sustain that proposition; that the whole question was a question of auditing, and if a fellow came forward and proved that he come over here and got a naturalization paper that they could not inquire into that, and then when he asserted his claim and made a prima facie showing of it they were bound to pay it and that was the end of it. They resisted vigorously and bitterly any consideration of the question of the fraudulent character of one-half of the naturalizations, and at least two-thirds of the questions of amounts in controversy, and the Commission has waded through all that. The fact that there are intervals when they do not have a case to try and that somebody goes home to try a case there, cuts no figure, in my judgment, in derogation of the efficiency of the Commission.

Now, a few words more and I am through. Why strangle this Commission to death? I am told that the taking of testimony is going constantly forward. I know that the principal Commissioner for that purpose is still at Habana. Whether there are too many clerks, too many stenographers, too many messengers, I do not know. It would be the duty of the Committee on Appropriations to ascertain whether there is any surplus help there, but let us give them an efficient force, and I would not object to a limitation, but it seems to me that there is a limitation in the law that can be readily enforced by the President of the United States. But if we want to abolish that Commission, let us do it by a statute and not do it by strangulation. That is my point. Now, Mr. Chairman, I am through.

Mr. SMITH of Iowa. Mr. Chairman, I demand the regular order.

Mr. PERKINS. Mr. Chairman, I ask that the Chair rule upon the point of order that I made.

The CHAIRMAN. The gentleman had not made it up to this time.

Mr. PERKINS. Oh, I beg the Chair's pardon; I made the point of order at the beginning.

The CHAIRMAN. The Chair understood the gentleman to reserve it.

Mr. PERKINS. I did not so intend it. At any rate, I make the point of order now.

The CHAIRMAN. That is the regular order. In lines 14, 15, 16, and 17, this language occurs:

So much of the provisions of the act of March 2, 1901, providing for the Spanish Treaty Claims Commission as are in conflict herewith notwithstanding.

In the opinion of the Chair that modifies the statute and is, therefore, legislation. The point of order, therefore, is sustained.

Mr. SMITH of Iowa. Mr. Chairman, I offer the following as a new paragraph at this point.

The CHAIRMAN. The gentleman from Iowa offers an amendment in the form of a new paragraph, which the Clerk will report.

The Clerk read as follows:

Defense of suits before Spanish Treaty Claims Commission: For salaries and expenses in defense of claims before the Spanish Treaty Claims Commission, including salaries of assistant attorney-general in charge as fixed by law, and of assistant attorneys and necessary employees in Washington, D. C., or elsewhere, $92,000.

Mr. PERKINS. Mr. Chairman, I make the point of order to that.

Mr. SMITH of Iowa. I submit that the point of order is not well taken.

Mr. PERKINS. Where is the statutory authority for it?

Mr. SMITH of Iowa. It is found in the act creating the Commission.

Mr. PERKINS. Cite your authority.

The CHAIRMAN. Did the gentleman make a point of order?

Mr. PERKINS. I did; yes.

The CHAIRMAN. On what ground?

Mr. PERKINS. On the ground that I am not aware of any statutory authority. The act, as I remember it, authorizes the creation of the court, authorizes the payment of the salaries of the members of the court and other officers, but it does not authorize the appropriation of any unlimited sum of money for expenses before the court. The court might have no business. The court might have gone out of existence. The authority to continue to make appropriations for expenses for proceedings in the court does not result from the fact that the court itself may still continue in existence.

Mr. TAWNEY. May I ask the gentleman from New York [Mr. PERKINS] a question?

Mr. PERKINS. Certainly.

Mr. TAWNEY. The gentleman from New York makes the point of order on the ground that there is no statutory authority, and then he calls upon the committee to cite the authority. I submit, Mr. Chairman, that the presumption is in favor of there being authority for the act, and the gentleman who makes the point of order has the burden of proof that there is no statutory authority.

Mr. PERKINS. I think, Mr. Chairman, that I might reply, in view of the decisions made by the Chairman on this bill, that there is certainly no presumption of statutory authority in favor of a provision contained in this appropriation bill.

The CHAIRMAN. The Chair is of the opinion that the gentleman making the proposition should show affirmatively that there is authority of law.

Mr. SMITH of Iowa. The act creating this Commission provided for the litigation of these claims before the Commission. It seems to me that having created the Department of Justice——

The CHAIRMAN. Will the gentleman cite that act and send it up here, if he has it?

Mr. SULLIVAN of Massachusetts. It is the act of March 2, 1901.

Mr. SMITH of Iowa. This act created this judicial tribunal. It made it indispensable that the claims filed before the Commission should be defended. The law creates the Department of Justice, charged with the defense of claims against the United States, and under the authority creating the Department of Justice charged with the defense of claims and the law creating this Commission to adjudicate these claims, I insist there is authority of law for the payment of indispensable aids in the defense.

Mr. LACEY. I would like to ask the gentleman a question.

Mr. SMITH of Iowa. Certainly.

Mr. LACEY. How many years has this Commission been at work now?

Mr. SMITH of Iowa. About five years.

Mr. LACEY. I would like to ask him if he does not think it would be wise to transfer this entire business to the Court of Claims and quit this thing?

Mr. SMITH of Iowa. In this case the question was fully discussed. I have answered that quite fully. It would be a calamity, in my judgment.

The CHAIRMAN. What is the specific point of order made against this by the gentleman from New York [Mr. PERKINS].

Mr. PERKINS. I would say, Mr. Chairman, that the act creating the Commission in the first place creates the Commission and authorizes their pay. Of course, no point of order could be raised to that until the Commission had been abolished. But that is no portion of the $92,000. It then authorizes the Commission to appoint certain clerks. They are not provided for by this section. It says:

The President shall appoint one assistant attorney-general, who shall hold his office * * * It shall be the duty of the assistant attorney-general and assistant attorneys to appear as attorneys and counsel for the United States and defend the United States in all proceedings before the commission.

Now, the provision offered by the gentleman from Iowa provides generally for salaries and expenses in defense of claims, including the salary of the assistant attorney-general, all to be selected, and their compensation fixed, by the Attorney-General, $92,000.

I say, in the first place, there is no provision in the law that I find that authorizes the Attorney-General to fix these salaries. The only provision there is authorizes the President to appoint one assistant attorney-general, who, with other officers, presumably officers of the United States, not new offices to be created, but officers who shall attend to this business in connection with the other business imposed upon them, shall attend to the defense of suits. It needs no argument that where duties are imposed upon the Attorney-General's Office, that does not of itself authorize the creation of a new officer to be paid fees to be fixed by the Attorney-General himself.

Doubtless the officers of the Attorney-General's Office are not appointed under this statute. Their salaries are provided in regular appropriation bills for the Attorney-General's Office. That does not give any authority to make an appropriation of $90,000 for salaries of this kind. If they could appropriate $92,000, they could appropriate $192,000. If such discretion were given, they could create in this way, not by regular appropriation bills, not by the creation of an office, not by fixing their salaries, but by a gross appropriation for the expense of defense, any number of United States officials, at salaries to be fixed, not by this body, but by the Attorney-General.

Mr. WM. ALDEN SMITH. I would like to ask the gentleman from New York whether there is not authority in the Paris treaty of peace for this legislation? Certainly that is the organic law and furnishes ample warrant for this appropriation, if the act creating the Commission does not.

Mr. PERKINS. The treaty does not impose any responsibility to pay appropriations.

Mr. WM. ALDEN SMITH. It puts all the responsibility on the Government and necessitates the appropriation of money to give it effect.

Mr. PERKINS. It might impose a governmental responsibility, but it does not give the right to appropriate money or create United States officers and fix their salaries.

Mr. WM. ALDEN SMITH. It makes necessary the employment of such force as is required to give effect to its provisions and execute its terms; it is law; its function fully appears both in the treaty and in the act creating the Commission.

Mr. PERKINS. I must say I differ with the gentleman on that.

Mr. MANN. Could the treaty fix that?

The CHAIRMAN. The Chair is of the opinion that the amendment offered by the gentleman from Iowa follows with sufficient exactness the language of the statute. The Chair understands the point of order to be made because there is an attempt to appropriate by this section for some officers and employees that have not been created by the organic act.

Mr. PERKINS. The point of order is that it allows payment of salaries that are not authorized by law.

The CHAIRMAN. The Chair so understood.

Mr. PERKINS. This is the ordinary point of order made against appropriation bills.

The CHAIRMAN. Referring to the act that created the Spanish Board of Claims, this language will be found:

"All expenses, including salary and compensation of said Commission and of its officers and employees," showing that it would clearly contemplate officers provided for in the amendment of the gentleman from Iowa and necessary employees. From the language of the statute, the Chair is inclined to the opinion that the point of order is not well taken, and therefore overrules it.

Mr. SIMS. I offer this as a substitute to that paragraph.

The CHAIRMAN. The gentleman from Tennessee offers a substitute as an amendment to the paragraph.

The Clerk read as follows:

Substitute for the pending amendment the words "That the Spanish Treaty Claims Commission is hereby abolished."

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order against that substitute, that it changes existing law.

The CHAIRMAN. The Chair sustains the point of order, on the ground that it is legislation and not germane.

Mr. SMITH of Iowa. Mr. Chairman, I wish to call attention to just a few lines in the hearings in support of this amendment:

Mr. SMITH. Mr. Fuller, the claims filed before the Spanish Treaty Claims Commission aggregated $60,000,000.
Mr. FULLER. $61,652,077.78.
Mr. SMITH. There were 542 in number, of which 221 have been finally disposed of.
Mr. FULLER. I believe that is the number. Possibly two or three more than that since that report was made.
Mr. SMITH. How much did the 221 cases involve?
Mr. FULLER. $10,764,647.51.
Mr. SMITH. Of the 321 cases undisposed of, how many are practically covered by the decisions already rendered so as to be disposed of, in all probability, unless an appeal is allowed?
Mr. FULLER. Well, simply an estimate that I would make would be 80 per cent.
Mr. SMITH. But what would you say as to the amount involved in cases that are covered by the decision already rendered and that are simply being held on the docket awaiting determination as to whether an appeal should be allowed or not?
Mr. FULLER. I don't believe I quite catch that question.
Mr. SMITH. How much is involved in this 80 per cent covered by the effect of decisions already rendered?
Mr. FULLER. I should estimate $40,000,000.

In other words, it appears from the hearings about two-fifths of the cases in number have been disposed of, and 80 per cent of the remaining three-fifths are covered by the principles announciated in the cases already decided; so that I was more than correct when I stated that nine-tenths of the cases had been, in effect, disposed of, because a great deal more than nine-tenths have been, in effect, disposed of.

Now, I have listened to charges made against these Commissioners, but with that I have nothing to do and this appropriation has nothing to do; still I do think it only fair to these Commissioners to say that the evidence shows that they have always been ready to hear the cases whenever the Government counsel and the attorneys for the complainants or claimants were ready for trial.

Mr. SULLIVAN of Massachusetts. I agree with the gentleman in that, but does he think that they were always ready to compel the claimants to try their cases, to press their cases as expeditiously as they should?

Mr. SMITH of Iowa. I think the cases have been pressed just as expeditiously as the counsel for the Government could press them under the peculiar circumstances of this litigation.

Mr. SULLIVAN of Massachusetts. Do you not think that the Commission should have ordered the Assistant Attorney-General to move to dismiss many cases for lack of prosecution?

Mr. SMITH of Iowa. There have been no cases that have not been diligently prosecuted, except in this sense: The cases of certain claimants were subject to dismissal under the precedents established by the court. An application was made to Congress for the right of appeal, and the Commission has indulged these claimants until after the end of this session of Congress, to see whether Congress gives them the right of appeal from the announcement made by the Commission.

Mr. GAINES of Tennessee. Will the gentleman yield to me?

Mr. SMITH of Iowa. Certainly.

Mr. GAINES of Tennessee. The gentleman from Massachusetts has stated that there are certain of these Commissioners who practice law regularly at home. I want to know who they are? He says the record states that.

Mr. SMITH of Iowa. The gentleman from Massachusetts had better state that. It is true that some of the Commissioners practice law.

Mr. GAINES of Tennessee. Not Senator Chandler, I dare say.

Mr. SMITH of Iowa. There are some of the Commissioners who practice law, but they have always been here to try every case that was ready for trial. There has never been a delay of an hour because of the absence of any Commissioner, so that the inference of the gentleman is without any point.

Mr. HINSHAW. May I ask the gentleman a question?

Mr. SMITH of Iowa. Certainly.

Mr. HINSHAW. What is your estimate of the entire expense of this Commission during the five years of its life?

Mr. SMITH of Iowa. Oh, I can not give you accurate figures; something like six or seven hundred thousand dollars.

Mr. HINSHAW. What has been the amount of judgments rendered by this Commission which the United States will be obliged to pay?

Mr. SMITH of Iowa. About $300,000.

Mr. HINSHAW. So that about $1,000,000 is the aggregate expense of the Commission and its judgments, as against $60,000,000 of claims that were filed?

Mr. SMITH of Iowa. That is correct.

Mr. HINSHAW. Does the gentleman not consider, therefore, that from a business point of view the Commission has been a remunerative one for the Government of the United States, by reason of the money that it has saved in claims which the United States might otherwise have been compelled to pay?

Mr. SMITH of Iowa. I think so, in every sense.

Mr. SIMS. I should like to ask the gentleman a question.

Mr. SMITH of Iowa. Certainly.

Mr. SIMS. I offered my substitute, not through any fault that I have to find with the Commission, but it seems that the parties for whom it has been created are not taking advantage of it and that they are not pressing their claims, and I do not see any use in continuing a Commission that they do not take advantage of.

Mr. SMITH of Iowa. The gentleman is in error about that. Every case that can be filed before this Commission has been filed and is being prosecuted now.

Mr. TAWNEY. I move that all debate on the pending paragraph be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

Mr. GAINES of Tennessee. I move to strike out the last word.

The CHAIRMAN. Debate is exhausted.

Mr. GAINES of Tennessee. I ask unanimous consent to place in the RECORD an extract from the committee hearings on the question of absentee Commissioners.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print certain statements in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

Mr. SULLIVAN. Are members of your Commission engaged in the private practice of law?
Mr. CHANDLER. Yes; Mr. Diekema and Mr. Wood have law firms at their home residences. Mr. Maury has law cases once in a while.
Mr. SULLIVAN. Have you any record of absenteeism of members of the Commission?
Mr. CHANDLER. I should not use that word "absenteeism." I should not consider it as applying. If you mean how much they have been here and how much at home, there is no record. All meetings of the Commission must be held here, and the construction never has been given by us to the law as requiring our constant attendance in Washington.
Mr. SULLIVAN. The law does not say so, and I did not think anyone ever construed it so—that they should give all of their time.
Mr. CHANDLER. No; we have not done that. I have not practiced law myself, although I have given a great deal of gratuitous advice on private or public questions to my friends. Mr. Fuller and his force have given continuous service, and have done no other law business, except that Mr. Hannis Taylor, who is the special counsel, and was formerly our minister to Spain, possibly has a law case once in a while. I know he is engaged in the case of Louisiana against Mississippi in the Supreme Court, and he went to London in the Alaska boundary case.
Mr. TAYLOR. He has no private law office?
Mr. CHANDLER. No, sir; and he is not, strictly speaking, an appointee of the Government. He is special counsel, employed on account of his ability, to assist Mr. Fuller.
Mr. TAYLOR. He has no existing firm?
Mr. CHANDLER. He has no existing firm. He goes to the Assistant Attorney-General's office every day, and practically gives his whole time to the business.
Mr. SULLIVAN. His salary as special counsel to the Commission went on while he was at London on the Alaska boundary case?
Mr. CHANDLER. Not salary; his monthly pay. He received $416 a month, and the State Department made him a further allowance of, I think, two or three thousand dollars.
Mr. SULLIVAN. Does he lecture at the George Washington University law school?
Mr. CHANDLER. Indeed he does, and so does Mr. Maury.
Mr. SULLIVAN. Mr. Chambers does not have any lecture engagements or private practice?
Mr. CHANDLER. No; Mr. Chambers's home is in Sheffield, Ala. Except in giving legal advice once in a while he has comparatively no private practice.
Mr. SULLIVAN. But Mr. Maury and yourself are the two members of the Commission who devote practically all their time to the affairs of the Commission?
Mr. CHANDLER. I do not devote all my time to it; I do lots of other things.
Mr. SULLIVAN. Such as you have enumerated here?
Mr. CHANDLER. Such as I have told you.
Mr. SULLIVAN. Can you tell me how much time out of each year Commissioner Diekema and Commissioner Wood devote to private practice?
Mr. CHANDLER. I would not undertake to say. I will give you the best idea I can. When their law firms have a case to be tried they help try the case, but so far as I judge they do very little office work or routine work at home.
Mr. SULLIVAN. They are rather active trial lawyers, are they not?
Mr. CHANDLER. They are the ablest trial lawyers in the United States—among the ablest.

The CHAIRMAN. Debate on the pending paragraph is ex-

hausted. The question is on the amendment offered by the gentleman from Iowa.

The question being taken, on a division (demanded by Mr. SIMS and Mr. PERKINS) there were—ayes 105, noes 21.

Accordingly the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do that to ask unanimous consent to print in the RECORD a letter from Jane Addams in reference to the immigration bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to print in the RECORD the letter to which he refers. Is there objection?

There was no objection.

The letter is as follows:

HULL HOUSE, *Chicago, June 11, 1906.*

Hon. JOSEPH G. CANNON,
Speaker of House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: Many of us in Chicago are much disturbed over the immigration legislation at present before Congress, and we venture to send to you some of the reasons for our concern.

The recent action of the Senate and the imminence of similar action in the House has taken by surprise many of those most interested in this extremely important question. The present proposals seem to us narrow and unwisely restrictive in some points and, on the other hand, to omit desirable regulation of immigration, such, for instance, as might be secured by a closer control of steerage conditions, as recommended by the immigration conference held in New York last December. The regulation of immigration affects not only the industry, racial composition, and future culture of America, but it immediately determines the fate of hundreds of helpless and inarticulate persons desiring to join their families and friends in this country and hundreds of others who come here to seek freedom or rather a bare security of life and property and an opportunity for their children. These people are intimately related by ties of kindred and friendship to the entire country, and we will, we believe, never be satisfied with the regulation of this great matter, which has taken on such unexpected proportions and changed so greatly in character during the past decade, until it is made the subject of careful, impartial, and full inquiry, apart from the pressure of political debate and party motives. Because a similar bill passed the Senate after only a few hours' debate, we venture to urge upon your attention as a substitute some such legislation as was proposed in Mr. BARTHOLDT'S resolution (H. J. Res. 161) establishing a joint commission of inquiry into the subject of immigration, providing, however, for a widening of the scope of the committee to include persons outside the Legislature, but fitted by experience or knowledge to be of special value as coworkers on such a commission. To state briefly our objections to some of the provisions embodied in H. R. 17941:

(1) *Sec. 1, H. R. 17941.*—The increased head tax is repugnant to us unless it can be proved that this is a sine qua non for defraying the expenses of bureaus of information planned to enable the immigrants to distribute themselves better. The proviso whereby the income of the proposed head tax in excess of a certain sum should be diverted from the immigrant fund altogether is especially objectionable. It seems unworthy of our country to mulct immigrants in sums so petty yet so important to themselves and to thereby distinctly lessen their chance of success in their adopted country.

(2) *Sec. 2.*—In regard to exclusion on specified physical and medical grounds, we object to the present bill both for some of its new provisions and because it does not amend the present law in certain respects in which we feel that it needs modification. While a general restrictive provision as regards persons likely to be physically dangerous or financially burdensome is obviously justifiable, it should be accompanied, in our opinion, by discretionary power to admit in special cases.

For instance, the proposed legislation excluding persons who have been insane seems to us preposterous, standing, as it does, without qualification. It is easy to see how cases might arise in which this provision would separate families and exclude persons financially independent, physically sound, and entirely desirable as citizens. Persons are sometimes insane temporarily as a result of childbirth, a simple tumor, or of other passing causes which do not affect their future health or that of their descendants.

In regard to the feeble-minded and imbecile we have to do with a permanent condition, but here, too, there should be discretion. Take the case of a father established in America with the elder children, while the wife and the younger ones are to follow later. Meanwhile the baby has scarlet fever and is left with arrested brain development. The wife must desert either her husband and elder boys and girls or the helpless child. A friend of mine in a similar case saw a poor woman from Russia before the court of special inquiry swoon away and drop to the ground when she learned that her little child was debarred as an idiot. She was herself in a condition which precluded her going back with her baby. He had to be taken away from her and sent home with an elder sister.

As the law now stands there is no power on earth that can alter this result. In regard to all the persons debarred on medical grounds the word of the medical inspector is final. If he finds himself obliged to report idiocy, insanity, or a previous attack of insanity within five years, there is no appeal and no alternative to deportation. Neither the Secretary of Commerce and Labor nor the President of the United States nor any other person can interfere.

The proposed law adds to this list of cases, in which there is no appeal, all cases previously insane, the feeble-minded and imbecile, the tuberculous, and persons certified to be of a low vitality or poor physique, such as would incapacitate them for self-support. My contention is that not only does the law, as it now stands, imperatively need modification, lodging somewhere the power to make exceptions to hard and fast rules in suitable cases, but that this fault in the direction of lack of elasticity is made far more dangerous by the inclusion of the proposed new categories. It is clear that to frame such provisos is a matter requiring careful deliberation and consultation with officials charged with administering the law who best understand the kind of cases in which our laws work unnecessary hardship.

In regard to the exclusion of boys and girls under 16 coming without their parents, this is liable to work very badly. Suppose a man in America whose wife dies abroad and who asks his sister to bring his children to him. I have personally known many such cases. In regard to other points involved in this section, such as modification of the law as to contract labor and assisted immigration, there are undoubtedly also points which deserve further consideration.

(3) *Section 3.*—In this section dealing with the importation of women for immoral purposes we note with surprise that the present provisions appear to be weakened by adding the qualifying terms "alien" woman, "knowingly" hold, and by striking out the minimum limit of the term of imprisonment, leaving a maximum limit only. It seems to us unfortunate, to say the least, that in a law the general tendency of which is in the direction of greater stringency there should be a relaxation on this point.

(4) *Section 12*, requiring lists of passengers leaving the country, is one we heartily desire to see carried out.

(5) *Section 20.*—The effect of extending the time during which deportation is permissible from two years to three is one on which the representatives of public and private charitable boards should be consulted at length. It is an important point. It might be wise to consider part of the immigrant fund (if necessary, receipts from an increased tax) as an insurance for the expenses of return in case of necessity, and to allow deportation at the expense of this fund at any time to any person with the proviso that such deportation should bar reentry unless the expenses of such deportation were reimbursed. This would lessen our difficulties in times of depression, carrying home part of the unemployed, and would solve the difficulties of many stranded and unhappy persons who have proved misfits in this country, to the unspeakable benefit of themselves and the community. New York has long followed such a policy as a State, and with excellent results.

(6) *Section 36.*—It is to be considered whether the provisions of section 36 could not advantageously be somewhat extended.

(7) *Section 38.*—The illiteracy test does not seem to us a reasonable or a desirable one, but we have to admit that this subject has been largely discussed, and will not here submit any further arguments. We do believe, however, that there are valid reasons against regarding it as a fair or useful test, which a commission such as is urged in this letter should and would consider.

(8) *Section 39.*—In regard to the requirement of a fixed sum of money as a requisite for admission, we feel strongly opposed. Such a requirement is a two-edged weapon. In practice it would be very likely to take the place of a more particular inquiry as to the likelihood of self-support, which it by no means guarantees. It would also tend to give the impression to those proposing to immigrate that $50 for a family or $25 for an individual was a sufficient sum in hand with which to enter the United States, and so mislead them—to their cost and ours. On the other hand, it would exclude persons perfectly competent to support themselves and entirely desirable immigrants. For instance, immigrants entering at Galveston, so-called "home-seekers," without address or acquaintance and with practically no money, find at present instant employment with transportation to the place of work, and the scene on the Galveston wharf is one where railroad agents are making offers of employment which the immigrants are weighing and comparing while holding out for better terms. Under such circumstances $25 in hand is not a matter of importance to the immigrants or to us. In New York the situation is very different.

This brings up a third point with regard to this matter. We should hope to see such a commission as is desired consider the advisability of legislation framed to direct immigrants to the districts where they are needed. For instance, it might seem wise to require a given sum in hand of immigrants who are not paying their transportation to such States as offer a field for immigrants. Thus an immigrant might, under proper circumstances, be allowed to land without that sum in Texas, or in New York if he had a ticket through, let us say, to Colorado; while he would not be admitted in New York or Boston unless he had either the required amount or a ticket west or south. This is a rough suggestion, but some such device might be employed to help divert the current from the congested centers.

(9) Further provisions which we should hope to see such a commission consider would be stringent requirements as to conditions on shipboard, making steerage accommodations virtually as good as the present second class. This would be desirable on many accounts.

We should also hope that such a commission would consider the advisability of having a United States inspector and a United States matron on board all immigrant ships to look after the conditions of comfort, health, and morals afforded the passengers, to learn to know their character, and to give them information such as the contemplated bureaus of information would also furnish.

Another proposal which might be discussed is to have a staff for medical examination only at the ports of embarkation, this examination to take the place of that on arriving in the United States and to be final, except in cases of appeal.

This letter has run to an unexpected length, but it seemed necessary to adduce all the points mentioned to show what seem to us valid reasons for urging the inadvisability of the bill in its present shape, and of this or of any other legislation until after a far more complete and modern inquiry into the whole matter than has yet been made.

Feeling sure that you will accept our interest in this matter as an explanation of this letter, I am,

Faithfully, yours, JANE ADDAMS.

The Clerk read as follows:

Enforcement of antitrust laws: That the balance of the appropriation of $500,000 for the enforcement of the provisions of the act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof or supplemental thereto, and other acts mentioned in said appropriation, made in the legislative, executive, and judicial appropriation act for the fiscal year 1904, approved February 25, 1903, shall continue available during the fiscal year 1907.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word in order to ask the gentleman from Minnesota, chairman of the committee, a question. Did not the gentleman make an agreement with Mr. WILLIAMS last night that the committee would rise at 5 o'clock?

Mr. TAWNEY. No; I said I would try to have the committee rise, and I am going to in about five minutes.

Mr. CLARK of Missouri. Why does not the gentleman try now?

Mr. TAWNEY. I want to have read the paragraph following and then we will rise, because, as I understand, they want to call up the conference report on the statehood bill.

Mr. BARTLETT. I move to strike out the last word.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise. First, however, I will yield to the gentleman from Ohio [Mr. BURTON].

The CHAIRMAN. But the Chair has recognized the gentleman from Georgia.

Mr. BARTLETT. I hope, Mr. Chairman, that my amendment will be considered as pending.

The CHAIRMAN. The gentleman's amendment will be considered as pending.

Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent that when the subdivision pertaining to the isthmian canal is reached I may have leave to address the House for one hour on the subject of the type of canal to be adopted.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that when the item in reference to the isthmian canal is reached he may have one hour. Is there objection?

Mr. SIMS. Mr. Chairman, I do not object to that, but I think if some other gentleman wants to advocate another type of canal, he ought to be given an hour in opposition.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. Mr. Chairman, did I understand the Chair to state that an amendment to the section read would be in order to-morrow?

The CHAIRMAN. The Chair thinks so.

The motion of Mr. TAWNEY, that the committee rise, was then agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the sundry civil appropriation bill and had come to no resolution thereon.

STATEHOOD BILL.

Mr. HAMILTON. Mr. Speaker, I call up the conference report on the bill (H. R. 12707) known as the "statehood bill."

The SPEAKER. The gentleman from Michigan calls up the bill of which the Clerk will report the title.

The Clerk read as follows:

An act (H. R. 12707) to enable the people of Oklahoma and Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent to waive the reading of the report and the statement.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 37 and 38.

That the House recede from its disagreement to the amendments of the Senate numbered 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 39, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, inclusive, and agree to the same with an amendment as follows: In lieu of the amended section insert the following:

"SEC. 2. That all male persons over the age of twenty-one years who are citizens of the United States, or who are members of any Indian nation or tribe in said Indian Territory and Oklahoma, and who have resided within the limits of said proposed State for at least six months next preceding the election, are hereby authorized to vote for and choose delegates to form a constitutional convention for said proposed State, and all persons qualified to vote for said delegates shall be eligible to serve as delegates; and the delegates to form such convention shall be one hundred and eleven in number, fifty-five of whom shall be elected by the people of the Territory of Oklahoma and fifty-five by the people of Indian Territory, and one shall be elected by the electors residing in the Osage Indian Reservation in the Territory of Oklahoma; and the governor, the chief justice, and the secretary of the Territory of Oklahoma shall apportion the Territory of Oklahoma into fifty-five districts, as nearly equal in population as may be, which apportionment shall not include the Osage Indian Reservation, but said Osage Indian Reservation shall constitute one election district, and the governor, the chief justice, and the secretary of the Territory of Oklahoma shall appoint an election commissioner who shall establish voting precincts in said Osage Indian Reservation, and shall appoint the judges for election in said Osage Reservation; and the Commissioner to the Five Civilized Tribes, and two judges of the United States courts for the Indian Territory, to be designated by the President, shall constitute a board, which shall apportion the said Indian Territory into fifty-five districts, as nearly equal in population as may be, and one delegate shall be elected from each of said districts; and the governor of said Oklahoma Territory, together with the judge senior in service of the United States courts in Indian Territory, shall, by proclamation in which such apportionment shall be fully specified and announced, order an election of the delegates aforesaid in said proposed State at a time designated by them within six months after the approval of this act, which proclamation shall be issued at least sixty days prior to the time of holding said election of delegates. The election for delegates in the Territory of Oklahoma and in said Indian Territory shall be conducted, the returns made, the result ascertained, and the certificates of all persons elected to such convention issued in the same manner as is prescribed by the laws of the Territory of Oklahoma regulating elections for Delegates to Congress. That the election laws of the Territory of Oklahoma now in force, as far as applicable and not in conflict with this act, including the penal laws of said Territory of Oklahoma relating to elections and illegal voting, are hereby extended to and put in force in said Indian Territory until the legislature of said proposed State shall otherwise provide, and until all persons offending against said laws in the election aforesaid shall have been dealt with in the manner therein provided. And the United States courts of said Indian Territory shall have the same power to enforce the laws of the Territory of Oklahoma, hereby extended to and put in force in said Territory, as have the courts of the Territory of Oklahoma: *Provided, however*, That said board to apportion districts in Indian Territory shall, for the purpose of said election, appoint an election commissioner for each district who shall distribute all ballots and election supplies to the several precincts in his district, receive the election returns from the judges in precincts, and deliver the same to the canvassing board therein named, establish and define the necessary election precincts, and appoint three judges of election for each precinct, not more than two of whom shall be of the same political party, which judges may appoint the necessary clerk or clerks; that said judges of election, so appointed, shall supervise the election in their respective precincts, and canvass and make due return of the vote cast, to the election commissioner for said district, who shall deliver said returns, poll books, and ballots to said board, which shall constitute the ultimate and final canvassing board of said election, and they shall issue certificates of election to all persons elected to such convention from the various districts of the Indian Territory, and their certificates of election shall be prima facie evidence as to the election of delegates: *Provided further*, That in said Indian Territory and Osage Indian Reservation nominations for delegate to said constitutional convention may be made by convention by the Republican, Democratic, and People's Party, or by petition in the manner provided by the laws of the Territory of Oklahoma; and certificates and petitions of nomination in said Indian Territory shall be filed with the districting and canvassing board, who shall perform the duties of election commissioner under said laws, and shall prepare, print, and distribute all ballots, poll books, and election supplies necessary for the holding of said election under said laws. The capital of said State shall temporarily be at the city of Guthrie, in the present Territory of Oklahoma, and shall not be changed therefrom previous to anno Domini nineteen hundred and thirteen, but said capital shall, after said year, be located by the electors of said State at an election to be provided for by the legislature: *Provided, however*, That the legislature of said State, except as shall be necessary for the convenient transaction of the public business of said State at said capital, shall not appropriate any public moneys of the State for the erection of buildings for capitol purposes during such period."

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: Strike out "or in which the United States maintained laws prohibiting the

traffic in intoxicating liquors." And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"Where any part of the lands granted by this act to the State of Oklahoma are valuable for minerals, which term shall also include gas and oil, such lands shall not be sold by the said State prior to January first, nineteen hundred and fifteen; but the same may be leased for periods not exceeding five years by the State officers duly authorized for that purpose, such leasing to be made by public competition after not less than thirty days' advertisement in the manner to be prescribed by law, and all such leasing shall be done under sealed bids and awarded to the highest responsible bidder. The leasing shall require and the advertisement shall specify in each case a fixed royalty to be paid by the successful bidder, in addition to any bonus offered for the lease, and all proceeds from leases shall be covered into the fund to which they shall properly belong, and no transfer or assignment of any lease shall be valid or confer any right in the assignee without the consent of the proper State authorities in writing: *Provided, however*, That agricultural lessees in possession of such lands shall be reimbursed by the mining lessees for all damage done to said agricultural lessees' interest therein by reason of such mining operations. The legislature of the State may prescribe additional legislation governing such leases not in conflict herewith."

And the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 23. That the inhabitants of all that part of the area of the United States now constituting the Territories of Arizona and New Mexico, as at present described, may become the State of Arizona, as hereinafter provided.

"SEC. 24. That all qualified electors of said Territories, respectively, as described in this act, are hereby authorized to vote for and choose delegates to form a convention for said Territories; such delegates shall possess the qualifications of such electors. The aforesaid convention shall consist of one hundred and ten delegates, sixty-six of which delegates shall be elected to said convention by the people of the Territory of New Mexico and forty-four by the people of the Territory of Arizona; and the governors, chief justices, and secretaries of each of said Territories, respectively, shall apportion the delegates to be thus elected from their respective Territories, as nearly as may be, equitably among the several counties thereof in accordance with the population as shown by the Federal census of nineteen hundred; and such governors, respectively, shall, within twenty days after the approval of this act by the President of the United States, by proclamation, in which such apportionment shall be fully specified and announced, order an election of the delegates aforesaid in their respective Territories, to be held on the fifth Tuesday after the approval of this act as aforesaid; and the proper officials, as now provided by law in each of said Territories, respectively, shall immediately upon the approval of this act make, or cause to be made, as the case may be, in time for the election, a supplemental or general registration, as may be necessary, of the male citizens of the United States over the age of twenty-one years who shall have resided in said Territories, respectively, for six months, in the county for ninety days, and in the precinct, ward, or election district where they are to vote thirty days next preceding the date fixed for said election, whose names shall be placed upon or added to the great registers, or registration lists, as the case may be, exhibiting the names of the qualified voters of said Territories, respectively. And the persons so qualified shall be entitled to be so registered and to vote for delegates to the constitutional convention. Such election for delegates shall be conducted, the returns made, and the certificates of persons elected to such convention issued, as near as may be, in the same manner as is prescribed by the laws of said Territories, respectively, regulating elections therein of members of the legislature, save that not more than two judges of each of the election boards holding elections under this act shall be of the same political party: *Provided*, That the secretary, or other proper officer, of the Territory of Arizona, into whose hands the result of said election in the Territory of Arizona finally comes, shall immediately transmit and certify the same to the secretary of the Territory of New Mexico, at Santa Fe. Persons possessing the qualifications entitling them to vote for delegates to the constitutional convention under this act shall be entitled to vote on the ratification or rejection of the constitution submitted to the people of said Territories hereunder, and on the election of all officials whose election is taking place at the same time, under such rules or regulations as said convention may prescribe, not in conflict with this act: *Provided*, That said registration lists shall answer for both or all such elections.

"SEC. 25. That the delegates to the convention thus elected shall meet in the hall of the house of representatives of the Territory of New Mexico, in the city of Santa Fe therein, on the second Monday after their election, but they shall not receive compensation for more than thirty days of service, and after organization shall declare on behalf of the people of said proposed State that they adopt the Constitution of the United States, whereupon the said convention shall be, and is hereby, authorized to form a constitution and State government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State—

"First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians are forever prohibited.

"Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said limits owned or held by any Indian or Indian tribes, except as hereinafter provided, and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and such Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands and other property belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use; but nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing, as other lands and other property are taxed, any lands and other property owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe.

"Third. That the debts and liabilities of said Territory of Arizona and of said Territory of New Mexico shall be assumed and paid by said State, and that said State shall be subrogated to all the rights of indemnity and reimbursement which either of said Territories now has.

"Fourth. That provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and that said schools shall always be conducted in English: *Provided*, That nothing in this act shall preclude the teaching of other languages in said public schools.

"Fifth. That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, and that ability to read, write, and speak the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all State officers.

"Sixth. That the capital of said State shall temporarily be at the city of Santa Fe, in the present Territory of New Mexico, and shall not be changed therefrom previous to anno Domini nineteen hundred and fifteen, but the permanent location of said capital may, after said year, be fixed by the electors of said State, voting at an election to be provided for by the legislature.

"SEC. 26. That in case a constitution and State government shall be formed in compliance with the provisions of this act, the convention forming the same shall provide by ordinance for submitting said constitution to the people of said proposed State for its ratification or rejection, at an election to be held on the

sixth day of November, nineteen hundred and six, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution and for or against any provisions thereof separately submitted. The returns of said election shall be made by the election officers direct to the secretary of the Territory of New Mexico at Santa Fe; who, with the governors and chief justices of said Territories, or any four of them, shall meet at said city of Santa Fe on the third Monday after said election and shall canvass the same; and if a majority of the legal votes cast on that question in each of said Territories shall be for the constitution the said canvassing board shall certify the result to the President of the United States, together with the statement of the votes cast thereon, and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitution and government of said proposed State are republican in form, and if the provisions in this act have been complied with in the formation thereof, it shall be the duty of the President of the United States, within twenty days from the receipt of the certificate of the result of said election and the statement of the votes cast thereon and a copy of said constitution, articles, propositions, and ordinances from said board, to issue his proclamation announcing the result of said election, and thereupon the proposed State shall be deemed admitted by Congress into the Union, under and by virtue of this act, under the name of Arizona, on an equal footing with the original States, from and after the date of said proclamation.

"The original of said constitution, articles, propositions, and ordinances, and the election returns, and a copy of the statement of the votes cast at said election shall be forwarded and turned over by the secretary of the Territory of New Mexico to the State authorities.

"SEC. 27. That until the next general census, or until otherwise provided by law, said State shall be entitled to two Representatives in the House of Representatives of the United States, which Representatives, together with the governor and other officers provided for in said constitution, and also all other State and county officers, shall be elected on the same day of the election for the adoption of the constitution; and until said State officers are elected and qualified under the provisions of the constitution, and the State is admitted into the Union, the Territorial officers of said Territories, respectively, including Delegates to Congress, shall continue to discharge the duties of their respective offices in said Territories until their successors are duly elected and qualified.

"SEC. 28. That upon the admission of said State into the Union there is hereby granted unto it, including the sections thereof heretofore granted, four sections of public land in each township in the proposed State for the support of free public nonsectarian common schools, to wit: Sections numbered thirteen, sixteen, thirty-three, and thirty-six, and where such sections or any parts thereof have been sold or otherwise disposed of by or under the authority of any act of Congress other lands equivalent thereto, in legal subdivisions of not less than one quarter section and as contiguous as may be to the section in lieu of which the same is taken; such indemnity lands to be selected within said respective portions of said State in the manner provided in this act: *Provided*, That the thirteenth, sixteenth, thirty-third, and thirty-sixth sections embraced in permanent reservations for national purposes shall not at any time be subject to the grants nor to the indemnity provisions of this act, but other lands equivalent thereto may be selected for such school purposes in lieu thereof; nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants of this act, but such reservation lands shall be subject to the indemnity provisions of this act: *Provided*, That nothing in this act contained shall repeal or affect any act of Congress relating to the Casa Grande Ruin as now defined or as may be hereafter defined or extended, or the power of the United States over it, or any other lands embraced in the State hereafter set aside by Congress as a national park, game preserve, or for the preservation of objects of archæological or ethnological interest; and nothing contained in this act shall interfere with the rights and ownership of the United States in any land hereafter set aside by Congress as national park, game preserve, or other reservation, or in the said Casa Grande Ruin as it now is or may be hereafter defined or extended by law, but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this proviso contained shall be construed to prevent the service within said Casa Grande Ruin, or national parks, game preserves, and other reservations hereafter established by law, of civil and criminal processes lawfully issued by the authority of said State; and said lands shall not be subject at any time to the school grants of this act that may be embraced within the metes and bounds of the national park, game preserve, and other reservation, or the said Casa Grande Ruin, as now defined or may be hereafter defined; but other lands equivalent thereto may be selected for such school purposes hereinbefore provided in lieu thereof.

"SEC. 29. That three hundred sections of the unappropriated nonmineral public lands within said State, to be selected and located in legal subdivisions, as provided in this act, are hereby granted to said State for the purpose of erecting legislative, executive, and judicial public buildings in the same, and for the payment of the bonds heretofore or hereafter issued therefor.

"SEC. 30. That the lands granted to the Territory of Arizona by the act of February eighteenth, eighteen hundred and eighty-one, entitled 'An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes,' are hereby vested in the proposed State to the extent of the full quantity of seventy-five sections, and any portion of said lands that may not have been selected by said Territory of Arizona may be selected by the said State. In addition to the foregoing, and in addition to all lands heretofore granted for such purpose, there shall be, and hereby is, granted to said State, to take effect when the same is admitted to the Union, three hundred sections of land, to be selected from the public domain within said State in the same manner as provided in this act, and the proceeds of all such lands shall constitute a permanent fund, to be safely invested and held by said State, and the income thereof be used exclusively for university purposes. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said State, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

"SEC. 31. That nothing in this act shall be so construed, except where the same is so specifically stated, as to repeal any grant of land heretofore made by any act of Congress to either of said Territories, but such grants are hereby ratified and confirmed in and to said State, and all of the land that may not, at the time of the admission of said State into the Union, have been selected and segregated from the public domain, may be so selected and segregated in the manner provided in this act.

"SEC. 32. That five per centum of the proceeds of the sales of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State. And there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of five million dollars for the use and benefit of the common schools of said State. Said appropriation shall be paid by the Treasurer of the United States at such time and to such person or persons as may be authorized by said State to receive the same under laws to be enacted by said State, and until said State shall enact such laws said appropriation shall not be paid. Said appropriation of five million dollars shall be held inviolable and invested by said State, in trust, for the use and benefit of said schools.

"SEC. 33. That all lands herein granted for educational purposes may be appraised and disposed of only at public sale, the proceeds to constitute a permanent school fund, the income from which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislature shall prescribe, be leased for periods of not more than ten years, and such common school land shall not be subject to preemption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

"SEC. 34. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September fourth, eighteen hundred and forty-one, which section is hereby repealed as to the proposed State, and in lieu of any claim or demand by the said State under the act of September twenty-eighth, eighteen hundred and fifty, and section twenty-four hundred and seventy-nine of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the said State, and in lieu of any grant of saline lands to said State, save as heretofore made, the following grants of land from public lands of the United States within said State are hereby made, to wit:

"For the establishment and maintenance and support of insane asylums in the said State, two hundred thousand acres; for penitentiaries, two hundred thousand acres; for schools for

the deaf, dumb, and the blind, two hundred thousand acres; for miners' hospitals, for disabled miners, one hundred thousand acres; for normal schools, two hundred thousand acres; for State charitable, penal, and reformatory institutions, two hundred thousand acres; for agricultural and mechanical colleges, three hundred thousand acres; *Provided*, That the two national appropriations heretofore annually paid to the two agricultural and mechanical colleges of said Territories, respectively, shall, until the further order of Congress, continue to be paid to said State for the use of said respective institutions; for schools of mines, two hundred thousand acres; for military institutes, two hundred thousand acres.

"SEC. 35. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the unappropriated public lands of the United States within the limits of the said State, by a commission composed of the governor, surveyor-general, and attorney-general of said State; and no fees shall be charged for passing the title to the same or for the preliminary proceedings thereof.

"SEC. 36. That all mineral lands shall be exempted from the grants made by this act; but if any portion thereof shall be found by the Department of the Interior to be mineral lands, said State, by the commission provided in section thirty-five hereof, under the direction of the Secretary of the Interior, is hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said State in lieu thereof.

"SEC. 37. That the said State, when admitted as aforesaid, shall constitute two judicial districts, to be named, respectively, the eastern and western districts of Arizona, the boundaries of said districts to be the same as the boundaries of said Territories, respectively, and the circuit and district court of said districts shall be held, respectively, at Albuquerque and Phoenix for the time being, and the said districts shall, for judicial purposes, until otherwise provided, be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary the same as other similar judges of the United States, payable as provided for by law, and shall reside in the district to which he is appointed. There shall be appointed clerks of said courts, who shall keep their offices at said Albuquerque and Phoenix, in said State. The regular terms of said courts shall be held in said districts, at the places aforesaid, on the first Monday in April and the first Monday in November of each year, and one grand jury shall be summoned in each year in each of said circuit and district courts. The circuit and district courts for said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation now allowed by law to officers performing similar services for the United States in the Territories of Arizona and New Mexico, respectively.

"SEC. 38. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of either of said Territories, or that may hereafter lawfully be prosecuted upon any record from said courts, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district courts, respectively, hereby established within the said State or to the supreme court of such State, as the nature of the case may require. And the circuit, district, and State courts herein named shall, respectively, be the successors of the supreme courts of the said Territories as to all such cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same and award mesne or final process therein; and that from all judgments and decrees of the supreme courts of the said Territories mentioned in this act, in any case arising within the limits of the proposed State prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States or to the circuit court of appeals as they shall have had by law prior to the admission of said State into the Union.

"SEC. 39. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of the said Territories at the time of the admission into the Union of the said State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of the State shall be pending, in any Territorial court in said Territories shall abate by the admission of such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or State court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party transfers shall not be made to the circuit and district courts of the United States except upon cause shown by written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper State courts.

"SEC. 40. That the constitutional convention shall by ordinance provide for the election of officers for a full State government, including members of the legislature and two Representatives in Congress, at the time for the election for the ratification or rejection of the constitution; one of which Representatives shall be chosen from a Congressional district comprised of the present Territory of Arizona, to be known as the First Congressional district, and the other from a Congressional district comprised of the remainder of said State, to be known as the Second Congressional district; but the said State government shall remain in abeyance until the State shall be admitted into the Union as proposed by this act. In case the constitution of said State shall be ratified by a majority of the legal voters in each of said Territories voting at the election held therefor as hereinbefore provided, but not otherwise, the legislature thereof may assemble at Santa Fe, organize, and elect two Senators of the United States in the manner now prescribed by the laws of the United States; and the governor and secretary of state of the proposed State shall certify the election of the Senators and Representatives in the manner required by law, and when such State is admitted into the Union, as provided in this act, the Senators and Representatives shall be entitled to be admitted to seats in Congress and to all rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State government formed in pursuance of said constitution, as provided by the constitutional convention, shall proceed to exercise all the functions of State officers; and all laws of said Territories in force at the time of their admission into the Union shall be in force in the respective portions of said State until changed by the legislature of said State, except as modified or changed by this act or by the constitution of the State; and the laws of the United States shall have the same force and effect within the said States as elsewhere within the United States.

"SEC. 41. That the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying all and every kind and character of expense incident to the elections and conventions provided for in this act; that is, the payment of the expenses of registration and holding the election for members of the constitutional convention and the election for the ratification of the constitution, at the same rates that are paid for similar services under the Territorial laws, respectively, and for the payment of the mileage for and salaries of members of the constitutional convention at the same rates that are paid the said Territorial legislatures under national law, and for the payment of all proper and necessary expenses, officers, clerks, and messengers thereof, and printing and other expenses incident thereto: *Provided*, That

any expense incurred in excess of said sum of one hundred and fifty thousand dollars shall be paid by said State. The said money shall be expended under the direction of the Secretary of the Interior, and shall be forwarded, to be locally expended in the present Territory of Arizona and in the present Territory of New Mexico, through the respective secretaries of said Territories, as may be necessary and proper, in the discretion of the Secretary of the Interior, in order to carry out the full intent and meaning of this act.

Amend the title so as to read: "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States."

E. L. HAMILTON,
A. L. BRICK,

I agree to the above recommendations except as to amendment numbered 40; on this amendment I disagree.

JOHN A. MOON,
Managers on the part of the House.

WM. P. DILLINGHAM,
ALBERT J. BEVERIDGE,

I agree to the above and foregoing recommendations except as to amendment numbered 40; and as to said amendment I disagree.

T. M. PATTERSON,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 12707, to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona and New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

The House recedes from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 14, and agree to the same with amendments, to the effect that the delegates to a constitutional convention of the proposed State of Oklahoma shall be 111—55 to be elected by the people of the Territory of Oklahoma, 55 by the people of the Indian Territory, and 1 from the Osage Indian Reservation—with a provision for establishing voting precincts in said Osage Reservation for that purpose, and also provisions for districts in Oklahoma Territory, except the Osage Reservation, and for districts in the Indian Territory from which such delegates to said constitutional convention shall be elected.

The House recedes from its disagreement to the amendment of the Senate numbered 15 and agrees to the same. This amendment is a provision similar in character to the House provisions on the same subject, and provides in detail the election machinery for the election of all delegates to the constitutional convention and for laws governing the same.

The House recedes from its disagreement to the amendment of the Senate numbered 16, and agrees to the same with an amendment to the effect that the capital of the proposed State of Oklahoma shall temporarily remain at Guthrie and not be changed therefrom till after 1913, and provides that no State moneys shall be appropriated for the erection of public buildings there for capital purposes during that period, except as shall be necessary for the convenient transaction of public business of the State at said capital.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment which does no more than to change the words of the original House text, without any change in the effect of the House provision.

The House recedes from its disagreement to the Senate amendments numbered 18, 21, and 22, and agrees to the same. These are all verbal changes and additions of words without altering the intended effect of the House bill.

The House recedes from its disagreement to the amendments of the Senate numbered 19 and 20, and agrees to the same. These amendments provide for the sale and use of alcohol in the part of the proposed State now covered by Indian Territory and in certain Indian reservations in Oklahoma by apothecaries, to be used by them in compounding medicines, and regulates its use by them and provides for a bond that it shall not be used for other purposes.

The House recedes from its disagreement to Senate amendment numbered 26, which is a slight and immaterial change as to the time of payments of interest on State funds.

The House recedes from its disagreement to the Senate amendment numbered 27, and agrees to the same with an amendment which eliminates all of said Senate amendment numbered 27 and provides by an amendment that all State lands valuable for minerals, including gas and oil, shall not be sold by the State of Oklahoma prior to 1915, but that such lands may be leased for mineral purposes for periods not to exceed five years, which leasing must be made by public competition, advertised for not less than thirty days, under sealed bids, and awarded to the highest responsible bidder, who shall pay a fixed royalty in addition to the bonus offered in his bid, such leases not to be transferred without consent in writing by the proper officer of the State; and that an agricultural lessee of such mineral lands shall be reimbursed by the mining lessee for all damage done to his leasehold interest by such mining operations. The legislature of the State may legislate upon the subject, not in conflict with this act.

The House recedes from its disagreement to the amendment of the Senate numbered 28, which is a slight and immaterial verbal change explanatory of text.

The House recedes from its disagreement to the amendments of the Senate numbered 29, 30, 31, 32, 33, and 34, and agrees to the same.

These amendments add Tulsa and Chickasha to the court towns provided for in the House bill, and arrange for terms of court to be held at such additional places.

The House recedes from its disagreement to the amendments of the Senate numbered 35 and 36. These are verbal changes merely and do not change the intent of the House provision in relation to the fees of officers of the Federal courts, which is the subject of the clause amended.

The Senate recedes from its amendments numbered 37 and 38, leaving the House bill unaltered in the matter to which such amendments relate.

The House recedes from its disagreement to the amendment of the Senate numbered 39, and agrees to the same.

This amendment provides that the Osage Indian Reservation shall be and remain one county until its lands are allotted in severalty, and, further, until changed by the legislature of Oklahoma.

The House recedes from its disagreement to the amendment of the Senate numbered 40, and agrees to the same with an amendment, to which the Senate agrees, and which amendment agreed to reinstates the original text of the House bill on the subject of statehood for Arizona and New Mexico, with certain changes to the effect as follows:

The House bill provides that thirty days after the approval of this act the President shall order an election of delegates to a constitutional convention. This has been changed to twenty days on account of the shortness of time, caused by delay in this legislation, and for the same reason the election of delegates, which was fixed in the original House bill on the tenth Tuesday following the approval of this act, is changed by this agreement to the fifth Tuesday. For the same reason the time of holding the constitutional convention has been changed from the fifth Monday after the election of delegates to the second Monday, and instead of receiving compensation for not more than sixty days' service the delegates can receive compensation for not more than thirty days' service.

A further change of the House bill on this subject has been made which requires an election to be held for the adoption or rejection of the constitution on November 6, 1906, and that if a majority of each of said Territories shall be for the constitution, then and in that event statehood shall be perfected by the proclamation of the President, as provided by the original House bill; otherwise not.

This change from the original House bill, which finds force and effect in these words of the conferees' agreement referred to, to wit, "and if a majority of the legal votes cast on that question in each of said Territories shall be for the constitution," then statehood shall be perfected, means that if the majority of the voters of either Arizona or New Mexico shall vote to reject, then there shall be no statehood and each of these Territories shall be left in statu quo; but if a majority of both these Territories shall vote at said election to ratify the constitution, then they will be perfected into statehood under the name of Arizona under the provisions of the bill.

The other provisions of the conferees' amendment agreed to, relative to the subject of statehood for Arizona and New Mexico,

designated as No. 40, follow the original provisions of the House bill with a few immaterial changes.

E. L. HAMILTON,
A. L. BRICK,
JOHN A. MOON,
Managers on the part of the House.

Mr. HAMILTON. Now, Mr. Speaker, I move the adoption of the report.

Mr. SMITH of Arizona. Mr. Speaker, before that is done I would like to say a word or two.

Mr. HAMILTON. Very well; but I want first to yield five minutes to the gentleman from Tennessee, if that will answer the purposes of the gentleman from Arizona.

Mr. SMITH of Arizona. I am quite willing.

Mr. HAMILTON. I yield five minutes to the gentleman from Tennessee [Mr. MOON].

Mr. MOON of Tennessee. Mr. Speaker, at the request of the gentlemen on the Committee on Territories, I ask unanimous consent to have printed in the RECORD the report of the majority and the views of the minority on the statehood bill. There are facts in that report that ought to be preserved, and the copies are about all gone.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the reports of the majority and the minority upon the bill indicated may be printed in the RECORD. Is there objection?

There was no objection.

The reports are as follows:

[House Report No. 496, Fifty-ninth Congress, first session.]

The Committee on the Territories, to whom was referred H. R. 12707, to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, report same back to the House of Representatives, and recommend that it do pass.

ANALYSIS OF BILL.

This bill, under a single title and enacting clause, enables two States to be admitted into the Union.

It consists of forty-three sections, the first eighteen of which relate to the proposed State of Oklahoma, the area of which is to comprise the present Territory of Oklahoma and the Indian Territory; and the remaining seventeen sections relate to the proposed State of Arizona, the area of which is to comprise the present Territories of New Mexico and Arizona.

The whole bill is drawn to conform as nearly as may be to the language of previous enabling acts, and contains such provisions as may in their nature be common to all, besides such additional provisions as are made necessary by existing laws, Indian treaties, and local conditions.

The sections framed to provide similar objects for each of the proposed new States are made to conform as nearly as may be with each other.

The State of Arizona can be admitted into the Union not earlier than about seven and a half months and not later than about eleven months after the approval of this act.

Each State is to be admitted into the Union by a proclamation of the President of the United States, in the usual manner, after compliance with certain requirements.

An election which is equitably and properly safeguarded is provided for delegates to a constitutional convention for each proposed State. The convention for Oklahoma is to consist of 112 delegates and that for Arizona of 110 delegates.

The constitution framed must in each case conform to the usual requirements and be submitted to the people of each proposed State, respectively, for ratification at an election to be held for that purpose.

Each State is divided into two judicial districts, and the proper officials are provided therefor. The Federal courts of the proposed State of Oklahoma are attached to the eighth judicial circuit, and the Federal courts of the proposed State of Arizona are attached to the ninth judicial circuit.

Proper provision is made in the usual way for pending causes in the Territorial courts during the transition.

Oklahoma is allowed five and Arizona two Members of the House of Representatives, representation being based on the last census, and each State is divided into Congressional districts.

Proper provision is made in each State for nonsectarian common schools and the teaching of English therein.

Suffrage is well guarded, and strong antipolygamy clauses are in the bill.

The new States are to assume and pay the debts of the Territories, respectively.

The capital of Oklahoma is fixed at Guthrie until 1915, and that of Arizona at Santa Fe until the same year, at which time it is expected that conditions will have so shaped themselves that State capitals may be established by elections provided for that purpose, with entire fairness to all parts of the States concerned.

Oklahoma is given 2 sections of nonmineral land in each township within the present Territory of Oklahoma for the support and maintenance of a system of public nonsectarian common schools, besides certain specific donations of land for its educational and other institutions. Oklahoma is also given the sum of $5,000,000 in lieu of lands which can not be set apart for school purposes within the present limits of Indian Territory, because such lands are owned by the Indians and because of the great expense to which the new State will be put in establishing a system of common schools where none now exist.

The State of Arizona, as in the case of Utah, because of the arid character of the land, is given 4 sections of nonmineral land in each township for the support of common schools. It is also given, as is usual, certain specific donations of land for the educational and other institutions. In addition thereto, because of the arid character of the land, the proposed State of Arizona is given the sum of $5,000,000, to be safely invested by the State in trust for the use and benefit of the common schools thereof.

Each State, as is usual, after admission is to receive 5 per cent of the cash realized from the sale of public lands within the State, to form a permanent fund, the interest of which only can be used for the maintenance of its common schools, and the usual restrictions, requirements, and safeguards are thrown around all of these donations to each of the States.

An appropriation of $100,000 for the State of Oklahoma and of $150,000 for the State of Arizona, or so much thereof in each case as may be necessary, is made for defraying the expenses of the conventions provided for in the bill, to be expended under the direction of the Secretary of the Interior.

It is provided that until the admission of the proposed States the Territorial officers shall continue to perform their duties as at present in the respective Territories.

QUALIFICATIONS FOR STATEHOOD.

Article IV, section 3, of the Constitution of the United States provides that "new States may be admitted by Congress into the Union," but the Constitution nowhere defines the qualifications of Territories for statehood. Congress therefore has discretion as to what conditions shall be required of Territories seeking admission as States.

When the Constitution was adopted this Republic had a population of less than 4,000,000 and comprehended the thirteen original States as then bounded, together with the Northwest Territory.

The ordinance of 1787 provided for the temporary government and future division of the Northwest Territory into States, to be admitted "whenever any of said States shall have 60,000 free inhabitants therein."

This rule of 60,000 population for Territories seeking admission as States was for sometime observed more or less closely.

Subsequently, in the case of Kansas, another rule was adopted requiring a population equal to the unit of representation in the House of Representatives, which was not thereafter adhered to.

Nevada, which was admitted with an area of 109,901 square miles and a population of 42,491 in 1864, by the census of 1900 had a population of 42,335, about one-fifth of the population of a Congressional district under the last apportionment.

Of course area alone can not be considered as a controlling qualification. A vast area might never be capable of sustaining a sufficient population.

This nation now has a population of 80,000,000, and undoubtedly, without attempting to make any hard-and-fast rule as to population of Territories seeking admission as States, the population of such Territories should bear some reasonable relation in number and character to the great body of the population of the Republic.

ARIZONA.

Arizona was a part of the territory acquired from the Republic of Mexico by the treaty of Guadalupe-Hidalgo, February 2, 1848, and by the Gadsden purchase of December 30, 1853, and was a part of the original Territory of New Mexico, from which it was separated and organized into a Territory in 1863.

It is 378 miles long by 339 miles wide and contains 112,920 square miles, or 73,000,000 acres. By the census of 1900 it has a population of 122,931, of whom 26,480 are Indians, being 1.1 persons to the square mile.

It is true that the census of 1900 is claimed to be inaccurate in that it does not give Arizona as many people as are claimed were there, and Arizona claims a population of not less than 175,000; but this committee does not feel warranted in adopting speculative estimates; besides, the highest estimates do not change the situation upon which the committee bases its decision.

Of the population other than Indians, about 80 per cent are estimated by Governor Brodie to be Americans, as contradistinguished from inhabitants of Mexican derivation; and of all the population, not counting Indians, Governor Brodie estimates only about 1 per cent of illiteracy. The character of the population is of such high order that it stands above detraction and needs no commendation.

The Territory has a university, two normal schools, and an excellent common school system.

Its newspapers are ably managed and edited.

It has a total assessed valuation of taxable property as shown by the report of the Secretary of the Interior, of $57,920,372.84, but it is probable that its property is returned for taxation at a comparatively small percentage of its market value, in some instances, as indicated by Government reports, at not over 5 per cent of its actual value.

Its lands are valuable for agriculture only as irrigated, and its irrigable lands are chiefly in the valleys of the Salt River, the Gila, the Colorado, the Little Colorado, and their tributaries. If irrigation under the national irrigation law shall prove successful, soil of wonderful fertility, otherwise of little value, will attract immigration, but irrigation under that law is in the experimental stage.

In arid regions the rainfall is torrential and runs rapidly off the baked surface of the earth into channels, through which it comes down in floods of no value unless impounded for irrigation purposes.

Months and sometimes years intervene between heavy rains, and it is the purpose of the Government to impound the water from rainfall and from snow on the mountains and distribute it systematically.

The average annual rainfall in Arizona varies from 5.86 inches at Gila Bend to 22.24 inches at Flagstaff, the increased precipitation at Flagstaff being due to the proximity of the mountains.

Stock raising is at present a more important industry in Arizona than agriculture.

The forest area in Arizona is the largest in the United States and covers 6,400,000 acres.

Its chief industry is mining, and while great mineral wealth has already been developed, it is asserted that its mineral resources so far as developed are small as compared with its possibilities.

The Territory has within its limits about 1,400 miles of railroad.

NEW MEXICO.

New Mexico was acquired from the Republic of Mexico by the treaty of Guadalupe-Hidalgo, February 2, 1848, and by the Gadsden purchase of December 30, 1853.

It is 360 miles north and south by 346 miles east and west, and contains 122,580 square miles, or 78,451,200 acres, on which, by the census of 1900, live a population of 195,310, being 1.6 persons to the square mile.

As in the case of Arizona, the census is claimed to be inaccurate, and the governor of New Mexico in his annual report for 1905 claims a

population of not less than 300,000; but here again the committee does not feel warranted in accepting speculative estimates.

This committee considers the criticism as ill informed which finds fault with New Mexico because of its alleged foreign population.

Out of a population of 195,310 New Mexico has only 13,625 foreign-born inhabitants, a smaller foreign-born percentage than most of the States of the Union.

New Mexico was made a Territory in 1850, and ever since that time the people of that Territory have been electing their own legislatures, making their own laws, conducting their own local government, and contributing revenue to the Federal Treasury.

Were it not that the two-fifths of its population which are native born but of Spanish descent have been heretofore erroneously referred to as foreign, it would be an aspersion upon a patriotic people even to refer to their loyalty. The remaining three-fifths of its population are of the same character as the people of Arizona.

During the civil war, out of a total population of 93,567 New Mexico sent 6,561 men to fight for the Union, and in our war with Spain 1,089 men enlisted, of whom 500 were "Rough Riders."

The assessed valuation of property within the Territory for the year 1905 was $42,578,792.68, but it is asserted that for purposes of taxation property is not returned at much more than 20 per cent of its market value.

Its indebtedness June 30, 1905, was $853,000, and its sinking fund on hand to meet its obligations was $60,164.94.

The Territory has a capitol building erected at a cost of $200,000; a penitentiary, valued at $500,000; a college of agricultural and mechanical arts, valued at $150,000; an asylum for the insane, valued at $180,000; a school of mines, valued at $65,000; a university, valued at $60,000; two normal schools, each valued at $60,000; a military institute, valued at $50,000, and other institutions for which large appropriations have been made.

It has an excellent common school system, the buildings alone being worth $2,000,000, and the actual enrollment of pupils for the year 1905, according to the governor's report, being 36,111, and besides its common schools and Territorial institutions it has over fifty sectarian schools, conducted by various religious denominations, with an enrollment of over 6,000 pupils.

All these institutions and the public school system of New Mexico have been built and sustained by the Territory without the aid of the Federal Government, except by the usual grant of sections 16 and 36 for school purposes, made in 1898, from which rentals have only recently commenced to be received.

New Mexico has seventy-five weekly newspapers and six dailies.

Agriculture in New Mexico is conducted by irrigation along the river valleys of the San Juan, Rio Grande, the Mimbres, the Canadian, the Cimarron, the Gila, the Pecos, their tributaries, and some smaller valleys.

Stock raising is the principal industry.

What has been said of the rainfall of Arizona applies to New Mexico, except that the average annual rainfall of New Mexico is a trifle more than that of Arizona.

The mining industry of New Mexico is said to be rapidly developing, and it has about 2,600 miles of railroad.

After giving full consideration to conditions in both Territories this committee recommends the admission of Arizona and New Mexico joined in a single State, to be known as "Arizona."

The name Arizona is retained as the better name in the choice between the names of the two Territories, one of which the committee feels ought to be given to the proposed State.

The area of the proposed State, though vast, will be about 27,000 square miles less than that of Texas.

If national irrigation shall succeed and mining industry shall fulfill its flattering promise, the proposed State may become great in population, wealth, and resources, but at present the population on the vast area proposed to be admitted as a State is only a little more than one person to the square mile, and is settled in river valleys, with mountains and vast arid wastes between which can never support a population.

The population of the proposed State, in the opinion of this committee, has the educational, moral, and other elements to entitle it to citizenship of a State and of the United States.

The people of Arizona and New Mexico have developed the resources of their Territories to the best of their ability under present conditions, and as a State, with the aid of Federal irrigation, they will undoubtedly develop to the utmost the latent resources of their vast domain.

OKLAHOMA AND INDIAN TERRITORY.

As to Oklahoma and the Indian Territory, this committee favor their joinder in one State.

Oklahoma has an area of 38,830 square miles, or 24,979,200 acres, and by the census of 1900 a population of 398,331.

Indian Territory, which for convenience we shall refer to as a Territory, although it has no Territorial organization, has an area of 31,000 square miles, or 19,840,000 acres, and by the census of 1900 a population of 392,060.

It is conceded by everyone who has had opportunity for observation that since the census of 1900 the population of both Oklahoma and the Indian Territory has increased with amazing rapidity, until their aggregate population is now probably nearly a million and a half.

There are probably no better farming lands in the United States than those in these Territories, and vast areas which were unoccupied in 1900 have been rapidly settled upon since that time.

Under the so-called "Curtis Act" provision was made for the organization of towns in the Indian Territory, and towns have been organized all over the Territory, having populations which are increasing with astonishing rapidity.

The arbitrary and irregular boundary line between Oklahoma and the Indian Territory is in itself an argument in favor of their joinder in one State, and indicates the progress made up to date in the gradual addition of Indian reservations to original Oklahoma, which, at the outset, constituted only about one-eighth of the present Territory of Oklahoma.

Indian Territory, as originally set apart in 1834, practically comprehended what are now known as Oklahoma and Indian Territory, except that Beaver County, formerly known as "No Man's Land," was added to Oklahoma by act of Congress May 2, 1890.

Original Oklahoma, containing about 3,000,000 acres in the heart of what now constitutes Oklahoma, was opened to settlement April 2, 1889, but no form of government was provided for the country so opened to settlement until May 2, 1890, when the organic act of the Territory of Oklahoma was approved.

By that organic act it is provided "that all that portion of the United States now known as Indian Territory, except so much as is actually occupied by the Five Civilized Tribes and the Indian tribes within the Quapaw Indian Agency, and except the unoccupied part of the Cherokee Outlet, together with that part of the United States known as the 'Public Land Strip,' is hereby erected into a temporary government by the name of the Territory of Oklahoma. * * * Whenever the interests of the Cherokee Indians in the land known as the 'Cherokee Outlet' shall have been extinguished and the President shall make proclamation thereof, said Outlet shall thereupon, and without further legislation, become a part of the Territory of Oklahoma. Any other lands within the Indian Territory not embraced within these boundaries shall hereafter become a part of the Territory of Oklahoma whenever the Indian nation or a tribe owning such lands shall signify to the President of the United States in legal manner its assent that such lands shall so become a part of the Territory of Oklahoma, and the President shall thereupon make proclamation of the same."

By this organic act it is apparent that it was not intended to draw any line of division between Oklahoma and Indian Territory, but that Oklahoma should increase in geographical scope from time to time within the limits of the original Indian Territory, by the addition of "any other lands within the Indian Territory * * * whenever the Indian Nation or a tribe owning such lands shall signify to the President of the United States in legal manner its assent."

It is therefore apparent from this organic act that it was the intention of Congress that the original Indian Territory, together with the strip of land running westward to the east line of New Mexico and formerly known as "No Man's Land," should eventually become one State.

Original Oklahoma has been increased and opened to settlement as follows:

1. In 1890, by the addition of the Sauk and Fox, Iowa, and Potawatomi Indian reservations, containing 1,283,434 acres, in the eastern part of what is now Oklahoma Territory, and the addition of the Cheyenne and Arapaho reservations, containing 4,297,771 acres, in the western part of what is now Oklahoma Territory;

2. In 1893, by the addition of the Cherokee Strip, containing 6,014,239 acres;

3. In 1895, by the addition of the Kickapoo Reservation, containing 206,662 acres;

4. In 1896, by the addition of Greer County by decision of the Supreme Court of the United States; and

5. In 1901, by the addition of the Kiowa, Comanche, Apache, and Wichita reservations.

Within the present limits of Oklahoma there are still reserved from settlement the Osage, Ponca, and Oto reservations, and the Kiowa and Comanche pasture reservations, in all amounting to about 2,000,000 acres.

Oklahoma Territory, so formed, is now divided into twenty-six counties, traversed by not less than 3,000 miles of railroad.

In its report on the statehood bill in the Fifty-eighth Congress, the committee, referring to the resources of Oklahoma, said:

"In 1903 the wheat crop of Oklahoma was over 36,000,000 bushels; the corn crop 65,000,000 bushels; the cotton crop over 200,000 bales; and 1,036,662 cattle, 304,713 horses, 234,218 sheep, and 63,452 mules were scheduled for taxation.

"It has 280 grain elevators, 66 flouring mills, and 232 cotton gins.

"It has 79 national banks and 247 Territorial banks, the aggregate deposits in which on January 1, 1904, amounted to $22,456,510.

"It has 250 weekly newspapers, 28 daily newspapers, besides monthly and semimonthly publications.

"It has 191,433 children of school age and 2,192 district schoolhouses."

While definite statements of the resources of the Territory for the year 1905 have not been obtainable in all cases, from all information available it is clear that there has been a substantial increase in production, wealth, and population in the Territory. It has a university, an agricultural and mechanical college, normal schools, a university preparatory school, and a colored agricultural and normal university, besides denominational and private educational institutions.

By the provisions of the organic act, and by various acts of Congress opening Indian reservations to settlement, 2,055,500 acres of land have been reserved for the benefit of common schools, colleges, normal schools, public buildings, and for charitable and penal institutions.

Mineral deposits are said to have been found in the Wichita Mountains; oil, coal, and gas have been discovered in various parts of the Territory, and salt and gypsum beds cover thousands of acres.

Construing the organic act of Oklahoma according to its obvious intent, that all the lands within the original limits of the Indian Territory should eventually be merged into the Territory of Oklahoma and thereafter into a State, the question to be determined is whether the so-called Indian Territory is ready to be joined with Oklahoma in a State, and whether it may be so joined equitably so far as the Indians of Indian Territory are concerned.

The Indian Territory is not an organized Territory, but is an area of land occupied by the Five Civilized Tribes, viz, the Creeks, Choctaws, Chickasaws, Cherokees, and Seminoles, and certain small tribes in the northeast corner of the Indian Territory who hold their lands by patent.

These Five Civilized Tribes moved westward from certain of the Southern States with their slaves, and settled upon the lands comprehended within the original limits of the Indian Territory, under various treaties with the Federal Government.

These treaties provided in effect, among other things, that the Five Tribes should have tribal governments of their own.

Having come from the South, their sympathies were naturally with the South in the civil war, although many of the Indians in the northern part of the Territory kept faith with the Federal Government.

In 1865 and 1866 treaties of peace were made with the Indians whereby they acknowledged the sovereignty of the United States and agreed to abide by the Federal laws.

In 1866 certain of the Indians ceded the use of their lands west of the present line of the Indian Territory to the Government for the occupancy of certain tribes of friendly Indians, and in 1889 the Creek and Seminole sold their interest in these lands outright to the United States. Thereupon followed the organization of original Oklahoma and the addition thereto of territory as hereinbefore described.

Meanwhile white people have been emigrating to the Indian Territory in constantly increasing numbers until now, when the Dawes Commission estimates the number of people in the Indian Territory at about 700,000, of whom only about 70,000 are estimated to be Indians.

In 1893 the Commission to the Five Civilized Tribes, commonly called the "Dawes Commission," was created. For the first five years of its existence, down to the passage of the so-called "Curtis law," the

Commission was given only the power of negotiation, except that under the law of June 10, 1896, they were given limited authority in relation to citizenship rights.

By the Curtis Act, however, its authority was extended so that the Commission to the Five Civilized Tribes now has authority for the "extinguishment of the national or tribal title to any lands within that Territory (the Indian Territory) now held by any or all of such nations or tribes, either by cession of the same, or some part thereof, to the United States, or by the allotment and division of the same in severalty among the Indians of such nations or tribes."

The act of June 10, 1896, empowered the Commission to determine applications for citizenship presented within ninety days from the date of the act, and even under that law "applications embracing approximately 75,000 claimants were judicially determined."

The business of the Dawes Commission, as finally defined by various statutes and Indian agreements supplemental thereto, was "to administer upon five great estates," composed of about $10,000,000 of trust funds and 19,511,889.39 acres of land, as follows:

Choctaw Nation	6,950,043.66
Chickasaw Nation	4,703,108.05
Cherokee Nation	4,420,070.13
Creek Nation	3,072,813.16
Seminole Nation	365,854.39

This business did not relate to the disposition of wild lands or lands of uniform value. "It related to vast tracts, covered by the houses and other improvements of a great population, threaded in every direction with railroads, filled with villages and large towns of the most modern character," and without a wigwam or blanket Indian within the limits of the Territory.

It became the duty of the Commission to determine—

First. Who were the bona fide citizens entitled to possess these properties; and

Second. To take an inventory of the properties to be divided, and to apportion them equitably in severalty.

THE PEOPLE AND THEIR CONDITION.

Aside from the population which has been attracted to the Territory, there are five distinct classes of people having common property and citizenship rights, but differing widely in racial characteristics, viz:

1. The so-called full-blood Indian.
2. People of mixed blood ranging from an almost infinitesimal infusion of Indian blood to nearly full-blood Indians.
3. Intermarried whites.
4. Negroes, called freedmen, who were slaves or are the descendants of former slaves of Indians.
5. Adopted citizens.

According to the recent Bonaparte report these five classes constitute about one-fifth of the inhabitants of the Territory, and of them "at least three-fourths are Indians in little more than name, with from 75 to 99 per cent of white blood, and in great majority altogether indistinguishable in appearance, language, and manners from white people."

These people of mixed blood are, as a rule, intelligent, educated, and competent to manage their own affairs.

The remaining four-fifths of the inhabitants of the Territory have no connection whatever with the tribes and are white people, with a small percentage of negroes, attracted from the various States of the Union, whose citizenship in the States from which they came has qualified them for statehood.

It therefore appears that of the whole population of the Indian Territory scarcely one-twentieth are full-blood Indians.

By the Curtis Act and various agreements with the five nations, tribal courts were abolished July 1, 1898, and all tribal relations and governments of the five nations are to cease March 4, 1906.

The government of Indian Territory at present is a government by the Secretary of the Interior, by four Federal judges having jurisdiction in four several districts, and by various commissioners, which courts and commissioners administer the Federal law together with an extension of a part of the Arkansas Code. This government is known in Indian Territory as "court government."

Indian Territory is without adequate schools, so far as white people are concerned, and is without asylums for the deaf, dumb, blind, and insane.

The only provision for free schools in the Territory is in the Curtis Act, which provides for free schools in the incorporated towns.

Outside the incorporated towns the various Indian governments maintain schools, but it is asserted that at least 100,000 white children outside incorporated towns are without free educational opportunities, and that a large white population is growing up in ignorance.

ALLOTMENT.

As to the inventory of "properties to be divided" by the Dawes Commission. Nothing is owned in common in the Indian Territory except the lands and tribal funds. The act of June 28, 1898, known as the Curtis Act, provided for "the making of rolls of citizens and the allotment of lands in the five nations in the Indian Territory;" and pursuant to the provisions of that law various agreements and supplemental agreements have been made with the Five Civilized Tribes providing for the allotment of lands, the divisions of tribal funds, and the abolishment of tribal governments after March 4, 1906. Under this law "and the agreements with the tribes, and acts of Congress amendatory and supplementary thereof, the Commission has proceeded to make rolls of citizens of each of the tribes, appraise the land preparatory to allotment, estimate timber, set apart land for town sites over a large part of the Territory, subdivide the United States Geological Survey sectional survey into quarter sections and in some places quarter-quarter sections, make improvement plats of the land surveyed, and to allot the land to the individual members of the tribes." The Commission was also authorized to segregate coal lands in the Choctaw and Cherokee country.

According to the Tenth Annual Report of the Commission to the Five Civilized Tribes, "the survey and appraisement work of the Commission is finished."

As to coal and asphalt lands the Dawes Commission reports that the lands segregated under the provisions of the act approved July 1, 1902, cover an area of 444,863.03 acres. These lands are not subject to allotment.

As to the progress of the Commission in the enrollment of citizens and the allotment of lands, the so-called "Bonaparte report," transmitted to Congress by the President March 7, 1904, is as follows:

"In the Seminole Nation the roll has been completed and finally approved by the Secretary of the Interior.

"In the Creek Nation the enrollment work is 97½ per cent completed.

"In the Choctaw, Chickasaw, and Cherokee nations the enrollment work is between 90 and 95 per cent completed.

"All of the land in each nation has been appraised and valued in tracts of 40 acres, and where timber of commercial value was found on the land the timber on each 40 was estimated and valued.

"Approximately 12,000 sectional improvement plats have been made and are now used in the different land offices, and this work has been completed as far as it is deemed necessary to carry it.

"In the Seminole Nation all selections of allotments have been made, and the only work remaining to be done in that nation is the disposing of surplus lands, for which no provision of law exists, and the issuing of deeds.

"In the Creek Nation practically all allotments have been made, and more than 60 per cent of the allottees have received allotment and homestead deeds to their lands. These deeds are prepared by the Commission, and, when executed, recorded by it.

"In the Choctaw and Chickasaw nations approximately 45 per cent of allotments have been made.

"In the Cherokee Nation approximately 25 per cent of allotments have been made. Under instructions from the Secretary of the Interior all proceedings looking to the allotment of land in the Cherokee Nation have been suspended since October 7, 1903, in accordance with the act of Congress relative to the segregations of lands, to await the decision of the then pending suit in the United States Supreme Court between the Delawares and Cherokees.

"Allotment-selection contests are being kept well up in the different nations. This involves in each case, of which there are already between 2,000 and 3,000, practically a court trial to determine title to improvements on land.

"No statement is attempted to be made of the incidental work that has arisen in the different nations from time to time, much of which has, however, been of considerable magnitude.

"It will be seen, therefore, at this time that the work for which the Commission was created, and which has been its constant aim during its existence, namely, 'the extinguishment of the national or tribal title to any lands within that Territory,' is well advanced toward completion. The work in the Seminole Nation is complete as far as it is possible to complete it under existing legislation. The work in the Creek Nation is substantially finished. It is estimated that the work in the Choctaw and Chickasaw nations will be ended by March 31, 1905, and in the Cherokee Nation by July 1, 1905. And when all tribal title to land in Indian Territory shall have been extinguished, and final disposition made of all of the affairs of the Five Tribes, the work will have cost the Government less than 10 cents per acre."

Memorandum showing condition of work of Commission to the Five Civilized Tribes on December 31, 1903.

1. HOW MUCH LAND HAS BEEN ALLOTTED.

SEMINOLE NATION.

Total acreage subject to allotment		363,578.92
Allotted (allotment completed)		344,948.26
Excess land, for the disposition of which no provision exists		18,630.66

CREEK NATION.

Total acreage subject to allotment		3,063,981.38
Allotted (allotment practically completed)		2,448,793.20
Unallotted land, which under existing law is to be used as far as necessary in equalizing allotments		515,188.18

A provision of pending Indian appropriation bill provides for sale of these surplus lands, the proceeds to be used in equalizing allotments.

CHOCTAW AND CHICKASAW NATIONS.

Total acreage subject to allotment		11,153,356.25
Allotted at Choctaw land office	1,742,804.20	
Allotted at Chickasaw land office	1,664,212.42	
		3,407,016.62
Unallotted		7,746,339.63

Approximately 1,750,000 acres, including coal lands, will not be used in making allotments.

CHEROKEE NATION.

Total acreage subject to allotment	4,400,304.76
Allotted to October 7, 1903	1,055,892.07
Unallotted	3,344,412.69

2. HOW LONG WILL IT TAKE TO FINISH THE ALLOTMENT?

In its report on the statehood bill in the Fifty-eighth Congress, the committee said:

"*Seminole Nation.*—Allotment is completed.

"*Creek Nation.*—Allotment is substantially completed.

"*Choctaw and Chickasaw nations.*—On December 31, 1903, allotment offices had been in operation seven and a half months, and at that time approximately one-third of the work of allotment had been completed. It is estimated that practically all allotments in those nations will have been made in fifteen months from December 31, 1903, or by March 31, 1905.

"*Cherokee Nation.*—Allotment office had been in operation approximately eight and one-fourth months, when work was suspended on October 7, 1903, under instructions from the Secretary of the Interior, pending an adjudication of the rights of Delaware members of the tribe. No allotments have been made since that date. During the time the office was in operation approximately one-fourth of the work of allotment was completed. It is estimated that with some increase in the allotting force of the office, practically all allotment work in the Cherokee Nation can be completed in fifteen months from the date when the office shall be reopened."

Since that report was made the allotment of lands has been proceeding and is approaching the end. The Interior Department states that by the first of the next fiscal year all allotments will undoubtedly be completed, except in cases where the citizenship of the parties is still under investigation or where the land is involved in contest proceedings.

In his annual message, December 4, 1905, the President said:

"I recommend that Indian Territory and Oklahoma be admitted as one State and that New Mexico and Arizona be admitted as one State. There is no obligation upon us to treat territorial subdivisions, which are matters of convenience only, as binding us on the question of admission to statehood. Nothing has taken up more time in the Congress during the past few years than the question as to statehood to be

granted to the four Territories above mentioned, and after careful consideration of all that has been developed in the discussions of the question I recommend that they be immediately admitted as two States. There is no justification for further delay, and the advisability of making the four Territories into two States has been clearly established."

CONCLUSION.

Inasmuch, then, as in the opinion of this committee, the Congress intended by the organic act of the Territory of Oklahoma, that all of the original Indian Territory, together with what is now Beaver County, should become one State; and

Inasmuch as the present Territory of Oklahoma has for some time been qualified for statehood, which has been deferred until the Indian Territory should be ready to be joined therewith in statehood; and

Inasmuch as conditions in the Indian Territory imperatively demand some better form of government than now exists there; and

Inasmuch as Indian lands will be allotted in severalty before the time when statehood can go into effect as provided for in this bill, and for all the reasons set forth in this report, this committee report in favor of the joinder of the Territory of Oklahoma and the Indian Territory in one State, such State to be known as the State of Oklahoma.

To that end, and to the end that the Territories of Arizona and New Mexico may be joined in one State, to be known as the State of Arizona, this committee recommend that the bill do pass.

Views of the minority.

We do not agree with the conclusion of the majority, and dissent from the provisions of the bill creating one State from the Territories of New Mexico and Arizona for the following potent and manifest reasons:

The State created by joining New Mexico and Arizona will contain an area, in round numbers, of 235,500 square miles—vastly too large in this case for a safe and economical State government, even if no other objection could be urged. They are separated by the Continental Divide from their common northern boundary line to Mexico, a distance of 325 miles, every one of which lies through a rough, mountainous country.

There are only two practicable routes to cross these mountains east and west. The southern pass, near the thirty-second parallel, is used by the Southern Pacific and the El Paso and Southwestern railroads, which passes over an elevation of 4,000 feet. The northern pass is 25 miles north of the thirty-fifth parallel, where the Atchison, Topeka and Santa Fe crosses the line between the Territories at an altitude of nearly 7,000 feet. There is no crossing north of this point. Between the two passes mentioned lies a distance of 175 miles of rough mountains, over which there is no practicable passage from one Territory into the other. On the Arizona side of this line lies the counties of Graham and Apache, on the New Mexican side, and adjoining these counties, are Grant, Socorro, Valencia, and McKinley counties.

The main Continental Divide averages upward of 7,000 feet, with no practicable pass from the thirty-second to the thirty-fifth parallel. These mountains are great tilted blocks, with their precipitous faces to the west and long-sloping sides eastwardly. For any communication between these Territories, except along the lines of the railroads, as before described, the people must travel vast distances at great expense of time and money. This mighty mountain barrier between the two peoples makes their union an impossibility. It cuts off communication between them. The people of New Mexico in trade follow the course of their rivers to the east; Arizona's trade is almost entirely western. There is no more community of interest subsisting between these Territories than between Maine and Florida.

The rapid development of Arizona, her splendid civilization, and great growth in wealth and population furnish unanswerable proofs why a forced amalgamation of the people of the two commonwealths under one State government would be in the highest degree objectionable, unwise, and especially unfair to Arizona.

The area of New England, comprising six States, is about 65,000 square miles; the area of the Territory of Arizona is nearly twice greater, being 113,916 square miles.

The area of the Territories of New Mexico and Arizona, now proposed to be merged, is 235,117 square miles, or greater than Maine, Massachusetts, New Hampshire, Vermont, Rhode Island, Connecticut, Michigan, New York, Pennsylvania, Maryland, and New Jersey.

The distance from one side of the proposed State to the other is as great as it is from New York to Chicago; it is 700 miles from the capital of Arizona to the capital of the proposed joint State at Santa Fe, N. Mex.; it is 900 miles from the county seat of the county of Yuma, Ariz., to Santa Fe, and the distances are comparatively as great from other populous communities in Arizona. For fully 250 miles in western New Mexico and eastern Arizona, along the two great lines of railroad which furnish the only practicable means of communication, the physical formation of the country is such as to forever prohibit sufficient population to maintain even county governments.

New Mexico and Arizona have their own public buildings, capitol, university, normal schools, asylum, penitentiary, etc., and all the necessary equipment for successful government.

Each Territory has a considerable bonded indebtedness, which would be difficult to adjust satisfactorily if the Territories were joined. The county, school district, and municipal indebtedness of Arizona is funded under authority of an act of Congress into low interest-bearing Territorial bonds which command a premium. Every subdivision of Arizona has first-class credit. No such funding law exists in New Mexico, and several of the counties there are insolvent, with a heavy and onerous indebtedness, evidenced by discredited securities which the owners hope the proposed joint State will assume.

It is impossible from the meager testimony before the committee to decide exactly the ratio of American as distinguished from the Spanish blood which makes up the population of New Mexico. The present Delegate reported the American as about 30, the Spanish or Mexican as about 70 per cent, but afterwards came before the committee and gave it as his opinion that they were about equally divided. We are making no objection to the Mexican population as such, but suggest the fact of a different language as a reason against uniting these Territories.

In Senate Report No. 2206, part 1, Fifty-seventh Congress, second session, made by Senator BEVERIDGE, it is asserted:

"The greater majority are native New Mexicans of Spanish and mixed Spanish and Indian descent, and these practically all speak Spanish in the affairs of daily life, and the majority speak nothing but Spanish.

"Courts are conducted through the medium of an interpreter, and it is impossible to conduct the machinery of justice without this official. (Testimony of Judge W. J. Mills, p. 2; Nepomuceno Segura, p. 4; William A. Gortner, p. 6; Judge McFie, p. 29; Judge Baker, p. 46; Judge McMillan, p. 110; Judge Parker, p. 96; Jose D. Sena, p. 31, and others.)

"The interpreter interprets the testimony of witnesses to the jury, the argument of counsel to the jury, and the charge of the court to the jury. (Testimony of witnesses above.)

JUSTICES OF THE PEACE (SPANISH).

"Coming to the courts of the people—justices of the peace—practically all of them speak Spanish, and the proceedings of their courts are conducted in Spanish. The dockets of nearly all justices of the peace are kept almost exclusively in Spanish. The statutes of the Territory in the offices of practically all justices of the peace are printed in Spanish. (Testimony of Jesus Maria Tefoya, p. 12; Felipe Bacay Garcia, p. 26; Francisco Anaya, p. 39; Charles M. Conklin, p. 40; Jose Maria Garcia, p. 41; Juvenico Quintana, p. 42; Leonardo Duran, p. 43; Seferino Crollott, p. 52; Manuel Lopez, p. 98.)

POLITICAL CONVENTIONS AND SPEECHES BY INTERPRETER.

"In political campaings almost all political speeches are made either in Spanish or in English through an interpreter, and interpreters are used in practically all (it may even be said in all) political conventions. (Testimony of C. M. Foraker, p. 74; H. S. Wooster, p. 18; Felipe Bacay Garcia, p. 26, and others.)

"This is true even in the 'American' town of Albuquerque. (Testimony of C. M. Foraker, p. 74.)

"An interpreter was used in the last Republican Territorial convention which nominated the present Delegate to Congress, and nominating speeches were made through that medium. (Testimony of José D. Sena, p. 32.)

"An interpreter is used in the legislature, and both councils (senate and house) have official interpreters. (Testimony of José D. Sena, pp. 32–33.)"

This report, so far quoted, is not given as any argument against the people of New Mexico or as an argument against statehood for New Mexico, nor to detract in any way from the citizenship of that Territory, but to set forth such differences in the customs and language of the two Territories as show the folly and injustice of uniting them in one State. The minority is of the opinion from all that has been shown before the committee, and from what it can gather from former reports to Congress, and from the present Delegate and last ex-Delegate from New Mexico, that no one in either Territory is in favor of joint statehood, all preferring separate statehood for each Territory, and those now consenting to a joint State do so for fear of being indefinitely held under the yoke of Territorial vassalage.

Aside from these reasons, there is a moral if not legal objection to the union of Arizona with New Mexico or any other country whatever. The organic act, creating the Territory of Arizona, specifically provides:

"That said government (Arizona) shall be maintained and continued until such time as the people residing *in said Territory* shall * * * apply for and obtain admission as a State on an equal footing with the original States."

Under that guaranty the people of Arizona laid the foundation on which they have reared a great and prosperous Commonwealth. After the expenditure of millions of dollars in public improvements by the "people residing in said Territory"—after building roads, digging canals, erecting schoolhouses, churches, hospitals, asylums, colleges, and court-houses in every county; after having by heavy taxation of themselves put into smooth and active operation every enginery of a proud State—to now condemn them against their will to hand all these things over to the management of the superior number of people residing in New Mexico, and with whom they have nothing in common, is a direct violation of good faith on the part of Congress, and can not be justified in either morals or statesmanship. There is not even the excuse of political exigency.

Against the proposed jointure of Arizona and New Mexico every protest that any people could make has been made to Congress by both Territories. Their wishes should be respected. We are of opinion that such union can bring nothing but disaster to both Territories. The governor of New Mexico, in his report to the Secretary of the Interior for 1902 (p. 4), shows 8 Spanish-Americans to 5 of all other races combined. The roster of every legislature save one proves the predominance of Spanish-Americans in New Mexico.

Governor Otero, of New Mexico, in a protest against joining Arizona and New Mexico, said:

"Our objection is not due to any innate animosity between the two Territories, but to the inherent differences in population, in legislation, in industries, in contour, in ideals, and from an historical and ethnologic standpoint, not to mention that the consolidation of two Commonwealths like New Mexico and Arizona into one is unprecedented in American history.

"The new State would be an unnatural and unwilling alliance. It would be the coercion of two populations which are unlike in character, in ambition, and largely in occupation. The union would be abhorrent to both. Simply because the two populations are in the Southwest, the country should not suppose that they are alike or sympathetic."

Hundreds of protests from the people of Arizona confirm this statement of the governor. (Some of these protests will appear in the appendix hereto.)

There are many conflicts between the laws of the two Territories which can never be reconciled. All Latin races are influenced by civil law. In Arizona there is no suggestion of civil-law ideas. Inheritance laws differ radically from those of New Mexico. Irrigation laws have been made to meet Arizona's peculiar conditions. Any change would necessarily seriously disturb vested rights. The readjustment of taxes and public debts would be a source of constant disagreement, if, indeed, they could ever be adjusted at all. A further great injustice is done in the bill by forcing Arizona to contribute her share to the payment of the debts of New Mexico—debts in the creation of which she had no voice and in which she had no interest whatever and from which she received no benefit directly or indirectly.

If the governor's report be true, the Spanish-American population of New Mexico is greater than the entire American population of Arizona. The latter has only a small percentage of citizens of Spanish descent, and nearly all of them speak the English language, and their children attend the public schools and are living in perfect harmony with their surroundings and aiding through splendid citizenship the upbuilding of the Territory. The English language is the universal language of Arizona. The Spanish is the dominant language of New Mexico. The people of New Mexico are a homogeneous people. The races by the contact of years have broken down prejudices, and there is no objection to the admission of that Territory as a single State.

But we fear that the union of these two Territories against the wish

of either will awaken in each the strongest of race and religious prejudices which will retard for half a century the onward march of both. Strife, crime, injustice will result, and the poor and uneducated will be the chief sufferers. We can see no excuse or justification for forcing a distasteful union between two Territories different in customs, aspirations, hopes, ideals, purposes, and language; divided by an almost impassable mountain barrier, which has made and will forever keep them strangers to each other.

Oklahoma and Indian Territory are entitled to separate statehood, and we prefer that each should be admitted as a State, but being convinced that the people of the Indian Territory prefer one State with Oklahoma, rather than no State, the minority reluctantly consent to vote for the measure if Arizona and New Mexico are struck from the bill.

The Republicans of the House and Senate defeated the Oklahoma statehood bill in the last Congress by the very tactics which they are now using to defeat it. There is no more reason to join Arizona and New Mexico to the Oklahoma statehood bill than there is in joining in the same measure the Territories of Alaska and Porto Rico.

The manifest purpose of the majority is to unjustly keep Oklahoma out of the Union unless they can with greater injustice force Arizona in.

We regret that we can not support the present measure on account of the unwillingness of the majority to permit the Territories a separate vote on the question of the union of Arizona and New Mexico. For the same reason we would support the bill for the union of Oklahoma and Indian Territory we oppose the part of the bill uniting Arizona and New Mexico as contrary to the will of the people residing therein.

Voicing, as we believe, the unanimous sentiment of the Democratic side of the House, and to exhibit to the people of these Territories the Democratic position on this question, the minority in the committee offered the following amendment to the bill, fearing that no amendment would be permitted to be offered when the bill reached the House. The amendment was as follows:

"Strike out all of the bill which relates to Arizona and New Mexico, so as to leave it a bill for the admission of Oklahoma and Indian Territory as one State."

The roll being called, every Democrat on the committee voted "Aye," and every Republican voted "No."

The minority then moved to "amend the bill by striking out every provision relating to Arizona," so that Oklahoma and Indian Territory could come in as one State and New Mexico as one State.

The question being put and the roll called, every Democrat voted "Aye." Every Republican voted "No."

The minority then moved to insert the words "each of" on page 45, line 1, between the words "Territories" and "voting," so that the constitution of the State of Arizona should not be adopted unless a majority of the people in each of said Territories should separately vote in favor thereof, and declared their willingness to support the bill as a whole if so amended. The question being put, every Republican present voted "No," and every Democrat present voted "Aye."

We deplore the President's action in recommending without assigning reasons for joint statehood for Arizona and New Mexico, and thus ignoring the last expression of the Republican national platform on the question of statehood for the remaining Territories. The Republican party in 1896 had this plank in its platform:

"We favor the admission of the remaining Territories at the earliest practicable date, having due regard for the interest of the people of the Territories and of the United States."

The same party in 1900 had this declaration:

"We favor home rule for, and the early admission to statehood of, the Territories of New Mexico, Arizona, and Oklahoma."

These pledges are plainly violated in the failure to report a bill in favor of statehood for each of these Territories. Such a bill passed the House of Representatives in the Fifty-seventh Congress, and each of them certainly has a much stronger claim for recognition now than it had in 1902, when the statehood bill passed. The Delegate from Arizona, near the beginning of that session, presented a bill for the admission of Arizona as a State. The Delegate from New Mexico presented a similar bill for the admission of New Mexico, and the Delegate from Oklahoma likewise presented a bill asking for the admission of Oklahoma to statehood, and in the hearings before the committee each of them insisted that the bill presented by him reflected the wishes of his people and insisted upon a favorable report thereon.

The people of Arizona and New Mexico especially have repudiated the action of the committee in trying to make joint statehood for their Territories. Why should the Committee on the Territories change its base with reference to this matter? What excuse can be given to the country for this utter disregard of party pledges and failure to consider the wishes of the people?

Under this bill Arizona, being numerically the weaker, could be forced into a union with New Mexico, even though every vote in Arizona were cast against the consolidation. The stronger of the two Territories can mercilessly coerce the other into union.

It has long been a settled doctrine of American polity, founded in wisdom and justice, that a Territory of the Union is, upon organization, clothed with the inchoate right of ultimate statehood—a right to be exercised in the discretion of Congress when the Territory is capable, by reason of its resources and population, to assume the duties and obligations of a free State.

The denial of this right, the reversal of this policy by an arbitrary exercise of power by Congress in forcing an unnatural union of Territories against the will of their people, the forcible union of peoples distinct in customs, habits, manners, and religion, is ultraradical and revolutionary. It is a pitiful illustration of the degradation to which a party may fall when violating, for party purposes, its plighted faith made to the people in the national platform.

Should the Republican party pass this bill, wicked as it is in the denial of equal rights in representation and partisan in all of its material details, it will but afford another indecent example of the suppression of individual, Territorial, and national rights to subserve partisan ends.

No ultimate good can come to any political party or to our common country by tyrannizing any part of it. Arizona should have the right to say whether she will or will not accept this bill. Her people are neither aliens nor strangers. Her citizenship is composed of the best fiber from every State in the Union. They have built a great commonwealth of which they are justly proud. They desire to preserve it intact. It is their right. This bill is viewed by them as oppressive, tyrannous, and vindictive. Over their protest it should not be passed. For the best interest of Arizona and New Mexico alike, and for the best interest of our common country as well, we protest against the passage of this or any bill uniting these two Territories for all time in a union obnoxious to either.

We herewith present an appendix showing that Arizona and New Mexico are each entitled to separate statehood, and also setting forth some of the protests reaching Congress against joining the two as proposed by the present bill.

Respectfully submitted.

JOHN A. MOON.
CHAS. C. REID.
JAMES T. LLOYD.
E. Y. WEBB.
JACK BEALL.
A. O. STANLEY.
MARK A. SMITH.

APPENDIX No. 1.

Protests to Congress against the passage of the joint State bill for New Mexico and Arizona.

These protests are all to the same purpose, and we will present in full only one or two and refer by title to some of the others.

The following resolutions were adopted unanimously at the convention held May 27, 1905, at Phoenix, to organize an antijoint statehood league:

"RESOLUTIONS.

"We, the members of the antijoint statehood convention, chosen from every political subdivision and representing the people of the Territory of Arizona, in convention assembled, do hereby declare:

"Whereas we have reasons to fear that at the coming session of Congress an attempt will be made to enact a law providing for the admission into the Union jointly, as one State, of the Territories of Arizona and New Mexico; and

"Whereas we have been authorized and directed by the people of Arizona to give an expression of their views in regard to such proposed union: Now, therefore, be it

"*Resolved*, That the people of Arizona are unalterably opposed to the union of Arizona with New Mexico.

"And on their behalf we do earnestly protest against the enactment of the proposed measure by the Congress of the United States, or of any measure which has for its purpose the admission of Arizona into the Union as a part of any other State or Territory.

"And, believing that all governments derive their just powers from the consent of the governed, we urge the Congress to heed this expression of the sentiments of our people on this question and to listen to some of the reasons why we will never consent to the proposed union.

"Our people feel a just pride in their history, prosperity, development, and high civilization, and confidently look to the future for the realization, through the development of our wonderful resources and by reason of the splendid energy and character of our citizenship, of a still higher civilization and more general prosperity, and to the time, near at hand, when our qualifications, by reason of our wealth, population, and development, to single statehood must be recognized by the whole people of America.

"We entertain for the people of our sister Territory, New Mexico, the kindliest feelings and sympathize with them in their efforts for admission as a State of the Union. Yet we profoundly believe that the union of the two Territories as one State would be inimical to the best and highest interests of the people of both, and because of the differences in our history, laws, customs, and races, and because of the geographical divisions which naturally separate and divide us such union would be particularly harmful to the people of Arizona.

"We believe that the complications which would inevitably result from an attempt to adjust impartially the burdens of the debts of the Territories and of the various counties and municipalities thereof would result in irreconcilable differences, and that the prosperity and welfare of the various Territorial institutions—educational, eleemosynary, and reformatory—would be endangered and their usefulness destroyed.

"We further believe that it would be impossible to adopt such a code of laws as would meet the conditions in each Territory, and yet which would be just to the whole people of the proposed State. We further represent that political autonomy is the dearest wish and hope of our people, and the stimulus of much of our work, labor, and effort in establishing institutions which have for their object the education of our children and the care and maintenance of the unfortunate, in the improvement and growth of our material interests, and in the development of our distinctive type of civilization; and that the loss of this autonomy would destroy our hope, discourage effort, confuse our purposes for the future, retard our development, and permanently injure us as a people.

"To be compelled against our will and desire to lose our identity, and to be merged into the proposed State in which we would have so little voice, wounds our pride and violates our sense of justice and fairness.

"Therefore, as patriotic and law-abiding people, we confidently appeal to the Congress of the United States to avert the disaster that threatens us, and rather than force upon us this proposed union to allow us to remain a Territory indefinitely."

The serious and dignified language of that manly protest should, with Congress, outweigh the unexplained and terse recommendation of the President on a question and a condition of which he can not possibly be as well informed as they and in which he can not possibly have a more patriotic or the same absorbing interest.

Without setting out the language of the various protests against this measure, we content ourselves by naming a few of the many which have been presented, to wit:

The memorial of the Arizona legislature.
Protest mayor and common council, Tucson.
Territorial Baptist Convention.
Board of supervisors, Yavapai County.
Phoenix and Maricopa Board of Trade.
Tucson Chamber of Commerce.
Miners' Association of Arizona.
Arizona Cattle Growers' Association.
The citizens of Clifton, Ariz.
Protest of citizens of Coconino County.
Protest of citizens of Mohave County.
Protest of Republican central committee.
Protest of Democratic central committee.
Protest of citizens of Clifton, Ariz.
Resolutions board of supervisors of Cochise County.
Resolutions annual convention Arizona Cattle Growers' Association.
Resolution John W. Owen Post, Phoenix, Ariz.

Resolutions members Central Child Study Circle, Phoenix, Ariz.
Resolution Business Men and Miners' Association, Wickenburg, Maricopa County, Ariz.
Protest of the Republican central committee.
Protest Methodist Episcopal Church.
Protest Methodist Episcopal Church, Maricopa County.
Protest Presbyterian Church, Phoenix.
Protest Arizona Federation of Women's Clubs.
Protest mayor and common council, Phoenix.
Protest volunteer fire department, Phoenix.
Protest Bar Association, Prescott.
Protest Territorial Bar Association.
Protest mayor and common council, El Paso, Tex.
Protest citizens, Valparaiso, Ind.
Protest citizens' mass meeting, Dos Cabezos.
Protest citizens' mass meeting, Tucson.
Protest, by petition, of 3,200 people of the State fair at Phoenix, obtained in thirty minutes, and a count of all refusing to sign showed less than 2 per cent of the people.
General Sampson obtained in Phoenix 1,200 names of protestants against the bill, and, keeping strict count and making no discrimination, reports that only 7 persons refused to sign.
Also, protest of Ministers' Conference, Phoenix, January 19.
Protest of the town of Tempe and many others too numerous to mention.

The governor of Arizona, in his last report just made to the Secretary of the Interior, says:

"Arizona is well qualified for self-government, but, although entitled to separate statehood, she is not seeking it, and only asks to be let alone at this time, and not be forced into a miserable merger where her splendid identity will be lost, and where she will be outvoted and dominated in every official way by a population not in sympathy with her institutions or her people. The citizens of Arizona also believe that their feelings and wishes in the premises are entitled to some consideration, and every board of trade, municipal and county government, Territorial bar, and banking association, with public institutions, educational and church, the organization of both political parties, the Territorial legislature, and the people of every town and hamlet have earnestly protested against what they believe would be an irreparable wrong."

Both Territorial conventions nominating candidates for Congress put a plank in their platform against joint statehood with New Mexico. The same was done in New Mexico, and the last legislative assembly of New Mexico in a joint resolution memorialized Congress against joint statehood.

APPENDIX No. 2.

Resources of Arizona.

It has been argued in Congress that only 1 per cent of the area of Arizona is suitable for cultivation. Arizona is so large that even if this were true—and it is not—this area would be greater in extent than the State of Rhode Island.

In 1905 there were 11,257,385 acres of land located and taxed; 13,854,615 acres of grazing land on the public domain; 26,089,600 acres in Indian and forest reserves. The balance of the Territory, consisting of 21,067,200 acres of mountainous or desert land, can never be reclaimed, but much of it is rich in minerals.

There are 520,000 acres of land which will be adequately supplied with water by the irrigation projects now in contemplation or under construction by the Federal Government.

Mr. F. H. Newell, United States Geological Survey, is authority for the statement that there are 800,000 acres in Arizona which can be reclaimed by irrigation. In the Salt River Valley alone there are 200,000 acres which will be supplied with water within two years by the Tonto reservoir, which is now under construction.

The area of this valley is equal to all of the irrigated land in southern California north as far as Santa Barbara, which supports Los Angeles and many other large cities.

The pine forests of Arizona cover an area of over 12,000 square miles. The San Francisco Forest Reserve contains 1,939,640 acres. The Black Mesa 1,782,040, which, combined with the other smaller reserves, bring up the total acreage to nearly 7,500,000. (Dept. of Int. U. S. Geol. Surv. Papers 22 and 23.) In the Black Mesa there is now standing 4,081,498,000 feet B. M., with an average market value of $122,444,494. In the San Francisco Reserve 812,500 acres, or less than one-half, has been examined and measured. This shows 2,743,558,000 feet—market value, $82,306,740.

A safe estimate of the value of Government timber in Arizona is $300,000,000 when marketed.

We are informed by the Agricultural Department that with the introduction of new forage grasses our grazing land can be greatly extended and improved. New methods of cultivation without irrigation are being successfully tried in the Panhandle district in Texas, in Colorado, and in Utah, which conclusively show that a large part of our semiarid land, situated where irrigation is impossible, will eventually be profitably cultivated. It was only a few years ago that Kansas was considered a barren waste.

The census of 1900 gives Arizona 113 producing mines in operation, and 381 mines in process of development. On January 1 of that year the records show that altogether 1,085 patents and applications for patents had been filed in the land offices.

On November 15, 1905, the records show 1,620 patents and applications, 50 per cent more than all that had been applied for previous to 1900.

The total yield so far as can be shown by data from 1870 to 1894, of gold, silver, and copper, is $156,368,620.70. (Table 203, Mines and Quarries.) During the decade ending in 1904 the production of gold and silver amounted to $55,343,683, notwithstanding the great depreciation in the price of silver. The production of copper during this decade increased 300 per cent and amounted to $119,566,688.

These earlier figures are based on the reports of the commissioner of mines and Wells-Fargo Express Company, which transported most of the output. The latter figures are from reports of directors of the mints.

During the last two or three years railroad construction has opened up new districts; the Prescott and Eastern Railway, the Arizona and Eastern Railway, and the Phoenix and Eastern Railway run into the heart of rich mineralized regions where mining has previously been impracticable. Official figures are not available, but it is common knowledge that the output of our mines has doubled in three years, and that Arizona, now second in the production of copper, will step ahead of Montana in 1906 and take first place. When it is realized that this product comes from mines that can be counted on one hand, it is vain to predict the possibilities of the future.

The mineral belt of this Territory is one of the largest in the world. It reaches from Nevada and Utah in the northwest, passing diagonally through the Territory into the State of Sonora, Mexico, in the southeast, a distance in length of 437 miles by about 100 miles in width.

The grazing belt extends from the line of New Mexico on the east to the timber belt, 140 miles west. The timber belt is a vast area of great pine forests, containing nearly 10,000 square miles of as fine timber as there is in the world.

MANUFACTURING.

Manufacturing, except the smelting of ores, is nearly all a thing of the future, but with our swift mountain streams to develop power it will come as it does in all well-settled countries. The streams available for power are: Upper Gila River, San Francisco River, Little Colorado River, Verde River, Concho River, Nutrioso River, Virgin River, Bill Williams Fork, White River, Salt River. Five thousand horsepower has already been developed on the Salt at the Tonto dam site.

With this showing of resources that can and will be developed, we submit it is unnecessary to force the people of Arizona into this distasteful and indissoluble union with New Mexico.

With such a showing as this in our undeveloped resources, in agricultural lands, grazing lands, forests and mines, has any man the right to say that Arizona will not, even within ten years' time, rank well up in the list of States and Territories in her developed resources and, as a result, in population?

AGRICULTURE.

In 1870 there were only 172 farms in Arizona, containing 21,807 acres, of which 66.9 were improved and had a valuation, with live stock, of $325,441. (12th Census, pp. 142–144, Vol. V.) This was only thirty-five years ago.

With the advent of railroads and the disappearance of hostile Indians we find in 1880 there were 767 farms, an increase during the decade of 345.9 per cent, having a total acreage of 135,576, an increase of 521.7 per cent, with valuations aggregating $2,384,746, an increase of 632.8 per cent. (12th Census, pp. 688–693, Vol. V.)

In 1890 the farms had increased to 1,426 in number, or 85.9 per cent, the acreage to 1,297,033, or 856.7 per cent, while the valuations amounted to $10,676,470, a gain of 347.7 per cent. The individual holdings during this decade averaged 910 acres to the farm and only 8 per cent was improved.

In 1900 the number of farms was increased to 5,809, the acreage per farm reduced to an average of 333, the valuations increased to $29,906,877, an increase of 161.9 per cent, and even then only 13.2 per cent was improved. (12th Census, pp. 696, Vol. V.)

The total value of crops for the year 1899 (the last year in the census reports) was $6,997,097. Live stock, $15,375,286, of which $2,908,745 worth were sold for export; $296,013 were consumed in the Territory. The total farm products for the year amounted to $10,201,855, an average of $1,739 per farm, or $60.70 per acre of cultivated lands. A portion of this profit should be attributed to grazing lands belonging to the Federal Government, but all range cattle are fattened for market in the valleys that are irrigated.

This summary of the increased production is an answer to the argument that Arizona has not advanced "in three hundred years."

The following table will show the productiveness of Arizona soil for a period of ten years (Yearbook, issued by Department of Agriculture):

Wheat.—Arizona: Average bushels per acre, 21.5; value per acre, $17.47; value per bushel, 81.2 cents. United States: Average bushels per acre, 13.4; value per acre, $8.66; value per bushel, 64.6 cents.

Corn.—Arizona: Average bushels per acre, 28.8; value per acre, $22.17; value per bushel, 77 cents. United States: Average bushels per acre, 24.7; value per acre, $10.02; value per bushel, 40.3 cents.

Oats.—Arizona: Average bushels per acre, 34; value per acre, $22.14; value per bushel, 65.1 cents. United States: Average bushels per acre, 28.7; value per acre, $7.70; value per bushel, 26.8 cents.

Hay.—Arizona: Average tons per acre, 2.63; value per acre, $27.28; value per ton, $10.37. United States: Average tons per acre, 1.37; value per acre, $10.89; value per ton, $7.87.

Special crops under high culture produce remarkable results. The following are a few well-authenticated recent instances taken from the Salt River Valley:

Mr. J. W. Toumey, of Glendale, has produced 15 tons of alfalfa to the acre in one year which sells in the stack for $5 a ton.

Mr. J. W. Black, near Phoenix, realized $1,200 per acre of strawberries on a large crop from May to December.

The cantaloupe crop yields from 150 to 200 crates per acre, and due to the early market nets the skillful farmer from $200 to $500 per acre.

Mr. A. G. Bailey raised 8,249 pounds of peaches from 1 acre, which he sold on the spot for $412.45.

The figures on citrus fruits are even greater, but, of course, they require more time to come into bearing.

Thirty and three-tenths per cent of the population of Arizona are engaged in farming, as compared with 35.6 for the United States. Eighty-four and one-tenth per cent of the farmers own their homes with only 5.4 per cent mortgaged. The average in the United States is 44.4 per cent own homes and 20 per cent are mortgaged.

In 1900 there were in Arizona 519 irrigating canals completed aggregating 1,492 miles, costing $4,408,158, serving 185,396 acres of land. In 1902 there were 781 canals, an increase in two years of over 50 per cent, serving an acreage of 247,250. (Irrigation Bulletin No. 16, 1903.)

EDUCATIONAL.

[Judge Layton's report.]

	1895.	1905.	Increase, 10 years.
School census	15,201	29,290	92.6 per cent.
Schools	219	523	139.2 per cent.
Teachers	314	538	121.3 per cent.
Expenditures	$201,357.89	$533,668.19	165 per cent.
Properties	$414,447.00	$925,033.00	123 per cent.
Bonded indebtedness		$425,407.83	
Excess value of properties over indebtedness.			117 per cent.
Total expenditures 1895 to 1904, inclusive.		$3,557,784.11	

RELIGIOUS.

[Governor's reports.]

	1895.	1905.	Increase.
Churches	103	171	66 per cent.
Preachers	111	254	128.8 per cent.
Members	11,562	47,622	311 per cent.
Sunday-school scholars	6,147	22,124	259 per cent.
Properties	$594,900.00	$936,732.00	57 per cent.

LANDS AND SCHOOL CENSUS.

[Area, 112,920 square miles. Acres, 72,268,800.]

	Apportionment.
1. Indian and forest reserves	26,089,600 acres.
2. Mountainous, rocky and desert, largely mineral	21,067,200 acres.
3. Grazing lands, public domain, reclaimable	13,854,615 acres.
4. Located and taxed, 1905	11,257,385 acres.

	1895.	1905.	Increase, 10 years.
4. Taxable acreage	3,862,282	11,257,385	291.5 per cent.
4. Valued with improvements	$13,448,560.93	$21,722,696.05	161.5 per cent.
4. Live-stock valuation	$4,870,632.48	$5,461,500.00	11 per cent.
4. Mines and improvements	Not assessed.	$14,440,689.31	Total.
4. Railroad and other properties.	$9,199,129.08	$16,534,828.47	179 per cent.
		$58,159,713.84	
Less exemptions		$239,341.00	
	$27,518,322.49	$57,920,372.84	210 per cent.
5. School census	15,201	29,290	926 per cent.
6. Vote (1894)	13,427	a21,431	59.4 per cent.
Population (governor's estimate).	77,000	170,075	120 per cent. b
Wealth per capita	$193.00	$352.31	82 per cent.
6. Banks, capital, surplus, and deposits.	$1,093,900.00	a$9,068,109.63	729 per cent.
7. Net indebtedness	$824,139.24	a$1,010,302.86	22 per cent.

Exclusive of county funded debts.
1. Government surveys.
2. Geological surveys.
3. Estimated improvements.
4. Board of equalization reports.
5. Judge Layton's report.
6. Governor's reports.
7. Treasurer's report.

a 1904.

b Based on census reports and methods from the increase in school population and on increase of registered voters.

ARIZONA BANKING CONDITIONS AS SHOWN BY REPORTS OF BANK EXAMINER.

June 30—	Territorial banks.			National banks.		
	No.	Capital stock.	Deposits.	No.	Capital stock.	Deposits.
1897	7	$237,600.00	$1,050,971.66	----	----------	----------
1898	7	221,600.00	1,279,378.85	----	----------	----------
1899	8	229,700.00	1,386,253.42	----	----------	----------
1900	16	396,050.00	2,402,017.35	5	$400,000.00	$2,346,288.35
1901	16	470,000.00	3,296,320.49	7	455,000.00	2,929,160.37
1902	16	500,300.00	3,928,710.56	7	455,000.00	3,086,377.42
1903	22	773,310.00	4,755,569.00	11	602,500.00	3,730,784.12
1904	22	768,310.00	5,009,118.67	11	605,000.00	4,058,960.98
1905	18	755,200.00	5,531,705.16	10	580,000.00	4,484,139.95

COPPER.

[Department of Commerce and Labor, volume 1, Mines and Quarries, 1902, page 482.]

	Michigan.		Montana.		Arizona.	
	Product.	Per cent of whole.	Product.	Per cent of whole.	Product.	Per cent of whole.
	Long tons.		*Long tons.*		*Long tons.*	
1895	57,737	34.0	84,900	50.0	21,408	12.6
1896	64,073	31.2	99,071	48.2	32,560	15.8
1897	64,858	29.4	102,807	46.6	36,398	16.5
1898	66,291	28.2	92,041	39.2	49,624	21.1
1899	65,803	25.9	100,503	39.6	59,399	23.4
1900	64,938	24.0	120,865	44.7	52,820	19.5
1901	69,772	25.9	102,621	38.2	58,383	21.7
1902	76,165	25.9	128,975	43.8	53,547	18.2

[Pages 486–487. Detail for 1902.]

	Product.	Value.	Number of mines.	Number of acres.
	Pounds.			
Michigan	171,102,065	$20,100,425	20	30,281
Montana	268,440,090	30,092,781	23	2,306
Arizona	121,409,275	13,367,135	27	13,754

Detail previous years not available.

The Copper Handbook (Stevens) estimates the production in Arizona for 1903 at 150,000,000 pounds.

The same authority places that for 1904 at 230,000,000 pounds, based upon production of the larger properties.

Output 1905 is 241,400,000 pounds.

RESOURCES OF NEW MEXICO.

New Mexico is likewise prepared for single statehood, as the following statement of her resources will show. But as no hearings have been had before the committee at this session of Congress touching the resources in New Mexico, the minority presents the facts reported by the minority of the committee in the last Congress.

New Mexico was acquired from the Republic of Mexico by the treaty of Guadalupe-Hidalgo February 2, 1848, and by the Gadsden purchase of December 30, 1853.

It is 360 miles north and south by 346 miles east and west, and contains 122,580 square miles, or 78,451,200 acres, on which, by the census of 1900, live a population of 195,310, being 1.6 persons to the square mile.

As in the case of Arizona, the census is claimed to be inaccurate, and the Delegate from New Mexico claims a population of not less than 350,000.

FARMS AND FARM PRODUCTS.

Number of farms, 1890, 4,458; in 1900, 11,834. Acres in farms in 1890, 787,882; in 1900, 5,130,878. Value of farms in 1890, $33,543,141; in 1900, $53,737,824. Value of farm lands, 1890, $8,140,800; 1900, $20,888,824. Value of farm implements, 1890, $291,240; 1900, $1,151,610. Value of live stock, 1890, $25,111,201; 1900, $31,727,400. Value of farm products, 1890, $2,000,000; 1900, $10,000,000. Acres in alfalfa, 1890, 12,139; 1900, 55,467. Acres under culture, 1890, 91,745; 1900, 203,893. Butter, 1890, 105,000 pounds; 1900, 381,000. Eggs, 1890, 280,000 dozen; 1900, 840,000 dozen. Hay, census of 1900, $1,427,317. Cereals, 1900, $979,903. Vegetables, 1900, $278,413. Acres under irrigation, 326,873. Improved farms, 1900, 12,311. Farms under irrigation, 9,128. Value of irrigated farms, $13,551,592. Value of nonirrigated farms, $3,773,177.

The above statistics do not take into consideration the lands cultivated by the Indians, the Pueblos being farmers and great producers of crops; nor of crops raised on farms of less than 3 acres, of which there are many thousands in New Mexico.

PUBLIC LANDS.

Subject to entry under the Federal land laws on June 30, 1903, 52,000,000 acres. Included in the four forest reserves, 5,125,000 acres; in land grants approved by Congress, 9,963,200 acres; by the Court of Private Land Claims, 1,900,945 acres. The land grants approved by Congress include 540,065 acres to the Indians.

Public lands entered from June 30, 1900, to June 30, 1903, 2,179,738 acres; from June 30, 1900, to June 30, 1901, 655,739.54 acres; June 30, 1901, to June 30, 1902, 441,871; June 30, 1902, to June 30, 1903, 1,082,128.

Homesteads entered from June 30, 1900, to June 30, 1903, 1,120,477 acres; from June 30, 1900, to June 30, 1901, 265,524 acres; from June 30, 1901, to June 30, 1902, 386,757 acres; from June 30, 1902, to June 30, 1903, 468,196 acres.

Desert-land entries, June 30, 1900, to June 30, 1903, 129,595 acres; from June 30, 1900, to June 30, 1901, 8,472; from June 30, 1901, to June 30, 1902, 46,596; from June 30, 1902, to June 30, 1903, 74,585 acres.

MINERAL PRODUCTION.

From 1860 to 1900 New Mexico produced $17,600,000 worth of gold. In 1903 New Mexico produced: Gold, $384,685; silver, $148,659; copper, $860,737; lead, $94,936; a total of $1,489,016. This does not include the production by individual placer miners or by prospectors not mining in a systematic manner. In addition, New Mexico produced a vast quantity of coal, iron, turquoise, gypsum, building material, and a number of other useful minerals and precious stones. The Colorado Fuel and Iron Company during the fiscal year hauled 138,152 long tons of iron ore out of New Mexico. The Director of the Mint gives the gold production of New Mexico for 1902 at $531,000 and of silver at $580,000.

COAL.

Area of prospected coal lands, 1,493,480 acres; amount of coal in sight, 8,813,840,000 tons, valued at $10,000,000,000. Coal produced from June 30, 1900, to June 30, 1903, 3,710,004 tons, valued at $5,011,281.70. Coke produced in those three years, 94,097 tons, valued at $252,642. There were 28 coal mines worked during the past year, 3 new mines were opened, 1 resumed, and 2 abandoned. Coal produced from June 30, 1900, to June 30, 1901, 1,217,530 tons, valued ar $1,606,174; from June 30, 1901, to June 30, 1902, 1,132,944 tons, valued at $1,609,848.90; from June 30, 1902, to June 30, 1903, 1,559,534 tons, valued at $1,795,208.80. Coke was produced as follows: From June 30, 1900, to June 30, 1901, 42,732 tons, valued at $117,516.25; from June 30, 1901, to June 30, 1902, 25,012 tons, valued at $58,207; from June 30, 1902, to June 30, 1903, 26,353 tons, valued at $76,919. Men employed in the coal mines June 30, 1901, 1,870; June 30, 1902, 1,682; June 30, 1903, 2,341.

RAILROADS.

There were 1,679 miles of railroad in New Mexico on June 30, 1900; 1,981 miles on June 30, 1901; 2,263 miles on June 30, 1902; 2,520 miles on June 30, 1903; a total increase in three years of 841 miles.

STOCK.

New Mexico has 1,123,000 head of cattle, 5,674,000 head of sheep, 113,000 head of goats, 97,500 head of horses. Its wool crop in 1902 was 22,000,000 pounds. During the fiscal year there were shipped out of the Territory 184,602 head of cattle, 5,526 horses, 17,275 hides, and 422,252 head of sheep.

INTERNAL REVENUE.

From June 30, 1900, to June 30, 1903, New Mexico paid $130,375.11 in internal revenue; for the year ending June 30, 1903, $33,918; for the year ending June 30, 1902, $37,847.80; for the year ending June 30, 1901, $59,609.31.

INCORPORATIONS.

In the past three fiscal years 553 companies filed incorporation papers, with a capitalization of $309,711,966, with the Territorial secretary. In the fiscal year ending June 30, 1901, 149 companies incorporated, with a stock of $89,735,925. In the fiscal year ending June 30, 1902, 204 companies incorporated, with a capitalization of $119,446,500. In the year ending June 30, 1903, 200 companies incorporated, with a capitalization of $100,529,541.

ASSESSMENT.

In 1900 the Territorial assessment subject to taxation was $36,364,716.16. In 1901 the Territorial assessment was $36,977,047.94. In

1902 the assessment was $38,633,993.27. In 1903 the assessment was $41,832,566.79, including exemptions amounting to $2,235,615, leaving an assessment subject to taxation of $39,596,951.79. Property in New Mexico is assessed at an average of only 20 per cent of its real value.

TAXES COLLECTED.

Revenue of the Territory the past three years, $1,545,241.37, of which $1,127,689.18 came from direct taxation; $419,622.06 collected during the fiscal year ending June 30, 1903; $332,328.85 collected during the fiscal year ending June 30, 1902, and $375,738.27 for the fiscal year ending June 30, 1901. From other sources Territorial revenue was derived to the amount of $407,542.19, $142,758.22 being received during the fiscal year ending June 30, 1901; $118,005.17 during the year ending June 30, 1902, and $156,788.80 during the year ending June 30, 1903.

Federal appropriations for disbursement in New Mexico during the year ending June 30, 1903, $423,070.

Territorial tax rate, 1900, 14.05 mills; 1901, 14.29 mills; 1902, 13.99 mills.

PUBLIC BUILDINGS AND GROUNDS.

The Territory maintains 15 Territorial institutions, the value of whose buildings and grounds is $2,000,000 without the grants of land made to them by Congress. In addition the Territory grants subsidies to 7 hospitals and an orphan asylum maintained by religious and charitable organizations. The value of the public school property of the Territory is $690,697.91, not counting the school sections in each township. The value of the public property of counties and towns, not counting grants to towns like Santa Fe, Las Vegas, Socorro, etc., is $495,000, making a total value of public property, not including lands, of $3,185,697.91.

EDUCATIONAL.

School population: 1903, 68,152; 1902, 62,864; 1901, 53,008. The school population includes all children between the ages of 5 and 21 years, and the census is taken annually.

Enrollment in the public schools: 1903, 37,646; 1902, 35,227; 1901, 31,510; 1900, 21,761.

Average daily attendance: 1903, 24,856; 1902, 22,573; 1901, 19,451.

Public schools: 1903, 665; 1902, 603; 1901, 559.

Teachers: 1903, 757; 1902, 712; 1901, 671.

Expenditures: 1903, $287,545.02; 1902, $324,784.91; 1901, $202,882.53.

Receipts from all sources: 1903, $454,342.38; 1902, $424,365.42.

Average school term, four months; average salary paid teachers, $56 per month; total value of all school property in the Territory, $2,071,702.25; enrollment of pupils in all of the schools, 42,925; annual expenditures for all of the schools, $723,048.32; total expended for the public schools the past three years, $815,212.46.

CHURCHES.

The Roman Catholic Church in New Mexico has 1 archbishop, 1 bishop, 1 vicar-general, 16 regular priests, and 43 secular priests. It has 42 churches with resident priests, 325 mission churches, 6 academies for young ladies, 1 college, 8 parochial schools, 2 boarding schools for Indians, with 300 pupils; 2 day schools for Indians, with 200 pupils; 2 academies for boys.

Baptist churches, 36, of which 4 became self-supporting during the past year; 1 college, and a number of mission schools.

Lutheran churches, 3.

Methodist Episcopal, 17 English-speaking congregations, a number of Spanish-speaking churches, and a number of mission schools.

Presbyterians, 45 congregations, 30 preaching stations, 25 mission schools taught by 45 teachers, and an enrollment of 1,562 pupils.

Mormons, 2 churches, with 277 souls. A few scattered members in addition at Bloomfield.

The Christian Church and other Protestant denominations have about 20 congregations in the Territory.

The Hebrews have a synagogue at Las Vegas and Albuquerque, and have church organizations in two or three of the larger towns.

NEWSPAPERS.

On September 15, 1903, there were 70 newspapers published in New Mexico, 5 of them daily, 60 weekly, and 5 monthly; in 1902, 65; in 1901, 67. Of late years many of the old newspapers have consolidated with newer papers, giving better news service, having larger subscription lists, and wielding greater influence than ever before. Each of the five daily papers has a complete Associated Press service.

BANKS.

On June 30, 1903, there were 19 national banks and 11 State banks; June 30, 1902, 15 national banks and 11 State banks; June 30, 1901, 11 national banks and 9 State banks.

Resources: June 30, 1903, $10,696,449.31; June 30, 1902, $9,677,165.82.

Mr. MOON of Tennessee. Mr. Speaker, the controversy between the two parties in this House on the admission of the Territories of Arizona and New Mexico and Oklahoma and Indian Territory as States has been very intense for some years past. The Democratic party, or its representatives in this body, have felt that it was to the interest of all the people of the United States that the balance of power in this Government between the sections should be preserved in the Federal Senate by the admission of four States, and have opposed the consolidation of these four Territories into two States. But in the consideration of the case of Oklahoma and Indian Territory, we were confronted with the principle that has always been sacred to the Democratic party—the demand of the people of these two Territories for joint statehood. Yielding our own views in order that the voice of the people might be obeyed, the minority of the Committee on Territories readily acceded to the proposition of the majority for the union of Oklahoma and the Indian Territory. For the very same reasons that we agreed to the union of these two Territories we have opposed the union of Arizona and New Mexico, because it was apparent to us that the people of those Territories did not desire union, and we felt that it was against the principles of good government, against the cherished theories of both parties, to force an unwelcome union upon these two Territories. [Applause.] We yield to the will of the people in both instances and sustain the principles of free institutions. We saw this House by a large majority vote us down, as the majority of the committee had done. Again, in conference, after the bill came from the Senate, we saw the contention of the House sustained by a majority of the conferees, and then, Mr. Speaker, we witnessed that which seldom has occurred in this or any other body.

The reports that had been made to the two Houses by the majority of the managers of both Houses were quietly withdrawn from the two bodies, and again the matter went into conference. In the meantime there had been a consultation on the part of the Republican majority of the House and Senate on the situation. The result at the next meeting was the agreement to the report that is now before the House for consideration—a unanimous agreement. Strange to say, it embodies the very principles for which the Democracy has contended for six long years in this House. [Applause on the Democratic side.] It is not for me to say what induced the majority, having the power to pass a bill of another character, to yield to the will of the minority. Shall we attribute it to political exigencies, or to the high sense of justice which the majority at last reached, in accordance with the views of the minority?

Mr. Speaker, there is nothing more to be said on this question. We are ready to vote. We unite with the majority in asking the adoption of the unanimous report of this committee, that the great people of Oklahoma and the Indian Territory may assume the powers of a sovereign State and come under the folds of the flag and the protection of the Constitution, and that the people of Arizona and New Mexico, in accordance with the long-established doctrine of a free people, shall, by their own voice, determine whether they shall enter the Union as States or remain as Territories of the Republic. [Prolonged applause on the Democratic side.]

Mr. HAMILTON. Mr. Speaker, I yield five minutes to the gentleman from Arizona [Mr. SMITH].

Mr. SMITH of Arizona. Mr. Speaker, three times through the House of Representatives, twice Democratic and once Republican, and in a Republican House having the support of several Members now on this Territorial Committee, we have succeeded in passing bills for the creation of separate States out of New Mexico and Arizona. Born somewhere of a parentage of which it should be ashamed, a bill was brought into this House absolutely closing the mouth of every man in Arizona, a country for which those pioneers for forty-five years had fought, and alas, too many of them had died. Arizona was to be put at the mercy of New Mexico, and under the bill reported to this House we were to hold a constitutional convention, composed of delegates from each Territory. Whether we wanted it or not, we were to form a constitution and submit it to the people, both Territories voting as one on its adoption, and there should be a nomination of State officers and of the legislature, which should elect Senators, and in that we were to vote as a unit, and if every man in Arizona had voted against it, we would have been compelled to submit, provided two-thirds of the other Territory wanted it. Against that we on the Democratic side have stood as one man; and, thank God, there was also a united, though small, band of Republicans—alleged insurgents of to-day—the patriots of to-morrow—by their patriotic resistence of all blandishments called the attention of the world to the outrage that this House was attempting to perpetrate against the unoffending people of the West. [Applause on the Democratic side.]

The less said about the way this original bill has been pressed the better for the history of this Congress, and I refrain from going into that part of it. There is a law in Arizona that if one legislator trades with another on the legislation before that body he is guilty of a very high misdemeanor, and if the governor shall attempt in that benighted land to influence legislation by promises of veto or the withholding of veto to secure other legislation he goes to the penitentiary under the laws of that land.

I congratulate my people, and in their name I thank this side of the House, and doubly in their name do I thank that brave, honest, and incorruptible band of Republican "insurgents" who, by exercise of justice in statesmanship, have shed glory on their names and gratified the honest constituency who gave them their high place in this august body. When I consider all that beset our path in this long and cruel fight, I congratulate Arizona that she at least shall say whether she will or will not be forced into an obnoxious union. For this we fought, and the battle has been won. At the next session of this Congress, when the returns from that election shall be known, we will hear no more of joint statehood for these Territories. The five

million bribe put in this bill will not seduce the manhood of our people from their duty to their country, as it will show at the coming election by such a majority that this monstrous wrong will never again be attempted on the floor of this House. [Applause on the Democratic side.]

Mr. CANNON. Mr. Speaker——

The SPEAKER pro tempore (Mr. DALZELL). The gentleman from Illinois.

Mr. CANNON. Mr. Speaker, I will ask the gentleman from Michigan to yield to me for five minutes.

Mr. HAMILTON. Mr. Speaker, I yield to the gentleman from Illinois for five minutes. [Prolonged applause.]

Mr. CANNON. Mr. Speaker, as a Member of the House of Representatives during this session, as at all other sessions, I have represented my constituency and acted for the whole people according to my best judgment. The coming into the Union of Oklahoma and the Indian Territory meets my approval. If I had my choice and were supreme I would infinitely prefer to see Oklahoma and the Indian Territory come separately, with an aggregate population of almost one and one-half millions, with four Senators, rather than to see New Mexico and Arizona come together, and God knows, rather than to see them come singly, with less than 300,000 population, with four Senators. It is not a secret as to my views as a Representative. I have sought to the best of my ability to voice my views. You have the result before you. Although every man in the Indian Territory should vote against statehood for the new proposed State of Oklahoma, notwithstanding that protest the State would be and will be formed under this enabling act.

Mr. SMITH of Arizona rose.

Mr. CANNON. I do not yield at this moment. There is no separate vote there. There is a separate vote, however, as to the other—Arizona and New Mexico. So much for that. I do not propose to go into the merits of this proposition at this time. I would not have taken the floor had not the honorable gentleman, the Delegate from Arizona [Mr. SMITH], made the remark that there was a high penalty for the governor of that Territory to attempt to influence legislation, or for one legislative body or its membership to attempt to traffic in legislation with the other, in order to secure certain other legislation, if I correctly state him.

That remark could not have had but one motive and one meaning, and that meaning is that some one in the House has sought to affect legislation in the House as a matter of traffic in order to secure action upon this matter in the Senate or in the House. That imputation implied, so far as it reflects upon the Speaker of this House and, so far as I know or believe, upon any other Member of this House, is unworthy of the gentleman that uttered it and without foundation in fact. [Loud applause.] If it were necessary to furnish proof of this statement, I look about me here on my own side of the House on Members with whom I disagreed touching the progress of this bill from time to time, and upon that side of the House, and I pause and invite any Member present who has the least intimation, knowledge, or even belief that the statement implied in the insinuation of the gentleman is true to so state. [Loud and long-continued applause.]

Mr. HAMILTON. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Michigan [Mr. HAMILTON] moves the previous question.

The question was taken; and the previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to. [Loud and long-continued applause.]

On motion of Mr. HAMILTON, a motion to reconsider the last vote was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH, from the Committee on Agriculture, presented the report of the committee upon Senate amendments to the agricultural bill; which report was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. WADSWORTH. I am requested, Mr. Speaker, to give notice that the minority report, covering one or two points in the bill, will be presented to-morrow.

The SPEAKER. Without objection, the minority report may be filed to-morrow. [After a pause.] The Chair hears no objection.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I submit a conference report and statement on the part of the managers of the House upon the naval appropriation bill, and ask that the same be printed in the RECORD, under the rules.

The SPEAKER. The gentleman from Illinois presents the report and statement of the managers on the part of the House upon the naval appropriation bill for printing under the rules. Is there objection?

There was no objection.

LIGHT-HOUSE BILL.

Mr. MANN. Mr. Speaker, I call up the conference report on the bill H. R. 19432.

The SPEAKER. The gentleman from Illinois [Mr. MANN] calls up the conference report on the bill H. R. 19432, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment.

Mr. MANN. Mr. Speaker, I ask unanimous consent to omit the reading of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 9, 10, 16, 17, 18.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 11, 12, 13, 15; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In the first line of the language proposed strike out the words "light-ship" and insert in lieu thereof the words "light vessel;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In next to the last line of the language proposed strike out the words "to construct" and insert in lieu thereof the words "toward constructing;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Range lights, Superior pierhead, Lake Superior, Wisconsin, at a cost not to exceed twenty thousand dollars;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "A light and fog-signal station, Hinchinbrook entrance, Prince William Sound, Alaska, at a cost not to exceed one hundred and twenty-five thousand dollars;" and the Senate agree to the same.

JAMES R. MANN,
F. C. STEVENS,
W. C. ADAMSON,
Conferees on the part of the House.

KNUTE NELSON,
J. H. GALLINGER,
THOMAS S. MARTIN,
Conferees on the part of the Senate.

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, submit the following statement in explanation of the action agreed upon and recommended in the conference report:

Amendment No. 1 provides for a light vessel near the entrance to Buzzards Bay, Massachusetts. The House recedes from its disagreement with a verbal amendment.

Amendments Nos. 2, 3, 4, 5, and 6 provide for gas buoys and various other aids to navigation, at a cost of $94,200, for light-

ing Ambrose channel, New York Bay, in addition to those carried by the bill as it passed the House. The House recedes from its disagreement to this amendment.

Amendment No. 7 provides for a light-keeper's dwelling at Stonington Breakwater, Connecticut. The Senate recedes.

Amendment No. 8 provides for a light and fog-signal station at Southwest Ledge, New London Harbor, Connecticut. The House recedes from its disagreement with a verbal amendment.

Amendment No. 9 provides for a light and fog-signal station at Greenville channel, New Jersey. The Senate recedes.

Amendment No. 10 provides for a light and fog-signal station on Horseshoe Shoal, Delaware River. The Senate recedes.

Amendment No. 11 provides for a light and fog-signal station on Joe Flogger Shoal, Delaware River. The House recedes.

Amendments Nos. 12 and 13 increase the cost of the inspector's tender in the sixth light-house district, provided for by the sum of $5,000 over the limit fixed by the bill as it passed the House. The House recedes and agrees to the amendments.

Amendment No. 14 provides for removing the Superior pierhead range lights, Wisconsin, from the south pier to the north pier, at a cost of $28,000. The House recedes from its disagreement to the Senate amendment with an amendment striking out all of the Senate amendment and inserting in lieu thereof the following:

"Range lights, Superior pierhead, Lake Superior, Wisconsin, at a cost not to exceed twenty thousand dollars."

Amendment No. 15 provides for a new engineer's tender in the twelfth light-house district (California and Hawaii), at $150,000. The House recedes.

Amendment No. 16 provides for a light and fog signal at Karquinez (Karquines) Strait, California, at a cost of $50,000. The Senate recedes.

Amendment No. 17 provides for a new tender at the Hawaiian Islands. The Senate recedes.

Amendment No. 18 provides for a new light vessel at Swiftsure Bank, entrance to Juan de Fuca Strait, Washington, at a cost not to exceed $150,000. The Senate recedes.

Amendment No. 19 provides for a light and fog-signal station on Cape Hinchinbrook, Alaska, at a cost not to exceed $75,000. The House recedes from its disagreement with an amendment which will leave the definite location of the light-house to be hereafter fixed by the Light-House Board and which increases the amount of the authorization to $125,000, which sum it is believed by the House managers is necessary for the construction of the light-house proposed.

The total amount of authorizations carried by the bill as it passed the House were $1,313,500. The House agrees to authorizations added by Senate amendments to the amount of $639,200. The Senate recedes from Senate amendments carrying authorizations to the amount of $514,000. The total amount of authorizations carried by the bill as agreed to in conference is $1,952,700.

JAMES R. MANN,
F. C. STEVENS,
W. C. ADAMSON,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6462. An act granting lands to the State of Wisconsin for forestry purposes—to the Committee on the Public Lands.

S. 6443. An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, Cal., to the city of Los Angeles, Cal.—to the Committee on the Public Lands.

S. 4899. An act granting an increase of pension to Ann Thompson—to the Committee on Pensions.

S. 6301. An act granting an increase of pension to William C. Long—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 19150. An act to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee, at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greenville, and for other purposes;

H. R. 9813. An act granting a pension to Harriet P. Sanders;

H. R. 17663. An act to extend the provisions of the act of March 3, 1901, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections 1506 and 1605 for eminent and conspicuous conduct in battle;

H. R. 17510. An act to provide for a reconnoissance and preliminary survey of a land route for a mail and pack trail from the navigable waters of the Tanana River to the Seward Peninsula, in Alaska, and for other purposes;

H. R. 15331. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907;

H. R. 19642. An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations;

H. R. 18330. An act transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa; and

H. R. 17983. An act providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 1160. An act granting an increase of pension to Eliza Swords;

H. R. 17982. An act to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone lines across said reservation;

H. R. 4478. An act to amend section 64 of the bankruptcy act; and

H. R. 17881. An act permitting the building of a dam across the Crow Wing River between the counties of Morrison and Cass, State of Minnesota.

COLLECTION DISTRICTS IN TEXAS.

Mr. CURTIS. Mr. Speaker, I present a conference report for printing under the rule.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 10715) to establish an additional collection district in the State of Texas.

POST-OFFICE DEPARTMENT APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I desire to submit a conference report on the bill H. R. 16953, to be printed under the rule.

The SPEAKER. The gentleman from Kansas submits a conference report for printing under the rule. The Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 16953) making appropriations for the service of the Post-Office Department.

BYRON K. MAY.

The SPEAKER laid before the House the following concurrent resolution:

Resolved by the Senate (the House concurring), That the President be requested to return the bill (S. 1510) entitled "An act granting an increase of pension to Byron K. May."

The question was taken; and the resolution was concurred in.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn. Pending that, I want to state that the House this morning agreed by unanimous consent that from now on until the close of the session the House would meet at 11 o'clock.

The motion was agreed to.

Accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Navy, transmitting a response to the request of the House for information as to the

cost of armor plate and an armor plant—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Attorney-General submitting an estimate of appropriation for credit to the accounts of S. W. Curriden, treasurer of the Reform School of the District of Columbia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of the Navy submitting an estimate of appropriation for completion of administration building at the naval prison at Portsmouth Navy-Yard—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BATES, from the Joint Committee on the Disposition of Useless Papers in the Executive Departments, to which was referred the report of joint committee, reported that said papers of the various bureaus of the Departments be sold for waste paper or otherwise disposed of as provided by law, accompanied by a report (No. 4927); which said bill and report were referred to the House Calendar.

Mr. McCARTHY, from the Committee on the Public Lands, to which was referred the bill of the House H. R. 19897, reported in lieu thereof a bill (H. R. 20209) granting lands to the State of Wisconsin for forestry purposes, accompanied by a report (No. 4928); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 3687) providing for the use of $1,000,000 of the moneys that would otherwise become a part of the reclamation fund for the drainage of certain lands in North Dakota, and for other purposes, reported the same without amendment, accompanied by a report (No. 4929); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 13106) granting to the Batesville Power Company right to erect and construct canal and power stations at Lock and Dam No. 1, upper White River, Arkansas, reported the same with amendment, accompanied by a report (No. 4930); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18596) to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River near Batesville, Ark., and for other purposes, reported the same with amendment, accompanied by a report (No. 4931); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bill resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HUNT: A bill (H. R. 20206) to authorize the city of St. Louis, State of Missouri, to construct a bridge across the Mississippi River at St. Louis, Mo.—to the Committee on Interstate and Foreign Commerce.

By Mr. MACON: A bill (H. R. 20207) providing for the use of $3,000,000 of the money that would otherwise become a part of the reclamation fund for the drainage of certain lands in Arkansas and Missouri, and for other purposes—to the Committee on the Public Lands.

By Mr. BEALL of Texas: A bill (H. R. 20208) to encourage and promote commerce among States and with foreign nations, and to remove obstructions thereto—to the Committee on Interstate and Foreign Commerce.

By Mr. McCARTHY, from the Committee on the Public Lands: A bill (H. R. 20209) granting lands to the State of Wisconsin for forestry purposes—to the Union Calendar.

By Mr. BARTHOLDT: A bill (H. R. 20210) to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: A resolution (H. Res. 586) to pay R. B. Horton for compiling and indexing reports and hearings of the Committee on Insular Affairs and the acts of the Fifty-eighth Congress relating thereto—to the Committee on Accounts.

By Mr. PAYNE: A resolution (H. Res. 587) providing for the consideration of Senate joint resolution No. 60—to the Committee on Rules.

By Mr. BURGESS: A resolution (H. Res. 589) referring to the Court of Claims the claim of William H. Sterling—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOWERSOCK: A bill (H. R. 20211) for the relief of David H. Lewis—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 20212) granting an increase of pension to George W. Greene—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 20213) for the relief of the estate of Jean Cheri Verneuiel, deceased—to the Committee on War Claims.

By Mr. BURGESS: A bill (H. R. 20214) for the relief of William H. Sterling—to the Committee on War Claims.

By Mr. CALDERHEAD: A bill (H. R. 20215) granting an increase of pension to Riley J. Berkely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20216) granting an increase of pension to C. M. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20217) granting an increase of pension to Ferdinand Kunkle—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 20218) granting an increase of pension to George F. Steinheiser—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 20219) granting an increase of pension to Ellen Downing—to the Committee on Pensions.

By Mr. FITZGERALD: A bill (H. R. 20220) to correct the military record of James Devlin—to the Committee on Military Affairs.

By Mr. GAINES of Tennessee: A bill (H. R. 20221) for the relief of Aaron D. Bright—to the Committee on Claims.

Also, a bill (H. R. 20222) granting an increase of pension to Henry C. Joseph—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20223) granting an increase of pension to W. L. Clendening—to the Committee on Pensions.

By Mr. HOPKINS: A bill (H. R. 20224) granting an increase of pension to Philip Hamman—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 20225) for the relief of Lieut. Commander Kenneth McAlpine, United States Navy—to the Committee on Naval Affairs.

By Mr. RYAN: A bill (H. R. 20226) granting an increase of pension to Catherine McCabe—to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 20227) granting an increase of pension to Samuel S. King—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 20228) for the relief of the estate of R. S. Petway—to the Committee on War Claims.

By Mr. TOWNSEND: A bill (H. R. 20229) granting an increase of pension to John F. Wotring—to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 20230) granting a pension to George W. Slay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20231) granting a pension to Frederick Hartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20232) granting an increase of pension to Brooks E. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20233) granting an increase of pension to Abraham Payne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20234) granting an increase of pension to John Nichols—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20235) granting an increase of pension to G. W. Travis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20236) granting an increase of pension to W. E. Richards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20237) granting an increase of pension to John H. Bird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20238) granting an increase of pension to Archibald W. Mayden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20239) granting an increase of pension to John Chaney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20240) granting an increase of pension to Richard E. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20241) granting an increase of pension to Comfort J. Holston—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 20242) for the relief of the surviving members of Company C, Twenty-sixth Regiment New York Volunteer Infantry—to the Committee on Military Affairs.

By Mr. WEISSE: A bill (H. R. 20243) granting an increase of pension to Anton Heinzen—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 20244) granting an increase of pension to Alfred Hayward—to the Committee on Invalid Pensions.

By Mr. ACHESON: A bill (H. R. 20245) to correct the military record of Corwin M. Holt—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Brotherhood of Locomotive Firemen, of Norfolk, Va., against bill H. R. 5281 (pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the legislature of California, for legislation to allow State of California 5 per cent of net proceeds of cash sales of public lands in the State—to the Committee on the Public Lands.

By Mr. ANDREWS: Petition of Out-Door Art League, of San Francisco, for passage of California 5 per cent bill—to the Committee on the Public Lands.

By Mr. BABCOCK: Protest of 125 members of Baraboo Division, No. 176, Brotherhood of Locomotive Engineers, against adoption of conference report on railway rate bill prohibiting passes to railway employees and their families—to the Committee on Interstate and Foreign Commerce.

By Mr. BROUSSARD: Paper to accompany bill for relief of estate of Jean Cheri Verneuil, Orleans Parish, La.—to the Committee on War Claims.

By Mr. CLARK of Florida: Paper to accompany bill for relief of Ellen Downing—to the Committee on Pensions.

Also, petition for bill H. R. 4549 (consolidation of third and fourth class mail matter)—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of F. W. Storandt, Mindoro, Wis., for pure-food bill and Federal inspection of meat packing—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Aaron D. Bright—to the Committee on Claims.

Also, paper to accompany bill for relief of Henry C. Joseph—to the Committee on Invalid Pensions.

By Mr. GOULDEN: Petition of Merchants' Association of New York, for appropriation for lighting Statue of Liberty in New York Harbor—to the Committee on Appropriations.

By Mr. HEDGE: Petition of O. F. Shaffer, Wellman, Iowa; Laughlin & Orn, New London, Iowa; J. R. Hughes, Mount Pleasant, Iowa, and Henry Wallingford, Bonaparte, Iowa, for pure-food bill and Federal inspection of meat packing and slaughtering—to the Committee on Interstate and Foreign Commerce.

By Mr. HINSHAW: Petition of Cummings & Laughlin, Beatrice, Nebr., for a pure-food law and for complete Federal inspection law—to the Committee on Interstate and Foreign Commerce.

Also, petition of John P. Jansen & Son, favoring the Government assuming cost of meat inspection—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAM W. KITCHIN: Paper to accompany bill for relief of S. H. Williamson—to the Committee on Claims.

By Mr. LACEY: Petitions of Henry A. Der, Malcom; Snodgrass Brothers, Milton; J. C. Nordyke, Richland; J. F. Blankenfeld, Malcom; H. Roher, Grinnell; T. B. O'Brien, John Ballisberger, and J. S. McLain, Fremont; A. C. Brudy, Richland; William F. Jager, Eddyville; C. W. Robert, Hedrick; James T. Risk, Hedrick; R. M. Janes, Borns; and Conrad Hay, all in the State of Iowa, for the pure-food bill and Federal inspection of beef-packers' products—to the Committee on Interstate and Foreign Commerce.

By Mr. MACON: Paper to accompany bill for relief of estate of Q. K. Underwood, Phillips County, Ark.—to the Committee on War Claims.

By Mr. PADGETT: Paper to accompany bill for relief of M. B. Carter, executor of Fountain B. Carter—to the Committee on War Claims.

By Mr. PAYNE: Paper to accompany bill for relief of Joseph N. Cadieux—to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Edwin D. Bates—to the Committee on Invalid Pensions.

By Mr. STERLING: Petition of H. S. Seitz, Normal, Ill., for pure-food law and meat inspection by the Government—to the Committee on Agriculture.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of R. S. Petway—to the Committee on War Claims.

By Mr. WANGER: Petition of Brotherhood of Locomotive Firemen, against bill H. R. 5281 (pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

SENATE.

FRIDAY, *June 15, 1906.*

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

NAMING A PRESIDING OFFICER.

Mr. KEAN called the Senate to order, and the Assistant Secretary read the following letter:

PRESIDENT PRO TEMPORE UNITED STATES SENATE,
June 15, 1906.

To the Senate:

Being temporarily absent from the Senate, I hereby appoint Senator JOHN KEAN to perform the duties of the Chair.

WM. P. FRYE,
President pro tempore.

Mr. KEAN thereupon took the chair as Presiding Officer, and directed that the Journal be read.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDING OFFICER (Mr. KEAN). The Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 12707. An act to enable the people of Oklahoma and Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and

H. R. 19432. An act to authorize additional aids to navigation in the Light-House Establishment.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 19571. An act to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.; and

H. R. 20070. An act to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.

The message further announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 1510) granting an increase of pension to Byron K. May.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Presiding Officer:

H. R. 9813. An act granting a pension to Harriet P. Sanders;

H. R. 15331. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907;

H. R. 17510. An act to provide for a reconnoissance and preliminary survey of a land route for a mail and pack trail from the navigable waters of the Tanana River to the Seward Peninsula, in Alaska, and for other purposes;

H. R. 17663. An act to extend the provisions of the act of March 3, 1901, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections 1506 and 1605 for eminent and conspicuous conduct in battle;

H. R. 17983. An act providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces;

H. R. 18330. An act transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa;

H. R. 19150. An act to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee, at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes; and

H. R. 19642. An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations.

PETITIONS AND MEMORIALS.

Mr. KNOX presented memorials of Local Lodge No. 498, Brotherhood of Railroad Trainmen, of Huntingdon; of Local Lodge No. 742, Brotherhood of Railroad Trainmen, of Blairsville; of Local Lodge No. 321, Brotherhood of Railroad Trainmen, of Pittsburg, and of 83 railway employees of Pittsburg, all in the State of Pennsylvania, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

He also presented memorials of the Beatty Nickle Oil Company, of Warren; of J. C. McDowell, of Independence; of Jerry Crary, of Warren; of Freeman E. Hertzle, of Warren, and of J. N. Pew, of Pittsburg, all in the State of Pennsylvania, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" in relation to pipe lines; which were ordered to lie on the table.

Mr. DANIEL presented a petition of Local Union No. 47, Journeymen Tailors' Union of America, of Lynchburg, Va., praying for the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. ALLEE, from the Committee on the District of Columbia, to whom was referred the bill (S. 6322) providing for the purchase of a reservation for a public park in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 18666) to provide for the reassessment of benefits in the matter of the extension and widening of Sherman avenue, in the District of Columbia, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 14511) amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia," approved April 22, 1904, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5565) to close certain alleys in the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 60) authorizing the extension of Kalorama road NW.; and

A bill (S. 5882) to provide for the reassessment of benefits in the matter of the extension and widening of Sherman avenue, in the District of Columbia, and for other purposes.

Mr. LONG, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 17452) to provide for payment of damages on account of changes in grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company, reported it without amendment, and submitted a report thereon.

DISPOSITION OF USELESS PAPERS.

Mr. PETTUS, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted the following report; which was read, and ordered to lie on the table:

The Joint Select Committee of the Senate and House of Representatives, appointed on the part of the Senate and on the part of the House of Representatives, to which were referred the reports of the heads of Departments, bureaus, etc., in respect to the accumulation therein of old and useless files of papers which are not needed or useful in the transaction of the current business therein, respectively, and have no permanent value or historical interest, with accompanying statements of the condition and character of such papers, respectfully report to the Senate and House of Representatives, pursuant to an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February 16, 1889, as follows:

Your committee have met, and, by a subcommittee appointed by your committee, carefully and fully examined the said reports so referred to your committee and the statements of the condition and the character of such files and papers therein described, and we find and report that the files and papers described in the report of the Secretary of the Treasury in House Document No. 689, Fifty-ninth Congress, first session, dated April 9, 1906, and in the report of the Secretary of Commerce and Labor in House Document No. 608, Fifty-ninth Congress, first session, dated March 8, 1906, and in the report of the Secretary of the Interior in House Document No. 916, Fifty-ninth Congress, first session, dated May 18, 1906, are not needed in the transaction of the current business of such Departments and bureaus, and have no permanent value or historical interest, and should be sold for waste paper, or otherwise disposed of, upon the best obtainable terms, as provided by law.

Respectfully submitted to the Senate and House of Representatives.

E. W. PETTUS,
J. H. GALLINGER,
Members on the part of the Senate.

ARTHUR L. BATES,
J. M. RICHARDSON,
Members on the part of the House.

EXTENSION OF PUBLIC LAND LAWS.

Mr. SMOOT. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 12323) to extend the public land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, to report it favorably, without amendment, and I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HANSBROUGH. A bill of like import has passed the Senate, and I desire to offer it as an amendment to the pending bill.

The PRESIDING OFFICER. The Senator from North Dakota offers an amendment, which will be read.

The SECRETARY. Add as an additional section to the bill the following:

SEC. 2. That all persons now having or who may hereafter file homestead applications upon any of the lands situate within the abandoned Fort Rice Military Reservation, in the State of North Dakota, shall be entitled to a patent to the land filed upon by such person upon compliance with the provisions of the homestead law of the United States and proper proof thereof, and shall not be required to pay the appraised values of such lands in addition to such compliance with the said homestead law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to extend the public land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, and for other purposes."

EVERGLADES OF FLORIDA.

Mr. FRAZIER. I am directed by the Committee on Agriculture and Forestry, to whom was referred the joint resolution (S. R. 65) directing the Secretary of Agriculture to cause a survey of the Everglades of Florida to determine the feasibility and cost of draining said Everglades, and for other purposes, to report it favorably with an amendment.

Mr. MALLORY. I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDING OFFICER. The joint resolution will be read.

Mr. GALLINGER. Let it be read for information.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to cause a survey of the Everglades of Florida to be made, with a view to ascertaining and determining the feasibility and probable cost of reclaiming and draining said Everglades for agricultural purposes, and also to cause an examination of the soil in said Everglades with a view to determining its quality and adaptability and probable productiveness when reclaimed and devoted to agricultural purposes.

SEC. 2. That the sum of $10,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying out the requirements of this resolution, and that said sum of $10,000, or so much thereof as may be necessary, be reserved from the sales of public lands in the State of Florida and paid into the Treasury of the United States in lieu of any portion of the $10,000 hereby appropriated for the purposes designated by this resolution.

SEC. 3. That the Secretary of Agriculture report to Congress at as early a day as possible the result of said surveys, with such recommendations as he may think proper to make.

Mr. GALLINGER. Mr. President, I want to ask the Senator from Florida a question concerning this matter. How extensive in area are the so-called "Everglades" of Florida?

Mr. MALLORY. They have never been surveyed. My estimate is that there are about 2,000,000 acres.

Mr. GALLINGER. How much does the Senator think it would cost the Government to drain those 2,000,000 acres?

Mr. MALLORY. This measure does not propose that the Government shall drain it, but simply to ascertain whether it is feasible for drainage. The Everglades are subject to overflow from Lake Okeechobee. Lake Okeechobee is a large lake, some 40 miles long and 40 miles wide. It overflows annually and floods the Everglades and makes them uninhabitable. Whether the lands are drainable or can be reclaimed is a mooted question, and it has not been settled. The authorities of the State of Florida have been considering it for some time, and they are contemplating making an effort to drain them; but there really has been no survey made and nothing to determine that the project is feasible.

Mr. GALLINGER. I will ask the Senator if it is not safe to assume that if the Government determines that this is a feasible scheme, an appropriation will be asked for that purpose?

Mr. MALLORY. I do not think so, for this reason: I think that ultimately the lands will go to the State of Florida. I think they would go to the State of Florida now if they had been surveyed, but they have not been surveyed, and of course can not go, under the circumstances.

Mr. GALLINGER. I have asked these questions for the reason that there is not a State in the Union, great or small, that has not swamp lands which it would be desirable to drain and make good agricultural lands if it could be brought about in that way.

I notice a disposition to divert a portion of the irrigation fund to purposes of drainage. In other words, we passed a law to procure water for agricultural purposes, and now we are asked to divert a part of that fund for the purpose of getting rid of water.

Mr. MALLORY. Unfortunately we in Florida are situated exactly in the opposite position from what they are in the West.

Mr. GALLINGER. Yes; I know that.

Mr. MALLORY. But the principle is the same. We only propose to use money received from the sale of public lands in the State of Florida for this purpose, not for the purpose of draining the land, but to ascertain whether it is drainable. If the question should come up hereafter, and the Government is asked to pay, the Senator would possibly object to it.

Mr. HANSBROUGH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from North Dakota?

Mr. GALLINGER. I yield to the Senator.

Mr. HANSBROUGH. I presume the Senator from New Hampshire refers to the bill which passed the Senate recently providing for the setting aside of $1,000,000 of moneys arising from the sale of public lands in the State of North Dakota to be used for the purpose of drainage. I will ask the Senator if he can find any constitutional distinction between the irrigation law, which provides for putting water on land, and any drainage bill which provides for taking water off of land?

Mr. GALLINGER. Mr. President, I am not going to enter into a constitutional argument on this question. I merely want to say that if we are to stand by the irrigation project, which every eastern Senator voted for and which I believe to be a good thing, and if we are now to go into the matter of draining all the swamp lands of the West and the South, of course, Senators representing the northern country will ask that their swamps shall be drained. It is to my mind a very serious matter that we are entering upon a scheme of legislation which will become exceedingly troublesome in the future.

I am not going to object to the consideration of the joint resolution, but I wanted this information before it was voted on, because I want to give notice that if this is to be policy, we have not any lands in the North which need irrigation that I am aware of, but we have a great many thousands of acres of land that need drainage, and we are going to get into that game, if it is to be the policy of the Government.

Mr. TILLMAN. Mr. President——

Mr. BACON. Are there any Government lands in the Senator's State?

Mr. GALLINGER. No, sir.

Mr. BACON. These are Government lands.

Mr. GALLINGER. I will ask the Senator whether the Everglades of Florida are Government lands? I think they are not.

Mr. MALLORY. As I have stated, they will ultimately go to the State, but they have never been surveyed.

Mr. GALLINGER. But they are not now Government lands. So the suggestion of the Senator from Georgia does not apply to the Everglades of Florida.

Mr. BACON. I understand the Senator to say that ultimately they will go to the State, but that they are now the property of the Government.

Mr. GALLINGER. Ultimately we would like to sell our swamps to the Government.

Mr. BACON. The title is now in the United States Government.

Mr. TILLMAN. Mr. President, I wish to suggest to the Senator from New Hampshire that there are a good many swamps up and down the Atlantic coast, some in New England, some in Louisiana, Mississippi, and elsewhere—South Carolina has some—and when those of us who have swamps see the beneficence of this Government expended in putting water by irrigation on arid lands and in draining, as the Senator from North Dakota obtained the passage of a bill through the Senate—I do not know what was done with it in the House—to take water off of land in his State, I agree with the Senator from New Hampshire that if this kind of cake is to be served out I will want my piece of it.

Mr. GALLINGER. That is right.

Mr. HANSBROUGH. Mr. President, I crave the indulgence of the Senate for a few moments, that I may explain the bill which passed this body some two months ago. I do not propose to interfere with the Senator's joint resolution, and I will not object to its consideration, of course.

The situation in North Dakota is this: That State has put into the reclamation fund up to date about $5,000,000. It will be impossible for us to expend there for irrigation more than $500,000. In the eastern part of my State, in the great Red River Valley, there are a million acres of land to-day under water, the result of excessive rainfall. That has been the condition in that section for the last seven or eight years.

So, Mr. President, it occurred to me at the opening of the present session that it would be a good idea if North Dakota might be allowed to use a portion of the money arising from the sale of public lands within that State to drain the water off of land in the Red River Valley, and that was the nature of the bill which was passed by the Senate and is now in the House of Representatives.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. HANSBROUGH. Certainly.

Mr. STONE. I desire to ask the Senator from North Dakota if the lands that would be drained under the bill he introduced, which has passed the Senate, and which I understand has been favorably reported from the House committee to that body, would be private lands—lands belonging to individuals—or would public lands only be drained?

Mr. HANSBROUGH. Both private and public, but the larger portion of the lands are in private ownership. I will say to the Senator from Missouri that there is not an irrigation project to-day contemplated by the Reclamation Service that is not largely composed of private lands. So there can be no distinction, it seems to me, in that respect.

Mr. STONE. I should like to say, if the Senator will permit me——

Mr. HANSBROUGH. Certainly.

Mr. STONE. I voted for the bill and approved of it, and I do yet. I think there is no more reason why money should be expended to reclaim lands by putting water on them, than it should be expended to reclaim them by taking water off. I agree to that. We have in my State the St. Francis River, which runs through the southeastern part of Missouri and the northeastern part of Arkansas and empties into the Mississippi River. Along the St. Francis River in the State of Missouri alone there are 6,000 square miles of as fertile land as can be found on earth, largely covered by water. A movement is now on foot among the people in that part of Missouri and in that part of Arkansas to secure Congressional action looking to the reclamation of those lands.

Mr. TILLMAN. Are those the lands that were submerged by the New Madrid earthquake?

Mr. STONE. Yes, sir.

Mr. TILLMAN. I thought so.

Mr. HANSBROUGH. I want to say on this general question of drainage, that so far as I am concerned I would be very glad to favor any proposition which would relieve the situation in any of the States of the Union, whether it be in New Hampshire, or Missouri, or Arkansas, or South Carolina, or elsewhere, with respect to drainage, and I believe it is proper for this Government to favor an enterprise of that kind.

Mr. TILLMAN. Mr. President, I understand the Senator——
Mr. BURROWS. Mr. President——
The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Michigan?
Mr. HANSBROUGH. Certainly.
Mr. BURROWS. Mr. President, it is apparent that this matter is of such moment as to consume much time in debate if it is considered now. This is entering upon a new field of legislation, it seems to me, and if this policy is to be entered upon, we have a large quantity of land in my State that we will want to have drained by the Government of the United States.
Mr. HANSBROUGH. I would favor including Michigan in the list of States to be benefited by it.
Mr. BURROWS. Mr. President, I object to the present consideration of the joint resolution.
The PRESIDING OFFICER. Objection is made, and the joint resolution goes to the Calendar.
Mr. HALE. Let it go to the Calendar under Rule IX.
Mr. BERRY. I hope it will go over without prejudice to it, if the Senator from Maine objects to its consideration.
Mr. HANSBROUGH. I should be glad to have the joint resolution go over without prejudice. I certainly did not intend——
Mr. BERRY. If the Senator from Maine will permit me, this is not a proposition to drain land, but it is simply a proposition to survey land that has never been surveyed by the Government.
Mr. HALE. I am not debating the merits of the joint resolution. The Senator from Michigan has objected to its consideration.
Mr. BERRY. I hope it will not be put in a position where it can not be called up.
Mr. HALE. I do not propose that it shall be called up in the absence of Senators who take an interest in it.
Mr. BERRY. I do not suppose the Senator means that anybody will try to take that advantage.
Mr. HALE. Mr. President, what will be the result of the objection?
The PRESIDING OFFICER. The joint resolution goes to the Calendar.
Mr. HANSBROUGH. I hope it will go to the Calendar without prejudice, and that the Senator from Maine will withdraw his request.
The PRESIDING OFFICER. The Chair does not think it could go elsewhere than to the regular Calendar, because it was reported this morning.

BILLS INTRODUCED.

Mr. BURROWS introduced a bill (S. 6463) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Frank Holway Atkinson; which was read twice by its title, and referred to the Committee on Naval Affairs.
Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:
A bill (S. 6464) granting an increase of pension to Simon Collier;
A bill (S. 6465) granting an increase of pension to Jason Shaeffer; and
A bill (S. 6466) granting an increase of pension to Samuel Moser (with an accompanying paper).
Mr. McCUMBER introduced a bill (S. 6467) granting an increase of pension to John M. Smith; which was read twice by its title, and referred to the Committee on Pensions.
Mr. SUTHERLAND (for Mr. NIXON) introduced a bill (S. 6468) ceding certain lands appertaining to the post-office building at Reno, Nev., for use as a street; which was read twice by its title, and referred to the Committee on Public Lands and Grounds.
Mr. WARNER introduced a bill (S. 6469) granting an increase of pension to John W. Hudson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.
Mr. GALLINGER introduced a bill (S. 6470) in relation to the Washington Market Company; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.
Mr. ALDRICH introduced a bill (S. 6471) granting an increase of pension to Ella E. Kenney; which was read twice by its title, and referred to the Committee on Pensions.
He also introduced a bill (S. 6472) granting an increase of pension to John McDonough; which was read twice by its title, and referred to the Committee on Pensions.
Mr. McCREARY introduced a bill (S. 6473) for the relief of Elizabeth Bevins; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.
He also introduced a bill (S. 6474) for the relief of Henry H. Baxter; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.
He also introduced a bill (S. 6475) granting an increase of pension to Harvey Key; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment providing for the publication of the names of heads of families of the First Census of the United States, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.
Mr. MILLARD submitted an amendment providing that the provisions of the act of August 1, 1892, and of February 27, 1906, relative to the hours of daily service of laborers and mechanics employed upon the public works of the United States and the District of Columbia, shall not apply to unskilled alien laborers employed in the construction of the isthmian canal within the Canal Zone, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.
He also submitted an amendment proposing to pay to George R. Butlin, J. B. Haynes, and Ernest H. Djureen $500 each, for services rendered by them in the preparation of an analytical index to testimony taken before the Senate Committee on Interoceanic Canals, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Interoceanic Canals, and ordered to be printed.

COMMITTEE ON EXAMINATION AND DISPOSITION OF DOCUMENTS.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there shall be added to the Select Committees of the Senate the Committee on Examination and Disposition of Documents.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the following constitute the Select Committee of the Senate on Examination and Disposition of Documents: Mr. BENSON (chairman), Messrs. KEAN, HOPKINS, GEARIN, and WHYTE.

Mr. HALE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Select Committee on Examination and Disposition of Documents be authorized to employ a messenger at $1,440 per annum, the same to be paid out of the contingent fund of the Senate.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Appropriations be authorized and instructed to provide for a clerk of the Select Committee on Examination and Disposition of Documents, at an annual salary of $1,800.

ASSISTANT CLERK TO COMMITTEE ON MILITARY AFFAIRS.

Mr. WARREN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the salary of the assistant clerk to the Committee on Military Affairs, authorized by resolution of June 5, 1902, at $1,440 per annum be, and it is hereby, increased to $1,800 per annum, to be paid from the contingent fund of the Senate until otherwise provided by law.

WITHDRAWAL OF PAPERS—WILLIAM C. PATTEN.

On motion of Mr. CLARKE of Arkansas, it was

Ordered, That on the application of William C. Patten, he is authorized to withdraw from the files of the Senate all papers accompanying Senate bill No. 5907, Fifty-seventh Congress, first session, entitled "A bill to correct the military record of William C. Patten," there having been no adverse report thereon.

BLACKFEET INDIAN RESERVATION, IN MONTANA.

Mr. CLARK of Montana submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19681) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:
Strike out all of the Senate amendment and insert in lieu thereof the following:
"That the Secretary of the Interior is hereby authorized and directed to immediately cause to be surveyed all of the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana.

"SEC. 2. That so soon as all the lands embraced within the Blackfeet Indian Reservation shall have been surveyed the Commissioner of Indian Affairs shall cause allotments of the same to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and may rightfully belong on said reservation. That there shall be allotted to each member forty acres of irrigable land and two hundred and forty acres of additional land valuable only for grazing purposes, or, at the option of the allottee, the entire two hundred and eighty acres may be taken in land valuable only for grazing purposes, and for the irrigable lands allotted there is hereby reserved out of the waters of the reservation sufficient to irrigate said irrigable lands, and the United States shall and does hold said reserved water in trust as appurtenant to the lands so allotted for the trust period named in the patent to be issued: *Provided*, That such reservation and trust shall only apply to such waters as may be actually and necessarily appropriated for the irrigable portions of Indian allotments within two years from the date of the issuance of the proclamation by the President opening the unallotted lands to settlement; and pending such actual appropriation of water by and for any Indian allottee, all of said waters shall be subject to use under the laws of Montana, but such use shall not be held to create a right adverse to any Indian allottee who actually appropriates water or for whom an actual appropriation of water is made to the extent that may be necessary for use on the allotment within the time limit aforesaid, but, on the contrary, each Indian allottee shall have and enjoy the prior right to appropriate water actually necessary for the irrigation of his or her allotment at any time within two years after the issue of the President's proclamation aforesaid: *And provided further*, That, subject to the foregoing provisions, all water rights and privileges on or connected with streams within or adjoining said reservation shall be subject to the laws of the State of Montana: *Provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved so long as needed and so long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians, not exceeding two hundred and eighty acres to any one religious society; also such tract or tracts of timber lands as he may deem expedient for the use and benefit of the Indians of said reservation in common; but such reserved lands, or any part thereof, may be disposed of from time to time in such manner as the said Secretary may determine: *Provided*, That there is hereby granted two hundred and eighty acres each to the Holy Family mission, on Two Medicine Creek, and the mission of the Methodist Episcopal Church, near Browning, to be selected by the authorities of said missions, respectively, embracing the mission buildings and improvements thereon.

"SEC. 3. That upon the completion of said allotments the President of the United States shall appoint a commission consisting of three persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior or otherwise disposed of; said commission to be constituted as follows: One commissioner shall be a person holding tribal relations with said Indians, one a resident citizen of the State of Montana, and one a United States special Indian agent or Indian inspector of the Interior Department.

"That within thirty days after their appointment said commissioners shall meet at some point within the Blackfeet Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk at a salary of not to exceed five dollars per day.

"That said commissioners shall then proceed to personally inspect and classify and appraise, by the smallest legal subdivisions of forty acres each, all of the remaining lands embraced within said reservation. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, not to be appraised.

"That said commissioners shall be paid a salary of not to exceed ten dollars per day each while actually employed in the inspection and classification of said lands; such inspection and classification to be completed within nine months from the date of the organization of said commission.

"SEC. 4. That when said commission shall have completed the classification and appraisement of all of said lands and the same shall have been approved by the Secretary of the Interior, the land shall be disposed of under the general provisions of the homestead, mineral, and town-site laws of the United States, except such of said lands as shall have been classified as timber lands, and except such sections sixteen and thirty-six of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections or parts thereof is lost to the State of Montana by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other lands not occupied or reserved within said reservation, not exceeding two sections in any one township, which selections shall be made prior to the opening of the lands to settlement: *Provided*, That the United States shall pay to the said Indians for the lands in said sections sixteen and thirty-six, so granted, or the lands within said reservation selected in lieu thereof, the sum of one dollar and twenty-five cents per acre.

"SEC. 5. That the lands so classified and appraised shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars and the Philippine insurrection, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged, but no entry shall be allowed under section twenty-three hundred and six of the Revised Statutes: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by said commission, which in no case shall be less than one dollar and twenty-five cents per acre for agricultural and grazing lands and five dollars per acre for timber lands; but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-fifth of the appraised value in cash at the time of entry and the remainder in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence, and shall have made all the required payments aforesaid, he shall be entitled to a patent for the lands entered: *Provided*, That he shall make his final proofs in accordance with the homestead laws within seven years from date of entry, and that aliens who have declared their intention to become citizens of the United States may become such countrymen, but before making final proof and receiving patent they must receive their full naturalization papers: *And provided further*, That the fees and commissions at the time of commutation or final entry shall be the same as are now provided by law where the price of land is one dollar and twenty-five cents per acre: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, or to make final proof within seven years from date of entry, all rights in and to the land covered by his entry shall at once cease, and any payments theretofore made shall be forfeited and the entry shall be forfeited and canceled: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made.

"SEC. 6. That if, after the approval of the classification and appraisement, as provided herein, there shall be found lands within the limits of the reservation under irrigation projects deemed practicable under the provisions of the act of Congress approved June seventeenth, nineteen hundred and two, known as the "reclamation act," said lands shall be subject to withdrawal and be disposed of under the provisions of said act, and settlers shall pay, in addition to the cost of construction and maintenance provided therein, the appraised value, as provided in this act, to the proper officers, to be covered into the Treasury of the United States for the credit of the Indians: *Provided*, That all lands hereby opened to settlement remaining undisposed of at the end of five years from the taking effect of this act shall be sold to the highest bidder for cash, at not less than one dollar and twenty-five cents per acre, under rules and regulations prescribed by the Secretary of the Interior; and any lands remaining unsold ten years after said lands shall have been opened to entry shall be sold to the highest bidder, for cash, without re-

gard to the minimum limit above stated: *Provided*, That not more than six hundred and forty acres of land shall be sold to any one person or company.

"SEC. 7. That the lands within said reservation not already previously entered, whether classified as agricultural, grazing, timber, or mineral lands, shall be subject to exploration, location, and purchase under the general provisions of the United States mineral and coal land laws, at the prices therein fixed, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to an Indian.

"SEC. 8. That lands classified and returned by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under sealed bids to the highest bidder for cash at not less than five dollars per acre, under such rules and regulations as he may prescribe: *Provided*, That the said timber lands shall be sold in tracts not exceeding forty acres, with preference right of purchase to actual settlers, including Indian allottees residing in the vicinity, at the highest price bid.

"SEC. 9. That after deducting the expenses of the commission of classification, appraisement, and sale of lands, and such other incidental expenses as shall have been necessarily incurred, including the cost of survey of said lands, the balance realized from the proceeds of the sale of the lands in conformity with this act shall be paid into the Treasury of the United States and placed to the credit of said Indian tribe. Not exceeding one-third of the total amount thus deposited in the Treasury, together with one-third of the amount of the principal of all other funds now placed to the credit of or which is due said tribe of Indians from all sources, shall be expended from time to time by the Secretary of the Interior as he may deem advisable for the benefit of said Indians, in the construction and maintenance of irrigation ditches, the purchase of stock cattle, horses, and farming implements, and in their education and civilization. The remainder of all funds deposited in the Treasury realized from such sale of lands herein authorized, together with the remainder of all other funds now placed to the credit of or that shall hereafter become due to said tribe of Indians, shall, upon the date of the approval by the Secretary of the Interior of the allotments of land authorized by this act, be allotted in severalty to the members of the tribe, the persons entitled to share as members in such distribution to be determined by said Secretary. The funds thus allotted and apportioned shall be placed to the credit of such individuals upon the books of the United States Treasury for the benefit of such allottees, their legatees, or heirs. The President may, by Executive order, from time to time order the distribution and payment of such funds or the interest accruing therefrom to such individual members of the tribe as in his judgment would be for the best interests of such individuals to have such distribution made, under such rules and regulations as he may prescribe therefor: *Provided*, That so long as the United States shall hold the funds as trustee for any member of the tribe, the Indian beneficiary shall be paid interest thereon annually at the rate of four per centum per annum.

"SEC. 10. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of sixty-five thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and for lands reserved for agency and school purposes, at the rate of one dollar and twenty-five cents per acre; also, the sum of seventy-five thousand dollars, or so much thereof as may be necessary, to enable the Secretary of the Interior to survey, classify, and appraise the lands of said reservation as provided herein, and also to defray the expense of the appraisement and survey of said town sites, the latter sums to be reimbursable out of the funds arising from the sale of said lands.

"SEC. 11. That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections sixteen and thirty-six, or the equivalent in each township that may be granted to the State of Montana, the reserved tracts hereinbefore mentioned for agency and school purposes, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any part thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

"SEC. 12. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks, not less than eighty acres of said land at or near the present settlements of Browning and Babb, and each of such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlements. Such town sites shall be surveyed, appraised, and disposed of as provided in section twenty-three hundred and eighty-one of the United States Revised Statutes: *Provided*, That any person who at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter at any time prior to the day fixed for the public sale, and at the appraised value thereof, such lot and any one additional lot of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: *Provided further*, That before making entry of any such lot or lots, the applicant shall make proof to the satisfaction of the register and receiver of the land district in which the land lies of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proof as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: *Provided further*, That in making their appraisal of the lots so surveyed it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry in their regular order with the other unimproved and unoccupied lots: *Provided, however*, That no lot shall be sold for less than ten dollars: *And provided further*, That said lots when surveyed shall approximate fifty by one hundred and fifty feet in size."

W. A. CLARK,
FRED T. DUBOIS,
MOSES E. CLAPP,
Managers on the part of the Senate.

J. S. SHERMAN,
CHAS. CURTIS,
WM. T. ZENOR,
Managers on the part of the House.

The report was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 19571. An act to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.; and

H. R. 20070. An act to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On June 11:

S. 4299. An act to amend section 4421 of the Revised Statutes of the United States, inspection of steam vessels;

S. 6329. An act authorizing James A. Moore or his assigns to construct a canal along the Government right of way connecting the waters of Puget Sound with Lake Washington; and

S. 2623. An act for the extension of Euclid street, in Meridian Hill, District of Columbia.

On June 14:

S. 2418. An act to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes.

STATISTICS RELATIVE TO THE SUEZ CANAL.

Mr. MORGAN. Mr. President, I ask an order for the printing of a letter which I hold in my hand on a very important subject that is now before the Senate.

In our duties that we are performing now daily under the regular order that has been on the Calendar before the Senate, the Senate and the country are having a great deal of anxiety about the amount of money that is to be expended in the construction of the Panama Canal, no matter whether it is a sea-level or whether it is a lock canal, and they seem to have lost sight of the question which lies still further off, as to whether

this is going to be a remunerative enterprise in either form or type of canal that may be constructed.

I took occasion to write to Gen. George W. Davis, who is the best informed man whom I know of, in regard to the situation of the Suez Canal, as to its capitalization, as to its reserve funds, as to the dividends upon the stock, and the amount of tonnage which passes through that canal. He very kindly replied to my inquiries, and I will read the letter to the Senate in order that they may have some idea of its importance:

[Senate Document No. 492, Fifty-ninth Congress, first session.]

Letter from Mr. George W. Davis, giving certain data relating to the Suez Canal.

WASHINGTON, *D. C., June 14, 1906.*

MY DEAR SENATOR: Replying to your favor of yesterday, I give you the following data respecting the Suez Canal:

The original capital of the company, issued before 1870, was 400,000 shares, at 500 francs each; but these securities do not answer to our definition either of stocks or bonds, as they partake of the character of both. Under the terms of issue there was a condition that the shares could be redeemed in certain proportions at stated periods and that when redeemed they should be no longer an interest-bearing security, but should continue to constitute an asset to the original owner of the shares to the extent that he should participate in all surplus benefits earned by the company; but the interest provided by the statute—5 per cent—stopped when the bond should be called for redemption.

On the 31st of December, 1904, there were 385,460 of these shares still outstanding, and they continued to enjoy participation in the surplus benefits or profits of the company. But the interest on the residue of these bonds had ceased; that is to say, on 14,600 shares. The other outstanding securities of the Suez Canal Company are bond issues, as follows: First, an issue of 400,000 shares, at 85 francs, put out in order to take up unpaid coupons on the original issue, this being really to make good a deficit arising in the earlier years of the operation of the company, when its revenues were small. These bonds were entitled to 5 per cent interest, and the value of those still unredeemed and outstanding is 32,919,310 francs. Of the loan of 1867–68, which was in 300-franc shares, there was still outstanding on the date above specified 53,160,600 francs. In 1871 a still further issue of 100-franc shares was made, of which are yet unpaid 1,678,000 francs. A further loan was made in 1880 at 3 per cent, of which 24,575,770 francs remained unpaid at the end of 1904.

In 1887 there was still a further loan negotiated at 3 per cent, the aggregate of which still remaining unredeemed is 97,362,450 francs. The aggregate of all these issues, stock and bonds, came to the total of 402,296,130 francs, or $80,500,000. This is all of the capital stock of the Suez Canal Company, except that there remains an obligation resting on the company to pay 10 per cent of their surplus profits to the original founders, constituting all those who formed the original company that Mr. De Lesseps exploited. These founders' interests are divided into 100,000, and each now receives about one-half as much annually as the owners of each original share received.

The only reserve of which I can get any trace, maintained by the Suez Canal Company, is one of $5,000,000, which is required by the statute to be maintained, so as to equalize profits and losses and to provide for emergencies. There is another fund of small amount maintained as a pension and retirement fund, disbursed for the benefit of employees of long standing and of recognized merit. But the aggregate of this fund is not a large one.

The last quotation for Suez Canal stock that I have seen is for May, 1906, when it was quoted at the Bourse as 4,515 francs. As the par value of the share is 500 francs, you can readily see that these securities are at 900 per cent premium.

The dividend paid last year on the original shares was a net of 141 francs per share. This included the 25 francs (5 per cent interest) referred to above as having ceased on certain of the shares of the original stock that had been called in and redeemed. The per cent of dividend was therefore about 28. The tonnage passing the Suez Canal last year was 13,000,000 net tons, and the toll rate was 7¾ francs per ton.

Under the terms of the concession, which extended for ninety-nine years from the date of completion of the canal—1869—all the securities will have been retired and canceled on maturity, and amortization provisions are arranged to that end.

The Government of England paid almost exactly £4,000,000 for the shares bought by Beaconsfield from the Khedive. The dividend on these shares last year for the benefit of the British Government was £933,000.

The authorities, for the information contained in the above, are: L'Economiste, a French publication with which you are no doubt familiar; the Statist, an English publication devoted to statistical matters; also a recently published work on the Suez Canal, by J. Charles-Roux, entitled "L'Isthme et le Canal de Suez," Paris, 1901, and The Stock Exchange Official Intelligence for 1905.

Hoping the above will meet your necessity, I remain, as ever,

Yours, sincerely,

GEO. W. DAVIS.

Hon. JOHN T. MORGAN,
Capitol, Washington, D. C.

Now, Mr. President, I desire to have this letter printed as a document for the use of the Senate. It certainly is something that is of the very greatest importance.

I wish to say in connection with it that I hope we will get rid of any hysterical idea in discussing the great proposition that is before us to the effect that we are wasting money upon it. We may be spending money very improvidently, and I think for the want of a proper system and management we are doing just that thing; and it is going to require very careful work on the part of the Senate of the United States and the Congress of the United States to devise and put in force a system of expenditures and accounting there that will prove to be justly and properly economical in the handling of this great fund.

But, Mr. President, what we are putting into this canal is in an investment. I will suppose that it is $500,000,000; it is still an investment. It is not money thrown away. It is not money loaned out and lost. It is not money expended in war or money given to benevolent purposes and the like of that, but it is money invested.

Now, as to what is the likelihood of profit upon the investment can be best ascertained by a reference to these figures of the Suez Canal. Nine hundred per cent——

Mr. CULLOM. I wish to ask the Senator if there is stated in the letter the exact cost of the Suez Canal, the whole cost?

Mr. MORGAN. Yes; the whole amount expended. I do not know whether it is for the canal proper, as it first was, or whether it is for the canal with the betterments that have been made to it since. General Davis has not divided that; but if it is necessary, I can get that information from him, I have no doubt.

What I wish to say is this, Mr. President: When the stock of the Suez Canal, with 13,000,000 tonnage passing through it annually, not a sailing ship going through it, all steamers, is worth a premium of 900 per cent on the Bourse in Paris, there need not be any despair or any excitement or any apprehension among Members of Congress or the people in regard to the outcome of this work when it shall be completed. We have the ability to take hold of this work, and by taxing our people to pay bond issues to complete it without ever stopping a wheel in the whole work for a second. If it should last for twenty-five years we have got the ability to do it. But that is not what I am acting upon. I am acting upon the idea that if this canal gets only 13,000,000 tons of transportation on which tolls are to be charged we could run the stock of the canal up if it were a commercial enterprise, a stock enterprise, to 400 or 500 per cent in four or five years after the canal is completed, if it takes twenty years to complete it.

I wish to say that I regard this as the very best investment that any Government has ever had an opportunity to make of its money in any work of permanent improvement. I say that, Mr. President, notwithstanding I have always said—and it is unnecessary that I should repeat it—that I have very great misgivings as to whether or not after all we shall be able to overcome the natural difficulties that confront us in the building and maintenance of this canal; but we have got to take the risk, and we are ready to take it. I have not any doubt about the determination of almost every man in the United States to take the risk, whatever it may be. I have no right to make predictions about it, but I can not resist, in justice to my own opinion, reserving to myself the apprehension that after all we are putting our money down at the wrong place. That is my judgment, and I have thought so from the beginning.

That is what I wish to say in regard to this very important statement of General Davis. I will now ask that it shall be printed as a document for the use of the Senate.

The PRESIDING OFFICER. The Senator from Alabama asks for the printing of the document to which he has referred, for the use of the Senate. In the absence of objection, it will be so ordered.

Mr. SCOTT. Mr. President——

The PRESIDING OFFICER. Are there further concurrent or other resolutions? If not, the morning business is closed.

FIRE DEPARTMENT OF THE DISTRICT OF COLUMBIA.

Mr. SCOTT. I ask unanimous consent for the present consideration of House bill 4464, being what is known as the "firemen's bill," which was considered yesterday. It will only take a moment to complete its consideration. The Senator from Maine [Mr. HALE], who yesterday objected to the bill, has since investigated the matter, and I believe is now satisfied that the bill shall pass.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4464) to classify the officers and members of the fire department of the District of Columbia, and for other purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PANAMA CANAL.

Mr. KITTREDGE. I ask unanimous consent that the unfinished business may now be laid before the Senate.

The PRESIDING OFFICER. Is there objection to the request?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. TELLER obtained the floor.

Mr. McLAURIN. Will the Senator from Colorado yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. TELLER. I should like to know for what purpose. Then I can decide.

Mr. McLAURIN. I desire to ask the Senator if he will yield to allow me to ask unanimous consent of the Senate for the present consideration of Senate bill 1291, for the relief of James W. Watson. It will take but a few minutes to dispose of it.

Mr. TELLER. I will yield, reserving to myself the privilege of resuming the floor if the bill shall lead to debate.

JAMES W. WATSON.

Mr. McLAURIN. I now ask unanimous consent for the present consideration of the bill (S. 1291) for the relief of James W. Watson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That the balance due from the Merchants' National Bank of Helena, Mont., to James W. Watson, amounting to $13,113.69, be, and the same is hereby, allowed by the Office of Indian Affairs and the accounting officers of the Treasury Department, and said accounts of James W. Watson, late acting United States Indian agent, Crow Agency, Mont., be credited therewith, allowing him to be fully discharged from any further liability therefor.

SEC. 2. That the said James W. Watson, after the balance of his accounts shall have been passed upon by the court before which they are now pending, be authorized and allowed to submit the same to the Office of Indian Affairs, for the purpose of correcting his record at that office.

SEC. 3. That the said Watson be, and he is hereby, authorized and empowered to show before the court the expenditure of said moneys charged against him under the act of July 4, 1884, and other acts or parts of acts, by supplemental vouchers, or facts, or other testimony which shall be accepted by the court, such as showing to the satisfaction of the court the expenditure of said sum so charged back for the uses, purposes, benefit, and good of said agency and the Indians thereof.

SEC. 4. That this act shall take effect and be in full force and effect from and after its passage and approval.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Indian Affairs.

Mr. SPOONER. I should like the Senator who has the bill in charge to make some explanation of it.

Mr. McLAURIN. Mr. President, the Senator from North Dakota [Mr. McCUMBER], who reported the bill, is really more familiar with the facts than I am. This is a bill to relieve, as the title states, Capt. James W. Watson, of the Tenth Cavalry. He was appointed just before the Spanish war as an agent at the Crow Indian Agency, in Montana. When he received the appointment he found certain moneys, to be used for the benefit of the Indians, deposited in a bank. He left that money in the bank. Afterwards the bank failed while the money was there, I think amounting to about $38,500. Twenty-odd thousand dollars of the money has been paid by the bank since it has been in liquidation.

Mr. SPOONER. Was it a national bank?

Mr. McLAURIN. I do not remember what bank it was, but the report shows.

Mr. McCUMBER. It was a national bank, Mr. President. I am acquainted with the facts.

Mr. SPOONER. What does this bill permit the claimant to do in the court that he could not do without it?

Mr. McLAURIN. I will state to the Senator, unless the Senator from North Dakota will answer that question——

Mr. SPOONER. I only want it in a word.

Mr. McCUMBER. I think the Senator from Mississippi could answer, but I will simply say that legally Captain Watson would, of course, be responsible, but not morally, considering the course of the dealings in the matter of Indian funds, which had been kept in the same bank by his predecessor and which he supposed he had a right to keep in the bank, although it was not a Government depository. He had really no legal authority for doing it, and this is to excuse him for the loss of funds by the defalcation of the bank.

Mr. McLAURIN. I would say to the Senator from Wisconsin, if I can have the attention of the Senator——

Mr. SPOONER. I am listening.

Mr. McLAURIN. I will say to the Senator that by the law as it stood at the time when this transaction occurred, if there were any mistake in a voucher, even if the voucher were for $10,000 and there was a mistake of a dollar, the law required that the whole amount be charged against the agent. As shown by the report, it was impossible for the agent to be at all the places where these moneys were expended. The Government furnished him clerks——

Mr. TELLER. I yielded for the consideration of this bill with the expectation that it would be passed without debate, but I can not yield further.

The PRESIDING OFFICER. Objection is made to the further consideration of the bill.

Mr. McLAURIN. I want to make one statement to the Senate with reference to the bill. This is a very important matter to this man.

Mr. TELLER. I must decline to yield if the bill is to lead to further debate at this time. It can be passed later. If I yield to one Senator I must to everybody, as it is a debatable subject.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. TELLER subsequently said: If the bill which the Senator from Mississippi [Mr. McLAURIN] called up can be passed without further debate, I will withdraw any objection to its consideration.

Mr. McLAURIN. I do not know whether or not it can be passed without further debate, if Senators object to it, but I should like to have it considered and I should like to have it passed.

I repeat, this measure is a matter of very great importance to this man. He is not morally responsible for the loss of any of this money; he is guilty of no moral wrong, and the Department say that he is not. The man has nothing in the world except his salary. He has been an officer of the Army for twenty-odd years, for he went to West Point about 1878, I think, and after he graduated he went into the Army and has been in the Army ever since. He has made a splendid officer. If this measure does not pass, it will drive him out of the Army and there will not be a dollar recovered for the Government. That is all I can say.

The PRESIDING OFFICER. Is there objection to the further consideration of the bill at this time? The Chair hears none; and the bill is before the Senate as in Committee of the Whole.

Mr. SPOONER. Mr. President, I have no objection to this bill, so far as it relieves this officer from liability for moneys deposited in the national bank at Helena and lost through the failure of the bank and through no fault on his part; but it goes beyond that and authorizes him to make supplemental vouchers for money that he had disbursed.

Mr. McLAURIN. If the Senator will allow me a moment, I can explain to him that there is not only nothing wrong in that, but there is nothing illegal in it and there is nothing inequitable in it. The Government furnished him clerks. One was C. H. Barstow and another J. A. Gogarty. Those clerks fixed up the vouchers, and if they made a mistake of a dollar in a thousand-dollar voucher that thousand dollars is charged to Captain Watson, and every other dollar of it has been paid. The bill only allows him to go before the court and show how much money really was paid out by him and to give him credit for every dollar paid, and nothing else. That is all the bill proposes to do.

Mr. SPOONER. All right.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SITE FOR PUBLIC BUILDING AT GREAT FALLS, MONT.

Mr. CLARK of Montana. I ask the Senator from Colorado to yield to me that I may enter a motion.

Mr. TELLER. I yield.

Mr. CLARK of Montana. Yesterday, when the bill (S. 544) to provide for the erection of a public building in the city of Great Falls, Mont., was under consideration, some amendments to it were adopted which it is now found require further consideration. I therefore move that the vote by which the bill was passed be reconsidered, and that a message be sent to the House of Representatives requesting the return of the bill, in case it has been sent to that body.

The PRESIDING OFFICER. The motion to reconsider will be entered; and, without objection, the House of Representatives will be requested to return the bill.

HOMESTEAD ENTRIES ON COLUMBIA INDIAN RESERVATION.

Mr. PILES. Will the Senator from Colorado yield to me?

Mr. TELLER. Mr. President, the Senator from Washington appeals to me to yield to him; I do not know for what purpose.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (H. R. 18668) ratifying and confirming soldiers' additional homestead entries heretofore made and al-

lowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington.

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. TELLER. I yield.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PILES. I move the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 1, line 3, after the word "all," it is proposed to strike out "entries" and insert "applications to make entry;" and at the beginning of line 7 to strike out "accepted at" and insert "filed in;" so as to make the bill read:

Be it enacted, etc., That applications to make entry under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington, heretofore made in good faith and filed in the local land office of the land district in which said lands are situated, under and pursuant to the practice of the Department theretofore existing, are hereby ratified and confirmed, and the Secretary of the Interior is authorized to issue patents in all such cases in which patent has not already issued.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JUDD J. HARTZELL.

Mr. ALLISON. I ask the Senator from Colorado to yield to me for a moment.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. TELLER. Certainly.

Mr. ALLISON. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 7771) for the relief of Judd O. Hartzell, to report it without amendment, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa for the present consideration of the bill named by him?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Judd O. Hartzell, of Laharpe, Ill., $960, to reimburse him for that sum paid by him for a technical violation of the internal-revenue laws of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. TELLER. Mr. President, I desire to present some matters in connection with the character of the canal that we have determined shall be built to connect the waters of the Atlantic with those of the Pacific Ocean. I do not expect to go into the history of the canal. That has been done pretty thoroughly by the Senator from South Dakota [Mr. KITTREDGE], who has the bill in charge, and also by those Senators who have spoken in favor of the lock plan of canal.

In the early part of the session I submitted my ideas as to what the character of the canal should be; but since that time there have been statements made and arguments advanced that I wish very briefly to controvert. I desire, first, to address myself to the proposition whether the type of the canal should be determined by the question of cost. Here is an enterprise which I think everyone will admit is in magnitude, and perhaps in effect, the greatest national enterprise that any nation has ever undertaken; certainly it is the greatest in modern times. There may have been in the history of the world, particularly in prehistoric times, some enterprise carried on that may have required more labor and more effort than this, but certainly in modern times there has been no expenditure of money by a nation in any work of this character that would equal the amount that it is probable we shall be compelled to expend to complete the construction of the Panama Canal. That statement holds true whether we shall expend the amount of money estimated by the engineers of the world or whether it will require an expenditure that some who are not connected with the work believe will have to be made.

We have declared before the world that we are going to build an isthmian canal. A quarter of a century ago, when the French company undertook to build a canal across the Isthmus of Panama, we said in a very quiet way that there was no objection to a French company building such a canal; but if the French company failed, as it was anticipated by many that it would, then this Government would object to the French Government building the canal. So when the canal company did fail the French Government was prohibited and precluded from taking any part in the work of taking up the construction of the canal, even if it desired so to do.

The Senator from Illinois [Mr. HOPKINS] the other day said he thought they were too wise to do so. I doubt whether at that time they were too wise. The French people had put $262,000,000 in the enterprise, and it was supposed then that $100,000,000 more would complete the work. If that supposition had been well founded, which it was not, it would undoubtedly have been wise for the French Government to have saved, if possible, to the citizens of that country their investment.

I do not know that I am quite willing to subscribe to the suggestion made a few moments ago by the Senator from Alabama [Mr. MORGAN] that this canal is going to be such a great commercial success. That is a matter about which we may differ.

We have assumed the right to build this canal, and we have denied the right of any other Government to build it. To-day we deny to any company or any corporation or any combination of capitalists the right to build it. We stand there saying, "We will build this canal." That being so, shall we stop and consider what it shall cost? The individual who enters into an enterprise, great or small, should rightfully and properly consider whether his resources will enable him to complete it. Does anybody here, Mr. President, believe, whatever may be its cost, whether it be $247,000,000 or $500,000,000, that this Government is able to complete this enterprise? It is too late, in my judgment, to consider the element of cost.

Then, there is another element, upon which apparently both the junior Senator from Illinois [Mr. HOPKINS] and the Senator from New Jersey [Mr. DRYDEN], who spoke yesterday, place much reliance. That is the element of time. In my judgment, we have not any business, under the conditions that now exist, to consider how much this canal will cost, neither have we any business to consider how long it will take to complete the enterprise. Other people might possibly have completed it in less time, but they were not allowed to do so.

When you have considered the question of cost, in the first instance, and when you have considered the question of time, you have got to consider what is the type of canal that the business of the world demands. What kind of a canal is it that we are under obligations to build? Not only a canal that can take the small ships from one ocean to another, but one that will take every ship and any ship that comes. Our determination to do that is foreshadowed and declared by the Spooner Act.

I know, Mr. President, that the minority of the Board of Engineers say that it is doubtful whether the great ships of the world will ever want to go through the canal. I do not know that they will; but I think that will depend upon the type of the canal. I am sure it will be very doubtful whether the great ships of the world will go through it if it is built with locks.

It is necessary to refer briefly, but not in detail, to what has been done on this canal. When the man who had won fame by his success in building the Suez Canal had taken hold of the project of a canal across the Isthmus of Panama, it was thought that it would be carried to completion; but when the money that ought to have gone into the canal had been largely wasted, at all events, when the De Lesseps Canal Company had reached a point where no more money could be secured, they stopped work on the canal and stood still, and the company went into bankruptcy. Then there was organized another, a French company, with a moderate amount of capital compared with the amount that would be required to complete the work. Everyone who knows anything about it knows that that company was organized to save as much as possible out of the wreck of the old company. They had then under their concession from Colombia nine years in which to complete the canal. A board of engineers of European reputation and some American engineers were employed by this new company to determine how they could save something out of the wreck.

Let me say that when this technical commission came to make their report—and I have it here on my table—they said it "has been demonstrated, as far as we have gone, that a sea-level canal is feasible." That was one of the first enunciations

of that board of engineers; but they then said—not in the exact language, of course, that I am using—"We have got nine years in which to build the canal. It will take us one year to organize and secure money enough to go on. Can we build the canal on the original plan within the time and for the money we can raise?" They decided that they could not, and the company's instructions to the board—and any Senator can read them here; I am not going to stop to read those things; but they are printed in a document here to which every Senator can have access—were: "You must consider two items when you come to decide this question. First, can you build the sea-level canal in eight years? We have nine years within which to do it, but it will take us a year to get ready to start." The answer was, they could not. Then it was asked, "Can you build it for the money we can raise?" The engineers answered, "No." Then they said, "In determining the type of the canal you must keep in sight all the time the conditions under which you are to build it. First, you have not time to build a sea-level canal, and, secondly, you have not the money with which to build it."

Mr. President, I have read everything, I think, that has been published upon this subject in the last twenty years, and I say here that no board of engineers have at any time said that it is impossible or impracticable to build a sea-level canal. Individual engineers may have said it. In 1879, when the engineering talent of the world was assembled at Paris, nearly ten times as many engineers declared in favor of a sea-level canal as declared in favor of a lock canal. I challenge anybody to show me that any engineer in that meeting ever suggested that a lock canal would be better than a sea-level canal. On the contrary, the American engineers who objected to a sea-level canal objected solely and entirely upon the ground that the commerce which would go through the canal would not justify the building of so expensive a canal. I state this to meet the statement which has been made twice on this floor that the technical committee declared it was impracticable to build a sea-level canal—impracticable, as they said, under the conditions existing, poverty and lack of time.

Mr. President, I have read the report of the majority of the Board, and I have read the report of the minority of the Board. I have read the report of the Isthmian Canal Commission. I have read all these papers carefully. Yet I venture to say not a report has come here, except within the last year, which would justify anybody in saying that if the cost of a sea-level canal was the same as that of a lock canal it would be better to build a lock canal. Eliminating the element of cost and considering only the element of advantage, I venture to say you can not get in this country 5 per cent of the respectable engineers who would not assert that a sea-level canal is better than a lock canal.

I have had the opportunity in the last ten years of consulting and conversing with a large number of American engineers, some of whom have been on the ground. One of them was one of the best engineers in this country. He has had no connection with these recent transactions. He is as able as any man on the Board. He spent a year down there. I believe every man of that class will say "If you can build a sea-level canal for the same money, of course you should build a sea-level canal."

Those, Mr. President, are the points with which I want to start out. As I have said, I do not intend to make an extended speech on this subject. I went over the matter at considerable length in the early part of the session. I listened yesterday to the Senator from New Jersey [Mr. DRYDEN], and I am sorry his speech is not in the RECORD this morning, so that I could quote him exactly in the somewhat pathetic appeal he made to us to build the best canal that could be built. I sympathize with him in that sentiment. I put myself on record in December last that there was an obligation on us, which the world expected us to fulfill, to build the very best canal that could be built. The Senator from New Jersey concludes and certifies himself that the best possible canal which can be built is a lock canal He quoted the chairman of the Commission, Mr. Shonts, and he quoted also the Chief Engineer of the canal in support of the declaration that if you could build a sea-level canal for the same money you ought not to build a sea-level canal, but you ought to build a lock canal. Mr. President, Mr. Shonts is not an engineer. He is a railroad man and has been engaged in running a railroad across the praries of Illinois and Indiana. There is no evidence that I know of that he has ever dealt with any great enterprises in any shape or manner. I can tolerate that statement made by a layman. But Mr. Stevens is an engineer by profession, by education, and by experience, and when he says to the Board of Engineers, when he says to the country at large, that, in his judgment, a sea-level canal is not as valuable as a lock canal, and that, eliminating the idea of expense, he would build a lock canal, I say, with all respect, that he discredits himself before the engineers of this country.

I venture to say that no man who is not a partisan of a particular type of canal, and who has not an end to serve, and who has any reputation as an engineer, will stand before the world and say that an open-water cut across the Isthmus is not better than climbing an elevation of 85 feet.

Mr. President, I desire to say a few words about time. As I have said, I do not think we should consider the matter of time. What difference does it make to the American people whether it takes eight years or twelve years? Are we to derive so much immediate benefit and advantage from the building of the canal that we must make haste to build it? I desire to call the attention of the Senate to a statement made by the head of the Panama Canal at Atlanta on the 30th day of May. Mr. Shonts made an address at a banquet:

> In his formal address this evening Mr. Shonts said that between the time of the selling of the supplies which will enter into the construction of the Panama Canal and the period when the opening of the canal will result in the development of the country a gulf is fixed. How great and how wide that gulf is will depend on the type of canal selected. Mr. Shonts spoke in favor of a lock canal, as recommended by the minority of the consulting board and indorsed by the Canal Commission. He said, in conclusion:
>
> "The practical question for all sections of the country is, How long shall we want before we can enter upon the period of development which the opening of the canal will bring to the country? I am not surprised that European countries are indifferent to the early completion of this canal. I am not surprised that they are indifferent as to how much this canal may cost our Government. I am not surprised that they can view calmly an indefinite postponement of the opening of this great waterway. They are neither paying the bills, nor will their commerce and industries suffer by waiting for the completion of this undertaking.
>
> "But I am surprised that those who are supposed to represent the best interests of the American people—

That, I suppose, refers to the American Senate and the American House—

> should try to throw obstacles in the way of realizing the benefits of this work at the earliest possible date. When we can get a better canal for less money, and receive the benefits ourselves, why wait; why make it a heritage to our children, with the possibility of their being deprived of its benefits through some unforeseen contingency?
>
> I have spoken of a gulf. Now, how wide that gulf shall be depends on the people. Do you want to reap the benefit of this undertaking yourselves, or do you want to transmit a hope to your children or your children's children?

Mr. President, Mr. Shonts's idea is accepted by the Senator from Illinois [Mr. HOPKINS] and the Senator from New Jersey [Mr. DRYDEN] as to some extent controlling us in our determination of this question. That is particularly true of the Senator who addressed us yesterday, the Senator from New Jersey, who dwelt with much force upon the idea that he advanced as coming from Mr. Shonts and Mr. Stevens. I was sorry that one or the other of the Senators did not tell what the immediate benefit is to be to this country from the canal. I am one of those who do not look forward to any immediate advantage, nor in the future to any great advantage that will accrue to us as a nation. We will open the canal to all the world on the same terms that our own citizens use it. Every American ship will pay according to its tonnage the same rate as every European ship will pay. It does not make any difference whether the ship is going to China or going to San Francisco from New York, or any other city; it will pay the same.

If, as anticipated, there shall be a tremendous commerce going through the canal, the money that we put in will be returned in the way of interest. But I am not one of those who have been so hopeful of this return. However, no one of the advocates of the lock canal has yet told us why we should sacrifice the character of the canal for the sake of saving time or money. It is true, the other day the junior Senator from Illinois [Mr. HOPKINS] told us that all the money put into the canal which was wasted, or the money that was put in beyond what was necessary, came out of the taxes paid by the people. That is true. It all comes out of the taxes paid by the people. The people who do the business of this country will pay for it. But if the canal is to be so advantageous as Mr. Shonts and some other gentlemen think, then it will make but little difference whether it costs $247,000,000 or $325,000,000. If it pays a good round interest, it will be a good investment. I wish I could be as optimistic about it as is the senior Senator from Alabama [Mr. MORGAN], provided, he says, it is a success.

Mr. President, if there was to be immediate gain, if there was prospect of immediate returns to a considerable extent more than anybody now claims, I do not believe we would be justified in sacrificing the character of the canal for the purpose of immediately participating in those gains. If the canal is built, it ought to be as good in a thousand years, or in two thousand years, as ever, and if the interests of mankind demand a water-

way across there to-day, they will certainly demand it in all time. I join with the Senator from New Jersey in saying that this is the opportunity for us to get the best canal that can be made. I deny the conclusion at which the Senator arrives—that the best canal which can be made will have locks by which the ships of the world must climb over a mountain.

Of course, I know there are lock canals which are a success. In New York is the Erie Canal, from Buffalo to New York. It has been a great success, and the State is about to expend a hundred million dollars more on it to increase its capacity; and it will be a success. But it is not anything like this canal, nor will this canal be anything like the New York canal. I know there is a canal between the Great Lakes. We call it the "Soo Canal." It has carried a tonnage greater than any other canal in the world, and it has been a great success. It belongs to the Government of the United States. It has been a great help to commerce. That canal is 2 miles long, or to be accurate, 1.6 miles. It has a lock, a lock which lifts less than 20 feet—19 feet and a fraction, if I am not mistaken. It has one lock. The lock that is to be built on this canal will have a lift of practically 30 feet—almost 29 feet. Instead of there being one lock, there are to be three locks on the Atlantic side and three locks on the Pacific side. The Manchester Canal has some locks, but their lifts are nothing like the lifts on this canal.

Mr. President, I challenge the friends of the lock-canal system to show anywhere in the world a lock canal like unto this. There is none. There is no place on the Manchester Canal or any other canal in Europe where there are three locks in succession by which a ship must climb a hill. I do not care to go into details, but I wish to suggest to the Senate, I wish to suggest to intelligent business men, whether it is not much more difficult to carry on a canal with three locks, one above the other, than it is a canal with one lock. I want to ask any intelligent man—he need not be an engineer—what would happen to a great ship like one of those that Mr. Hill is running now from our western ports to Asia if, in going across from either side, an error should occur in the handling of the ship and the ship should go with its great weight against one of those gates. The gate has not been built, and it never will be built, which would hold one of those ships, and when it strikes one of those gates, it would go down clear through to the bottom. The chances are a hundred to one it would carry the flight with it. If anybody doubts that, let him take the testimony of Mr. Hunter, who is on this Board and who has had as much to do with this question as any man in the country, unless it may be Mr. Davis.

But you do not need an engineer to tell you the danger of a lock canal. I see the minority of the committee say that these gates will weigh 450 tons. They will weigh practically twice that if we get the right kind of gates. They should weigh 800 tons, and they will weigh 800 tons. The lowest estimate I have seen made by anybody has been 750 tons; and the minority of the committee says 450 tons. These gates must be handled, not as we handle the gates on the old Erie Canal, where they put in a couple of gates, with a long timber sticking out, and a man goes on the timber and moves the gate and swings it around. That can not be done with these gates. With 30 feet of water against them they can not be opened and they can not be closed except by machinery, and delicate yet powerful machinery at that.

For fear I may forget it, I wish to suggest here that in these days of dynamite it would be easy for somebody to step in and with a piece of dynamite which he could carry in his vest pocket disable every lock in the whole flight. It may be said that will not be done. Probably not in ordinary conditions; probably not in the usual conditions of life. But suppose we were having trouble with some foreign power, and we had our Pacific fleet on the Pacific side and wanted to bring it across. Do you believe it would be difficult for some power to shut off our right of way, you may say, across the Isthmus? How easy it would be! "Oh," they say, "you can guard it." But you would need an army to guard it.

On the other end there is to be a lock under any conditions. There must be. As was said here by the Senator who has this bill in charge, in the admirable presentation he made of this case when he opened it, that is a lock which will stand open half the time; nay, more than half the time. It is a lock which, if destroyed, will not destroy the canal. But the flight of locks on the other side will be within reach of the great guns of the navies of the world, and every one of those locks can be put out of commission in an hour by a great naval ship. But I will not anticipate such troubles. I will not anticipate a war. I will anticipate that persons hostile to the carrying of ships through there may do this, and they can do it readily and easily. And yet the minority of the committee tell us that they prefer a lock canal to a sea-level canal, because they say a ship can go through it quicker than it can through a sea-level canal. When the ship enters the water at sea level, it will steam cautiously through, I admit. But it does not make much difference whether it goes through in fifty-five minutes more or fifty-five minutes less. The question is, Can the ship go through safely, and through which canal can it go with the greater safety?

Mr. President, I desire to touch very briefly on the question of the dam. I will say that I am not going into an extensive argument on this subject, for, in my judgment, every Senator has already practically made up his mind for what kind of a canal he is going to vote. I will first speak of the character of the canal which the President is going to build if we do not intervene. It is said the President will build a lock canal, because he is authorized to do so by the Spooner amendment. That was a remarkable amendment, I admit, one which perhaps ought to have been modified. I voted for the Spooner amendment. I voted for it with the declaration from my place here that I did not believe we ought to build a canal at all. I voted for it with the declaration that if we built the canal at all it ought to be a sea-level canal; and because you could not build a sea-level canal on the Nicaragua route, I would vote to allow the President to build the canal on the Panama route, if he saw fit, and if he could make proper arrangements with the French company. So I voted for it.

We had a plan submitted by our Commission for a canal across there, if we undertook to build it, and that was to be a lock canal. I knew it was a lock canal. If the President of the United States has any authority to build this canal without our indicating how it shall be built, he is bound to build the canal which was thus laid out for him to build. He has no right to build any other.

The Walker Commission proposed a dam at Bohio. The present proposition of the minority of the committee is to build a dam at Gatun. To-day there is not an engineer in the country who would advise the building of a dam where the Walker Commission or the Isthmian Commission suggested it ought to be built. Nobody pretends that it could be built with safety there. The Commission on two occasions declared that it was the only place where they could build a dam across that river; that there was no other place between that and Colon where a dam could be built.

But it is said that the President has a right to build a dam somewhere else. I deny it. Therefore I think it is incumbent on us to fix the type of the canal and fix the place where the dam shall be built, if dams are to be built, and of locks, if locks are to be built.

Mr. President, I will spend very little time on the question of the dam. The Senator from New Jersey yesterday went into an extensive discussion of the character of the dam. He said that it would be a mile long and half a mile thick and is to hold a body of water 85 feet high. That dam can undoubtedly be built, and the plan the minority suggest is the best possible way that it can be built—that is, by the use of water, transporting the material to the dam through water and depositing it. That is the best way you can build a dam. I have no doubt that you can build a dam there that for a time at least will hold the water that is put in it. I doubt myself whether there would be very much seepage through a dam built in that way of the width that it is proposed to build it.

But, Mr. President, that it not the vice of this dam. The vice of this dam is in the foundation; it is in the ground upon which you build it. The same objection rests at Gatun that rests at Bohio as to the foundation. They tell us, as they told us at the other place, that they had bed rock. Yet when a man went there who knew enough to see that one hole down there does not determine the character of the subsoil and does not show what is below 100 or 200 feet, it was found that what they had called a bed rock were simply floating rocks in the mud and débris that had been washed in there. The same identical thing exists at Gatun, except that it is said that there is some clay somewhere there. Yet it is admitted that there are two places of several hundred feet where no foundation can be had.

It has been suggested, and it was suggested before the committee that that difficulty could be met by putting in a foundation. But that is not the plan of the minority. The plan of the minority and of the minority board is to put a dam there and depend upon the weight of the dam to hold the water from the horizontal thrust and keep it back. They have lost sight of the fact that this dam will cover a large area of ground, and that the weight of the water 85 feet high will be upon every square foot of it. Everywhere the weight will be pressing down. They admit that in the borings they made they found that water percolated through. I notice that our committee say

that the water evidently did not come from the river, but probably came from the hills.

Mr. President, it did not come from the river, and it did come from the hills, and it shows that there are waterways existing now under the dam. If it had come from the river the weight of the water might have kept it out, but it is coming from the hills above, and when the pressure of the water shall force the water down into that soft, muddy ground it will meet the little rills coming from the hills and you will find your dam with water seeping under it and ultimately washing it away.

At least, Mr. President, this is an experiment. There is no such dam on the face of the earth and never has been. I challenge any member of the committee to show any dam that corresponds in character with it. No dam has ever been built upon that character of ground without some preparation to protect the underdrain. There are very few engineers who will not testify that that is the danger which threatens this dam. It is not that the dam will be pushed over by the weight of the water.

Mr. President, for twenty years I have made a study of dams. I have made it because in my section of the country it is necessary to some extent that we should do those things. I have made it because I have had a taste for those things all my life. I can state here that I believe I have read a description of the character of practically every great dam in the world, and I say now that no engineer has been brave enough or reckless enough heretofore to propose the building of a dam under the conditions you propose to build this dam. If anybody doubts the statement I am making let him go to the records. Go to your library and take the works upon dams. Take the French works. The oldest dam in the world, outside of India, and the highest dam in the world is in Spain. It is three or four hundred years old. I do not deny but that you can build an earth dam, but I do deny that there is any reason to suppose that you can maintain a dam on that character of a foundation.

A few years ago in France a dam was built upon what they said was solid rock. It was a dam considerably less in height than this. It stood for a number of years, and then it went out. It was a masonry dam, and five or six hundred feet went out at a single time.

Forty years ago, or thereabouts, I should say—and I speak only from recollection; it may not have been more than thirty, for I have not looked it up—the city of Bristol, in Great Britain, built a dam for city water. It had stood a number of years, and then it suddenly went out, to the great destruction of property and a considerable destruction of life. The best engineering talent of Europe was called and sat there for weeks and months to determine the defect in the dam. They unanimously reported, when they got through, that all the highest engineering talent had been displayed in the building of the dam and that they could find no reason whatever why the dam went out; but there was the patent fact that it had gone.

So, Mr. President, you can not depend upon a dam, not even if it is made of the best material. No man can say whether a dam will be safe or not, and any man who thinks, without knowing all the facts connected with its foundation, simply guesses as to what it will do.

Mr. President, I suppose most of us remember the Johnstown flood. I understand the fault about that; and I am not going to say that the same trouble which grew out of the Johnstown dam is likely to grow out of this dam if built at Gatun. I think it is very doubtful whether there will ever be a flood big enough to fill up this dam to such an extent that the water will go over the top. But if it ever should do so, that would be the end of the dam. If a waterway as big as my arm should find its way under that dam, with that great pressure on it, it would go as certainly as if hundreds of cubic feet went over the top.

At Johnstown the dam had stood for many years. Suddenly it went out with a great flood. There was no core built up. No earth dam ever built ought to have been built without a core in it, a cement core, a stone core, or something of that kind. Looking over the reports of the engineers, I find that they say if there had been a core in that dam when the water that went over the dam struck the core the dam would have held it and the disaster would not have occurred.

Mr. President, this is a case where when you come to build a dam you should build it in such a way that there is no possibility of its going out. The Chagres River, which is being considered and must be considered in connection with this enterprise, has in the last thirty years had some tremendous floods. It had a flood some years ago such as has not occurred since and may not occur in a hundred years. The floods are somewhat like earthquakes. They come when you do not expect them. But yet when you build a dam of that kind, upon which the whole character of your canal rests, there should be no possibility of its going out. That river might rise double what it has for the last twenty years and produce twice as much water. The dam must be built with reference to that. You must prepare against a possibility and not a probability.

Mr. President, some of the best engineers in the world have declared that it is recklessness to build a dam at Gatun. The Senator from New Jersey yesterday spoke of Mr. Hunter with some criticism. He said Mr. Hunter had been in favor of the new French lock canal. He was given this question to determine: "You must find for us a canal that we can build within eight years, and you must devise a canal that we can build with the money that we can probably raise." So he said the lock canal was the best under the circumstances. I have here somewhere Mr. Hunter's letter. I am not going to read it, but I wish Senators who want to know something about this subject would send for Document No. 456 of the Fifty-ninth Congress, the present session. In that document there is a statement made by Mr. Hunter. I know no reason why Mr. Hunter should misstate anything in connection with this matter. It is a letter that he writes addressed to the Senator from Alabama, who has given much attention, as all know, to this question for the last twenty-odd years. I wish Senators would read Mr. Hunter's letter.

Mr. President, looking at the clock I discover that I am not keeping my pledge that I was going to make a short speech, but I will practically quit. I want to say only a few words more. If we build this canal, every impulse of our American spirit ought to require us to build the best canal that can be built. I am not enthusiastic about it. I can not see the benefit that will come to the American people by building it that some of you do. But I am enough of an American to feel that I would rather we would sacrifice that extra hundred million dollars—nay, I would rather you would sacrifice the entire cost of the canal than that you should build a canal which the business men of the world would condemn.

I am not afraid of bankrupting this Government. I know our expenses are great, but our income is great, and if we choose to borrow the money to build this canal we can borrow it cheaper than any other people in the world.

If we have to build this canal, let us build it not looking simply to the question of its cost, but what will be the type that shall meet the demands of the world now and for all time to come. If it pays, well and good. If it does not pay, let us contribute like men to the world's advantage. At least we will have the satisfaction of knowing that when we commenced a great enterprise we concluded it in a way to be creditable to the American nation.

There are a hundred things which might be said about this canal that I thought I could say in less time than I have been speaking, and that I should like to say under other conditions than those which now exist here at the close of the session.

Mr. President, I want to say a few words on another point, though I dislike to criticise anybody. In the early part of this session we had questions of salaries and criticisms of conduct of officials. I want to repeat what I said one day in the Senate.

The engineering questions of this canal are settled. There is enough engineering experience now to know what you want to do and how to do it. What you want now down on the Isthmus is a man who can organize the labor and carry it on and do it. There will be difficulty in getting that kind of man, I know. We had a man there, Mr. Wallace, from whom I intended to quote some things he said about the canal if I had had the time. Mr. Wallace is not only an engineer, but an executive man. I do not think, as the junior Senator from Illinois [Mr. HOPKINS] thinks, that he is so prejudiced that his testimony is not to be taken into consideration. We had him there on the Isthmus.

Mr. President, here have been the headquarters of the canal. Here are the headquarters of the canal now. The superintendent is here; Mr. Shonts is here; Mr. Stevens is here. I admit they are engaged. They have been traveling around the country telling us what kind of a canal we ought to have. I suppose they will continue to draw these immense salaries of theirs, salaries that I do not complain of if they will go on the Isthmus and attend to their business. But when a man is drawing in two months or less as much as I draw in a year for my services here, common decency requires that he should be where, in my judgment, his duties properly call him.

I do not believe that you can build this canal from here. There has been nothing done on the canal since the 1st day of last August that amounts to anything at all. How long will it be before there will be more done?

Now, Mr. President, I am not making haste. I notice that the Senator from Illinois [Mr. HOPKINS] said it would take twenty years to build a sea-level canal. The Senator from New Jersey [Mr. DRYDEN] simply raised it five years, and said it would take twenty-five years. The minority said it would take fifteen years. I presume the committee of our body knows better what it would take than even the Commission, who are so confident that they know best what kind of a canal we are to have.

Mr. HOPKINS. I may not have understood the Senator correctly. The Commission said it would take twenty years.

Mr. TELLER. What the Commission said was fifteen years.

Mr. HOPKINS. Oh, no; let me correct the Senator.

Mr. TELLER. You can not correct it, because my statement is correct. I think I can turn to it in a minute.

Mr. HOPKINS. The Commission say twenty years. I know the Senator is wrong.

Mr. TELLER. I do not care myself whether it is fifteen years or twenty years, only I thought it was hardly fair——

Mr. HOPKINS. I only wanted to correct the Senator, as a matter of fact. The Senator will find, if he looks at it, that the minority report of engineers fixed it at fifteen years, and the Commission, when they examined it, fixed it at twenty.

Mr. TELLER. Does the Senator refer to the Canal Commission?

Mr. HOPKINS. Yes, sir.

Mr. TELLER. Oh, I did not mean the Canal Commission. There are some members of that Commission whose judgment would be worth something, but we submitted this question to a board of engineers noted for their ability. Eight of them said that it could be done in twelve or thirteen years. The others said it could be done in fifteen years.

Mr. HOPKINS. That is right.

Mr. TELLER. That is what I am talking about.

Now, Mr. President, I doubt myself whether it can be done in twelve or thirteen years, and I should be surprised if the lock type of canal does not take twelve or thirteen years.

I might spend a little time to show how long it will take to build these locks. As I have said before, there have been no such locks built in the history of mankind. No engineer can tell how long it will take. The locks must be built with care. There is not a man who has given any attention to these questions who does not know that you can build a lock that will not have half the resisting strength if you hasten it and build it carelessly. The amount of time necessary to solidify and prepare it for use is considerable. When the locks are done, when the last mechanic leaves them, there ought not to be a drop of water put in the locks for the next twelve or eighteen months. That is the way the whole body, 3,000 feet in length, with its two flights of locks, may become homogeneous, and it will not be homogeneous if you begin to use it immediately after it is completed.

Safety is worth more than time to us in this matter. After all, the question is, What is the best canal we can build? I think everybody will admit that we ought to have the best. Nobody is willing to deny that, and yet we hear that a better canal can be built if you put in locks than if you cut a waterway clear across the Isthmus.

Now, Mr. President, I have taken more time than I had intended to take, and I am very sure I have taken more time than was profitable to the Senate; yet I should like to take up—and I would do it if it was the beginning of the session—these several items. I would show the difficulty and the danger in every step that the minority propose. I believe it can be demonstrated before the American people, as it was demonstrated before the board of engineers, tht the only safe canal is a sea-level canal.

Mr. President, the Senator from New Jersey dwelt with considerable force upon the fact that one more American engineer had declared for a lock canal than had declared for a sea-level canal. Nationality does not give men brains nor judgment. While I am proud of American achievements, I take off my hat to many an engineer who never put a foot upon American soil—engineers who have solved the greatest questions that ever interested the engineering world.

You will find on American soil to-day engineers whose voices have not been heard on this question who are as capable as any man of the minority or of the majority, and they stand with me that it should be a sea-level canal. I will arrange on my side of this controversy every practical shipowner and shipmaster of this country, without exception. I challenge you to find a single shipmaster who will ever tell you that a lock canal is better than a sea-level canal. He will protest from a practical standpoint that it is not safe to put a great ship in a lock.

Mr. President, I want to say one or two words on one other proposition. When this canal is built you will have to meet the competition of the Suez Canal; you will have to meet the competition of the transcontinental routes; you will have to meet the competition of the line recently built across the Tehuantepec Peninsula.

I have on my table here a statement made by an engineer whom I will put against any engineer who has been connected with this matter, and that is Mr. Wallace. I have Mr. Wallace's statement as to what the Tehuantepec Canal can do by way of carrying freight across that canal, the ship unloading it in the Gulf harbor, the railroad taking it from the ship in the Gulf harbor and putting it again on the ship in the Pacific harbor.

Mr. President, you will have to lower your tariff on the canal. That railroad across there can carry a ton of freight, taking it from the ship and putting it on the other side, for less than you propose to charge for carrying it across the Isthmus on this canal when it shall be completed. You will have to meet that, Mr. President. You will have to meet other competitors. You will have to meet in the next fifteen years five or six more transcontinental lines. Therefore, if you mean to make a financial success of this enterprise you must secure the business of the world, at least the business of the world that goes to the Pacific sea.

Mr. BACON. Mr. President, before the Senator takes his seat, if he will permit me, in connection with the mention of the Tehuantepec route, I want to state a fact which is probably not as well known to the public now as it was twenty or thirty years ago. There is in the Navy Department now on file a most interesting report of the commission that was appointed to survey the Tehuantepec route. The profiles and the estimated cost and the practicability of the work are all set out in detail.

For myself, while I never made any effort on that line, because I realized that it would be useless in view of the consensus of opinion in favor of the more southern route, I have always been of the opinion that the best route for a transcontinental canal which could be adopted was the Tehuantepec route, with 40 miles of a navigable river sufficient for the floating of very large vessels. There are 40 miles of that river, the name of which I have forgotten. It is a Mexican name.

I do not know whether or not the business of the world is going to develop to the extent which would justify more than one canal, but if it does, in my opinion the time may come when that will be the most formidable rival that we shall have for the business of an isthmian canal between the two oceans.

Mr. TELLER. Mr. President, at the risk of extending my remarks somewhat longer than I intended, I want to say that a good many years ago I examined this question pretty thoroughly in connection with the late St. Louis engineer, Mr. Eads, who considered that question in connection with the canal and also in connection with a ship railway. I had the pleasure of a personal acquaintance for many years with Mr. Eads, whom I regarded at the time of his death as the greatest engineer on American soil. He was the man who built the jetties at the mouth of the Mississippi River, a project condemned by every American officer and engineer of the Army, and condemned by a very large proportion of the American engineers on this continent. On his guaranty the Government agreed to pay a large amount of money for putting those jetties into operation, and the work proved to be a great success. Mr. Eads was the engineer who built the great steel bridge at St. Louis, a bridge which I suppose everybody here, more or less, has crossed over. He devised a system of railroad tracks on which to haul a ship out of the water and drop it into the water on the other side of the Isthmus. I am not certain but that, if he had lived, he would have carried out that plan. I know engineers differed as to whether or not that plan was feasible. While his plan was not by any means so satisfactory for handling ships as a canal would be, yet he could have carried a ship across the Isthmus in that way. There would have been the same liability to accident in that method of transporting ships as there will be in carrying ships through the canal. But, Mr. President, the place for the ship is in the sea or in the river; it is not on the land. When a ship gets out of water it is like a fish when it gets out of water. The fish is not at home, and neither is the ship, and both are liable to all sorts of accidents. While I was a great admirer of Mr. Eads, I always had my doubts as to whether his was as wise a plan as the plan of crossing the Isthmus by a canal.

We have had various routes selected for a ship canal. I am not at this hour certain that we have selected the best place for such a canal to cross the Isthmus. The only question as to whether Darien is the best place is as to whether or not the mountains, which in the prosecution of such a project have to

be tunneled, are granite. Nobody knows to-day whether or not they are granite.

We have gone into the construction of this canal without much thought and practically without much knowledge. I am afraid, Mr. President, when we get through with it, we shall feel that we have made a mistake. I do not want a further mistake made when we build a lock canal because we can build it in somewhat less time than we can a sea-level canal.

All I can say, in conclusion, is, that I wish Senators who are to vote on this subject would look into it and study it, and if they have any partisan feeling about it—I do not mean political partisanship, but I mean if they feel they are committed to one canal or the other, I hope they will feel free to consider it and determine between this session and the next session—for, of course, I am confident we are not going to dispose of this matter by any vote we may give here—so that we may settle this question in such manner that the nations of the earth will be satisfied with our effort to accomplish what for the last four hundred years has been considered more or less by the whole world.

Mr. President, this is a great enterprise. It can bring to us much credit and great glory, and it can bring to us much discredit and disgrace if we build a canal which ought not to be built.

Mr. KITTREDGE. Mr. President, if no other Senator desires at this time to address the Senate upon the unfinished business, I ask unanimous consent that it may be temporarily laid aside.

The PRESIDING OFFICER (Mr. FLINT in the chair). In the absence of objection, the unfinished business will be laid aside temporarily.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. PENROSE. Mr. President, under the unanimous consent agreement obtained last evening, I now ask that the Lake Erie and Ohio River Ship Canal bill be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The pending question is on agreeing to the first amendment of the bill as it has been amended.

Mr. BACON. Mr. President——

Mr. CLARK of Montana. Before the Senator from Georgia proceeds, I wish to suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KEAN in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

Mr. BACON. I will state that I do not want the roll called on my account.

The Secretary called the roll, and the following Senators answered to their names:

Allee	Daniel	Kittredge	Penrose
Ankeny	Dillingham	Knox	Perkins
Bacon	Dolliver	La Follette	Pettus
Berry	Dubois	Long	Scott
Blackburn	Flint	McCumber	Simmons
Brandegee	Foraker	McLaurin	Smoot
Bulkeley	Foster	Mallory	Spooner
Burkett	Frazier	Millard	Stone
Burnham	Fulton	Morgan	Sutherland
Carter	Hansbrough	Nelson	Teller
Clark, Mont.	Hemenway	Overman	Warner
Culberson	Kean	Patterson	Warren

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. There is a quorum present. The Senator from Georgia is recognized.

Mr. BACON. I regret, Mr. President, that I was not permitted to finish the remarks I was proceeding to make upon this question when the bill was previously before the Senate, and I particularly regret that so much time has elapsed since then that it is difficult to resume and have the matter which I shall cover to-day directly connected with and relating to that which I endeavored to cover on the former occasion.

I regard this, Mr. President, as a very grave question, not simply with respect to the particular measure now before the Senate, although that is a very grave one, but also in respect of the precedent that it sets as the beginning of what will be a most marked departure, if we shall continue to follow it, and, as I shall endeavor to show, one of very wide and far-reaching consequences in the future business of this Government and the relations between the General Government and the States.

Of course I am not going to elaborate these great questions, for they are great enough to elicit not only all that I might say, but all that might be properly said by a great many other Senators much more capable of dealing with this important question than I am.

I will not attempt, of course, Mr. President, to repeat what I said on the former occasion, or even to make a synopsis of it. I will simply state, in order that the connection may be preserved, that I had endeavored to present to the Senate some reasons why this was not a proper piece of legislation for the United States Congress; that the creation of a corporation by Congress should be limited to the creation of such corporations as are required for the performance of great governmental functions, or for the performance of functions which corporations created by the States can not perform.

I had called attention to the proposition that even conceding—which we must do under the decisions of the Supreme Court of the United States—the fact that a corporation which is intended to subserve the purposes of interstate commerce is one which justifies Congress in the chartering of a corporation to be thus engaged, at the same time that was not the character of corporation which should be so chartered if that were the sole function to be performed and if that function could be as well performed by some State corporation. In that connection, I had called attention to the fact that doubtless an act chartering a corporation of this kind, in which it is recited, as it is in this proposed charter, that it is for the purpose of performing a governmental function, would be held by the Supreme Court of the United States to be a constitutional enactment. This would be so held, because the Supreme Court would not go behind the action of Congress to question the sincerity of Congress or to question whether or not that expression was inserted simply for the purpose of saving it from the condemnation of unconstitutionality on the part of the courts of the United States when they come to pass upon that question. The Supreme Court would not go behind that, and however insincere Congress might be in that recitation, however well known it might be that the purpose of that recitation was to save it from unconstitutionality, the Supreme Court would not undertake so to say.

I had stated to the Senate the proposition that when it came to the responsibility of Congress in the enactment of such a law, there was a high duty upon Congress to consider and determine the question whether or not the purpose was in fact and in truth to subserve some great governmental function which could not be equally subserved by a corporation created by a State; and that if, in the exercise of our duty, it was our opinion that the purpose was not to create a corporation for the performance of some governmental function that a State corporation could not equally well perform, even though we might be satisfied that the Supreme Court would hold such a law constitutional, our high constitutional duty was to carry out and make effective the spirit and intent and purpose of this constitutional restriction. In that connection I had quoted the very marked utterance of Mr. Webster in his argument in the great case of Gibbons *v.* Ogden, where he was contending for the exclusive power of the United States Government in that particular instance where the right to exclusive power in a matter which related to interstate commerce was called in question, and where the right to concurrent power on the part of the State of New York was contended for by the other side. Webster, while maintaining the authority of the United States and the right of the United States and the duty of the United States to control exclusively all matters which essentially and necessarily relate to interstate commerce, recognized that Congress should draw the line in legislation affecting the internal affairs of the States in such way as to preserve the exercise of their proper functions by the States.

That utterance of Mr. Webster was in response to the contention of those who represented the right of the State of New York to exercise concurrent authority in this matter. This was the contention on the part of those representing New York: That if it be true that the simple fact that a matter referred to interstate commerce vested exclusive power over it in the Congress of the United States and there was no concurrent power in the State, the conclusion necessarily followed that it not only related to that particular instance involving the right to control interstate commerce, but that it necessarily extended to every corporation or every agency which could be created or which might have part in the carrying on of interstate commerce. Mr. Webster replies to that by the statement which I have previously read, which is the pith of that part of his argument, that that conclusion was not a necessary sequitur: that it did not necessarily follow; but that while those matters which were essential in interstate commerce and so essential that they could not be performed by the States or by corporations created by the States, and that for the States to attempt such performance would cause confusion and conflict, still a reasonable construction must be given to the Constitution—

such a construction as, while it preserved the power of the United States, would still protect and recognize and respect the rights and powers of the States in the performance of their legitimate and proper functions.

I will not go over again, Mr. President, the argument which I endeavored to submit upon that question when I addressed the Senate two days ago upon this subject. My purpose to-day is to conclude what I had in mind on the former occasion in bringing to the attention of the Senate some of the practical consequences of our departure from this well-recognized rule and practice of more than a hundred years; for, while it is true that in some noted instances there has been a chartering of corporations by Congress for the purpose of interstate commerce, in most of those instances—the noted ones—the circumstances were peculiar and did come within the rule as laid down by Mr. Webster. I read from 91 United States Reports, where, in speaking of the circumstances under which Congress had chartered transcontinental railways, the court shows the peculiar circumstances which justified Congress in departing from the well-recognized practice which left to the States the chartering of these railway companies. I will take the liberty of reading it again in order that the connection may be kept up with what I am about to say. Referring to this act, the incorporation of a transcontinental railway, the Supreme Court, in the case of the United States *v.* The Union Pacific Railroad, in 91 United States, says:

> The act, as has been stated, was passed in the midst of war, when the means for national defense were deemed inadequate, and the public mind was alive to the necessity of uniting by iron bands the destiny of the Pacific and Atlantic States.

And again in the same paragraph:

> But vast as was the work, limited as were the private resources to build it, the growing wants as well as the existing and future military necessities of the country demanded that it be completed.

Mr. McLAURIN. From what case is the Senator reading?

Mr. BACON. The case of the United States *v.* Union Pacific Railway Company, in 91 United States Reports.

An additional fact which is alluded to in the decision, and which is known to us all, is that at the time of the chartering of that railroad possibly nine-tenths, certainly four-fifths, of that line of proposed railway lay across the public domain of the United States, then comparatively an unsettled, wild country.

It is true, Mr. President, that there can be found upon the statute book instances where some minor corporations have been chartered by the United States Government which would not by reason of any particular necessity for them measure up to the importance of these transcontinental railways which were thus chartered by the United States Government; but we know the fact that sometimes charters of that kind go through nem. con., nobody noticing particularly, whereas if they were challenged, possibly they would not have gone through. However, I think it may be asserted as a fact that in the long course of the legislation of this Government the general rule has been recognized that the chartering of corporations, even where within the law of constitutional right, has been limited to cases where such corporations were essential to the performance of governmental functions and where the performance of those governmental functions could not be as satisfactorily accomplished by corporations chartered by the States. The question is, Mr. President, whether we are to adhere to that recognized practice, even where we have the constitutional right to go beyond, or whether we will go beyond and open all the great consequences which must inevitably flow from such a departure on our part.

Before I conclude I intend to call attention to some of the features in regard to this charter, and then I will probably have a little more to say as to the question of the consequences which are to flow from this proposed action on the part of Congress if that action is to be taken as a precedent and followed hereafter.

Mr. SPOONER. Mr. President, will the Senator allow me to ask him a question?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. Always, with pleasure.

Mr. SPOONER. The Senator, I suppose, has no doubt that the Government could build this canal itself?

Mr. BACON. None whatever, and I would infinitely prefer that the Government should do it rather than it should grant this charter to a company. I would very much prefer that the Government should do it, and I will give my reason before I get through.

Mr. SPOONER. If the Government might build it itself, of course it can exercise its constitutional right to choose the means by which it shall be built?

Mr. BACON. I do not dispute the constitutional right, so far as the question would be decided by a court to be or not to be constitutional.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. BACON. If the Senator will pardon me until I finish my sentence, then I will yield with pleasure. But I say when Senators come to legislate they are not to be limited in the discharge of their duties to the simple question whether or not the court will decide a thing to be or not to be constitutional, but that the high duty rests upon the legislator not only to limit himself to such matters as in his opinion will not be within the condemnation of the courts for unconstitutionality, but to limit himself to legislation which, in his opinion, is in accordance with the intent and purpose and practical design of the Constitution, even though when he goes beyond that it may be in a case where the court itself would not interfere. Now I yield with pleasure to the Senator from Texas.

Mr. CULBERSON. The Senator from Georgia and the Senator from Wisconsin seem agreed that the Government of the United States may itself construct a canal between States. Without expressing any opinion myself upon that question, I should like to ask the Senator from Georgia upon what provision of the Constitution he rests that power.

Mr. BACON. I would rest it probably upon the same provision that I would rest the right to construct the Panama Canal—a matter of importance to the Government in military defense, or in various ways; the improvement of the commerce of the country; in the same way and for the same reason that the Government improves a harbor or anything of that kind. I think it would be legitimate.

Mr. MALLORY. In other words, the Senator would put it on the ground that it was a governmental function.

Mr. BACON. Yes; the performance of a governmental function.

Mr. CULBERSON. But the Government of the United States is one of limited powers. Those powers are supposed to be enumerated in the Constitution. It would be a legislative act to authorize the construction of a canal, and I simply made this inquiry in order to invite an expression of opinion from the Senator from Georgia and the Senator from Wisconsin as to what specific authority there is in the Constitution for the Government itself to build and construct a railroad or to construct a canal.

If the Senator will pardon me, in a sovereign State that power is the essence of sovereignty, and it may do anything which its own constitution does not prohibit. But the Government of the United States is one of limited and enumerated powers, and if you undertake to say the Government of the United States may do this or that, then the question is, Where is the authority for it found in the Constitution?

Mr. BACON. Where does the Senator from Texas get the power for the Government to spend millions and hundreds of millions in building works in rivers to improve navigation?

Mr. CULBERSON. I have simply sought to invite an expression of opinion of the Senators who have announced themselves on this particular question.

Mr. KNOX. Mr. President——

Mr. NELSON. Will the Senator from Georgia allow me to ask a question?

Mr. BACON. I must yield to one Senator at a time, and I now yield to the Senator from Pennsylvania. Then I will yield to the Senator from Minnesota.

Mr. KNOX. Thanking the Senator from Georgia for the courtesy, I should like to answer the question propounded to the Senator from Georgia by the Senator from Texas.

Mr. BACON. If I may do so, without the act being misconstrued, I will sit down while the Senator speaks, because I shall be very glad to hear from the Senator from Pennsylvania not only briefly, but at length.

Mr. KNOX. It will be for only a moment.

Mr. BACON. I am not objecting at all.

Mr. KNOX. I should like to answer in the language of the Supreme Court in a recent case, decided in 1893, in view of the history of this class of legislation. I refer to the case of Luxton *v.* North River Bridge Company, 153 United States:

> It can not at the present day be doubted that Congress, under the power to regulate commerce among the several States, as well as to provide for postal accommodations and military exigencies, had authority to pass these laws.

This is speaking now of the law granting a charter for a bridge to be constructed across the Hudson River between New Jersey and New York.

> The power to construct or to authorize individuals or corporations to construct national highways and bridges from State to State is essen-

tial to the complete control and regulation of interstate commerce. Without authority in Congress to establish and maintain such highways and bridges it would be without authority to regulate one of the most important adjuncts of commerce. This power in former times was exerted to a very limited extent, the Cumberland, or National, road being the most notable instance.

The court goes on further, but I picked that out as being concrete.

Mr. BACON. I have that case before me.

Mr. NELSON and Mr. PATTERSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. I yield.

Mr. NELSON. I desire to ask the Senator from Texas under what constitutional power he justifies the right of the Government to appropriate money for the construction of a canal at Port Arthur, wholly within the State of Texas, and also to appropriate money for canalizing Buffalo Bayou? Under what paragraph of the Constitution does he find warrant and authority for those appropriations for works wholly within the State of Texas?

Mr. CULBERSON. Mr. President——

Mr. BACON. I promised to yield next to the Senator from Colorado.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas to answer the Senator from Minnesota?

Mr. BACON. Certainly.

Mr. CULBERSON. Acting upon the courtesy of the Senator from Georgia, I will say to the Senator from Minnesota that he takes the question I put to the Senator from Georgia and the Senator from Wisconsin rather too seriously. I expressed no dissent to that proposition myself, expressly stating that I would reserve my opinion. But I wanted to hear from those gentlemen.

Now, in the speech I made on the rate bill I stated that whether the power to regulate included the power to construct, and whether the Government of the United States, being one of limited and enumerated powers, could construct and operate railroads the same as a government of general sovereignty rather than of limited sovereignty could do, was a question unnecessary to be determined. I am disposed to believe that if the Government of the United States can construct and operate railroads and canals at all, it must be rested upon the authority to regulate interstate commerce.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. BACON. I do.

Mr. PATTERSON. The Senator from Pennsylvania [Mr. KNOX] read a decision by the Supreme Court of the United States, which was based, I believe, upon an act of Congress authorizing the construction of a bridge over a navigable stream between two States, and he read the language of the decision to the effect that Congress had not only power to grant such authority to others, but the power to construct such works. Does the Senator from Pennsylvania conclude from that decision that the right and power exist in the Government to construct, own, and operate railways, as well as the works used by other common carriers, extending through several States?

Mr. KNOX. If I may be permitted in the time of the Senator from Georgia——

Mr. BACON. Certainly.

Mr. KNOX. I will say that the language I read, while it is found in the report of the case in which the question was raised as to the validity of legislation authorizing the construction of the North River Bridge, was taken from the opinion of Mr. Justice Bradley in *California v.* The Pacific Railroad. So the court itself answers the question propounded by the Senator from Colorado, which is, Can the United States authorize the construction of a railroad? Speaking of the validity of that act, which did authorize the construction of a railroad, the court says:

> The power to construct, or to authorize individuals or corporations to construct, national highways and bridges from State to State is essential to the complete control and regulation of interstate commerce.

It cites a notable case, with which we are all familiar, I especially so, having been born on the line of the road, that of the Cumberland, or National, road, which was constructed by Congress, running from this city, and which was intended to go to Cincinnati, but at Indianapolis was overtaken by the development of the railroads.

Mr. PATTERSON. The Senator has not given us his view. He reiterates the views of the Supreme Court of the United States in connection with that act of Congress, and then refers to the construction of the National road.

Mr. KNOX. It is from——

Mr. PATTERSON. Let me ask the Senator categorically whether it is his opinion, based upon the decisions of the Supreme Court of the United States, and the interstate-commerce clause of the Constitution, that the Government may construct and own and operate railroads throughout the United States?

Mr. KNOX. My opinion of the powers of the Federal Government under the Constitution is based upon the opinions of the Supreme Court, and I have not the slightest doubt that the Supreme Court decided that question in the way I read. If that is not a satisfactory answer, and if it were a question of individual opinion, which of course must be based upon the opinions of the court, I have not the slightest doubt about it.

Mr. PATTERSON. That it has the power?

Mr. KNOX. It has.

Mr. BACON. Mr. President, this is a most interesting question, and one of the class which I wish our lawmakers were more in the habit of considering—these limitations. I have no question, I repeat—I have said it several times—that this act would be declared constitutional under the decisions of the Supreme Court, broadly announcing the doctrine as those decisions have, that any charter enacted by Congress in which there should be a recitation of the purpose to facilitate interstate commerce would be declared by the court to be constitutional. I repeat, however, that that is not the rule by which we are to be guided in the enactment of a charter, unless we are prepared to say that we will in practice follow the rule and charter all corporations which are to engage in interstate commerce and which may so claim and apply to us to be so chartered.

I suppose no one will dispute the fact that if we were to do so, there would be an immense revolution in the business of this country and in the relation of the States to that business and the corresponding relation of the General Government to that business. I am going to have a little more to say about that somewhat later, and I simply pass that point now for the purpose of emphasizing the proposition that in determining whether a charter shall be granted it is not simply the question whether or not an act incorporating a company will be decided by the courts to be constitutional, unless we are prepared to go to the extent of saying that we are ready to charter all corporations which are going to be engaged in interstate commerce, because all of them would be held by the Supreme Court to be constitutional.

But while they would be so held to be constitutional, would it be consistent with our duty to go to that extent and charter all corporations engaged in interstate commerce in the United States, or should we in the exercise of our duty and our high constitutional obligation follow the suggestion of Mr. Webster, which I have twice quoted—I am applying what he said substantially in the matter of what ought to be our duty—that we should, in determining whether or not a certain charter should be granted, be guided by the great rule, is it necessary for the performance of a governmental function, which function can not be as well performed by a charter granted by a State? In every case where that function can not be as well performed by a corporation chartered by a State, then there is the strongest reason why we should exercise the power.

Mr. President, I am going to pass from that point immediately, because I propose to return to it a little later, when I shall make a little more practical illustration of the view which I take of our duty in regard to that matter. In regard to this particular charter, I say it will not be a corporation which will be discharging any great governmental function which could not be equally well discharged by a corporation chartered by the States of Pennsylvania and Ohio. I say the purpose of the canal is not the performance of a great governmental function. The simple fact that great interstate commerce will pass over it will not bring it within that category, unless we are prepared to go further and say that all carriers over which interstate commerce passes are performing a governmental function, and that an equal obligation rests upon us to give a Federal charter to every great railroad or steamboat or steamship company engaged in interstate commerce over which great interstate commerce is to flow.

In the second place, I say conceding all that is said by the learned Senators from Pennsylvania, who have both addressed the Senate on this subject, as to the vast importance of the construction of this work and the great benefits which will flow therefrom and the great evil which will result from the failure to construct the canal, our refusal to grant this charter will not prevent the construction of the canal, and that immediately.

I hold in my hand a pamphlet which has been laid on the desk of every Senator, in regard to this enterprise. I suppose the fact of the authenticity of every statement in it can be

accepted by us from the fact that the pamphlet comes from those who are interested in the procurement of the charter. Each Senator, if he has not disposed of it, has a copy of this pamphlet upon his desk, and on page 29 he will find the fact stated that the authority to build this canal has already been given by the States of Pennsylvania and Ohio. This pamphlet professes to be the proceedings had at a meeting in Pittsburg on November 29, 1904, in which there were addresses delivered by several eminent men, among them Mr. DALZELL, at present a Member of the House of Representatives, and Mr. John E. Shaw, who I take, from the allusions made to him and from the speech itself, to be a prominent citizen of Pittsburg, one fully authorized to speak with regard to that enterprise, because he seems to have been one of the most active men in its advocacy and proposed prosecution.

First I will read from page 24 of this pamphlet, where, under the subhead "History of the ship-canal project," he says:

In 1889 the legislature of Pennsylvania appointed a commission to inquire into the practicability of such a waterway, and appropriated $10,000 for their use.

I will not read further from that part now. I will turn to that later, and I will now resume where I first proposed to read, from page 29, under the subhead "Canal can be built at once." In his speech Mr. Shaw stated this at that meeting:

The provisional committee, after their exhaustive examination of the matter, and realizing what a tremendous bulwark it would be in both maintaining and protecting Pittsburg's commerce and trade, and her mining and manufacturing industries, proceeded a step further to clear the decks, so that the canal could become a reality.

I hope every Senator will listen to what I am going to read, and I wish every Senator who is going to vote on this question were in his seat to hear it:

The route adopted as being the most economical in construction, and serving the largest commercial interests, lies about one-half in Pennsylvania and one-half in Ohio.

The committee procured a general law to be enacted in Pennsylvania, authorizing a ship canal company to be organized to construct and operate a ship canal from the headwaters of the Ohio River via the Beaver and Mahoning rivers to the Ohio State line.

A similar law was passed in the Ohio legislature authorizing a ship canal company to construct and operate a ship canal from Ashtabula on Lake Erie to the Pennsylvania State line on the Mahoning River, and authority was given in both States to consolidate their franchises at the State line and operate a through canal from the Ohio River to Lake Erie by one company.

Now, there is not only the separate authority given by the State of Pennsylvania and by the State of Ohio for the construction of this canal within the limits of the particular State. Here is a reciprocal piece of legislation by the two States, that they may meet at the State line and consolidate as one company to construct and operate this canal.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. Certainly.

Mr. KNOX. It is very obvious that there has been no attempt to conceal that fact. Otherwise the pamphlets would not have been laid on the desks.

Mr. BACON. No; of course there is no intention to suggest any such purpose to conceal——

Mr. KNOX. I wish the Senator would read the next paragraph. It indicates why they ought to have a national charter.

Mr. BACON. I have no doubt reasons can be suggested.

Mr. KNOX. There is no dispute about that.

Mr. BACON. I am speaking of the fact that, so far as the prosecution of this work is concerned, they have every authority and power now to proceed with its construction, and that a failure on the part of Congress to charter it will not interfere with the construction of the work. It goes on upon the next page—I will read it if the Senator desires I should in this connection:

The committee went a step further, realizing that this canal was but a short connecting link between the waterway systems of the Great Lakes and the Ohio and Mississippi rivers under the control of the Federal Government, which would sooner or later be taken over by the Government and made a part of the Federal waterway system, even if primarily built by a private corporation, introduced a bill in Congress asking for power under a national charter to a corporation to build this canal.

That was an assumption, of course, as to the fact that the Government of the United States will ultimately take it over. I presume none of us will admit that as being correct. I suppose I could state it as a fact, for I understand it to be the fact, that when this proposition was first presented in the other House it failed of passage in a previous Congress. But I am simply now discussing the question whether or not the granting of the charter is essential to the prosecution of this work, even if we concede all that is said as to its great importance and its essential character. Evidently it is not. There could not be a more complete piece of legislation on the part of two States to authorize the construction and operation and maintenance of the canal than there already has been both by the State of Pennsylvania and the State of Ohio.

Mr. President, I want to ask the attention of the Senators present to a consideration of what are the evil consequences which are to flow from the doing of this unnecessary thing in the granting of this charter. In the first place, I called attention on a previous occasion to the fact that when a charter is granted by the Federal Government the States have no power to tax the franchise. The taxing of a franchise I believe is of modern development, but franchises have come to be recognized as a very important part of the taxable property of the corporation. When the Federal Government exercises its power and goes into a State and charters a company, even though under the law all the visible property of that company is subject to taxation, the franchise, an important part of the taxable property of that corporation when created by the United States, ceases to be taxable by the State. While of course we all recognize the truth of that proposition, I want to read what the Supreme Court of the United States said in a case in 127 United States, California *v.* Pacific Railroad Company, where the question before the court was whether or not a State had the right to tax the franchise of a corporation which had been created under a charter granted by the Federal Government. The court says this:

Taxation is a burden, and may be laid so heavily as to destroy the thing taxed or render it valueless. As Chief Justice Marshall said in McCulloch *v.* Maryland, "the power to tax involves the power to destroy." Recollecting the fundamental principle that the Constitution, laws, and treaties of the United States are the supreme law of the land, it seems to us almost absurd to contend that a power given to a person or corporation by the United States may be subjected to taxation by a State. The power conferred emanates from, and is a portion of, the power of the government that confers it. To tax it is not only derogatory to the dignity, but subversive of the powers of the government and repugnant to its paramount sovereignty. It is unnecessary to cite cases on this subject. The principles laid down by the court in McCulloch *v.* Maryland, 4 Wheat., 316; Osborn *v.* The Bank of the United States, 9 Wheat., 738, and Brown *v.* Maryland, 12 Wheat., 419; and in numerous cases since which have followed in their lead, abundantly sustain the views we have expressed.

Mr. President, it may be a small matter that in one particular instance the United States Government will charter a corporation in a State and thus deprive the State of a very valuable part of what should constitute the taxable property of a State, but if we are to have this as a precedent and to go further and charter all corporations engaged in interstate commerce, it can be seen at once what an immense influence it must have upon the revenues derived from taxation in a State.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. BACON. I do, with pleasure.

Mr. PATTERSON. Should the act creating the corporation expressly grant to the State the right to tax the franchises of such a corporation within the State, might not then the franchises be taxed by the several Commonwealths?

Mr. BACON. In the case I have just quoted, I will say in answer to the inquiry of the learned Senator from Colorado, the court indirectly recognized that power. But the language used by the court shows how inconsistent they consider it with the dignity and power of the United States Government to delegate any such power to a State.

I will read——

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. If the Senator will pardon me just a moment until I finish the reply to the Senator, I will yield to him with pleasure. The Senator will recall that in the paragraph which I just read from this decision these words occur:

Taxation is a burden, and may be laid so heavily as to destroy the thing taxed or render it valueless. As Chief Justice Marshall said in McCulloch *v.* Maryland, "the power to tax involves the power to destroy." Recollecting the fundamental principle that the Constitution, laws, and treaties of the United States are the supreme law of the land, it seems to us almost absurd to contend that a power given to a person or corporation by the United States may be subjected to taxation by a State. The power conferred emanates from and is a portion of the power of the Government that confers it. To tax it is not only derogatory to the dignity, but subversive of the powers of the Government and repugnant to its paramount sovereignty.

Mr. NELSON. Mr. President——

Mr. BACON. So, if the Senator from Minnesota will pardon me a minute, even if the right does exist and if Congress should confer the right, it would be in conflict with what the Supreme Court designates as the "dignity" and "prerogative" and "sovereignty" of the Government; and even if, for the purpose of avoiding what they concede to be a hardship, Congress should incorporate that in a measure, these great corporations, which in the aggregate, all over the United States, would make an

irresistible force, would have it in their power to come to Congress and get relief from this burden by securing amendments taking away any power granted to the States to tax these franchises.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. I will yield. I said to the Senator I would yield to him.

Mr. NELSON. I wish to say to the Senator from Georgia that that is precisely what we have done in the case of the national banks. We allowed them to be taxed.

Mr. BACON. Undoubtedly.

Mr. NELSON. That does not, as far as I know, derogate from the authority of the United States in any degree.

Mr. BACON. That is true, and we have gone further in the matter of national banks. We have also made them subject to the jurisdiction of local courts. But nevertheless the proposition is as I have stated it. The matter of banks, Mr. President, is different. The banking business of the country is of a different kind from the business of common carriers or from any other industrial enterprise. I will not stop to turn aside to illustrate what those differences may be.

Now, Mr. President, another result which flows from Congress going into the States and chartering their business enterprises is that it takes away from the jurisdiction of the State courts a settlement of the controversies between the people of those States and these corporations thus chartered and confers it all upon the courts of the General Government. It is a very grave question to my mind whether, under the constitutional provision which gives to the Federal courts the jurisdiction between certain citizens in cases arising under the laws of the United States, Congress can by any enactment take that jurisdiction away from the Federal courts in the case of a company chartered by Federal law and confer it exclusively upon the courts of the State.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. I do.

Mr. KNOX. The Senator from Georgia must surely know that that is exactly what Congress has done in respect to national banks.

Mr. BACON. I have just stated the fact that jurisdiction in such cases has been conferred on the State courts. The Senator was not listening.

Mr. KNOX. No; the Senator answered the question of the Senator from Minnesota on the question of jurisdiction.

Mr. BACON. I added, in response to the Senator from Minnesota, that the law had gone further and conferred jurisdiction upon local courts in regard to controversies involving United States banks.

Mr. KNOX. Then I think the Senator has answered his own doubt.

Mr. BACON. No; not necessarily. I have doubts very frequently, and I have no doubt the learned and distinguished Senator has, as to the correctness of legal propositions, even where they have been decided by the courts. I do not think I am misstating any fact in that case.

Mr. NELSON. I wish to call the attention of the Senator, if he will allow me, in connection with the point he last made, to the fact that in the judiciary act conferring jurisdiction on the circuit and district courts of the United States, the very language of the act is that those courts shall have concurrent jurisdiction with the courts of the several States, and under the bankruptcy act jurisdiction is left with the State courts.

Mr. BACON. Yes; that is true. I do not dispute that.

Mr. NELSON. That is the case under the Federal bankruptcy law. So there can be no difficulty in dividing the jurisdiction.

Mr. BACON. I am very much obliged to the learned Senator for calling my attention to facts as to these matters that of course we need to be reminded of, but which, I presume, every Senator present is fully aware of. That does not change the proposition that to my mind there is a doubt as to the correct construction of that section of the Constitution which gives jurisdiction to the courts of the United States in cases arising under the laws of the United States, as to whether or not the jurisdiction of the United States court can in any case be denied to one who has the right to claim it.

I do not mean to say, Mr. President, that the Congress can not give the right to a concurrent jurisdiction to one who claims anything under the laws of the United States, who may desire to go into the State court. The question upon which I have doubt is whether, where a case arises under the laws of the United States, one who claims a right to go into a Federal court can be denied it by reason of the fact that concurrent jurisdiction is given to a State court.

I wish the Senator from Pennsylvania or the Senator from Minnesota would show where the Supreme Court of the United States has ever decided that in such a case, where concurrent jurisdiction is thus given, it was not within the power of the party to claim his right under this constitutional provision, under the exercise of a right which had not been denied, when he asserted his right to be heard in a Federal court. If there is such a case let either of the Senators point it out.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. I do.

Mr. NELSON. Whenever a Federal question arises the statute provides for a transfer to the Federal courts, and even where a case is litigated in the State court when it finally reaches the supreme court of the State, if there is a Federal question involved it can be taken up to the Supreme Court of the United States.

Mr. BACON. I had previously been well aware of the fact.

Mr. NELSON. It does not cut off the State courts from litigation. The matter can be reviewed in the Supreme Court of the United States, but in the first instance the State courts, the nisi prius court, and the supreme courts of the State have jurisdiction and try the case——

Mr. BACON. That is not the question.

Mr. NELSON. And the case goes up to the Supreme Court of the United States not because the lower courts have not had jurisdiction, but because there is a Federal question involved.

Mr. BACON. Well, Mr. President, I think we all must know that fact. We are all fully familiar with that rule of law. But that has nothing whatever to do with the proposition I am discussing.

Mr. NELSON. That law works in all other commercial and business transactions of the United States. Why can we not apply that same law and that same principle to the matter of the construction and operation of this canal?

Mr. BACON. Well, Mr. President, the Senator is not on the point I am on at all, or else I clearly misunderstand him. The proposition which I make is one upon which I challenge the Senator from Pennsylvania, or the Senator from Minnesota either, to furnish a decision. If there be such a decision, then I bow to it, of course. It is this: In a case arising under the laws of the United States (which in the removal cases the Federal court says involves all cases arising under a charter granted by the Federal Government), where concurrent jurisdiction is vested by law both in the Federal and in the State courts, and where a party interested in a case arising under those laws claims a right and seeks to exercise the right to have his case tried in the Federal court, where has the Supreme Court of the United States ever held that he should be denied that right, and that the case must be brought in the State court because concurrent jurisdiction has been given by Congress to the State courts?

Mr. KNOX. Mr. President——

Mr. NELSON. That is not denied. Is there anything in this bill which denies that right?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. I do.

Mr. KNOX. If the Senator from Georgia had not twice addressed me as the Senator from Pennsylvania and challenged me to produce an authority, I should not have interrupted him. But as I have not contended that there is any such decision I am not at all interested in searching the authorities to see whether I can find one.

Mr. BACON. I beg the Senator's pardon. Possibly I was a little too abrupt in my address to him. There was nothing certainly further from my mind than by word or manner to say or do anything in the least degree offensive, and if I was guilty of it, it was certainly without the slightest consciousness on my part. I judge from the Senator's reply that he did so consider it; and I beg of him to think otherwise, because there was nothing further from my intention.

Mr. KNOX. If I may be permitted, I will say I had not the slightest feeling about it, but it seemed to be so direct as to what the Senator regarded as authority upon that subject that, not recognizing the relevancy of the proposition to the bill before the Senate, I did not think it worth while to bother about it.

Mr. BACON. The relevancy, if the Senator will pardon me, is just this: I was speaking of one of the great evils which would result from the Federal Government entering upon the domain of granting charters to industrial enterprises of various kinds engaged in interstate commerce in the States; that as

a consequence the State courts would be deprived of their jurisdiction.

Mr. KNOX. Mr. President——

Mr. BACON. If the Senator will pardon me just a moment, I will then yield to him with pleasure. I have not finished the statement of the proposition. It had been suggested and stated both by the Senator from Pennsylvania and myself that to avoid an evil of that character in the case of the national banks concurrent jurisdiction had been given by the Federal statute in the State courts and in the Federal courts; and the Senator from Minnesota had gone further and instanced other classes of cases where there had been such concurrent jurisdiction granted by the Federal statute. My reply to that had been that it did not necessarily restore the exclusive jurisdiction to the State courts, for the reason that if the controversy arises under the laws of the United States, as every controversy will arise in a case where there has been a Federal charter, the party had his right under the Constitution to the jurisdiction of the Federal courts; and that even if the right of concurrent jurisdiction were admitted there could not be any denial to him of the Federal jurisdiction if he claimed it and insisted upon it. Thereupon it was that, possibly with too much earnestness, I suggested that if I were in error the Senator from Pennsylvania or the Senator from Minnesota would be able to produce an authority to the contrary. That I think, Mr. President, shows that it was extremely relevant to the question involved.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. BACON. Certainly.

Mr. CULBERSON. I hope the Senator will pardon me, Mr. President. I have not heard all the discussion on this immediate point, and probably what I am going to say is not altogether relevant, but I concluded to call the attention of the Senator from Georgia to it anyway. The fact to which I refer is that the Supreme Court of the United States in what are known as "the Texas and Pacific Railway cases" has decided that by reason of the charter of that company alone by Congress it has the right to remove all its cases to the Federal courts for trial.

Mr. BACON. The Senator is quite correct. I had referred to them generally as the removal cases. I had not given the name of the cases.

Mr. CULBERSON. The Texas and Pacific Railway cases.

Mr. BACON. Yes; I know the cases. In two volumes, 111 and 115, if I correctly remember the numbers of the volumes, what are known as the removal cases are found. I had stated the proposition; but I am obliged to the Senator for again calling attention to it.

Now, Mr. President, I am, of course, occupying very much more time than I had any anticipation of doing. I have called attention to the fact that in the granting of a Federal charter for any carrier engaged in interstate commerce in a State, the right to tax the franchise by the State is taken away, and next that the right to the enjoyment of the trial of cases in State courts is practically denied where a party claims his right to trial in the Federal courts, even where concurrent jurisdiction is conferred by the law upon the State courts.

Another most grievous evil, to my mind, is the entering by the Federal Government in a wholesale way upon the exercise in States of the right of eminent domain. If the time shall some when the Federal Government, acting upon what we recognize as the doctrine laid down by the Supreme Court of the United States, proceeds to charter all those enterprises engaged in interstate commerce, then we have not here and there in isolated instances the exercise of the power of eminent domain by the Federal Government, but in a widespread system, reaching every nook and corner of a State where railroads penetrate, we have the Federal Government entering upon the exercise of this great fundamental and highest of all prerogatives, which takes a citizen's property without his consent.

Mr. NELSON. Will the Senator yield to me a minute?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. I do.

Mr. NELSON. I want to call the attention of the Senator from Georgia, in connection with what he has just stated, that he is in error. Under sections 11 and 12 of this bill the right of eminent domain by this canal company is to be exercised under the laws of the respective States, so far as it concerns the State of Ohio, under the laws of that State, and so far as it relates to the State of Pennsylvania, under the laws of that State. So we do not withhold the exercise of the right of eminent domain from the States in any measure whatsoever.

Mr. BACON. I am very much obliged to the learned Senator. I am not discussing this particular charter in this particular connection, but even if I were, it would none the less be the exercise of eminent domain by the governmental power and authority of the United States. Even though you adopt the machinery prescribed by the State, it is none the less the going into the State by the Federal Government and reaching every remote corner of it in the exercise of the right of eminent domain. I am not speaking as to this particular case alone or limiting it to this case, but what will be the result if we enter upon this general policy of going into a State and reaching every corner of it in the exercise of the right of eminent domain by the United States Government.

Now, in this particular case, Mr. President, coming to that, it is true, I repeat, as stated by the Senator, reading from the particular section of this proposed charter, that it is prescribed that the exercise of this right shall be according to the law of each of these States. But it is none the less the exercise of the power by the Federal Government.

I am sorry that many Senators who are to vote upon this question, and some of whom are directly interested in this matter, are not here to hear it discussed. I want to call attention to the wide, far-reaching provisions of this bill under which the right of eminent domain by the authority of the United States is to be exercised, not simply in the two States that the Senator speaks of, but also in the State of New York, because a part of the territory covered by this charter in subjecting water courses, etc., is in the State of New York, although it is not named.

I wish to read some of the powers here. I read from page 8, section 11:

SEC. 11. That the said company, in the exercise of its right of eminent domain as granted in section 2 of this act, may, at its own expense and subject to and in conformity with the laws of the States, respectively, through which said canals may be constructed, enter upon and take such lands as are necessary and proper for the making, maintaining, and operating of the canals, feeders, and other works of the company hereby authorized, and it shall have the authority, at its own expense and subject to and in conformity with the laws of the States, respectively, through which said canals may be constructed, to alter any and all highways, waterways, railroads, and other works, either public or private, necessary for the making, maintaining, and operating of the canals, feeders, and other works of the company.

Now, Mr. President, while that is to be done in accordance with the machinery of the States, the power and authority are the power and authority of the United States.

But there is another feature of the exercise of eminent domain in this bill which is a very much more serious one than that, and that feature is found in the twelfth section, which authorizes this corporation to control all the waters of certain streams, with certain exceptions mentioned, and which I will read, of every kind in three States—Ohio, Pennsylvania, and New York—which, while I can not, of course, state with accuracy, I judge by such an examination as I am able to give it upon the map will certainly cover an area of between 10,000 and 20,000 square miles.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. I do.

Mr. KNOX. I know the Senator wants to be accurate, and therefore I call his attention to the fact that it does not permit the control of all the waters of the Allegheny River above Franklin, but only the flood waters.

Mr. BACON. I am coming to that.

Mr. KNOX. The Senator stated that section 12 provided for the whole control of the waters. I only want to call attention to the fact——

Mr. BACON. I said with certain exceptions, which I would name the Senator.

Mr. KNOX. That is not an exception.

Mr. BACON. Well, limitations, then. I was careful to guard my language, but was possibly not accurate in its use. When I said "exceptions" I had that particular thing in my mind, and I think that possibly the language might be sufficient for the general purpose. When I used the word "exceptions" I meant that it was not unlimited, and that I would call attention to its particular features. Now I am going to read that section, Mr. President.

SEC. 12. That the said company in the exercise of its right of eminent domain as granted in section 2 of this act may, subject to the rights of the States, respectively, through which said canals shall pass, or any of the municipalities thereof affected thereby, to regulate and control the same, obtain, take, and use for the construction and operation of the said canals, feeders, and other works from the rivers, lakes, brooks, streams, water courses, ponds, reservoirs, and other sources of water supply sufficient water for the purpose of constructing, maintaining, operating, and using the said canals, feeders, and other works hereby authorized.

That certainly is without limitation.

Mr. NELSON. Mr. President, I ask the Senator to read the proviso of it.

Mr. BACON. I am certainly going to read it all. The Senator need not doubt that. I simply pause at that point, Mr. President, for the purpose of saying that where the semicolon occurs in line 19, up to that point there is no limitation or exception.

From the rivers, lakes, brooks, streams, water courses, ponds, reservoirs, and other sources of water supply sufficient water for the purpose of constructing, maintaining, operating, and using the said canals, feeders, and other works hereby authorized.

There is no exception, no limitation; and I repeat, Mr. President, that, so far as I can judge by simply inspecting the map, there is an area of territory between ten and twenty thousand square miles upon which there is this absolutely unlimited power to take and use, and, as will be seen in the succeeding portion of the section, which I shall read, there carries with it the power to divert and to impound; and there is not a spring or a brook or a rivulet or a stream or a reservoir or a pond in all that vast area but what, with the great power of the United States behind it, this corporation can go into it and take for its own use, of course paying for it. But who can pay for the damage done to a neighborhood in drying up a stream, in the impounding of its waters, and the consequent drying up of the bed below? Who can pay, what money can pay, in a vast territory such as this, for the absolute sequestration and condemnation of all the water of every kind and from every source upon which the health and the comfort and the pleasure of a great people are so dependent? And yet there is no limitation to it.

Mr. President, it is bad enough for the State to grant such a power, but it is infinitely worse for the Federal Government to do it. When a State grants such power, if the people are troubled by it, there is very little difficulty in their going to the legislature and having it corrected; but who can estimate the difficulty which would attend the people who have this great, to say the least of it, inconvenience and trouble brought upon them, when they come to Congress to contend with the influences of a corporation with power to organize with a capital of $200,000,000, as is given in this charter? Who can estimate their difficulty when they are to come here and ask that Congress shall restore to them their springs, their brooks, their rivulets, their streams, their ponds, their reservoirs? Let Congress do that if it will, but it shall go down in the record of this day's proceedings that there was at least one man in the Senate of the United States to protest against it. Then it goes on——

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. Certainly.

Mr. NELSON. I desire to call the Senator's attention—I do not think he states the question fairly——

Mr. BACON. I have read the quotation accurately.

Mr. NELSON. All this must be done, the Senator will find if he will read the first part of section 12, "subject to the rights of the States, respectively, through which said canals shall pass, or any of the municipalities thereof affected thereby, to regulate and control the same."

Mr. BACON. Well, I have read that.

Mr. NELSON. All that of which the Senator from Georgia complains must be done subject to the laws of the States; and he has entirely overlooked the proviso at the end of the section.

Mr. BACON. I have not got to that yet. I have said to the Senator that I was going to read it. I have already read the particular words which he now quotes.

But, Mr. President, what does it mean when Congress passes a law giving certain rights and powers under that law when you say it shall be subject to the regulation and control of the States? Does it mean that the State can pass a law and negative this law? Would any man contend for a moment that any law of a State could nullify any single provision of this charter? Absolutely not. It would simply be a question, Mr. President, whether or not, when the Federal court comes to decide it, that this law, with all these powers, is being exercised in accordance with the rights of the States. Can it be said that where Congress empowers a company to take a stream and to impound it, or to take all the water from all the streams or all the reservoirs in a State and impound them, that any State should pass a law and say they should not do it; that the power granted by Congress would be negatived? No man will contend that for a moment. We give the express power to do these particular things, and we give them without reservation. The power given to the State "to regulate and control" does not carry with it the slightest power to negative and destroy the powers given to take, divert, impound, and use these waters. It only gives the power to the State to regulate and control the manner of taking, but in no particular to prohibit or in the slightest degree to limit the taking.

Mr. President, to continue with the reading where I left off, without the omission of any words, I am going to read it clear through, including the proviso, which the Senator from Minnesota has twice called to my attention. In the enumeration of powers it goes on to say:

Control and regulate the flood waters of the Allegheny River above Franklin, Pa., and the Beaver, Mahoning, Grand, Ashtabula, Shenango, and Little Shenango rivers, and Sandy Creek, and the tributaries of said streams, by regulating dams, weirs, reservoirs, and impounding dams—

That is sufficient up to that point. That simply means, of course, Mr. President, that as to these great rivers the flood waters are to be impounded in the same way that the waters are to be impounded under the irrigation scheme, and as to that there is no particular objection; but that has no particular relation to it. That is divided by a semicolon, and it has no relation whatever to the power previously given, which authorizes this corporation to utilize, divert, impound, and take to themselves all the waters referred to in the first part of this section after the semicolon in the nineteenth line. That power, up to the word "dams" in the twenty-third line, refers to dealing with flood waters; but the words which I now read do not refer to flood waters. The section continues:

and divert, alter, or impound the waters of any river, lake, brook, stream, and the tributaries of said streams or water courses when the same is necessary to the making, maintaining, and operating of the said canals, feeders, and other works hereby authorized.

Mr. President, there could not be a broader grant to this great corporation to go into this wide extent of territory and absolutely sequester and take to itself all the waters outside of the particular rivers to which the Senator from Pennsylvania has called my attention, all waters of every kind whatsoever, and divert them and impound them and use them. There could not be a broader grant than is given in this section.

I am now going to read, as desired by the Senator from Minnesota, the proviso:

Provided, That nothing herein contained shall authorize said company to impair the navigability of any river or stream, or to diminish at any time the water supply of any city, village, or municipality below the normal minimum discharge cross-section area of any such river or stream, or in any manner to pollute the same.

Now, stop there. There is a protection of the water supply necessary for the navigation of a river, but that does not protect in the waters I am talking about. I am talking about the water to supply this vast population in parts of three States in between ten and twenty thousand square miles of territory. That relates simply to navigable rivers. It also relates to denying to them the right to "diminish at any time the water supply of any city, village, or municipality." That is the sole restriction. So far as the farmer is concerned and so far as the general mass of the people throughout this vast territory are concerned, who are dependent upon their springs and their streams and their rivulets and their brooks and their creeks for health and even life, there is absolutely no restriction. If the Senate is ready to pass a bill with such a provision in it, I repeat it shall not be said that it was passed without objection.

There is another proviso to the same section which reads:

Provided, That no feeders to supply water shall be connected with or draw water from the Niagara River above the Niagara Falls.

That is the entire section, and I repeat that it is an impossibility for any legitimate construction of that section to get away from the proposition that, outside of these large rivers, where the use of water is limited to the flood waters, outside of the use of water which would impair the navigability of a stream, and outside of the use of the water necessary for the purposes of any city, village, or municipality, there is absolutely no limit upon the right of this corporation to entirely take and use all the water which may be found in that country.

Mr. President, if anyone will look at that map, which was put here for the purpose of illustrating the necessity for this great work, he will see that from the character of the streams there, unless the water is to be gotten out of Lake Erie, all the water that is found in these little streams will be necessary to supply this great canal with a depth of 15 feet of water and a width of 167 feet at the bottom. The dimensions are stated in this pamphlet. It is to be a tremendous canal, and amounts really to a great river.

Mr. PENROSE. It will be 12 feet deep, I will say to the Senator.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. I do.

Mr. PENROSE. Little or no water will come out of Lake Erie.

Mr. BACON. I am coming to that point a little later on. I

am speaking now of the question as to whether or not, when the right is given to take all the water of every spring, rivulet, brook, and stream of every kind, it is an idle grant, or whether it is a grant which, if this canal is to be built and operated, must necessitate the use of these waters to the absolute destruction of the use of them by the people.

One other point, Mr. President. We have passed through the Senate "a bill for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes." It has also passed the House of Representatives, and is now in conference, as I understand, upon some amendment. That bill is most carefully drawn and is most stringent in its provisions. The necessity for it grows out of the fact that on both sides of the Niagara River the utilization of the water, which would otherwise go over the falls, is so great for manufacturing purposes and objects of a kindred nature that the destruction of that great attractive feature of our country is imminent. Therefore, we have passed that bill, in which we have most carefully stipulated by accurate terms the limit of the amount of water which would otherwise flow over the falls at Niagara. That limitation, Mr. President, is not confined to the Niagara River itself, but it is extended to the Great Lakes, which supply the water which flows over the falls at Niagara.

We have put certain matters within the control and discretion of the Secretary of War, such as that there shall not be anything taken in the way of water for this purpose out of the Niagara River or tributary lakes except by his consent. But not content with prohibiting the use of any water without the consent of the Secretary of War, we limit his discretion in this bill which the Senate has passed.

After stating that with the approval of the Secretary of War so many horsepower, etc., may be used of the water of Niagara River, we put in this proviso:

Provided always—

This is on page 3, if the Senator has the bill before him—

Provided always, That the provisions herein permitting diversions and fixing the aggregate horsepower herein permitted to be transmitted into the United States, as aforesaid, are intended as a limitation on the authority of the Secretary of War.

In other words, we give him the discretion within certain limits, and beyond those limits there is no discretion to be vested in him. He can not authorize the use of any water beyond the limitation.

The senior Senator from Massachusetts [Mr. LODGE] before he left here two days ago gave notice of an amendment which he stated the Senator from Wisconsin [Mr. SPOONER], in his absence, would move for him, and which uses this language:

Provided, That no water shall be drawn from above Niagara Falls unless approved and allowed by the Secretary of War.

Mr. President, that amendment is not sufficient if we are to adhere to the policy which we affirmed when we passed the bill from which I have just read. It is not sufficient to say that the Secretary of War shall approve the use of any of this water. If we are to adhere to the policy which we have adopted, it is necessary to go further and say that no water shall be taken from Lake Erie for this purpose which, in the aggregate, with other waters taken, shall exceed the amount specified in that bill. That bill has not yet become a law, and therefore it is impracticable for me to allude to it or to cite it as a law which imposes a limitation; but I shall ask the Senate to adopt this amendment to the amendment of the Senator from Massachusetts. In the first place, after the word "Falls," in the second line of his amendment, I would ask that there be inserted the words "either from Niagara River or its tributaries;" so that the amendment as amended would read:

Provided, That no water shall be withdrawn from above Niagara Falls, either from Niagara River or its tributaries, unless approved and allowed by the Secretary of War.

That language, "Niagara River or its tributaries," is found substantially in the bill which we have passed. Then I shall ask that there be added to the amendment these words:

And provided, That no greater amount of water shall be diverted from Niagara River or its tributaries above Niagara Falls than shall be specified in any general law of the United States limiting the same.

Mr. President, I want to call the attention of the Senate to the fact that it is perfectly practical, if I understand the matter aright, to use an amount of water in the operation of this canal which would utterly destroy the Niagara Falls. It is true that what is known as the "divide" on the immediate line of the canal is some distance from Lake Erie, and if that could only be surmounted by a series of locks of course the water which flows from the lake into that part of the canal would be arrested when it reached this high ground, and there could be no great flow of water from the lake on that account; but the important fact is this—and I ask the attention of the Senator from Wisconsin to this fact, because he has been especially charged by the Senator from Massachusetts with the care of his amendment—that, according to the map which has been brought here for our information, that divide is some distance from Lake Erie on the immediate line of this canal; but when we go northeast, into the State of New York, it will be found that the divide runs practically up to the lake—certainly it is within a very short distance of the lake shore—and that it is perfectly practicable by what is known as a "feeder" to construct a canal northeast of the mouth of this proposed canal, which, leading from Lake Erie, shall go on the east side of this divide and conduct water to this canal upon the southern side of the divide and furnish it with an unlimited water supply from Lake Erie.

Mr. President, Senators may differ as to whether or not the Falls of Niagara are to be preserved; but the Senate at least has given its approval to the proposition that, so far as legislation can effect it, they are to be preserved. It does seem to me, therefore, that it would be the veriest contradiction of our former action for us to give a charter to a company which would have the power, under the conditions which I have named, to take from the Niagara Falls by drawing away from Lake Erie an amount of water which would practically destroy those falls.

As an illustration, Mr. President, of the importance of limiting this by law, and not leaving it to the discretion of the Secretary of War or any other one man, I will state that in a discussion of this question with a prominent Senator, who is not only fit to be Secretary of War but eminently fit to be President of the United States, if he should be chosen for that position, he said to me that he regarded the construction of the canal as of very much more importance than the preservation of Niagara Falls. So that if he should happen hereafter to be Secretary of War and should take that view of it he might give a consent which would result in the practical destruction of this great scenic feature of our country.

There is another fact to which I want to call attention. Anyone who will examine the map will see that the tributary rivers, the tributary streams, brooks, etc., the taking of the waters of which is authorized by this charter on this southern divide, run within a very few miles of the shores of Lake Erie in New York, and it is perfectly practicable, cutting to the east of that divide to the shores of Lake Erie, to connect the waters of those streams with the waters of Lake Erie, and in that way bring them down to the waters of the Monongahela.

The waters to be affected are not limited to the State of Pennsylvania or of Ohio. The tributary waters of the Allegheny River are in the State of New York. The famous Chautauqua Lake feeds one of the streams that is a tributary of the Allegheny River. Its western shore is within a very few miles of the eastern shore of Lake Erie, and, so far as I can judge from information had and from an examination of the maps, it would be a matter of the easiest practical accomplishment to cut what is known as a "feeder" from Lake Erie to Lake Chautauqua, and then cut from the southern shore of Lake Chautauqua a channel which would make a feeder down to the Allegheny River.

Mr. President, Lake Chautauqua is included in the authority given in this act. Lake Chautauqua is one of the lakes the waters of which this canal company is authorized to use without limit for the purpose of supplying this canal, and it is perfectly practicable, by cutting what is known as a "feeder" at Lake Chautauqua to conduct its waters out to this proposed canal, to lower the surface of that lake 6 or 8 or any other number of feet, according to the depth of the feeder. Yet New York is not to be consulted in the matter, and no citizen of the State of New York can possibly be heard relative thereto.

Mr. President, I shall not consume further the time of the Senate. I had not, in the discussion of this matter, had in view the expectation of defeating this charter; but, for several reasons, I think it is a most unfortunate thing that it should be granted. First, it is absolutely unnecessary, because the States of Pennsylvania and Ohio have already granted authority for the building of this canal, and have had reciprocal legislation which authorizes the two companies formed in the two States to meet at the State line and make a consolidated company for the construction and operation of this canal. In the second place, I am opposed to it because it opens a precedent, the extent of which, if followed, is absolutely startling in its immensity. If this charter is granted, it will be upon the ground that, under the Constitution of the United States, a company which is to be engaged in interstate commerce is a company which can be properly chartered by the Congress of the United States. If that principle is to be adopted and carried out to

its fullest extent, it will relate to every railroad of any consequence in the whole United States, and will absolutely turn over to the Federal Government and to the administration of the Federal courts everything which relates to the management and control and business of practically all the railroads in the United States. What a revolution that will be in the internal affairs of each State is beyond the power of practical realization in its mere anticipation.

I am particularly opposed to it, Mr. President, because if we are to follow this precedent the States would absolutely lose the control of matters of this kind in so far as they relate to interstate commerce; they would lose control as to every corporation, great or small, on the land or on the water, engaged in interstate commerce. Can it be said that we are not going to do it? Are we to do it when any one of them asks for it? Are we to grant a charter whenever a corporation comes up and demands it, or are we to say, "We will be respecters of persons, and we will grant it in some cases and refuse it in others?" What can we do consistently, Mr. President, but to say that, recognizing the vast consequences which are to flow from this, we will grant these charters in no case except where there is involved a great governmental function, the performance of which can only be properly accomplished through a charter granted by the Federal Government, and the performance of which can not be accomplished through a charter granted by a State government.

Mr. President, there are a number of other details in this bill to which I should like to call attention, but I shall very briefly allude to but one matter. This bill proposes that these incorporators be permitted to issue stock not exceeding $400,000 per mile, and that they be authorized to issue bonds not exceeding $400,000 per mile, or a total of $800,000 per mile. I have in this pamphlet, from which I have already read, the estimate by those who have made an examination of the matter, as to the cost of the construction of this canal. Referring to page 24, after speaking of the fact that the legislature in 1899 had appointed a commission to inquire into the practicability of this waterway and appropriated $10,000 for that purpose, it says—this is from the speech of Mr. Shaw, on the occasion of this great meeting in Pittsburg:

> They reported a canal could be built via the Beaver and Shenango rivers to Conneaut Harbor at a cost of about $30,000,000.

I presume that that is the most practicable route, or they would not have selected it for that purpose.

Mr. President, in this same speech it is stated that the length of that canal would be 122 miles. If any Senator will figure on it, he will ascertain that it is about $270,000 a mile; and here is a corporation, with a report which they themselves bring here and lay before us, which says the canal can be constructed at $270,000 a mile, asking us that they may put upon it obligations to the extent of $800,000 a mile.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. I do.

Mr. KNOX. I wish to direct the attention of the Senator from Georgia, as well as the attention of the Senate, to the report of the Senate committee on that subject. The report of the Senate committee shows that the unit cost of construction upon every item which will enter into the construction of the canal has advanced in some cases as high as 60 per cent; and in a letter written to the chairman of the subcommittee, who reported the bill, it is shown that the cost of the physical structures alone on the present prices will amount to over $500,000 a mile, and that makes no allowance whatever for damages to be paid to property owners through whose land it passes or whose streams it may divert or other expenses incident to the construction of the canal.

Besides, the matter of capitalization is absolutely guarded by the Senate amendment, which prevents these people from issuing a dollar of capital over and above that which is actually required to construct the canal.

Mr. BACON. I will say to the learned Senator from Pennsylvania that if the bill is properly guarded in that particular, of course the criticism which I make in that regard is an improper one, and I would not insist upon it. I understand that the junior Senator from Wisconsin [Mr. LA FOLLETTE] has an amendment upon that subject. I have not had any opportunity to examine it. The Senator will very readily recognize the fact that reading from a report which he himself had laid before me, I was certainly excused if I was misled into supposing, when that report stated that the cost of the canal would be $30,000,000, that that statement was correct. If it is not correct, I do not wish to make any adverse criticism upon it.

Mr. KNOX. That is a very natural mistake to make; but if the Senator had observed, the pamphlet to which he refers was issued in December, 1904.

Mr. BACON. Yes.

Mr. KNOX. And this letter written to the Senator from Minnesota [Mr. NELSON], who reported the bill, was written March 20, 1906.

Mr. BACON. That is true. But the pamphlet was laid upon my desk by the Senator or his colleague, or by their authority, and when I receive a statement direct from those most interested, I certainly am excused if I do not go further to see whether or not it is correct. I was relying upon information which the Senator himself had put in my hands, and for that reason it was not necessary to go any further to look. If the Senator says the information he gave to me is incorrect, I accept the statement, and the Senate will understand that I do not make any criticism upon it, although I confess I am unable to understand how the estimated cost of this proposed canal has been raised from $270,000 per mile to $800,000 per mile.

Mr. KNOX. I do not state that the information was incorrect. The information was absolutely correct at the time it was given.

Mr. BACON. I know; but I mean now.

Mr. KNOX. The reason for the additional cost is fully explained in the report. I should think that the Senator who has occupied so much of the time of the Senate in debating this bill would at least have read the committee's report.

Mr. BACON. The Senator says it was correct at the time. I supposed when I received it from the Senator that he meant me to understand it was correct now. I do not mean that the Senator intended to mislead me. I know he did not. I am simply suggesting to the Senator that when he puts before me a document in which a statement is made, I do not deem it necessary to go further to see whether those conditions have changed; and there was no intimation to me that they had changed; and I repeat I do not see how the changes in conditions in two years can cause so great a change in cost.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. BACON. Certainly.

Mr. CULBERSON. Let me call the Senator's attention to a matter in connection with the statement he has just made. The Senator from Georgia has very properly pointed out that under section 3, stock to the amount of $400,000 a mile, and bonds in addition, to the extent of $400,000 a mile, may be issued against this property. I call his attention to another fact, which to my mind is significant, and that is that the debt referred to is limited to bonded indebtedness, and the words "and other," referring to indebtedness, have been stricken out.

So, in addition to stock at the rate of $400,000 a mile and a bonded indebtedness of $400,000 a mile, there may be other indebtedness issued against this property. For some reason which I do not understand, but which appears to me significant, the words "and other" were stricken out, so that there is no limitation whatever in the bill upon the amount of indebtedness which may be issued against the property of this corporation per mile, except with respect to the bonded indebtedness. Of course there may be other indebtedness against the property than that evidenced by bonds.

Mr. BACON. I am very much obliged to the Senator. The fact to which he has alluded had escaped me.

I desire to call attention to one other matter, and that is section 5. This assumes to be a great work in the interest of the public, and the bill undertakes to make provision by which the public is to be protected from improper charges. The words are used in the bill which were taken from the rate bill—that the charges shall be "just and reasonable and fairly remunerative." I presume the Senator who favored the striking out of the words "fairly remunerative" from the rate bill will also favor striking out those words from this bill so as to leave it "just and reasonable."

Mr. CULBERSON. In what section is that?

Mr. BACON. I have forgotten where that is particularly. Those words are in there—"just and reasonable and fairly remunerative." But the point I am calling attention to in the fifth section is this: In this provision the proposition is certainly intended to be laid down and the understanding had that there should be only a fair remuneration to those who go into this enterprise for the work which they perform and the investment which they make. In addition to that, though, section 5 provides this:

> SEC. 5. That the said company may from time to time set aside a portion of its net earnings to be a sinking fund for the redemption of its said bonds or securities, with or without unearned interest, at such times, in such proportion, and in such manner, by allotment or otherwise, as may be determined by the board of directors.

Then immediately thereafter in the next section it prescribes that whenever there has been as much as $5,000 for every mile subscribed and paid in there may be an organization, and there is no provision in the bill—I may be mistaken, and if I am I shall be glad to be corrected—which requires the payment of any additional money. Taking the two together, with this vast amount of bonded indebtedness authorized and the unlimited indebtedness further authorized, to which the Senator from Texas has called my attention, it is manifest to my mind—I may be mistaken about it; I may draw an improper conclusion—that the scheme is to pay in $5,000 a mile, and to contract a great debt, and then to make the public out of what it shall pay for the use of the canal pay ultimately for the canal. This can be done, as there is no limit on the contraction of debt other than the bonded debt.

I think if this is to be a great enterprise, in the interest of the public, that those who go into it should pay for it out of their own pockets, and not out of the earnings from the people, unless they use their own dividends when earned for the purpose of paying it off. They should not themselves enjoy dividends and at the same time have the right to make such charges as will enable them in addition to lay aside money which will ultimately pay the cost of the construction of the canal.

Mr. President, I want to say just one word in a matter I omitted in speaking of the constitutional question. I have no doubt in the world, as I have repeatedly said, as to the ruling of the Supreme Court in the future, as it has made in the past, that Congress has the right to charter a corporation to engage in interstate commerce. I have as little doubt about that as I have about the proposition that that was not the original contemplation of the framers of the Constitution. It is true it matters not what was in fact their intention, as we are to be controlled and guided by the present interpretation of the instrument by the courts of the land. But my attention has been called to the action of the convention which framed the Constitution, which illustrates the fact that such was not the purpose of the framers of the Constitution.

It so happened that a similar question to this was before the Senate in the year 1869. That was a proposition to charter a railroad from the city of New York to the city of Washington, basing it upon the identical grounds that being engaged in interstate commerce it was a legitimate matter of legislation in the granting of a charter. That was debated in this body, and there participated in that debate the present junior Senator from Maryland [Mr. WHYTE], who has returned to us after his service of several different times in this body. In the speech which he made on that occasion against the granting of that charter, which, by the way, the Senate in that day considered to be an improper thing and refused to do, he read from the proceedings of the Constitutional Convention. I have his speech before me in the Congressional Globe. It was a date prior to the CONGRESSIONAL RECORD—January 20, 1869. The Senator from Maryland [Mr. WHYTE] read this extract from the Madison Papers. The committee of the Convention had under consideration the clause in the Constitution which authorizes Congress to construct post-roads, when this occurred in the Convention:

> Doct r Franklin moved to add after the words "post-roads," article 1, section 8, a power "to provide for cutting canals where deemed necessary."
>
> Mr. Wilson seconded the motion.
>
> Mr. Sherman objected. The expense in such cases will fall on the United States and the benefit accrue to the places where the canals may be cut.
>
> Mr. WILSON. Instead of being an expense to the United States, they may be made a source of revenue.
>
> Mr. Madison suggested an enlargement of the motion—

To this particular point I call attention—

> Mr. Madison suggested an enlargement of the motion into a power "to grant charters of incorporation where the interests of the United States might require and the legislative provisions of individual States may be incompetent." His primary object was, however, to secure an easy communication between the States, which the free intercourse now to be opened seemed to call for. The political obstacles being removed, a removal of the natural ones as far as possible ought to follow.
>
> Mr. Randolph seconded the proposition.
>
> Mr. King thought the power unnecessary.
>
> Mr. WILSON. It is necessary to prevent a State from obstructing the general welfare.
>
> Mr. KING. The States will be prejudiced and divided into parties by it. In Philadelphia and New York it will be referred to as the establishment of a bank, which has been a subject of contention in those cities. In other places it will be referred to mercantile monopolies.
>
> Mr. Wilson mentioned the importance or facilitating by canals the communication with the western settlements.
>
> The motion being so modified as to admit a distinct question, specified and limited to the case of canals, Pennsylvania, Virginia, and Georgia voted for the proposition; New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, North Carolina, and South Carolina voted "no."
>
> The other part fell, of course, including the power rejected.

So we have here, Mr. President, not a side light, but a direct light cast on what was the purpose and understanding of the framers of the Constitution. Railroads in those days were unknown. If they had been known, I have no doubt the proposition of Mr. Madison would have included railroads as well as canals.

Mr. President, I presume the Senate will give me credit for sincerity when I say that I had no expectation when I arose this afternoon of thus occupying the time of the Senate. I repeat, I regard it as a very grave question. We are to-day face to face with the proposition whether we shall in the exercise of this power grant these extraordinary corporate rights and powers to this particular corporation on the ground that it is to be engaged in interstate commerce, and at the same time have the mental resolve that we will not do so in the future, and that we will deny similar applications in the future, or else that we occupy the alternative attitude that we put behind us now and forever the proposition that we are to leave to the States the exercise of the functions of granting corporate charters in cases not necessary and essential to the performance of any governmental function, and that hereafter whenever a corporation comes here and says that it is to be engaged in interstate commerce we will give it a Federal charter, give it the power to deny to the States the right to tax its franchise, and the right of the citizens to go into their own courts to settle disputes which they will have with these corporations.

We must do one of two things. We must either occupy the attitude of being respectors of persons, of granting these charters in certain cases where certain influences may demand them, and of denying them in other instances where they may not be so fortunate. We have either got to do that, if we grant this charter, or else we have to open the door and say hereafter the States shall no longer, if parties choose to elect in favor of a Federal charter, have control of these agencies of commerce in their own States; that the States shall no longer have the right to tax their franchises; that the States shall no longer have the right to adjudicate the rights of citizens in their own States in controversies between themselves and these myriad agencies. Mr. President, what a revolution would that be in present conditions.

Mr. President, there is another very serious consideration. We can not say to corporations when they come here, "We have granted it to others, and we deny it to you." If we do not say that, what is to be the political effect in this country of all the corporations engaged in interstate commerce having Federal charters, knit together by a common sympathy, and exercising power under a common authority? Who will doubt the fact that they will go at once into national politics? Who can doubt the fact, whenever the great corporations of this country, solidified and unified as they are rapidly becoming, are all of them in the exercise of power under Federal authority, that they will exercise great influence over the affairs of the Federal Government?

Mr. President, I repeat it is a most grave matter, and I repeat it simply for the purpose of excusing myself if I have occupied unduly the time of the Senate, and if I have expressed myself with unwonted earnestness it is because of the gravity of this matter in my opinion, and I may be excused and acquitted by Senators who have an interest in this matter of any intention to interfere in any manner with those matters which may seem more particularly to concern them, matters in which they have a very deep concern, and if any intemperate word has fallen from me in this discussion, it is due to my appreciation of the gravity of the question, and not because of any want of consideration of them.

PUBLIC SCHOOLS IN THE DISTRICT OF COLUMBIA.

Mr. BURKETT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 13, 14, 16, 17, and 51.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 18, 19, 20, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 35, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, and 54; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out in said amendment the words "in the grades;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Page 5, line 14, strike out the word "schools" and insert before the word "high" the word "normal;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the word proposed in said amendment insert the word "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: After the word "School," in the last line of said amendment, insert the words "but this limitation shall not apply to pupils who have already entered upon a continuous course of two or more years;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out the word "board" in said amendment and insert the word "boards;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: Page 8, line 9, after the words "normal schools," strike out the word "or" and insert the word "and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter inserted in said amendment insert the following: "of examiners. No person without a degree from an accredited college, or a graduation certificate from an accredited normal school, such normal school graduate to have had at least five years of experience as a teacher in a high school, shall hereafter be appointed to teach any academic or scientific subjects in the normal, high, and manual training schools;" also strike out the word "board" on page 8, line 12, and insert the word "boards;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: Strike out in said amendment the word "board," in line 1, and insert the word "boards;" also strike out the words "this board" and insert the words "these boards;" and the Senate agree to the same.

E. J. BURKETT,
N. B. SCOTT,
JOHN M. GEARIN,
Managers on the part of the Senate.

EDWARD MORRELL,
WILLIAM S. GREENE,
F. A. MCLAIN,
Managers on the part of the House.

The PRESIDING OFFICER. The question is, Will the Senate agree to the report?

Mr. McCUMBER. I wish to ask the Senator who has made this report, as it is up now for action, to briefly state what the amendments are. Of course one can not tell merely from hearing the report read as to what are the amendments made by the committee.

Mr. BURKETT. There are quite a number of amendments made by the conference committee. In the main they change words from the singular to the plural form, and relate to terminology. I think the chief amendment, the one that is most distinct, is the one that pertains to the qualifications of high school teachers. The Senator will remember that the Senate agreed to an amendment to the House bill, providing that a teacher of the high school must have a college degree. The conference committee agreed to that with an amendment accepting a certificate from a recognized normal school. That is the amendment to it. It is left as the Senate had it, but accepting as a qualification a certificate of a normal school.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. BURKETT. Certainly.

Mr. NELSON. Will the Senator be good enough to state what disposition was made of the amendment which I offered in the Senate striking out the word "four" and inserting "five," so that teachers of drawing and others would get the pay of class 5 and class A of class 6?

Mr. BURKETT. Does the Senator remember what page it was on?

Mr. NELSON. It was on page 7 of the original bill.

Mr. BURKETT. Page 7?

Mr. NELSON. At the top of page 7.

Mr. BURKETT. I will say to the Senator that at the top of page 7 and at the bottom of page 6 the Senate receded from all those amendments, and put it back in the condition it was in when it came from the House, leaving it four and five. It puts domestic science teachers in the same class with physical culture and drawing teachers.

Mr. NELSON. What about teachers of drawing in the high schools?

Mr. BURKETT. It leaves the bill in that respect just as it came from the House to the Senate originally. It drops out the Senate amendment.

Mr. McCUMBER. May I ask the Senator what was the action of the conferees in reference to the amendment fixing the qualifications of the assistant superintendent?

Mr. BURKETT. That was stricken out by the conferees.

Mr. McCUMBER. So that at present no particular qualifications are required of the assistant superintendent?

Mr. BURKETT. No. It is left just as it came from the House. That was amendment numbered 51, I will say to the Senator, and the Senate receded. There is no qualification for the superintendent or the assistant superintendent, and for a good many more for whom some qualifications ought to be prescribed. But, as we tried to explain in the first place, we did not go into the matter of organization very thoroughly.

Mr. McCUMBER. Is the Senator especially desirous of having the report adopted to-day? Is there any occasion to have it adopted before it can be printed, so that we can see just what the amendments are which have been agreed to and those from which the Senate receded?

Mr. BURKETT. So far as I am concerned, it is immaterial to me other than to comply with the request of other members of the Senate and House. The District of Columbia appropriation bill is necessarily being held up until we can get this bill through. As the Senator will remember, all the school salaries in the District appropriation bill and all the appropriations for the public schools were stricken out when the District appropriation bill was before the Senate. Of course, they can not bring in a bill without filling in something, and they are waiting until we can get this bill through, so as to tell what amount to put in. Of course, they are urging us all the way along, and the report ought to be considered here. We hoped to get it over to the House this evening, so that it could be printed and be taken up under their rules in the morning, and then sometime to-morrow the conferees on the District appropriation bill could consider the matter. It is the haste of others that is pushing the committee, which has made us want to have the report taken up and disposed of at once.

I will say to the Senator, as the report shows, that the House receded from its disagreement to practically all of the Senate amendments. There are only six from which the Senate receded, and most of them are verbal changes. There was only one important one, and that was on the matter of the qualification of the assistant superintendent, where the Senate receded.

Mr. McCUMBER. That was to me quite an important amendment—in fact, I thought it was the most important of all the amendments made in the Senate. I wish the Senator could let the report be printed this evening, and it will be business, of course, which will take precedence over all other business to-morrow. We could then see just exactly what changes have been made.

Mr. BURKETT. It will delay it one day in the House, and that is why they have urged us to get it considered to-night, so that it may go over there and be taken up to-morrow. It will simply delay the matter in connection with the District appropriation bill.

I understand the interest the Senator from North Dakota took in this subject, and I will say to the Senator that the Senate conferees were loyal for four or five days hanging on to the Senator's amendment. I do not know whether I ought to tell that or not. However, after a good deal of discussion and consideration in conference it was obvious that it would have to go out. I do not think any further conference could do other than kill the bill if that particular amendment was insisted upon.

Mr. McCUMBER. I do not know, Mr. President, that I will insist upon the matter going over if the Senator is in a hurry. I feel that the time will come when we will need to make an amendment to this bill. I think it is such an improvement over the law as it has heretofore stood that perhaps we had better take what we can get, and so get a much better bill than we now have, with the hope that we may secure a still better one in the future.

Mr. BURKETT. I will say to the Senator that if the new board which is created does not handle some matters and some

positions that are without any particular merit in the estimation of the committee, it will be very proper for Congress at the next session to do away with some of these supernumerary positions and reorganize the schools as they should be organized.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

The PRESIDING OFFICER. The question is on agreeing to the first amendment as amended.

Mr. BACON. That is what amendment?

The PRESIDING OFFICER. On page 2.

Mr. BACON. As I understand the amendment to the amendment it strikes out the last sentence of the words proposed to be inserted by the committee.

The SECRETARY. Striking out the words:

Said corporation is also vested with all such further and additional powers as may be necessary to carry out the purposes of this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment of the Committee on Commerce was, in section 2, page 3, line 4, after "railroad," to insert "and ship canal;" so as to make the section read:

SEC. 2. That the company, in addition to the powers expressed or implied in this act, shall have the right of eminent domain, which shall be exercised as provided in the case of railroad and ship canal companies organized under the laws, respectively, of the States of Pennsylvania and Ohio.

The amendment was agreed to.

The next amendment was, in section 3, on page 3, line 7, after the word "exceed," to strike out "three" and insert "four," so as to read:

That the capital stock of the company shall not exceed $400,000 per mile of canal proposed to be constructed, etc.

The amendment was agreed to.

Mr. CULBERSON. In line 9 the words "and other," before "indebtedness," are proposed to be stricken out.

The PRESIDING OFFICER. The Secretary has not yet stated that amendment.

Mr. NELSON. I suggest that we pass on the committee amendments first and then take up other amendments afterwards. We have not yet reached the amendment the Senator refers to.

Mr. CULBERSON. I wish to move an amendment to the committee amendment.

Mr. NELSON. We have not reached that yet.

Mr. CULBERSON. It is in section 3.

The PRESIDING OFFICER. It is the next amendment, the Chair will state to the Senator.

Mr. STONE. Mr. President, I know that the Senators in charge of this bill and the Senate are anxious to dispose of this measure as speedily as possible, and it ought to be disposed of to-day.

It is not my intention to delay a vote on the bill by consuming much time. But, Mr. President, as I am a member of the Committee on Commerce, and as I was a member of the subcommittee to which this bill was referred, I feel as if I ought to say something with regard to it. I attended all the meetings of the subcommittee except one. I voted to report the bill favorably to the whole committee, and afterwards to report it to the Senate.

If I can judge by the course the discussion has taken, it looks as if few Senators on this side of the Chamber are in sympathy with the action I intend to take and the vote I intend to cast. I want, therefore, to occupy a little time to explain my position and to give a reason for my vote. I expect to vote for the passage of the bill. I think it ought to be passed. I can not see a good reason why it should not be passed. There seems to be no doubt about the constitutional right of the Congress to grant this charter.

I listened to the greater part of the interesting speech delivered by the senior Senator from Georgia [Mr. BACON] in opposition to the bill, and I have listened to the speeches of other Senators in criticism of the measure. No one who has opposed the bill has denied that the Congress is clothed by the Constitution with power to grant this charter. There can be no doubt that that power exists. Whether the Constitution should have invested the Congress with this power, or whether the courts should have so construed the Constitution as to invest the Congress with this power, are questions so devoid of practical consequence as to be of little value. A discussion of that subject is without significance. It might do for a debating society, but it is of little value here. Such questions are settled questions, and I believe they were properly and wisely settled.

Mr. President, I have been all my life associated and in sympathy with that school of politics which believes in a strict construction of the Constitution. But the Constitution is not a meaningless thing. It means what it says. Some of the wisest and greatest Democrats whose names and achievements adorn our history have stood for the exercise by Congress of just such powers as it is proposed shall be exercised at this time and through the agency of this measure.

It is utterly useless to discuss in an academic way questions which have long since passed into the domain of well-settled law. Granted, therefore, that Congress has, and unquestionably it does have, the power to create this corporation, we come next to inquire as to the policy of exercising that power.

Mr. President, as to the question of policy—that is, whether the Congress should pass this bill and create this corporation—Senators may very properly differ.

When this bill was first called to my attention in the committee, I seriously doubted whether it would be a wise policy for Congress to create a corporation of this character. Certainly Congress ought to be very slow in granting charters to business corporations. In ninety-nine cases in every hundred those seeking corporate franchises should be remitted to the States. But, Mr. President, whether Congress shall exercise the power of creating a corporation, where it has constitutional warrant to create it, is and should be a question to be determined by the facts and circumstances of each particular case. There may be circumstances and conditions in particular cases where the Congress ought to grant charters, and I think this is one of those rare cases.

This canal company is to utilize navigable waters under the jurisdiction of the United States. If we did not pass this bill and the company should be compelled to incorporate under the laws of a State, it would be necessary for the company to come to Congress for authority to use navigable waters in the way it would have to use them, and so Congressional authority would have to be invoked in any event. Then why not let Congress act in the first instance?

Mr. President, I believe that the Government of the United States itself ought to construct works of this character. When I came to consider this bill an objection arose in my mind because this work, national in character, was to be committed to the hands of a corporation. But while that was true, I saw no prospect of the Government undertaking the work for years to come, if, indeed, it should ever do so.

The United States are now engaged in the construction of a canal across the Isthmus that will occupy their attention and monopolize their energies and resources for many years to come, and through that indefinite period it is scarcely to be hoped that the Government will enter upon a like enterprise of the magnitude of this. So it seemed to me that if we were to wait for the Government to take it up we would wait for years without assurance that it would ever be done.

Mr. President, the commercial importance of this work can not be gainsaid. There is a real demand for the construction of this canal. A greater amount of freight is carried to and fro from Pittsburg to Lake Erie points than is carried in any other similar area in the world. At this time over 50,000,000 tons are transported between Pittsburg and the lake, and the tonnage is increasing from year to year. This canal would open a new highway for this commerce and greatly cheapen the cost of carriage. It would open a cheap waterway to the Great Lakes and to all the rich and prosperous country tributary to them. The value of the enormous commerce that this canal might accommodate is adequately and accurately stated in the report of the committee.

There is no constitutional objection to the bill. Neither can any wise, well-founded objection to it be stated based on grounds of public policy. On the other hand there are commanding reasons of great commercial consequence why the canal should be constructed. Then why should not this act be passed?

One other thing, Mr. President, which has operated to induce me to support this bill is the fact that for years I have dreamed—I think "dreamed" is the proper word—of a great transcontinental waterway from New Orleans, on the Gulf of Mexico, to tide water somewhere on the North Atlantic coast. I say I have dreamed of this, but I have no doubt it is a dream which some day will be realized.

Mr. President, I am not sure that the millions we are to expend in the construction of the Panama Canal would not be more profitably and wisely expended if we should devote them to the construction of a canal from Lake Michigan to the Mississippi River, and thence down that great stream to the Gulf, making the canal and the river navigable for such ships as ply the Lakes. That is a project which Congress will be called upon some day to deal with, and to deal with as a great national problem—a problem to be worked out not by corporations, but by the nation itself.

The Mississippi River has within its banks water in abundance to answer the needs of such a highway, if only these waters are put under control; and they can be controlled and utilized if some of the ablest engineers of the country are to be believed. It will be a stupendous work to make this waterway, and a costly one, too, but it will be well worth all it will cost in labor and treasure.

A canal connecting the Lakes with the Mississippi River, and with that river so improved as to make it navigable for large vessels, thus connecting the Gulf and the Lakes, and thence across the Lakes and through the Erie Canal to New York, would make a waterway the like of which the world has never seen. Its value would be beyond the power of man to compute; and, moreover, it would in large measure solve the most intricate and difficult problems of railroad transportation.

I believe this canal, built from Pittsburg to Lake Erie, would be in the course of time but an arm to a great system of canals that ought to be, and some day will be, constructed by the Government of the United States. The great States of the Mississippi Valley and the great agricultural and manufacturing States of the Middle West will some day demand that this greater work shall be done, and they will be strong enough to enforce the demand. Because this Ohio River and Lake Erie Canal will be a beginning and a part of the great canal system we ought to have, and are to have, is one reason why I am for this bill. If the Government would build the canal provided for in this bill, I should infinitely prefer it; but as it is, since the Government is not prepared to enter upon the work, I can see no legitimate objection to authorizing an association of enterprising American citizens to undertake it and complete it.

Mr. President, this bill has been criticised, as it should have been. Some amendments have been suggested to it and agreed to. The committee that had it in charge labored assiduously and faithfully to perfect it, so as to guard, as far as possible, the public interest; and I believe we have brought a good measure here. Senators have complained of this and of that, without having carefully examined the provisions of the bill itself. Their attention has been called in the course of the debate to provisions in the bill that proved the folly of many of their criticisms. For instance, the Senator from Georgia [Mr. BACON], and perhaps others, thought it unwise and in some respects dangerous for Congress to create a corporation that could exercise the right of eminent domain. They cried out against conferring upon a national corporation the power to enter a State and condemn the property of citizens under the law of eminent domain. Whether that objection was well founded or not, in an academic or a theoretical sense, in its application to this bill it is absolutely without merit. Section 11 provides:

SEC. 11. That the said company, in the exercise of its right of eminent domain as granted in section 2 of this act, may, at its own expense and subject to and in conformity with the laws of the States, respectively, through which said canals may be constructed, enter upon, etc.

The Senate amended the bill as it came from the House so as to require the corporation in taking land, or in doing anything else under the law of eminent domain, to conform its action and procedure to the law of the States. So there is nothing to that.

In like manner you may go through the whole bill, Mr. President, and these objections, one after another, may be answered by pointing to the provisions of the bill itself. I see no reason why the Senate should stand in the way of the passage of a bill so carefully drawn as this one is, and which so well guards the public interest; a bill which is unquestionably authorized by the Constitution; a bill against which no good reason founded in public policy can be urged; a bill which meets a great public commercial need, and which, to a large extent, satisfies it; a bill that would promote the public welfare, not only of the States through which the canal would pass, but of a vast region of country in which many of the greatest industries of the nation are located—a region populous, opulent, with resources beyond computation, and with a future so glorious that no human foresight can circumscribe it. I can see no reason why a bill so constructed and serving such ends should not be enacted.

So I looked at it, Mr. President, when it was before the committee, and feeling then as I do now I voted to report it, as did every other member of the Committee on Commerce who was present, without regard to party division. I intend now, though I may stand alone on this side of the Chamber, to vote for it again.

Mr. BERRY. Mr. President, I do not rise to discuss the pending bill and should have said nothing but for the last remark of the Senator from Missouri [Mr. STONE]. I am a member of the Committee on Commerce, but I was not present at any time when the bill was pending before the committee. I was absent in Arkansas. I did not know the bill had been pending before the committee until the delivery of the speech of the Senator from Pennsylvania [Mr. KNOX] a few days ago. Had I been present in the committee, I should have voted against a favorable report on the bill. I never have voted in favor of the General Government granting charters to corporations of this character, and shall not do so now.

I simply wanted to correct the statement that it was a unanimous report of the committee.

Mr. STONE. I said of those present.

Mr. BERRY. Yes; I was not present, and therefore did not vote. I was not included.

Mr. STONE. No; the Senator was not included.

Mr. TELLER. I should like to ask some Senator where this proposed canal will strike the Great Lakes, if anyone is sufficiently informed to tell me? I can not find out from reading the bill. I do not know where it is. The point is not designated.

Mr. KNOX. At or near Ashtabula.

Mr. TELLER. Does it say so in the bill?

Mr. KNOX. No; it does not. The northern terminus is not specifically located in the bill; but that is the plan.

Mr. TELLER. That it shall be near Ashtabula?

Mr. KNOX. Yes; and I will say to the Senator from Colorado that it will have to be located at such point as may be approved by the Secretary of War; and certainly his idea is to locate it at Ashtabula.

Mr. TELLER. I want to call the attention of the Senator to a provision here which strikes me as very remarkable, though I do not say that it seriously affects the bill. It is this proviso on page 10:

Provided, That no feeders to supply water shall be connected with or draw water from the Niagara River above the Niagara Falls.

Mr. KNOX. I believe the Senator from Wisconsin [Mr. SPOONER] has an amendment to propose to that proviso, which will make a very material difference in the reading of the bill.

Mr. TELLER. I want to say that no water could be gotten into this canal from the Niagara River unless it should run uphill. Niagara River is much below any point where, I think, this canal can be built to strike the Lakes. I do not suppose this proviso will endanger the bill, but it looks somewhat ridiculous, and as if we did not know much about the geography of that section of the country. That happens to be a section of country which in my early days I knew something about.

Mr. BACON. If the Senator will examine the map, he will see that the headwaters of the Allegheny River rise at about Lake Chautauqua.

Mr. TELLER. I do not need to examine the map. That is a country with which I am familiar.

Mr. BACON. I withdraw the suggestion. I understand the fact to be, however, as I suggested.

Mr. TELLER. I understand that.

Mr. BACON. If the Senator will pardon me, I was simply replying to his suggestion as to the impossibility of water coming from that direction by referring to the fact that the headwaters do rise in that neighborhood and flow——

Mr. TELLER. Mr. President, they do not rise anywhere near the Niagara River.

Mr. BACON. I beg the Senator's pardon for undertaking to suggest anything on the subject.

Mr. TELLER. It is an impossibility to get any water into the Allegheny River from the Niagara River, and the upper waters of the Niagara River will be a great many feet higher than the others. But that is not a matter of any consequence to the bill, except that it rather mars the bill in the opinion of those of us who happen to know how ridiculous it is to put it in there.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. TELLER. Certainly.

Mr. KNOX. I only want to call the Senator's attention to

the fact that the provision was inserted by the committee. Not having been upon the committee, I can not tell why it was inserted.

Mr. TELLER. I saw that the provision had been put in by the committee.

Mr. CLAY. I will say to the Senator that I think it was inserted at the instance of the senior Senator from New York [Mr. PLATT].

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. TELLER. Certainly.

Mr. PENROSE. I desire to state for the information of the Senator from Colorado that he is entirely right. That provision is not necessary and it may be not properly in the bill, but it was put in, following the lines of an amendment introduced by the senior Senator from New York, to quiet the apprehensions of many good people who are fearful that further devastation will occur in connection with the Niagara River and Niagara Falls. I myself do not consider that the provision amounts to anything, either as a protection or that it has reference to the canal.

Mr. TELLER. That is correct, Mr. President. I heard from the Senator from Georgia [Mr. BACON] that we had passed a bill to prevent the taking of water out of the Niagara River. I was not aware of that fact, and I thought I kept fairly well in touch with what is going on; but that escaped my attention. I myself deny the right of Congress to interfere with the Niagara River. That right belongs to the State of New York.

Mr. SPOONER. It is an international stream.

Mr. TELLER. And anything may be done to that river that does not impair its navigation. When anything interferes with navigation, the nation may undoubtedly have something to say, but except at its upper end it is scarcely a navigable river on account of its rapids, etc.

I know there is a very sensitive feeling and very great excitement throughout the country about the destruction of Niagara Falls. That is a stupendous falls, it is true; but I myself can not sympathize with the sentiment that complains of the useful appropriation of water for power, for irrigation, or for any other purpose that is legitimate and proper. I suppose not one person out of ten thousand in the United States ever sees the falls. If the water power of those falls can be utilized for the benefit of commerce and the benefit of humanity, it ought to be done. If there is anywhere a right to interfere for the protection of the falls, the Niagara River at that point not being navigable and the Government not having anything to do with it, that right belongs, in the first instance, in my judgment, to the State of New York, though of course it is a dividing line between the United States and Canada.

I suppose the same question arises with reference to the people of Canada. The Canadians are taking the water out on their side, as it is being taken out on ours, and the Canadians will continue to take that water, whatever we may do. When the bill for the protection of Niagara Falls becomes a law, the situation will be that while the Canadians are taking the water out on their side, we will have passed a law providing that the people of the State of New York shall not take the water on their side. That is one of the things that we ought to let alone.

The proposed Lake Erie Canal will not interfere with the Niagara River in the slightest degree, and I do not think it can take any water from the lake that will do the lake any harm. The water that goes to the useful purpose of this canal must be taken from those rivers which the canal will cross, and, so far as that is concerned, I do not think there is any complaint that can be made about this bill.

My objection to it is not on any of those grounds. I object to it because I do not think the Government of the United States ought to charter such companies when there is ample power in the States to do the same thing, and they can do it just as well as we can.

The PRESIDING OFFICER. The next amendment of the Committee on Commerce will be stated.

The next amendment of the Committee on Commerce was, in section 3, page 3, line 9, after the word "bonded," to strike out "and other;" in line 10, after the word "exceed," to strike out "three" and insert "four;" in line 11, after the word "mile," to insert "of canal;" in line 12, before the word "debt," to insert "bonded;" in line 13, before the word hundred," to strike out "six" and insert "eight;" in line 14, after the word "constructed," to strike out "and" and insert "*Provided, however*, That;" in line 15, after the word "and," to strike out "fully paid in in cash and bona fide expended in the promotion, maintenance, and construction of said canals and works; and" and to insert "paid in in money, or property at its fair value: *Provided further*, That;" in line 20, after the word "be," to strike out "in larger amount" and insert "more;" in line 25, after the word "bonds," to insert "secured by a mortgage or deed of trust upon its property and franchises;" and on page 4, line 2, after the word "company," to strike out "secured by a mortgage upon its property and rights of property of all kinds and descriptions, real, persopal, and mixed, including its franchise to be a corporation;" so as to make the section read:

SEC. 3. That the capital stock of the company shall not exceed $400,000 per mile of canal proposed to be constructed, divided into shares of $100 each, and the bonded indebtedness authorized by this act shall not exceed $400,000 per mile of canal proposed to be constructed, so that the sum total of stock issued and bonded debt created shall not exceed $800,000 per mile of canal proposed to be constructed: *Provided, however*, That the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for and paid in in money, or property at its fair value: *Provided further*, That in no event shall the stock issued and debt created be more than may be necessary to construct, equip, maintain, and operate said canals and works pursuant to and in compliance with all the provisions of this act; and said company is hereby authorized to issue its bonds, secured by a mortgage or deed of trust upon its property and franchises, and the same shall be a first and prior lien to all other claims or demands upon the company.

The amendment was agreed to.

Mr. LA FOLLETTE. Before passing from that amendment I wish to make an inquiry about the words "and other," in line 9, on page 3. I understood when the Senator from Texas [Mr. CULBERSON] brought up the consideration of those words earlier in the discussion a short time ago, it was agreed that the committee amendment should be rejected and that the words "and other" should remain in the bill. The Senator from Pennsylvania [Mr. KNOX], who has charge of the bill, informs me that he is entirely willing that those words should remain in the bill. I see the Senator from Texas is absent from the floor now, and I ask——

The PRESIDING OFFICER. Does the Senator offer an amendment?

Mr. LA FOLLETTE. I ask that the vote be reconsidered by which that particular amendment was agreed to.

The PRESIDING OFFICER. Without objection, the amendment referred to will be considered as open. Does the Senator from Wisconsin ask to disagree to that amendment?

Mr. LA FOLLETTE. I ask that that amendment be disagreed to. I understand the Senator from Pennsylvania in charge of the bill is willing to have that done, so far as he is concerned.

Mr. KNOX. Mr. President, as I said the other day, I am not in charge of this bill. This bill is, I think, properly in charge of the Senator from Minnesota [Mr. NELSON], who has reported it. I merely called it up and have done some work in connection with it at his request. What I have stated to the Senator from Texas [Mr. CULBERSON] before he left the Chamber, and what I have said to the junior Senator from Wisconsin [Mr. LA FOLLETTE], is that personally I see no objection to restoring the words "and other." It seems to me that the bill is more liberal to the corporation with the words restored than it is with them stricken out.

Mr. NELSON. I will briefly state to the Senate the reason why the words "and other" were stricken out. It was made to appear to the committee—and we had several hearings on the subject—that in the construction of the canal the company oftentimes might be obliged temporarily to secure additional funds. In the first instance, they would issue a given quantity of bonds to build the canal, and then, as the work progressed from time to time, they might find it necessary to incur indebtedness for temporary purposes; but with the words "and other" in the bill they would be absolutely cut off from doing so if their bonded "and other" indebtedness exceeded the amount named in section 3. For that reason I think those words ought to be stricken out.

Mr. LA FOLLETTE. Mr. President, if the words "and other" are retained in the bill, I am wholly unable to see that the provision of section 3 limiting the indebtedness that may be incurred to $800,000 per mile will preclude the canal company from enlarging that indebtedness. Certificates may be issued which, so far as making a charge upon this property is concerned, would be just as binding as would be the bonds that are to be issued.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 4, page 4, line 8, after the word "impaired," to insert

"nor shall any dividend be paid by the issue of additional capital stock;" so as to make the section read:

SEC. 4. That no dividends shall be declared or paid whereby the capital of the company shall in any manner be reduced or impaired; nor shall any dividend be paid by the issue of additional capital stock.

The amendment was agreed to.

The next amendment was, in section 6, page 4, line 20, after the words "city of," to strike out "Pittsburg" and insert "Pittsburgh;" and in line 25, after the words "vote of," to strike out "those present" and insert "the capital stock represented;" so as to read:

SEC. 6. That as soon as at least $5,000 of stock for every mile of canal proposed to be constructed is subscribed and paid for in cash, the incorporators named herein, or a majority of them, shall call a general meeting of the shareholders, to be held in the city of Pittsburgh, Pa., for the purpose of electing a board of directors of said company, consisting of not less than nine of the shareholders, and of transacting any other business that may be done at a shareholders' meeting. At such meeting the shareholders shall decide by a majority vote of the capital stock represented, either in person or by proxy, the length of the term or terms of the directors, etc.

The amendment was agreed to.

The next amendment was, in section 7, page 5, line 25, before the word "make," to strike out "to" and insert "may;" so as to make the section read:

SEC. 7. That the directors of said company, a majority of whom shall constitute a quorum, shall hold office until their successors shall have been elected and qualified. They shall elect a president, secretary, and treasurer and may provide for such other officers and employees as may be deemed advisable, and may make by-laws for the control and management of the works, property, and business of the said company.

The amendment was agreed to.

The next amendment was, in section 8, page 6, line 4, after the words "city of," to strike out "Pittsburg" and insert "Pittsburgh;" so as to make the section read:

SEC. 8. That the main office of the company shall be at the city of Pittsburgh, in the State of Pennsylvania, and the annual meeting of the shareholders shall be held on the third Tuesday of January in each year.

The amendment was agreed to.

The next amendment was, on page 6, to strike out section 9, as follows:

SEC. 9. That the said company shall be subject to the control of the Interstate Commerce Commission, the same as if it were a railroad corporation, and shall make such sworn statements and reports as may be required by the said Commission.

And insert in lieu thereof the following:

SEC. 9. That Congress hereby reserves the right to regulate the tolls, fares, and rates to be charged by said company for the use of said canals; and the said company and the said canals and all transportation thereon shall be subject to all the provisions of an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts supplemental thereto and amendatory thereof now or hereafter enacted.

Mr. NELSON. Before that amendment is acted upon I desire to move to amend the committee amendment by the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the new section 9, page 6, line 13, after the word "regulate," it is proposed to insert "as to interstate and foreign commerce;" and in line 15, after the word "all," to insert the words "interstate and foreign;" so as to make the section read:

SEC. 9. That Congress hereby reserves the right to regulate as to interstate and foreign commerce the tolls, fares, and rates to be charged by said company for the use of said canals; and the said company and the said canals and all interstate and foreign transportation thereon shall be subject to all the provisions of an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts supplemental thereto and amendatory thereof now or hereafter enacted.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 10, page 6, line 20, after the word "to," to strike out "lay out, construct, maintain, and operate a" and insert "survey, ascertain, locate, fix, mark, and determine a route for a ship;" in line 24, before the word "Pennsylvania," to strike out "Pittsburg" and insert "Pittsburgh;" on page 7, line 4, before the word "accessible," to strike out "the most" and insert "an;" in line 10, after the word "near," to insert "Niles, Ohio; thence along the Mahoning River, in the State of Ohio, to a point at or near;" in line 12, after the word "Ohio," to insert "and thereupon and therein to erect, construct, maintain, and operate such canals;" in line 17, before the word "construct," to insert "to;" in line 24, before the word "forty-five," to insert "not less than;" and in line 25, before the word "twelve," to insert "not less than;" so as to make the section read:

SEC. 10. That the company is hereby empowered to survey, ascertain, locate, fix, mark, and determine a route for a ship canal from some point on the Ohio River, between Beaver, Pa., and Pittsburgh, Pa.; thence by the way of the Ohio, Beaver, and Mahoning rivers in the State of Pennsylvania, and the Mahoning River in the State of Ohio, to a point at or near Niles, Ohio; thence northwardly through the State of Ohio to an accessible harbor on Lake Erie, between the Pennsylvania and Ohio State line and the mouth of the Grand River, in the State of Ohio, including said river, also a branch canal from the mouth of the Shenango River, in the State of Pennsylvania; thence along the Shenango River to a point at or near Sharon, Pa.; also a branch canal from a point at or near Niles, Ohio; thence along the Mahoning River in the State of Ohio to a point at or near Warren, Ohio; and thereupon and therein to erect, construct, maintain, and operate such canals; the said main canal connecting the Ohio River and Lake Erie to be of such dimensions as to make and construct navigable channels of at least 12 feet in depth and having a standard cross section of not less than 1,800 square feet of area; to construct, maintain, and operate all such locks, dams, towpaths, basins, tunnels, aqueducts, feeders to supply water from any lakes, rivers, streams, or water courses, reservoirs, cuttings, apparatus, appliances, and machinery as may be necessary for the construction and operation of said canals; and such locks on such main canals shall not be less than 340 feet long between quoins, not less than 45 feet wide between lock walls, and not less than 12 feet depth of water over miter sills, and between the Ohio River and Lake Erie the total lockage shall not exceed 600 feet.

The amendment was agreed to.

The next amendment was, in section 11, page 8, line 5, after the word "may," to insert "at its own expense and subject to and in conformity with the laws of the States, respectively, through which said canals may be constructed;" in line 9, after the word "canals," to insert "feeders;" in line 10, after the word "authority," to insert "at its own expense and subject to and in conformity with the laws of the States, respectively, through which said canals may be constructed;" in line 14, before the "railroads," to insert "waterways;" in line 16, after the word "canals," to insert "feeders;" and in line 17, after the word "company," to strike out "and whenever in the making, maintaining, and operating of the canals and other works of the company it shall be necessary to alter any highway, railroad, or other works, either public or private, and the said canal company and the owners of such highway, railroad, or other works can not agree as to the character, method, and terms of such alteration, and there are no laws of the State in which the alteration is proposed applicable thereto, then the same shall be determined by the district court of the United States of the district in which the alteration is proposed, and the district courts of the United States in the district through which the canal herein authorized shall run are hereby clothed with jurisdiction to hear and determine such disputes, under such rules as said courts may prescribe, and to fix the character, method, and terms upon which the alteration shall be made;" so as to make the section read:

SEC. 11. That the said company, in the exercise of its right of eminent domain as granted in section 2 of this act may, at its own expense and subject to and in conformity with the laws of the States, respectively, through which said canals may be constructed, enter upon and take such lands as are necessary and proper for the making, maintaining, and operating of the canals, feeders, and other works of the company hereby authorized, and it shall have the authority, at its own expense and subject to and in conformity with the laws of the States, respectively, through which said canals may be constructed, to alter any and all highways, waterways, railroads, and other works, either public or private, necessary for the making, maintaining, and operating of the canals, feeders, and other works of the company.

Mr. MORGAN. I move to amend the amendment of the committee by inserting in line 7, page 8, after the words "may be constructed," the words "and with their legislative consent;" so that the section down that far will read as follows:

That the said company, in the exercise of its right of eminent domain as granted in section 2 of this act, may, at its own expense and subject to and in conformity with the laws of the States, respectively, through which said canals may be constructed, and with their legislative consent enter upon, etc.

Mr. NELSON. I have no objection to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Commerce was, in section 12, page 9, line 10, after the word "may," to insert "subject to the rights of the States, respectively, through which said canals shall pass, or any of the municipalities thereof affected thereby, to regulate and control the same;" in line 14, after the word "said," to strike out "canal" and insert "canals, feeders, and other works;" in line 18, after the word "canals," to insert "feeders;" in the same line, before the word "works," to insert "other;" on page 10, line 3, after the word "said," to strike out "canal" and insert "canals, feeders;" and in the same line, after the word "and," to insert "other;" so as to read:

SEC. 12. That the said company in the exercise of its right of eminent domain as granted in section 2 of this act may, subject to the rights of the States, respectively, through which said canals shall pass, or any of the municipalities thereof affected thereby, to regulate and control the same, obtain, take, and use for the construction and operation of the said canals, feeders, and other works from the rivers, lakes, brooks, streams, water courses, ponds, reservoirs, and other sources of water supply sufficient water for the purpose of constructing, maintaining, operating, and using the said canals, feeders, and other works hereby authorized; control and regulate the flood waters of the Allegheny River above Franklin, Pa., and the Beaver, Mahoning, Grand, Ashta-

bula, Shenango, and Little Shenango rivers, and Sandy Creek, and the tributaries of said streams by regulating dams, weirs, reservoirs, and impounding dams, and divert, alter, or impound the waters of any river, lake, brook, stream, and the tributaries of said streams or water courses when the same is necessary to the making, maintaining, and operating of the said canals, feeders, and other works hereby authorized.

Mr. CLAY. I suggest to the Senator from Minnesota that the amendment is not exactly in conformity with the amendment of section 11. This reads, "subject to the rights of the States." I would suggest to the Senator the language "subject to and in conformity with the laws of the States."

Mr. NELSON. I have no objection to the amendment to the amendment.

Mr. CLAY. I move that amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 10, after the words "rights of," it is proposed to insert "and in conformity with the laws of."

The amendment to the amendment was agreed to.

Mr. BACON. I suggest to the Senator from Alabama [Mr. MORGAN] that the same amendment which he offered to section 11 is important in section 12 in order to make it harmonious.

Mr. MORGAN. I had not read the bill that far. I hope the Senator will propose it.

Mr. BACON. I would prefer that the Senator would do it. The same language which was inserted before the word "enter," in line 7, on page 8, would cover it.

Mr. NELSON. It reads, "subject to the rights of the States," and the amendment has put in "and in conformity with the laws of the States."

Mr. BACON. I understand that. "In conformity with the laws of the States" does not cover the distinct consent of the State to the exercise of the right of eminent domain, as is provided in section 11. Let the Secretary read the language of the amendment offered by the Senator from Alabama to the eleventh section.

The SECRETARY. After the words "States, respectively, through which said canals may be constructed" the words were added "and with their legislative consent."

Mr. BACON. If the words "and with their legislative consent" are inserted at this point, it will make it harmonious.

Mr. NELSON. I have no objection, although it is tautology, since the amendment of the junior Senator from Georgia has been adopted.

Mr. BACON. I do not think so. I may be in error, but the other section refers to the method in which it shall be done, and there legislative consent is required.

Mr. KNOX. It seems to me that the amendment proposed by the senior Senator from Alabama protects that entirely. The other section provides the circumstances under which they may condemn in a State, and it is made subject to the legislative consent of the State, and this section is simply with respect to the exercise of that power.

Mr. BACON. If the Senator thinks that limitation applies to the twelfth as well as the eleventh section, I will not insist upon an amendment.

The PRESIDING OFFICER. Does the Senator from Georgia offer an amendment?

Mr. BACON. No. Under the construction placed upon it by the Senator from Pennsylvania, I will not offer the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 10, line 7, after the word "the," to strike out "reasonable requirements of such city, village, or municipality" and insert "normal minimum discharge cross-section area of any such river or stream;" so as to read:

Provided, That nothing herein contained shall authorize said company to impair the navigability of any river or stream, or to diminish at any time the water supply of any city, village, or municipality below the normal minimum discharge cross-section area of any such river or stream, or in any manner to pollute the same.

The amendment was agreed to.

The next amendment was, on page 10, section 12, line 10, after the word "same," to insert:

Provided, That no feeders to supply water shall be connected with or draw water from the Niagara River above the Niagara Falls.

Mr. SPOONER. That amendment was moved by the Senator from Massachusetts [Mr. LODGE], who is absent. He gave notice of a substitute for the proviso, which I agreed to offer for him, and which I send to the desk.

The PRESIDING OFFICER. The substitute will be stated.

The SECRETARY. In lieu of the committee amendment it is proposed to insert the following:

Provided, That no water shall be drawn for the purposes of said canal, its branches or feeders, from above Niagara Falls, unless approved and allowed by the Secretary of War.

Mr. NELSON. I have no objection at all to that amendment. I want to say that the canal company does not expect to draw any water from Lake Erie more than the water that will naturally come up to the first lock.

The summit level is way in the interior, and they can not well draw water from Lake Erie. You can put the Niagara amendment in any form you want. It will not affect the bill one way or the other.

Mr. BACON. I am very glad to hear that from the Senator from Minnesota. Therefore I suggest certain amendments to the amendment, simply with a view of perfecting it. The printed amendment which I have is not that which was read from the desk, and I am not able——

Mr. SPOONER. It provides that—

No water shall be drawn for the purposes of said canal, its branches, or feeders, from above Niagara Falls, unless approved and allowed by the Secretary of War.

That is the only change.

Mr. BACON. I suggest the words "either from Niagara River or its tributaries." I will state that that is substantially the language in the bill we have already passed on this subject.

Mr. SPOONER. I am only offering it for the Senator from Massachusetts.

Mr. BACON. I understand.

Mr. SPOONER. I have no objection to the amendment to the amendment.

Mr. BACON. I move to insert "either from Niagara River or its tributaries."

Mr. TELLER. Mr. President——

Mr. BACON. I have not finished. Then I propose to add at the end of the amendment these words:

Provided, That no greater amount of water shall be diverted from Niagara River or its tributaries above Niagara Falls than shall be specified in any general law of the United States limiting the same.

I do not specify the bill which we have already passed, as it has not yet become a law. Therefore, I can not do it as we usually do. I am compelled to speak of the bill in general terms. Otherwise I would specify the law in the usual way.

Mr. SPOONER. In the bill which has been passed the amount of water that may be drawn from Niagara River was indicated, and the Secretary was authorized to issue permits for various manufacturing establishments. This would conflict with that.

Mr. BACON. This would conflict with that?

Mr. SPOONER. Yes.

Mr. BACON. The bill or this amendment?

Mr. SPOONER. This amendment.

Mr. BACON. Not at all. That refers to a particular bill.

Mr. SPOONER. That bill refers to a certain quantity of water which may be drawn from Niagara River for manufacturing purposes.

Mr. BACON. For any purpose.

Mr. SPOONER. And for other purposes.

Mr. BACON. For any purpose.

Mr. SPOONER. If this canal should draw any water from Niagara River, it would to that extent limit the amount which the bill passed by the Senate authorized to be used by these manufacturing establishments.

Mr. BACON. As I understood the Senator from Minnesota, it is not the design to take any water from the Niagara River.

Mr. SPOONER. Then what is the object of the amendment?

Mr. BACON. To guard it in case others differ with him in that view as to the intention. If the bill which we have passed is to be effective——

Mr. SPOONER. I shall not contest it. The bill will go into conference, and there will be carefully considered. I do not object to the amendment to the amendment, so far as I am concerned.

Mr. TELLER. Mr. President, it is perfectly absurd to put a provision in this bill that water shall not be taken from Niagara River. You might just as well say it should not be taken from the moon, for unless there is some new method of gravitation which will carry the water uphill it can not be done. It can not be done by any method I know of. I dislike to see go into a bill a statement so absurd, and there is no one who is familiar with that section of the country—and I am very familiar with it—does not know that it is not possible to get water out of Niagara into this proposed canal.

The headwaters of the Allegheny River, if this canal strikes the Ohio where the bill says it shall, which is in Trumbull

County, at Niles, a county immediately south of Ashtabula County, which is on the lake, it will be 50 miles from the lake where it strikes Niles—40 or 50 miles. It will be then a hundred miles, at least 75 miles, from Niagara River. Water could be put into the canal from Allegheny River. The Allegheny rises in western New York. Some of the branches rise in Chautauqua and some in Cattaraugus County. There is a high divide between that and the water which runs into Niagara River, a divide that never could be cut across with a canal, and there is not water enough on top of the divide to put in a canal or to make a feeder.

I speak with knowledge of this thing. I myself as a young man taught school in the neighborhood of the headwaters of the Allegheny River. I have been down the Allegheny River from its head to Pittsburg, and I have been to Chautauqua Lake. I know that country, and to say this would be just as absurd as to say that you shall not carry water uphill for the benefit of this canal.

We owe it to the people, when we enact a law, that at least on the face of it it should have the appearance of knowledge on our part of what we are doing, and I think a committee which would allow such a proposition to go into the bill could not have given very much attention to the geography of the country concerning which this inhibition is to be inserted.

Mr. President, I do not suppose it will make much difference. People in that country will look it over and probably say that the Senate is not possessed of very much knowledge of geography, and they will wonder, certainly they will have a degree of surprise and curiosity, why there should be so much interest in preventing the water in Niagara River from being utilized in the proposed canal. They are going to utilize the water in the lake. Nobody seems to make any objection to that. All the water in Lake Erie that is not evaporated goes out through the Niagara River. You can not use any water in this canal, as the Senator from Pennsylvania says, from the lake. There is a natural ridge all along from the Niagara River clear up to Cleveland. I doubt very much whether there is any place where you could cut a canal a half a mile from the lake where you could fill it with water. People who have been along that railroad which passes up the lake shore will, I think, recognize what I say to be the fact. I know the country whereof I speak.

While I am not very enthusiastic about this canal, and have some doubt whether it will every be built—I doubt whether it will be very valuable when it is built—I think it will be more valuable, perhaps, to those who build it and those who operate it in the time to come. However, that has nothing to do with it. I dislike to see such a provision inserted in the bill as if there was some sinister purpose in building this canal to get water out of that river. As I say, if there are any reasons why it should not be taken out of Niagara, the same reasons would operate as to Lake Erie, as Niagara is the outlet.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Georgia to the substitute.

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 13, page 10, line 21, after the word "said," to strike out "canal" and insert "canals."

The amendment was agreed to.

The next amendment was, in section 14, page 11, line 6, after the word "buildings," to insert "feeders;" so as to read:

SEC. 14. That the said company may take, use, occupy, and hold, but not alienate, so much of the public beach or beach road, or lands covered with the waters of the rivers, lakes, brooks, streams, water courses, reservoirs, or ponds, on or at which the said canals may start from, traverse, cross, or terminate as may be necessary for the wharves, docks, piers, buildings, feeders, or other works of the company.

The amendment was agreed to.

The next amendment was, in section 15, page 11, line 13, after the word "canals," to insert "feeders;" in line 21, after the word "canals," to insert "feeders;" and in line 22, before the word "works," to insert "other;" so as to make the section read:

SEC. 15. That the company shall prepare and file with the Secretary of War, for his approval, the plans, locations, dimensions, and all necessary particulars of its canals, feeders, and other works between the Ohio River and Lake Erie, and before such approval the construction thereof shall not be begun; and should any change in said plans be proposed during the progress of construction, such change shall be submitted to the Secretary of War and be by him approved before such change shall be made. Upon notice of the approval of the Secretary of War, the company may forthwith begin the construction of its canals, feeders, and other works, or any part thereof, according to this act.

The amendment was agreed to.

The next amendment was, in section 17, page 12, line 3, after the word "that," to insert "the said canals shall be open to the use and navigation of all suitable and proper vessels or other water craft, by whomsoever owned or operated, upon fair and equal terms, conditions, rates, tolls, and charges; and;" in line 9, after the word "canals," to insert "feeders;" in line 10, before the word "works," to insert "other;" in the same line, after the word "same," to strike out "such reasonable" and insert "just, reasonable, and fairly remunerative;" in line 12, after the word "charges," to strike out "or" and insert "rates, and;" in the same line, after the word "tolls," to strike out "as may by its by-laws be determined;" in line 13, after the word "charges," to strike out "or" and insert "rates, and;" in the same line, after the word "shall," to strike out "under similar circumstances, be charged equally" and insert "be equal;" in line 17, after the word "or," to strike out "advance" and insert "discrimination;" in line 18, before the word "tolls," to strike out "or" and insert "rates, and;" in line 19, after the word "charges," to strike out "or" and insert "rates, and;" in line 24, after the word "charges," to strike out "or" and insert "rates, and;" in line 25, after the word "charges," to strike out "or" and insert "rates, and;" on page 13, line 5, after the word "less," to strike out "then the;" in line 6, after the word "notice," to insert "than;" and in line 9, after the word "conditions," to strike out "*And provided further*, That all charges or tolls upon commerce within the several States through which said canal as located shall be governed by and subject to the laws of the respective States in which said commerce shall be carried;" so as to make the section read:

SEC. 17. That the said canals shall be open to the use and navigation of all suitable and proper vessels or other water craft, by whomsoever owned or operated, upon fair and equal terms, conditions, rates, tolls, and charges; and the said company may demand, take, and recover for its own proper use, for all persons and things of whatsoever description transported upon the said canals, feeders, and other works, or in vessels and craft using the same, just, reasonable, and fairly remunerative charges, rates, and tolls; but all such charges, rates, and tolls shall be equal to all persons, vessels, and goods under certain classifications to be established by the company; and no rebate, reduction, drawback, or discrimination of any sort on such charges, rates, and tolls shall ever be made directly or indirectly. And the said charges, rates, and tolls for the ensuing year shall be fixed, published, and posted on or in every place where they are to be collected on or before the 15th day of February of each year, and shall not be changed except after thirty days' public notice, which notice shall plainly state the changes proposed to be made in the charges, rates, and tolls then in force and the time when the changed charges, rates, and tolls will go into effect; and the proposed changes shall be shown by printing new schedules or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection: *Provided*, That the Interstate Commerce Commission may, in its discretion and for good cause shown, allow changes upon less notice than herein specified or modify the foregoing requirements in respect to publishing and posting of such schedules, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

Mr. NELSON. On page 17, line 11, in order to harmonize it with the rate bill, I move to strike out the words "and fairly remunerative" and to insert the word "and" between the words "just" and "reasonable."

Mr. FORAKER. I would suggest to the Senator that I read in the paper this morning that the conferees had agreed to strike out the words "fairly remunerative" from the rate bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 18, line 13, after the word "canals," insert "feeders;" so as to read:

SEC. 18. That the canals, feeders, and other works hereby authorized shall be lawful military and post routes, etc.

The amendment was agreed to.

The next amendment was, in section 19, page 13, line 21, before the word "canals," to strike out "canal or some of the;" in line 23, after the word "company," to insert "shall;" in line 24, before the word "years," to strike out "six" and insert "three;" in line 25, before the word "years," to strike out "fifteen" and insert "ten;" so as to make the section read:

SEC. 19. That if the construction of the canals hereby authorized shall not have been commenced, and a sum equal to 10 per cent of the capital stock of the company shall not have been expended thereon within three years after the passage of this act, or if the main canal shall not have been finished within ten years after the passage of this act, the franchise herein granted shall cease and be null and void; but in calculating the time aforesaid delays caused by the acts of God or the public enemy shall not be included.

The amendment was agreed to.

The next amendment was, on page 14, after line 4, to strike out section 20, in the following words:

SEC. 20. That the Government of the United States may, at any time after fifty years from the opening of the canals to navigation, upon notice to said company of not less than one year, assume possession, con-

trol, and ownership of the said canals and their appurtenances and of all the rights and privileges thereunto belonging, full title to which shall, upon such assumption, be fully vested in the United States, and the United States shall thereupon pay to the said company the value of the same, to be ascertained and fixed by three arbitrators, or a majority of them, one of whom shall be appointed by the President of the United States, another by said Lake Erie and Ohio River Ship Canal Company, and the third by the arbitrators thus selected, and said arbitrators, in fixing the value of the canals and work so acquired by the United States, shall not consider or allow any value for the franchise conferred by this act or for earnings or good will.

Mr. SPOONER. I should like to ask the Senator in charge of the bill why this section is to be stricken out?

Mr. NELSON. It was the sense of the subcommittee, and that suggestion was adopted by the full committee, that there might be an implication in that section that some day or other the Government would take this canal. Therefore we left it out. It might seem as though it was committing the Government to the idea of acquiring the canal some time in the future, and hence we left it out. If it is left out, it will be a matter in conference between the two Houses.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 14, line 21, to change the number of the section from "21" to "20;" and in line 24, after the word "said," to strike out "canal" and insert "canals, feeders;" so as to make the section read:

SEC. 20. That any person, association, or corporation, municipal or otherwise, which shall suffer any damage or loss to person or property by reason of the construction, operation, or maintenance of the said canals, feeders, or any of the works thereof, etc.

The amendment was agreed to.

The next amendment was, on page 15, line 7, to change the number of the section from "22" to "21."

The amendment was agreed to.

The next amendment was, on page 15, line 11, to change the number of the section from "23" to "22."

The amendment was agreed to.

The next amendment was, on page 15, line 15, to change the number of the section from "24" to "23."

The amendment was agreed to.

The reading of the bill was concluded.

Mr. LA FOLLETTE. I offer the amendment I send to the desk.

The PRESIDING OFFICER. The Senator from Wisconsin offers an amendment, which will be stated.

The SECRETARY. At the end of section 3, on page 4, insert the following additional proviso:

Provided further, That the Lake Erie and Ohio River Ship Canal Company, its successors and assigns, shall issue only such amounts of stocks and bonds, coupon notes, and other evidences of indebtedness payable at periods of more than twelve months after the date thereof as the Interstate Commerce Commission may from time to time determine is reasonably necessary for the purpose for which such issue of stock or bonds has been authorized. And the Interstate Commerce Commission is hereby authorized and empowered and it shall be its duty to determine, upon application, what issues of stocks, bonds, coupon notes, or other evidences of indebtedness may be reasonably necessary to pay the cost of construction, equipment, maintenance, and operation of said canals and works. Said Commission shall render a decision, upon an application for such issue, within thirty days after final hearing thereon, which decision shall be in writing, shall assign the reasons therefor, and shall, if authorizing such issue, specify the respective amounts of stocks or bonds or of coupon notes or of other evidences of indebtedness as aforesaid which are authorized to be issued for the respective purposes to which the proceeds thereof are to be applied. Such decision shall be filed in the office of the Commission, and a certified copy of such decision shall be delivered to the said canal company, which shall cause the same to be entered upon its records before any stocks, bonds, coupon notes, or other evidences of indebtedness thereby authorized are issued. Every certificate of stock, every bond, and other evidence of indebtedness of such canal company operating as a lien upon the property of such company which shall be made, issued, or sold without compliance with this act shall be void. Any officer or director of said canal company who shall knowingly make any false statement or shall withhold from the Interstate Commerce Commission any information requested by such Commission to procure the approval of said Commission to any issue of stocks, or bonds, or coupon notes, or other evidences of indebtedness shall be deemed guilty of a misdemeanor, and upon conviction thereof in the United States district court of the district in which such offense is committed shall be punished by imprisonment for a term of not less than two nor more than ten years, and shall likewise be liable to any creditor of such company for the full amount of damages sustained by such wrongful act.

Mr. LA FOLLETTE. Mr. President, it is not my purpose at this late hour of the session to tax the patience of the Senate with any extended remarks upon the proposed amendment. Its purpose is plain.

The State of Massachusetts and the State of Texas provide by statute that no public-service corporation shall issue stocks and bonds except that it first submit to a designated State authority satisfactory evidence that there is actual value back of every dollar of the proposed issue of stocks and bonds. This amendment is drawn upon those statutes. I do not believe that it can be objected to in form. If objection be made to it at all it must be upon principle, and I can conceive of no valid objection which can be made to the amendment upon any principle.

The incorporators who are asking for this charter by the terms of the bill propose to issue $400,000 of stock and $400,000 of bonds for every mile of the canal from Lake Erie to the Ohio River. Once issued, the coal and iron and grain shipped through the canal will be charged tolls to pay interest on all the bonds and dividends on all the stock though it may not have cost half of $800,000 per mile to build, maintain, and operate the canal. This is the vice of allowing public-service corporations to issue stocks and bonds without any Government supervision, requiring the corporation to make satisfactory proof that every dollar of stocks and bonds represents actual bona fide investment.

If this canal will cost $800,000 per mile to build, it is an easy matter for those who are asking this charter at the hands of the Federal Government to make that plain to some authority of the Federal Government.

The transportation of this country is upon a false basis. The steam railroads, the street cars and interurban companies, the sleeping-car companies, the express companies, are—all of them, as is well known—overcapitalized and grossly inflated. The people are charged transportation rates high enough to pay dividends on all stock and interest on all bonds, notwithstanding the fact that more than 50 per cent of such stocks and bonds represent no investment whatever.

The difficulty in squeezing the water out after the stocks and bonds have been issued is at once manifest. You are at once encountered with the plea—a false one, as I contend—that the stocks and bonds have become the property of innocent purchasers.

But here we are at the outset of this proposed public enterprise, the building of this canal, and before the stocks and bonds are issued, before they have been sold, before there is any opportunity to put forth the claim that the stocks and bonds are in the hands of people who gave full face value for them, the Federal Government should be clothed with authority to make certain that these incorporators have invested in this canal the money for the stock and bonds issued. I believe that the Interstate Commerce Commission is the body to invest with authority to protect the public against overcapitalization.

I am not prepared to say that this canal will not cost $800,000 per mile to build, but with its several branches, aggregating over 225 miles, an issue of over $180,000,000 may be made by the corporation, no matter what the cost of the canal. This would seem excessive.

It was stated in the debate upon the isthmian canal that it would only cost $180,000,000 to build that great waterway for ocean vessels if we construct the lock and dam type. That canal is to be built 200 feet wide and with a depth of 40 feet. The depth proposed in the pending bill for this canal is, I think, only 12½ feet.

Mr. President, if the purposes of those who are back of this enterprise are clear and fair, and there is not an intention to have the capital of this canal company watered and inflated, then this amendment will not be objected to by them.

It is proposed, sir, that the Interstate Commerce Commission shall regulate the tolls and charges the commerce of the country must pay as it passes through this canal, and that they shall have authority to so limit those tolls and charges that they shall be reasonable. If they are to be given that authority, then you must make certain that there shall not be extravagant issue of stock and bonds upon which dividends and interest will have to be paid in excessive tolls by the public on its commerce.

Mr. NELSON. Mr. President, I am sincerely and heartily in favor of the construction of this canal. I have been unwilling, however, to take up the time of the Senate needlessly in discussing what I consider the merits of it. My own State, bordering on Lake Superior, at the great city of Duluth, is vitally interested in this canal, and I should like to see the canal built as soon as possible.

I have no idea that the General Government will undertake it. If it is not undertaken by a corporation of this kind it is not likely to be built at all.

Now, to ingraft such an amendment upon the bill would hamper and distress the company and prevent them from carrying on their operations. The effect of the amendment is that the corporation could not organize, even, before the men interested in it would have to present the plans and specifications of the canal to the Interstate Commerce Commission, and show in advance what it would cost in order to lay the foundation for issuing the stock.

Now, under section 6 of the bill they are authorized to meet and organize as soon as $5,000 of stock for every mile shall have been subscribed. The effect of this amendment would

prevent the corporations from being organized at all until they had prepared and submitted an estimate of what the probable cost of the canal would be, with all its appurtenances and appliances, a thing in the very nature of the case that they could not wholly do in advance.

Then, more than that, the amendment goes further and makes all the stock issued by them, unless in conformity with the provisions of the other part of the amendment, absolutely void in the hands of innocent purchasers.

This company, in order to build the canal, have got to raise money; they have got to raise it in the way money is raised for other enterprises in this country; and if you impose any such restriction as is attempted in the amendment you practically defeat the scheme.

Therefore I trust everyone who is in favor of the immediate construction of this canal will help to vote down the amendment.

Mr. LA FOLLETTE. Mr. President, the Senator is entirely mistaken when he says that the amendment which I propose would interfere with the organization of this company and the subscription of its capital stock. It can embarrass no legitimate enterprise to show that it is prepared to make a valid bona fide investment.

Under a similar statute railroad companies are organized and roads constructed in the State of Texas; railroad companies are organized and roads built in Massachusetts. It imposes no restriction whatever upon the organization of the corporation and the subscription of its stock. It is a just provision, both to the corporation and to the people. Without it there is no protection against overcapitalization.

It was suggested by the Senator from Pennsylvania [Mr. KNOX] earlier in this discussion that the bill sufficiently protected the public and the purchasers of stocks and bonds in the proviso contained in lines 19, 20, and 21, page 3, section 3, which is as follows:

Provided further, That in no event shall the stock issued and debt created be more than may be necessary to construct, equip, maintain, and operate said canals and works pursuant to and in compliance with all the provisions of this act.

That is the usual provision found in such bills, and imposes no restraint whatever. There is no penalty attached to the issue of stocks and bonds in excess of the amount that is necessary. It is very easy for the organizers and promoters of this scheme to fix a fictitious value upon the franchise and upon the prospective earnings of the proposed canal, and issue stocks and bonds that are nominally within the terms of those lines, and yet which are in excess, and grossly and criminally in excess, of the fair value of the property.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. PATTERSON. Mr. President, I do not want to be censured, either in words or silently, for detaining the Senate at this late hour, and yet I wish to occupy enough time to give some pretty well defined views that I entertain about this bill. If the Senator in charge of the bill would be willing to let it go over until to-morrow, I should be very glad to have that course adopted.

Mr. PENROSE rose.

Mr. NELSON. I suggest to the Senator from Pennsylvania to make a request for unanimous consent that the consideration of the bill shall be resumed to-morrow morning.

Mr. PENROSE. I ask unanimous consent, then, in deference to the suggestion of the Senator from Colorado, that the bill may be taken up for consideration immediately after the routine morning business to-morrow.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the pending bill, H. R. 14396, be taken up immediately after the routine morning business to-morrow. Is there objection? The Chair hears none. It is so ordered.

Mr. PENROSE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 16, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 15, 1906.

PROMOTIONS IN THE CONSULAR SERVICE.

William Haywood, of the District of Columbia, former secretary of legation and consul-general at Honolulu, to be consul-general of the United States of class 4 at Seoul, Korea, vice Gordon Paddock, resigned.

Henry W. Diederich, of the District of Columbia, now consul at Bremen, for promotion to be consul-general of the United States of class 4 at Antwerp, Belgium, vice Church Howe, nominated for promotion, to be consul-general of class 3 at Montreal.

George Horton, of Illinois, now consul at that place, to be consul-general of the United States of class 7 at Athens, Greece, to fill an original vacancy.

Church Howe, of Nebraska, now consul-general at Antwerp, for promotion to be consul-general of the United States of class 3 at Montreal, Canada, vice Alanson W. Edwards, resigned, to take effect June 30, 1906.

Frank R. Mowrer, of Ohio, now consul at Ghent, for promotion, to be consul-general of the United States of class 6 at Adis Ababa, Abyssinia, to fill an original vacancy.

Edward H. Ozmun, of Minnesota, now consul at Stuttgart, for promotion to be consul-general of the United States of class 3 at Constantinople, Turkey, vice Charles M. Dickinson, appointed consul-general at large.

Gabriel Bie Ravndal, of South Dakota, now consul at Dawson, to be consul-general of the United States of class 5 at Beirut, Turkey, vice Leo Allen Bergholz, nominated for promotion to be consul-general of class 4 at Canton.

Willard D. Straight, of New York, now vice-consul-general at Seoul, to be consul-general of the United States of class 5 at Mukden, China, vice Fleming D. Cheshire, appointed consul-general at large.

Alban G. Snyder, of West Virginia, now secretary of the legation and consul-general at Bogota, for promotion to be consul-general of the United States of class 5 at Buenos Ayres, Argentine Republic, vice George C. Cole, nominated for promotion to be consul of class 3 at Dawson.

Samuel M. Taylor, of Ohio, now consul at Glasgow, to be consul-general of the United States of class 5 at Callao, Peru, vice Elmer E. E. McJimsey, declined.

Jay White, of Michigan, now consul at Hanover, for promotion to be consul-general of the United States of class 6 at Bogota, Colombia, vice Alban G. Snyder, nominated for promotion to be consul-general of class 5 at Buenos Ayres.

Joseph M. Authier, of Rhode Island, now commercial agent at that place, to be consul of the United States of class 9 at St. Hyacinthe, Quebec, Canada.

Julean H. Arnold, of California, a student interpreter to China, to be consul of the United States of class 7 at Tamsui, Formosa, vice Fred D. Fisher, nominated for promotion to be consul of class 5 at Harbin.

William P. Atwell, of the District of Columbia, now consul at Roubaix, for promotion to be consul of the United States of class 7 at Ghent, Belgium, vice Frank R. Mowrer, nominated for promotion to be consul-general of class 6 at Adis Ababa, Abyssinia.

William Harrison Bradley, of Illinois, now consul-general at that place, to be consul of the United States of class 2 at Manchester, England, to fill an original vacancy.

James S. Benedict, of New York, now commercial agent at that place, to be consul of the United States of class 9 at Campbellton, New Brunswick, Canada.

Gustave Beutelspacher, of Ohio, now commercial agent at that place, to be consul of the United States of class 9 at Moncton, New Brunswick, Canada.

Robert S. S. Bergh, of North Dakota, now consul at Gothenburg, for promotion to be consul of the United States of class 7 at Düsseldorf, Germany, vice Peter Lieber, recalled.

Albert W. Brickwood, jr., of Arizona, now vice and deputy consul at that place, to be consul of the United States of class 8 at Nogales, Mexico, vice Albert R. Morawetz, promoted to be consul of class 5 at Bahia.

Philip Carroll, of New York, now commercial agent at Greenville, for promotion to be consul of the United States of class 9 at Manzanillo, Mexico, to fill an original vacancy.

Edwin S. Cunningham, of Tennessee, now consul at Bergen, for promotion to be consul of the United States of class 6 at Durban, Natal, to fill an original vacancy.

George C. Cole, of West Virginia, now consul-general at Buenos Ayres, for promotion to be consul of the United States of class 3 at Dawson, Yukon Territory, Canada, vice Gabriel Bie Ravndal, nominated to be consul-general of class 5 at Beirut.

Caspar S. Crowninshield, of the District of Columbia, now commercial agent at that place, to be consul of the United States of class 9 at Castellamare di Stabia, Italy.

Henry S. Culver, of Ohio, now consul at London, Ontario, Canada, for promotion to be consul of the United States of class

8 at Cork, Ireland, vice Edwin N. Gunsaulus, nominated for promotion to be consul of class 6 at Rimouski.

Chapman Coleman, of Kentucky, former secretary of legation at Berlin, to be consul of the United States of class 8 at Roubaix, France, vice William P. Atwell, nominated for promotion to be consul of class 7 at Ghent.

George A. Chamberlain, of New Jersey, late vice and deputy consul-general at Rio de Janeiro, to be consul of the United States of class 5 at Pernambuco, Brazil, vice William L. Sewell, deceased.

E. Haldeman Dennison, of Ohio, now commercial agent at Rimouski, for promotion to be consul of the United States of class 5 at Bombay, India, vice William T. Fee, nominated for promotion to be consul of class 3 at Bremen.

William F. Doty, of New Jersey, now consul at Tahiti, for promotion to be consul of the United States of class 7 at Tabriz, Persia, to fill an original vacancy.

William T. Fee, of Ohio, now consul at Bombay, for promotion to be consul of the United States of class 3 at Bremen, Germany, vice Henry W. Diederich, nominated for promotion to be consul-general of class 4 at Antwerp.

Alfred J. Fleming, of Missouri, now commercial agent at Stanbridge, for promotion to be consul of the United States of class 8 at Aden, Arabia, vice William W. Masterson, nominated to be consul of class 8 at Batum.

Charles M. Freeman, of New Hampshire, now commercial agent at that place, to be consul of the United States of class 9 at St. Pierre, St. Pierre Island.

Fred D. Fisher, of Oregon, now consul at Tamsui, for promotion to be consul of the United States of class 5 at Harbin, Manchuria, to fill an original vacancy.

Roger S. Greene, of Massachusetts, now commercial agent at that place, to be consul of the United States of class 6 at Vladivostok, Siberia.

Wilbur T. Gracey, of Massachusetts, now vice and deputy consul-general at Hongkong, to be consul of the United States of class 5 at Tsingtau, China, to fill an original vacancy.

Edwin N. Gunsaulas, of Ohio, now consul at Cork, for promotion to be consul of the United States of class 6 at Rimouski, Quebec, Canada, vice E. Haldeman Dennison, nominated for promotion to be consul of class 5 at Bombay.

Joseph E. Haven, of Illinois, now commercial agent at that place, to be consul of the United States of class 9 at St. Christopher, West Indies.

John E. Hamilton, of Kentucky, now commercial agent at that place, to be consul of the United States of class 9 at Cornwall, Ontario, Canada.

George Heimrod, of Nebraska, now consul-general at that place, to be consul of the United States of class 6 at Apia, Samoa, to fill an original vacancy.

Perley C. Heald, of Michigan, now commercial agent at Wallaceburg, for promotion to be consul of the United States of class 9 at Saigon, Cochin China, to fill an original vacancy.

E. Scott Hotchkiss, of Wisconsin, now consul at Brockville, for promotion to be consul of the United States of class 9 at Hobart, Tasmania, to fill an original vacancy.

Alexander Heingartner, of Ohio, now consul at Guelph, for promotion to be consul of the United States of class 9 at Riga, Russia, to fill an original vacancy.

George N. Ifft, of Idaho, now consul at Chatham, for promotion to be consul of the United States of class 7 at Annaberg, Germany, vice John F. Winter, deceased.

John Edward Jones, of the District of Columbia, now consul-general at that place, to be consul of the United States of class 6 at Dalny, Manchuria, to fill an original vacancy.

John F. Jewell, of Illinois, now consul at Martinique, for promotion to be consul of the United States of class 7 at St. Michaels, Azores, vice George H. Pickerell, nominated for promotion to be consul of class 5 at Para.

George B. Killmaster, of Michigan, now commercial agent at that place, to be consul of the United States of class 9 at Port Rowan, Ontario, Canada.

James A. Le Roy, of Michigan, now consul at Durango, for promotion to be consul of the United States of class 8 at Madrid, Spain, to fill an original vacancy.

William C. Magelsson, of Minnesota, now vice and deputy consul-general at Beirut, to be consul of the United States of class 9 at Bagdad, Turkey, to fill an original vacancy.

Robert E. Mansfield, of Indiana, now consul at Valparaiso, to be consul of the United States of class 6 at Lucerne, Switzerland, vice Henry H. Morgan, nominated for promotion to be consul of class 5 at Stuttgart.

William W. Masterson, of Kentucky, now consul at Aden, to be consul of the United States of class 8 at Batum, Russia, to fill an original vacancy.

Chester W. Martin, of Michigan, now consul at Amherstburg, for promotion to be consul of the United States of class 8 at Martinique, West Indies, vice John F. Jewell, nominated for promotion to be consul of class 7 at St. Michaels.

Maxwell K. Moorhead, of Pennsylvania, now consul at St. Thomas, Ontario, to be consul of the United States of class 9 at Belgrade, Servia, to fill an original vacancy.

Henry H. Morgan, of Louisiana, now consul at Lucerne, for promotion to be consul of the United States of class 5 at Stuttgart, Wurttemberg, vice Edward H. Ozmun, nominated for promotion to be consul-general of class 3 at Constantinople.

Milton M. Price, of South Dakota, now commercial agent at that place, to be consul of the United States of class 8 at Jeres de la Frontera, Spain.

George W. Shotts, of Michigan, now commercial agent at that place, to be consul of the United States of class 8 at Sault Ste. Marie, Ontario, Canada.

Nicholas R. Snyder, of Pennsylvania, now commercial agent at that place, to be consul of the United States of class 7 at Port Antonio, Jamaica.

John H. Shirley, of Illinois, now commercial agent at Goderich, for promotion to be consul of the United States of class 9 at Suva, Fiji Islands, to fill an original vacancy.

Augustus G. Seyfert, of Pennsylvania, now consul at Stratford, for promotion to be consul of the United States of class 9 at Durango, Mexico, vice James A. Le Roy, nominated for promotion to be consul of class 8 at Madrid.

Nicholas C. Schlemmer, of Texas, now vice-consul at Mannheim, to be consul of the United States of class 8 at Bergen, Norway, vice Edwin S. Cunningham, nominated for promotion to be consul of class 6 at Durban.

John S. Twells, of Pennsylvania, now commercial agent at that place, to be consul of the United States of class 7 at Carlsbad, Austria.

Henry B. Wardman, of Pennsylvania, now commercial agent at that place, to be consul of the United States of class 9 at Aguascalientes, Mexico.

Alfred A. Winslow, of Indiana, now consul-general at Guatemala, for promotion to be consul of the United States of class 4 at Valparaiso, Chile, vice Robert E. Mansfield, nominated to be consul of class 6 at Lucerne.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet James Louis Ahern to be a third lieutenant in the Revenue-Cutter Service of the United States.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1906, upon the completion of three years' service:

Ernest J. King.
William Norris.
John P. Jackson.
Arthur P. Fairfield.
John H. Furse.
Charles T. Hutchins, jr.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 7th day of June, 1906, to fill vacancies existing in that grade on that date:

Ernest J. King.
William Norris.
John P. Jackson.
Arthur P. Fairfield.
John H. Furse.
Charles T. Hutchins, jr.

Midshipman Omenzo C. F. Dodge to be an ensign in the Navy from the 2d day of February, 1906, to fill a vacancy existing in that grade on that date.

RECEIVER OF PUBLIC MONEYS.

Charles B. Timberlake, of Colorado, to be receiver of public moneys at Sterling, Colo., his term having expired December 18, 1905. (Reappointment.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 15, 1906.

PROMOTIONS IN THE NAVY.

Commander Greenlief A. Merriam to be a captain in the Navy from the 6th day of June, 1906.

Commander John B. Milton to be a captain in the Navy from the 6th day of June, 1906.

Commander Aaron Ward, an additional number in grade, to be a captain in the Navy from the 6th day of June, 1906.

UNITED STATES ATTORNEY.

William M. Mellette, of Indian Territory, to be United States attorney for the western district of Indian Territory.

POSTMASTERS.

KANSAS.

John W. Skinner to be postmaster at Winfield, in the county of Cowley and State of Kansas.

MISSOURI.

Melvin C. James to be postmaster at Higginsville, in the county of Lafayette and State of Missouri.

NEW YORK.

John M. Hamilton to be postmaster at Batavia, in the county of Genesee and State of New York.

George T. Salmon to be postmaster at Lima, in the county of Livingston and State of New York.

OHIO.

William H. Cullen to be postmaster at Paulding, in the county of Paulding and State of Ohio.

James H. Fluhart to be postmaster at Continental, in the county of Putnam and State of Ohio.

Charles A. Moodey to be postmaster at Painesville, in the county of Lake and State of Ohio.

Richard L. Moore to be postmaster at Cuyahoga Falls, in the county of Summit and State of Ohio.

Charles W. Searls to be postmaster at Madison, in the county of Lake and State of Ohio.

PENNSYLVANIA.

Franklin Wisener to be postmaster at Beaver Falls, in the county of Beaver and State of Pennsylvania.

TENNESSEE.

M. Haworth to be postmaster at Maryville, in the county of Blount and State of Tennessee.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 15, 1906.*

The House met at 11 o'clock a. m., and was called to order by Mr. ALEXANDER MCDOWELL, its Clerk, who laid before the House the following letter:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., June 15, 1906.

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, to act as Speaker pro tempore.

J. G. CANNON, *Speaker.*

Mr. DALZELL accordingly assumed the chair as Speaker pro tempore.

The Journal of yesterday's proceedings was read and approved.

BUSINESS OF COMMITTEE ON WAR CLAIMS.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that to-morrow be substituted for war claims instead of to-day.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that to-morrow be substituted for to-day for the consideration of business of the Committee on War Claims. Is there objection? [After a pause.] The Chair hears none.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. WATSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill. The Chair desires to state that last evening when the committee rose there was an amendment offered by the gentleman from Georgia pending. The Chair stated that the amendment would be pending at this sitting of the committee this morning.

Mr. TAWNEY. Let the amendment be read.

The CHAIRMAN. It was simply a pro forma amendment, to strike out the last word; but the Chair announced that that would be considered as pending this morning. The gentleman from Georgia is not present; it is not the fault of the committee, and the Clerk will read.

The Clerk read as follows:

Opinions of the Attorney-General: To enable the Attorney-General to employ, at his discretion, and irrespective of the provisions of section 1765 of the Revised Statutes, such competent person or persons as will, in his judgment, best perform the service, to edit and prepare for publication and superintend the printing of volume 25 of the Opinions of the Attorney-General, $500; the printing of said volume to be done in accordance with the provisions of section 383 of the Revised Statutes.

Mr. LITTLEFIELD. I offer the following new paragraph as an amendment to the bill.

The Clerk read as follows:

To systematize the preparation of law indexes, etc., and to provide trained law clerks therefor: To enable the Librarian of Congress to direct the law librarian to prepare a new index to the Statutes at Large, in accordance with a plan previously approved by the Judiciary Committees of both Houses of Congress, and to prepare such other indexes, digests, and compilations of law as may be required for Congress and other official use, $5,840, to pay for five additional assistants in the law library, one at $1,800, one at $1,200, one at $900, and two at $720 each, and for the law librarian, $500, the said sum to be paid to the law librarian notwithstanding section 1765 of the Revised Statutes.

Mr. LITTLEFIELD. I do not understand that there is any objection to the adoption of the amendment, and that being the case, I shall not take time unless an explanation is desired.

Mr. NORRIS. I would like to ask the gentleman, does this amendment interfere in any way with the provision that has been adopted, as I understand in a preceding Congress, providing for codification of the laws?

Mr. LITTLEFIELD. No; this amendment, or this provision, will provide for a scientific indexing of legislation up to date. It proposes to authorize clerks for that purpose. I have the data here in detail, I would say to the gentleman. It does not interfere with the code or the consolidation or revision. That legislation, as I remember it, simply provides for a revision. When revised, the men revising will probably take care of the index.

Mr. NORRIS. Is it the intention that this amendment the gentleman offers shall not go into effect until the revision takes place, so that they will index the revision rather than the law as it stands now?

Mr. LITTLEFIELD. This will go into effect at once. We have to-day thirty-three volumes of the Statutes at Large. There is no scientific index of them. No matter what the revision may be, the gentleman full well understands it will always be necessary to consult these thirty-three volumes to get an intelligent idea of what the law is. All we have to-day in connection with these thirty-three volumes is a separate index for each volume, which is very inartistic and unscientific. This would enable these three clerks and two stenographers to begin work and make a scientific index of these volumes, for instance, to bring it up to date. There was an effort made to produce an index of all the laws and have it published as what is called a "consolidated index." As a matter of fact, all there is of that consolidated index is simply the work of taking the separate indexes of these thirty-three volumes and with scissors and paste putting them together. While it is absolutely unscientific, it is better than the existing thirty-three indexes only, because it puts them all in one book. It does not give any idea of what legislation has been repealed and what legislation may be inconsistent—in fact, practically it is of no value so far as giving an intelligent understanding of what the law is. Now, it turns out, on investigation, that there has been going on, in connection with a number of the bureaus of the Government where they have legal work, a large amount of indexing on their own account; so that there has been indexing going on in various Departments, and under this provision we will have these consolidated and no duplication of the work. Let me give an illustration——

Mr. NORRIS. If the gentleman will permit, I would like to suggest——

Mr. LITTLEFIELD (continuing). Last summer, when the Landis Commission wanted all the laws relating to the work of the Public Printer, a full index had to be prepared by the young woman who catalogues the documents under the superintendent of documents, and it was a very unscientific and unsatisfactory work, as well as expensive. Now, the purpose is to have all the indexes of the legislation and the works of the various Departments combined down here in the law library, where it can be reached, where the work can be done accurately, and where we can get rid of the duplication of the work of these various Departments.

Mr. NORRIS. Mr. Chairman, I want to suggest to the gentleman from Maine that I heartily agree with him that we ought to have some method of indexing by which we can find the laws passed by Congress, but it occurred to me that we had provided in some way by a resolution or by a law passed here that one of the committees of the House should revise the statutes that they have already reported, as far as the criminal code is concerned. If that is true——

Mr. LITTLEFIELD. It is not true. The gentleman from Massachusetts [Mr. HOAR] will explain.

Mr. NORRIS. Would the index proposed by this amendment be applicable to the revision that is to be made by this committee; and if it would not, what is the use of it?

Mr. HOAR. The commission is now authorized by special act to codify the laws and to prepare an index, and that index is about half done, for the revision of the laws. That will be completed under the authority of that Commission, but this proposition of the gentleman from Maine will not affect that at all.

Mr. NORRIS. What is the use of having two indexes?

Mr. LITTLEFIELD. In the first place, the index of the revision of the laws has no relation whatever, not the slightest, as a legal proposition or as a proposition of fact, to the indexes proposed in this amendment. To illustrate, the index spoken of by the gentleman from Massachusetts would give you no index at all for the thirty-three volumes of the Statutes at Large, and by it you couldn't find a thing in it. Now I will read briefly what is really proposed by the amendment, and then I will be glad to answer any questions.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. LITTLEFIELD. I ask for five minutes more.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that he may have his time extended five minutes. Is there objection?

There was no objection.

Mr. GROSVENOR. Before the gentleman begins to read I want to ask him a question. If we are to have, as we propose to have, a complete index of the statutes of the United States, would it not be better to have the index project carried over to the end of this Congress so as to include this legislation, and let the index be a compound index of both the new codification and the reference to the old?

Mr. LITTLEFIELD. I think not, and I will explain why.

Mr. GROSVENOR. It seems to me that it is wholly premature to organize another commission to index the statutes which for practical purposes have become obsolete.

Mr. LITTLEFIELD. The thirty-three volumes of the Statutes at Large never will become obsolete. The revision simply gives the public statutes as they exist to-day. Of course the thirty-three volumes of the Statutes at Large contain a vast amount of legislation, private in its character, and also public in its character, and that law will not appear at all in the revision, and there is absolutely no index of any value to those thirty-three volumes. No matter how complete the index is to the Revised Statutes, you will have no index whatever to the legislation enacted in previous years and included in the thirty-three volumes of the Statutes at Large.

Mr. GROSVENOR. Why not make it all at one time? Index the law as it stands to-day, and refer to the law in the Statutes at Large under one title.

Mr. LITTLEFIELD. I think it would be impracticable to make an index of that kind. For instance, the index to the revision of 1878 which we have gives no reference whatever to the Statutes at Large for the various years. I never saw an index of that kind, and I think it would be incongruous to attempt to make one. Now, I will read the general scope of the proposition:

Plan to systematize the compiling, digesting, and indexing of law for Congress and the Executive Departments.

I. PROPOSED PLAN AND PURPOSE.

Employ three *trained law indexers* in the *law library in the Capitol* at $1,800, $1,200, and $900, and two stenographers at $720 each.

Prepare a *standard scheme of classification* for the Federal statute law. The classification scheme of the Century Digest, which cost the West Publishing Company $20,000, is rapidly becoming the standard for indexing the case law of the country. A standardized classification will be a *time saver* for all who consult the statutes.

Index anew the 33 volumes (35,390 pages) of the *Statutes at Large* (including joint resolutions, treaties, proclamations), and thus make it possible to gather quickly and accurately all the law on any particular topic. All who use the *existing indexes, made by different persons at different times during a century*, each following his own ideas as to classification, are subjected to endless search and uncertainty. By omitting altogether or by printing in small type the index to private acts (pensions, claims, etc.), *a handy, compact index to the 33 volumes of the Statutes at Large can be prepared.*

Make it possible for the Members of Congress, their clerks, and secretaries to utilize readily the *detailed knowledge of Federal law*, its phraseology, etc., which a small group of *trained indexers would gain by giving their undivided attention to such work.* This knowledge, together with the card records, compilations, and digests, being easily accessible in the law library, *could be utilized during the legislative session to advantage.*

Gradually centralize in the law library the compiling, digesting, and indexing of the *particular topics of the law which are needed regularly or occasionally* by the committees of Congress, the bureaus and divisions of the Executive Departments.

Utilize the large collections of American and foreign law in the law library *instead of multiplying the development of law libraries* in so many bureaus, divisions, and offices of the Executive Departments.

Make the *law library a clearing house*, as it were, *for both the printed* and *unprinted compilations*, digests, and indexes which are prepared, and thereby provide against wasteful duplication and furnish *a central point* from which all officers of the Government may secure prompt and accurate information on all such matters.

Make it possible for *the sudden and occasional need for this sort of law work* to be promptly, economically and accurately satisfied, e. g., when the *Landis Commission* wanted all the law relating to the work of the Public Printer this summer the compilation and index had to be prepared by the young women who catalogue documents at the office of the superintendent of documents.

II. NECESSITY FOR SYSTEM.

The *aggregate amount* of compiling, digesting, and indexing of law on various topics which is *now done* for the various bureaus, divisions, etc., of the Executive Departments and the committees of Congress requires an average *annual expenditure for services alone* of nearly $15,000.

An excessive price is now paid for service because it is customary to employ persons already in the Government service. They sandwich in the *compiling, indexing, etc., at night and other odd times*, and the value of their service is based on the number of months or years over which the work has been prolonged, e. g., three years are claimed to have been spent by three or four persons in preparing the Consolidated Index to the Statutes at Large, whereas two persons, giving their whole time to the use of scissors and paste, could have done it in six or eight months.

Most of the compiling and indexing of law is at present done by *amateurs*, many of whom have had no law training, and have no familiarity with law literature, and no experience in the use of law reference books.

Great deal of *valuable time now lost in endless search to find all the law on particular topics* in the 35,390 pages of the Statutes at Large. Logically identical matter is indexed under various subject headings, and often without cross references. Many laws and parts of laws are not indexed. *There exists no list of the laws* expressly *repealed*, much less those repealed by implication.

Mr. PERKINS. I would like to ask the gentleman from Maine a question.

Mr. LITTLEFIELD. I will yield to the gentleman.

Mr. PERKINS. Does this provide for an index that is to be published or only for a card index?

Mr. LITTLEFIELD. It provides for a printed index as well as for a card index.

Mr. PERKINS. The result will be published in book form?

Mr. LITTLEFIELD. Yes; from time to time.

Mr. PERKINS. This commission is to be a permanent commission or a force of clerks?

Mr. LITTLEFIELD. Yes; so as to keep the current law index up to date.

Mr. PERKINS. How often does the gentleman from Maine suppose it would be published, or would it be a card index in the meantime that could only be consulted in Washington?

Mr. LITTLEFIELD. To illustrate, my idea would be this: I think the index of the thirty-three volumes of the Statutes at Large would be published as soon as it was completed, or perhaps as soon as the thirty-fourth volume was published. Then as we had current legislation that required indexing the card index would be carried along with it in a scientific manner, and from time to time we would have an additional publication, so that it would be available for general use.

Mr. PERKINS. Why does the gentleman say that this would necessarily stop the work of the Department in their indexing, would they be furnished with a card index?

Mr. LITTLEFIELD. Undoubtedly.

Mr. PERKINS. Would they be content with that?

Mr. LITTLEFIELD. I can't absolutely say, but if Congress adopts a general plan and makes a clearing house where men can scientifically do the work, I do not believe the Departments would go on and duplicate it.

It would be entirely unnecessary for them to undertake to duplicate it, for they could get better work by the central organization here in the law library than could be done by their own employees. I do not think there is any reason to assume that they would attempt to make indexes on their own account, and thus get a poorer index, in order to make the law that relates to the various bureaus available for their daily use.

Mr. PERKINS. May I ask the gentleman, without any impropriety——

Mr. LITTLEFIELD. Oh, certainly.

Mr. PERKINS. If this scheme of indexing, in its general features, in reference to which he has consulted with the Librarian of Congress, meets with his approval?

Mr. LITTLEFIELD. Yes; it meets with the approval of the Librarian of Congress; it meets with the approval of the Assistant Attorney-General for the Post-Office Department, it meets with the approval of the chief law officer of the Department of Commerce and Labor, and I think my friend from Nebraska [Mr. KENNEDY] has a very vigorous letter from the Attorney-General of the United States, who also approves of it.

Mr. CLARK of Missouri. I should like to ask the gentleman two or three questions.

Mr. LITTLEFIELD. Certainly.

Mr. CLARK of Missouri. Is not this commission that was appointed to codify the laws, and that undertook to revise them, doing this same identical work?

Mr. LITTLEFIELD. Not at all.

Mr. CLARK of Missouri. Is there not some kind of a commission that we had a wrangle about here four or five weeks ago, making some sort of an index of all the acts passed by Congress?

Mr. LITTLEFIELD. No.

Mr. CLARK of Missouri. What was that ?

Mr. LITTLEFIELD. No; they are simply making a private-bill index. I did not know that there was any such legislation, but the gentleman from Iowa [Mr. SMITH] tells me they are simply making a private-bill index.

Mr. PERKINS. Your index will not cover private bills at all, will it?

Mr. LITTLEFIELD. No. It will scientifically cover the thirty-three volumes of the Statutes at Large.

Mr. PERKINS. Private bills as well as public bills?

Mr. LITTLEFIELD. I imagine so.

Mr. MANN. Not private bills, but private laws. The gentleman said "private bills."

Mr. LITTLEFIELD. Private laws.

Mr. PERKINS. Would they index a pension bill, for instance?

Mr. LITTLEFIELD. If pension bills or private claims were carried along in the general index, it would take up an immense space in the index, and they would not be carried along, I should say, in the scientific manner that is proposed to be employed by these clerks, in the general index of the public laws; that is, they would not cumber up the general index of the public laws with an index of private claims and pension bills. Of course, it is entirely true that people may want to ascertain what private bills have been passed, and that information ought to be available, and undoubtedly will be available, but not in this index of the public laws. Under this, very likely and very properly, they might have an index of private laws.

Mr. CLARK of Missouri. If we establish this commission, what assurance have we that it will not be a continuing and perpetual performance?

Mr. LITTLEFIELD. I am inclined to think, if the gentleman from Missouri will excuse me, that it ought to be. It is not a commission, or a bureau, but it simply authorizes the employment of three additional clerks in the law library, with two stenographers. They can be cut off at any time, and if one can do the indexing that is necessary, and that we all concede we ought to have——

Mr. CLARK of Missouri. Of course.

Mr. LITTLEFIELD. There is no question about it. It is not a permanent appropriation. It is an appropriation simply for this year. If they get their indexing up to date, and these clerks are not necessary, why, they can be cut off on any subsequent appropriation bill. If one clerk, for instance, can keep the scientific indexing up to date, we can regulate and control the matter by simply appropriating for one clerk; only the idea is to have some system for keeping the index up to date after they have completed the indexing now on hand, so that it will be current, and I have no doubt the gentleman will say that is entirely proper.

Mr. CLARK of Missouri. I think it ought to be kept up, but here now you go and appropriate for one year.

Mr. LITTLEFIELD. Yes.

Mr. CLARK of Missouri. Can they do all that work in one year or not?

Mr. LITTLEFIELD. I doubt if they can. They can not bring it up to date in one year. Let me give the gentleman an illustration. A scissors-and-paste index—and that is what first called my attention to this need—has been made now of the thirty-three volumes, and there was an estimate made in the State Department that the value of the work for doing that simply by the use of scissors and paste—and the gentleman who made the estimate did not know how it was done, did not understand the lack of scientific value—was from ten to fifteen thousand dollars. Now, these three clerks and two stenographers could undoubtedly make a scientific index of the same volumes in at least two years' time, and probably less, for which that estimate of something like from ten to fifteen thousand dollars was made, and make it valuable.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask that the gentleman's time be extended for five minutes.

Mr. MAHON. Mr. Chairman, I demand the regular order.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would now like to ask the gentleman a question.

Mr. LITTLEFIELD. Certainly.

Mr. MANN. Mr. Chairman, as I understand—and I ask the gentleman for information—an index has recently been made at a very great expense that everybody concedes to be valueless.

Mr. TAWNEY. It has not been paid for.

Mr. LITTLEFIELD. Nothing has been paid for that index as yet. It has been printed at great expense, but nothing has been paid as compensation for the making of it.

Mr. MANN. It has been made at great expense up to date?

Mr. LITTLEFIELD. That is true.

Mr. MANN. And is valueless?

Mr. LITTLEFIELD. No; I will not go quite so far as to say that. I do not think that can with propriety be said.

Mr. MANN. It is so nearly valueless that the gentleman already wishes to supersede it before it is paid for.

Mr. LITTLEFIELD. That is right.

Mr. MANN. I should say that comes very near to being valueless in the gentleman's opinion. The gentleman's proposition is that he wishes to have some person who is scientifically able to make an index, prepare an index, of both the private and public laws comprised in the volumes of the Statutes at Large. Am I correct?

Mr. LITTLEFIELD. Yes.

Mr. MANN. Does the gentleman not think that in any event, if we have a codification of the laws, the index of the codification and the index of the Statutes at Large ought to be made on the same lines, so that a person who becomes familiar with the index to the codification can find something he wants to find in the index to the Statutes at Large without learning the new system?

Mr. LITTLEFIELD. There is something in the suggestion of the gentleman.

Mr. MANN. In other words, two different men never make an index in the same way.

Mr. LITTLEFIELD. Let me call the gentleman's attention to this fact. The Commission that is now in charge of the revision of the statutes is making an index of that revision. They go out of existence unless Congress increases their tenure as soon as they complete that work. Of course the gentleman concedes, because every gentleman who is intelligent on the subject will, that a proper index is necessary of these thirty-three volumes of the Statutes at Large. Of course that is one of the great things involved in this proposition.

Mr. MANN. I certainly will concede that if a proper codification of the laws is necessary a proper index to the codification is necessary, and if that codification is made in the proper manner, it will contain side notes on each page giving a history of every public statute, which itself is the best index possible of the public statutes.

Mr. SMITH of Iowa. Let me call the gentleman's attention to this, that many of the laws have been repealed and yet have their effect on existing cases. A codification, of course, does not show the history of the laws which have been repealed.

Mr. MANN. The gentleman's suggestion is of value, but it came before I had finished my proposition. I have no doubt that there ought to be a method, an easy method obtained by which a person looking up a law can find the law in an index, but it seems to me that it would be almost a valueless piece of work to now propose to make an index to the Statutes at Large without including in that index the index to the codified laws and without having the index upon the same general schemes; and that in order to do that this matter ought to go to the Committee on the Revision of the Laws. I think we ought to authorize them to sit during the recess. If you make an index to this now without including the codification, you omit the main statute that you want to cover—the principal statute at large of the public law—because you do not cover the codification. The man who looks at the index ought to be able to find the law in the codified law and in connection with that on the same general scheme ought to be able to find the law in the Statutes at Large.

Mr. LITTLEFIELD. I will say to the gentleman frankly that while that may be his view of it, I have had occasion in my time to examine a great many indexes and I never saw one built on that plan. I have examined the index of the revised statutes of my State year after year, and we have in my State legislation annually, and I never found an index of the revised statutes that would give me the necessary light in searching out the legislation from year to year.

Mr. MANN. Well, the gentleman did not listen with his usual acumen.

Mr. LITTLEFIELD. I beg pardon. That may be true, but I was endeavoring to do so.

Mr. MANN. I do not say that the index to the codification ought to include the index to the Statutes at Large, but I say that the Statutes at Large ought to include the index to the codification. It is a perfectly plain proposition, I think the gentleman will admit.

Mr. LITTLEFIELD. That the index of the Statutes at Large ought to include the index to the codification?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. I ask, Mr. Chairman, for two minutes more.

Mr. TAWNEY. Mr. Chairman, I move that all debate on this amendment be closed in five minutes.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Minnesota?

Mr. MANN. I do.

The CHAIRMAN. The gentleman from Minnesota moves that all debate upon the pending paragraph be closed in five minutes.

The motion was agreed to.

Mr. MANN. Does not the gentleman think that if the codification of the Statutes at Large is brought down to the date at which the index is concluded, it would be wiser if we would include the statutes which have been codified——

Mr. LITTLEFIELD. Oh, I do not think we ought to include that at all. I am under an entirely different impression. We have to-day the revision of 1878—that is, the Revised Statutes of the United States—and in the back part of that volume there is an index to the Revised Statutes of the United States, and that is all that that relates to——

Mr. MANN. And all that it ought to relate to.

Mr. LITTLEFIELD. We have thirty-three volumes, or will have thirty-four, perhaps, when this index is completed, and all the index of those thirty-four volumes, if I am right, and I am under the impression I am, all that the index of those thirty-four volumes ought to relate to are those thirty-four volumes. I do not think, if the gentleman will excuse me for making a suggestion, it has any necessary or proper or legal connection with the index of the revision, and it seems to me it ought to be——

Mr. MANN. But the gentleman will see if the index is not completed until the law is codified it will necessarily include the index of the codified law, because that is one of the statutes which will be published as part of the session's laws. The index of the revision and the index to the Statutes at Large ought to be on the same scheme in regard to the same subject.

Mr. LITTLEFIELD. I appreciate the force of the gentleman's suggestion, but it is impracticable to take them that way. This Commission to revise is going out of existence as soon as they complete their work.

Mr. MANN. But I understood this Commission wants to sit during the recess.

Mr. LITTLEFIELD. Now, this present proposition, as I hearty approval of the Committee on Revision of the Laws. Revision of the Laws——

Mr. MANN. I do not so understand it.

Mr. LITTLEFIELD. I so understand it, that it has the hearty approval of the Committee on Revision of the Laws. This index can have no earthly relation to the index made by the Commission. It is entirely independent and separate from it, and it is impracticable, if the gentleman will permit me, to include the two.

Mr. KENNEDY of Nebraska rose.

The CHAIRMAN. Does the gentleman from Maine yield to the gentleman from Nebraska?

Mr. MANN. I believe the time is mine.

Mr. KENNEDY of Nebraska. Mr. Chairman, I would like to ask the gentleman from Maine to have read at the desk in his time before the debate closes the Attorney-General's letter to me on this subject.

Mr. MANN. I will be very glad to have that printed in the RECORD.

Mr. KENNEDY of Nebraska. Would it be asking too much to request the gentleman from Illinois to have the letter read in his time?

Mr. MANN. It would not be if the gentleman will wait until I make a suggestion. I understood the gentleman from Maine to say the Committee on the Revision of the Laws was in favor of this proposition.

Mr. LITTLEFIELD. I so understand.

Mr. MANN. I talked to two gentlemen the other day prominent on the Committee on the Revision of the Laws, including the chairman, and I did not so understand.

Mr. LITTLEFIELD. Then I may be in error.

Mr. MANN. It seems to me that the wisest thing to do, if we are going to permit this committee to sit during the recess, would be to let that committee consider this question. It is right in the line of their work, and let them ascertain what kind of an index we ought to have made and how it shall be brought about, without putting it in here where there may be a conflict.

Mr. LITTLEFIELD. This amendment expressly provides——

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. Mr. Chairman, I want the amendment read. I was not present when it was read before, and some other gentlemen would also like to hear it.

Mr. KENNEDY of Nebraska. Mr. Chairman, I ask unanimous consent that the letter written to me by the Attorney-General of the United States covering this matter be read to the House.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that a letter addressed to him by the Attorney-General be read. Is there objection?

Mr. TAWNEY. Mr. Chairman, we have consumed almost an hour on this proposition. I object.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Maine [Mr. LITTLEFIELD] will be again read.

Mr. MANN. Mr. Chairman, I ask that the letter referred to by the gentleman from Nebraska [Mr. KENNEDY] be printed in the RECORD.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the letter referred to by the gentleman from Nebraska be printed in the RECORD. Is there objection?

There was no objection.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE,
Washington, June 12, 1906.

Hon. JOHN L. KENNEDY,
House of Representatives, Washington, D. C.

SIR: I have received your letter of the 7th instant, inclosing House resolution No. 538 relative "to the preparation of a thoroughly good index to the Statutes at Large and such other compilations, digests, and indexes as may be required from time to time for the use of Congress or other official use," and you are at liberty to say that I heartily indorse the object of your resolution.

A new index to the public acts and resolutions found in the thirty-three volumes of the Statutes at Large would, if thoroughly done, be of great use to this Department. It is frequently necessary, not only to know the existing law, but the statutes which preceded the existing law and the interpretation which the courts have given the earlier statutes, as, for example, the various bankruptcy laws.

As rapidly as the chapters of the new edition of the Revised Statutes are enacted they ought to be indexed by expert law indexers; and each year the new statutes of general and permanent interest ought to be indexed in accordance with the same general plan.

There is undoubtedly a certain quantity of compiling, digesting, and indexing of law required by the bureaus, etc., of the Executive Departments and the committees of Congress. Until a particular work is printed, few, if any, outside of the particular office in which it is prepared know about it. It is impossible to estimate accurately the present cost of this work, because it is prepared under so many different circumstances—special appropriations in some instances and regularly employed clerks at different salaries in other instances. If the work were systematized at some central point and placed in the hands of specially trained law clerks, it would undoubtedly be better and more economically done than it is at present.

Respectfully,

W. H. MOODY,
Attorney-General.

The CHAIRMAN. Is there objection to again reporting the amendment offered by the gentleman from Maine [Mr. LITTLEFIELD]?

There was no objection.

The Clerk again read the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine [Mr. LITTLEFIELD].

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. LITTLEFIELD. Division, Mr. Chairman.

The House divided; and there were—ayes 45, noes 42.

So the amendment was agreed to.

Mr. BARTLETT. Mr. Chairman, I desire to address myself to the preceding section, and only for a minute or two, if the committee will not object, in reference to the enforcement of the antitrust law. I ask unanimous consent that I may proceed for a few minutes.

The CHAIRMAN. The gentleman asks unanimous consent to return to the preceding section.

Mr. BARTLETT. Yes; for five minutes.

Mr. TAWNEY. I will consent to it if it is to be simply a pro forma amendment.

Mr. BARTLETT. That is all.

Mr. TAWNEY. For discussion?

Mr. BARTLETT. That is all.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Georgia [Mr. BARTLETT] is recognized for five minutes.

Mr. BARTLETT. I shall detain the committee but for a few moments. The enforcement of the antitrust law under the act of Congress specified in this section is a provision which I had the honor to offer and have placed upon the legislative, executive, and judicial appropriation bill in December,

1902, which became a law February 25, 1903, and provided for an appropriation for the enforcement of the law against trusts. This law has been, in a measure, enforced since that time. In 1902 I offered an amendment appropriating only $250,000. That was met by an amendment offered by the gentleman from Iowa [Mr. HEPBURN] increasing the sum to $500,000. I take the floor merely to call attention to the fact that while we appropriated $500,000 in 1902 there still remains, after paying—I will not say exorbitant, but large—salaries to attorneys and other officers of the Department of Justice in the prosecution of these trust companies, on March 17, 1903, unexpended $379,000 of this fund.

Mr. TAWNEY. Will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. TAWNEY. I want to say there is a little over $100,000 left. Forty-five thousand dollars has been appropriated out of that fund for the coal and oil investigation, and this bill carries an appropriation of $160,000 more out of that fund for the same purpose. The committee believing that this money was appropriated for the investigation of violations of the antitrust law, and as this investigation is now going on along that line, the money heretofore appropriated should be made available for that purpose.

Mr. BARTLETT. I agree thoroughly with the gentleman and the committee that they did the proper thing. I have no criticism to make of the committee, but I merely call attention to the fact that the amendment I offered for $250,000 four years ago nearly was ample to answer all the purposes that the Administration has undertaken to carry out in the enforcement of the antitrust law since then, and that the $500,000 provided for by the bill in 1902 was unnecessary. With the large sums spent in the investigation of the violations of the antitrust law, with the large sums paid to detectives for inquiring into these violations, and the large salaries paid to assistant attorneys and special attorneys the Administration has not yet been able to expend $250,000 that was provided in the amendment that I offered to the bill in 1902.

I will not say anything further in reference to that, Mr. Chairman, except to ask permission to incorporate in the RECORD the evidence of witnesses who appeared before the Committee on Appropriations and the statements made before that committee in the hearings, which I hold in my hand, in order to show the country what has been done with this sum, and the amount which has been spent and the manner it has been paid out. I ask that permission, Mr. Chairman. [Loud applause.]

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The matter is as follows:

ENFORCEMENT OF ANTITRUST LAWS.

Mr. TAWNEY. Can you tell us how much money has been expended out of that special fund of $500,000?

Mr. GLOVER. I can not tell you; I don't know.

Mr. LITTAUER. We would like you to find out; you have the accounts, have you not, in your charge, the accounts of the Department?

Mr. GLOVER. Yes; I am chief of the division.

Mr. LITTAUER. I would like to have you make up a statement and send it to us as early as you can, covering all the expenditures included in the appropriation of $500,000, the balances which have been reappropriated from year to year, made available from year to year, that have taken place since the appropriation was made for the enforcement of the antitrust law.

Mr. GLOVER. Yes, sir.

Mr. LIVINGSTON. The amounts paid, and to whom.

Mr. LITTAUER. Including, of course, the expenditures to the 1st of January from the time the amount was originally available.

Mr. KENNARD. The amount paid to each person?

Mr. LITTAUER. No; the amount paid each year, and in the fiscal year 1905, and for the half year of 1906.

Mr. KENNARD. The total amount.

Mr. LITTAUER. The total amounts for each year.

Mr. LIVINGSTON. And we want the amount paid to each person.

Mr. TAWNEY. If it is practical.

Mr. GLOVER. We have a whole lot of necessary employees of the Government, but I don't think the committee would want to have all that in here; it may be a disclosure that you would not want. It might be a benefit to some of these antitrust people, who would be glad to know who was employed to run them out.

Mr. LITTAUER. Put it in as full shape as you think the proper interests of all concerned warrant.

ENFORCEMENT OF ANTITRUST LAWS.

The next is the enforcement of the antitrust laws.

Mr. FIELD. The estimate merely provides that the unexpended balance shall be made available for the next fiscal year. That has been on every year since the $500,000 appropriation was started.

Mr. SULLIVAN. What balance is there?

Mr. FIELD. The unexpended balance at present, after deducting the $40,000 transferred to the Interstate Commerce Commission, is $298,000. That is the unexpended balance to-day.

Mr. SULLIVAN. Up to what date?

Mr. FIELD. Up to to-day.

Mr. SULLIVAN. That is excluding the $40,000 for the Tillman-Gillespie resolution?

Mr. FIELD. Yes.

Mr. TAYLOR. That was $45,000, was it not?

Mr. FIELD. It was either $40,000 or $45,000.

The CHAIRMAN. You have submitted to the committee at this Congress a detailed statement of the expenditures out of the fund?

Mr. FIELD. Yes. That was incident to the urgent deficiency bill.

The CHAIRMAN. It was printed in full in the hearings on the urgent deficiency bill.

Mr. SULLIVAN. Is the Department of Justice now prosecuting any trust cases?

Mr. FIELD. I can hardly answer that. I am not familiar with just what prosecutions the Attorney-General is making or preparing to make. There are several cases under investigation, but in just what state the prosecutions are I could not answer.

The CHAIRMAN. One is the tobacco trust.

Mr. SULLIVAN. What is the status of the beef cases?

The CHAIRMAN. I do not know.

Mr. SULLIVAN. You are through with the beef cases now, unless Congress should grant an appeal?

Mr. FIELD. I understand so.

ENFORCEMENT OF ANTITRUST LAWS.

DEPARTMENT OF JUSTICE,
Washington, January 16, 1906.

Hon. L. M. LITTAUER,
Chairman Subcommittee on Deficiency Appropriations,
House of Representatives.

DEAR SIR: In response to a verbal request made by your committee of officials of this Department at a hearing on the urgent deficiency bill on Saturday last, the 13th instant, for a statement of the amounts expended under the appropriation for the enforcement of the antitrust laws, I have the honor to send you herewith a statement showing in detail the expenditures under this appropriation from March 17, 1903, to January 16, 1906, giving the names of the parties to whom payments were made and the date, purpose, and amount of payment.

Respectfully,

M. D. PURDY,
Acting Attorney-General.

Statement showing amount expended under appropriation "Enforcement of antitrust laws."

Name.	When paid.	Paid for—	Amount.	Total.
W. A. Day	March, 1903	Salary	$291.67	$291.67
Do	April, 1903	do	576.90	
M. D. Purdy	do	do	412.10	
W. M. Collier	do	do	210.16	
J. C. Morcock	do	do	35.16	1,234.32
D. T. Watson	May, 1903	Expenses	500.90	
Do	do	Professional services	10,000.00	
W. A. Day	do	Salary	596.20	
M. D. Purdy	do	do	425.80	
W. M. Collier	do	do	383.20	
J. C. Morcock	do	do	136.20	12,042.30
Smith Bros	June, 1903	Expenses	180.00	
R. S. Taylor	do	do	80.00	
W. A. Day	do	Salary	576.90	
M. D. Purdy	do	do	412.10	
W. M. Collier	do	do	370.90	
G. C. Todd	do	do	39.56	
J. C. Morcock	do	do	131.90	
J. H. Graves	do	do	131.90	1,923.26
W. A. Day	July, 1903	do	589.70	
M. D. Purdy	do	do	421.20	
W. M. Collier	do	do	379.10	
G. C. Todd	do	do	134.80	
J. C. Morcock	do	do	134.80	
J. H. Graves	do	do	134.80	1,794.40
W. A. Day	August, 1903	do	589.70	
M. D. Purdy	do	do	421.20	
W. M. Collier	do	do	379.10	
G. C. Todd	do	do	134.80	
J. C. Morcock	do	do	134.80	
J. H. Graves	do	do	134.80	
W. J. Hughes	do	Expenses	23.85	1,818.25
W. A. Day	September, 1903	do	61.50	
Do	do	Salary	570.60	
M. D. Purdy	do	do	407.60	
W. M. Collier	do	do	366.80	
G. C. Todd	do	do	130.40	
J. C. Morcock	do	do	130.40	
J. H. Graves	do	do	130.40	1,797.70
W. A. Day	October, 1903	do	589.70	
M. D. Purdy	do	do	421.20	
W. M. Collier	do	do	379.10	
G. C. Todd	do	do	134.80	
J. C. Morcock	do	do	134.80	
J. H. Graves	do	do	30.43	1,690.03
W. A. Day	November, 1903	do	570.60	
M. D. Purdy	do	do	407.60	
W. M. Collier	do	do	366.80	
G. C. Todd	do	do	130.40	
J. C. Morcock	do	do	130.40	1,605.80
H. N. Saxton	December, 1903	Expenses	127.73	
W. A. Day	do	Salary	589.70	
M. D. Purdy	do	do	421.20	
W. M. Collier	do	do	379.10	
G. C. Todd	do	do	134.80	
J. C. Morcock	do	do	134.80	1,787.33
W. A. Day	January, 1904	do	596.20	
M. D. Purdy	do	do	425.80	

Statement showing amount expended under appropriation "Enforcement of antitrust laws"—Continued.

Name.	When paid.	Paid for—	Amount.	Total.
W. M. Collier	January, 1904	Salary	$383.20	
G. C. Todd	do	do	170.30	
J. C. Morcock	do	do	136.30	
				$1,711.80
W. A. Day	February, 1904	do	557.60	
M. D. Purdy	do	do	388.40	
W. M. Collier	do	do	358.60	
G. C. Todd	do	do	159.40	
J. C. Morcock	do	do	127.40	
				1,601.40
J. L. Harr	March, 1904	Expenses	156.00	
W. A. Day	do	Salary	596.20	
M. D. Purdy	do	do	425.80	
W. M. Collier	do	do	383.20	
G. C. Todd	do	do	170.30	
J. C. Morcock	do	do	136.30	
				1,867.80
W. A. Day	April, 1904	do	576.90	
M. D. Purdy	do	do	412.10	
W. M. Collier	do	do	370.50	
G. C. Todd	do	do	164.80	
J. C. Morcock	do	do	131.90	
				1,656.60
W. A. Day	May, 1904	do	596.20	
M. D. Purdy	do	do	425.80	
W. M. Collier	do	do	383.20	
G. C. Todd	do	do	170.40	
J. C. Morcock	do	do	136.20	
				1,711.80
W. A. Day	June, 1904	do	576.90	
M. D. Purdy	do	do	412.10	
W. M. Collier	do	do	370.90	
G. C. Todd	do	do	164.80	
J. C. Morcock	do	do	131.90	
				1,656.60
G. C. Todd	September, 1904	do	500.00	
				500.00
Do	October, 1904	do	166.66	
H. C. Dickey	do	Salary and expenses	102.90	
T. I. Porter	do	do	358.30	
E. T. McHugh	do	do	41.35	
E. A. Gormon	do	do	34.45	
E. P. McAdams	do	do	88.25	
				791.91
O. E. Pagin	November, 1904	Expenses	145.08	
T. I. Porter	do	Salary and expenses	111.36	
E. P. McAdams	do	do	146.40	
T. I. Porter	do	do	570.66	
E. A. Gormon	do	do	59.75	
O. E. Pagin	do	Expenses	93.06	
D. W. Meredith	do	do	17.50	
G. C. Todd	do	Salary	166.67	
				1,310.48
E. J. McHugh	December, 1904	Salary and expenses	67.00	
E. A. Gormon	do	do	77.35	
E. P. McAdams	do	do	219.75	
T. I. Porter	do	do	185.40	
E. P. McAdams	do	do	155.50	
G. C. Todd	do	do	166.67	
O. E. Pagin	do	Salary	1,537.50	
				2,409.17
T. I. Porter	January, 1906	Salary and expenses	53.32	
E. J. McHugh	do	do	151.38	
G. C. Todd	do	Salary	208.33	
				413.03
E. J. McHugh	February, 1905	Salary and expenses	187.17	
T. I. Porter	do	do	62.77	
G. C. Todd	do	Salary	208.33	
F. B. Kellogg	do	Professional services	500.00	
H. W. Taft	do	do	1,000.00	
E. N. Hill	do	do	1,000.00	
J. Harmon	do	do	1,000.00	
F. N. Judson	do	do	1,000.00	
				4,958.27
B. & O. R. R. Co	March, 1905	Transportation	17.50	
Pennsylvania R. R. Co.	do	do	25.00	
V. N. Roadstrum	do	Salary and expenses	383.45	
J. D. Maher	do	do	122.80	
E. J. McHugh	do	do	188.90	
T. I. Porter	do	do	175.56	
Do	do	do	110.86	
Do	do	do	248.64	
Do	do	do	167.42	
Do	do	do	336.89	
Do	do	do	224.72	
E. St. Clair	do	Expenses	38.89	
Do	do	Salary	166.67	
G. C. Todd	do	do	208.34	
				2,415.64
O. E. Pagin	April, 1905	Expenses	123.10	
V. N. Roadstrum	do	Salary and expenses	466.30	
E. St. Clair	do	do	180.52	
T. I. Porter	do	do	572.47	
S. E. Simonson	do	do	183.70	
Do	do	do	211.83	
J. D. Maher	do	do	229.60	
E. J. McHugh	do	do	209.82	
G. B. Porter	do	Expenses	20.50	
T. I. Porter	do	Salary and expenses	235.84	
Do	do	do	135.63	
J. D. Maher	do	do	162.35	
G. C. Todd	do	do	208.33	
				2,939.99
Pullman Co	May, 1905	Transportation	5.00	
O. E. Pagin	do	Expenses	182.65	
V. N. Roadstrum	do	Salary and expenses	490.05	

Statement showing amount expended under appropriation "Enforcement of antitrust laws"—Continued.

Name.	When paid.	Paid for—	Amount.	Total.
H. B. Duncan	May, 1905	Salary	$50.00	
E. St. Clair	do	Salary and expenses	181.96	
T. I. Porter	do	do	4,181.42	
S. E. Simonson	do	do	310.49	
W. J. McDermott	do	do	128.57	
Do	do	do	112.65	
A. M. Tillman	do	do	175.05	
N. C. Dolan	do	do	198.95	
J. E. Washer	do	do	179.40	
R. H. Taylor	do	do	218.40	
H. B. Duncan	do	do	200.00	
F. M. Tate	do	do	221.45	
H. T. Donaghy	do	do	226.70	
G. C. Todd	do	Salary	208.33	
O. E. Pagin	do	do	1,963.88	
F. H. Levy	do	Professional services	550.00	
E. N. Hill	do	do	700.00	
				$10,484.95
V. N. Roadstrum	June, 1905	Salary and expenses	513.04	
E. St. Clair	do	do	180.12	
E. J. McHugh	do	do	245.40	
G. E. Burns	do	do	348.10	
E. A. Gormon	do	do	125.45	
O. E. Pagin	do	do	188.37	
T. I. Porter	do	do	939.13	
W. J. McDermott	do	Salary	120.00	
L. Richey	do	Salary and expenses	330.65	
O. F. Klinke	do	do	254.30	
W. J. McDermott	do	Salary	120.00	
R. F. & P. R. R	do	Transportation	50.00	
G. T. Rwy	do	do	26.20	
Tenn. Cent. R. R.	do	do	9.65	
Pullman Co	do	do	10.00	
Penna. R. R	do	do	22.00	
Do	do	do	17.00	
G. C. Todd	do	Salary	208.34	
E. N. Hill	do	Professional services	200.00	
F. B. Kellogg	do	do	2,500.00	
F. H. Levy	do	do	1,000.00	
H. W. Taft	do	do	1,000.00	
				8,407.75
C., C., C. & St. L. Rwy.	July, 1905	Transportation	35.00	
H. B. Duncan	do	Salary	200.00	
E. St. Clair	do	Salary and expenses	175.32	
O. E. Pagin	do	Expenses	117.85	
T. I. Porter	do	Salary and expenses	100.67	
V. N. Roadstrum	do	do	477.39	
G. E. Burns	do	do	251.40	
E. J. McHugh	do	do	222.80	
L. Richey	do	do	270.75	
T. I. Porter	do	do	115.20	
S. E. Simonson	do	do	408.99	
Do	do	do	335.24	
M. D. Purdy	do	Expenses	73.75	
A. B. Clark	do	Salary and expenses	40.00	
C. Starek	do	do	610.00	
H. M. Stackhouse	do	do	4.20	
M. D. Purdy	do	Expenses	152.73	
W. J. McDermott	do	Salary	150.00	
G. C. Todd	do	do	208.33	
J. H. Graves	do	do	208.33	
F. H. Levy	do	Professional services	100.00	
E. N. Hill	do	do	200.00	
F. N. Judson	do	do	4,000.00	
J. Harmon	do	do	4,000.00	
				12,458.55
H. B. Duncan	August, 1905	Salary and expenses	253.90	
T. K. Bruner	do	do	67.50	
W. D. Miles	do	do	194.00	
V. N. Roadstrum	do	do	458.68	
E. St. Clair	do	Salary	166.66	
T. I. Porter	do	Salary and expenses	425.12	
G. E. Burns	do	do	248.00	
E. J. McHugh	do	do	217.00	
O. E. Pagin	do	Expenses	216.07	
L. Richey	do	Salary and expenses	168.00	
E. P. Grosvenor	do	do	120.83	
J. F. Johnson	do	Expenses	25.00	
E. N. Hill	do	Salary	150.00	
G. C. Todd	do	do	208.33	
J. H. Graves	do	do	208.33	
A. K. Morrison	do	do	25.00	
				3,152.42
L. & N. R. R. Co	September, 1905	Transportation	25.00	
So. Rwy. Co	do	do	19.95	
V. N. Roadstrum	do	Salary and expenses	388.39	
W. J. McDermott	do	Salary	120.00	
E. P. Grosvenor	do	do	125.00	
Do	do	Expenses	11.95	
O. E. Pagin	do	do	203.60	
F. M. Tate	do	Salary and expenses	287.50	
M. J. Thomas	do	do	53.10	
H. B. Duncan	do	do	206.35	
E. J. McHugh	do	do	226.45	
E. St. Clair	do	do	168.57	
Gunthorp-Warren Printing Co.	do	Expenses	17.50	
T. I. Porter	do	Salary and expenses	276.37	
E. P. Grosvenor	do	Expenses	55.81	
Do	do	do	26.75	
Do	do	Salary and expenses	233.13	
O. E. Pagin	do	Salary	833.34	
F. H. Levy	do	Professional services	500.00	
E. N. Hill	do	do	200.00	
G. C. Todd	do	Salary	208.34	

Statement showing amount expended under appropriation "Enforcement of antitrust laws"—Continued.

Name.	When paid.	Paid for—	Amount.	Total.
J. H. Graves	September, 1905	Salary	$208.34	
A. K. Morrison	do	do	75.00	
				$4,470.44
E. St. Clair	October, 1905	do	166.67	
V. N. Roadstrum	do	Salary and expenses	405.12	
W. J. McDermott	do	Salary	150.00	
H. B. Duncan	do	Salary and expenses	294.00	
O. E. Pagin	do	Expenses	120.51	
T. I. Porter	do	Salary and expenses	240.94	
H. T. Donaghy	do	do	264.00	
F. M. Tate	do	do	216.95	
L. Richey	do	do	212.25	
M. J. Thomas	do	do	212.66	
E. J. McHugh	do	do	241.35	
E. A. Gormon	do	do	135.80	
M. J. Thomas	do	do	23.50	
B. Davis	do	Salary	133.33	
H. M. Stackhouse	do	Salary and expenses	5.00	
J. H. Graves	do	Expenses	16.60	
E. P. Grosvenor	do	Salary and expenses	229.01	
W. J. McDermott	do	Salary	120.00	
G. C. Todd	do	do	90.28	
J. H. Graves	do	do	208.33	
A. K. Morrison	do	do	52.50	
A. F. Embry	do	do	33.33	
E. N. Hill	do	Professional services	125.00	
F. H. Levy	do	do	150.00	
H. W. Taft	do	do	350.00	
Pullman Co	do	Transportation	10.00	
Pennsylvania R. R. Co.	do		10.00	
Pullman Co	do		5.00	
Atlantic Coast Line.	do		7.75	
				4,232.88
V. N. Roadstrum	November, 1905	Salary and expenses	395.58	
B. Davis	do	Salary	200.00	
E. St. Clair	do	do	166.66	
T. I. Porter	do	Salary and expenses	319.12	
H. T. Donaghy	do	do	219.50	
E. J. McHugh	do	do	248.63	
F. M. Tate	do	do	248.40	
L. Richey	do	do	248.50	
H. B. Duncan	do	do	297.70	
E. A. Gormon	do	do	28.00	
O. E. Pagin	do	Expenses	206.60	
M. D. Purdy	do	do	118.15	
H. B. Duncan	do	Salary and expenses	355.14	
J. H. Graves	do	Salary	208.33	
A. F. Embry	do	do	100.00	
E. N. Hill	do	Professional services	200.00	
				3,561.31
Baltimore and Ohio R. R.	December, 1905	Transportation	54.00	
Central of Georgia R. R.	do	do	25.00	
Seaboard Air Line Rwy.	do	do	6.40	
W. J. McDermott	do	Salary	120.00	
V. N. Roadstrum	do	Salary and expenses	379.14	
B. Davis	do	Salary	200.00	
E. St. Clair	do	do	166.67	
E. P. Grosvenor	do	do	166.67	
O. E. Pagin	do	Expenses	137.55	
T. I. Porter	do	Salary and expenses	324.17	
E. J. McHugh	do	do	240.66	
L. Richey	do	do	240.00	
F. M. Tate	do	do	241.02	
H. T. Donaghy	do	do	240.20	
J. N. Golding	do	Expenses	50.00	
Gunthorp-Warren Printing Co.	do	do	18.00	
O. E. Pagin	do	do	141.35	
Do	do	Salary	2,500.00	
J. H. Graves	do	do	208.34	
A. F. Embry	do	do	70.00	
				5,529.17
H. B. Duncan	January, 1906	Salary and expenses	424.84	
W. J. McDermott	do	Salary	155.00	
W. D. Miles	do	Salary and expenses	53.83	
V. N. Roadstrum	do	do	435.01	
E. St. Clair	do	Salary	166.67	
F. M. Tate	do	Salary and expenses	254.30	
H. T. Donaghy	do	do	155.50	
E. J. McHugh	do	do	253.92	
T. I. Porter	do	do	319.92	
B. Davis	do	Salary	200.00	
L. Richey	do	Salary and expenses	254.46	
C. Starek	do	do	60.00	
J. N. Golding	do	Expenses	50.00	
New York Telephone Co.	do	do	7.20	
Do	do	do	7.00	
E. P. Grosvenor	do	Salary	166.67	
J. M. Beck	do	Professional services	7,500.00	
F. B. Kellogg	do	do	6,000.00	
				16,465.32
Grand total				120,692.34
Less disallowances.				10.00
Total amount expended.				120,682.34

RECAPITULATION.

Total amount appropriated	$500,000.00
Total amount expended	120,682.34
Balance	379,317.66

The above covers the period from March 17, 1903, to January 16, 1906, inclusive.

Mr. WILEY of New Jersey. Mr. Chairman, I ask unanimous consent to return to page 77 for the purpose of introducing an amendment, which I send to the Clerk's desk, and ask that the House hear the amendment before passing on my request.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to return to page 77 for the purpose of offering an amendment, which the Clerk will report for the information of the committee.

The Clerk read as follows:

On page 77, line 18, add: "Private individuals or corporations may have the tests referred to in the last two paragraphs made under the United States authorities in charge by paying to the United States Government the actual cost of such tests, in accordance with the method and rules now in vogue for private testing at the Watertown Arsenal."

Mr. TAWNEY. I object, Mr. Chairman.

The CHAIRMAN. Objection is made.

The Clerk read as follows:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, $475,000: *Provided*, That this appropriation shall be available for the payment of the salaries of regularly appointed clerks to United States district attorneys for services rendered during vacancy in the offices of the United States district attorney: *Provided further*, That clerks and messengers in the office of the United States district attorney for the southern district of New York shall hereafter be paid from this appropriation and subsequent appropriations for salaries and expenses of district attorneys, by the disbursing clerk of the Department of Justice, in such number and at such salaries as may be fixed by the Attorney-General, and that such office expenses of said district attorney as may be approved by the Attorney-General shall also be paid in the same manner and from the same appropriations as similar expenses in other judicial districts, notwithstanding the provisions of section 836, Revised Statutes.

Mr. OLMSTED. I offer an amendment.

Mr. PERKINS. Mr. Chairman, I rise to reserve the point of order, beginning with the word "*Provided*," in line 25, page 144, and going to the end of the paragraph.

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania that as long as the point of order is reserved his amendment is not in order. The gentleman from New York reserves the point of order on that portion which the Clerk has just read, beginning with "*Provided further*," at the bottom of page 144.

Mr. PERKINS. That provision, Mr. Chairman, is not based on anything that is contained in existing law. But if the gentleman in charge of the bill can furnish an explanation of this change that is satisfactory to me, I shall not press the point of order. I do not understand the provision, and do not see why it should be made.

Mr. TAWNEY. Mr. Chairman, this provision was inserted in the bill upon the recommendation of the Department of Justice or the Attorney-General. Mr. Glover, of the Department of Justice, when before the committee, made a very full statement in regard to the necessity for this legislation, and if the gentleman from New York will turn to page 1133 of the hearings he will see. A question was asked: "I observe that you recommend a change of law here."

Mr. GLOVER. Yes; that is made necessary. I also had a bill introduced in Congress, introduced by the chairman of the Committee on the Judiciary of the United States Senate and the like committee of the House. The district attorney formerly was paid fees in the southern district of New York, but by a provision in the appropriation bill last year he became a salaried officer. Under section 834 of the Revised Statutes he was also entitled to expenses of his office, and he rendered monthly accounts. He does yet under the law, and he renders his accounts for what he pays for clerical assistance and other expenses. This is to make them paid like the same class of men in other districts—paid by the disbursing officer of the Department.

The CHAIRMAN. And is that the reason for the increase in your estimate above your present appropriation, from $440,000 to $475,000?

Mr. KENNARD. That does not affect the amount of the appropriation. That legislation would not change the amount of expenses in any way. It would merely provide a different way of paying them.

Mr. GLOVER. It would affect the amount paid from this appropriation. They are now paid from miscellaneous expenses of the United States courts.

Mr. SULLIVAN. So that hereafter his clerks and messengers would be paid directly, and not upon accounts by him?

Mr. GLOVER. Yes; as other salaried officers are paid by our disbursing officer, rather than have the district attorney pretend that he has paid all these clerks and had rendered an account as if he had actually paid them.

It was in the interest of better administration, and the committee felt that it should be enacted.

Mr. PERKINS. I would like to ask the gentleman from Minnesota whether, when the United States attorney for the southern district of New York was paid by fees, he paid out of

his fees the salaries of those he employed, or were those employed paid by the General Government?

Mr. TAWNEY. The salaries of his assistants were paid out of the fees of the office heretofore.

Mr. PERKINS. While it was a salaried office?

Mr. TAWNEY. At the present time the district attorney is allowed to pay out the fees of the office, and he reports as having paid the miscellaneous expenses. Now, he simply renders an account of having paid so much miscellaneous expenses, and the disbursing officer of the Department of Justice allows him that amount. Now, this is for the purpose of requiring all the people employed in his office to be paid directly by the disbursing officer, and the disbursing officer will then know and the Department of Justice will then know whether he has these people actually employed or not.

Mr. PERKINS. I will say to the gentleman from Minnesota that my objection to this change is not to the manner in which these expenses are to be paid by the disbursing officer, which may be a more convenient way; but the section also provides that the number of the clerks and employees in the office of the United States district attorney and their salaries shall be fixed by the Attorney-General. Is not that unusual?

Mr. TAWNEY. No; it is not. It is true now in all the other districts.

Mr. PERKINS. In all district-attorney offices?

Mr. TAWNEY. My understanding is that it is true in all of them except this one. It is true, as my colleague suggests, of all these offices. Inasmuch as the expense account, the complete expense account, is allowed in a lump sum, they never know whether the full amount is expended or not. Now, this provision will give the Attorney-General the power to determine, first, how many clerks he shall have, how many assistants, and then fix their salaries, and they are paid by the disbursing officer of the Department of Justice, as all the other employees in all the other districts are paid.

Mr. PERKINS. Is it the case, for instance, in the northern district of New York that the number of clerks, the number of assistants, and their salaries are fixed absolutely in the power and by the judgment of the Attorney-General?

Mr. TAWNEY. That is absolutely true in every district in the United States except this one.

Mr. MANN. Absolutely true, except that it is governed by the amount appropriated for the purpose.

Mr. TAWNEY. Why, certainly; within the limit of the appropriation.

Mr. PERKINS. I withdraw the point of order, Mr. Chairman.

Mr. OLMSTED. Mr. Chairman, then I offer the amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding after the word "Statutes," in line 12, page 145, the following: "*And provided further*, That section 2 of the act of June 30, 1902, being chapter 1335, as found in Statutes at Large, volume 32, part 1, page 549, shall be, and the same is hereby, repealed."

Mr. TAWNEY. I reserve the point of order.

Mr. OLMSTED. Mr. Chairman, I hope the chairman of the Committee on Appropriations will not press the point of order. The amendment does not affect the integrity of his bill nor the amount of the appropriation at all. In my judgment, the amendment would not be subject to the point of order. The paragraph itself would have been subject to a point of order, and no point being made against the paragraph a point of order would not lie against any germane amendment to the paragraph.

Mr. TAWNEY. It does not carry any appropriation, does it?

Mr. OLMSTED. It does not.

Mr. TAWNEY. I withdraw the point of order.

Mr. KEIFER. I do not fully understand the object to be attained, and I reserve the point of order.

Mr. PERKINS. Mr. Chairman, I ask that the amendment be again reported. I was unable to understand it.

Mr. OLMSTED. I think I can state it. It has reference only to the place or places of keeping the records by the clerks in the middle district in Pennsylvania. It leaves that matter just where it was in the original act creating the district before the second section, which I propose to repeal, was injected into a special bill passed in 1902 and approved June 30, 1902, amending the act creating the district.

Mr. BENNET of New York. Does this in any way affect the district attorney's office of the southern district of New York?

Mr. OLMSTED. Not at all, nor in any other district.

The CHAIRMAN. Does the gentleman from Ohio insist on his point of order?

Mr. KEIFER. I withdraw the point of order.

The question being taken on the amendment of Mr. OLMSTED, it was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes;

H. R. 19264. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907; and

H. R. 18750. An act making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 118. An act to amend sections 713 and 714 of an act to establish a code of law for the District of Columbia, approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and for other purposes;

H. R. 8973. An act to amend section 5200, Revised Statutes of the United States, relating to national banks; and

H. R. 15333. An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 3997. An act for the relief of John A. Meroney.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6451. An act to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River flowing over the dams between St. Paul and Minneapolis, Minn.;

S. 6395. An act for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, and other considerations, for lands adjacent thereto, between Le Grand Young and the Government of the United States, and for other purposes;

S. 6364. An act to incorporate the National Child Labor Committee;

S. 6214. An act for the relief of Jarib L. Sanderson;

S. 5698. An act to regulate the practice of veterinary medicine in the District of Columbia;

S. 4184. An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii;

S. 4089. An act to place David Robertson, sergeant, first class, Hospital Corps, on the retired list of the United States Army;

S. 2732. An act for the protection of wild animals in the Grand Canyon Forest Reserve;

S. 1442. An act to increase the efficiency of the militia and promote rifle practice;

S. 544. An act to provide for the purchase of a site for a public building in the city of Great Falls, Mont.; and

S. R. 66. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. José Martin Calvo, of Costa Rica.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 19681) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7771. An act for the relief of Judd O. Hartzell; and

H. R. 4464. An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 544) to provide for the purchase of a site for a public building in the city of Great Falls, Mont.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For fees of United States district attorney for the District of Columbia, $23,800.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I should like to have some explanation from the gentleman in charge of the bill in reference to this provision. If I understand the law aright, apparently the district attorney of the District of Columbia receives as compensation a sum almost twice as large as the Chief Justice of the United States. Is that the law and is that the fact?

Mr. TAWNEY. He receives a salary of $5,500 a year.

Mr. PERKINS. Then explain to me what is meant by paying him $23,000 of fees.

Mr. TAWNEY. That covers all the expenses of his office.

Mr. PERKINS. How much are the expenses of the office? How much is the job worth, in other words? That is the question I should like to have answered.

Mr. TAWNEY. Five thousand five hundred dollars is all the money he can receive under the law.

Mr. PERKINS. What does he do with the $23,000 of fees?

Mr. TAWNEY. He must pay his office help out of it, and the balance is turned into the Treasury of the United States.

Mr. PERKINS. That is the balance above the payment of what?

Mr. TAWNEY. His own salary and the salaries of his assistants and clerks. The balance is paid into the Treasury of the United States.

Mr. PERKINS. Where is the provision of law that requires that? Because this bill gives over to him $23,800 of fees. What does he do with it, and where is the provision of law that requires him to turn it over?

Mr. TAWNEY. There is a general statute which expressly provides that he may retain out of the fees of his office his own salary of $5,500 and the salaries of his assistant attorneys, the salaries of his clerks and stenographers and messengers, and the balance, if any, shall be turned into the Treasury of the United States. That is the general statute.

Mr. PERKINS. Last year in this same bill the fees received by the district attorney of New York, which made that office a very enormous job, were abolished. I see the statute reads that in no case, except the District of Columbia, shall United States attorneys hereafter receive fees of office in addition to the salary provided by law. What was the object of that exception if, as the gentleman says, all that is done is the $23,000 is paid over to him and is by him paid back? Why is not the procedure in the District of Columbia made the same that it is in every other district, as I understand, in the country, and why, when the committee changed the law in reference to the southern district of New York, in order to prevent the district attorney getting an enormous compensation from fees, was an exception made of the District of Columbia? I can not understand it, if, as the gentleman says, he simply receives a salary, takes the fees, and pays them back again. Why should not the process be the same as in every other district in the country?

Mr. TAWNEY. Mr. Chairman, the office of United States district attorney of the District of Columbia is practically under the eye of the Attorney-General, under the eye of the disbursing officer, and it is very easy for the Attorney-General's office to determine whether or not the discretion he has in respect to employment, the payment of assistants and clerks is being abused or is not being abused, and I presume that is the reason. The gentleman has asked me to give reasons for legislation enacted many years ago. This I can't do, except by inference.

Mr. PERKINS. It was reported by the gentleman's own committee last year.

Mr. TAWNEY. I have no knowledge of the reasons for the legislation, although I am informed that there is a long story of Maryland politics behind it.

Mr. MUDD. I don't think the gentleman has any information about Maryland politics behind it, and such is not the fact.

Mr. PERKINS. The practical question is whether under the guise of this change, and the exception of the district attorney of the District of Columbia from the law which governs the other attorneys, the situation is like the one in the southern district of New York, which remained for years until the last Congress did away with it.

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman from Minnesota will permit, I will respond to the gentleman from New York by saying that the business of the district attorney for the District of Columbia is very different from that done in the southern district of New York. In the southern district of New York the United States district attorney is prosecuting strictly Federal offenses. In the District of Columbia he is prosecuting all classes of offenses. The result is that last year he disposed of 4,638 separate and distinct cases, compared with which the number of cases disposed of in the southern district of New York was very trifling. In order to handle 4,638 cases and finally dispose of them he had to have five assistant attorneys and an equal number of clerks. It must be that the gentleman from New York realizes that where a United States district attorney has to conduct all the police-court business by himself or deputy and all prosecutions of cases that would ordinarily be conducted by the State authorities, as well as Federal cases proper, it vastly increases the amount of business that he has upon his hands. But it doesn't seem to me that any of the salaries are too high or excessive.

Mr. PERKINS. As I understand, the district attorney for the District of Columbia receives for his own use $5,500?

Mr. SMITH of Iowa. Yes.

Mr. PERKINS. He fixes the salaries of his assistants?

Mr. SMITH of Iowa. No; I think the Department of Justice fixes those salaries. The salary of the first assistant is $2,650; the second assistant, $2,000; third assistant, $1,950; fourth assistant, $1,900, and the fifth assistant, $1,500. Now, I do not think this is an excessive force to handle the enormous number of petty cases that are in the charge of the United States district attorney.

Mr. PERKINS. There is not much of a surplus left.

Mr. SMITH of Iowa. No surplus.

Mr. NORRIS. Mr. Chairman, I fully agree with the gentleman as far as he stated, but I would like to ask if this particular paragraph commencing with line 13—that is, fees to the amount of $23,800—is the total sum of the salary of all of the force including the Attorney-General. How do you arrive at that amount?

Mr. SMITH of Iowa. As I understand, this is simply an aggregate of the salary of $5,500 for the district attorney and the salaries of the assistants which I have read, and the salaries of the clerks, which are one at $2,300, one at $1,800, one at $1,000, one at $900, and one at $600.

Mr. NORRIS. That answers my question.

Mr. PERKINS. Does this include the other expenses of the office?

Mr. SMITH of Iowa. No; I think not.

Mr. PERKINS. What is the total fees collected by the office?

Mr. SMITH of Iowa. I can not answer you that. What the other expenses of the office are I am not informed. I think they are paid out of an appropriation for the expenses of the district attorney's office, and I do not think it is covered by this item.

The Clerk read as follows:

For payment of regular assistants to United States district attorneys, who are appointed by the Attorney-General, at a fixed annual compensation, $225,000.

Mr. STERLING. Mr. Chairman, I move to strike out the last word. In view of some letters that I have received I would like to ask the chairman of the committee if this appropriation is the same as the appropriation for last year?

Mr. SMITH of Iowa. Exactly.

Mr. TAWNEY. Mr. Chairman, in answer to the gentleman's question, I will say that recently during the consideration of the bill I was shown a letter purporting to have been written by the Attorney-General or from his office, stating in substance that certain things could not be done because the Committee on Appropriations had not allowed the increase in this appropriation, which he had estimated for. I hold in my hand a statement on page 282 of the committee print of the bill giving all of the estimates of the Department for that service from 1895 down to 1907, and also all of the appropriations, and the estimate for this year was $225,000, and the appropriation is identically the same amount. I do not know who wrote the letters. Somebody evidently was mistaken in saying that we had not allowed the amount which they had estimated. We have given them every dollar they have asked for in the annual estimates.

Mr. STERLING. That is the same letter I think that I received. I would like to ask the chairman another question. What assistant district attorneys does the Attorney-General appoint—all of them throughout the United States?

Mr. TAWNEY. My understanding is that he appoints all of them throughout the United States.

The Clerk read as follows:

For payment of assistants to the Attorney-General and to United States district attorneys employed by the Attorney-General to aid in special cases, $90,000. This appropriation shall be available also for the payment of foreign counsel employed by the Attorney-General in special cases, and such counsel shall not be required to take oath of office in accordance with section 366, Revised Statutes of the United States.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I see that in the appropriation bill of last year the amount for extra counsel was $85,000. Was that all expended?

Mr. TAWNEY. Yes; and more, too. There was a deficiency of about $40,000.

Mr. PERKINS. Why are all these special counsel employed in addition to the force the Government has and in addition to the appropriation made for the trust cases?

Mr. TAWNEY. One of the reasons is because of the trial of the Greene-Gaynor case, which occupied, I think, about two months and a half.

Mr. BARTLETT. Three months.

Mr. TAWNEY. And the preparation of that case, of course, occupied a great deal of time.

Mr. PERKINS. Additional counsel were employed in that case?

Mr. TAWNEY. Yes; and foreign counsel were also employed in order to get them over here. Practically all of that deficiency is due to that expense.

Mr. PERKINS. So the gentleman does not think there is any wastefulness in this item.

Mr. TAWNEY. No. We went into that very fully, and interrogated them, and they gave an itemized and detailed statement of all expenditures, and we satisfied ourselves that it was entirely proper.

The Clerk read as follows:

The Attorney-General shall hereafter, under rules and regulations prescribed by him, require the clerks af the United States circuit and district courts, clerks of the Territorial courts, clerks of the United States courts for the Indian Territory, and the clerks of the United States courts in Alaska to report and account for all moneys received by them on account of or as security for fees and costs, and to report and account for all amounts collected or received by them on behalf of the United States on account of judgments, fines, forfeitures, penalties, and costs. The Attorney-General shall also hereafter require such clerks to report and account for any other moneys received by them in their official capacity, whether on behalf of the United States or otherwise, and the Attorney-General shall hereafter prescribe such docket or dockets or other books as he may deem proper to be kept and used by such clerks in recording, reporting, and accounting for moneys mentioned above in this paragraph, and in recording all fees and emoluments earned by them, which dockets or other books shall be kept and used by said clerks in accordance with rules and regulations prescribed by the Attorney-General.

Mr. JONES of Washington. Mr. Chairman, I reserve the point of order.

Mr. BENNET of New York. Mr. Chairman, I reserve the point of order.

Mr. MUDD. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from New York reserves the point of order.

Mr. TAWNEY. Mr. Chairman, I trust the gentleman from Maryland will reserve the point of order in order that the committee will have an opportunity to explain the reasons for incorporating this proposition.

Mr. BENNET of New York. I reserve the point of order, Mr. Chairman.

Mr. MUDD. Mr. Chairman, I make the point of order now.

Mr. TAWNEY. Then the gentleman evidently does not wish to have any explanation of the reason for this legislation.

Mr. MUDD. I make the point of order that it is new legislation.

The CHAIRMAN. The gentleman from Maryland has made the point of order.

Mr. SMITH of Iowa. Mr. Chairman, I want to ask the gentleman from Maryland if he will not consent to make the point of order to the portion commencing "the Attorney-General will hereafter," etc., and not make the point of order to the whole section, so as to cover the appropriation.

Mr. MUDD. I make the point of order to the whole paragraph.

The CHAIRMAN. The gentleman from Maryland makes the point of order on the entire paragraph.

Mr. MUDD. It is a change of existing law.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. SMITH of Iowa. No; except that I wish the Chair would rule on just what is the paragraph. It is our contention that the portion I requested the gentleman to limit the point of order to is the whole paragraph—that is, that the paragraph is a separate paragraph, and that the point of order does not go to the appropriation.

The CHAIRMAN. The gentleman from Maryland has made the point of order to the entire paragraph.

Mr. SMITH of Iowa. The point that is sought to be made is that the Chair is requested to determine how much constitutes the paragraph. The contention of the committee is that the appropriating portion is a separate pafagraph, and that this is a further paragraph.

Mr. MUDD. Oh, Mr. Chairman, I think we will agree about that. I understand the contention of the gentleman from Iowa to be that a new paragraph begins with and including line 6.

Mr. SMITH of Iowa. That is what I asked the gentleman to be specific about, and to make his point of order only to that portion.

Mr. MUDD. I am willing to let it be understood that it goes only to that.

Mr. SMITH of Iowa. It is clearly subject to the point of order.

The CHAIRMAN. The gentleman makes the point of order. The Chair is of the opinion that the entire paragraph is subject to the point of order, and that the paragraph is the paragraph, or, in other words, down to where it is indented, which ordinarily constitutes a paragraph in an appropriation bill and in an ordinary grammar. Now, a portion of it being obnoxious to the rule, the entire paragraph goes out if the point of order is made to the paragraph. The Chair sustains the point of order.

Mr. SMITH of Kentucky. Where does the Chair hold the paragraph begins? That seems to be the real question.

The CHAIRMAN. It begins line 6, page 146, and continues to line 2, page 147.

Mr. HOAR. Mr. Chairman, I offer as a substitute for the paragraph stricken out the paragraph which I have sent to the desk to be read.

The CHAIRMAN. The gentleman from Masachusetts offers a new paragraph, which the Clerk will report.

The Clerk read as follows:

On page 147, at the end of line 2, add: "On and after October 1, 1906, no sums of money shall be payable under and by virtue of the act of Congress of June 4, 1897, providing for the revision and codification of the criminal and penal laws of the United States, and the subsequent acts of Congress of March 3, 1899, and March 3, 1901, enlarging the duties of the Commissioners appointed under said act, and the said Commission so created shall, on or before said October 1, 1906, complete the duties imposed upon them thereby, and shall present their final report thereon to the Attorney-General, in accordance with the provisions of said act, before said date, and shall turn over to the Attorney-General all papers, documents, and correspondence pertaining to the work of the Commission, and all furniture, books, etc., in their possession and employed by them in the prosecution of their duties under said appointment; and all acts and parts of acts relative to their duties, powers, and employment shall thereupon be repealed.

Mr. CRUMPACKER. Mr. Chairman, I reserve the point of order. The purpose of the amendment is to abolish the Codification Commission. I had a talk with a member of that Commission this morning, and he told me the Commission would not be prepared to make its report earlier than the 15th of December. The amendment is clearly subject to the point of order, in my judgment, and if the gentleman from Massachusetts will change the date from October 1 to December 15 next, I will withdraw the point of order, but otherwise I will be compelled to insist upon it.

Mr. KEIFER. Mr. Chairman, I insist upon the point of order.

Mr. GROSVENOR. I hope the gentleman from Massachusetts who offered the amendment will permit me to make an explanation. I believe that there is ample justification for reaching an end of this Commission, but I think it ought to be done in the most satisfactory way possible to reach the end intended by its original organization. Now, between October 1, when Congress will not be in session, and the 15th of December, when Congress will be in session, is a matter of two and a half months of time, and so far as I am concerned I am perfectly willing to concede and waive any question of order if that date can be fixed. I was going to propose the 1st of January, but inasmuch as the gentleman from Indiana has stated the 15th of December, I am perfectly willing to accept that proposition——

Mr. PERKINS. I can not hear what the gentleman from Ohio is saying.

Mr. GROSVENOR. I was proposing simply this: The amendment as proposed by the gentleman from Massachusetts, which is the 1st of October, and I propose to make it the 15th of December, when Congress will be in session, and then I would provide for turning over all the material on hand, and I think it is fair to take the statement of the Commission itself which I have in my hand, that it will be unable to finish its work satisfactorily as early as the 1st of October, and on reflection it will be seen, I think, by any Member of Congress if we adjourn here not earlier than about the 1st of July, in the middle of the hot weather, we could not expect a great deal of work to be done.

Mr. BARTLETT. What date does he propose to substitute for October 1? I did not hear.

Mr. GROSVENOR. The date proposed by the amendment is the 1st of October.

Mr. BARTLETT. What date do you suggest?

Mr. GROSVENOR. And the gentleman from Indiana [Mr. CRUMPACKER] has suggested the 15th of December, with which I am content.

Mr. BARTLETT. So am I.

Mr. SMITH of Kentucky. Well, agree to that.

Mr. HOAR. I am content to accept the date on behalf of the Committee of Revision of the Laws suggested by the gentleman, and while I do that I ought to state to the House, in justice to the Committee on Revision of the Laws, that the chairman of the Commission came before the Committee on Revision of the Laws and stated they could complete their work in sixty days from the 1st of July, which would bring the date to the 1st of September, and the Committee on Revision of the Laws went over very carefully the condition of the work of the Commission and was satisfied that their date which they then fixed was accurate. But the most important thing is to have the work of the Commission ended, and the expense connected with the Commission cease as a public charge on the Treasury. And therefore I am content, because I believe this legislation is of great moment and great importance to the country, to accept the date of the 15th of December.

Mr. KEIFER. I would like the gentleman who offered this amendment to state whether the index or any considerable part of it is complete.

Mr. HOAR. The chairman of the Commission asserts that an index is more than half completed, or can be easily completed by the Commission by the 15th day of December. If this is not true, the little work that will be necessary to complete the index can be done at an infinitely cheaper cost to the Government than to maintain three Commissioners each at a salary of $5,000 a year, each having their separate and private clerk, and also a general clerk of the Commission. The work, in my opinion, can be finished by the 1st day of October and the index practically completed, but I am content to accept the date that has been mentioned.

Mr. KEIFER. The revision can not be indexed until it is completed by Congress. There is force in what the gentleman from Massachusetts says about its having to be completed later on, but the Commission has been charged with the matter of preparing an index and has to a considerable extent performed that work, and it is engaged now, I understand, in trying to index its own work. But I beg to say, Mr. Chairman, as I understand it, this Commission, in its work of revision, has been undertaking to make laws and unmake them, and I am afraid some of the younger men here will be as gray as I am before Congress adopts this revision. It is the fault of the law that authorizes them to undertake to revise our statutes and the work of Congress. Many sections of existing law have been omitted and may important provisions have been added, according to the notion of one or more members of this Commission, and I do not believe that, considering the state that the revision is in, we are likely to do very much in the direction of adopting the revision of the Commission. I will be content if the amendment is so modified as to fix the termination of the Commission on the 15th of December next.

Mr. GROSVENOR. If the gentleman from Ohio will allow me an interruption, I will say that I have had the same feeling that he has had about what seemed to me to be a usurpation on the part of this Commission in the matter of changing the existing statutes of the United States and introducing into the body of the statutes an absolutely new provision. Not very long ago there came to my knowledge—I do not care to speak of what it was—the fact that into one of the chapters there has been inserted a measure that afterwards made its appearance here in the House of Representatives and was overwhelmingly defeated by a vote of the House. I called the attention of the chairman of that Commission to that fact and to the other facts connected with this action of theirs, and he cited me the statute under which they were created; and while it seems to justify what they have done, I doubt very much whether they have not put a rather forced construction upon the statute itself. This is the statute under which they were appointed.

Amend the imperfections of the original text; and may propose and embody in such revision *changes in the substance of existing law.*

In order to justify some of the things which they have done, you must construe that language, "changes in the substance of existing law" so as to read, "to provide new substantive legislation." I am sure the Commission has put a very erroneous construction upon that provision, and if they have not, then the act in that regard is clearly unconstitutional. This Commission is not a Congress.

Clearly they had no such power. One word further. Coming to the particular section of the statute about which I complain, I learned to my utter amazement that it was drawn in the Attorney-General's Office and carried to the codifying Commission, and they were requested by the Attorney-General to put it into the statute.

Mr. KEIFER. Mr. Chairman, I only wish to add that I think that when we are through with this Commission that we will want another codifying commission in order to codify their work and to revise it in conformity with existing law.

Mr. CRUMPACKER. I suggest that the gentleman from Massachusetts modify his amendment and I will withdraw the point of order.

Mr. HOAR. Mr. Chairman, I ask that the date be changed in the two places reading October 1 by substituting therefor December 15.

The CHAIRMAN. The gentleman from Massachusetts offers a modification of the amendment, which the Clerk will report.

The Clerk read as follows:

On page 147, at the end of line 2, add: "On and after December 15, 1906, no sums of money shall be payable under and by virtue of the act of Congress of June 4, 1907, providing for the revision and codification of the criminal and penal laws of the United States and the subsequent acts of Congress of March 3, 1899, and March 3, 1901, enlarging the duties of the Commissioners appointed under said act, and the said Commission so created shall, on or before said December 15, 1906, complete the duties imposed upon them thereby, and shall present their final report thereon to the Attorney-General in accordance with the provisions of said act before said date, and shall turn over to the Attorney-General all papers, documents, and correspondence pertaining to the work of the Commission, and all furniture, books, etc., in their possession and employed by them in the prosecution of their duties under said appointment, and all acts and parts of acts relative to their duties, powers, and employment shall thereupon be repealed.

Mr. CRUMPACKER. Mr. Chairman, I withdraw the point of order.

Mr. TAWNEY. Mr. Chairman, I move that all debate upon this amendment be now closed.

Mr. BARTLETT. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. It was impossible to hear what was said, and I want to know the status of the amendment. Something has been read. Is that a substitute for the former amendment?

The CHAIRMAN. The Chair will inform the gentleman, that after the paragraph went out on a point of order the gentleman from Massachusetts offered a new paragraph.

Mr. BARTLETT. I understand that.

The CHAIRMAN. Debate has been had upon that; the point of order was reserved to the new paragraph by the gentleman from Indiana, and that has been withdrawn.

Mr. BARTLETT. What is the date fixed by the amendment?

The CHAIRMAN. The 15th day of December. [Cries of "Vote!"] The question is on the motion that debate be now closed.

The question was taken; and the motion was agreed to.

The CHAIRMAN. The question now is on the new paragraph, offered by the gentleman from Massachusetts.

Mr. LILLEY of Pennsylvania. Can the amendment be again reported?

The CHAIRMAN. It has been reported three times, but if there be no objection it will be reported again.

Mr. TAWNEY. I object.

The CHAIRMAN. Objection is made.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Hereafter United States commissioners shall be entitled to charge for drawing complaint for search warrant, with oath and jurat to same, 50 cents; and for issuing search warrant, 75 cents.

Mr. MUDD. Mr. Chairman, I make the point of order against that paragraph that it changes existing law.

The CHAIRMAN. The gentleman from Maryland makes the point of order against the paragraph just read.

Mr. TAWNEY. Mr. Chairman, this provision was put into the bill upon the recommendation of the Attorney-General to put a stop to an abuse that exists to-day. If the gentleman from Maryland makes the point of order, it will have to go out.

The CHAIRMAN. The gentleman makes the point of order. The Chair sustains the point of order.

The Clerk read as follows:

Hereafter a United States commissioner shall be allowed the fee for making a transcript only when he holds an examination as provided by section 1014, Revised Statutes of the United States, and no such fee shall be allowed for a transcript of proceedings under section 1042, Revised Statutes of the United States: *Provided further*, That hereafter the application of a poor convict for discharge under section 1042, Revised Statutes of the United States, shall be made to the United States commissioner nearest the place of confinement.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, during the general debate at the opening of the consideration of this bill the gentleman from Massachusetts [Mr. SULLIVAN] criticised the action of the Secretary of Agriculture, Hon. James Wilson, in connection with the buildings for which this proposed appropriation is to be made. I want to say at the outset that, in my judgment, the Secretary of Agri-

culture's construction of the statute under which he is constructing this building is an erroneous one. I do not believe that the statute authorizing the construction of a building for the Department of Agriculture authorized the construction of the two buildings now in course of construction.

But if I understood the gentleman from Massachusetts correctly, he not only charged that an erroneous construction had been put upon the statute, but charged that the Secretary of Agriculture had intentionally acted illegally. From that proposition I must dissent. The Secretary of Agriculture has been a citizen of Iowa for more than fifty years; and from the hour that he became a citizen of that State there has never been, so far as I know, a man between the Mississippi and the Missouri rivers who doubted his honesty of purpose or the integrity of his conduct. The Secretary of Agriculture came to his present office with a higher training than any man that ever filled that position. We have had able men fill the office of Secretary of Agriculture, but never had a man before who, through a long course of years, had received special training for that place. He had long been a member of the faculty of one of the largest and best agricultural colleges on the continent. He came to his present high office with extraordinary training and has filled it with extraordinary credit; and it is my judgment that in the last eight years there has been no more popular member of the Cabinet than sterling old James Wilson, Secretary of Agriculture of the United States. [Loud applause.]

I regret that there is any doubt as to the buildings conforming to the true construction of the law authorizing them; but I have no doubt of the high purpose which led the Secretary of Agriculture to enter upon the construction of those buildings. I am prepared to go even further than that, and say that, in my judgment, the act we passed was a mistake, and that the buildings that are being erected will be, when completed, for the best. I do not think a building constructed strictly in accordance with the statute would have been adequate for the public needs. In any event, these buildings have had appropriated for them more than $900,000, and there is but one course for us to pursue, from a business standpoint, and that is to proceed to finish the buildings as they have been started on the present plan.

I was glad that the distinguished gentleman from Massachusetts was at least generous enough to doubt whether the Secretary of Agriculture had intentionally and upon his own motion started the erection of these buildings in violation of law. I have no information upon that subject. I do not know whether he was encouraged to erect the buildings that he is now constructing by some one above him or not.

I do know that the law imposed upon him a responsibility, and that James Wilson is too courageous and too loyal to try and unload that responsibility upon any other human being, whoever he may be. [Applause.] Twenty-one years ago last spring U. S. Grant was writing his memoirs, at a time when his very life was being eaten away; but he was poor, and he was struggling on in the hope that the product of his literary labor might support his family when he was gone. At that time, when he was displaying more of heroism than he ever displayed upon any battlefield of the civil war, a bill was pending in the Congress of the United States to put him upon the retired list of the Army. While that bill was pending here for his retirement, there was also pending a contest for the purpose of unseating, as a member of this Chamber, this same James Wilson, of Iowa. Under the rules then in force a filibuster was going on to prevent his being unseated. At last, realizing that if that filibuster were continued to save him, the bill for the retirement of U. S. Grant could not pass in that Congress, which was then drawing to a close, James Wilson stood upon a desk in the rear of where I now stand and appealed to his Republican brethren to allow him to be sacrificed and cast out of this House that U. S. Grant might be placed upon the retired list, and thus hope and joy be carried to the patient sufferer at Mount Macgregor. [Applause.]

The same devotion to his friend, the same loyalty to his duty, the same willingness to sacrifice himself for others, has always characterized plain James Wilson, the Secretary of Agriculture of the United States, who, whatever may have been his mistakes in this matter, has done his duty as he saw it, and has not tried to unload responsibility upon anybody else. [Applause.]

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I move to strike out the last word. I think the matter has been fully discussed, and I do not want to add anything to what I said the other day, except this single comment, that the speech of the gentleman from Iowa [Mr. SMITH] amounts to this, that the Secretary has violated the law, but that his heart beats warmly for his country. [Laughter.]

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

DEPARTMENT OF STATE.

To pay Robert Brent Mosher for use of his plates in printing, for the use of Congress, 1,500 copies of the Executive Register of the United States, 1789 to 1902, $1,000.

Mr. SLAYDEN. Mr. Chairman, I make the point of order against that paragraph.

The CHAIRMAN. Does the gentleman desire to discuss the point of order?

Mr. SLAYDEN. Only to state that it is new legislation and a claim, and I can not see that it has any proper place in this bill any more than other claims recommended for payment by the various Departments.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the matter?

Mr. SMITH of Iowa. As I understand it, this is not a claim; this is a proposition to appropriate money.

Mr. SLAYDEN. The gentleman will admit it is new legislation, and not warranted by law anywhere.

Mr. SMITH of Iowa. I think there has been an authorization for the printing of the book in some form, and, as I understand it, the plates were borrowed in place of making new ones, and thus obtained at a less cost than they would have been obtained if we had made new ones.

The CHAIRMAN. Will the gentleman from Iowa inform the Chair whether there is any authorization in law for the payment of this item?

Mr. SMITH of Iowa. I have just stated, Mr. Chairman, that as I understand it, the publication of the work was authorized. It had been compiled by this gentleman, and his plates were borrowed in place of making new ones. There is no further authorization than that.

The CHAIRMAN. The Chair is of the opinion that if this item can go in any bill, it properly belongs on the deficiency bill under the law and not in this bill. The Chair sustains the point of order.

The Clerk read as follows:

Committee on Department Methods: For actual traveling expenses, and for per diem not exceeding $4, in lieu of subsistence when absent from home and traveling on duty outside of the District of Columbia, of members of and persons employed by the Committee on Department Methods appointed by the President June 2, 1905, and for other necessary expenses of said committee, including not exceeding $5,000 for salaries or compensation of persons not otherwise employed by the United States, $25,000. No part of this appropriation shall be paid as additional salary or compensation to any person serving in connection with or for said committee who is at the same time employed in any capacity by the United States: *Provided*, That there shall be reimbursed out of this appropriation to the reclamation fund any sum that may be paid to persons in the reclamation service while they are on detail to and in the service of said committee.

Mr. SIMS. Mr. Chairman, I make the point of order on this whole paragraph.

The CHAIRMAN. The gentleman from Tennessee makes the point of order upon the paragraph.

Mr. SIMS. Mr. Chairman, I am not complaining at the work of the Keep Commission, but its work is the investigation of Department methods, and the Departments being all located in Washington City, I can not understand why we should provide for traveling expenses.

Mr. TAWNEY. The gentleman makes the point of order. There is no use discussing the matter.

The CHAIRMAN. Does the gentleman from Tennessee make the point of order or reserve it?

Mr. SIMS. I will reserve it for the purpose of hearing the gentleman from Minnesota.

Mr. TAWNEY. I will explain to the gentleman that this appropriation has been allotted for traveling expenses, to defray the expenses of specialists or experts in and outside of the Departments to visit large manufacturing and industrial institutions for the purpose of studying their methods of bookkeeping and management, in order, if possible, to improve the governmental methods, or modernize them and make them conform as nearly as practicable to the methods employed to-day by the large institutions of the country.

Now, to send these men out for that purpose will require travel, and of course their traveling expenses must be provided for. In addition to that, there are men employed in the Reclamation Service whom the Commission will utilize, men who are out in the field for the purpose of studying the business methods in local land offices—other portions of the public service—and it is for the purpose of defraying the traveling expenses of all the men sent out for these purposes, and for the purpose of gaining information concerning the best methods employed in the larger industrial institutions in the United States.

Mr. BRUNDIDGE. Will the gentleman yield for a question?
Mr. TAWNEY. Yes.
Mr. BRUNDIDGE. This is an appropriation for the Keep committee. Is there any law authorizing the President to appoint the committee in the first place, and was not the appointment absolutely unwarranted and without any law enacted by Congress?
Mr. TAWNEY. No; the appointment of this Commission was not an illegal appointment.
Mr. BRUNDIDGE. Where is the law authorizing it?
Mr. TAWNEY. The people appointed on this Commission are the employees of the Government. They are in the service of the Government, and they are simply assigned to do this additional work.
Mr. BRUNDIDGE. Is it not the fact that some of them are not in the employ of the Government?
Mr. TAWNEY. No; only employees of the Government were appointed on the Keep Commission. The hearings disclosed that fact. The committee inquired very carefully into this matter.
Mr. PADGETT. Will the gentleman yield?
Mr. TAWNEY. I am using the time of the gentleman from Tennessee, not my own.
Mr. PADGETT. I want to ask if this is only a temporary appropriation?
Mr. TAWNEY. It is only an annual appropriation.
Mr. PADGETT. How many years is it contemplated to run it?
Mr. PERKINS. Nobody can say.
Mr. SULLIVAN of Massachusetts. Until the committee cleans up the Augean stables.
Mr. PADGETT. I want to ask the chairman of the committee how long it is contemplated the Commission will be in force?
Mr. TAWNEY. The gentleman from Massachusetts has answered it so well I will not undertake to improve it. [Laughter.]
Mr. SIMS. I want to know if the gentleman thinks that the Departments are Augean stables? Mr. Chairman, I made the point of order, or reserved it, but I have no criticism to make on the Keep Commission. They may go on and do more good work. I never knew a commission that did not make a report that they had earned their salaries. But are our Departments in such a deplorable condition that we have got to appoint special men, experts, and then have got to send them——
Mr. TAWNEY. If the gentleman will permit me, I want to make one further statement. There is nobody on this Commission who is getting any salary in consideration of the service that he is rendering.
Mr. LITTLEFIELD. In excess of his regular salary, the gentleman means.
Mr. TAWNEY. In excess or beyond his regular salary. It is not because there is any corruption in the Departments that this investigation is being made. It is for the purpose of investigating the various methods employed in the Departments of the Government with a view to simplifying those methods, making them more efficient and simple and less expensive, and in doing that it is necessary for these men to go outside the city of Washington, because the governmental service is not confined to the District of Columbia. In order to guard against their receiving too much for traveling expenses we have limited the amount that can be expended for this purpose to $5,000.
Mr. SIMS. Mr. Chairman, I say that I am not complaining of the work of the Keep Commission. From what I know I think they have done some good work, of which I heartily approve. But I think that Congress ought to do this investigating, ascertaining these methods by a committee of this Congress either the committee that the gentleman has the honor to so ably preside over or a special committee. Here is appointed a commission of experts from the Treasury Department, and now we are going to provide $25,000 for these experts to travel over the country and inform themselves of methods of private institutions, that they may become educated at the Government's expense, as appears from the statements of the chairman of the committee reporting the bill, and inform Congress of what improvements can be made in the Department methods by reason of such junketing.
Mr. PERKINS. Doesn't the gentleman think that if we have experts that they ought to give valuable opinions without traveling over the country?
Mr. SIMS. The word "expert" implies that they are already able to give advice. To go junketing around over the country at public expense in order to investigate the methods of private institutions does not seem to me wise. A commission usually is at least half like Melchisedec, it has beginning of days, but usually has no end of years. [Laughter and applause.]
Mr. LITTLEFIELD. May I ask the gentleman a question?
Mr. SIMS. Certainly.
Mr. LITTLEFIELD. I would like to ask the gentleman which he thinks is the most valuable way to obtain the information in this matter, to investigate the subject-matter or to theorize about it?
Mr. SIMS. I would have a practical investigation.
Mr. LITTLEFIELD. Exactly so. That is what this provides for.
Mr. SIMS. And I think Congress is able, through its committees, to make such a practical investigation as will enable it to adopt the best practical department methods.
Mr. LITTLEFIELD. If I get the scope of the subject we are discussing, that is what the bill provides for, a practical investigation and examination for the purpose of getting some information that is of value.
Mr. SIMS. By a commission.
Mr. LITTLEFIELD. I don't know what it is by.
Mr. SIMS. To be sent out to be educated.
Mr. TAWNEY. Oh, the gentleman certainly did not understand me that they were sent out to be educated.
Mr. SIMS. To investigate methods of private concerns. Isn't that educating them?
Mr. TAWNEY. It is not educating the men who are sent out.
Mr. SIMS. What is it for?
Mr. TAWNEY. It is for the purpose of ascertaining methods, with a view of adopting them and applying them to the administrative Departments of the Government. The gentleman can not claim it is the educating of the men who go out. How will you obtain information concerning the practical administration of a great industrial corporation unless you send some one there for it?
Mr. SIMS. What is education? It is only learning something that we do not know, and you are sending out a commission to learn that which they do not know in order that they may obtain information and give it to Congress or to the Departments.
Mr. TAWNEY. I presume there are 386 Members of this House who could be sent out for the same purpose, and the education that they would derive would be of value to the country.
Mr. SIMS. No doubt of it; but let Congress do it by a committee, because the life of a Congress ends every two years; but as for a commission, look at the discussion that we have had here this morning about our various commissions. They seem never to get through when they begin a job. We seem to admit by appointing this commission that the Departments are in a bad way and need investigation, and, without criticising anything they have done, I do not indorse making appropriations for traveling expenses when all the Departments are in Washington. I make the point of order and I insist upon it.
Mr. SULLIVAN of Massachusetts. Mr. Chairman, I hope the gentleman will reserve his point of order for a moment.
Mr. SIMS. I reserve the point of order for a few minutes.
Mr. PERKINS. Oh, make the point of order and get done with it.
Mr. TAWNEY. If the gentleman intends to make the point of order, let him make it now.
Mr. SULLIVAN of Massachusetts. I trust the gentleman will withdraw his point of order, because I think, while his intention is good, he overestimates the ability of a committee of Congress to reach the abuses of the kind that are sought to be remedied by this commission. I have seen the manner in which Congress acts upon such matters, and I am not inspired with confidence in the results of investigations by Congressional committees. We had an experience this morning. The Committee on Appropriations sought to remedy abuses that are recognized to exist in the offices of clerks of courts of the United States. Large funds accumulate in their hands, and they are not required by law to make any accounting to the Attorney-General. There is no way by which the amount in their hands could be ascertained, and in order to remedy that defect in that system the committee inserted in its bill a provision requiring an accounting to the Attorney-General, whereupon an enterprising gentleman, a Member from Maryland, looking after his own clerk of his own court, made a point of order the result of which is to continue that abuse. I will say that I have no faith in committees of Congress dealing with abuses of this kind. I think the Administration was fully conscious of the extent of bad administration in the city of Washington and elsewhere when it first suggested this Keep Commission.

Mr. PERKINS. Will the gentleman yield for a question?

Mr. SULLIVAN of Massachusetts. Yes.

Mr. PERKINS. Wherein is the necessity of the Keep Commission sending people all over the country to find out how different concerns keep their books? Why can not the Keep Commission, if competent, continue this work in Washington, as it has gone on and done? The objection made is not to the Keep Commission, but to sending a lot of people around the country to find out how books are kept by different corporations.

Mr. SULLIVAN of Massachusetts. Oh, no.

Mr. PERKINS. That is where the expense comes in.

Mr. SULLIVAN of Massachusetts. I think the gentleman is mistaken as to the intention of the Commission.

Mr. PERKINS. No; the intention of the appropriation.

Mr. SULLIVAN of Massachusetts. The Keep Commission, as I understand it, is made up of men who are now in the Government employ. They understand the methods of their Departments. It is because of their expert knowledge of Government methods that they are of value. It is true that they are empowered to hire experts to assist them, in giving advice, and it is true they may send agents of the various Departments of the Government throughout the United States. It is not the primary purpose of the Commission to investigate the manner in which private corporations do their business, but only incidentally and in a very small degree. The main purpose of the work is to try to bring the administration of the Government's business up to the level of efficiency of the great corporations and business concerns of the United States. Now, when the Administration seeks to deal with an acknowledged abuse, an abuse which has grown up under a Republican Administration, it seems to me that Members upon this side of the House ought to welcome the suggestion and ought to encourage the reform. I am aware that there is no sanction of law for it, but if the point of order is withdrawn the sanction of law will be given it by the passage of this bill. I have no doubt that members of this Commission, who have already been investigating, have found that horrors have been accumulating upon horror's head in various Departments. It is to remedy a situation, which a Republican President acknowledges to be a bad one, that this Commission is sought to be established.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SIMS. I wish to ask the gentleman from Massachusetts a question. The gentleman is proceeding upon the assumption that grave abuses exist, and the chairman of the committee denies the abuses, but simply wants to improve the methods.

Mr. SULLIVAN of Massachusetts. I understand the denial of the chairman of the committee only went to the corruption which was suggested and not to the bad business methods of the administration.

Mr. LITTLEFIELD. Is it not a fact that up to date this Commission has accomplished extremely valuable results to the Government?

Mr. SULLIVAN of Massachusetts. Yes; the committee is of the unanimous opinion it ought to be allowed to go on.

Mr. SIMS. My point of order does not abolish the Commission; it simply prevents an appropriation for traveling beyond Washington City. They can go ahead in their work. All the good that has been done has been done here in Washington City.

Mr. LITTLEFIELD. I beg the pardon of the gentleman; his amendment goes further than that. You simply leave the Keep Commission where they can not spend a dollar and prevent their further investigation. Is not that right?

Mr. SULLIVAN of Massachusetts. That is practically right.

Mr. SIMS. They have not spent anything so far in their valuable investigations.

Mr. LITTLEFIELD. They did not need to.

Mr. SULLIVAN of Massachusetts. I understand all their investigations have been conducted at Washington so far, and there was no requirement for travel.

Mr. SIMS. The good work has been done so far without any Congressional appropriation, except the salaries of the men, which are not increased by this amendment.

Mr. LITTLEFIELD. And a unanimous committee of Republicans and Democrats say in order to continue the usefulness and efficiency of this Commission this appropriation ought to be made, and the gentleman makes a point of order against it; otherwise the Commission would have to pay their traveling expenses out of their own pockets.

Mr. SIMS. Mr. Chairman, the assumption of the gentleman from Maine is they must travel in order to keep up the good work. They have not traveled heretofore, and they have done a great deal of good work, as I understand from the gentleman, and I am perfectly willing they shall keep up their good work without traveling; so I make and insist upon the point of order.

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. SIMS. Yes, sir; to the paragraph.

The CHAIRMAN. Is the Chair correct in assuming that no law has been cited?

Mr. TAWNEY. No, Mr. Chairman, there is no statutory authority for the Commission. The Commission has been appointed by the President of the United States, but it is limited to employees of the Government, and therefore needed no special statutory authority. The President simply assigned to these employees of the Government the duty of investigating the departmental methods, with a view to improving those methods. This appropriation is for the purpose of employing experts outside of the Government service, for which there is no authority of law, I concede, but the employment of which is very essential in order to render the Commission efficient.

The CHAIRMAN. The merits of the proposition are all right, but the leading authority seems to be wanting.

Mr. TAWNEY. There is no authority.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TAWNEY. There is one matter that I want to refer to. The gentleman from Illinois this morning asked me in respect to the appropriation for the salaries of assistant United States district attorneys. I stated that the committee had reported and allowed the full amount estimated by the Department, which was $225,000. My attention has just been called to the fact that the Attorney-General sent a supplemental estimate to Congress, but in some way it escaped the attention of the committee in making up the bill; and I was incorrect, therefore, in saying that we had allowed the full amount estimated by the Department for this purpose. I now ask unanimous consent to return to that item for the purpose of offering an amendment and increasing the appropriation to the amount estimated by the Attorney-General.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent to return to a paragraph which has been passed.

Mr. GAINES of West Virginia. The paragraph is found on page 145.

Mr. TAWNEY. I want to say, Mr. Chairman, that we gave the full amount included in the annual estimate. This simply illustrates the necessity of some law requiring the Departments to submit in the Book of Annual Estimates the estimates for the entire service for the next fiscal year. There is no excuse for their not doing so, but they don't. The Committee on Appropriations had in the neighborhood of 100 supplemental estimates for this sundry civil appropriation bill, aggregating about $32,000,000. These supplemental estimates kept coming in from the time we commenced the consideration of this bill until we had finally completed it. And the same is true of all other branches of the Government. Supplemental estimates are sent here. It is to be hoped that Congress will soon enact a law that will require all the estimates to be included in the Book of Estimates, except estimates that are necessary by reason of the enactment of laws during the session of Congress for which the annual estimates have been submitted.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. TAWNEY. Mr. Chairman, I ask that the amount be increased from $225,000 to $250,000, on page 145, lines 18 and 19.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 145, change the amount in lines 18 and 19 to $250,000.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, and the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments; for salaries, compensation, or wages of all necessary clerks and employees; for the purchase and installation of, and instruction in, cost, audit, and inventory systems; for rents, fuel, gas, electric current, gas and electric fixtures, and ice; for bicycles, horses, wagons, and harness, and the care, driving, and subsistence of the same, to be used only for official purposes, including the purchase, maintenance, and driving of horses and vehicles for official use of officers of the Government Printing Office when in writing ordered by the Public Printer; for freight, expressage, telegraph and telephone service; for furniture, typewriters, and carpets; for traveling expenses, stationery, postage, and advertising; for directories, technical books, and books of reference, not exceeding $500; for add-

ing and numbering machines, time stamps, and other machines of similar character; for repairs; for other necessary contingent and miscellaneous items authorized by the Public Printer; and for all necessary materials needed in the prosecution of the work, $5,000,000; and from the said sum hereby appropriated printing and binding shall be done by the Public Printer to the amounts following, respectively, namely——

Mr. TAWNEY. Mr. Chairman, I offer the following as a substitute.

The CHAIRMAN. The Clerk has not yet finished the reading of the paragraph.

Mr. TAWNEY. He has finished the reading of the first paragraph, and I ask unanimous consent to substitute what I have sent to the Clerk's desk and ask to be read, for the whole of the paragraph on public printing.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent to dispense with the reading of the paragraph.

Mr. TAWNEY. To dispense with the reading of the paragraph and ask that the matter sent to the desk be read, and that it be substituted for the other paragraph in respect to the printing.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] offers the following, which the Clerk will report.

The Clerk read as follows:

Strike out all after line 9, on page 160, together with pages 161 and 162, and line 1, on page 163, and insert in lieu of the matter stricken out the following:

"For printing and binding for Congress, including the proceedings and debates, and for rents, $1,993,500. And printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress within the fiscal year for which this appropriation is made.

"For the Department of State, $42,000.

"For the Treasury Department, $325,000: *Provided*, That no part of this sum shall be expended for the publication of the Catalogue of Title Entries of the Copyright Office.

"For the War Department, $275,000.

"For the Navy Department, $153,000, including not exceeding $15,000 for the Hydrographic Office.

"For the Interior Department, including not exceeding $25,000 for the Civil Service Commission, and not exceeding $20,000 for the publication of the Annual Report of the Commissioner of Education, $487,000.

"For the Smithsonian Institution, for printing and binding the Annual Reports of the Board of Regents, with general appendixes, $10,000; under the Smithsonian Institution, for the Annual Reports of the National Museum, with general appendixes, and for the Annual Report of the American Historical Association, and for printing labels and blanks, and for the Bulletins and Proceedings of the National Museum, the editions of which shall not exceed 4,000 copies, and binding, in half turkey or material not more expensive, scientific books and pamphlets presented to and acquired by the National Museum Library, $39,000; for the Annual Reports and Bulletins of the Bureau of American Ethnology, $21,000; in all, $70,000.

"For the United States Geological Survey, as follows: For engraving the illustrations necessary for the Annual Report of the Director, and for the monographs, professional papers, bulletins, water-supply papers, and the Report on Mineral Resources, $45,000. For printing and binding the Annual Report of the Director, the monographs, professional papers, bulletins, water-supply papers, and the Report on Mineral Resources, $145,000; and said amounts shall cover all printing and binding on account of said publications of the Geological Survey.

"For the Department of Justice, $23,000.

"For the Post-Office Department, exclusive of the Money-Order Office, $335,000.

"For the Department of Agriculture, including not to exceed $25,000 for the Weather Bureau, and including the Annual Report of the Secretary of Agriculture, as required by the act approved January 12, 1895, $300,000.

"For the Department of Commerce and Labor, including the Bureau of the Census and the Coast and Geodetic Survey, $500,000.

"For the Supreme Court of the United States, $10,000; and the printing for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order.

"For the supreme court of the District of Columbia, $1,500.

"For the Court of Claims, $15,000.

"For the Library of Congress, including the copyright department and the publication of the Catalogue of Title Entries of the Copyright Office, and binding, rebinding, and repairing of library books, $205,000.

"For the Executive Office, $2,000.

"For the Interstate Commerce Commission, $58,000.

"For the Bureau of American Republics, $20,000."

Mr. MANN. I reserve the point of order, Mr. Chairman, and submit an inquiry to see whether the paragraph is subject to the point of order or not. I do not know that I will press the point of order, but I wish to ask the gentleman a question, if I may have the floor. You struck out that part of page 160, printing and binding for Congress. That is in the substitute.

Mr. TAWNEY. Yes, sir.

Mr. MANN. Then you provide in the next paragraph that no more than one-half of the allotment of the sum appropriated shall be expended in the first two quarters of the fiscal year. Now, in this next fiscal year, Congress will be in session one month——

Mr. TAWNEY. That provision has been carried in the bill for the last twenty-four years, and is in now.

Mr. MANN. I think the gentleman is in error in saying that it has been carried in the law for twenty-four years; but whether it has or not, I would like to know what is the object in making the appropriation sufficiently large, so that only one-half of it is going to be used? It is perfectly plain that, according to this, you can not use the whole appropriation. I simply ask for information.

Mr. TAWNEY. Why, the gentleman surely does not think that we restrict them to only one-half of the amount appropriated? We restrict them to an expenditure not exceeding one-half of the appropriation during the first half of that fiscal year, so as to prevent them going on and expending all the appropriation in the first half and then coming in at the beginning of the next Congress with a deficiency.

Mr. BARTLETT. May I ask the gentleman a question in the time of the gentleman from Illinois?

Mr. MANN. Certainly.

Mr. BARTLETT. Does this amendment make any change in the public printing law of 1895?

Mr. TAWNEY. It does not. Now, if the gentleman will pardon me, and if the committee will give their attention a moment——

Mr. BARTLETT. If the gentleman will yield a moment until I ask him another question, then the gentleman can answer both. Does this amendment or substitute you have offered contain the provisions that are on page 167 and page 168, which provided that all the printing for the Departments shall be printed in the Government Printing Office in place of the Departments where they are now doing the printing? If it does, I want to make the point of order.

Mr. TAWNEY. It does not. This is an appropriation to pay for the printing that is done for the Departments, whether it is done in the Departments or in the Government Printing Office.

Mr. BARTLETT. That is satisfactory to me.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word, in order to get some information.

Mr. TAWNEY. Well, I have the floor; if you ask a question, I will try to answer it.

The CHAIRMAN. The Chair begs pardon of the gentleman. The Chair thought the gentleman was through, and had yielded the floor.

Mr. CLARK of Missouri. I would just as lief ask the questions in his time as not. Is the sum total for the Printing Office less or more than last year?

Mr. TAWNEY. A little more than a million dollars less.

Mr. CLARK of Missouri. Does it say that all printing done by the Government in Washington shall be done in the Government Printing Office?

Mr. TAWNEY. If the gentleman from Missouri will see to it that no point of order is made against it and the provision carried in this bill is enacted into law, that is what will happen in thirty or sixty days after this bill is passed.

Mr. CLARK of Missouri. So far as I am concerned, there will be no point of order, because that is where it ought to be done. Now, another question. My recollection is that the chairman of the Committee on Appropriations made a furious fight a year or so ago, and several other gentlemen, too, and I stood by consenting——

Mr. TAWNEY. I never made a furious fight in my life.

Mr. CLARK of Missouri (continuing). Shutting off these Departments from having private carriages to run about Washington. Was not that true?

Mr. TAWNEY. That is the law now.

Mr. CLARK of Missouri. Did you not do that?

Mr. TAWNEY. That was the gentleman from Indiana. I would not take any credit that belongs to my friend from Indiana [Mr. CHARLES B. LANDIS].

Mr. CLARK of Missouri. Let me ask you this question, then. Has not this Government Printing Office had three station wagons made, and printed the name of the Department so low and in such a small type that nobody can readily distinguish it, for the purpose of using them as their private property to run around Washington and visit socially?

Mr. TAWNEY. I am not advised as to that.

Mr. CLARK of Missouri. Why are you not advised?

Mr. TAWNEY. Because the suggestion was never made. If it had been made, I am certain that the committee would have interrogated the Public Printer about it when before the committee.

Mr. CLARK of Missouri. I make it now, so that you may get at it at some other time.

Mr. TAWNEY. All right, we will be very glad to do it.

Mr. CLARK of Missouri. There has been a great deal of talk about reform in the Printing Office, and my distinguished friend from Indiana [Mr. CHARLES B. LANDIS] and my distinguished friend from Georgia [Mr. GRIGGS] and others have been engaged in that arduous occupation, and I want to ask you a question in reference to it.

Mr. TAWNEY. Before proceeding to ask a question relating generally to the Printing Office, I want to make a statement regarding these appropriations, or the allotment that has been made, so that Members may understand it. I have offered a substitute, and I want the committee to understand just what the effect of it is, and how we came to offer it.

Mr. CLARK of Missouri. If you will let me ask you one question I will let you alone.

Is it not true, in this reform administration down there, that they have created these offices, new offices—a chief inspector, at $3,600 a year; two assistant inspectors, at $2,000 each; one female inspector, at a salary estimated at $900; one Office physician, $2,000; one assistant Office physician, at a salary estimated at $1,400; one statistician, at $2,000; two additional stenographers and typewriters, at $1,200 each; four additional assistant stenographers and typewriters, at $900 each; making an aggregate in expense in the Printing Office at $19,900 a year?

Mr. TAWNEY. I will say, in reply to the gentleman, that men have been appointed to these positions by the Public Printer, and under the law during this current year he has $6,000,000 in a lump-sum appropriation, which is distributed in his discretion and according to his best judgment in the employment of mechanics and laborers and persons in any branch of the service requiring employment. I will say further that it is my belief that if these positions had been created before, and if the services that are performed by the men now occupying these positions had been performed years before, the expenditure in the Public Printing Office would have been much less than they have been. I want to add that at the end of this fiscal year the Public Printer will turn back into the Treasury of the United States, $1,000,000, 100 per cent more than has ever been turned back by any one of his predecessors.

Mr. CLARK of Missouri. Now, let me say just about one sentence. I have asked this question for information. I do not want to consume the time of the House. I congratulate the gentleman if his statement is true, and possibly it may be. I will ask the leave of the House to print this newspaper extract in my remarks.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to print a newspaper extract in his remarks. Is there objection?

There was no objection.

The extract is as follows:

IF NOT SPY SYSTEM, WHAT?—SOME FIGURES AS TO THE COST OF THE SYSTEM—CONGRESS SHOULD INVESTIGATE PRINTING OFFICE AND SYSTEM—SYSTEM'S REPUTATION SULLIES MR. STILLINGS'S FAIR NAME.

There seems to be some diversity of opinion in the Government Printing Office relative to a feature of the new régime which has so generally been called "Stillings's spy system." Hundreds of the employees believe it is a spy system and do not hesitate to say so when they are where the alleged spies can not watch the movements of their lips. On the other hand, gentlemen who are of the personnel of that system, whatever it may be called, assert, with much earnestness and apparent candor, that it is not a spy system. If it be not a spy system, it is unfortunate for the good name of Mr. Stillings's administration that the contrary opinion should be held by so many who come in daily contact with the system and are therefore qualified to judge of its character.

But, in any event, it is a useless, extravagant, and incompetent system, and, as has before been remarked, if it is not a spy system, there are no legitimate duties for it to perform which foremen and assistant foremen are not now being paid to attend to.

There should be a Congressional investigation of the Government Printing Office. The investigation should go down to the bone. The investigators should have the help of men who know the Government Printing Office—men who would be able to detect every effort to throw dust in the eyes of the investigators. This new system should be most rigorously looked into. The Standard is able now to give its approximate extra cost. The figures are as follows:

Chief inspector	$3,600
Two assistant inspectors ($2,000 each)	4,000
One female inspector (salary estimated)	900
One office physician	2,000
One assistant to office physician (salary estimated)	1,400
One statistician	2,000
Two additional stenographers and typewriters ($1,200 each)	2,400
Four additional stenographers and typewriters ($900 each)	3,600
Total cost of the system	$19,900

Of course, if it be a spy system, the above total will not by any means represent its cost. To it would have to be added the time lost from legitimate duties by the scores of spies scattered in all parts of the office. These subordinates of the system would necessarily lose much time in spying on their fellow-workmen and making reports to their superiors. It is regrettable that Charles A. Stillings permitted his fair name to be sullied by anything so odious.—Washington Standard, May 20, 1906.

Mr. TAWNEY. Now, Mr. Chairman, with the consent of the committee I want to make just a brief statement with regard to the allotment of this appropriation. The committee reduced the aggregate a million dollars. Then when we came to allot the $5,000,000 appropriation we counseled with the Joint Committee on Printing of the House and Senate. Members of the committee know that this Congress adopted two joint resolutions which it was claimed would have the effect, and I believe is having the effect, of making very great reductions in the expenditures for printing. The Committee on Appropriations called to its assistance the Joint Committee on Printing, and this allotment is the result of the work of the Joint Committee on Printing, and has been made in accordance with the provisions of the two joint resolutions which the joint committee reported and the passage of which they secured at the beginning of this session. If there are any questions that gentlemen desire to ask concerning the allotment, I will yield to the gentleman from Indiana [Mr. CHARLES B. LANDIS], who has charge of the matter, to answer the question.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] withdraw his point of order?

Mr. MANN. Mr. Chairman, I will in a moment. If the committee will indulge me just for a moment, I will say that this paragraph gives a very graphic illustration of the results of hysterical legislation, and sometimes of reform legislation. I notice that the paragraph omits something which has been in the current law for several years, forbidding the publication of illustrations, photographs, engravings, and so forth.

Mr. TAWNEY. The gentleman from Illinois knows that is the permanent law. Why should we carry it in the appropriation bill?

Mr. MANN. It is not in this paragraph. I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order. The question is on the amendment proposed by the gentleman from Minnesota [Mr. TAWNEY].

The amendment was agreed to.

The Clerk read as follows:

And no more than an allotment of one-half of the sum hereby appropriated shall be expended in the first two quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the last two quarters of the fiscal year, except that, in addition thereto, in either of said last quarters, the unexpended balances of allotments for preceding quarters may be expended: *Provided*, That so much as may be necessary for printing and binding the Annual Report of the Secretary of Agriculture, as required by the act approved January 12, 1895, shall not be included in said allotment.

Mr. TAWNEY. Mr. Chairman, I offer an amendment to strike out that proviso.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 163, strike out all after the word "expended," in line 8, down to and including line 12.

Mr. MANN. What is the reason for that?

Mr. TAWNEY. Under the present law, or under the printing law which we have passed, this proviso is no longer necessary, because it is provided for in the general law, as I am informed by the gentleman from Indiana [Mr. CHARLES B. LANDIS], chairman of the Committee on Printing.

Mr. MANN. Does it not cost a large sum of money to print these yearbooks?

Mr. TAWNEY. The printing of the annual report of the Secretary of Agriculture is now chargeable under existing law against the allotment for printing to the Agricultural Department.

Mr. MANN. This does not refer to the Yearbook?

Mr. TAWNEY. This is the Yearbook.

Mr. CHARLES B. LANDIS. I want to say that this does include the printing of the Yearbook.

Mr. MANN. Does the printing of the Yearbook come in the first quarter or in the last quarter of the year?

Mr. BARTLETT. How can it come in the first quarter?

Mr. MANN. If it comes in the first quarter and this item is stricken out, you will not get the Yearbook.

Mr. CHARLES B. LANDIS. The printing of the Yearbook extends largely through the entire year. It is used in the Government Printing Office largely in what is known among printers as "time copy."

Mr. MANN. Of course the gentleman from Indiana knows better than I that the composition work of the Yearbook is a small item. The principal item is paper and binding. If it is to go in the first quarter of the year and they are restricted from the use of more than a proportionate sum in the first quarter and this is the main item of printing from the Department, you won't get your Yearbook.

Mr. CHARLES B. LANDIS. I want to say to the gentleman that it will not interfere in any manner with the printing of the Yearbook.

The Clerk read as follows:

To enable the Public Printer to comply with the provisions of the law granting thirty days' annual leave to the employees of the Government Printing Office, $325,000, or so much thereof as may be necessary.

Mr. SMITH of Illinois. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

On page 163, line 17, after the word "necessary," insert the following: "That from and after the date of the passage of this act the employees of the Government Printing Office, whether employed on piecework or by the day, shall be allowed by the Public Printer leaves of absence with pay for thirty days in each fiscal year, exclusive of Sundays and legal holidays."

Mr. TAWNEY. Mr. Chairman, I make a point of order on that amendment, that it is a change of existing law. I will reserve the point if the gentleman will limit his time to five minutes.

Mr. SMITH of Illinois. Mr. Chairman, this amendment applies only to employees in the Government Printing Office and, if adopted, will place these employees on the same footing as those of the Executive Departments.

In each of the Executive Departments of the Government employees are, by existing law, entitled to thirty days' leave of absence with pay, exclusive of Sundays and legal holidays. Why should a discrimination be made against the employees in the Government Printing Office? Why should they not have their thirty days' leave during the fiscal year with pay the same as employees in each and all of the Executive Departments? The employees of the Government Printing Office are probably the hardest-worked people in any department, bureau, or office in the service. During the sessions of Congress much of the work of the Printing Office is "rush work;" all of this work must be done on time. Why should not those Government employees be entitled to the same consideration as employees who are not compelled to do this "rush work" incident to a busy session of Congress?

The employees in the Government Printing Office receive no better pay, and in many instances far less, than many of the employees in the Executive Departments, and, as I have before stated, all the employees in the Executive Departments receive, under existing law, thirty days' annual leave with pay, exclusive of Sundays and legal holidays, while the employees in the Printing Office receive thirty days' leave with pay, inclusive of Sundays and legal holidays occurring during such leave.

Speaking for myself, will say I am always for the workingman. I have been one of them all my life, and I do not hesitate to say that all of them who are worthy should be placed on an equal footing.

The amendment seeks to obtain that meed of justice which is due to employees in the Government Printing Office, whether male or female, which is already accorded to employees of the Executive Departments of the Government. Can or should any representative of the people on this floor object to this? The only interest which I have in the matter is an earnest and honest desire to place on an equality with all other employees in the Government service those men and women in the Government Printing Office who are absolutely entitled to equal consideration.

I trust the gentleman (chairman of the Committee on Appropriations) will withdraw his point of order and permit the committee of the House to decide by their vote whether or not this amendment shall be adopted. The amendment does not necessarily carry an additional appropriation. The appropriation you provide for is based on the number of employees in the service at the time the estimates were made. Since then many of the employees have been discharged or laid off, and I am advised that soon after the adjournment of Congress five or six hundred more will be discharged or temporarily laid off.

I desire to urge in the strongest manner possible on the membership of this House the absolute merit and justness of this amendment and earnestly urge the support of every friend of labor and honest toil in the support of same.

The CHAIRMAN. The gentleman from Minnesota makes the point of order, and the Chair sustains it.

The Clerk read as follows:

To continue the construction of the Isthmian Canal, to be expended under the direction of the President in accordance with an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902, as follows.

Mr. LITTAUER. Mr. Chairman, I offer the following amendment, with the request that it be now read and be permitted to remain pending during the remarks of the gentleman from Ohio.

The Clerk read as follows:

Provided, That no part of the sum herein appropriated shall be used for the construction of a canal of the so-called "sea-level type."

Mr. BARTLETT. To that amendment, Mr. Chairman, I reserve the point of order.

The CHAIRMAN. By unanimous consent yesterday given to the gentleman from Ohio, he is now recognized for one hour.

Mr. BURTON of Ohio. Mr. Chairman, the problems relating to an isthmian canal have caused discussions in Congress as long continued and as earnest as those pertaining to great questions of political or economic policy. Three principal questions have been discussed. The first question was whether the canal should be built by the Government or by private initiative. After the expenditure of vast sums of money and several conspicuous failures under private enterprises it was decided by the act of June 28, 1902, that the Government of the United States should undertake the task. The second question was where the canal should be located. Numerous routes had numerous advocates. The same act of June 28, 1902, known as the "Spooner Act," registered the conditional decision of Congress in favor of the Panama route. It was supposed that a third question had also been decided by that act—namely, the type of the canal—and it is generally accepted that a lock canal should be the one adopted and constructed by the Government.

But of late a great deal of controversy has arisen on this subject. There has been widespread agitation for a sea-level canal. I shall endeavor to point out that the act of 1902 committed us to a plan under which locks and an elevated level were to be employed, but before doing so I wish emphatically to dissent from the opinion that we can afford to postpone the removal of this question from the domain of controversy. It is not fair to the President and to the executive officers of the Government who have this great enterprise in charge to say to them with one breath, "Proceed with the canal with all the speed you may," and with another breath to say, "We have not yet made up our minds what kind of a canal you shall build." It is unjust to the subordinates who have gone to the Isthmus to give to the work the best years of their lives and their best efforts, to hamper and embarrass them by failing to decide this question.

I am informed that some are now contemplating leaving the Isthmus with the thought that this delay means either that the construction will be indefinitely delayed or that there is a strong element here which does not desire any canal at all. A little later I will point out some specific practical reasons why a conclusion should now be definitely made which will leave no indication of doubt, but, in the first instance, I wish to call attention to the Spooner Act of 1902. Under this act the decision between the Panama and the Nicaraguan routes was left to the President, with a direction that if certain conditions could be complied with, that at Panama was to be selected. He was authorized to acquire, at a cost not exceeding $40,000,000, the rights, property, etc., owned by the New Panama Canal Company, and also to acquire from the Republic of Colombia, upon such terms as he might deem reasonable, perpetual control of a strip of land not less than 6 miles in width from sea to ocean, with the right to construct and maintain a canal. This control should include the right to maintain and operate the Panama Railroad. He was also authorized to acquire jurisdiction over the strip and the ports at the end thereof, to make such police and sanitary rules and regulations as should be necessary to preserve order and preserve the public health thereon, and to establish such judicial tribunals as might be necessary to enforce such rules and regulations. If he could not comply with these provisions of the act, he was to obtain the necessary territory from Costa Rica and Nicaragua and proceed with the construction of the Nicaraguan Canal. He did obtain by treaty with the newly organized Government of Panama a strip 10 miles in width instead of 6, and made satisfactory arrangements for our continued possession for the purpose of constructing and operating the canal, also for policing and for sanitary purposes. He secured a satisfactory title to the property of the New Panama Canal Company on payment of $40,000,000, and after accomplishing this he was directed to proceed by the specific language of the statute, as follows:

The President shall then, through the Isthmian Canal Commission hereinafter authorized, cause to be excavated, constructed, and completed, utilizing to that end as far as practicable the work heretofore done by the New Panama Canal Company of France, and its predecessor company, a ship canal from the Caribbean Sea to the Pacific Ocean.

By this paragraph he was expressly directed—not merely authorized—to undertake the construction of the canal.

Now follows a direction which may be regarded as a limitation upon his authority, or rather, as a specification of the kind of canal to be built:

Such canal shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest

draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean.

In section 5 an appropriation is made and authority is granted to make contracts and to incur obligations for further expenditure to an amount set forth in the act. The section reads as follows:

SEC. 5. That the sum of $10,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated toward the project herein contemplated, by either route so selected, and the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses, by the route finally determined upon under the provisions of this act. Appropriations therefor shall from time to time be hereafter made, not to exceed in the aggregate the additional sum of $135,000,000 should the Panama route be adopted, or $180,000,000 should the Nicaraguan route be adopted.

Thus he was directed to proceed with the canal with the specification that it should be of such capacity and depth as should afford convenient passage for—

vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances.

A broader authority has perhaps never been given to the Executive than by this act. The measure clearly indicated the desire of the people for a prompt and effective prosecution of the work. Of course it will be conceded that Congress has the right, by repeal or other action, to take away the authority granted and reverse the decision made at that time, except that contracts made or obligations incurred would be binding.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. BURTON of Ohio. I will say that I would rather not be interrupted. My time, while an hour, is very short, considering the magnitude of the subject. However, if I make any statement which is not clear, I am not only willing to answer questions, but ask Members to interrupt me.

Mr. WILLIAMS. That is the point. The gentleman has read the language of the Spooner Act, which is in substance that the President shall provide such locks as are necessary, and I understand the gentleman to be arguing that that necessarily means a lock canal. Is it not true that even in a sea-level canal there must be at least one lock, and probably more?

Mr. BURTON of Ohio. There would be a lock, but not locks. The use of the word "locks" instead of "lock," while significant, might not be regarded as conclusive. I was about to say that the necessary implication from the whole act is that a lock-level canal was intended. In interpreting this statute we must consider acts for river and harbor appropriations and some other appropriations of the Government which Congress had been making for years, and of the phraseology and purport of which both Houses of Congress must have been well informed when this measure was passed. In river and harbor appropriations the direction of Congress is to the Secretary of War. An appropriation is made and the Secretary is authorized to contract for certain works, with the usual provision that the further cost shall not exceed a certain amount, the work to be paid for from time to time as appropriations may be thereafter made. The amount of appropriation and authorization is invariably based upon estimates before Congress. Sometimes the direction is to prosecute the work rather than to complete it. Under these acts the Secretary is authorized, and by necessary implication is directed, to proceed with these works, making contracts for their completion or prosecution. The amounts accruing under these contracts are appropriated for from time to time in sundry civil acts. The act is a specific direction, however, to proceed, and should the contracts be made and Congress fail to make appropriations in pursuance thereof the contractor could bring suit in the Court of Claims and recover the amount due him under the agreement made. Now, let us notice the amount of the authorization. It is $135,000,000. At that time both House and Senate had before them a report of the Isthmian Canal Commission created in 1899, stating that a lock canal at Panama would cost $135,000,000 and a sea-level canal would cost $240,000,000. This Commission estimated also the probable cost on the Nicaraguan route at $180,000,000 in case the President should proceed with the Nicaraguan Canal. I have given round numbers, but the figures were understood at the time. If it had been the intention of Congress that there should be a sea-level canal there would certainly have been mention of the two hundred and forty millions, the estimate before it for that type, or at least some language giving to the President authority to expend in excess of $135,000,000.

It is true that under the directions contained in the act the plan in the engineers' report which was before Congress in 1902 had to be changed. It was necessary that the depth should be greater. The proposed depth under their report was only 35 feet and the bottom width 150 feet. In order to afford passage which would be convenient for boats of the largest size, it was decided that a depth of 40 feet and a bottom width of 200 feet would be required. There was also a change in the size of the locks, but with greater information on the subject, by a saving in some places, it has been maintained that the canal on the lock-level plan can be completed for $139,705,000, to be expended after the beginning of our occupation, an amount only slightly in excess of the original estimate. This, of course, does not take into account the $10,000,000 that was paid to Panama and the $40,000,000 paid to the New Panama Canal Company or the expenses of sanitation and of government.

In discussing the comparative merits of a lock and a sea-level plan it is desirable to state some general facts and considerations. The length of the Panama route from deep water on the north side, or that of the Caribbean Sea, to deep water on the south, or that of the Pacific Ocean, is 49.15 miles. The maximum elevation on the axis or center of the proposed canal was, in its natural condition, 333 feet above sea level. This has been excavated to a considerable extent. A recent statement makes the present height 210 feet.

Four chief obstacles may be mentioned whatever type is to be adopted. The first may be said to be the magnitude of the work. It is the greatest engineering problem ever undertaken, and yet it presents, save in one or two particulars, nothing untried or exceptionally difficult. In comparison with the two other canals, which are without locks, it should be stated that the Suez is 104 miles in length, as against 49.15, and the Corinth is only 2 or 3 miles in length. In the Corinth Canal the maximum excavation is slightly in excess of 200 feet, in the Suez about 70 feet. The latter goes through what is practically a desert, though there are lakes on the way affording a wide channel for a part of the distance. The greater magnitude of the work at Panama is noticeable from the fact that the actual depth of the excavation to sea level is 333 feet. If the sea-level plan should be adopted, this would be increased 40 feet, the depth of the proposed channel, or to 373 feet. But it must also be stated that at the point of the canal where it crosses the maximum elevation the cross section of the ground to be excavated is in a curved shape and slopes rise to a higher elevation on both sides of the proposed route. The bottom width of the navigable channel would be 200 feet, in addition to which there should be on each side where the excavation is more than 100 feet a berme or shelf 50 feet in width just above the water level. The object of these bermes would be to afford access along the canal at places where there is deep excavation, and also to detain, in part at least, from going into the canal, any earth which might slip down from the slopes either during its construction or after its completion.

As regards the location of bermes and the height of the cut at which they would be used, these are matters of detail and might be changed. In order to provide side slopes it would be necessary that the width should be increased as the excavation approaches the level of the ground above, and in view of the greater elevation on both sides of the center of the proposed route there would be, with a sea-level canal, an approximate width of 1,100 feet at the top of the cut in one location and a height of 600 feet. At this point the excavation is in hard and soft rock. The maximum width at the top of a lock-level canal would be about 170 feet less, or 930 feet, and the maximum height 85 feet less. The figures which I have given are in accordance with the best estimates obtainable, though the nature of the rock and the necessary extent of the slopes may change them somewhat. As compared with these figures it should be stated that the greatest excavation in this country in a cut for a canal or railroad, of which I have been informed, is 250 feet, which is on a low-grade freight line of the Pennsylvania Railroad near to the Susquehanna River, and this excavation appears only on one side.

Another obstacle is that of sanitation. The average rainfall on the Caribbean side of the Isthmus is about 140 inches, about one-half that amount on the Pacific side, and over 90 inches in the interior. This maximum rainfall of 140 inches is four times as much as the average along the Atlantic coast. In addition, there is the extreme moisture incident to so large a rainfall and constant tropical heat, though the temperature does not, save in the lowest portions, reach an exceptional figure. Sanitary conditions were inferior when our Government took possession on the Isthmus. The ports at the two ends were subject to epidemics of yellow fever and other dangerous diseases. None of these presents any insurmountable obstacle, although the work will be seriously handicapped by the severe climate and the interruptions arising from very frequent rains.

A third obstacle is the circuitous route which must necessarily be adopted. Generally speaking, four ridges extend along the Isthmus, though very much interrupted and not continuous. They are located, one near to the seacoast on each side, and two in the high portions of the interior. It would be impossible to construct a canal without taking into account these ridges. The route of the canal must be adjusted to the course of the streams. The proposed route crosses the Chagres River, of which mention will be made, at least eight times. The next and greatest obstacle, both to the construction and operation of the canal, is the Chagres River, the "terrible Chagres," as it has been called. Why is it called the "terrible Chagres?" Because of its extreme fluctuations and sudden rises. In the low-water stage it has shown a discharge at Gamboa which, during the period of recorded observations extending over nearly thirty years, has been as small as 383 cubic feet per second. At its maximum high-water stage it has been 76,000 cubic feet per second. The magnitude of this torrent may be understood when it appears that its maximum discharge is more than one-third as great as the total average flow from the Great Lakes going over Niagara Falls. It reached, in 1890, 65,000 cubic feet per second. It will be observed that the variation in the flow has been, if you compare the minimum and maximum, as 1 to 200. It rises in the very high ground east of the proposed route, and in the lower portion has friable banks. It is necessary that a considerable part of a sea-level canal should be constructed near to its course because its route must be adjusted to the ridges extending along the Isthmus, of which I have spoken. This ungovernable river has baffled the plans of many engineers and destroyed the most sanguine hopes.

Now, with the consent of the House, I will approach the maps and explain the situation more completely, endeavoring to show the distinctive features of the two types or plans of the proposed canal. For 7.15 miles from the Atlantic side to Gatun, partly in a bay and partly through ground easily excavated, their course would be substantially the same. At this point in the lock plan the level of the canal would be raised 85 feet by three locks, each of a lift of 28⅓ feet. These locks are successive, or in flight, and would be built in duplicate, or side by side. There would be six locks in all, each 900 feet in length and 95 feet in width. The canal would be carried upon this level for 32 miles to a place known as "Pedro Miguel," on the side sloping to the Pacific, where, according to the plan of the minority of the Board of Consulting Engineers appointed by the President, a lock would be constructed in duplicate to a lower level, about 30 feet. From thence, through an artificial lake, the channel would lead to Sosa, a distance of about 5½ miles, where two locks would be constructed, again in duplicate, which would lower the level to that of the mean or average tide of the Pacific Ocean. From thence to deep water in Panama Bay would be 4.23 miles. This project of the Consulting Engineers, however, is likely to be modified so that the three locks on the Pacific side will be located at Pedro Miguel and below at Miraflores, having the same lift as suggested in the plan of the minority of the Board.

The sea-level plan contemplates a lock on the Pacific side to guard against the tide, which has a range of 20 to 23 feet, while on the Atlantic side it does not exceed 2 feet.

An essential feature of both types of canal would be the construction of great dams. The lock level would have a large dam in connection with the three locks at Gatun, which would create a lake 30 miles in length, in which would be impounded the waters of the river Chagres and its tributaries, as shown upon the map here representing the proposed lock canal.[a] Through 23 of these 30 miles the channel of the canal would lie. On the Pacific side, also, three dams would be constructed, impounding in a similar manner the waters which flow to the Pacific Ocean, again affording a deep and wide channel on the Pacific side. These latter dams would not be constructed if the modification suggested should be made.

The sea-level plan contemplates the construction of a dam at Gamboa here [indicating on the map], impounding the waters of the Chagres, which flow down from the higher ground above; also numerous other smaller dams to prevent, or check, the waters of impounded streams from flowing into the canal.

On the large map here are two lines, or routes, showing the approximate width of the proposed canals.[b] The upper one begins here on the Atlantic side, or in deep water on the Caribbean Sea, and represents the lock-level canal. The lower represents the sea-level canal along the same general route. For 4½ miles the course is nearly from north to south from Limon Bay, near to Colon, to the mouth of the Mindi River. If you will follow the map, you will observe an important, and I may say vital, difference between the two proposed canals, and when this is understood you have the very strongest argument for the lock canal. I think the feeling of every one of us would be that if it were practicable within reasonable limits of expense to build a sea-level canal, if the banks would not cave, if it could be readily maintained, if large boats could be readily steered and could go through without grounding or running against rocks at the side, a sea-level canal would be the enterprise which we would prefer.

But such a canal convenient for modern shipping and for prospective shipping would, in the judgment of those who have most carefully studied the subject, cost the sum of $400,000,000 and more, and would exhaust twenty years and more in building. It is proposed that the sea-level canal should be 500 feet wide for the first 4½ miles. The channel would be obtained for this distance by dredging in a bay or in low land next to a bay. From that point for 40 miles—I want to call attention to an apparent misapprehension. These routes represented here [indicating] are not one above the other or differently located. They are each on practically the same line, placed in juxtaposition on the map here. The sea-level canal, I repeat, for 40 miles would in earth excavation be 150 feet wide, in rock excavation 200 feet wide. To give exact figures, 150 feet wide for 20.39 miles, 200 feet for 19.47 miles. So for nearly 40 miles there would be an average width of almost exactly 175 feet. A lock-level canal contemplates the same plan for the first 4½ miles, and then a width of 500 feet to the proposed Gatun locks.

Mr. CAMPBELL of Kansas. Mr. Chairman, the very able and instructive speech of the gentleman from Ohio is quite as interesting to Members of the House over here as to those who are immediately surrounding that gentleman, and I raise the point of order.

Mr. BURTON of Ohio. I think if gentlemen will be seated I can make this plain, so everyone can understand.

Mr. GROSVENOR. Inasmuch as the interruption has taken place, I would like to ask the gentleman from Ohio to state how much distance there is between the direction of the sea-level canal and the lock-level canal.

Mr. BURTON of Ohio. They are virtually along the same line; there are variants, but those are not important. That involves so much detail I think it hardly worth while to go into it. At the Gatun locks, as I have stated, it is proposed to have in succession or flight three locks, having an aggregate lift of 85 feet to the highest level. Beside these locks at Gatun there is to be located across the channel of the Chagres, and impounding its waters, a dam 7,700 feet long. It is to be 135 feet high at the highest point, with a width or thickness at the bottom of half a mile, tapering to 100 feet at the top. Calculations have been carefully made to the effect that the water will rise for 85 feet of the 135 feet height of the dam, at which point the thickness of the dam will be 374 feet. In the central portion of this proposed dam there is a natural elevation through which a spillway would be constructed to take care of the waters while the canal is under construction, and to discharge the surplus after it is completed. In this connection it may be said that one of the greatest difficulties under either type will be the disposition of the waters while the canal is building.

There can be no question of the strength or permanence of this dam. There are some other questions relating to it which, if I have time, I will take up later. I think, however, all are solved with absolute certainty. This dam would raise the level of the Chagres and its tributary streams which flow on this side of the Isthmus to a level of 85 feet above the sea. It would create an artificial lake of an area of 118 square miles, 30 miles in length, through 23 miles of which the channel of the canal would lie.

Now, what are the differences between the two plans by reason of the creation of this artificial lake? At the beginning of the channel above the dam at Gatun in the lock canal, instead of a channel 150 feet wide and 40 feet deep, as proposed in the sea-level canal, there would be a channel 1,000 feet or more wide and 75 to 80 feet deep, and that very materially greater width and a materially greater depth on the higher lock level would continue for 23 miles. I just want, gentlemen of the committee, to put two figures over against each other. For 40 miles of the route, under the plans of the majority and minority of the Board of Consulting Engineers, the average width of the sea-level canal would be 175 feet, the average

[a] See Plate I, annexed hereto, for lock canal; Plate II for sea-level canal.
[b] See Plate III for a section of this map.

PLATE I.

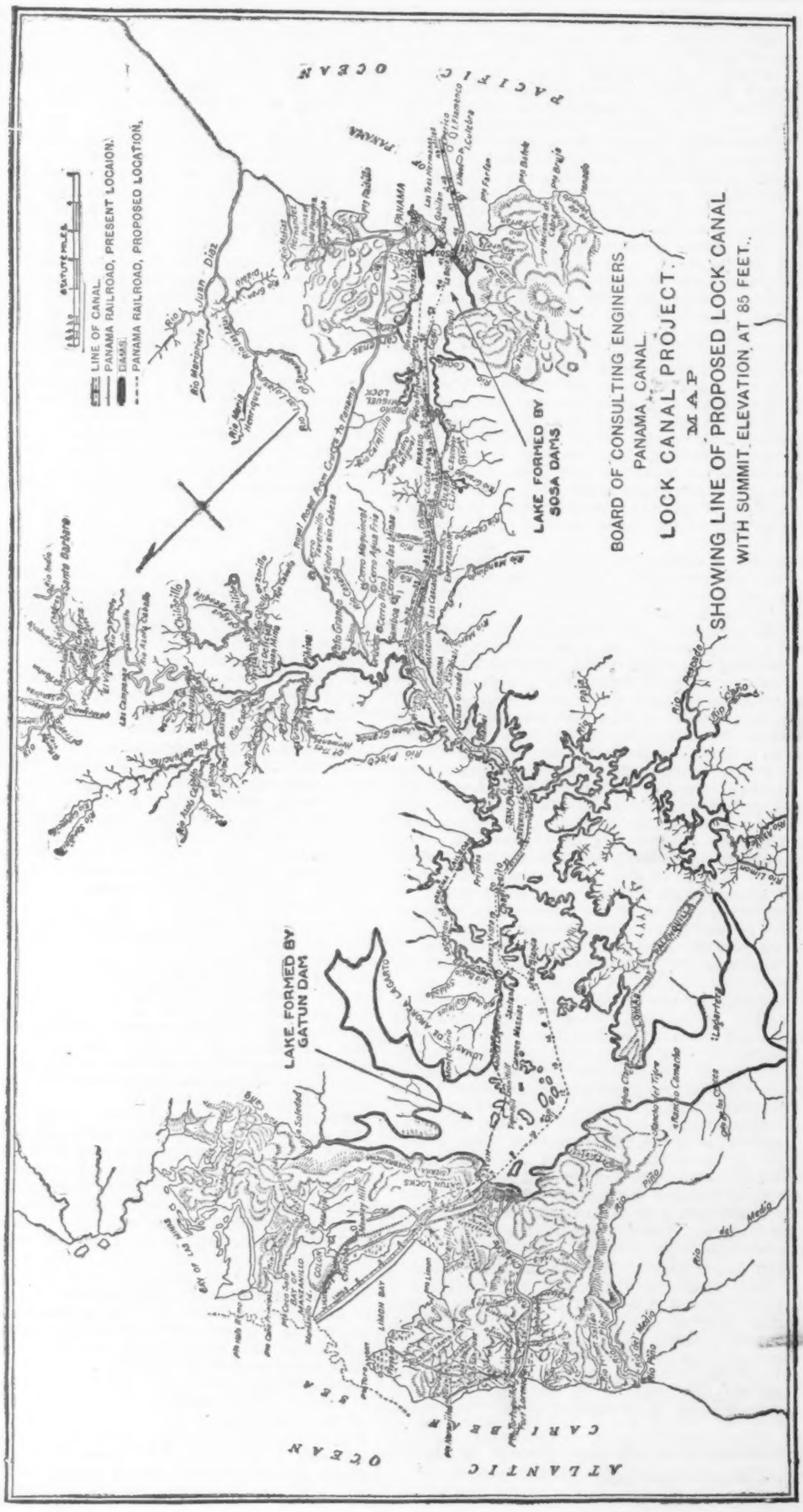

PACIFIC OCEAN
ATLANTIC OCEAN
CARIBBEAN SEA
LINE OF CANAL.
PANAMA RAILROAD, PRESENT LOCAION.
DAMS.
PANAMA RAILROAD, PROPOSED LOCATION.
LAKE FORMED BY SOSA DAMS
LAKE FORMED BY GATUN DAM
BOARD OF CONSULTING ENGINEERS
PANAMA CANAL.
LOCK CANAL PROJECT.
MAP
SHOWING LINE OF PROPOSED LOCK CANAL
WITH SUMMIT ELEVATION AT 85 FEET.

PLATE II.

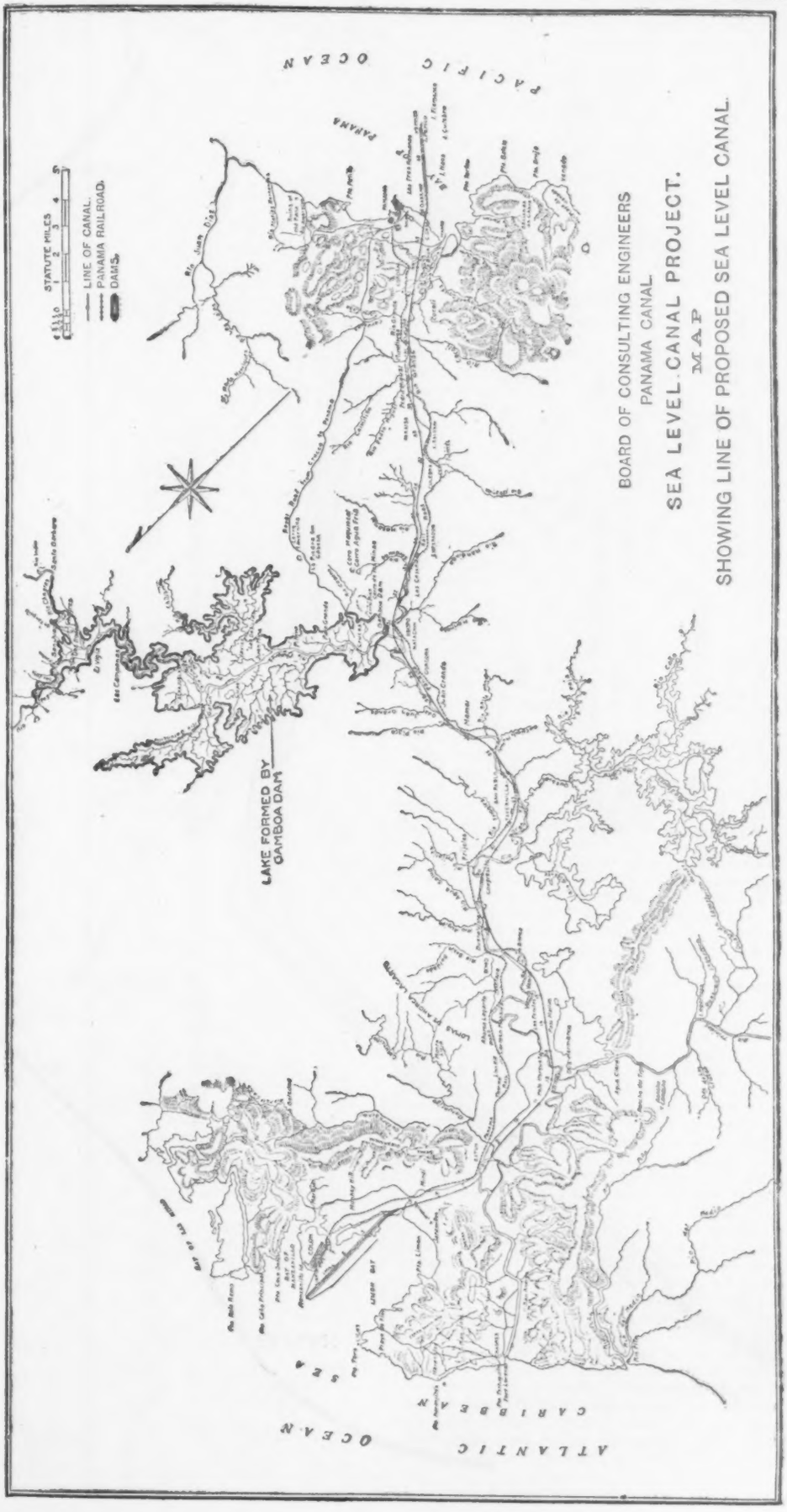
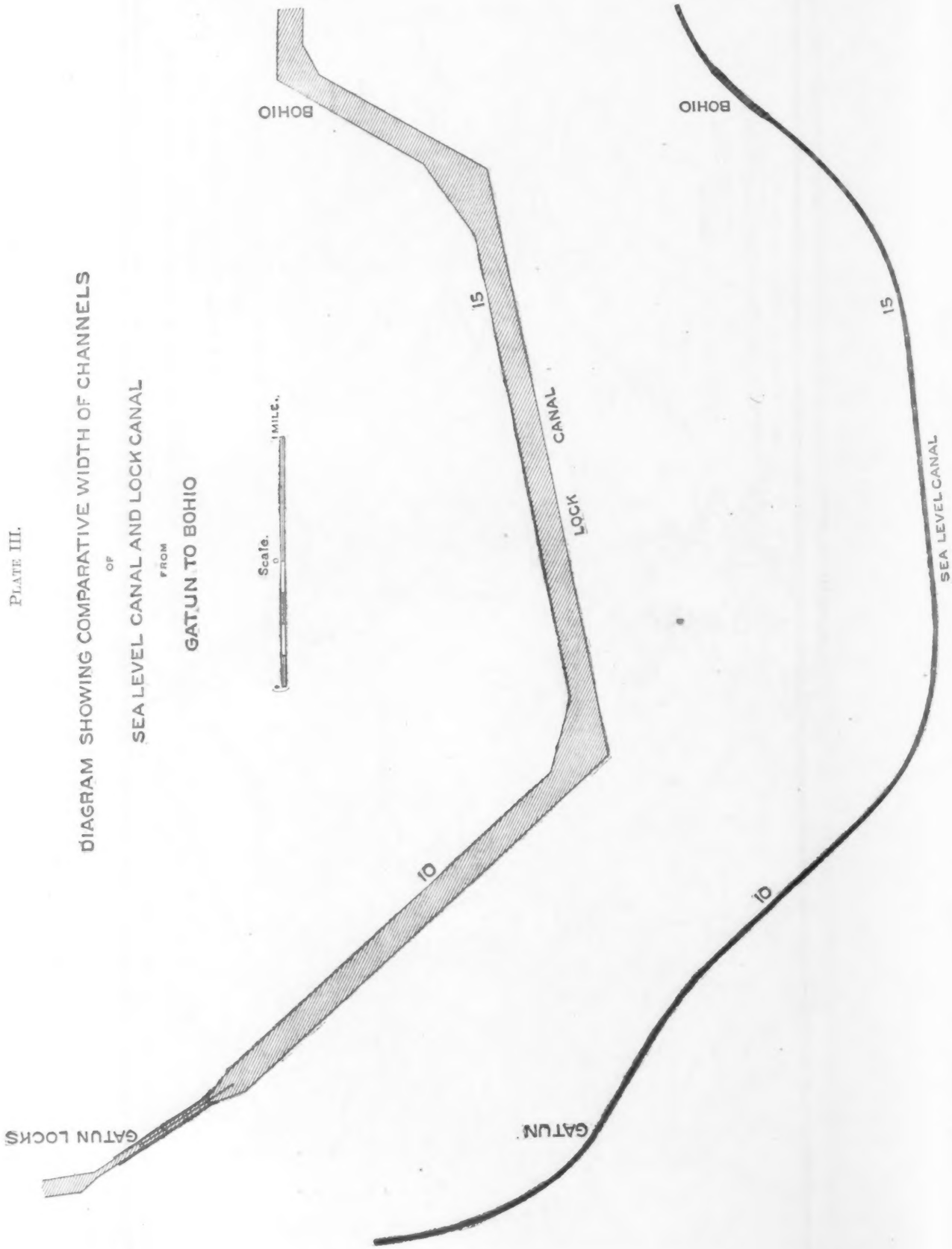
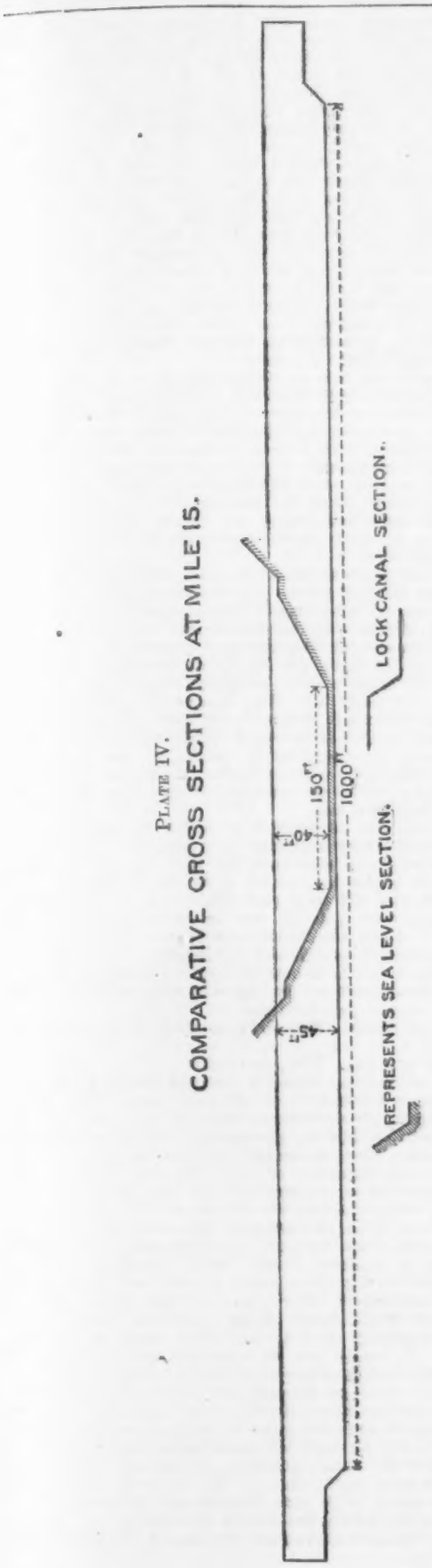

PACIFIC OCEAN
PANAMA
STATUTE MILES
LINE OF CANAL.
PANAMA RAILROAD.
DAMS.
BOARD OF CONSULTING ENGINEERS
PANAMA CANAL.
SEA LEVEL CANAL PROJECT.
MAP
SHOWING LINE OF PROPOSED SEA LEVEL CANAL.
LAKE FORMED BY GAMBOA DAM
ATLANTIC OCEAN
CARIBBEAN SEA

PLATE III.

DIAGRAM SHOWING COMPARATIVE WIDTH OF CHANNELS
OF
SEA LEVEL CANAL AND LOCK CANAL
FROM
GATUN TO BOHIO





width of the lock-level canal would be 600 feet.[a] This difference would thus be in evidence for more than four-fifths of the length of the canal. Under the modified plan the difference in width and depth would be even greater for half the total length of the route. This difference alone, if other factors promised equal advantage, should turn the scale in favor of the lock-level plan.

Mr. MARTIN. I notice that you use the term "lock-level canal." Is lock-level canal a new proposition in engineering?

Mr. BURTON of Ohio. By no means.

Mr. MARTIN. What is the distinction between that and the ordinary lock canal?

Mr. BURTON of Ohio. I used the terms indiscriminately. Either is correct, I take it; though perhaps the term "lock canal" is better.

Here are two maps showing, respectively, the proposed plans for the lock and sea-level canal. You will notice how frequently its route crosses the Chagres River [indicating Plates I and II].

Mr. OLMSTED. The route of which canal?

Mr. BURTON of Ohio. Either route; but the Chagres is prevented from crossing the lock canal.

What is the proposed disposition of the waters of the Chagres under the sea-level plan? They propose to build a dam here at Gamboa. It would be 180 feet high, rising from sea level, 50 feet to the bottom of the bed of the river, and thence 130 feet to the crest. Against this the waters would rise to a height of 170 feet, or 10 feet below the crest. The plan for a dam there is no doubt a feasible one, as well as that at Gatun. Each would be provided with spillways. There would have to be a considerable number of other dams as part of the sea-level plan. Of these, I must say that the foundations for them, and the practicability of their construction, does not seem, by any means, to have been as carefully studied as that at Gatun.

Mr. WANGER. In the estimate of flowage which you stated, as I understand, you referred to the cubic feet per second.

Mr. BURTON of Ohio. Yes.

Mr. WANGER. Past Gamboa?

Mr. BURTON of Ohio. That is the estimate, and I will come to that.

Mr. WANGER. And farther down the stream——

Mr. BURTON of Ohio. Farther down the stream it is estimated that the flowage would be half as much more. The 65,000 and the 76,000 which I have mentioned as a maximum would be impounded here [indicating site of Gamboa dam on the map]. There would be a spillway over which the maximum discharge would be 15,000 cubic feet per second.

Now, let us study the contour of this canal and the bed of the river near to it. The course of the proposed sea-level canal for the whole distance from Gambon or Obispo here down to Gatun, 22 miles, is near to the Chagres and lower than the bed of the river. Many of you have seen canals built by the side of rivers, and I do not believe one of you will recall a place where the level of the canal was not above the river beside which it was constructed, because no other plan would be regarded as safe. That is not all. In case a dam should be constructed at Gamboa, the comparative number of cubic feet at Bohio, down here 10 miles below, originating below the dam, still on the route of the Chagres, would be one-half the amount which would be impounded at Gamboa—that is, if there are 76,000 cubic feet per second, the maximum discharge in recorded freshets, which would be gathered by the Chagres at this point [indicating Gamboa dam], another 38,000 would empty into the river through tributary streams below this dam at Gamboa, all of which would be near to and a menace to a sea-level canal. There are seventeen of these tributary streams flowing into the Chagres the waters of which, directly or indirectly, might find their way to the canal below this dam at Gamboa, falling 30 to 150 feet to reach it. It is proposed to take care of the waters of these streams by dams on the principal tributaries, by diverting canals, and, in a large degree, by allowing this water to spill over into the sea-level canal. Now, what would be the result? If it were a broad stream, 400 or 600 feet wide, the canal could perhaps take care of a large volume of water; but what is the first thing that would happen? With the falling in of some tens of thousands of cubic feet of water per second at a time of freshet a very large amount of silt would be carried into that canal, and there must be constant dredging, with serious danger that at times the channel would be seriously impaired. What would be another result? Some of you have seen a very good illustration just below Niagara Falls, where 8,600 cubic feet of water comes through a tunnel into Niagara River a short

[a] See Plate IV for comparative cross sections at mile 15.

distance below the falls. There is a resulting cross current reaching almost across the river, and that, too, although it is but a short distance below the great cataract. In the amount which might enter the canal would be included not only the 15,000 feet from the spillway at Gamboa, but the still larger quantity—very materially larger, probably—which in time of freshet would flow in from the lower Chagres and its tributaries. This would not only deposit a great quantity of silt in the canal, but would raise the current concededly to 2.64 miles per hour at the time of maximum flowage.

Now, suppose you have a vessel 600 or 700 feet long. The bill provides that provision shall be made for the largest vessels now in use or those that may be reasonably anticipated. A boat has been launched nearly 800 feet long. In a channel 150 feet wide, with a current of 2.64 miles per hour, it would certainly be difficult if not impossible to steer her. In some portions of this route at the side there is not only dirt, but rocks. But it is said the Suez is even narrower. I wish to say that there can be no comparison between the two. In the Suez Canal the difficulties of construction, in the first place, are not so great. In the second place, it is through a sandy desert, at no place having an elevation of more than 70 feet through which they had to excavate. If a boat runs its nose against the side, it is against soft sand, and no serious injury can be done. As against a rainfall of more than 100 inches per year on the Isthmus of Panama, that on the Suez at the Red Sea is 1 inch, increasing to 3 inches at the northerly end. Yet, further, the Suez Canal does not afford a waterway for boats of nearly so large a size as is intended at Panama. Again, the curvature in the sea-level Panama Canal would be greater than in the whole of the Suez Canal. Although the Suez is 104 miles in length, there are only 15 curves, with a total curvature of 467½°, as against 19 curves at Panama, with a total of 597° in 49.15 miles. The total curvature, as I recall it, is 13 per cent of the route in the Suez and 38.8 per cent at Panama; indeed, in the portion excavated in the land 47 per cent. In other words, taking the whole canal, there is nearly three times as much curvature, relative to the distance, in the Panama Canal as there is in the Suez Canal, and in that part outside of bays more than three and one-half times as much. This is for the most part eliminated by the lakes under the lock plan.

I now wish to make a comparison here with other channels as regards some of the alleged disadvantages of the two types. Let us consider the objections to the proposed locks, and the dangers to shipping arising from the use of locks, on the one hand, and, on the other hand, from narrow channels with swift currents. It is said that locks of such magnitude are not safe. They would be 900 feet long and 95 feet wide. They are not in advance of existing locks in length or width, but are in advance in depth. But there has not been an occasion to build locks of a larger size, and so the trial has not been made. The increase in size is not greater than has been successfully accomplished in almost every species of construction. The last thirty years has witnessed a development in sky scrapers. Thirty years ago there were no sky scrapers in Chicago or New York, but now a building more than twenty stories high is regarded as quite as safe as was one of six stories of that time. Thirty years ago, in a proposed plan for building a bridge 2,200 feet long and 150 feet above the water level, on the Detroit River, it was decided by engineers to be necessary to put in two piers. Later they said that such an important advance had been made that one pier would be sufficient, and still later it was unanimously agreed that if expense should be disregarded a bridge 2,200 feet long and 150 feet above the water could be constructed without any pier, giving absolutely a clear passageway under the bridge. These are illustrations of improvements in construction.

The masonry of the locks would be 40 to 45 feet in thickness, of great stability; the upper locks would no doubt be provided with double gates and, if necessary, above the lock there would be located a movable dam, to be raised in case of accident. In the fifty years during which the "Soo" locks, in St. Marys River, between Lakes Superior and Huron, have been operated, those who are opposed to a lock canal say that three accidents have occurred. These are all they can enumerate in fifty years, during which time a traffic of 400,000,000 tons has passed through, 44,000,000 tons passing through last year without a minute of interruption and without any accident. When the accidents occurred the repairs to the gates and to the boats were easily made.

But where have the accidents happened? In channels 300 feet wide or more, below the locks in St. Marys River, where the current is not 2.64 miles, but 1½ miles per hour, and at the St. Clair Flats Canal, where the current is 1¼ miles. In these channels, more than twice as wide as the prevailing width in the proposed sea-level canal, with maximum currents half the maximum there, there have been during the fifty years mentioned a long list of disasters arising from collisions, from grounding, and, perhaps worst of all, as the result of boats being driven athwart the channel. By these accidents shipping has been delayed many days, with the result that the damage to traffic upon the Great Lakes has assumed very large proportions. If these boats, which until recently averaged less than 400 feet in length, would meet with such accidents in channels of greater width and in currents not so swift, what would be the probabilities in a canal where the specifications require provision for boats 800 feet long and of very much larger size? Thus, when we take into account the danger that may arise from locks they are far outweighed by the danger arising from the narrowness of the proposed sea-level channel and the current that might be created in it. These velocities of 1½ miles per hour in St. Marys River between Lakes Superior and Huron and 1¼ miles per hour in the St. Clair Flats Canal have been recently furnished by General Mackenzie, Chief of Engineers, and are official figures.

It has been said that this maximum current would only occur occasionally. In answer to that: In the first place, any waterway should provide for navigation every day in the year, and should be built in accordance with the extreme demands upon it. In the next place, with so great a rainfall, strong currents, if not reaching a maximum of 2.64 miles per hour, would be frequent and cause very great difficulty and danger.

I have no question about the stability of these locks, their permanency, or their sufficiency. Of course, there might be damage to them by great earthquakes, and if I have time I will come to that later.

Objection is also made to the Gatun dam here, the dimensions of which I have already given. The safest of dams, I take it, is an earthen dam of very large dimensions, which in this case would be one-half mile wide for the bottom width and of such a heighth and massive dimensions that it would be impossible to wash it away. Is there any danger of percolation under it, any danger of its being washed away by a fissure or anything of that kind? Certainly not. The danger of percolation has been thoroughly examined, borings have been made everywhere in the neighborhood, and it has been found that the seepage or percolation would be insignificant, negligible, as the report states. Even if there were some degree of seepage, by the use of cement grouting, or by the putting down of steel plates, this could be absolutely shut off.

Now, as regards the advantages of width, of safety, of the absence of current, every argument is for the lock-level canal. There are a great many who have the idea that on the upper level the channel is just as narrow as on the lower level, and the moment that you tell them that there is an average of 600 feet on the upper level and 175 feet on the lower level, it destroys the force of the arguments which have influenced them and creates an absolutely different impression of the comparative merits of the two. It is now time that I should call attention briefly to some practical reasons why this question should be put entirely beyond peradventure.

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. BURTON of Ohio. Why, certainly.

Mr. HENRY of Texas. There is one question I would like very much to have the benefit of the gentleman's information and judgment upon. We are going to build this canal not for the present generation, but for generations to come and for the centuries to come. Now, assuming that we construct a lock canal, will the same character of ships, the size of ships, pass through that canal as is contemplated to pass through a sea-level canal, and what would be the difference as to time?

Mr. BURTON of Ohio. As regards time, in case of a large traffic boats could pass through the lock-level canal more quickly than by a sea-level canal. Why? Because in these portions here there is a greater width, boats would have ample opportunity to pass each other and need not slow down at points where they might meet. With a sea-level canal, I will say, generally speaking, that a small boat could go through more promptly. It would not be compelled to slacken speed so much as a large boat because of curves and narrow channels. But a large boat could go through the lock-level canal more promptly. The passage would depend very largely on the time required for going through six locks as against one lock by the sea-level plan. It will be conceded by everyone that, apart from the lock portion of the canal, progress can be very much more rapid in the lock-level canal than in the sea-level canal, especially with a boat of large size, because of the necessity of checking speed in the latter, the danger of collision and of running against the banks, and especially because of the danger that

a large ship might be lodged across the channel. Further answering the gentleman, I do not anticipate that there would be any possible need for a larger canal than that under the lock plan for fifty years to come. Of course, that is a matter of conjecture. It would provide for boats with 40 feet draft and 90 feet beam. I say 40 feet—that is, 38 feet, practically. It would allow for a length of 780 feet to 800 feet or more. The very largest boats that have gone through the Suez Canal since January 1, 1905, and, I take it, the largest at any time since its opening, was one which had a draft of 26 feet 3 inches and a length of 560 feet; another having the greatest width was the English war ship the *Terrible*, having a beam of 78 feet. In making our plans it is well to provide for the centuries to come, but it is also well to provide that we do not reach the next century before we finish the canal. [Applause.]

Mr. OLMSTED. I would like to ask the gentleman a question. The gentleman from Ohio mentioned one lock or a series of locks with an aggregate lift of 85 feet. I merely want to ask if there would be other locks and what would be the aggregate lift?

Mr. BURTON of Ohio. Eighty-five feet up and 85 feet down, three locks on the Atlantic slope—that is, on the Caribbean Sea side—and three on the Pacific slope.

Mr. OLMSTED. In the Rideau Canal in Canada, which is 120 miles long, of course not so wide as this nor so deep, there is an aggregate lift of over 300 feet.

Mr. BURTON of Ohio. That is true. Of course it should be stated in candor that no such sized boats as are contemplated here go through the Rideau Canal.

Mr. OLMSTED. They carry boats of over 100 feet in length.

Mr. BURTON of Ohio. They carry boats of very considerable size, but this is to be built for not only the very largest-sized boats, but with provisions for safety.

Mr. WILEY of New Jersey. Mr. Chairman, I would like to direct the attention of the gentleman to one fact that seems to have escaped his attention, and that is, I think, he stated there were 23 miles of lake navigation of lock-level canal and there is a depth of 75 feet.

Mr. BURTON of Ohio. I think I so stated, gradually diminishing to 40 feet, the channel beginning at a width of 1,000 feet.

Mr. WILEY of New Jersey. The point was this, that the steamers coming through that lake navigation could go at a very much higher speed than they could through the canal.

Mr. BURTON of Ohio. Certainly.

Mr. WILEY of New Jersey. On account of the wash on the banks they are obliged to maintain a slow speed.

Mr. BURTON of Ohio. Yes.

Mr. WILEY of New Jersey. Through that lake they would probably go at full speed.

Mr. BURTON of Ohio. Yes; they might; but probably they would not try to attain their maximum capacity for speed. In a short distance they would not go under full headway.

Mr. WILEY of New Jersey. That would more than abrogate the time consumed in locking.

Mr. BURTON of Ohio. It would with a large ship certainly. I think a smaller ship could go through more quickly on a sea-level canal.

Something was said not long ago to the effect that this wide lake would not be a good thing, notwithstanding there is in places a thousand feet of channel, because it gradually becomes very shallow at the edges, and it is said that the sea-level canal would have an advantage, because the pilots would see the trees on the sides. I do not take that seriously. A pilot does not depend on trees, but on his knowledge of the channel, and this channel, 1,000 feet wide for 16 miles and 800 feet for 4 miles more, outside of shallow water would be buoyed, and every navigator has to keep track of buoys. If he can not, he does not know his business.

Mr. BURKE of South Dakota. Mr. Chairman, the gentleman gave us the statistics of the number of accidents that happened in the last fifty years in the Soo Canal. I would ask the gentleman if he has the statistics as to the accidents that have happened in the Manchester Canal?

Mr. BURTON of Ohio. There may have been more there, but that is a very simple proposition.

Mr. BURKE of South Dakota. Then I wanted to ask the gentleman in that connection what would happen to a lock-level canal such as the gentleman has described if an accident should occur so that the ship would go down through—would carry the gates?

Mr. BURTON of Ohio. In the first place, it is an impossibility, if the locks and approaches are properly constructed and properly managed. It is beyond belief. It would be necessary, of course, that there should be approach walls above and below the locks. The Manchester Canal does not have these of a kind that would be constructed here and which common prudence would require should be constructed. Then there would be double gates and, as I said, a movable dam above the upper lock which could be put up in case of damage. All the dangers that have been exploited by the opponents of the lock canal have been met and solved at the Soo, every one of them. They have gotten along there for these fifty years without difficulty.

I was about to speak of reasons of a practical nature why this matter should be settled beyond question. I desire now to have the profile maps brought here. There is an idea that we can go along in a lucky-go-easy way and the work will apply alike to a sea-level or to a lock canal. Let us examine some reasons why such is not the case. Here are the profiles and plans for the canal.[a] I will say that this profile of the sea-level canal is erroneous in one important particular. At the northerly end it represents the old line selected by the French company, upon which there has already been a good deal of excavation, but this line has been abandoned, so that from that point [illustrating on the map] the ground is not yet below sea level. Now, the three great problems in a lock canal, as far as construction is concerned, would be the building of this dam at Gatun here, the building of the locks at Gatun, and the cutting down of the Emperador-Culebra Heights here. The question is, which will require the longest time? In my judgment, the construction of the three locks at Gatun will take the longest time, and work should be commenced upon them at once. If a lock canal should be constructed, what should be done? This channel could be dredged here 7.15 miles to the proposed location of the locks, so that material might be brought there by a direct channel from the sea. Thus cement could be brought from Gulf ports or from other seaports, and the same opportunity would be available to obtain other necessary materials—lime, gravel, sand, crushed rock, etc. Now, if it is to be a sea-level canal the natural plan for making excavations would be to use your railroad so as to work along up here upon this upper level without turning your force in the direction mentioned. The method of constructing the dam at Gatun affords another reason for an early decision. The dredged material from the canal below Gatun should be utilized. Earth dredged from water would afford a better material than dry earth brought from other sources, and it could be conveyed to the dam by pipes connecting directly with the dredges near at hand or with scows bringing the dredged material from more remote points.

But there are two or three other points which are much more important than either of these. Here is your summit of 333 feet rising like the sides of a cup on both sides. If it is a lock canal, the excavation at the top would naturally be at least 170 feet narrower than for a sea-level canal. What is the rational and economical way in which to proceed with that excavation? It is to begin at the outer edge on both sides. It would be necessary to locate steam shovels and equipment for removal of earth on the upper edges of the cross section of the canal. In excavating this cut it is intended that the sides have a slope with frequent shelves or benches, perhaps every 30 feet. It will be necessary to locate numerous steam shovels and railway tracks. The general slope of the sides, it has been estimated, would be what is called "1 on 1"—that is, for a height of 85 feet there would be an additional width of 85 feet. It will readily be recognized that if you have a sea-level canal, you begin 85 feet farther out on either side. If you proceed as if for a sea-level canal and then decide upon a lock canal, an enormous amount of unnecessary excavation would have been done. If you begin as for a lock canal and then decide upon a sea-level plan, it will be necessary to change the whole arrangement of the slopes at the sides. The expense will be especially increased by the change in the adjustment of the railway tracks and of the machinery. It is to be noticed that the estimate of the total excavation for a sea-level plan is 110,000,000 cubic yards at this cut; for a lock plan only 53,700,000 cubic yards.

There is another reason not quite so important, but a very substantial one. You must take care to exclude the torrential streams from the cut even on its highest levels. It is necessary while construction is in progress to dig ditches on both sides of the proposed excavation to divert the waters of these streams. These ditches will have to be dug through jungles with a great deal of difficulty. Now, if you are going to have a width of 1,100 feet they would have to be outside of 1,100 feet; if a width of 930 feet, you can locate them so much nearer to the center line of the canal and construct them with a great deal less difficulty.

The third reason arises from the method of disposition of the excavated material. In the dredging on the higher levels the

[a] See Plates V and VI for profiles of lock and sea-level canals, respectively.

removal of the spoil is the all-important consideration. Digging can proceed much more rapidly than removal. The question is, Where shall this earth after it is excavated be deposited? If a sea-level canal should be constructed it would be dangerous to locate it in the valleys below the heights, because numerous streams crossing the banks of the deposited earth at right angles would force great quantities of earth toward and into the canal. If, instead, under the lock plan a great lake should be created, this spoil could be placed upon the outer edges of the lake in comparatively quiet waters in which it would settle and be taken care of. At any rate, what would be the case if any one of you were to undertake an enterprise where this all-important question was undecided? You could not prosecute it with the same vigor and vim, with the same certainty in your calculations. And so I appeal to this House, by its vote, at least, to register its opinion in what way that canal is to be constructed, so that there may be no longer any doubt or hesitancy about it. It seems to me it is hardly worthy of us as a people, that, undertaking an enterprise of this nature, after we have waited so long we should still further postpone a conclusive decision. I admit that for years here I advocated as strongly as anyone not going ahead with the enterprise until we knew where it was to be and what its general plan was to be. In 1899, after a Senate amendment on a river and harbor bill, providing for the Nicaragua Canal, I brought in here a conference report which provided for the first Isthmian Canal Commission, appropriating $1,000,000 and directing its members to carefully examine and report upon all routes. I did not believe that the comparative merits of the different routes had been examined. In 1900, when the bill was pending here to go on with the Nicaraguan route, I did not believe we had the data sufficient to enable us to go on intelligently, and I voted with the minority against that bill. Now, after these years of examination, and the work is begun, we should prosecute it with vigor and with no degree of hesitancy whatever. [Applause.]

The CHAIRMAN. The hour granted to the gentleman from Ohio [Mr. BURTON] has expired.

Mr. LITTAUER. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Ohio may be permitted to conclude his remarks. Is there objection?

Mr. MANN. I do not wish to object, but I think we should have a limit of time in some way.

Mr. BURTON of Ohio. I do not think I shall occupy more than fifteen or twenty minutes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio may have thirty minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Ohio may have thirty minutes longer. Is there objection?

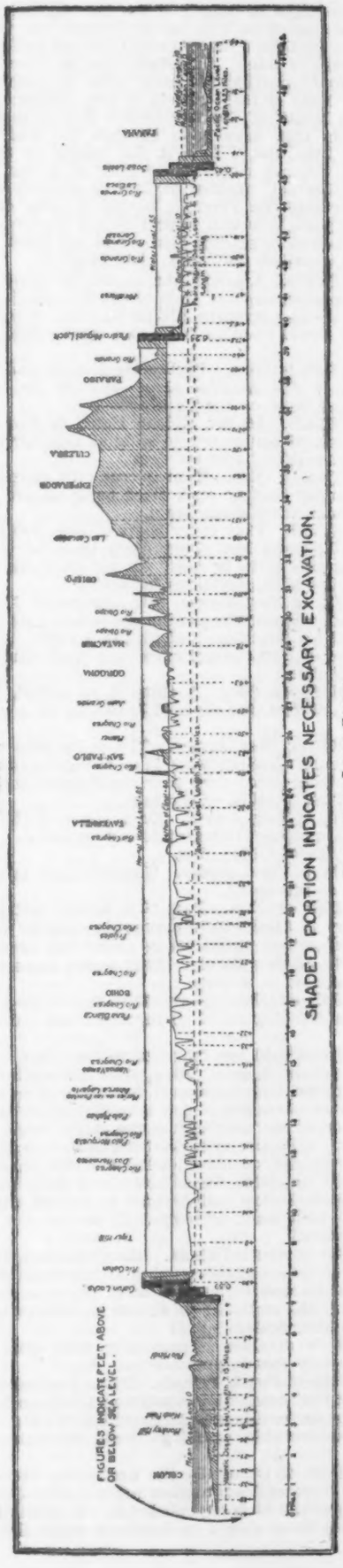
There was no objection.

Mr. BURTON of Ohio. The sea-level canal would not have been seriously considered except for the fact that a Board of Consulting Engineers was constituted not long ago, in which there were some foreign and some American engineers. By a vote of eight to five they favored a sea-level canal. I can readily imagine that a foreign engineer, with less knowledge of locks, with the Suez Canal as the great object lesson before him, would have, if not a bias, at least a predilection for a sea-level canal. It should also be said that two of the eight engineers who favored a sea-level canal in previous reports and when members of previous commissions declared in favor of a lock canal.

Mr. WILSON. How many of the eight were American engineers?

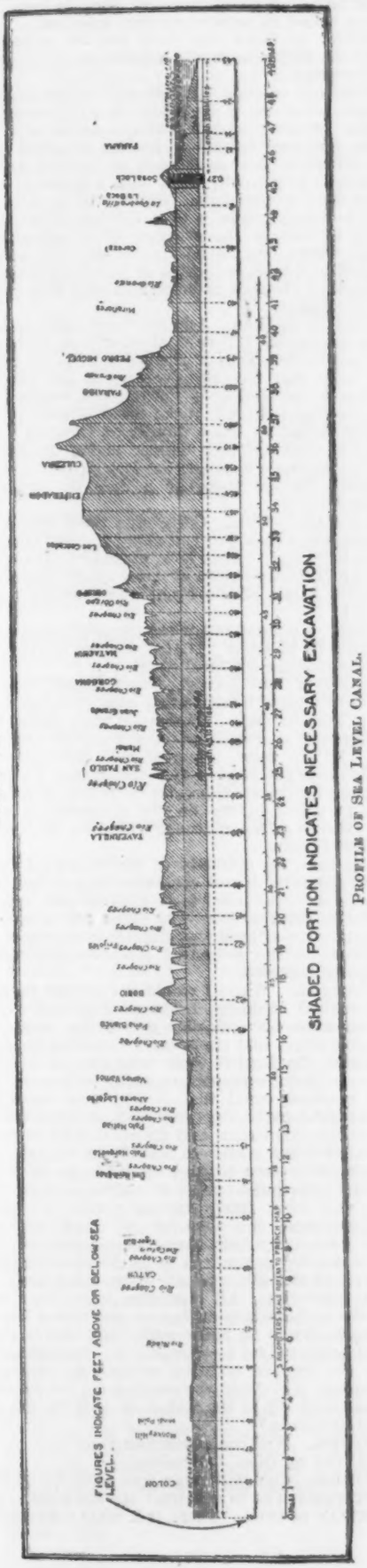
Mr. BURTON of Ohio. Three. General Davis, who, while a very able and learned man, is not a man who has had training as an engineer. He was one of the three Americans. The others were Mr. Burr and Mr. Parsons. Mr. Parsons says that if this were a commercial enterprise, one where a return of 5 per cent or something of that kind were expected, he would think a lock canal entirely proper. Mr. Burr, another member, was a member of the Commission from 1899 to 1902, which decided, after full consideration, in favor of the lock-level canal, and joined in a report to that effect. In the beginning, De Lesseps went there without any plan, without any borings, and went hastily ahead to construct a sea-level canal. After the expenditure of $247,000,000—and it is rather a threatening coincidence when you are told by the majority of this Board of Consulting Engineers that the sea-level will cost exactly the amount that De Lesseps wasted upon it, namely, $247,000,000—it was resolved that they would have to do something. A com-

PLATE V.



PROFILE OF LOCK CANAL.

PLATE VI.



PROFILE OF SEA LEVEL CANAL.

mission was convoked for the study of the plans. The members of that commission decided unanimously in favor of a lock canal. They did not put it on the ground of cost, either. Then there was another committee which made a report in 1898. It was called the Comité Technique, and it was intended to include the best engineers in Europe and America, and they unanimously reported in favor of a lock canal. M. Choron, an eminent engineer who was chosen as chief engineer of the new enterprise, in a paper which was read in London, said:

> The gentleman has conveyed a misunderstanding; he seems anxious to convey the idea that I am opposed to the sea-level canal because of its expense, which is not the case. It is because of the impracticability of the plan.

Then the Isthmian Canal Commission of 1899 was constituted, and they reported unanimously in favor of a lock-level canal. In all, thirty-four of the best engineers of the world, including Mr. Hunter and Mr. Burr, two of the eight who recently favored a sea-level canal, declared for a lock-level canal, and there was no opinion given, after mature consideration, by any commission or body of engineers in favor of a sea-level canal until this body, this thirteen, of whom eight favor a sea-level and five a lock canal.

Mr. KEIFER. If the gentleman will permit me, I understand you to say that there were eight of the thirteen favored a sea level and five a lock level? I think it was nine to four.

Mr. BURTON of Ohio. It was eight to five.

Mr. KEIFER. I would like to ask my colleague another question. You have spoken of the number of boards and engineers who have up to a certain day reported in favor of a lock-level canal. Was the question submitted to this Commission (I do not mean the last one) as to the feasibility of making a lock canal and not the cost of making a sea-level canal?

Mr. BURTON of Ohio. By no means. When the question was submitted to this Comité Technique of the type of canal they would build they unanimously condemned the sea level and did not put it upon the ground of cost, but on the ground of its impracticability.

Mr. KEIFER. I understood it was on account of the expense alone.

Mr. BURTON of Ohio. Not at all, although that question was considered. The Comité Technique in 1898 in making their report said, in speaking of the sea-level project:

> It is not possible to think of utilizing the river—
>
> That is the Chagres—
>
> itself for the passage of shipping, by rectifications studied with this end in view; the irregularity of its flow and the violence of its floods are incompatible with a solution of this kind. The complete diversion of its course to the Pacific, far from the route of the canal, as was formerly suggested and in part studied, would be a colossal undertaking which it does not seem possible to adopt. Hence it is necessary to accommodate the character and needs of the river and canal to those of near neighbors, which it is very difficult to do in the case of a sea-level canal. Even if the outflow of a large part of the drainage basin were confined in temporary reservoirs it must be recognized that it is necessary to provide for the river by the side of the canal an artificial bed capable of carrying a very considerable volume in certain flood conditions. An artificial bed prepared above the level of the canal which could carry so large a flow would represent a work not only very difficult to practically accomplish, but also one which must be a permanent menace to the canal. Thus it may be said that the principal obstacle to the realization of a sea-level canal arises less from the difficulties inherent to the execution of the grand cut at the continental divide than from those caused by the presence of the Chagres in the district which must be crossed before reaching this divide, and that it perhaps would be not too much to insist that here is an insurmountable obstacle to such a conception.

It is noticed that in setting forth these conclusions no mention is made of cost.

Then, again, Monsieur Choron said in 1901, in commenting upon a paper read before the Institution of Civil Engineers in London:

> The paper gave a clear account of the present position of the matter from a technical point of view. The author was not correct, however, in stating that the technical commission's principal reason for putting aside the plan for a sea-level canal had been its cost and the impossibility of its yielding a profit as a commercial scheme. The reason had not been the cost, which, perhaps, might not be a much more important matter than in the case of the plan adopted, but the grave technical difficulties presented by the problem of regulating the Chagres River and protecting the canal against its floods. With a lock canal and the great central lake of Bohio, this problem admitted of easy solution; without that lake it was almost insoluble. Hence the author's view, that the nearer a lock canal approached to the sea level the better it would be, was not altogether justified, because really the inherent difficulty of the regulation of the Chagres River would be seriously increased by lowering the level of the lake of Bohio below that adopted by the technical commission.

Mr. COOPER of Pennsylvania. I would like to ask the gentleman from Ohio if the adoption of a lock canal will obviate all the difficulties encountered from the flood waters of the Chagres River which would arise in case we adopt the sea-level plan?

Mr. BURTON of Ohio. Not altogether. There is no plan of any canal that will do away with all difficulties. You may just as well face that question; but they will be obviated in a far greater degree in this way. The most of the difficulty arising from the flow of waters is solved, and I may almost give an affirmative answer to the gentleman's question so far as the Chagres River is concerned. It will be noticed that the waters of the Chagres River below this dam flow off here [indicating course of the river from Gatun dam to its mouth], and above the dam they are taken care of by it. What I say is that there will always be a degree of difficulty arising from the great rainfall, which so saturates the earth that it erodes readily and is easily carried into the channels and cuts. These dangers would be infinitely greater in the sea-level canal. The number of disturbing streams would be very much greater and would also include all those which under the lock plan would be covered by the lake above Gatun. Then, too, the length of narrow channels in the canal, subject to erosion or overflow, would be multiplied several times over. The element of time at the Culebra cut, in case there is a sea-level canal, assumes great importance. One hundred and ten million cubic yards would have to be taken out and 53,700,000 cubic yards for a lock level. On the sea-level plan it is estimated that fully 40,000,000 cubic yards would be below the water level, much of it in the Culebra cut; it would have to be taken out of the water. Some means of communication would have to be adopted, so it could be carried away by the railway cars or in some other way. The whole problem of the Culebra cut is not so much to dig out as it is to carry away.

Mr. COOPER of Pennsylvania. A good part of the way, then, this lock canal will be above the level of the river?

Mr. BURTON of Ohio. Not all the way. It would be above the level of the river down to here [indicating on the map] and farther up for a considerable distance. An important fact is that its level in the lake created by the Gatun dam would be above the present level of the river wherever it crosses it.

Mr. COOPER of Pennsylvania. Above all danger from flood water?

Mr. BURTON of Ohio. Certainly. So far as the Chagres River is concerned, there would be no danger to the canal from that; but from the other streams and the rainfall there would be some danger.

We come now to the matter of expense.

Mr. HAMILTON. Before the gentleman leaves that point, I should like to ask him, if it was deemed advisable to make a sea-level canal in later years, if the lock type of canal is now adopted?

Mr. BURTON of Ohio. Yes; although it would be a very expensive undertaking. It could be done by putting in locks here at Gatun, and on the Pacific side, by the side of those which were in use, lowering this level behind them gradually, and then, perhaps, another lock here, continuing the dredging or excavation to a still greater depth. It has been estimated that it would cost $208,000,000 to make that change.

Mr. HAMILTON. And it would be impossible for traffic to go on?

Mr. BURTON of Ohio. Oh, no; traffic would continue without any interruption. Of course if traffic were to be interrupted, it would be a much easier matter to excavate to sea level, because then you would let the water out from the upper level and dredge in the dry; but if the traffic continues, as it would have to be continued—because if you establish a commercial route you must maintain it—there would be this great additional expense. I will say, further, that of course if you are going to have a sea-level canal it would be desirable to dig it now—that is, I mean a sea-level canal within twenty or thirty years.

Mr. HAMILTON. If it were deemed better in years to come——

Mr. BURTON of Ohio. Certainly it could be done.

Mr. HAMILTON. To have a wider and deeper canal, it would be possible?

Mr. BURTON of Ohio. Certainly, and the canal not be out of commission while the change was being made.

Mr. SIMS. Here is a question I wish to ask: If for any cause the dam at Gatun should be a failure, then the lock canal must be abandoned. Is that so?

Mr. BURTON of Ohio. That is so. At least the present plan.

Mr. SIMS. What assurance has the gentleman that that dam will be an absolute success? It seems to me that is the question to be decided.

Mr. BURTON of Ohio. The experience of men in building and maintaining dams in more difficult situations, and which are not by any means as massive, in different parts of the world—in India, in California, and even so near as Massachusetts—is a sufficient answer to that question.

Mr. SIMS. Is there any dam now in existence that will compare with this one in the amount of pressure that it will have to sustain?

Mr. BURTON of Ohio. I will say to the gentleman that a very simple principle of hydrostatics will satisfy him on that point. The pressure of the water upon a dam from a comparatively few feet behind it is just as great as it is from 10 miles. That is, in case there is no current, and there would be none here. If you will think of it a moment, you will know that such must be the rule. There will be here a column of water 85 feet high behind a dam 135 feet high, and dams have been built to sustain the pressure of a column of water 135 feet high. There will be no trouble on that score. The only danger that has been suggested is percolation underneath.

Mr. SIMS. I think it is important that that question should be fully considered.

Mr. BURTON of Ohio. I do not think there is any danger on that score whatever. There is another dam up here at Gamboa which would be necessary if the sea-level project were adopted. It is not quite fair for the advocates of one plan here to say, "Your dam is impracticable, unsafe, and founded on the sand, but mine is founded on a rock; mine is sure to be safe," because there is just as much danger at Gamboa as there would be at Gatun; just as much danger under the sea-level project at one place as there is under the lock project at the other.

Mr. SIMS. Would there be a dam or anything except a breakwater?

Mr. BURTON of Ohio. Certainly; there would have to be a dam at Gamboa. How are you going to keep out all this water unless you have one? Also, how, except by other dams, can you keep the water of seventeen or more other streams from wearing down the banks of the canal and swelling the currents of water in it?

Mr. SIMS. I understand what the gentleman refers to.

Mr. BURTON of Ohio. That is a dam to prevent the water from getting into the sea-level canal.

Mr. WILEY of New Jersey. The Oakland dam, at Oakland, Cal., is 115 feet high, whereas this dam at Gatun is only 85.

Mr. BURTON of Ohio. There are other dams which have a greater pressure to sustain without being of such massive construction. It has been estimated that this dam as projected here is six times as large as is required, but I think the people of the United States all appreciate a factor of safety.

I want to speak briefly on the comparative expense. The proposed expense of a lock canal would be, according to the estimates, $139,705,000.

It is true that the majority of the Board of Consulting Engineers did place the figures somewhat higher, but they conceded the cost of a sea-level canal to be $247,000,000, while the minority placed it at $272,000,000. The difference in cost as estimated by the Commission of 1899 was slightly in excess of $100,000,000. The difference in the estimated cost of $108,000,000 has been very generally accepted.

Now, about time. While I would not put my judgment against that of a skilled engineer, I believe the controlling factor of construction under the lock plan will be the locks at Gatun and on the Pacific slope, and these can be finished in eight years, so as to complete the dam, if those who have it in charge can go ahead without embarrassment, in 1914. It is said by those that favor the sea-level canal that it will take twelve or thirteen years. The most tedious process in building a sea level would no doubt be the excavation and disposition of 40 feet depth and 200 feet in width below the sea level for 8.1 miles; and it would take a very brave man to give an estimate as to how long it would take to do that—twelve or thirteen years would be the minimum, and more likely twenty years. I should be glad to hear from some one who favors a sea-level canal of the method to take away this excavation estimated at 12,500,000 cubic yards, located a hundred to more than 300 feet below the natural crest of the hill, and all to be taken from beneath the surface of the water. All engineers who favor the sea level concur in the opinion that as far as excavation is concerned all possible speed should be made with the Culebra cut, as it will require the longest time to complete it. Suppose the plan is to take away the dredged material or spoil by railway; how will you accomplish it? Will the excavation be accomplished by dredge boats working in the water, or will the cut be kept free from water by pumps?

Mr. RHODES. Will the gentleman yield?

Mr. BURTON of Ohio. Certainly.

Mr. RHODES. The gentleman was speaking of the length of time that it would take to construct the different types of canal.

Mr. BURTON of Ohio. There is a wide difference of opinion

about it. Engineers say they can furnish a lock canal in eight years, and those who favor a sea-level canal say twelve or thirteen years.

I have already expressed an opinion both as to cost and time. There are two other things I would like to touch upon.

Mr. ESCH. Will the gentleman answer a question?

Mr. BURTON of Ohio. Yes.

Mr. ESCH. I understand the canal is to be neutralized. I can understand how the Gatun lock would be beyond the range of fire, but under the project as the gentleman has explained it the Sosa dam comes very close to the Pacific coast line and would be in range of fire from battle ships in the Panama Bay. Would it not be better, as suggested by Engineer Stevens, to put the dam at Miraflores or Pedro Miguel?

Mr. BURTON. From a military standpoint, yes; but I am frank to say that in my judgment the only rational control of this canal is by treaty securing neutrality, just the same as the Suez Canal. The best protection is neutrality. So far as any fortress is concerned, I should prefer not to see a fort or a gun on the whole Isthmus, but have it protected entirely by agreement between nations. [Applause.]

Mr. OTJEN. Will the gentleman yield?

Mr. BURTON of Ohio. Certainly.

Mr. OTJEN. The gentleman has said that a lock-level canal would do for fifty years. Is it not probable that it would do for much longer than that?

Mr. BURTON of Ohio. Certainly; and then it could be enlarged. The estimate for enlarging it from a lock to a sea-level canal has been put at $208,000,000, which, added to the $139,000,000 of original cost, would make $347,000,000, as against $247,000,000 for a sea-level canal at the beginning. The Government would, however, save the interest on $108,000,000 between the construction of a lock canal and a change to sea level.

Mr. COOPER of Pennsylvania. How about the cost of maintenance?

Mr. BURTON of Ohio. I have given some attention to that, but I do not think we have any data upon which to base a reliable estimate. It is generally estimated that it would cost more for the maintenance of a lock canal. Why? Because of the maintenance and operation of the locks. It will not do to let every master of a vessel, careless or careful, go through the locks managing his own boat. It will have to be taken charge of by an expert responsible to the Government when it reaches the locks, and thus the maintenance would be a matter of considerable expense.

Mr. BUTLER of Pennsylvania. Will the gentleman allow a question?

Mr. BURTON of Ohio. Certainly.

Mr. BUTLER of Pennsylvania. It is quite as important to take care of the canal after it is built as it is to sail ships over it. Does the gentleman know what progress has been made to secure neutrality for this Zone?

Mr. BURTON of Ohio. I do not know that there has been any effort—there is a general progress everywhere toward the neutrality of canals.

Mr. BUTLER of Pennsylvania. It is the gentleman's opinion that there will be no difficulty in securing a guaranty of neutrality?

Mr. BURTON of Ohio. None whatever. Neutrality for the Suez Canal was secured, all nations joining but one, as I recollect.

Mr. BUTLER of Pennsylvania. There were two or three nations excepted.

Mr. BURTON of Ohio. Yes; but their refusal to become parties to the agreement did not assume any great importance.

Mr. DUNWELL. Will the gentleman yield for a question?

Mr. BURTON of Ohio. Certainly.

Mr. DUNWELL. The gentleman promised some time ago to give us some opinions in regard to earthquakes. I hope he will.

Mr. BURTON of Ohio. I do not think I could make the subject of earthquakes more attractive to members of the committee than some other subjects about which Members would like to talk, but I will try to say something about it.

Mr. MARTIN. Mr. Chairman, can the gentleman from Ohio give us any comparative estimates of the annual cost of operating these two systems?

Mr. BURTON of Ohio. I would say in regard to that, that several estimates have been made. One places the annual cost at $2,400,000 for the sea-level canal and $2,800,000 for a lock canal. Another estimate is that the cost will be $800,000 more for a lock canal. I think, however, those are all in the air. I do not believe anyone can make any estimate at this time with any degree of accuracy.

Mr. MARTIN. Is not that going to be a very important part of the problem—the annual cost of operating the canal?

Mr. BURTON of Ohio. It is an important problem. But the immediate problem is the completion of the canal, so that it may be ready for use. We expect to receive a return in the way of tolls. It is all a dead investment, and will be until it is finished. On completion the expense of maintenance will depend somewhat upon the amount of traffic. I do not anticipate the traffic will be nearly as large as those who have been most enthusiastic about it expect.

Mr. SIMS. Mr. Chairman, I would like to ask the gentleman a question. If we have a dam and keep the waters of the Chagres from rushing into the canal, will not the checking of the water precipitate the sediment or silt, and will it not, therefore, go into the canal?

Mr. BURTON of Ohio. No; because at times you must discharge through a spillway 15,000 cubic feet per second. In addition to that there are seventeen streams at different places below Bohio, and the cubic discharge of the Chagres is 50 per cent greater 10 miles below Gamboa, where the dam is, than it is at Gamboa. The chances are there would be a very large amount of silt in the canal, but the greatest amount of dredging would not be required naturally, because of silt carried in water, but by reason of the dirt washed into the canal by inflowing streams.

Mr. Chairman, if I have time, I wish to say just a few words in regard to earthquakes. Of course, no construction can be safe against possible earthquakes. I do not believe there is any great difference between the two types of canal as regards that danger. There are divers theories about earthquakes. The old one was that they were due to the fact that the earth was a mere crust on the outside of a molten mass, and that the heated material within was seeking exit. That naturally caused the strata to rise in the places where the pressure was greatest and the crust was weakest. Under this theory earthquakes would be associated with volcanic eruptions. Another theory now is that they are caused by the slipping of strata. The danger of an earthquake to a lock-level canal would not, I believe, rest upon the great locks. Their masonry is too massive to be affected by an earthquake unless it be of a kind almost beyond our comprehension. For instance, at San Francisco in the recent severe earthquake the forts erected by the Government remained intact. Some tall buildings remained intact. The Government building, which was the best constructed, remained intact, or that part of it which was completed. The masonry for these locks would far and away exceed in massiveness any of those structures that survived the San Francisco earthquake. The greatest damage to the locks would naturally fall upon the pipes through the masonry of the canal walls, which convey the water for lockage, and I do not believe that would be very serious. It could be repaired without very serious difficulty.

On the other hand, this great excavation in the sea-level canal, 373 feet deep at the lowest depth and with a maximum elevation rising to 600 feet on one side, would be a shining mark for an earthquake. I do not believe that anyone can argue in favor of one side or the other, so far as the earthquake proposition is concerned. As regards this dam at Gatun, there are some dams in California like the one proposed at Gatun. These survived the shock and retained the water behind them without any difficulty.

Mr. KAHN. Mr. Chairman, I would like to suggest to the gentleman that the water supply of San Francisco is contained in three reservoirs outside of that city—one in Lake Pilarcitos, one in Lake San Andreas, and one in Crystal Springs Lake. Those three lakes were located upon the fault which caused the recent earthquake. They are all artificial lakes, maintained by a dam, and the dam is constructed in a similar manner to the proposed construction of the lock canal; and they all had as severe a shock as could possibly be given, and every one of those three lakes remained intact.

Mr. BURTON of Ohio. Mr. Chairman, I thank the gentlemen of the committee for their very friendly attention. [Prolonged applause.]

The CHAIRMAN. Does the gentleman who made the point of order upon the amendment insist upon it?

Mr. LITTAUER. The point of order was reserved, Mr. Chairman, as I understood it.

Mr. TAWNEY. Mr. Chairman, I ask for the reading of the amendment, in order that we may understand it.

Mr. BURTON of Ohio. Mr. Chairman, may I ask for a moment? The gentleman from New Jersey [Mr. WILEY] has something which he desires to have inserted in the RECORD bearing on this subject, and I know from a cursory examination of it that it is valuable, and I ask unanimous consent that he have two minutes.

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. BURTON of Ohio. I was not aware the gentleman from Georgia had the floor.

Mr. BARTLETT. I yield to the gentleman from New Jersey for two minutes.

Mr. WILEY of New Jersey. Mr. Chairman, I trust I may be pardoned for complimenting the gentleman from Ohio for the eloquent and instructive lecture which we have all enjoyed. I received this morning from Mr. Noble, who knows more about canals than almost all the engineering profession put together, a very concise and careful statement of the pros and cons in regard to a lock and a sea-level canal, and it is stated much better than anybody else could do it, and I therefore ask permission to insert Mr. Noble's remarks in the RECORD.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I ask unanimous consent that it may be read here.

Mr. WILEY of New Jersey. It is twenty-one pages, and I think it is rather too much to have read at this time.

Mr. BUTLER of Pennsylvania. It would not take over twenty-one minutes to read it.

Mr. WILEY of New Jersey. That is not my request. I will take the gentleman from Pennsylvania aside and read it to him whenever he may desire.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

The communication is as follows:

NEW YORK, *June 14, 1906.*

Hon. WILLIAM H. WILEY,
House of Representatives, Washington, D. C.

MY DEAR MR. WILEY: I am sending with this some notes on the Panama Canal problems, which you are at liberty to use in any way you please, with or without mention of the writer. If they prove to be of any interest or use to you, I shall be gratified. Doubtless they are too diffuse; they have been written hurriedly and disconnectedly. If any other points occur to you on which you would like notes, kindly advise me and I will do what I can.

Very truly, yours,

A. NOBLE.

Notes on the projects for the Panama Canal submitted by the majority and the minority of the Board of Consulting Engineers.

The salient features of the sea-level canal as a navigation channel are a comparatively narrow channel, which is 150 feet wide at the bottom, with sloping sides for a length of about 20½ miles where the excavation is entirely in earth; 200 feet wide at the bottom for 19½ miles where the bottom is in rock or the so-called "indurated clay," and the remainder of the total length of 49.35 miles is made up mostly of harbor entrances and has widths of 300 to 500 feet. For about half the length of the 200-foot channel the sides are wholly of rock or indurated clay and vertical from the bottom to and above the water surface, but in the remaining half the top of the rock is under water, the earth sides above the top of the rock sloping to the water surface and above. A tidal lock is located near the shore of Panama Bay to be used to lock up from the Pacific into the canal at low tide and down into the canal at high tide. The extreme variations from mean tide are about 11 feet, making the maximum oscillation about 22 feet. The usual range of spring tide is 18 to 20 feet.

The main features of the lock canal, from the navigation point of view, are its locks and its broad navigation channels. Excluding the locks, there are less than 5 miles of channel which is less than 300 feet wide at the bottom, and more than two-thirds of the entire length varies in width from 500 feet to lakes miles in width.

SUEZ CANAL IS THE BEST EXAMPLE OF A SEA-LEVEL CANAL.

The best example of a sea-level canal is the Suez Canal. The depth of this canal is 31 feet, or 77½ per cent of the depth proposed for Panama. The present minimum width is 108 feet, or 72 per cent of that proposed for Panama, but is to be increased in the near future to 147.6 feet, which will be 98½ per cent of that proposed for Panama. In proportion to depth the width of the improved Suez Canal will be considerably better than the proposed sea-level canal at Panama, the bottom width of the Suez Canal being four and three-fourths times its depth, while the width of the sea-level Panama Canal is to be only three and three-fourths times its bottom width. For the largest ships which can pass through the respective canals the Suez Canal is obviously safer, as it has greater proportionate width.

ST. MARYS FALLS CANAL AND ST. MARYS RIVER BEST EXAMPLES OF USE OF LOCKS AND NAVIGATION IN EXCAVATED CHANNELS

The best example of a lock canal from the traffic point of view is the St. Marys Falls Canal, which completed its first fifty years of successful operation a year ago. While the canal is itself short, less than 2 miles long, in its neighborhood is a succession of artificial channels through islands, reefs, and shoals, with materials varying from mud to rock, the width varying from 300 to 1,500 feet, and the aggregate length exceeding 20 miles; through a somewhat greater distance the navigated channel passes through rivers and small lakes, where the free width is greater and the points of shoals projecting from the land on either hand are marked by buoys. Center-line ranges are established for both classes of channels. The sailing conditions are therefore very similar to those which would be obtained in the proposed lock-level canal at Panama. The ships traversing these channels are of larger average dimensions than those of any other lock canal in the world, and the annual tonnage through them is many times greater. It has been objected that the St. Marys Falls Canal is not a safe precedent for a Panama canal, because it is not a "maritime" canal. This is a mere play upon words. It has been said that the ships plying the Lakes are built to suit lock conditions. This is entirely erroneous. They are built for various uses—to carry passengers, to carry package freight, to carry grain, to carry iron ore, etc., but mostly to carry ore. There are no special appliances to enable them to pass canals, and none are needed. Any ship furnished with lines to tie up is adequately equipped to pass a canal. In view of its long and successful existence, the minority of the Board was warranted in considering the experience obtained there as perfectly applicable to the Panama lock canal, and that experience was much greater than had been gained anywhere else.

DELAYS AT LOCKS AND TRAFFIC CAPACITY.

It is evident that while ships arriving at Gatun from the Atlantic may come more rapidly than they can be locked through and therefore delayed there, they will be spared, in point of time, by passing the locks and then proceeding in regular order through the stretch to the next locks (at Pedro Miguel), and will be further delayed little or not at all awaiting lockage at Pedro Miguel; and the same at Sosa. In like manner, ships arriving at the Pacific may be delayed at Sosa awaiting lockage, but will find the Pedro Miguel and Gatun locks ready on arrival. This kind of delay, due to the bunching of ship arrivals, would occur with the sea-level canal at Sosa for ships from either direction and to practically the same extent as with the lock canal, unless, as some of the sea-level advocates hope, the tide lock can be left open a part of the time. Whether this is practicable and time saving is questionable. Mr. Tincauzer stated that the Kiel Canal North Sea lock is never opened through. At the Manchester Canal the charter requires that flood tide be admitted in order to discharge a volume of water from the canal into the Mersey at a point farther up to contribute to the scour of the river, a requirement justly considered onerous, and was unsuccessfully fought by the canal corporation. Mr. Bates states (p. 1690, Senate committee hearings, 1906) that no ships enter the Manchester Canal with the inflowing tide, so that the assumption of large saving of time by leaving the tide lock open is not quite warranted, and it is probable that the time lost waiting for a change of tide would be fully as great as the time required for lockage. The St. Marys Falls Canal affords valuable data as to the traffic capacity of a lock canal which, with due allowance for the greater number and size of locks at Gatun, are applicable at Panama. In the heavy traffic months of 1905 the traffic through one lock at St. Marys Falls Canal was at the rate of 40,000,000 tons per year; with duplicate locks, which are to be provided at Panama, this would be doubled, as the capacity of the St. Marys Canal lock is not nearly reached; the capacity of the Panama locks would be much greater, and if the ships were of greater individual tonnage, as will surely be the case at Panama before the traffic capacity of the locks is approached, the capacity of the locks would be correspondingly increased on that account, and an enormous aggregate would be reached. On the other hand, the greater lift, dimensions, and number of locks at Gatun would diminish the traffic capacity. Some time must also be lost refitting and making repairs to locks and machinery, but with ample allowance for all these an enormous tonnage, which the minority believe would be as much as 80,000,000 tons annually, could be passed without serious delays. It can not be insisted on too strongly that this estimate is firmly grounded on actual experience.

Vessels do not arrive at a port in uniform daily number, but for various reasons, largely from stress of weather, arrive in "bunches." When the capacity of the locks is approached and before it is reached, the delays to the last ships of the bunches become considerable, and when these delays become very large the traffic capacity of the locks is to be considered reached, although a still further increase is possible. The minority of the Board kept this consideration in view, and its estimated traffic capacity has reference to the amount which could be passed without serious delays.

One of the advocates of the sea-level canal stated before the Senate committee (see page 1587 of hearings) that "all the ships that pass the Soo lock pass it practically on schedule time. * * * There is a regular procession of vessels—that is what it amounts to—with fixed intervals between them. It is precisely like a railroad schedule. This is not an exaggeration." In regard to this statement I can only say that it is astonishing that anyone who has had the least information about that traffic could make such an erroneous statement, and I regret that Senator KITTREDGE was led to accept it. The passenger steamers, a very small proportion of the whole, keep within a few hours of schedule during two or three months of summer, varying more in the spring and fall; but nearly all of the vessels are freight carriers only, loading at various ports and unloading at various others, often delayed in both operations, but always leaving port immediately when ready, losing the least possible time, and running absolutely without schedule.

The section of channel less than 300 feet wide in the Panama lock plan is so short that the traffic capacity of the channel is unlimited, and as the capacity of the locks for traffic is limited, the sea-level advocates say truly that the traffic capacity of the lock canal is fixed by the traffic capacity of the locks. If, however, the vast capacity of the duplicate locks should be reached, others can be built, as has been done at the Soo, and the capacity increased to any desired extent. The need of such an increase of facilities implies such a prodigious development of the world's wealth that the cost of any needed increase of facilities would be no great burden. The same remark is true in a degree for the sea-level project, but I have not the slightest doubt that the demand for a broader channel in a sea-level canal would be made and met long before there would be any need of increased lock facilities in a lock canal, so that with a sea-level canal the burden of improvements would come earlier when the cost could not be as well borne.

SUPERIORITY OF BROAD CHANNELS.

That a demand for a widening of the sea-level canal would arise very soon can not be doubted by anyone who is informed as to the universal experience in waterways all over the world and considers the matter dispassionately. The Suez Canal was first made 26 feet deep and 72 feet wide at bottom, and was opened to navigation in 1869. A better channel was demanded almost immediately, although the average of ships was much smaller than now. The widening of the channel was opposed by many engineers and navigators, as stated before the Senate committee (p. 2172, hearings), some of whom even insisted that a wide canal would be more dangerous to vessels and that the proper course was to build a second canal of the same width as the existing one. Fortunately this was not done. The channel was widened and deepened with great benefit to navigation, and I refer to this ancient history of error only because the arguments for a narrow channel have been recently repeated before the Senate committee in justification of the sea-level width.

In the year 1886, before the Suez Canal was enlarged, 6.1 per cent of the ships passing through it ran aground. This delayed other ships to the extent of 9 per cent of the number passing—in other words, 15.1 per cent of the ships passing the Suez Canal in 1886 were delayed either by themselves grounding or by being obliged to wait because the channel was choked by grounded ships. In 1899, after the bottom width had been increased to a minimum width of 108 feet and in some

stretches to 118 feet, the groundings were reduced to 2.1 per cent and the number of other delayed ships to 4.4 per cent, or a total of 6.7 per cent, or considerably less than half the proportion in the narrow channel. In the following year, 1900, the proportion of ships grounding was further reduced to 1.9 per cent; of other ships delayed thereby, 2.7 per cent—making a total of 4.6 per cent.

As the traffic in a narrow waterway increases, the risks to the ships increase by reason of the greater number of meetings, and therefore it is interesting to compare the proportion of ships delayed in the Suez Canal with that in the broader excavated channels between Lakes Superior and Huron. In the latter the number of groundings in 1905 was thirty-four, which was about one-tenth of 1 per cent of the number of ships passing. The length of these channels is only about one-fourth that of the Suez Canal, so that the above per cent should be multiplied by four, making 0.4 per cent, which is to be compared with 1.9 per cent, the best figure quoted for Suez. The average daily number of ships passing through the Soo channels in 1904 was about sixty-five, while the daily average through the Suez Canal was eleven in 1900; but notwithstanding the vastly greater density of traffic in the American channels, the danger of grounding was only about one-fifth as great. If the record of the groundings in the American channels for 1905 had been taken, the comparison would have been still more and far more favorable to them. The only reason for the comparatively favorable showing is the greater width of the American channels. Yet, with the facts as to the safety of navigation in these broad channels fully before him, one witness before the Senate committee questioned, or rather appeared to question, their relative safety, and over some three or four pages of testimony, in which, however, no direct, unqualified statement to that effect can be found.

The foregoing data are conclusive as to the greater safety of ships in broad channels as compared with narrow ones. It only remains to consider the safety of ships in locks and approaches to complete the comparison. In the report of the minority of the Board it was pointed out that the danger to a ship in the ordinary operation of a lock is practically nil, and this view was supported by the experience of fifty years at the Soo canals, with a total traffic of 360,000,000 tons, which greatly exceeds that of all the four best known and largest foreign ship canals. During the first nineteen years after the opening of the St. Marys Falls Canal, from 1855 to 1874, before the bottom width of the channel had been everywhere increased from 65 to upward of 100 feet, and while a rock slope remained in some portion, it was not unusual for a vessel to collide with the rock, with injury to bilge or wheel; but since the latter date ships sustain no injury in the canal, and as the approaches to the Panama Canal lock would be 250 feet wide and the sides vertical, ships would be even safer there. So far, therefore, it is obvious that the ship would be safer in a lock canal at Panama than in a sea-level canal.

ACCIDENTS AT LOCKS.

Only one other possibility of danger to ships in a Panama lock canal remains to be considered, which is that a ship bound down from the summit level may run down the gates of the upper lock, resulting in great injury or destruction to the ship as well as very serious injury to the canal and a long delay to navigation. This subject is treated so fully in the report of the minority of the Board (see page 89 et seq. of the report of the Consulting Board) that little can be added. The immunity from such accidents at the Soo canals during their entire existence, covering more than fifty years, is cited and the facilities for controlling the movement of ships explained, the absence of which at the Manchester Canal sufficiently accounts for the less successful experience there. I have read the rejoinder of the chief engineer of that canal to this portion of the report of the minority of the Board, which still leaves the conviction that if the Manchester Canal had been provided with long approach piers to the locks instead of having none, and if the regulations had required ships to be brought to rest alongside of them when still several hundred feet distant from the lock, with such requirements in regard to speed and number of lines out to shore when entering the lock similar to those enforced at the Soo canals, the accidents would doubtless have been avoided. The report of the minority of the Board proceeds to show how the risk can be diminished by additional gates, so that the summit level will always be protected by two pairs of gates, and if one of them should be carried away the danger to the other would not be great, so that the summit level would not be broken, and also points out that in other canals devices have been provided for shutting off the current, even if all other precautions should fail and the summit level be opened. Mr. Parsons misconceives the character of these devices and describes something the minority of the Board did not have in mind (page 1759, hearings). He appears to say that the minority did not finally provide for this device, but a reference to the detailed estimates will show a provision for it. At the Soo canals, where suitable approach piers have been provided, the locks have never been seriously harmed; at Manchester, which is remarkable by the absence of these precautions, gates have been ruined, and although even here no great disaster resulted, but the margin was doubtless small. The lesson from these conflicting experiences that better facilities should be provided at the Manchester Canal seems obvious. The minority make no claim that locks are not disadvantageous, but hold that their inconvenience and hazard have been grossly exaggerated. The inconvenience amounts to a delay of about four and one-half hours to ships passing the canal, which, for all except small ships and a small traffic, is more than compensated for by saving of time in the lake navigation.

The sea-level advocates have claimed that the upper lock of the Gatun flight would not have a usable length of 900 feet, as intended by the minority, unless the summit level were deprived of half its gate protection and left protected by a single pair only instead of two pairs, as claimed by the minority. The point was first raised by Mr. Parsons in the hearings, and when first brought to my attention I was inclined to agree with him, but a brief examination showed that he was in error, and I corrected my statement so as to show how a ship of the full length of 900 feet would be passed without leaving the summit level unprotected for a moment by less than two pairs of gates. General Ernst also took up the question, and in more detail in his statement before the committee. The locks proposed by the minority have a usable length of 900 feet and a usable width of 95 feet.

Several witnesses before the Senate committee have criticised with special violence the flight of three locks proposed at Gatun. Premising that it has been shown by the minority that the danger of a ship breaking through the gates of a properly designed and equipped canal is very small, it may be said at once that if such an event should happen, the greater the number of locks in the flight and the greater the lift the greater the probable injury to ships and gates; but, on the other hand, there is even less chance of such an occurrence in a flight of three locks than in three separate locks, because the movement from one lock into another involves even less risk than the movement from the approach into the first lock. The reason for adopting the project with three locks at Gatun was not, as one witness before the Senate committee asserted (p. 1768 of hearings), that the minority adopted this project because it was cheaper. This statement was unwarranted, because the witness could not have had full knowledge of the views of the five members of the minority and because it is not true. The project adopted was preferred because it gives a better navigation and is less complex, having fewer dams and waterways than any other project in which broad navigation channels are preserved in any degree. The same witness stated, also erroneously, that the minority adopted 900-foot locks because the Gatun site would not permit building them 1,000 feet long (p. 1761, hearings). The reasons for recommending a width of 95 feet and a usable length of 900 feet are given fully in the report of the minority of the Board (pp. 80, 81, and 82 of Report of Board of Consulting Engineers). The matter may be thus summed up: The combination of three locks in a flight renders an accident to a lock or a ship a little more improbable, but if an accident should occur the result would probably be more serious. The immunity from accidents at the St. Marys Falls Canal is cited as showing how small the chances of accident are. The advantage of the flight at Gatun, as compared with other possible projects, is the smaller number of dams and waterways and the better navigation, and incidentally, but only incidentally, the saving in cost.

I will note only one more point raised against the design of the locks. One of the witnesses advocating the sea-level plan before the Senate committee expressed a doubt whether a ship like the new Cunarders could pass the locks proposed for the lock canal (p. 2178, hearings). These ships are to be about 800 feet long, 88 feet wide, and 38 feet draft. As the clear lock length of 900 feet and clear lock width of 95 feet are in excess of the length and beam of these ships the doubt must relate to draft, and apparently was so understood by Senator KITTREDGE, who, in his speech of May 28, 1906, said:

"Furthermore, it is shown in the testimony that inasmuch as the summit level of a lock plan is necessarily of fresh water, the locks proposed by the minority do not afford sufficient depth of water in them to pass ships drawing 38 feet of water, which the largest ships now building will require." (See CONGRESSIONAL RECORD, page 7734.)

A sufficient answer is to state the facts briefly. For the reason that salt water is heavier than fresh water, a ship drawing 38 feet at sea will draw 39 feet in fresh water. The minimum depth of water in the summit level of the canal and the summit-level lock will be 42 feet, leaving 3 feet of water under the keel, which is ample and more than would be found under the keel near the Atlantic end of the sea-level canal at mean or low tide.

THE GATUN DAM.

The serious study of the Gatun dam site has followed the discovery that the conditions at Bohio are less favorable than had been supposed, and it would be of interest to review briefly the recent history of the Bohio project. The engineers of the French company were aware that coarse material existed at the site adopted by them for the Bohio dam, but believed the surface clay to be continuous and to form a blanket practically water tight. The dam proposed by them was to carry only 66 feet head of water; its crest was 49 feet wide and 10 feet above the surface of the reservoir. At the water line its width was 93 feet, or one-quarter of the width proposed for Gatun; at the base, about 450 feet, or about one-sixth the base width proposed for Gatun. There was to be no core wall. The dam proposed by the Isthmian Canal Commission of 1899–1901 was intended to carry a greater head of water, its maximum height to be 92 feet, or 40 per cent more than the dam proposed by the French. Some of the borings taken by the Commission showed that there were places in the vicinity of the dam where the permeable material in the river bed was continuous with that in the bottom of the valley. On the French location the Commission's borings showed that the depth to rock "was at least 143 feet below sea level at the deepest part;" but another site was found a few hundred feet farther downstream, where "the greatest depth to rock revealed by the borings was only 128 feet below sea level," and the Commission chose this site The dam was to have slopes of three horizontal to one vertical on both sides. The crest was to be 8 feet above the surface of the reservoir, its width at top 20 feet, and its base about 650 feet. It was to have a core wall composed of caissons filled with concrete sunk end to end by the pneumatic process to bed rock, surmounted by a concrete wall.

One member of the board, the late George S. Morison, who most engineers concede was by far the ablest engineer of his time, was never satisfied with this dam, and in 1903 presented to the American Society of Civil Engineers a remarkable paper on this subject, in which he advocated a dam corresponding in its essential features to the one proposed by the minority of the late Board of Consulting Engineers for Gatun. The dam was to be 2,000 feet wide, about three-fourths of the width proposed for the Gatun dam, and the head of water to be sustained, 92 feet, was a little greater than proposed for Gatun. He chose the French location, notwithstanding the greater depth to rock, and challenged the high estimates of permeability of the underlying sand and gravel which some had made, using data collected by Mr. Allen Hazen, a distinguished hydraulic engineer, and by Mr. F. P. Stearns, chief engineer of the metropolitan water and sewerage board of Boston, since then a member of the Board of Consulting Engineers for the Panama Canal and one of the minority of that Board. His project was much discussed and his views widely accepted.

The first Commission appointed to construct the canal, of which Admiral Walker was chairman, caused additional borings to be made at Bohio and found that the lowest part was at least 165 feet below sea level, which made sinking of caissons to rock so extremely difficult as to amount to impracticability. In the meantime the project for a dam at Gatun, which had received some consideration thirty years ago, was revived, mainly by means of a paper read before the American Society of Civil Engineers by Mr. C. D. Ward. The result of this was an examination of the Gatun site by means of borings. Although disappointing in not revealing rock at a moderate depth, a more careful study of the results indicated that this might be a favorable site for a great earth dam. Additional borings were requested by the Board of Consulting Engineers and made by the present Isthmian Canal Commission, and with the information thus collected the project now under such general discussion was prepared.

The Gatun dam is not unprecedented either in length or height, but the area of the opening to be closed by it has seldom, if ever, been equaled.

In speaking of the height of a dam, reference should be had to the head of water supported, when considering the work it has to do, rather than the height of its crest, because additional height above the surface of the reservoir only adds to its stability. In respect to head of

water sustained, the Gatun dam is exceeded by several earth dams; it is largely exceeded by many masonry dams, and the Gamboa dam, proposed for the sea-level project, would exceed it nearly 50 per cent. The total length of the Gatun dam would be about 7,700 feet along the water line. For a little more than 5,000 feet the head of water against it would be 50 feet or more, and in this respect, and this only, the magnitude of the work it has to do is unprecedented. It has also unprecedented magnitudes in its features for giving greater safety, the height of crest being 50 feet above the surface of the reservoir instead of 5 to 20 feet, as customary; its breadth at the water surface being 374 feet instead of the usual 20 to 50 feet, and its breadth at the base being the immense dimensions of one-half mile, which is several times that of any existing dam of equal height. The distinction between the magnitude of the work it has to do and the magnitude of the features adding to and insuring safety have been confused in the discussion of this dam, and each of the three great magnitudes has been presented as adding hazard, while, in fact, two of the three add to safety.

The ground on which the dam will be built is a clayey material, in which pockets of sand were found in the borings, and the deepest portions of the ancient gorges, two in number, were found filled with sand and gravel. The underlying material, into which most of the borings penetrated, was somewhat like that found in the lower portions of the Culebra cut, sometimes called "rock," but more appropriately termed "indurated clay." It is expected to stand vertical in the sides of the canal in that cut without protection. It is water-tight, and will carry any load. The material near the surface has been described by sea-level advocates as "mud," but the borings showed this is not the case. A great part of it is so firm, and the material contains so much clay, that borings were made through great depths without protecting the sides by driving pipes, which are usually necessary in making borings, although pipes were generally used at Gatun in the tops of the holes. From some of the sand pockets water flowed over the tops of the pipes. This circumstance has been seized by the sea-level advocates as showing a free connection with the Chagres, from which a conclusion was drawn that water would permeate freely through it. That water did not permeate through it freely was shown conclusively by the small outflow; and the impossibility of a free connection with the Chagres was evident on the least reflection, from the fact that the tops of the pipes from which overflow occurred were several feet above the river level. The slope of the river is so flat that its surface for 10 miles upstream is below the tops of the pipes, and therefore the water could not have come from the river. The case was the ordinary one of ground water gradually draining through the ground to the water course, and filling sand pockets or sandy soil wherever met. The height of the pipes above the river in the vicinity proved conclusively that there could be no free communication with the river, and the overflow under such conditions showed the material between the boring and the river was permeable in only a slight degree, if at all. The finding of pieces of wood in some of the borings, instead of being a cause of alarm is reassuring, indicating that the current when it was deposited was gentle, a condition in which the finer particles of earth are also deposited, making compact material, as contrasted with gravel, which is deposited in or carried along by strong currents.

The present bed of the Chagres as far down as Bohio, 10 miles above Gatun, consists largely of gravel, and the river above Bohio is torrential in flood time. From Bohio to the sea the valley is broad, the current slackens, and only the finer particles are carried in the water and are deposited in the slack current. Under present condition and during recent geological periods it does appear probable that any coarse material has been carried far below the gorge at Bohio. Geologists believe that at some distant time there was a subsidence of the Atlantic coast. Before that time the gorges at Gatun were cut down into the indurated clay, and after this the whole formation subsided below sea level. The coarse sand and gravel in the bottom of the deepest gorge, revealed by the borings, was doubtless deposited either before the subsidence or at an early period of it when the current of the river through the gorge was still strong enough to move gravel. As the areas under water upstream became larger the gravel was dropped above Gatun, and only the fine material was brought there, and the upper portion of the gorges gradually filled with it as it is now found. The great advantage of Gatun over Bohio as a dam site is, that at the latter place the gorge is nearly filled with gravelly material, which in places is continuous from the surface to bottom of the gorge; while at Gatun the gravelly material is at the bottom of the gorge and is overlaid by 150 to 200 feet of fine material, through which percolation will be inappreciable.

Most engineers would prefer a masonry dam on solid rock, and my own preference has always been for this type; but the foundation rock must be of good quality to secure safety. Many question the advisability of inserting a core wall in an earth dam, but the practice has abundant support among capable engineers, although it is particularly important that the rock on which a core wall rests should be perfectly sound. The criticism of the original plan of the Croton dam, made by Mr. William R. Hill and quoted by Senator KITTREDGE, and the statement made by Mr. Hunter in his letter to the Senate committee in regard to the difficulties in the construction of a dam for the borough of Stockport, arising from finding the material on which the core wall was to be placed much inferior to what the borings had led the engineer to expect, are suggestive of similar difficulties at the site of the Gamboa dam if the sea-level plan should be adopted and the dam built. The region is volcanic, the rock variable in quality, the borings have not penetrated deeply into it, and it would not be surprising if disappointing conditions should be found there. It is not my desire to provoke alarm about the stability of the Gamboa dam, and I am confident that no difficulty would be met there which engineering skill could not overcome.

My own preference for a masonry dam where it is practical to build one has been frequently expressed. I favored the plan of a dam with a core wall for Bohio when a member of the Isthmian Canal Commission of 1899–1901. I did not readily accept the plan proposed by Mr. Morison for the Bohio dam, although convinced that the discussion of his paper developed no fact or weighty argument against his view. The additional investigations concerning permeability made and reported by Mr. Stearns, the immense height and width of dam proposed for Gatun, elements of safety in magnitude beyond all precedent in earth dams, and the more favorable natural conditions there for an earth dam leave, in my opinion, no question whatever as to its stability and practical impermeability.

CURVATURE.

The sea-level advocates before the Senate committee stated correctly that the total curvature in degrees or, in other words, the total change in direction is a little greater in the lock plan than in the sea-level plan. The difference is small and unimportant. The excess is found mainly at Bohio, where the sea-level canal is located across the hill, while the lock canal, by reason of its higher elevation, can be located satisfactorily around it, following the valley. The facts as to sharpness to curvature have not been fairly stated by them. There is no place in the lock-plan canal where a curve of the ruling radius of the sea level can not be laid down. In other words, in any of the places where a change in direction occurs in the lock-plan canal, a section of the sea-level canal of its usual curvature could be placed without touching anywhere the sides or bottom. With a narrow canal long easy curves are essential, as shown by ample experience at Suez and elsewhere, and the sea-level canal is designed correctly in this respect. On the other hand, in broad channels, widened at the angles on the inner side, as in the lock plan, vessels will make the turn more easily and safely by turning more sharply, which the broad water permits. This is also shown by even more ample experience in the St. Marys River. In the lock plan ships could make all the turns on curves as easy as those of the sea-level canal; but experience shows that with broad channels the ships are handled differently and with advantage. This is illustrated by several diagrams attached to the report of the Board of Consulting Engineers, on which the actual courses followed by quite a large number of ships in similar cases are laid down.

EARTHQUAKES.

The San Francisco earthquakes have evoked from the sea-level advocates renewed alarm about the danger to the locks and dams of a lock canal. One of them (see page 7733, CONGRESSIONAL RECORD), after describing how either a masonry or an earth dam, particularly the latter, might be harmed by an earthquake, adds, "Personally I should not be afraid of either of them," which seems to be a judicious conclusion. The locks, however, he believes would be subjected to derangement, the summit level drawn off, and the lock mechanism thrown out of order. This opinion must have been written before the reassuring reports reached us of the entire immunity of the dams along the line of greatest earthquake intensity, both of earth and of masonry. An earthquake that was withstood by lofty steel-frame buildings could not be reasonably expected to destroy a mass of masonry practically buried in the ground. Many references have been made to "the delicate adjustment of lock gates" and to "delicate lock machinery." A lock gate is about as simple and massive a piece of structural work as can be imagined, and could be operated even if the walls of the lock were slightly displaced. Lock machinery is of the simplest character. The San Francisco earthquake should dispel rather than encourage apprehension about an isthmian canal of any description.

Mr. BURTON of Ohio. Mr. Chairman, I wish to ask the usual leave to extend my remarks in the RECORD, as there may be some tables, etc., which I desire to insert.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Does the gentleman from Georgia insist upon the point of order? Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. BARTLETT. Now, Mr. Chairman, I raise the point of order, and I think it ought to be sustained. This is not a limitation upon an expenditure of money solely. It undertakes to limit——

Mr. LITTAUER. Do I understand the gentleman from Georgia insists upon the point of order?

The CHAIRMAN. The gentleman from Georgia has made the point of order and is proceeding to argue it.

Mr. BARTLETT. If anyone desires to discuss the question, I am perfectly willing to reserve the point of order.

Mr. GROSVENOR Will the gentleman from Georgia yield for a moment, that I may make a request pertinent to the discussion which has just taken place?

Mr. BARTLETT. Certainly; I will state to the gentleman from Ohio that if anybody desires to discuss the proposition I will reserve the point of order. All I desire is to have it reserved and passed upon.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. BURTON], in connection with the extension of his remarks in the RECORD, may print—reduced copies of course—the maps with which he has illustrated his address and such documents as——

Mr. TAWNEY. I will suggest to the gentleman from Ohio that the request ought to be in the form of an order. Under the law it could not be done except by the consent of the Joint Committee on Printing, but the House, of course, can order it to be done.

Mr. GROSVENOR. I ask unanimous consent, Mr. Chairman, that the Joint Committee on Printing may be directed to print these maps.

The CHAIRMAN. The Chair is of the opinion that the Committee on Printing could order that.

Mr. GROSVENOR. Not without the action of the House.

The CHAIRMAN. But the action must be taken in the House, and not in Committee of the Whole.

Mr. GROSVENOR. Very well; I will postpone it until the House is not in Committee of the Whole.

Mr. BARTLETT. If anybody else desires to discuss the proposition, I am perfectly willing to reserve the point of order. If not, I desire to make it and have it ruled upon. Now, the amendment, as I understand it, is a proposition to limit not the amount, but the proposition is to limit the discretion now vested

by law in the President as to how this canal shall be constructed and what its character shall be. Under the law enacted in 1902 the President was directed as follows:

The President shall then, through the Isthmian Canal Commission hereinafter authorized, cause to be excavated, constructed, and completed, utilizing to that end, as far as practicable, the work heretofore done by the New Panama Canal Company, of France, and its predecessor company, a ship canal from the Caribbean Sea to the Pacific Ocean. Such canal shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean, and he shall also cause to be constructed such safe and commodious harbors at the termini of said canal and make such provisions for same as may be necessary for the safety and protection of said canal and harbors.

The President, in his message, said that under the act as he had construed it Congress seemed to contemplate a lock canal. Now, Mr. Chairman, if that be true, the discretion being vested by this act of 1902 in the President to proceed as he has done, to finish and complete a lock canal, and which he will do, this provision is unnecessary and this simply reenacts existing law, and is therefore obnoxious to the rule. I will read to the Chair an authority which I find on page 349 of the Manual, decided in the Fifty-eighth Congress:

A limitation on the discretion exercised under the law by a bureau of the Government is a change of law.

Now, Mr. Chairman, I do not mean when I make this point of order that I am in favor of a sea-level canal. I do not want to convey that impression. I do not want to say by that that I have come to the conclusion that we ought to have a lock canal or I am in favor of that kind of canal; but what I do mean to say is that I do not think that we ought on this appropriation bill to determine by this amendment that we are to decide now in this way to have the particular kind of a canal that is suggested by the amendment. As we know, if I may be permitted to say so, the Senate is now considering the question as to what type of canal it will declare shall be built—a lock canal or a sea-level canal—and they are to determine that question by a vote on next Thursday, the 21st instant. The Committee on Interstate and Foreign Commerce of the House have not considered anything in reference to this subject except to hear the testimony of the chief engineer, Mr. Stevens. I make this statement in order to show that I do not make the point of order for the reason that I am opposed to a lock canal or because I am in favor of a sea-level canal. But I do not believe that this House, in this great work that we are undertaking, ought now and in this manner limit the character of the canal. I believe this amendment is obnoxious to that provision of the rule which says that we can not change existing law or enact new legislation on appropriation bills. This is a limitation, as I understand it, on the discretion that is vested in the Executive by the act of 1900, and not merely on the manner of expending the money, and it does change the law as it now exists.

Mr. OLMSTED. Mr. Chairman, this seems to me to be a very plain case. The proposed amendment does not change the law. It simply limits the appropriation. It has been held over and over again, and it really needs no argument to show, that by withholding an appropriation entirely Congress does not change any existing law. It may be, as the gentleman from Georgia says, that the President now has, under existing law, the discretion to build the canal either upon the sea-level plan or upon the lock plan, but surely if Congress should withhold an appropriation entirely it would not change that law. We would simply leave the President in the air. He could do nothing, but Congress would not have changed any law.

It has been repeatedly held that as Congress may entirely refrain from appropriating, so it may appropriate with such limitations and conditions upon the appropriation as it sees fit. It may not, or at least the House may not, under its rules, lay any command upon the President or any other officer, any positive command to do any particular thing in any particular way in a general appropriation bill, but we may appropriate money to be used in a particular way, or else not used at all. We simply refuse to appropriate money to be used in any other way.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. OLMSTED. Certainly.

Mr. BARTLETT. I desire to ask the gentleman, if this amendment prevails, would it not become a permanent law so far as the character of the canal is concerned?

Mr. OLMSTED. It would become permanent only so far as the amount of money appropriated by this bill is concerned. It would not be incumbent or necessary for the President to use the money at all. In that sense it would not control his discretion. Congress says he may use it for a lock canal, but Congress says we appropriate nothing for a sea-level canal.

Mr. BARTLETT. If the effect of the amendment does enact the permanent canal to be constructed, then it would violate the rule, would it not?

Mr. OLMSTED. If we enacted a law here expressly commanding——

Mr. BARTLETT. If the effect of the amendment is to fix permanently the character of the canal, then it does violate the rule.

Mr. OLMSTED. No more than in the sense that if we should not make any appropriation at all we might be held to have violated the whole law on the subject of the canal.

Mr. Chairman, I am not going to take up time on this, but simply call your attention to a decision made by the gentleman from New York [Mr. PAYNE], then in the chair, found in section 514 of the book on Parliamentary Precedents, where it was ruled by the gentleman I have mentioned that although the Postmaster-General had under the law discretion to transport the mails any way he saw fit, nevertheless a provision in an appropriation bill limiting a certain appropriation so that it could be used only for transportation of mail by pneumatic tubes was in order.

I will call attention to a later decision, in the second session of the Fifty-eighth Congress, found on page 2877 of the RECORD, which I will send to the Chair, in which the then occupant of the chair [Mr. BOUTELL] called attention to an earlier ruling made in the same Congress. He cited this from the earlier ruling:

The Chair will call attention to the distinction between a limitation upon an appropriation and a positive enactment which limits the powers of Government officers under existing laws. A mere limitation of the appropriation is in order. There is no obligation on the House to appropriate at all, and therefore it may provide that the money appropriated by it shall not be used in any except such manner as may be specified in the bill. A limitation is best expressed in the negative, as that the appropriation shall not be available unless used in a certain way. That leaves an option. The money can be used or not used, but if used it must be in the manner specified. No law is changed, because there is no obligation to expend the money at all.

And then Mr. BOUTELL proceeds:

It appears, therefore, that the latest ruling by a Chairman of the committee on this question, in summing up all the previous decisions on this point, makes it perfectly clear that an appropriation is subject to such limitation as that expressed in this paragraph.

I call attention to the paragraph which was then under discussion, which was:

That no part of the moneys herein appropriated for fulfilling treaty stipulations shall be available or expended unless expended without regard to the attendance of any beneficiary at any school other than a Government school.

That was held to be a limitation, not upon the law, not upon the discretion of the officer, but upon the appropriation. The amendment now in question is even more clearly a limitation upon the appropriation merely and not a change of existing law. It does not say a sea-level canal shall not be built, but simply that no part of this particular appropriation shall be used for that purpose. The same point of order made against amendments of like character was overruled not less than fourteen times in the Fifty-eighth Congress. [Cries of "Rule!"]

The CHAIRMAN. The Chair is clearly of the opinion that the words of the amendment constitute a limitation on the appropriation, and not a change of existing law. The precedents are so numerous and the rule is so well established and clearly defined that the Chair does not feel obliged to cite a ruling at length or cite the precedents. The Chair therefore overrules the point of order. [Cries of "Vote!"]

Mr. WANGER. I move to strike out the last word.

Mr. TAWNEY. I move that all debate on the amendment close in ten minutes.

The CHAIRMAN. The Chair will state to the gentleman from Minnesota that before debate can be limited it must begin. There must be at least five minutes' debate.

Mr. WANGER. Mr. Chairman, above the din of conflict over the relative advantage of the lock or sea level type of the isthmian canal—which unfortunately has taken a quite too intensely partisan character—may be heard in chorus the voice of all friends of the proposed waterway for an early and final determination of that type in order that its construction may be speeded as greatly as the vastness of the undertaking and its manifold difficulties will permit.

The Canal Commission and its distinguished chief engineer, the predecessor of the latter, and that grand patriot, Gen. George W. Davis, with all others connected or familiar with the question, agree that a point has been reached where the maximum satisfactory progress is no longer possible unless it is with a view to the construction not of either, but of one of those types. And while the subject has not had exhaustive debate in this body, we have had the advantage of such able

and exhaustive reports and reviews thereof and supplemental explanations and recommendations that we are doubtless more than ordinarily well prepared to voice the judgment of this branch of the Congress, and fully as well as we may hope to be in the reasonably near future.

Probably everybody prefers a sea-level canal of equal safety and facility for navigation as one with locks, if it be reasonably attainable; and probably we agree that none such is possible, except at considerably greater expense. It is, therefore, no less a question of engineering than one of sound business policy which should control our action upon this amendment. The address of the President to the Board of Consulting Engineers so tersely and completely states the issue that reference to that important utterance suffices.

The Board of Consulting Engineers included men so distinguished in their profession and lofty in character, who gave such studious thought to the problem and were so thoroughly informed of all its phases, that had the report been unanimous the country might and doubtless would have accepted its conclusions without question, however eminent the advocates of an opposite type might be. Is it not safe, therefore, to conclude that either project, whether of the majority or of the minority, is worthy of our faith, and that the estimates of time and of cost may be safely averaged upon the estimates thereof, not only which each branch puts upon the project which it recommends, but also which it puts upon the project of the other?

A careful, if not exhaustive, study of the reports of the majority and minority and of much other literature of the question convinces me that either canal will afford satisfactory navigation to all shipping that will use the canal within many years after its completion, and that the volume of that shipping will probably be much less than is generally estimated. It is not so much for the tonnage that is to be looked for in the immediate future to use the canal as it is measured by number or by size of ships, but for other all-sufficient reasons that I regard the project as one of the mightiest ever undertaken.

The probable tonnage of the canal is an element that can not wisely be ignored in determining the amount to be expended in its initial construction. That tonnage can not be measured by Suez because of the great difference in the location of the population and trade of the world. Western Europe and southern and eastern Asia have a traffic vastly exceeding that between our eastern coast and South America, while our transcontinental railways will doubtless hold all but a fraction of the traffic between the eastern and western parts of the United States. Suez has no such rivals. In an article in the Royal Geographical Society Journal of December, 1903, Col. G. E. Church reviewed the estimate of the probable tonnage of the canal by the Isthmian Canal Commission of 1899–1901 and other data, with the conclusion that the canal would probably attract less than 2,000,000 tons per annum at its opening. While his conclusions will doubtless be exceeded, the facts he presents are worthy of consideration.

Upon the trip of the Board of Consulting Engineers to the Isthmus Mr. Welcker remarked that the building of the canal would "transform the map of the world," and it doubtless will eventually; but it will not substitute land where there are now oceans, and years will pass before its harvest will be reaped. Meantime we shall have an annual interest charge of more than $4,000,000 at 2 per cent per annum upon the investment in constructing the cheapest type proposed, besides more than half that sum in maintenance and operation.

Our country has such immense resources that it is able to spend five hundred millions or more in building the canal, but why should we spend any larger sum than necessary to accommodate our Navy and probable commercial needs is not apparent. We may owe to the world as to ourselves to build a waterway that can be used with safety and convenience and not in the reasonably near future require substantial enlargement, and that duty ought to be fully met by a canal that can be navigated on any day of the year by a ship of 93 feet beam, 900 feet long, and 35 feet draft.

As the lock type recommended meets this requirement and is over one hundred millions less expensive to build, and may be finished in from three to five and possibly ten years' less time than the projected sea-level type, and as this amendment does not bind the President and Canal Commission to any special feature of any type of lock canal, I shall vote for it; all the more heartily because personal association upon the Isthmus with engineers engaged in the work made me know their unanimity in behalf of such type prior to the report of the Consulting Engineers and the subsequent action of the Commission, the Secretary of War, and the President in favor of the report of the minority of the Consulting Engineers.

The men whose health is involved in their connection with the enterprise believe they may prudently continue in that labor if the canal is built with locks and share in their humbler sphere in the honor of its construction with a hopeful future beyond, and they will be inspired with zeal and confidence by the adoption of the amendment. Their pride in the project is no less than that of the President, and although their courage is great they will be discouraged, if not dismayed, by the herculean task of excavating the Culebra cut to 40 feet below sea level.

If this work were to be done in the Temperate Zone, with its superior climate and labor, the case would be very different, and a calculation of the probable daily capacity of steam shovels and period for digging through the Isthmus would be more reliable. Yet even here the uncertainty is great, as the statement of Mr. Randolph of work on the Chicago Drainage Canal clearly shows. Mr. Quellennec, the eminent consulting engineer of the Suez Canal, while stanchly advocating the sea-level type, put on record his valuable judgment as follows:

> From a general point of view I think that a sea-level canal is preferable to a multi-lock canal, and must be recommended as giving greater safety of navigation and facility of operation. But in making such recommendation I feel the necessity of showing clearly to the United States Government the great difficulties which, in my opinion, will occur in the completion of the Culebra cut.

This conscientious adviser commends by his candor, no less than by his fame, his every utterance, and lends special significance to his other convictions, notably among which are:

> * * * I think that a lock canal should be considered only as a temporary one, built in order to minimize the amount of immediate work and first cost, and so constructed that it may be easily turned into a sea-level canal.
>
> Consequently, in my judgment, if a lock canal should be constructed, it should have separate locks and a summit level of 85 feet, obtained by adding to the 60-foot summit-level plan one more lock of about 30 feet lift, placed on each side of the Culebra cut near Obispo and Paraiso.

The 60-foot level canal will require the building of the Gamboa dam for the control of the floods of the Chagres, as the additional summit level suggested by Mr. Quellennec would require it to feed that level, and it is a question whether that dam is not an advisable feature in any event. It can have its foundations constructed simultaneously with the foundations of the Gatun locks and dam, and the consensus of the engineering evidence is that only in the actual construction of works are the real conditions found.

The surest expedition will be made in the building of the canal by having the work properly balanced, and the persuasive reason why a sea-level canal will take several years more than one of higher level is because the excavation at Culebra can not be hastened in proportion to the quantity to be excavated. The minority of the engineers estimate the period for the building of the Gatun locks will take nearly as long as the excavation at Culebra to 40 feet above mean sea level.

Chief Engineer Stevens has practically the same opinion, having recently stated to the Committee on Interstate and Foreign Commerce of the House that it is possible to build the Gatun locks and dam in six years, although he always figured on seven or eight years, to be conservative and safe, and that the completion of the Culebra excavation should be done "in practically the same length of time—not to exceed six years." He further said:

> Although I confess some of the engineers do not agree with me, I think the Gatun dam and locks can be built in practically the same time as the Culebra cut under the lock plan. I know I am alone in that opinion on the Commission.

Now, if it develops that the project for the three duplicate locks in flight at Gatun is either impracticable in whole or in part after the foundations are uncovered, or that eight or more years are required to build them, whereas Culebra cut can be excavated to within 15 feet of sea level in a less period, we shall as greatly as vainly lament that we made no provision for completing the canal at 60-foot level. The latter level is very attractive in and of itself, and a flight of two locks is less objectionable than of three—saving nearly one-third the time of lockage, some of the water lost by leakage and by evaporation, a considerable percentage of the cost of operation and maintenance, and avoiding nearly one-third of the water pressure upon whatever pervious material or channels there may be under the Gatun dam.

No apprehension can be reasonably entertained against the strength of the Gatun dam. But there is room for misgiving respecting the possible percolation or flowage through the bottom of the geological valleys beneath it. The weight of the dam may compact the pervious material below the blanket of fine material, or it may have little or no effect upon it. The flowing water may come from the Chagres or other sources above the site of the dam and much below the intended water surface, and with additional pressure and supply may seriously

diminish the volume of impounded water in the dry season. Because it rose 10 feet above the river level it is assumed by Mr. Stearns that it did not come from the river, as it is more than 10 miles upstream until elevation +10 is reached, and that it did come from adjacent high ground.

Mr. Stearns may be right, but he may be wrong. There is the condition presented that the bottom and sides of the valleys are of impervious indurated clay or soft rock, and over the loose material through which the water flows is fine sand—a blanket of impervious material, and yet the water is in there and it is flowing. It is surely a problem for further thorough investigation whether there are not subterranean channels which may make uncertain the filling of the Gatun dam to its intended height and secure holding of the water, and if such channels exist there can be no question of the need of ample provision against possible failure either by closing those channels or by reducing the height to which water is to be impounded, or both.

It is well known that water flows through subterranean channels for many miles, and there may as likely be subterranean as transverse crevices whereby the bottom of those geological valleys is fed with water.

The quantity of evaporation in the tropical climate is unknown, but it must be great, and its effect upon Lake Gatun will, of course, be felt, if felt at all, whenever there is a protracted dry season and the volume of water for lockages and otherwise escaping exceeds that flowing into the lake. If the 5 feet of summit reserve water allowed for this season is gone while the inflowing streams are at their minimum flow the subsequent reduction must be with accelerating speed until nature relieves the situation.

In case of protracted drought a great reserve such as Lake Gamboa would afford at elevation of +150 would be of inestimable value, and the opening of the canal might be at least several months earlier by its utilization.

It is suggested by the minority report that if more water is needed by reason of such vast traffic that Gatun Lake does not have sufficient that a dam be built at Alajuela. The latter site would then almost necessarily have to be chosen because of the drowning out of the lower part of the Gamboa site by Lake Gatun, but the dam would not have more than about one-fourth the capacity of a dam with equal head at Gamboa and be at least 8 miles farther from the line of the canal. It would have to be guarded and closely inspected, and the distance is a material element.

It is easier to build a dam at Alajuela than at Gamboa, although there is not the certainty of safety in the former that is usually assumed. Replying to General Abbott's contention of the greater safety of a dam at Alajuela than at Bohio, the late George S. Morison suggested that only in the ease with which the structure might be erected was Alajuela a superior site, and referred to the limestone rock along the river above and the frequent instances in which cavities exist in such rock and the trouble that they occasion.

It is assumed from borings and the study of geologic conditions that a good rock foundation for an all-masonry dam is at sea level at Gamboa. Yet Mr. Quellenec pointed out to the Board that at the Assuan dam, and Mr. Sterns that at the Wachusett dam, that when the foundations were dug it became necessary to go 15 to 20 feet deeper before the rock was satisfactory. It may be so here and it may be so at Gatun. Why not, when progress is so desired and important, insure it by simultaneously prosecuting the great essential feature in the control of the Chagres in the two types of canal, one exceeding +67.50 and the other at or below that elevation, when each has so great inherent utility? Or rather, why not in the project for initial summit level of 82 to 87 (generally called 85) underwrite the work by an adjunct that will serve many useful purposes of that plan and be invaluable in a possibly necessary alternative plan?

There are contingencies of so many kinds incident to the construction of any form of canal that no man or body of men can definitely state in advance the progress which will be made in any great feature. The minority engineers believe that their plan is well balanced, but actual experience may show the contrary and confirm the judgment of Messrs. Hunter, Wallace, and others that the Gatun lock and other structures will take some years longer than is expected; and hence the wisdom of proceeding on such lines that the best conditions may be secured. If a suitable dam at Gamboa will permit the opening of the canal even two years earlier than without such structure, its erection is fully justified.

It was with reluctance that Congress and the country turned from Nicaragua to Panama, the former being so many miles nearer our mainland and shortening so substantially the distance between our Atlantic and Pacific ports. But there was the consolatory thought that at Panama at some time the canal might be at sea level, and the advantages of unimpeded navigation and of a water supply that could only fail by the drying up of the oceans, are so substantial that even the remote possibility of them were cogent in winning acquiescence in the final choice.

And yet no promise was then held out that the initial construction of the canal at sea level was practicable. On the contrary, the Isthmian Canal Commission, in its report, not only said:

> This Commission concurs with the various French commissions which have preceded it since the failure of the old company in rejecting the sea-level plan. While such a plan would be physically practicable and might be adopted if no other solution were available, the difficulties of all kinds, and especially those of time and cost, would be so great that a canal with a summit level reached by locks is to be preferred.

But in an appendix entitled "Historical Notes Relative to the Universal Interoceanic Canal Company (1880–1894) until the Organization of the New Company," it showed that it was the personal insistence and prestige of Ferdinand de Lesseps, who had so signally triumphed in the building of the Suez Canal, which led to the adoption of the "constant-level" plan by the International Congress of Survey for an interoceanic canal in 1879, and the notes state:

> By considering the names of those who abstained from voting, of those who were absent, and of those who voted "no," it is seen that de Lesseps had against him a majority of the engineers and of the contractors who were members of the congress.

Accordingly, in 1902, it was known that the great preponderance of professional engineering opinion was that the important elements of time and cost made a lock canal the advisable form of construction, and those elements are at this time almost as potential as they were then. And there is no less reason now than there was then to indulge the hope that when the volume of tonnage and size of ships and military or other necessities really require a canal at sea level that it can and will be constructed.

The board of consulting engineers unanimously agreed:

> * * * That it is practicable, from an engineering standpoint, to transform any lock canal which it has considered into a sea-level canal—

And—

> that it is possible to turn any lock canal which it has considered into a sea-level canal without interrupting the traffic upon it.

The members of the Isthmian Canal Commission entered the realm of prophecy in their review of the reports of the consulting engineers and seem to all be of the opinion expressed by Admiral Endicott:

> An 85-foot summit lock canal once constructed means a lock canal always. If a sea-level canal is desired, it must be built directly without first building a lock canal.

And the other members of the Board state:

> The Board of Consulting Engineers is unanimous in the opinion, in which we concur, that if a sea-level canal is ever to be constructed, it should be constructed as such from the first.

This is such a gross misstatement it is difficult to understand how it came to be made, the Board having said:

> That if a sea-level canal is to be constructed in the *near future* it should be built directly without first building a lock canal.

If the Commission will realize the material difference between what is inadvisable at the present or in many years to come from what may be not only advisable but necessary in the somewhat remote future, it may appreciate the propriety of certain features which would not otherwise be apparent.

The construction of the Gamboa dam, if a good foundation exists for a masonry dam, will provide an all-important basis for possible future transformation to sea level whenever that may become advisable. And the omission to build that dam and the burial of its possible rock foundation under 82 to 87 feet of water will be the introduction of a very serious obstruction to transformation. While we are saving our generation one hundred and more millions and leaving to posterity to provide for its future needs, let us not add to the essential cost of transformation that involved in the failure to now demonstrate the practicability of an all-masonry dam founded in bed rock at Gamboa, and if the project proves practicable the failure of its early construction. Especially when such construction has its important advantages in any contingency and vitally important advantages in possible contingencies.

The Commission in recommending the plan of the minority very properly did it, "subject, of course to such changes as may be found desirable during construction," and the President in his message, transmitting the report, said:

> In my judgment, a lock canal, as herein recommended, is advisable. If the Congress directs that a sea-level canal be constructed its direction will, of course, be carried out. Otherwise, the canal will be built on substantially the plan outlined in the accompanying papers, such

changes being made, of course, as may be found actually necessary. * * *

And our legislation in adopting the lock plan should provide for whatever modification may become necessary, or advisable, as construction progresses.

The authority to make substantial modifications in the plan should exist so that at no time need the President and those he puts in direct charge of the work be required to delay efficient action.

With legislation of this character we may have every confidence that a splendid waterway will be built and be used by our Navy and a great number of ships of commerce and of other navies before the end of the next decade. [Applause.]

Mr. LITTAUER. Mr. Chairman, in now renewing my motion to amend, which has been read by the clerk, I have no desire to attempt to amplify the arguments for a lock canal so masterfully presented to the committee by the gentleman from Ohio, whose argument, I trust, has convinced every Member on this floor. I will but call attention again to the fact that the so-called "Spooner Act," authorizing the building of the canal, of June 28, 1902, directs that it shall be supplied with all the necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean. The very language is conclusive evidence that, in the very origin of this work, it was deemed necessary to provide specifically for the necessity of locks in connection with the canal. The President stated to us in his letter to Congress of February 19, this year, that "in my judgment, the lock canal is advisable," and that he will direct that such a canal be constructed unless Congress directs to the contrary.

The scheme of a lock canal—the lake route—as developed by American engineers, is based on recent American experiences with locks and is the supreme product of the efforts of American engineers. From a business standpoint, it means that this great work can, if built on the lock type, be finished within the next ten years and at a net expense to the Government of at least a hundred millions, and probably two hundred and fifty millions less than the sea-level type of canal.

The problems of the lock canal are theoretically and practically solved. We know exactly, from past experience, how to handle practically nearly every problem with its construction. The lock canal can be built so that ships can pass through it successfully for a definite sum of money, while the problems connected with the sea-level type are unsolved, even in theory, and I believe in practice the undetermined problems in connection with this sea-level type are five times more than those of the lock type of canal, which means an indefinite sum of money and means the expenditure of a vast mass of fortune on a work whose result may, in the end, be questionable.

The sea-level type of canal recommended by the Commission, at a cost of over $100,000,000 more than the lock canal, will not, in my opinon, because of its curvatures, prove satisfactory, even if built, and would probably entail an expenditure of an equal amount of money as would be spent for its first construction, for its improvements, and enlargement, in order to make it feasible to pass ships through of the largest size. The dictates of economy, of the necessity of an early completion of this great waterway, require that Congress at this time should make known its intentions relative to the type under which it should be built.

A lock canal can be built within a definite time for a definite sum of money. A sea-level canal may be built, but within what time and within what expenditures I believe no man knows, for the unusually doubtful and experimental features in connection with the sea-level project are at least five times greater than those connected with the lock type. A declaration now for the building of a lock canal would bring within ten years the realization of our anticipation, while if we attempted to build a sea-level canal, no one within the sound of my voice will see a ship sail through the straits of Panama, but for years we will be fighting with one of the bitterest disappointments, necessitating the enormous expenditure of the people's money to a questionable result. Instead of the strait through Panama, it would result in a narrow tortuous sewer through a mountain range. Business principles and the interest of the United States, and the necessity of the world's commerce demand early completion of this waterway, which will result from a determination at this time to build a lock type of canal, which a thorough knowledge of the situation and careful consideration and weighing of all the evidence determines is a wise solution of this great problem.

A lock canal would be of greater capacity, a better canal, a safer canal, and a canal of quicker passage.

Mr. LOVERING. Mr. Chairman, I desire to submit some calculations as to the cost of the Panama Canal, based on the Statement of Mr. Stevens, the engineer, that it will take about eight years to build a lock canal and about sixteen years to build a sea-level canal, and require the expenditure of about $18,000,000 per annum in either case:

[Allowing $18,000,000 per year for sixteen years for a sea-level canal.]

First cost	$50,000,000
First year:	
Interest on $50,000,000, at 2 per cent	1,000,000
Amount paid for work, etc	18,000,000
Total for first year	69,000,000
Second year:	
Interest on $69,000,000, at 2 per cent	1,380,000
Amount paid for work, etc	18,000,000
Total for second year	88,380,000
Third year:	
Interest on $88,380,000, at 2 per cent	1,767,600
Amount paid for work, etc	18,000,000
Total for third year	108,147,600
Fourth year:	
Interest, at 2 per cent	2,162,952
Amount paid	18,000,000
Total	128,310,552
Fifth year:	
Interest, at 2 per cent	2,566,211
Amount paid	18,000,000
Total	148,876,763
Sixth year:	
Interest, at 2 per cent	2,977,535
Amount paid	18,000,000
Total	169,854,298
Seventh year:	
Interest, at 2 per cent	3,397,085
Amount paid	18,000,000
Total	191,251,383
Eighth year:	
Interest, at 2 per cent	3,825,027
Amount paid	18,000,000
Total	213,076,410
Ninth year:	
Interest, at 2 per cent	4,261,528
Amount paid	18,000,000
Total	235,337,938
Tenth year:	
Interest, at 2 per cent	4,706,758
Amount paid	18,000,000
Total	258,044,696
Eleventh year:	
Interest, at 2 per cent	5,160,893
Amount paid	18,000,000
Total	281,205,589
Twelfth year:	
Interest, at 2 per cent	5,624,111
Amount paid	18,000,000
Total	304,829,700
Thirteenth year:	
Interest, at 2 per cent	6,096,594
Amount paid	18,000,000
Total	328,926,294
Fourteenth year:	
Interest, at 2 per cent	6,578,525
Amount paid	18,000,000
Total	353,504,819
Fifteenth year:	
Interest, at 2 per cent	7,070,096
Amount paid	18,000,000
Total	378,574,915
Sixteenth year:	
Interest, at 2 per cent	7,571,498
Amount paid	18,000,000
Cost of sea-level canal at completion, at the end of sixteen years, when it may begin to earn an income on its cost	404,046,413
Cost of lock canal at completion, at the end of eight years, when it may be expected to be earning an income on the cost	213,076,410
Extra cost for sea-level canal	190,970,003

Extra time for sea-level canal, eight years.

AFTER COMPLETION.

The annual interest charge on cost of sea-level canal would be on $404,000,000, at 2 per cent	$8,080,000
The annual interest charge on cost of lock canal would be on $213,000,000, at 2 per cent	4,260,000

Mr. GROSVENOR. Mr. Chairman, in view of the great importance of the question that we are called to vote upon, and the hurry there is, which I fully appreciate, I ask unanimous consent that Members may have leave to print remarks upon this particular question of the Panama Canal within, say, five days.

The CHAIRMAN. The Chair is of the opinion that general leave should be given in the House.

Mr. GROSVENOR. I think it can be given in the committee. I feel quite sure it can be. The bill is in Committee of the Whole and fully in its control. Its jurisdiction is untrammeled.

The CHAIRMAN. The rule as cited by the parliamentary clerk sustains the point that the Chair made from recollection:

General leave to print may be granted only by the House, although in Committee of the Whole a Member, by unanimous consent, may be given leave to extend his remarks.

Mr. GROSVENOR. That has not been the practice in the House in my recollection.

The CHAIRMAN. The Chair remembers that it has been the practice. It was only from memory that the Chair made the remark. The gentleman can make his request in the House after the committee rises.

Mr. GROSVENOR. I can make the request for myself here.

The CHAIRMAN. Certainly.

Mr. GROSVENOR. I will do that now, with the understanding that when we go into the House I will ask general leave, so that others may participate in the privilege.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to print remarks on the subject under discussion. Is there objection?

There was no objection.

Mr. PARKER. I make a like request.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to print certain remarks in the RECORD in regard to the isthmian canal. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, I move that all debate on the pending paragraph and amendments close in three minutes.

The motion was agreed to.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, the effect of the adoption of this amendment will be to appropriate the money, and then the canal will be constructed in part with this appropriation upon the lock type. That is the proposition which the committee is voting upon. I am free to say that I have heard only one side of the case. If compelled to cast a final vote now, I should vote in favor of the lock type with the knowledge that I have at hand. I assume that many Members of the House are in the same predicament. We have heard a very able speech, an hour or more in length, by the gentleman from Ohio [Mr. BURTON] in favor of the lock type of canal. Not one word has been addressed to the House upon the other side of the proposition. Manifestly there are two sides to this question, and it is a very important one. I think, therefore, that the amendment ought to be voted down, in order to give the House more time to deliberate upon the question, so that it may form a just judgment of the case. The House is not in the mood to decide this question this afternoon. The question is pending as a legislative proposition in the other branch of the legislature. It seems to me it would be much better to have it come before the House as a legislative proposition rather than to have it presented to us as a rider upon an appropriation bill. We are not deciding the question for one year or for five years or for ten years, but for the century, and it is extremely important that we shall make no mistake. I am willing to confess that I do not know enough about the question to deal with it justly myself. Many other Members must feel as I do. I hope, therefore, that this amendment will be voted down, in the interest of safe and sane legislation. [Applause.]

Several MEMBERS. Vote! Vote!

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LITTAUER].

The question being taken, on a division (demanded by Mr. SULLIVAN of Massachusetts) there were—ayes 110, noes 36.

Accordingly the amendment was agreed to.

The Clerk read as follows:

For purchase and delivery of material, supplies, and equipment for the construction and engineering and administration departments on the Isthmus of Panama, $9,032,814.24.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 165, at the end of line 2, add: "*Provided*, That no part of this appropriation shall be expended for materials and supplies to be used in the construction of the canal or in connection therewith except as the result of bids advertised in the manner now established by the Isthmian Canal Commission under existing law."

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on that. I do not know that it is subject to a point of order.

The CHAIRMAN. The gentleman reserves the point of order.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I will briefly explain the purpose of the amendment. When the gentleman makes the point of order, I will discuss that.

The CHAIRMAN. Does the gentleman make or reserve the point of order?

Mr. CURTIS. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

Mr. TAWNEY. I withdraw the point of order, Mr. Chairman. I do not think it will lie, but I want to have a word to say in opposition to the amendment.

Mr. KEIFER. I renew the point of order.

The CHAIRMAN. Does the gentleman from Ohio make the point of order or reserve it?

Mr. KEIFER. I make the point of order. It assumes that it is necessary in and of itself in order that the bids shall proceed. If there is an existing law, then this is unnecessary, but there is no existing law, as I understand it, in regard to the exact thing that is proposed to be required by this amendment.

Mr. SULLIVAN of Massachusetts. Now, Mr. Chairman, I would like to discuss the point of order. The amendment relates to the purchase of supplies and materials for use in the construction of the Panama Canal, for which nearly $10,000,000 are about to be appropriated. Under the present law there is no tariff duty levied upon supplies which are received into the Canal Zone to be used in the construction of the canal. The amendment which I have offered simply seeks to secure to the Isthmian Canal Commission the same free system of competition in the purchase of its supplies that it now enjoys. Under the present law there is no discrimination made in favor of American goods. The goods of all countries may enter the Canal Zone duty free if they are to be used in the construction of the canal. Therefore the amendment does not seek to change the law in that respect, but to secure the continued operation of the law. Now, the system that has been adopted——

Mr. LACEY. If the gentleman will allow me, as I heard the amendment read it not only provides that it should be under bids, but bids under existing regulations. It attempts to enact these regulations into statute law by directly recognizing them without defining them.

Mr. SULLIVAN of Massachusetts. The amendment is not only in harmony with the law, but with the practice which has been established by the Commission. The Commission now solicits bids for its supplies. They are advertised throughout the United States, and, as a result of competitive bids, awards of contracts are made to the lowest bidders. That is the practice, and this amendment seeks to continue that practice, so the amendment is in harmony with the law and with the existing practice. The Chair will not have to seek far for a precedent to sustain the validity of this amendment. The Chair will only have to consult his own decision a few minutes ago in respect to the amendment offered by the gentleman from New York that this is simply a limitation on this appropriation. It does not contemplate a change in the law or any addition to the permanent law. A subsequent Congress may adopt this provision or reject it. It has no force beyond this particular appropriation bill. The gentleman from Pennsylvania well says we could deny the appropriation altogether. If this amendment is adopted, then the money will have to be spent in accordance with this provision, but there is no compulsion about it. Not a single dollar need be spent. It is true the Canal Commission, if it intended to buy in the dearest market instead of the cheapest, would be suspended in the air, as the gentleman from Pennsylvania suggested in his remarks, and that would be the only effect of the amendment in such a case.

Mr. CRUMPACKER. Mr. Chairman, a word upon the point of order. It occurs to me that the point of order raises a question that is pretty close to the line. The rule authorizes amendments on general appropriation bills limiting appropriations. It forbids amendments on appropriation bills that expressly control or limit a discretion vested by law in administrative officers. The question in this case is whether the amendment controls or expressly limits a discretion vested by law in the Canal Commission. It would be competent, of course, to say that the money appropriated should be used in a particular manner, and that would incidentally limit the discretion of the Commission in the expenditure of the particular appropriation. But it might incidentally limit it. Take, for example, the amendment that was up a few moments ago, an amendment providing that no part of the appropriation for continuing the work of constructing the Panama Canal should be available for the construction of a sea-level canal. That incidentally limited the discretion of the Commission and confined the appropriation as

a practical proposition to the construction of a lock-level canal; but if the amendment on its face had stated that the money should be used in the construction of a lock-level canal, it would be obnoxious to the rule, because it would control the discretion vested in the President of the United States. This may be a technical distinction, rather a fine one, but it occurs to me that it exists in this case, and that this amendment is probably obnoxious to the rule in the respect that I have pointed out—that it directs and controls not only the appropriation, but expressly limits the discretion of the Panama Canal Commission as well.

Mr. MANN. Mr. Chairman, the amendment which was just agreed to was an amendment limiting and changing the discretion of the Executive; but the limitation was only as to the appropriation carried in this bill, and hence, under the rules of the House, the limitation was in order. Now comes a proposition appropriating a certain amount of money, and the amendment proposed is identically along the same lines as the amendment already agreed to, limiting simply this appropriation—limiting the discretion of the Executive as to this appropriation. So far as the rules are concerned, we could say, after this item, "*Provided*, That no portion of this money shall be expended for any white vessels, but only for black vessels." It is within the power of the House under the rules to put in any sort of a limitation it pleases, and the amendment only proposes a limitation upon this appropriation, the sum mentioned here, $9,032,814.24. It seems to me that the Chair can not escape from ruling the amendment in order for the same reason that the other amendment was ruled in order. If we can limit the discretion of the Executive as to the kind of a canal he can build with the money we appropriate, then we can limit his discretion as to how he shall buy the material with the money which we appropriate. We do not limit his discretion in any other way or as to any other money, but only as to the money which is appropriated here.

Mr. KEIFER. Mr. Chairman, I do not care to occupy much time. I think the point of the gentleman from Illinois [Mr. MANN] is quite refined. We are here proposing to limit in no sense the use of the money, because we intend to use it all. We do not say how it shall be used in the sense that we have been limiting other appropriations. What we do say here is that the discretion of the President and others whose duty it is under existing law to expend this money shall be so exercised as that it shall be expended in a certain way. We have a law that vests in the President and in the boards under him the method of expending the money, and it turns out that this amendment is simply new legislation. It is a new mode of expending money in the matter of the construction of the Panama Canal, and in that respect the gentleman who offered the amendment agrees with me, for he made it perfectly clear that the object of his amendment was to provide imperatively how the President and the boards under him shall use this money. So that it becomes absolutely a new law of direction as to the method of expending money in the construction of the Panama Canal and is subject to the objection under Rule XXI.

The CHAIRMAN. The Chair is of opinion that the amendment is only a limitation on the appropriation and not a change of existing law. Every limitation is, in effect, finally a limitation on the discretion of an officer. It is not permitted that this be affirmatively done, but it may be negatively done, and this amendment while not drawn in the usual form, and therefore because of its language making it a somewhat closer question, is yet is substance but a limitation, in the opinion of the Chair, on the appropriation, and therefore the Chair overrules the point of order.

Mr. TAWNEY. Mr. Chairman, I am free to say that I am in favor of the Commission continuing the policy it has heretofore pursued in respect to the purchase of material, supplies, and equipment for the Panama Canal. I am not in favor, however, of adopting an inflexible rule in respect to the purchase of the material and supplies and equipment that will be necessary in the construction of that great enterprise. Up to the present time the Panama Canal Commission has expended $10,666,000 for material, supplies, and equipment. Of that amount all of it was purchased as the result of bids in the open markets of the world, and all of it except $185,000 was purchased in the United States. In other words, foreign manufacturers and foreign producers had the same opportunity to bid that American producers had. Foreign manufacturers had their representatives in this country, who did bid on the various contracts, but, notwithstanding that fact, out of the $10,666,000 that has been expended for that purpose, only $185,000 was expended for foreign material, and $175,000 of that amount was purchased from American concerns dealing in foreign material, leaving only $10,000 expended for foreign material and furnished by foreign concerns. In other words, the American manufacturers are getting the benefit of the trade and the Government of the United States is getting the benefit of the American export price. I do not think it is wise for us to say at this time that this policy shall continue indefinitely. It will continue indefinitely, in my judgment, if Congress says nothing at all about it. I do not believe in our making an inflexible rule.

Mr. WILLIAMS. Mr. Chairman, I would like to ask the gentleman a question, predicated upon the statement which he has just made. Suppose that they had not been buying these supplies in a market open to the bids of foreign producers as well as the bids of our own producers. Would we, in that event, have succeeded in getting the supplies for the Panama Canal at the competition price? Would not our producers have charged us the home-market price instead of the foreign price?

Mr. TAWNEY. I do not know as to that, but I will say this to the gentleman——

Mr. WILLIAMS. In other words——

Mr. TAWNEY. Hold on just a minute. I will say this in answer to your question, that if they had not had the benefit of the open market the materials and supplies would have cost the Government more than the Government has paid.

Mr. WILLIAMS. That is what I wanted the gentleman to say. In other words, that as long as we have the open bid to hold over them as a big stick, they give us the benefit of the prices they charge the foreigner instead of exploiting the Government at the prices at which they exploit the American consumer.

Mr. TAWNEY. We have had the benefit of the export price, and I believe we will continue to have that advantage, but I do not see any necessity to now fix a hard and fast rule in respect to the subject of the purchase of material for the canal.

Mr. DALZELL. Mr. Chairman, this is the converse of the proposition with which I think we are all familiar. The Senate lately passed a resolution instructing the President to purchase in the American market all the materials for the construction of the isthmian canal, unless he was asked an unreasonable or extortionate price.

Mr. SULLIVAN of Massachusetts. I beg the gentleman's pardon. "Unreasonable and" was the language.

Mr. DALZELL. We will not quible about the word.

Mr. PAYNE. It was "unreasonable or." I am quite positive it is "or."

Mr. DALZELL. The proposition came to this House and went before the Committee on Ways and Means, and has been favorably reported by that committee. That resolution is now on the Calendar, and it will be presented to the House within a few days for its indorsement or rejection. It is, as we believe, an expression of the people of the United States that the American people engaged in the construction of an American enterprise, to be paid for out of the American Treasury, by money collected by way of taxes from the American people, shall be constructed of materials bought in the American market, made by American workmen [applause on the Republican side], and with American competition, and that irrespective of the question as to whether or not by reason of our system our American workmen are paid higher wages and their products command higher prices, if the prices are not unreasonable or extortionate, and I trust the amendment will be voted down. [Applause on the Republican side.]

Mr. OLMSTED. Mr. Chairman, I offer the following substitute for the amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers a substitute for the pending amendment, which the Clerk will report.

The Clerk read as follows:

Provided, That no part of the sum hereby appropriated shall be used in the purchase of materials, supplies, or equipment of foreign manufacturers when similar articles, the product of American labor, can be purchased at reasonable prices.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I move to amend the amendment by striking out the words "at reasonable prices" and substitute "at the same prices."

The CHAIRMAN. The gentleman from Massachusetts moves to amend the substitute to the amendment, which the Clerk will report.

The Clerk read as follows:

Strike out "reasonable prices" and insert "at the same prices."

Mr. WANGER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Pennsylvania will state his parliamentary inquiry.

Mr. WANGER. Is an amendment to the original proposition of the gentleman from Massachusetts now in order?

The CHAIRMAN. Yes.

Mr. WANGER. Then I move to amend that by striking out the word "existing" and inserting the word "its."

Mr. SULLIVAN of Massachusetts. I make the point of order against that, that you can not twice amend an amendment.

Mr. OLMSTED. But you can perfect the original amendment before voting on the substitute.

The CHAIRMAN. The original amendment is the amendment of the gentleman from Massachusetts, to which the gentleman from Pennsylvania addressed himself, and which he is now seeking to amend, and it is in order.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I trust the Chair will extricate us from the meshes of this parliamentary situation by having the amendments reported in their final shape.

The CHAIRMAN. Without objection, the original amendment of the gentleman from Massachusetts will be reported, the substitute to that proposed by the gentleman from Pennsylvania [Mr. OLMSTED] and the amendment to that offered by the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. WANGER. I also ask that my amendment be reported.

The CHAIRMAN. By and by we will come to your amendment.

The amendments were reread.

The CHAIRMAN. Now, the gentleman from Pennsylvania [Mr. WANGER].

Mr. WANGER. Strike out the word "existing" and insert the word "its;" so as to read:

Isthmian Canal Commission under its law.

The CHAIRMAN. The first question will be on the amendment proposed by the gentleman from Pennsylvania [Mr. WANGER] to the amendment offered by the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. SULLIVAN of Massachusetts. I desire to be heard on that proposition.

Mr. PAYNE rose.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. PAYNE. Mr. Chairman, I hope that these propositions will be voted down. [Applause.] I am for spending this money, so far as we can do so reasonably, for American goods in constructing this canal. I would like to have every dollar of it spent in that way. The Senate has passed a joint resolution upon this subject, which came over here and has been reported by the Committee on Ways and Means, and which will be brought up before the House for action, and which comprehensively covers this whole question, not for this present appropriation, but for all the money to be spent upon this canal. I want to read the terms of that resolution:

That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture from the lowest responsible bidder, unless the President shall in any case deem the bids or tenders therefor to be extortionate or unreasonable.

Now, I think that act ought to pass. [Applause.] And it will pass. Why cumber up this bill with any of these amendments? Why not strike them all out? Having passed the Senate, the House will pass it, and it will become a law. I hope these amendments will be voted down.

Mr. OLMSTED. Mr. Chairman, I wish it to be distinctly understood that I am utterly opposed to saving money in the cost of this canal at the expense of the American laborer. Every million dollars paid for American locomotives or steam shovels or rails for the Panama Canal or Railroad means $800,000 for American labor, and the same sum paid for foreign supplies of that character means that much American money taken out of this country and paid to laborers in other countries. It is better for all our people that all these millions shall be expended at home and kept in circulation among our own people. But, Mr. Chairman, I realize that any amendment made to this bill can apply only to this single appropriation, and that it will be better to have a general law, permanent in character and applicable to all appropriations and all purchases until the canal is completed, and therefore upon the statement and assurance of my colleague from Pennsylvania [Mr. DALZELL], a Member of the Committee on Ways and Means, and of the distinguished chairman of that committee, the gentleman from New York [Mr. PAYNE], that a satisfactory measure accomplishing the same purpose will be reported from that committee and passed at this session, I withdraw my substitute amendment. [Applause.]

The CHAIRMAN. In the Committee of the Whole an amendment proposed can not be withdrawn except by unanimous consent.

Mr. OLMSTED. Mr. Chairman, I ask unanimous consent to withdraw my substitute.

Mr. WILLIAMS. To that I make objection.

Mr. TAWNEY. I move that the debate to the paragraph and amendment thereto be closed in ten minutes.

The question was taken; and the Chair announced that the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes 96, noes 67.

Mr. WILLIAMS. Let us have tellers, Mr. Chairman.

Tellers were ordered.

Mr. TAWNEY. How much time does the gentleman from Mississippi [Mr. WILLIAMS] want?

Mr. WILLIAMS. I think twenty minutes will be sufficient.

The CHAIRMAN. Tellers have been ordered; and the gentleman from Mississippi, Mr. WILLIAMS, and the gentleman from Minnesota, Mr. TAWNEY, will take their places as tellers.

The House again divided; and there were—ayes 117, noes 50.

So the motion to limit debate was agreed to.

Mr. TAWNEY. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. WANGER].

Mr. WANGER. Mr. Chairman, I suppose we all agree that the materials and supplies for the isthmian canal ought to be secured by competitive bidding. But I take it that whatever propriety there may be in requiring by law that in all cases there shall be such bidding, nobody, not even the gentleman from Massachusetts [Mr. SULLIVAN], will insist that all of the regulations adopted by the Isthmian Canal Commission to this time are perfection, and that there will not be occasion for amendment of the regulations from time to time in the future.

I may only mention one instance, wherein an inadvertent requirement, as I have no doubt it was, cut out American producers and gave a large contract for cement to European manufacturers of that article, to demonstrate the need of amendment. The proposals or invitations for proposals contained the conditions that the cement should be delivered only in certain quantities and at certain intervals upon the Isthmus. Those quantities were less than even full schooner loads. The requirement was that the cement should be delivered by steamer, and the only lines of steamers that went to the Isthmus charged a rate of about $1 per barrel, and for the small shipment permitted a less rate could not be gotten from a sailing vessel, much less from any tramp American steamer.

The steamship lines from the other side of the Atlantic only asked about 55 cents per barrel to the Isthmus, and the difference in the bids was just about the difference in the rates of freight. Now, if that regulation of the Commission did not require shipment by steamer, or did not require delivery in such small quantities and at such frequent intervals, American producers of cement could have underbidden the foreign producers, and American shipping as well as the American manufacturer of cement would have been encouraged, because for full schooner loads an equally low rate would have been given.

The needless conditions in this particular have been changed, but doubtless other conditions will develop from time to time which the Commission should have the power to change.

Mr. TAWNEY. I reserve the balance of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 1291. An act for the relief of James W. Watson.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 12323. An act to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah; and

H. R. 18668. An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I desire to be notified at the end of three minutes.

Mr. Chairman, we unite with the gentleman from New York, the leader of the majority, in his desire to have only American goods used upon the canal. My amendment will not stop the sale of a single dollar's worth of American goods. To-day, under free competition, without any assistance from any tariff, American manufacturers sell 99 per cent of the canal supplies. The proposition before us is not to substitute foreign for American goods, but to continue the sale of American goods to the United States Government at reasonable prices, such as the export prices of United States manufacturers, and not the extortionate prices which your tariff enables you to collect from your own citizens here in the United States. [Applause on the Democratic side.]

Now, why is the Senate proposition offered? If existing conditions are satisfactory to you gentlemen, why do you wish to change them? What is the purpose of the Senate amendment? It is to enable the men who make American dredges to sell them at exorbitant prices to the Canal Commission and prevent them from buying the Scotch dredges, which they could otherwise buy for thousands of dollars less. It is to compel the Commission to buy American cement at extortionate prices, rather than the low prices they buy it for now in open competition. It is to compel the Commission to buy its iron and steel at the extortionate prices which the steel trust collects in the United States, rather than the reasonable prices which the Canal Commission pays for them now in open competition and which every foreign buyer enjoys.

Now, then, to show what inconsistency there is in your positions even in a single day you vote to adopt the lock type of canal because you say you will save expense. In the same afternoon you propose to fetter the Canal Commission and compel it to pay extortionate prices for supplies, thereby increasing the cost of the canal to the American people. If I had time I would read at length from the testimony produced before our committee. I will read a single line. Mr. Shonts, president of the Canal Commission, said:

> I favor buying in the open market for the reason Mr. Ross, the purchasing agent, has stated, I think, that if we have that privilege it enables us to get our American-made material cheaper. I believe that the steel combination, to illustrate, gives us the benefit of their export prices.

[Applause.]

I think that statement of Mr. Shonts explains the earnest opposition of the able gentleman from Pennsylvania [Mr. DALZELL].

Mr. Chairman, not more than 1 per cent of foreign goods is bought now by the Canal Commission. They buy American goods and pay only reasonable prices. The Secretary of War wants existing conditions continued. The president of the Canal Commission wants them continued, in order that they may finish the canal cheaply, and that the American people may not be robbed by the protected manufacturers of the United States. A vote against the amendment which I have offered is a vote to enable the American manufacturers to plunder the American people in the construction of the isthmian canal. A vote for the amendment is a vote to continue the equitable conditions which your Secretary of War, your president of the Commission, and, I believe, the President of the United States wants to continue. [Loud applause.]

The CHAIRMAN. The gentleman has two minutes remaining, and the gentleman from Minnesota has three.

Mr. SULLIVAN of Massachusetts. I yield the remainder of my time to the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Massachusetts. The isthmian canal when constructed will not be constructed for the benefit of the United States. It is for the benefit of the world. It is a present which the United States makes to humanity. We have the right, in making that present to mankind, to make it at the lowest possible expense to ourselves. It would be worse than idle for us, in doing this work for humanity, to pay two prices for it. I do not think we are building the Panama Canal for the purpose of putting money into the pockets of the manufacturers of the United States who furnish materials. If we were engaged in that work, it would be better to consume the materials at home, where they would be for our exclusive and special benefit. When we are called upon to expend all the way from one to five hundred millions of dollars—and if a sea-level canal in the end should be adopted, more than that sum, in my opinion—we ought to do it with an eye to economy. The present Canal Commission, under the guidance of the Secretary of War and the President of the United States, has adopted the policy of buying in the markets of the world. Under that policy the United States has obtained 99 per cent or more of the contracts at reasonable prices; but if we can buy more cheaply abroad, let us buy abroad. Who proposes that the canal shall be built by American labor? We take foreign labor because we can get it cheaper. For the same reason we should take the cheapest manufactured products. [Applause.]

Mr. PAYNE. Mr. Chairman, I agree with my friend from Illinois that this is largely a gift to the world by the American taxpayers. I want to get what little benefit out of it I can for the American taxpayers, and as far as I can I want to purchase materials which are the result of the labor of American taxpayers, in order that we may do them all the good we are able to do—by using their products in the construction of the canal.

We are taking foreign labor because American laborers do not want to go down there, because the conditions there are not suitable to the American man, and the American can not perform labor there. That is one reason; and the other reason is because the American laborer has more to do at home than he can possibly do. There are not laborers enough to go around.

But I did not rise to discuss the merits of this proposition. As I say, this joint resolution has been reported by the Committee on Ways and Means without any amendment. I hope to get it before this House in a very few days; in fact, I should like to get it before the House to-morrow. Then we will settle this question, and whatever debate there may be upon the merits we will have then; but let us not encumber this bill. Let us vote down all these propositions and put them into permanent law at another time, so that hereafter we shall know just what we are going to do about our expenditures in buying supplies for the building of this canal—from now until the last shovelful of dirt is taken out of the canal. [Applause.]

The CHAIRMAN. The first proposition before the House is to perfect the original amendment offered by the gentleman from Massachusetts [Mr. SULLIVAN]. Therefore, to that end, the first thing in order will be the amendment offered by the gentleman from Pennsylvania to that original amendment.

The question being taken, the amendment to the amendment was rejected.

The CHAIRMAN. The next proposition before the House is the amendment offered by the gentleman from Massachusetts [Mr. SULLIVAN] to the substitute offered by the gentleman from Pennsylvania, who offered a substitute to the original amendment offered by the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. OLMSTED. Mr. Chairman, I thought I withdrew that.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. OLMSTED. I thought I had withdrawn the substitute in favor of the bill, which will be presently reported from the Ways and Means Committee, to more fully accomplish the same purpose——

Mr. WILLIAMS. Oh, no; it was never withdrawn.

The CHAIRMAN. There was objection.

Mr. OLMSTED. If I understand the gentleman from Mississippi to be in favor of my substitute, I certainly do not want to withdraw it.

Mr. WILLIAMS. Why, as a partial return to reason, yes.

The CHAIRMAN. The committee will be in order.

Mr. WILLIAMS. You ought to have called the other man to order.

The CHAIRMAN. The question is on the proposed amendment of the gentleman from Massachusetts to the substitute offered by the gentleman from Pennsylvania.

The question being taken, on a division (demanded by Mr. WILLIAMS) there were—ayes 57, noes 113.

The CHAIRMAN. The amendment of the gentleman from Massachusetts to the substitute of the gentleman from Pennsylvania is lost.

Mr. POU. Mr. Chairman, I offer the following amendment to the substitute.

The CHAIRMAN. The gentleman from North Carolina offers the following amendment to the substitute of the gentleman from Pennsylvania, which the Clerk will report.

The Clerk read as follows:

> *And provided further*, That the price at which materials or supplies of American manufacture are offered to the Government of the United States is no higher than the price at which the same goods are offered to the residents of foreign nations.

Mr. MANN. I raise the point of order upon that amendment that it is not a limitation at all.

The CHAIRMAN. That involves an examination of the original substitute. The Chair overrules the point of order. The Chair thinks it is clearly in order.

The question is on the amendment to the substitute, which amendment has just been offered by the gentleman from North Carolina.

The question being taken, the amendment of Mr. POU was rejected.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Pennsylvania to the original amendment offered by the gentleman from Massachusetts [Mr. SULLIVAN].

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 28, noes 106.

So the amendment was disagreed to.

The CHAIRMAN. The question now recurs on the original amendment offered by the gentleman from Massachusetts [Mr. SULLIVAN].

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 65, noes 120.

Mr. WILLIAMS demanded tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. WILLIAMS and Mr. TAWNEY.

The committee again divided; and the tellers reported that there were—ayes 59, noes 121.

So the amendment was rejected.

The Clerk read as follows:

For pay of officers and employees other than skilled and unskilled labor in the service of the government of the Canal Zone, $600,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do not like to impose upon the chairman of the committee. I do not know whether he made any explanation in reference to the form of the Panama Canal items in the bill or not at any other stage of the debate. If he did, I do not want to bother him now.

Mr. TAWNEY. I did not.

Mr. MANN. Mr. Chairman, in the bill which was passed in the House in January last, making appropriation for canal work, and which subsequently became a law, there was a section I offered as an amendment requiring the Canal Commission to make detailed estimates as far as practicable. I suppose detailed estimates have been made, perhaps more in detail than showed in the bill. I suppose there is some reason to be offered by the committe for not inserting more in detail the items for the canal. I would like to ask the gentleman whether, in the judgment of the committee, it was thought impracticable to insert items in detail in reference to appropriations, and especially in regard to the high-salaried officials of the canal, such as is often done in other cases?

Mr. TAWNEY. Mr. Chairman, the estimates were submitted in detail, as the gentleman will find from House Public Document 821. This was submitted by the Acting Secretary of the Treasury under date of May 21, 1906.

Now, the Commission submitted their items under eight heads—that is, they lumped their total, segregating the appropriations under eight specific heads. First was for salaries, the officers and employees of the Commission, incidental expenses, pay of the officers here in Washington.

I might say, Mr. Chairman, that under that first item their total estimate was $170,000. I want to say that we did not provide specifically for the office here in Washington, as I know the gentleman from Illinois thinks we ought to have done, and as I thought when the matter was before the House before we would do, for the reason that this force at the present time has reached its maximum. We are assured that the number of employees has reached the maximum and will be reduced from this time on, and that that reduction can be effected more advantageously under a lump appropriation than it can be if we provided specific places with specific salaries. A man knowing that he holds a statutory place with a fixed salary would be more likely to secure influence to aid him in holding that place. In order to enable the Commission to make the reduction which we thought they ought to make, we gave them a lump-sum appropriation. When the force on the Isthmus is fully organized, we can then provide specifically for the force here. It will then be a permanent force. We reduced the estimate for the office force here in Washington about $40,000. If the gentleman will take that document and go through it, he will see why and how we have made the reduction.

Mr. MANN. I have examined the document. I want to make this suggestion: Congress has left the fixing of these salaries wholly to the Executive. The salaries are not fixed by law. That being the case, it seems to me Congress ought to have an opportunity to pass upon these salaries in an appropriation bill, and the only way to do that is to specifically provide for these salaries in the office at Washington in the appropriation bill. I can not see why it would be any great detriment to the service to do so.

Mr. SMITH of Iowa. Mr. Chairman, I will say that it seems to me strange that the gentleman thinks that as we have intrusted the fixing of the salaries to the President, we ought now to proceed and fix them in an appropriation bill.

Mr. MANN. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For material, supplies, equipment, new buildings, and contingent expenses for account of the government of the Canal Zone, $318,200.

Mr. WILLIAMS. Mr. Chairman, I offer the following amendment, which I will read:

Insert in line 18, page 165, after the word "Zone," the following: "*Provided*, That said materials, supplies, and equipment are bought at prices no higher than the contemporaneous export prices of American manufacturers and producers where the same are known to or can be ascertained by the purchasing board."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 52, noes 108.

The Clerk read as follows:

In all, $25,456,575.08: *Provided*, That all expenditures from the appropriation herein made for the isthmian canal shall be paid from, or reimbursed to the Treasury of the United States out of, the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902.

Mr. GILL. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Amend by adding additional paragraph to section 1, after the word "two," in line 14, page 166, to read as follows:

"That for the purpose of carrying out the provisions of public act No. 181, entitled 'An act to authorize the Secretary of Commerce and Labor, through the Bureau of Coast and Geodetic Survey and the Bureau of Fisheries, to cooperate with the shell-fish commissioners of the State of Maryland in making surveys of the natural oyster beds, bars, and rocks in the waters within the State of Maryland,' the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated."

Mr. TAWNEY. Mr. Chairman, I make the point of order that it is not germane to the part of the bill to which it is offered. The amendment, as I understand it, relates to the Coast and Geodetic Survey.

Mr. GILL. Mr. Chairman, the point of order made by the gentleman from Minnesota [Mr. TAWNEY] is not applicable to this amendment as I have presented it here. The amendment is for the purpose of adding an additional paragraph to appropriate the money necessary to carry out the provisions of a law which has been passed by Congress and approved by the President and which provides that the money shall be expended for the purposes provided in that bill. It is therefore perfectly proper as an additional paragraph to this section and within the rules of the House that it shall be offered here.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. TAWNEY. No; I have nothing further to say than it is not germane to this part of the bill.

The CHAIRMAN. The Chair will state that it is offered as a new paragraph.

Mr. TAWNEY. It is a part of the Coast and Geodetic Survey.

Mr. GILL. It is a new paragraph to section 1. It is not an amendment to any paragraph of the bill.

The CHAIRMAN. The Chair is inclined to the opinion that it is in order and not subject to the point of order, and the Chair overrules the point of order.

Mr. GILL. Mr. Chairman, I am sorry to detain the House for a few minutes, but I have not occupied the time of this body since I have been a Member of it, and I have not objected to the use of time by every other Member of the House. As it is essential that money should be provided to carry out the provisions of a law which this House and the Senate have adopted unanimously and which the President has approved, it seems to me unreasonable on the part of anyone here to object to an appropriation to carry out the provisions of that act. I can not understand why the chairman of this committee could possibly object to this bill unless the money necessary to be expended is already provided for, and if the chairman of the committee can demonstrate to the House that that money has been provided already or is provided by existing legislation, then there is no necessity for the adoption of the amendment, and I shall not press it. If, however, he does object, he ought to demonstrate beyond the possibility of a doubt that that money has been or is provided for by existing appropriations. If he does not demonstrate that, I hope the House will adopt this amendment, and thereby provide the money necessary to carry out the law which it has itself approved of. [Applause.]

Mr. TAWNEY. Mr. Chairman, in answer to the gentleman I will say that I was advised this morning by the Superintendent of the Coast and Geodetic Survey that all that was necessary was to change the language of one of the appropriations in this bill for that service in order to give him authority to ex-

pend the money for this work and increase the appropriation to a slight extent, which we will do later on. We can not go back to it now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken; and on a division (demanded by Mr. GILL) there were—ayes 56, noes 95.

So the amendment was rejected.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19844—the sundry civil appropriation bill—and had come to no resolution thereon.

ALLOTMENT OF LANDS IN BLACKFEET INDIAN RESERVATION.

Mr. SHERMAN. Mr. Speaker, I present a conference report on the bill (H. R. 19681) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation in the State of Montana, and to open the surplus lands to settlement, together with the statement of the conferees thereon, for printing under the rules.

The SPEAKER. The conference report and statement will be printed under the rule.

SALARIES OF TEACHERS, ETC., IN DISTRICT OF COLUMBIA.

Mr. MORRELL. Mr. Speaker, I present a conference report on the bill (H. R. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia, together with a statement of the conferees thereon, for printing under the rules.

The SPEAKER. The report and statement will be printed under the rule.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. COUSINS. Mr. Speaker, I present a conference report on the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, together with the statement of the conferees thereon, for printing under the rules.

The SPEAKER. The report and statement will be printed under the rule.

CONFERENCE REPORT, NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I call up the conference report on the naval appropriation bill, and move that the House disagree to the conference report in order to make certain changes in the conference report and that the House further insist upon its disagreement to the Senate amendment and ask for a further conference.

The SPEAKER. The gentleman from Illinois calls up the conference report on the naval appropriation bill and desires to move that the House disagree to the report, being a partial report—it is a partial report, as the Chair understands.

Mr. FOSS. It is a partial report.

Mr. RIXEY. Mr. Speaker, I desire to ask the chairman of the committee a question. I understand it is simply to correct some error in the report.

Mr. FOSS. It is to correct some provisions agreed to by the House managers, the full effect of which was not understood at the time.

Mr. RIXEY. I want to ask the gentleman this question: There are two or three amendments upon which there will be motions to concur. Now, is the recommittal of this report for the purpose of making any agreement as to matters already disagreed to?

Mr. FOSS. No. The matters which are in disagreement now will be reported in disagreement.

Mr. RIXEY. I give notice now, Mr. Speaker, to the chairman of the committee that I shall ask for a separate vote on the amendment of the Senate as to the battle ship.

Mr. FOSS. Yes; that will be still in disagreement.

The SPEAKER. The Chair understands the gentleman from Illinois to ask unanimous consent to dispense with the reading of the report and the statement in lieu thereof, and to disagree to the report; otherwise the report, as it seems to the Chair, would have to be read or the statement.

Mr. FOSS. I will ask that, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. Now, Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendments, and ask for a further conference.

The SPEAKER. The gentleman moves that the House still insist upon its disagreement to the Senate amendments, and ask for a further conference.

Mr. HULL. A further inquiry: Have we disposed of the conference report yet?

The SPEAKER. Yes; the conference report has been disagreed to.

Mr. HULL. By unanimous consent?

The SPEAKER. Yes.

Mr. HULL. Then, Mr. Speaker, I want to call attention to amendment No. 4, on page 4 of the printed bill. I do not know what page it is of the bill that is in conference. The Senate struck out some language that was inserted by the House, I think very properly so. The House provision made a double method of computing mileage in this, that it gave a naval officer, whenever he had a short trip, all of his expenses, including his hotel bill, and if he had a long trip he could get 8 cents a mile. Of course, it says it is under the discretion of the Secretary of the Navy, but we know how those matters are adjusted. Now the Navy has 8 cents a mile for travel, and after years it has been agreed it was fair compensation. The Army has 7 cents a mile, and after years it has been agreed that that was fair compensation. I am not seeking to change the compensation of either, but I want to protest against any change that does not put them both on an equality, and just as sure as this provision is allowed to stand in the bill it will result in the Army coming in and wanting their expenses in these matters——

Mr. WILLIAMS. Point of order, Mr. Speaker.

The SPEAKER. Does the gentleman submit any motion or proposition?

Mr. HULL. I move that the House recede and concur in amendment No. 4.

The SPEAKER. The gentleman from Iowa moves that the House do recede in the following Senate amendment, which the Clerk will report.

The Clerk read as follows:

Amendment No. 4: Page 3, line 21, strike out all after "dollars" down to and including "allowed," in line 25.

The SPEAKER. The Clerk will report the text.

The Clerk read as follows:

The words proposed to be stricken out being as follows: *"Provided*, That hereafter in cases where orders for travel are given to officers of the Navy or the Marine Corps the Secretary of the Navy, in his discretion, may direct that their mileage or else their actual and necessary expenses only shall be allowed."

Mr. FOSS. I suggest to the gentleman from Iowa [Mr. HULL] that he allow us to go to a full conference on this matter, and I say we will bring this back in disagreement if we do not strike it out.

Mr. HULL. What I am afraid of is that the Senate will immediately recede. If they recede, you can not bring it back. You can not prevent them from receding, and they receded with such alacrity this time that I am afraid to risk it again. I have perfect faith in the statement of the gentleman, but the minute the Senate recedes the House conferees are tied up.

The SPEAKER. The gentleman from Iowa moves that the House do recede from the Senate amendment No. 4 and concur in the same.

Mr. FOSS. Mr. Speaker, I have no objection to the motion of the gentleman from Iowa, if he insists upon it.

The SPEAKER. The question is on the motion of the gentleman from Iowa [Mr. HULL].

The question was taken; and the motion was agreed to.

Mr. BURTON of Ohio. As I understand, this amendment No. 56, pertaining to the battle ship, is to be again reported?

Mr. FOSS. I have so stated to the gentleman from Virginia.

Mr. PERKINS. Mr. Speaker, I rise to a parliamentary inquiry. I desire to ask a separate vote at the proper time on amendment No. 6, and I wish to ask the gentleman in charge of the bill if, as the conference now stands, an opportunity will be offered to vote upon that amendment?

Mr. FOSS. Is that the one in regard to the civil-war veterans?

Mr. PERKINS. Yes.

Mr. FOSS. Yes; that will be reported in this agreement.

Mr. PERKINS. Very well. Then there can be a separate vote asked on that?

Mr. FOSS. Yes.

The SPEAKER. The motion made by the gentleman from Illinois [Mr. Foss] is that the House do further insist on its disagreement to the remaining Senate amendments and ask for a conference.

The question was taken; and the motion was agreed to.

The SPEAKER announced the following conferees: Mr. Foss, Mr. LOUDENSLAGER, and Mr. MEYER.

LEAVE TO PRINT.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent that general leave to print on the item of the appropriation bill relating to the Panama Canal may be given for five days.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, do I understand that request to be to print remarks solely upon that question?

Mr. GROSVENOR. Solely upon that question.

Mr. WILLIAMS. Then I have no objection.

The SPEAKER. The Chair hears no objection.

PUBLIC-LAND LAWS.

The SPEAKER laid before the House the bill H. R. 12323, "An act to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Reservation, in the State of Utah," with Senate amendments.

Mr. LACEY. Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Iowa [Mr. LACEY] moves to nonconcur in the Senate amendments and ask for a conference. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Mr. LACEY, Mr. MONDELL, and Mr. BURNETT.

NATIONAL BANKS.

The SPEAKER laid before the House the bill H. R. 8973, "An act to amend section 5200 of the Revised Statutes of the United States relating to national banks," with Senate amendments.

Mr. SHARTEL. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. WILLIAMS. Mr. Speaker, I would like to know something about that.

The SPEAKER. The gentleman from Missouri [Mr. SHARTEL] moves that the House do concur in the Senate amendments.

Mr. WILLIAMS. Mr. Speaker, I would like to have some statement about this, in order to know something as to what it is.

Mr. SHARTEL. Mr. Speaker, the Senate amendment changes the House bill from the total amount to be loaned to one firm or individual by national banks from 20 per cent of the capital stock to 30 per cent. The House bill provides that a national bank can loan 10 per cent of its capital and surplus, the total loan in no case to exceed 20 per cent of the capital stock. This amendment changes this item to 30 per cent, and will only affect a very few, not a large number, of national banks.

Mr. BARTLETT. Will the gentleman allow me to ask him a question?

Mr. SHARTEL. Yes, sir.

Mr. BARTLETT. As I understand it, it does this: The bill as it passed the House provided that no one person should receive a loan from one of these banks to exceed 20 per cent of the capital and surplus?

Mr. SHARTEL. Ten per cent.

Mr. DALZELL. Twenty per cent of the capital.

Mr. BARTLETT. The Senate has made it 30 per cent.

Mr. SHARTEL. I will state the whole question for the gentleman's information, which will make it clear. The House passed a bill providing that a national bank might make a loan up to 10 per cent of its capital and 10 per cent of its surplus. Then they put in a general limitation that no loan should be made in excess of 20 per cent of its capital stock. It does not make any difference what the surplus may be. It may be more than 100 per cent. The Senate changed that 20 per cent to 30 per cent.

Mr. BARTLETT. That is what I asked the gentleman.

Mr. SHARTEL. I can illustrate it this way, so as to get the idea clear: The Senate amendment does not affect any bank that has a surplus of an amount less than equal to the capital stock, but there are banks that have a surplus of two or three times the capital stock, and the amount they can loan is 30 per cent of the capital stock.

Mr. BARTLETT. That is, any man may now borrow from a bank upon the capital stock and surplus; and they have changed it from 20 to 30 per cent?

Mr. DALZELL and others. No.

Mr. WANGER. I desire to ask the gentleman a question. As I understand it, the Senate committee reported an amendment to the Senate changing the per cent from 20 to 30 per cent. The Senate adopted that amendment to the amendment, and then voted down the proposition. So there is no provision on that subject beyond the primary provision that a loan shall not exceed 10 per cent of the capital and 10 per cent of the surplus.

Mr. SHARTEL. No; the gentleman is mistaken.

Mr. BATES. Will the gentleman allow me to ask a question? As I understand this measure, the bill as it passed the House allowed a national bank to loan 10 per cent only of its capital, as it now is, and surplus as well. Now, the Senate amendment provided that at no time shall the loan exceed 20 per cent of its capital. They increased that to 30 per cent of the capital, so that at no time can a loan exceed 30 per cent of the capital.

The SPEAKER. Without objection, the amendment will be again reported.

The amendment was again reported.

The SPEAKER. The gentleman from Missouri moves that the House do concur in the Senate amendment.

Mr. MADDEN. Mr. Speaker, this amendment of the Senate proposes to authorize the loan of $300,000, say, to any one individual by a bank having a capital of $1,000,000, assuming that it has large enough surplus to allow it to make such a loan. It seems to me that any such provision would be a dangerous thing to the banking interests of the country and to the financial interests of the country. If any one individual is allowed to borrow so large a proportion of the capital stock of any bank, the danger that exists under such conditions would be that if a corporation, firm, or individual making so large a loan found itself in any financial difficulty it or he might fail and bring the bank into bankruptcy. Whereas on the other hand, if only moderate loans are allowed to be made to any one concern, the capital of the bank is distributed among various business enterprises, and the chance is much greater for its continuing to do a legitimate business than under the provisions of this amendment.

Then, too, the security of the depositor is reduced by offering an incentive to bankers to organize new institutions with a small capital and large surplus, thus reducing the liability of the stockholders and making the directors and officers less careful in making loans. If the capital stock is large, the liability of the stockholders offers a better security to the depositor. The greater the liability of bankers to the depositor, the more conservative they are sure to be. Conservatism in our banking institutions should be encouraged. This bill encourages reckless loans, makes the banks less safe, and the stability of the business institutions of the country less secure. Then, too, there is the danger that banks will reduce their capital to evade taxation. Aside from this surplus is always an uncertain quantity. It may be carried on the books when it should be charged off on account of losses. This bill opens the doors to reckless management, to extravagant loans, to evasion of taxation, and to an unwarranted and dangerous reduction in the security heretofore afforded the depositor. It should not pass.

Mr. SHARTEL. The gentleman is entirely mistaken in what he says about the taxation or the national banks evading taxation, as I do not know of any State in the Union in which the surplus of a bank is not taxed the same as its capital stock. My observation is that a large cash surplus in the hands of a bank is much better protection to the depositors than the uncertain and unknown quantity of what might be collected from the stockholders on their liability on the stock. The fact that the stockholders of a bank are willing year after year to allow their earnings to remain in the bank as a surplus account is one of the best evidences of good management and the thorough solvency of the institution.

This bill only places the national banks in line and in shape to take care of the conservative business of the country and, in my opinion, it has no tendency whatever to make dangerous banking in any manner.

Mr. STAFFORD. Will the gentleman allow me to ask him a question?

Mr. SHARTEL. I would like to state this proposition, which does not seem to be understood, then I will answer a question.

Mr. Speaker, the present national banking law allows a national bank to loan 10 per cent of its capital stock to one person, firm, or corporation. The bill of the House, as it passed the House, provided that a national bank could loan to one person, firm, or corporation, 10 per cent of its surplus in addition to 10 per cent of its capital. This amount was limited in this way, providing that no loan of this kind should exceed in amount 20 per cent of the original capital stock. The Senate amended the bill by striking out the word "twenty" and inserting the word "thirty," so that no loan under any circumstances, under the Senate amendment, can exceed 30 per cent of the capital stock.

Mr. PAYNE. And then only in case the surplus is equal in amount to its capital stock and more.

Mr. SHARTEL. Yes. A bank having $100,000 capital and $100,000 surplus, under the bill as amended by the Senate could only loan $20,000, or an amount equal to 20 per cent of the capital stock, to one firm or individual.

Mr. MADDEN. Under the present law they can only loan 10 per cent.

Mr. SHARTEL. They can only loan 10 per cent, no matter how large a surplus they have. Now, a bank having $100,000 capital and $400,000 surplus could, under the Senate amendment, loan the original $10,000 on the capital stock and $20,000 on the surplus, which would be $30,000 instead of $20,000, the limit in the House bill. I think the amendment is a good one. It does not endanger the banking business in the least, and is only in the interest of good business for the banks and the people.

Mr. PADGETT. Will the gentleman submit to a question?

Mr. SHARTEL. Yes.

Mr. PADGETT. Is not the effect of this to encourage small capitalization and a large surplus, so as to avoid assessment liability on stock in case of the failure of a bank?

Mr. SHARTEL. No; I think not.

Mr. PADGETT. Why not? You may loan the surplus, and there is no assessment liability on surplus. There is an assessment liability upon stock, so that there would be an encouragement to avoid stock liability and to organize a bank upon small capital and with a large surplus.

Mr. OLMSTED. As long as the bank has a big surplus there will not be any assessment.

Mr. PADGETT. But if the bank failed there would be a small individual liability.

Mr. STAFFORD. In the bill you originally introduced you did not have any limitation whatsoever on the 10 per cent loan of the surplus; but afterwards you put in a proviso limiting it to a total of 20 per cent of the capital, and that 20 per cent was for the express purpose so that banks would not have an inducement to diminish their capital stock at the expense of their surplus and avoid taxation in some States and in others avoid the double liability to which the gentleman from Tennessee [Mr. PADGETT] has referred. And was not that proviso put in at the request of the gentleman from Connecticut [Mr. HILL], who stated that he would oppose the bill unless such a limit was put there? And now you are raising it 10 per cent more.

Mr. SHARTEL. The gentleman's statement is partly correct and partly incorrect. There was no mention made of any certain limitation, but it was thought best by the Committee on Banking and Currency to put in some limitation for the reasons that have been stated. This Senate amendment would not, I believe, affect fifty banks in the United States. I doubt if there are more than fifty banks in this country that have three times as much surplus as capital. The bill relieves the situation as far as between five and six thousand national banks are concerned in the United States. This increase to 30 per cent is a matter of very little importance, because the bank must have twice as much surplus as capital before the limitation would apply.

Mr. STAFFORD. Are there not many banks in large cities that have a great deal more surplus than capital? For instance, the Chemical National Bank in New York City.

Mr. SHARTEL. Very few.

Mr. STAFFORD. And banks in Pittsburg and Chicago and many other cities.

Mr. SHARTEL. Not many. I think fifty will cover the whole number.

Mr. WILLIAMS. I understand that there are very few banks now that have twice as much surplus as capital stock; but if they are encouraged to increase their surplus while they decrease their capital stock to avoid liability of the stockholders, the double liability which exists in some States, I am afraid that it will not be long before there will be a good many banks with double as much surplus as capital stock. It seems to me this will encourage them to have double as much surplus as stock. The gentleman must keep in mind that the stockholders of the bank are liable for 100 per cent of their stock—that is, they have a double liability, and as far as they can operate on the basis of their stock they are limited by their personal double liability. But if they are encouraged to decrease the stock and increase the surplus, they are encouraged to do an unsafe business. It seems to me that this is rather an important question to take up now, and I would suggest that gentlemen let it go over until the Members of the House have time to examine and think about it.

Mr. SHARTEL. In answer to the gentleman, I want to say that from practical experience I do not think there is any better evidence of a good bank than one that is building up a large surplus. Whenever the stockholders of a bank are willing year after year to let their earnings remain in the bank, it shows their absolute confidence in the stability of the institution. I will say further it has been the policy of the Government to encourage the building up of a good strong surplus.

Mr. WILLIAMS. Is not that true where there is no object to build up a surplus—where they do not exempt them from liability in building up the surplus? I suggest the matter go over until the House can have time to think about it.

Mr. MADDEN. Will the gentleman allow me a question?

Mr. SHARTEL. Certainly.

Mr. MADDEN. Would it not be possible under the plan proposed to have a new bank organized with $50,000 capital and $100,000 surplus, whereas if the law was not in force they would organize a bank with $100,000 and $50,000 surplus?

Mr. SHARTEL. No; I do not think that would occur. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on concurring in the Senate amendment.

The question was taken; and on a division (demanded by Mr. MADDEN) there were—ayes 125, noes 70.

Mr. MADDEN. I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. All those in favor of ordering the yeas and nays will rise. [After counting.] Fourteen gentlemen have arisen; not a sufficient number, and the yeas and nays are refused. The ayes have it, and the amendment is agreed to.

On motion of Mr. SHARTEL, a motion to reconsider the last vote was laid on the table.

PUBLICITY OF INTERNAL-REVENUE LAWS.

The Speaker laid before the House H. R. 14968, an act to amend the internal-revenue laws so as to provide for publicity of its records, with Senate amendments.

The Senate amendments were read.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

COLUMBIAN INDIAN RESERVATION, STATE OF WASHINGTON.

The SPEAKER also laid before the House H. R. 18668, an act to ratify and control soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbian Indian Reservation, in the State of Washington, with Senate amendments.

The Senate amendments were read.

Mr. JONES of Washington. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

SALE OF TIMBER ON LANDS OF THE MENOMINEE TRIBE, WISCONSIN.

The SPEAKER also laid before the House H. R. 13372, an act to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians in the State of Wisconsin, with Senate amendments.

Mr. CURTIS. Mr. Speaker, I move that the House nonconcur and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. SHERMAN, Mr. CURTIS, and Mr. ZENOR.

PUBLIC BUILDING IN GREAT FALLS, MONT.

The SPEAKER also laid before the House the following resolution of the Senate:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5441) to provide for the purchase of a site for a public building in the city of Great Falls, Mont.

The request was agreed to.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12707. An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States;

H. R. 10106. An act providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii;

H. R. 19815. An act to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River, between Columbus, Ga., and Franklin, Ga.;

H. R. 3997. An act for the relief of John A. Meroney; and

H. R. 19816. An act to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River, one at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4961. An act granting a pension to William Ickes;
S. 5155. An act granting an increase of pension to Charles H. Van Dusen;
S. 5038. An act granting an increase of pension to James Richards;
S. 5195. An act granting an increase of pension to Sidney H. Cook;
S. 6264. An act granting a pension to Cornelius Sullivan;
S. 6222. An act granting an increase of pension to John A. Alden;
S. 6272. An act granting an increase of pension to Harvey Gamble;
S. 4651. An act granting an increase of pension to Rufus M. Ashley;
S. 4550. An act granting an increase of pension to Henry Moody;
S. 6192. An act granting an increase of pension to John Coker;
S. 4459. An act granting an increase of pension to Edwin K. Lamson;
S. 4391. An act granting an increase of pension to Abner R. Barnes;
S. 4390. An act granting an increase of pension to Rebecca A. Alexander;
S. 4375. An act granting an increase of pension to David McCredie;
S. 4318. An act granting an increase of pension to Henry S. Bennett;
S. 4268. An act changing the name of Douglas street to Clifton street;
S. 4047. An act granting an increase of pension to William Morehead;
S. 3735. An act granting a pension to Phebe W. Drake;
S. 3168. An act granting an increase of pension to Obadiah Derr;
S. 3122. An act granting an increase of pension to Erastus C. Clark;
S. 3028. An act granting an increase of pension to Helen C. Sanderson;
S. 2853. An act granting an increase of pension to Bridget Quinn;
S. 2624. An act granting an honorable discharge to Henry G. Thomas, deceased, Company C, Second Kentucky Cavalry;
S. 2566. An act granting an increase of pension to George H. Rodeheaver;
S. 2501. An act granting an increase of pension to Jessie E. Foster;
S. 2294. An act granting a pension to Michael Reynolds;
S. 2270. An act for the relief of Nicola Masino, of the District of Columbia;
S. 59. An act providing for the establishment of a uniform building line on streets in the District of Columbia less than 90 feet in width;
S. 4170. An act to amend an act approved March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes;"
S. 4376. An act to quitclaim all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased;
S. 257. An act granting an increase of pension to Caleb T. Bowen;
S. 1936. An act granting an increase of pension to Lorenzo W. Smith;
S. 1976. An act granting a pension to William N. Dickey;
S. 1422. An act granting an increase of pension to George L. Wakefield;
S. 6188. An act granting an increase of pension to Sarah Young;
S. 6187. An act granting an increase of pension to Martha Jane Bolt;
S. 1254. An act granting an increase of pension to Orlando H. Langley;
S. 6168. An act granting an increase of pension to Calvin Lambert;
S. 6164. An act granting an increase of pension to Julius S. Couendet;
S. 6155. An act granting an increase of pension to Samuel H. Davis;
S. 6154. An act granting an increase of pension to Edwin Freeman;
S. 6141. An act granting an increase of pension to Ransom C. Russell;
S. 6138. An act granting an increase of pension to Eliza P. Norton;
S. 6065. An act granting an increase of pension to Ellen M. Dyer;
S. 6041. An act granting an increase of pension to James N. Brown;
S. 5952. An act granting an increase of pension to Hyacinth Dotey;
S. 6006. An act granting an increase of pension to William N. Couch;
S. 5898. An act granting an increase of pension to Louisa A. Clark;
S. 5877. An act granting an increase of pension to Charles O. Bryan;
S. 5870. An act granting an increase of pension to Samuel H. Morrison;
S. 5811. An act to amend section 3646 of the Revised Statutes of the United States, as amended by act of February 16, 1885, as amended by act of March 23, 1906;
S. 5810. An act granting an increase of pension to Thomas McGowan;
S. 5800. An act granting an increase of pension to James N. Davis;
S. 5598. An act granting an increase of pension to Almond Greeley;
S. 5543. An act granting an increase of pension to William A. Humrich;
S. 5447. An act granting an increase of pension to Oliver H. Hebben;
S. 5353. An act granting an increase of pension to Thomas W. Carter;
S. 5262. An act granting an increase of pension to Frank N. Nichols;
S. 5148. An act granting an increase of pension to Mildred McCarkle; and
S. 4741. An act granting an increase of pension to Andrew J. Workmen.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6395. An act for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, and other considerations, for lands adjacent thereto, between Le Grand Young and the Government of the United States, and for other purposes—to the Committee on Military Affairs.

S. 6364. An act to incorporate the National Child Labor Committee—to the Committee on the District of Columbia.

S. 6214. An act for the relief of Jarib L. Sanderson—to the Committee on Claims.

S. 5698. An act to regulate the practice of veterinary medicine in the District of Columbia—to the Committee on the District of Columbia.

S. 4089. An act to place David Robertson, sergeant, first class, Hospital Corps, on the retired list of the United States Army—to the Committee on Military Affairs.

S. 2732. An act for the protection of wild animals in the Grand Canyon Forest Reserve—to the Committee on the Public Lands.

S. 1442. An act to increase the efficiency of the militia and promote rifle practice—to the Committee on Militia.

S. R. 66. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. José Martin Calvo, of Costa Rica—to the Committee on Military Affairs.

S. 1291. An act for the relief of James W. Watson—to the Committee on Claims.

LEAVES OF ABSENCE.

By unanimous consent, the following leaves of absence were granted as follows:

To Mr. MAHON, for five days, on account of sickness in his family.

To Mr. GAINES of Tennessee, indefinitely, on account of important business.

LAND OF THE OSAGE INDIANS IN OKLAHOMA TERRITORY.

The SPEAKER also laid before the House the bill H. R. 15333, "An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes," with Senate amendments.

Mr. CURTIS. Mr. Speaker, I move that the House nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. SHERMAN, Mr. CURTIS, and Mr. ZENOR.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20097) to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Coldwater River, reported the same without amendment, accompanied by a report (No. 4936); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20119) to authorize the village of Oslo, Marshall County, Minn., to construct a bridge across the Red River of the North, reported the same without amendment, accompanied by a report (No. 4937); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20179) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealling sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes, reported the same without amendment, accompanied by a report (No. 4938); which said bill and report were referred to the House Calendar.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10502) appropriating the receipts from the sale of public lands in the State of Minnesota to the construction of drainage works for the reclamation of swamp and overflowed lands, reported the same with amendment, accompanied by a report (No. 4940); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCARTHY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 5998) creating the Mesa Verde National Park, reported the same with amendment, accompanied by a report (No. 4944); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHACKLEFORD, from the Committee on Claims, to which was referred the bill of the Senate (S. 682) for the relief of Andrew H. Russell and William R. Livermore, reported the same with amendment, accompanied by a report (No. 4939); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DALZELL: A bill (H. R. 20246) to amend "An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, and so forth, under the act of June 13, 1898, and for other purposes," approved June 27, 1902—to the Committee on Ways and Means.

By Mr. LOVERING: A bill (H. R. 20247) to make the currency responsive to the varying needs of business at all seasons and in all sections—to the Committee on Banking and Currency.

By Mr. ALEXANDER: A bill (H. R. 20248) to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River, to erect and maintain an inlet pier therefrom, and to construct and maintain filter beds for the purpose of supplying the city of Buffalo with pure water—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS: A resolution (H. Res. 590) that Mr. Robert Bowman, jr., be appointed assistant clerk to the conference minority—to the Committee on Accounts.

By Mr. MOORE: A resolution (H. Res. 591) to pay R. E. Tompkins balance of salary for clerk hire—to the Committee on Accounts.

Also, a resolution (H. Res. 592) to pay E. D. Bell balance of salary for clerk hire—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROWNLOW: A bill (H. R. 20249) granting an increase of pension to David N. Louthen—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 20250) granting an increase of pension to Thomas McBride—to the Committee on Pensions.

By Mr. DALZELL: A bill (H. R. 20251) granting a pension to Regina O'Brien—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 20252) granting a pension to David Crouch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20253) granting an increase of pension to David S. Reed—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 20254) granting an increase of pension to George F. Irvine—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 20255) granting a pension to James L. Swan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20256) granting a pension to Lydia Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20257) granting an increase of pension to Manda M. Hill—to the Committee on Invalid Pensions.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 20258) granting an honorable discharge to George H. Preddy—to the Committee on Military Affairs.

By Mr. PATTERSON of South Carolina: A bill (H. R. 20259) for the relief of Abram Gilchrist—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 20260) for the relief of the trustees of the Oak Grove Methodist Church South, of Jackson County, Ala.—to the Committee on War Claims.

By Mr. SMITH of Maryland: A bill (H. R. 20261) granting an increase of pension to Burris Subers—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Jane Addams, of Hull House, Chicago, against certain features of proposed legislation in restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BATES: Petition of William Hamilton, president Erie Car Works, Erie, Pa., against the eight-hour bill—to the Committee on Labor.

Also, petition of H. K. Mulford Company, Philadelphia, for bill to regulate price of mileage tickets on railway transportation companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of S. W. Pennypacker, for amendment to naval appropriation bill to provide model of battle ship to be placed in each State capitol—to the Committee on Naval Affairs.

By Mr. BARCHFELD: Petition of National German-American Alliance, for furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

Also, petition of Philadelphia Association of Retail Druggists, favoring the Mann bill (H. R. 8102)—to the Committee on Patents.

Also, petition of H. K. Mulford Company, for the Sulzer bill relative to regulation of railway mileage tickets—to the Committee on Interstate and Foreign Commerce.

Also, petition of Board of Trade of city of Chicago, for rigid inspection by Government of packing-house products—to the Committee on Interstate and Foreign Commerce.

By Mr. BIRDSALL: Petition of H. Helgwold, of Clarion; William Savidge, of Hampton; J. H. Tusler, of Dubuque; H. T. Conn, of Rowan; F. H. Dunlap, of Hopkinton; J. N. Cropp, of Farley; L. C. Kahrs, of Hubbard; Carl Besler, of Worthington; James McCulloch, of Hopkinton; A. Armstrong, of Iowa Falls, and O. H. Helgwold, of Clarion, all in the State of Iowa, for pure-food law and Federal inspection of meat packers—to the Committee on Interstate and Foreign Commerce.

By Mr. BOUTELL: Resolution of mass meeting, Chicago, June 11, 1906, against passage of immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BURKE of Pennsylvania: Petition of board of directors of Board of Trade of Chicago, for a thorough Government inspection of packing-house products—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. K. Mulford Company, favoring the Sulzer bill relative to regulation of railway fares as mileage tickets—to the Committee on Interstate and Foreign Commerce.

Also, petition of National German-American Alliance, for the furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Thomas McBride—to the Committee on Pensions.

By Mr. DAWSON: Petition of National German-American Alliance, for the furtherance of the principle of arbitration—to the Committee on Foreign Affairs.

By Mr. DRAPER: Petition of National German-American Alliance, for formulating treaties of arbitration acceptable to all well-disposed nations—to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of United Commercial Travelers of America, against consolidation of third and fourth classes of mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of National German-American Alliance, for furtherance of principle of arbitration—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of H. K. Mulford Company, for the Sulzer bill relative to regulating mileage tickets on railroads—to the Committee on Interstate and Foreign Commerce.

Also, petition of Philadelphia Association of Retail Druggists, for the Mann bill (H. R. 8102)—to the Committee on Patents.

Also, petition of National German-American Alliance, for furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

Also, petition of Board of Trade of Chicago, for thorough Federal inspection of meat packing-house products—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR. Petitions, in form of letters and telegrams, protesting against passage of eight-hour bill from the following cities: New Britain, Conn.; Chicopee Falls, Mass.; Mansfield, Ohio; Rochester, N. Y.; Boston, Mass.; Somerville, Mass.; Cleveland, Ohio; St. Louis, Mo.; Dayton, Ohio; Keokuk, Iowa; Canton, Ohio; Minneapolis, Minn., and Cincinnati, Ohio.

Also, petition of certain oil producers of Marietta, Ohio, against the pipe-line amendment in conference report on the so-called "rate bill" as destructive of their business—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Petition of Bernhard Johnson and 16 others, of Rock Falls, Ill., for thorough examination but not hasty action on packing houses—to the Committee on Agriculture.

By Mr. HUFF: Petition of oil producers, against the pipe-line amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Petition of Frank H. Jones, for bill to extend additional bounty of $100 to ex-soldiers of civil war who were entitled to $100—to the Committee on War Claims.

By Mr. LACEY: Petition of J. A. Slater, of Batavia; John Newcomer, of Newburg; J. F. Judge, of Melrose; Loftus Fox and L. W. Shaw, of New Sharon; E. and C. E. Hatcher, of Whatcheer, and G. L. Dutton, of Rutland, all in the State of Iowa, for pure-food bill and Federal inspection of meat packers—to the Committee on Interstate and Foreign Commerce.

By Mr. LILLEY: Paper to accompany bill for relief of Ambrose G. Bailey—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of Board of Trade of Chicago, for an efficient Government inspection of slaughtering and meat packing—to the Committee on Interstate and Foreign Commerce.

Also, petition of National German-American Alliance, for formulation of treaties of arbitration that may be acceptable both to the President and Senate and meet approval of all well-disposed nations—to the Committee on Foreign Affairs.

By Mr. MANN: Petition of Chicago Grocers and Butchers' Association, for the Dixon bill (H. R. 3090)—to the Committee on Reform in the Civil Service.

Also, petition of Adolph Kraus et al., Chicago, against increased head tax on immigrants—to the Committee on Immigration and Naturalization.

Also, petition of A. E. Burnside Post, Grand Army of the Republic, No. 109, Department of Illinois, for the Hamilton pension bill—to the Committee on Invalid Pensions.

By Mr. MILLER: Petition of Martha J. Sleeth et al., for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. NORRIS: Petition of J. W. Hann, for an amendment to post-office laws and regulations making legal all paid paper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of Abram Gilchrist—to the Committee on War Claims.

By Mr. RYAN: Petition of National German-American Alliance, for furtherance of the principle of arbitration—to the Committee on Foreign Affairs.

By Mr. WHARTON: Petition of Chicago Live Stock Exchange, for investigation of methods in the slaughtering and meat-packing business—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *June 16, 1906.*

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

NAMING A PRESIDING OFFICER.

Mr. KEAN called the Senate to order, and the Assistant Secretary read the following letter:

PRESIDENT PRO TEMPORE UNITED STATES SENATE,
June 16, 1906.

To the Senate:

Being temporarily absent from the Senate, I hereby appoint Senator JOHN KEAN to perform the duties of the Chair.

WM. P. FRYE,
President pro tempore.

Mr. KEAN thereupon took the chair as Presiding Officer, and directed that the Journal be read.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDING OFFICER (Mr. KEAN). The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 4184) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 8973. An act to amend section 5200 of the Revised Statutes of the United States relating to national banks;

H. R. 14968. An act to amend the internal-revenue laws so as to provide for publicity of its records; and

H. R. 18668. An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 18442. An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia; and

H. R. 19264. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12323) to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. MONDELL, and Mr. BURNETT, managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians in the State of Wisconsin, asks a conference with the Senate on the disagree-

ing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. ZENOR, managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15333) for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. ZENOR, managers at the conference on the part of the House.

The message further announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, recedes from its disagreement to the amendment of the Senate numbered 4 to the said bill, and agrees to the same; further insists upon its disagreement to the remaining amendments; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. LOUDENSLAGER, and Mr. MEYER, managers at the conference on the part of the House.

The message also returned to the Senate in compliance with its request the bill (S. 544) to provide for the purchase of a site for a public building in the city of Great Falls, Mont.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Presiding Officer:

S. 59. An act providing for the establishment of a uniform building line on streets in the District of Columbia less than 90 feet in width;

S. 257. An act granting an increase of pension to Caleb T. Bowen;

S. 1254. An act granting an increase of pension to Orlando H. Langley;

S. 1422. An act granting an increase of pension to George L. Wakefield;

S. 1936. An act granting an increase of pension to Lorenzo W. Smith;

S. 1976. An act granting a pension to William N. Dickey;

S. 2270. An act for the relief of Nicola Masino, of the District of Columbia;

S. 2294. An act granting a pension to Michael Reynolds;

S. 2501. An act granting an increase of pension to Jessie E. Foster;

S. 2566. An act granting an increase of pension to George H. Rodeheaver;

S. 2624. An act granting an honorable discharge to Henry G. Thomas, deceased, Company C, Second Kentucky Cavalry;

S. 2853. An act granting an increase of pension to Bridget Quinn;

S. 3028. An act granting an increase of pension to Helen C. Sanderson;

S. 3122. An act granting an increase of pension to Erastus C. Clark;

S. 3168. An act granting an increase of pension to Obadiah Derr;

S. 3735. An act granting a pension to Phebe W. Drake;

S. 4047. An act granting an increase of pension to William Morehead;

S. 4170. An act to amend an act approved March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes;"

S. 4268. An act changing the name of Douglas street to Clifton street;

S. 4318. An act granting an increase of pension to Henry S. Bennett;

S. 4375. An act granting an increase of pension to David McCredie;

S. 4376. An act to quitclaim all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased;

S. 4390. An act granting an increase of pension to Rebecca A. Alexander;

S. 4391. An act granting an increase of pension to Abner R. Barnes;

S. 4459. An act granting an increase of pension to Edwin K. Lamson;

S. 4550. An act granting an increase of pension to Henry Moody;

S. 4651. An act granting an increase of pension to Rufus M. Ashley;

S. 4741. An act granting an increase of pension to Andrew J. Workman;

S. 4961. An act granting a pension to William Ickes;

S. 5038. An act granting an increase of pension to James Richards;

S. 5148. An act granting an increase of pension to Mildred McCorkle;

S. 5155. An act granting an increase of pension to Charles H. Van Dusen;

S. 5195. An act granting an increase of pension to Sidney H. Cook;

S. 5262. An act granting an increase of pension to Frank N. Nichols;

S. 5353. An act granting an increase of pension to Thomas W. Carter;

S. 5447. An act granting an increase of pension to Oliver H. Hebben;

S. 5543. An act granting an increase of pension to William A. Humrich;

S. 5598. An act granting an increase of pension to Almond Greeley;

S. 5800. An act granting an increase of pension to James N. Davis;

S. 5810. An act granting an increase of pension to Thomas McGowan;

S. 5811. An act to amend section 3646 of the Revised Statutes of the United States, as amended by act of February 16, 1885, as amended by act of March 23, 1906;

S. 5870. An act granting an increase of pension to Samuel H. Morrison;

S. 5877. An act granting an increase of pension to Charles O. Bryan;

S. 5898. An act granting an increase of pension to Louisa A. Clark;

S. 5952. An act granting an increase of pension to Hyacinth Dotey;

S. 6006. An act granting an increase of pension to William N. Couch;

S. 6041. An act granting an increase of pension to James N. Brown;

S. 6065. An act granting an increase of pension to Ellen N. Dyer;

S. 6138. An act granting an increase of pension to Eliza P. Norton;

S. 6141. An act granting an increase of pension to Ransom C. Russell;

S. 6154. An act granting an increase of pension to Edwin Freeman;

S. 6155. An act granting an increase of pension to Samuel H. Davis;

S. 6164. An act granting an increase of pension to Julius S. Cuendet;

S. 6168. An act granting an increase of pension to Calvin Lambert;

S. 6187. An act granting an increase of pension to Martha Jane Bolt;

S. 6188. An act granting an increase of pension to Sarah Young;

S. 6192. An act granting an increase of pension to John Coker;

S. 6222. An act granting an increase of pension to John A. Alden;

S. 6264. An act granting a pension to Cornelius Sullivan;

S. 6272. An act granting an increase of pension to Harvey Gamble;

H. R. 3997. An act for the relief of John A. Meroney;

H. R. 10106. An act providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii;

H. R. 12707. An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States;

H. R. 19815. An act to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River, between Columbus, Ga., and Franklin, Ga.; and

H. R. 19816. An act to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River, one at or near the city of

Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga.

CUSTOMS COLLECTIONS IN THE PHILIPPINES.

The PRESIDING OFFICER laid before the Senate the following cablegram; which was read, and referred to the Committee on the Philippines:

MANILA, *June 16, 1906.*

UNITED STATES SENATE, *Washington:*

Undersigned respectfully express hope that Senate bill attempting ratification collections Philippine customs prior to March 8, 1902, will not be enacted, and urge Congress to do utmost to expedite appropriations for judgments following test case of Warner, Barnes & Co. Besides benefit to large number of native Filipino claimants, prompt payment of claims of British, Swiss, German, and other claimants, who were former bankers of native agriculturists, will enable such merchants to partially resume accustomed advances on future crops, thereby materially relieving agricultural depression caused by long existing and increasing financial stringency. Furthermore, present taxes, although necessary, are admittedly burdensome on merchants, especially after careful consideration. Our earnest conviction is that prompt refund will materially relieve present financial crisis, thereby substantially benefiting Filipino people throughout the islands.

T. H. PARDO DE TAVERA,
Commissioner (and others).

PETITIONS AND MEMORIALS.

Mr. SCOTT. I submit telegrams as petitions, and ask that one I send in advance to the desk be read.

The PRESIDING OFFICER. Without objection, the telegram will be read.

The Secretary read as follows:

WHEELING, W. VA., *June 15, 1906.*

Hon. N. B. SCOTT, *Washington, D. C.:*

We hope you will exercise your influence against the pipe-line amendment to the rate bill. It should be entirely eliminated. It is not practicable, and will do great harm to producers of oil and natural gas if adopted.

THE NATURAL GAS CO. OF WEST VA.
GEO. HURD, *President.*

The PRESIDING OFFICER. The telegrams sent to the desk by the Senator from West Virginia will be appropriately referred.

Mr. SCOTT. I wish to say that the telegrams which I have offered as petitions are from a great number of independent producers in my State, stating that this pipe-line provision in the bill will ruin independent operators.

The PRESIDING OFFICER. Does the Senator desire to have the telegrams referred to the committee of conference?

Mr. SCOTT. I ask that they be referred to the Committee on Interstate Commerce.

Mr. CULLOM. Let them be referred to the committee of conference.

Mr. BURROWS. They had better go to the committee of conference.

Mr. SCOTT. Very well; let them go to the conference committee.

There being no objection, the memorials of sundry citizens of Parkersburg, Clarksburg, and Sistersville, all in the State of West Virginia, of Gulfport, Miss., and of Bartlesville, Ind. T., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" in relation to pipe lines, were referred to the conference committee on the railroad rate bill.

Mr. WARNER. Like the Senator from West Virginia, I have received numerous telegrams in reference to the pipe-line amendment. I send only one to the desk, and I ask its reference with the others to the conference committee.

The PRESIDING OFFICER. Without objection, the Secretary will read the telegram.

The Secretary read as follows:

INDEPENDENCE, KANS., *June 14, 1906.*

Hon. WILLIAM WARNER,
United States Senate, Washington, D. C.:

The pipe-line amendment to the rate bill now pending before the joint conference committee should be stricken out, as it will practically drive all of your friends who are engaged in the oil business out of business in the Kansas and Indian Territory fields.

GEO. W. FINLEY.

The PRESIDING OFFICER. The telegram will be referred to the conference committee.

Mr. CULLOM presented petitions of sundry citizens of Oak Park, Normal, Sumner, Chicago, and Mattoon, all in the State of Illinois, praying for the enactment of legislation to amend the postal laws relative to newspaper subscriptions; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LONG presented an affidavit to accompany the bill (S. 6389) for the relief of Allison J. Pliley; which was referred to the Committee on Claims.

Mr. KNOX presented memorials of F. P. Hue, of Warren; P. M. Shannon, of Pittsburg; S. R. Dresser, of Bradford; Cokain & Landis, of Kennerdell Mills; E. H. Jennings & Bros., of Pittsburg; Cornplanter Refining Company, of Warren; Cherokee Oil and Gas Company, of Warren; 18 citizens of Clarion, all in the State of Pennsylvania, and of J. T. Jones, of Gulfport, Miss., and the Midcontinent Oil Producers, of Bartlesville, Ind. T., remonstrating against the adoption of a certain amendment to the so-called "rate bill" in relation to pipe lines; which were referred to the conference committee on the railroad rate bill.

REPORTS OF COMMITTEES.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 1572) for the relief of Thomas W. Higgins, reported it without amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the amendment submitted by himself on the 2d instant relative to the survey of certain lands in Valley County, Mont., and also for the survey of the unsurveyed townships lying between the Big Muddy River and the Dakota line, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. DANIEL, from the Select Committee on Industrial Expositions, reported an amendment relative to the participation by the United States Government in the Jamestown Tercentennial Exposition on the shores of Hampton Roads, in Norfolk County, Va., in 1907, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

GASCONADE RIVER BRIDGE, MISSOURI.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 19571) to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo., to report it favorably without amendment. I call the attention of the Senator from Missouri [Mr. STONE] to the bill.

Mr. STONE. I ask for the present consideration of the bill just reported by the Senator from Arkansas.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WICHITA MOUNTAIN AND ORIENT RAILWAY.

Mr. WARNER. By direction of the Committee on Military Affairs, I report back favorably with an amendment the bill (S. 6444) to authorize the Wichita Mountain and Orient Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes; and I ask unanimous consent for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Military Affairs was, on page 2, line 13, after the words "shall be taken," to insert the following additional proviso:

Provided further, That before the said Wichita Mountain and Orient Railway Company shall be permitted to enter upon any part of said military reservation, a description by metes and bounds of the land herein authorized to be taken shall be approved by the Secretary of War, and adequate compensation paid by said railway company for the privileges herein granted it, the amount of said compensation to be determined by the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE AT CHATTANOOGA.

Mr. PILES. From the Committee on Commerce, I report back without amendment the bill (H. R. 20070) to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn. I call the attention of the junior Senator from Tennessee [Mr. FRAZIER] to the report.

Mr. FRAZIER. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Washington.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 6476) granting an increase of pension to Samuel Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 6477) to authorize the Secretary of the Treasury to adjust the accounts of the Chicago, Milwaukee and St. Paul Railway Company for transporting the United States mails; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BACON introduced a bill (S. 6478) for the relief of the estate of Gunther Peters; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 6479) for the relief of the Methodist Episcopal Church South, of Charleston, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURKETT introduced a bill (S. 6480) authorizing the procuring of additional land for the site of public building at Nebraska City, Nebr.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BURNHAM introduced a bill (S. 6481) granting an increase of pension to Henry A. Redfield; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PILES submitted an amendment proposing to appropriate $150,000 for the construction of a steel steam light vessel to be anchored upon Swiftsure Bank off the entrance to Juan de Fuca Strait, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TILLMAN submitted an amendment proposing to appropriate $200,000 for the examination of the water resources of the United States, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FOSTER submitted an amendment providing for the return to the Citizens' Bank of Louisiana the money taken from that bank by the military order of June 19, 1862, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate $15,000 for completing the approaches, subdividing and finishing the attic story, and increasing the business facilities of the public building at Cheyenne, Wyo., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for military posts from $750,000 to $973,750, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HEMENWAY submitted an amendment relative to the examination of fuels required for use by the Government, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment relative to the examination of mineral materials and products needed for use in the building and construction work of the United States, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FLINT submitted an amendment proposing to increase the appropriation for the continuation of the survey of the public lands that have been or may hereafter be designated as forest reserves from $100,000 to $130,000, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

JOSEPH M'GUCKIAN.

Mr. CARTER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Joseph McGuckian be placed on the messenger roll of the Senate at a salary of $600 per annum, to be paid monthly out of the contingent fund of the Senate, and that he be assigned to one of the committees of the Senate now without a messenger.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

The PRESIDING OFFICER. The morning business is closed, and the Senate proceeds to the consideration of the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce. The pending question is on the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE], and the Senator from Colorado [Mr. PATTERSON] is entitled to the floor.

Mr. PATTERSON. I yield to the Senator from Georgia [Mr. CLAY.]

F. V. WALKER.

Mr. CLAY. I ask the Senate to proceed to the consideration of the bill (H. R. 14928) for the relief of F. V. Walker. It is a bill which has passed the House, and it will give rise to no discussion.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War, under the direction of the President, to order Freeman V. Walker, late captain and assistant surgeon, United States Army, again before a retiring board for the purpose of a new hearing of his case and to inquire into and determine the facts touching the nature and occasion of his disability, and to find and report the cause which, in its judgment, has produced his incapacity, and whether such cause is an incident of the service, according to the statute, and upon the findings of such board the President is further authorized, in his discretion, either to confirm the order by which Freeman V. Walker was wholly retired, or, in his discretion, to nominate and, by and with the advice and consent of the Senate, to appoint him an assistant surgeon with the same relative grade which he had at the time of his retirement, and to place him upon the retired list of the Army. But no pay, bounty, or other allowance during the period between the time that he was heretofore retired and the time of the passage of this act shall become due and payable by virtue of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAMS ACROSS NAVIGABLE WATERS.

Mr. NELSON. Will the Senator from Colorado yield to me that I may call up House bill 8428?

Mr. PATTERSON. I yield to the Senator from Minnesota for that purpose.

Mr. NELSON. I ask unanimous consent for the consideration of the bill (H. R. 8428) to regulate the construction of dams across navigable waters.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS AND FUNDS OF OSAGE INDIANS, OKLAHOMA TERRITORY.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15333) for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LONG. I move that the Senate insist on its amendments and agree to the conference asked by the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed as the conferees on the part of the Senate Mr. LONG, Mr. CLAPP, and Mr. STONE.

EXTENSION OF PUBLIC-LAND LAWS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12323) to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HANSBROUGH. I move that the Senate insist upon its amendments, agree to the conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed as the conferees on the part of the Senate Mr. HANSBROUGH, Mr. SMOOT, and Mr. MCLAURIN.

TIMBER ON MENOMINEE INDIAN LANDS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist upon its amend-

ments and agree to the conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed as the conferees on the part of the Senate Mr. LA FOLLETTE, Mr. CLAPP, and Mr. DUBOIS.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907; and it was thereupon signed by the Presiding Officer.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

Mr. PATTERSON. Mr. President, the bill before the Senate introduces a new departure on the part of the Government in dealing with common carriers. An examination of the statutes shows that never before has Congress granted a charter to a company for the construction of a canal, ship or other kind, within the United States, and Congress has never granted a charter toa railroad company, except as in the case of the Union Pacific and its branches, to accomplish a distinct and essentially national end. This measure but grants to a proposed common carrier the right to do business in the United States, and to construct, own, and operate the agency through which the business will be done.

When the reason for such a departure was asked for, the Senator from Georgia [Mr. BACON] was referred to a pamphlet, to which reference has been made a number of times, and told he would find it set forth in that.

This is the reason the pamphlet sets forth:

> The committee went a step further, realizing that this canal was but a short connecting link between the waterway systems of the Great Lakes and the Ohio and Mississippi rivers under the control of the Federal Government, which would sooner or later be taken over by the Government and made a part of the Federal waterway system, even if primarily built by a private corporation, introduced a bill in Congress asking for power under a national charter to a corporation to build this canal.
>
> This bill asks for no Government aid or appropriation, but does provide that its plans and works before construction is begun shall be approved by the Secretary of War, so that when taken over by the Government it will have a canal approved by the Government engineers, the same as if it was built primarily by the Government.

So the only reason given for seeking a Federal charter to enable a private corporation to construct, own, and operate a canal is that there is a probability that at sometime in the future the Government itself may conclude to own and operate it.

I am very glad that the proposition comes from Pennsylvania and from the city of Pittsburg, through the two able Senators from Pennsylvania. It is a strange but very appropriate agency with which to familiarize the people of the country with ultimate government ownership of these great public-service utilities. When Congress passes this bill, as it doubtless will, it will announce to the country that the reason it was moved to do so was to make it easy for the Government to some day own it itself and to operate it for the benefit of the commerce of the country.

There is not a very long stride, Mr. President, between government ownership of such canals and government ownership of railways. The Senator from Pennsylvania [Mr. KNOX] yesterday admitted that under the decisions of the Supreme Court of the United States the Government might construct railways on its own account and take over, own, and operate the railways of the country.

The people are becoming more and more familiarized with the proposition that the Government ought to own and operate for the common good the country's railways, and when Congress grants a charter to a private corporation that authorizes the construction of 200 miles of canal by a private company for the avowed reason that ultimately the United States will take it over and operate it for the common benefit quite a step has been taken toward the ultimate ownership and operation by the Government of all these utilities.

Mr. President, I would not object to the bill for that reason. There are a great many Senators, however, who would. If the proposition for this canal had come to Congress from the West—from Kansas, Nebraska, or the Dakotas, for example—I believe it would have met with the solid opposition of most of the Senators who are now ranged up in its favor.

The intended exercise of its power by Congress in this case is the more marked in view of the fact that this company have already, through the legislatures of both Pennsylvania and Ohio, secured charters for the construction of this identical work. Before they came to Congress their agents visited Columbus and Harrisburg, and through their efforts bills were passed which authorized the organization of this corporation, the construction of the canal, and its operation for the benefit of its owners.

Then, Mr. President, why should the men behind the proposed corporation come to Congress and ask for a charter to do that for which they already have a charter? The reason they give is that ultimately the Government will become its owner, wherefore it is desirable that the plan should be approved by the Secretary of War.

But, Mr. President, I doubt if that is the reason. I do not know that Pittsburg has citizens more patriotic and self-sacrificing than are the citizens of other cities. I am inclined to the belief that there is some other reason which sends these men to Congress to induce the Government to put its stamp of approval upon the enterprise, and I think that that reason is a financial one.

A careful inspection of the bill discloses that it is in reality a jungle. I suppose I ought to offer apologies to Upton Sinclair for using the term. If one will penetrate the jungle he will find a wild cat. If Senators desire to go wild-catting in the jungle of this bill, they will find the animal.

Again, I suggest that if Senators from the West asked this body for a charter such as this, with the wildly loose provisions it contains for the promotion of the enterprise, the proposition would be frowned or laughed out of the body.

I think it may be accepted that millionaires from Pittsburg would not be willing to put money into any enterprise upon any other basis than that of four to one. The United States Steel Company is a sample of the financiering that they have done along this line.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. PATTERSON. With pleasure.

Mr. KNOX. Does the Senator know anything which will substantiate that statement, beyond the fact that the people of Pittsburg managed to sell to the people of New York steel works for three or four times what they were worth?

Mr. PATTERSON. Does not that establish what I stated?

Mr. KNOX. It does not establish that the people of Pittsburg created the United States Steel Corporation, and bought their own property at three or four times what it was worth. The facts are, as I understand them (and I know nothing about it except what I read in the newspapers), that an eminent financier in the city of New York conceived the idea of buying the steel properties of the United States, and the people of Pittsburg were not foolish enough to take for them any less than they could get.

Mr. PATTERSON. Mr. President, I do not admit the legitimacy of the defense interposed by the Senator from Pennsylvania. I am inclined to think that the millionaires and multimillionaires of Pittsburg were particeps criminis with the great financiers of New York. Can the Senator from Pennsylvania tell us where the United States steel conspiracy originated?

Mr. KNOX. No.

Mr. PATTERSON. But one thing is certain, Pittsburg millionaires were the principal beneficiaries of the scheme, and they, with those in New York, succeeded in selling to the country—practically to the country—about $250,000,000 worth of real property for a billion dollars, $750,000,000 representing wind and nothing more. Yet more substantial than wind, Mr. President, was the power given to this company through the high tariff and the monopoly they secured under its wings to exploit the country and extort profits upon a billion-dollar capitalization with but a quarter of a billion of real capital invested.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. PATTERSON. With pleasure.

Mr. KNOX. There are 600,000 people in greater Pittsburg, and I think there is not one of them who is in any way connected with any manufacturing establishment which sold out to the United States Steel Company. Therefore, there is nothing in that argument unless you establish the identity of the individuals.

Mr. PATTERSON. Oh, everybody knows that the great mass of a community are never the beneficiary of such disreputable financial transactions. The trouble about it is that there are but few beneficiaries, while the people of the country are compelled to pay the freight. I alluded to the United States Steel Company for the purpose of establishing what I suggested, that the millionaires of Pittsburg are quite unwilling

to make investments in these days of vast enterprise and immense profits that will yield them less than four to one on the investment, and I think I can demonstrate from this bill that that is precisely what is proposed, and it is to just such a vast scheme of overcapitalization that Congress is asked to give its approval.

Whatever good things may be in the bill, there are certain things very important to an honest enterprise that are not in the bill. The capitalization of the company is not fixed. That is left to the uncertainties of construction. The interest to be paid upon the bonds is not mentioned. The price at which the bonds and stock of the company may be sold is not even suggested; so that promoters of this enterprise—and I do not doubt that the promoters have already arranged it—may, before a pick is struck or a single square yard of earth removed, place the stock and bonds of this company upon the market and buy them all themselves at whatever price they may fix for them. If there is anything in this measure that limits the price for which either the stock or the bonds may be sold, I will cheerfully give way either to the Senator from Pennsylvania or to the Senator from Minnesota to point it out.

Mr. President, according to the pamphlet to which reference has been made, at least two or three years ago $33,000,000 was the avowed and accepted cost of this enterprise. I will read from the pamphlet an article copied from the Pittsburg Post of December 3, 1904. The printing of that article in this pamphlet is a guaranty that in the opinion of the promoters of this canal its statements may be relied upon. I read from the article:

> I am informed that the new corporation is to be formed under the existing State charters granted the canal, and this step will be taken simply because of the desire to hasten action, so that when the national charter is granted by Congress much of the preliminaries will have been accomplished. Regarding the financing of the company, while its cost of $33,000,000 may seem a big sum, you know that Pittsburg can supply the money for twice that sum if shown that the canal will be a sound investment. In fact, I understand that some encouraging assurances have already been given on the financial end.

I supplement that with an extract from the speech of Mr. John E. Shaw, printed in the same pamphlet. It is as follows:

> That modern waterway engineering has become a very exact science is shown by the fact that the Kiel Ship Canal in Germany, lately opened for traffic, was estimated to cost $39,000,000, Prussia agreeing to contribute $12,500,000, the remaining $25,500,000 to be paid out of the imperial exchequer.
>
> The actual cost was $37,290,720. It is 61 miles long; 30 feet deep; bottom width, 72 feet; surface width, 216 feet.
>
> This canal can fairly be compared with ours as to cost, as it is one-half the length, but twice the size.

So the Kiel Canal, held up for comparison in the matter of cost with that of the proposed canal, demonstrates that $37,000,000 should be about the cost of the proposed canal.

But the Senator from Pennsylvania has suggested that the cost of material and labor have advanced since this pamphlet was prepared, about two years ago. Not so very much, Mr. President; but let us admit, for the sake of demonstration, that there has been a very considerable advance in the cost of canal material and construction, and add for it to the $33,000,000, the estimated cost two years ago, the sum of $17,000,000, and make the cost $50,000,000. Surely that is a generous allowance for the item of increased cost. I intend to make the comparisons I have in mind upon the theory that this immense sum—$50,000,000—will be required to place this canal in good working and business operation.

Then, Mr. President, what is there on the other side of the ledger? Fifty million dollars for construction and completion upon the one side, and $400,000 per mile of bonds to the extent of the proposed mileage and $400,000 per mile in stocks to the extent of the proposed mileage upon the other. The proposed mileage, according to the Senator from Pennsylvania, is somewhere in the neighborhood of 225 miles. One hundred and fifty miles was the estimate given by him the other day for the main branch, and he estimated the two branches or laterals at about 75 miles additional.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER (Mr. LONG in the chair). Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. PATTERSON. With pleasure.

Mr. KNOX. I wish to correct that statement, and the correction is very much in favor of your argument. The distance is 122 miles. When I stated that it was about 150 miles I was figuring upon the canal going from Pittsburg, or the immediate vicinity of Pittsburg, to Ashtabula. But the Ohio River runs north, almost northwest, and that shortens the distance. Taking it from the point in Ohio to the mouth of the Beaver, it shortens the distance to about 122 miles, exclusive of the feeders. I can not give you a definite statement as to what the length of those feeders will be. No one could do that.

Mr. PATTERSON. Then, Mr. President, let us take the statement that was made by the Senator from Pennsylvania as to his understanding of the length of the feeders, about 75 miles.

Mr. KNOX. Not to exceed that.

Mr. PATTERSON. That will make a canal with feeders about 200 miles in length, and at $800,000 per mile, one half in bonds and the other half in stock, the sum will be $160,000,000.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Pennsylvania?

Mr. PATTERSON. With pleasure.

Mr. KNOX. I know the Senator does not want to be inaccurate.

Mr. PATTERSON. No; I do not.

Mr. KNOX. Therefore I want to call his attention to the fact that there is nothing in the bill which provides that the stock shall be $400,000 a mile and that the bonds shall be $400,000 a mile. The provision of the bill is that the stock or bonds shall in no case exceed that amount, and that they shall not be issued in any amount except on the actual cost of the work.

Mr. PATTERSON. The first statement of the Senator from Pennsylvania is correct, but the latter statement is inaccurate. I will read the very language of the bill for the purpose of showing, as I think I will be able to show, that the statement of the Senator is inaccurate.

So we have, Mr. President, $160,000,000 of liabilities in the way of bonds and stock that may be issued upon the basis of the canal and feeders, lines 200 miles in length. The question is, Is there any limitation in this bill upon the amount of the bonds and the stock that can be issued within $800,000 per mile? In the first place, both the bonds and the stock may be issued immediately. The bonds and the stock may be issued before knowledge of what the cost of the work will be; and there is certainly no limitation in the bill as to the time for the issuance of either the one or the other of those securities. If that is the case, who is to determine what these bonds and stocks shall be sold at, or how much of them shall be issued? Certainly Congress exercises no supervisory power. The junior Senator from Wisconsin [Mr. LA FOLLETTE] offered an amendment which if adopted would give supervision over the expenditure by the Interstate Commerce Commission, but with that or some other similar provision absent from the bill there is positively no supervisory power by Congress or anybody else, except it be by the board of directors, as to the time when or the price at which these securities shall be marketed.

I feel, Mr. President, that the whole plan is perfected. I do not know whether or not those whose names are mentioned in the bill are what are termed—I will simply use the term to express what is in my mind, without intending to be offensive—"dummies." I do not know whether they are the men, or whether any of them are the men, who are to supply the funds for the construction of this canal, but I have no question that the arrangements are all made, that the understanding is complete, and that when this bill becomes a law the plans which have been made will be promptly put into effect. I do not know—perhaps the Senator from Pennsylvania does—whether the men behind this enterprise are the United States Steel Company, and their purpose is to get connection with the iron-ore fields of the Lakes, so that their product may be transported to their works in and around Pittsburg more cheaply than it can be gotten there now, and so that their finished product can be produced at a much less cost, while they will be enabled, through the monopoly they hold under the protecting ægis of the tariff, to continue to sell that product at the same high price they now command. I have no doubt but that an arrangement is already made by this monopoly to take the bonds and the stock, and I have no doubt, either, that the whole sum that will go into the enterprise will be but a sufficient amount to construct the work, and that and all the rest of the $160,000,000 will stand as a lien upon the enterprise, a lien that will enable the owners, Mr. President, to exact unjust and unfair rates from those outside of the trust who must use the canal, and that will enable them to secure from the Government, when the time of purchase may come, a price three or four times beyond what its cost was to them.

Mr. President, am I right in the statement that there is no limitation whatever upon the price for which the securities shall be sold? Turning to section 3, we find this provision:

> SEC. 3. That the capital stock of the company shall not exceed $400,000 per mile of canal proposed to be constructed—

Not of canal constructed, but of "canal proposed to be constructed," in the neighborhood of 200 miles—

> and that the bonded indebtedness authorized by this act shall not exceed $400,000 per mile of canal proposed to be constructed, so that the

sum total of stock issued and bonded debt created shall not exceed $500,000 per mile of canal proposed to be constructed.

So that the capital stock is determined before the construction and the amount of bonds and stock are determined before construction. The right to place these upon the market and to sell them goes with the proposition that it may all be done before construction. Is there any room to doubt but that those who have arranged to finance this enterprise, who will own it, and for the direct benefit of whose business interests it is to be constructed, will arrange so that this $50,000,000 enterprise will be held by them with stock and bonds to the amount of $160,000,000 encumbering it?

Mr. President, there are provisos in this section, the true meaning of which I doubt if the Senators supporting the measure have apprehended. I make the statement without intending any reflection—for that would be something I could not contemplate for a moment—upon the intelligence of Senators. But, judging from the statements made by the Senator from Pennsylvania, if my construction of this proviso is right, I feel that he does not really understand its meaning. Following the part of section 3 to which I called attention is this proviso:

Provided, however, That the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for and paid in in money, or property at its fair value.

A limitation—"at its fair value." That applies to property. Mr. President, the Senator will not claim, I think, that that proviso requires that the stock shall be sold and paid for at par. If he does not, then there is no guard whatever in the measure as to the price to be paid for the stock. If it does not provide that the stock is to be paid for at par, then it can only mean that it may be bought at whatever price those who have fathered this enterprise may see fit to fix upon it.

Now, with stock issued to the extent of $400,000 per mile of the canal proposed to be constructed, with such price as these promoters shall see fit to give or pay for that stock, then bonds may be issued up to the amount of the stock—the face value of the stock—not limited in amount to the price that is paid for the stock. The bonds may be sold for whatever the promoters may see fit to fix. So that when we read this proviso, to which I have called attention—and I will read it again—we may ask what limitation or what protection that affords either to the Government or to the people, to those who will use the canal?

Provided, however, That the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for and paid in in money, or property at its fair value.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. PATTERSON. Certainly.

Mr. KNOX. Is it the position of the Senator from Colorado that a provision limiting the amount of the debt to "the amount of stock subscribed for and paid in in money or property at its fair value" means other than that it must be fully paid in?

Mr. PATTERSON. What I contend for is this: It does not mean that the stock shall be paid for at its face or its par value.

Mr. KNOX. Mr. President, I think that is what it does mean, and thinking that, I would not have the slightest objection to words being put into this bill which would indicate it. To show that the promoters of this enterprise thought that is what it meant, if the Senator will examine this bill, he will find that the proviso originally read that—

The amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for and fully paid in in cash and bona fide expended in the promotion, maintenance, and construction of said canals and works.

Mr. PATTERSON. "The amount of stock subscribed for and fully paid in" would not meet the requirement.

Mr. KNOX. Well, then, I do not understand the Senator's position.

Mr. PATTERSON. If the Senator would provide, so far as this particular feature of the section is concerned, that "the amount of stock subscribed for at its par or face value shall be paid for in money," then, so far as the stock is concerned, it could not be issued under the law for anything less than its face. Any provision short of that would not meet the proposition that I have contended for. Does the Senator from Pennsylvania state that, so far as this is concerned, he is willing to have the language referred to amended?

Mr. KNOX. As I have previously stated, I have no more control over this bill than has the Senator from Colorado, and I speak simply from my personal standpoint. I never saw this bill until it came over from the House of Representatives, and know nothing about it nor any more about those who are back of it than does the Senator from Colorado, except that I know, from the names of these gentlemen, that they are high-class men, and are acting in absolute good faith.

I am perfectly willing now—to answer specifically the Senator's question—so far as my vote is concerned, to vote to provide that the stock shall be paid for at its par value in money or in property at its fair value.

Mr. PATTERSON. The Senator from Pennsylvania is willing to permit a certain amendment to be made—the amendment that I suggested—which would meet the criticism that I was making; but he is only willing to accept it so far as his individual vote is concerned.

Mr. KNOX. That is the only power I have.

Mr. PATTERSON. The Senator realizes, I think, that there is a wide difference between the two propositions. Unless the price at which the stock is to be sold is distinctly stated, the stock can be sold at whatever sum the promoters of this enterprise may see fit to fix for it.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. Certainly.

Mr. SPOONER. Does the Senator understand that stock corporations can lawfully dispose of stock at less than its par value, so as to release subscribers from their liability for the par of the stock? Is not the contrary true, except in cases where it is provided by law that stock may be sold for less than its par value?

Mr. PATTERSON. I have no knowledge, Mr. President, of any law of Congress that prohibits any transaction of that kind.

Mr. SPOONER. But is not that the general principle?

Mr. PATTERSON. Not at all. The markets are flooded with stocks that are sold at all the way from a quarter of a cent a share up to the par value, and other kinds of stock in enterprises of every kind and character. Unless you find upon the statute books of some of the States a provision that makes it impossible to do so, there is nothing to prevent stock being placed upon the market at whatever price either the company or the holders of the stock may see fit to fix.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. PATTERSON. Certainly.

Mr. KNOX. I have had some knowledge of corporation affairs, and I have never yet known a case where the stock of a corporation was sold for less than its par value unless there was statutory authority to that effect; indeed, the only stocks of that character that I know anything about are the wild-cat Colorado mining stocks.

Mr. PATTERSON. Well, Mr. President, I am now talking about Pittsburg wild-cat canal stocks. If the mining stocks of the West are subject to the name that has been given to some of them—and some of them richly deserve it—when the features of this bill are clearly understood, the name is just as applicable to the stocks of this enterprise, although there may be a thousand million dollars behind it and within forty-eight hours after this bill becomes a law they may commence the construction of the canal under this authority. I do not hesitate, Mr. President, to denounce any scheme, especially when it is to be a transportation scheme, an interstate transportation scheme, a scheme whose profits are made through tolls exacted from the people—whose amount of tolls is to be largely determined by the face value of its liabilities represented in its stocks and bonds—I do not hesitate to denounce any such scheme that will impose liabilities upon the completed work that amount to four times the cost of its construction as a wild-cat scheme of the wildest character.

Mr. MALLORY. Will the Senator permit me to ask him a question?

Mr. PATTERSON. With great pleasure.

Mr. MALLORY. I notice the Senator dwells upon the fact that the canal company is to be allowed to issue stock that may be sold at less than its par value. Just above that portion of the bill to which the Senator has referred is the following proviso:

Provided, however, That the amount of debt created by the issue of bonds shall in no case exceed, etc.

Does that mean bonds sold at their par value?

Mr. PATTERSON. I think not.

Mr. MALLORY. Why, then, should not the amendment which the Senator suggests for the regulation of the stock also apply to the bonds? Why does not the Senator suggest an amendment that the bonds shall be sold at par as well as the stock?

Mr. PATTERSON. I was coming to that a little later on. If the Senator from Pennsylvania had agreed to the amendment that I suggested that the stock should be subscribed and paid for at its face or par value, I was then going to suggest that even that would place no limitation or restriction upon the price for which the bonds may be disposed of.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. PATTERSON. Certainly.

Mr. KNOX. The Senator from Colorado must have misunderstood me. I said so far as I was personally concerned I could see no objection to that suggestion.

Mr. PATTERSON. Well, Mr. President, let us, for the sake of the argument, accept the amendment that the stock shall be subscribed and paid for at its par value. Then the bonds may be sold at any sum whatever, for the amount of the bonds—that is, the sum of the bonds—is to be determined by the amount in shares of the stock at its par value, and there is no proposition contained in this measure that will require the bonds to be sold at their face value, or at 50 per cent of their value or 10 per cent of their value. Even with the amendment to which the Senator from Pennsylvania says he can see no objection, if that is adopted, to prevent wild-catting through the agency of the bonds, a like amendment must be made to that part of the proviso that relates to bonds.

When that is done, Mr. President, what safeguard is there as to the amount that will be actually paid for the construction of this work? I am analyzing this bill from the standpoint of a Western Senator who, if he introduced a measure of this kind, would be compelled to meet the criticisms of the Senators from the East. What safeguard is there against twice the real value of this work being paid for it?

I have little doubt but that the promoters of this scheme, those who will constitute the company and hold the stock and bonds, will be the construction company. There is no provision that this work shall be done by contract let on fair competition. There is nothing in it to prevent the owners of the stocks and bonds, whatever price they may pay for them, organizing themselves into a construction company—indeed, it would do violence to common experience if we did not know that something of the kind would be done, and that those doing it would pay themselves a sum for the work that is far in excess of its value. So, though the promoters should be required to subscribe for the stock at its par value, and then they should arrange to take the bonds at much below their face value, through the agency of the construction company they could get every dollar back except the sum which would be necessary for the construction of the work.

It is by reason, Mr. President, of these fatal omissions in the measure that the amendment of the junior Senator from Wisconsin [Mr. LA FOLLETTE] is so appropriate and should be adopted. If this scheme is to have the brand of the Government upon it, if the securities of this canal company are to go upon the market after they pass from the hands of the first owners to sell at par and to be received as gilt-edged, some amendment should be attached to the bill that will give to the Government accurate knowledge of the cost of the canal, not only as to the character of the work, but as to its cost, so that when rates and tolls are fixed, or when the Government comes to buy and pay for it, the rates and tolls will not be enormously beyond what are fair and just, and the cost to the Government will not be three or four times the cost of the canal.

If the Government is to put its stamp of approval on this enterprise, why should it not be constructed, in a measure at least, under the supervision of the Interstate Commerce Commission? Why should not the estimates for the work be filed with it? Why should not accounts of the cost of the work and accounts of the sums paid for it be filed from time to time with the Interstate Commerce Commission?

During the debate on the rate bill I heard a number of Senators declare that some method for the appraisement of the value of the property of all common carriers should be adopted, so that the real cost of the property might enter into the determination of the rates and tolls to be allowed. The proposition met the approval and appealed to the sound judgment of most of the Senators, though no amendment was adopted putting the proposition into effect. But here is a new departure; here is a transportation proposition that, outside of the great transcontinental railways, has never before received the indorsement of the Government. A charter is demanded from the General Government. If the Government is to put its stamp of approval upon the enterprise, then good faith to the people and investors of the country as well as to its shippers requires that the Government should exercise reasonable supervision over the amount of money that will be expended upon it. There should be some degree of certainty that when the stock and bonds are in the hands of innocent holders they will represent approximately the real value of the work.

Unless something of this kind is done the Government is making itself a party not only to a possible, but to a probable, fraud. When I use the word "fraud" I mean a fraud practiced upon shippers by reason of freight charges they will be compelled to pay, based upon the enormous amount of dishonest liabilities to be attached to this canal. What the rate of interest upon the bonds will be, who can tell—6 per cent, 7 per cent, 5 per cent? What the dividends that may be demanded will be who can tell? But they will all be based upon a stock and bond issue up to the full possibility of this measure. That means freight charges at least two or three times beyond what they should be; and when the Government comes to take over this property it means that the price to be paid will be three or four times in excess of what it cost.

I suppose, Mr. President, as has been suggested, that the bill will become a law. I can hardly conceive of any bill which would be fathered so earnestly and zealously as this is by the Senators from Pennsylvania that would not receive the vote of the majority of this Chamber, but I unite with the Senator from Georgia [Mr. BACON] in protesting against such a measure as this, whatever safeguards it might provide for fair and honest construction. I protest against it because it is a departure from what hitherto has been the fixed and settled policy of the Government; I protest against it because it is the initial step for the nationalization of the property of common carriers; I protest against it because it will stand as a precedent for the granting of charters, not only to canal companies, but to railway companies, and after a while there will be charters granted without many of the safeguards that are found in this bill.

As this class of legislation expands, as such measures multiply, as railways and canals are put in operation under Federal authority, we will find the power, the dignity, and the usefulness of the States departing.

Mr. President, I ask the Senator from Pennsylvania whether any of these incorporators are from any other State than Pennsylvania or from any other city than Pittsburg?

Mr. KNOX. I am unable to answer the question. I said a few minutes ago I never saw this bill until it passed the House, and while I know personally probably half of the people whose names appear upon the face of the bill, the others I do not know. Those, however, whom I do know are either from Pittsburg or that vicinity, but not all living in the city itself. That is as nearly as I can answer the Senator's question.

Mr. PATTERSON. Are there any millionaires among them?

Mr. KNOX. I think that is rather a peculiar question, but answering from my own impression of the standing of these gentlemen——

Mr. PATTERSON. Mr. President——

Mr. KNOX. I shall answer the question, now that it has been propounded. I see one name here, that of a very prominent merchant, a gentleman who has made a considerable fortune as a dry goods merchant, who I presume is a millionaire. Outside of him I do not notice the name of any man whom I should designate a millionaire.

Mr. PATTERSON. I will not occupy the time of the Senate any longer. My purpose was to call the attention of the Senate to the extraordinary omissions in this bill; to the opportunities that it gives for wild-cat promotion; to the paltry reason that the company offers for ignoring the charters given to it by the States of Pennsylvania and Ohio; and to make the suggestion that I have as to the men who are really behind the enterprise. Of course I understand that the Senator from Pennsylvania is simply representing his constituency in promoting the passage of the bill. I have called attention to the paltry reason that is given for seeking a Federal charter, and to suggest that, in my own opinion, it is not an honest one. It is not the reason given by the Senators from Pennsylvania or either of them, or by the Senator from Minnesota, who has reported the bill from the committee and is in reality in charge of it.

I suggest that it is not an honest reason. I do not claim to have any greater knowledge upon the subject than any other Senator. But the reason given bears the impress of insincerity upon its face. The idea that Pittsburg millionaires would seek a Federal charter simply because they expect in fifty or a hundred years from now the Government to become the purchaser is too absurd to be entertained for a moment. The reason is they want the advantages that are given to enterprises of this kind that bear the Government approval. They wish to go upon the market when the first holders of the securities will part with them and say, "This is in reality a

great Government enterprise; it is protected by the United States; it has rights and privileges that are not accorded to the ordinary common carrier, and therefore you can pay a larger price for these securities than you would pay for securities of a like character issued under State authority."

Then, again, it is quite likely that this bill, framed as it is, gives the incorporators greater advantages than they could take to themselves under the charters given by the legislatures of Ohio and Pennsylvania. I know not what substance there may be in this latter suggestion, but we are in ignorance of the terms of the Ohio and Pennsylvania charters. We may logically conclude that the reason they abandon those is that they expect to get through Congress a measure which will give to them greater advantages than they could possibly have under the limitations that are placed upon them by the State legislatures.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. PATTERSON. With pleasure.

Mr. KNOX. I desire to call attention of the Senator from Colorado to the fact that the Senator from Alabama [Mr. MORGAN] yesterday introduced, and it was accepted, an amendment which makes it impossible for this concern to do anything in the State of Ohio or anything in the State of Pennsylvania without the legislative consent of those States. So the whole thing will have to be dealt with by the States.

Mr. PATTERSON. I recall that very well. That does not militate against my proposition. I understood very well the significance of the amendment that was offered by the Senator from Alabama; that the right of eminent domain can not be exercised without legislative approval, but that does not militate against the proposition I have made, that it is probable these gentlemen come to Congress for a charter because they can get better terms as to their stock and bonds and in other important particulars through a Congressional act than they got through the charters granted to them by the States of Ohio and Pennsylvania.

Mr. KNOX. May I ask the Senator from Colorado a question?

Mr. PATTERSON. Certainly.

Mr. KNOX. Does not the Senator from Colorado think that if there were any terms in the Ohio and Pennsylvania charters that Ohio and Pennsylvania ought to impose upon this enterprise, they would impose those same terms when the company went back to get legislative consent to exercise the right of eminent domain, without which they could not move a hand?

Mr. PATTERSON. Oh, Mr. President, we have no right to enter into the realms of speculation. How do I know what terms the legislature will exact? There is a simple proposition now to be presented to the legislatures of Ohio and Pennsylvania: "This work has been chartered by the General Government. The money is in the treasury. The company is ready to proceed with its construction. All we ask from you—Ohio and Pennsylvania—is that we shall have permission to exercise the right of eminent domain under your State laws." Neither does that militate against the proposition that these gentlemen come to Congress because they can get better terms from Congress than they were able to secure from the legislatures of Pennsylvania and Ohio.

There is another matter I would suggest. Section 22 of the bill does not properly safeguard the taxing power of the State. The provision is that the States of Ohio and Pennsylvania may tax this company as they tax foreign corporations. I do not know what that means. One thing I do know, is that all the property and all the franchises of this company will be within the States of Ohio and Pennsylvania. I know it is not a foreign corporation in the sense in which the term is generally used. A foreign corporation can not enter a State to do business without complying with the terms that the State legislature imposes for the privilege, while this corporation may enter Pennsylvania and Ohio vi et armis, in defiance of and ignoring every State statute that applies to foreign corporations, and, having once received the authority to condemn land under the right of eminent domain, to construct their work and proceed with their business in total disregard of State laws applicable to foreign corporations.

I discover also that this bill discriminates between property and franchises, and while franchises might perhaps be embraced in the term "property," yet since franchises have risen to pronounced judicial and legislative recognition only within the past few years as property that may be distinctively taxed as other property commensurate with their real value, it is of importance that the distinction between franchises and property observed in other sections shall be observed in the provision for the taxing of the property of this corporation in the two States. Before the proceedings on this bill are concluded, I intend to offer an amendment that will secure the right of these two States beyond peradventure to tax both the property and the franchises of the company.

But, Mr. President, however this bill may be perfected, one thing is certain: I am convinced there is no chance to eliminate the wild-cat features of the bill. There is no purpose to attach to the bill the amendment of the junior Senator from Wisconsin [Mr. LA FOLLETTE] or any similar amendment. It is only by an amendment such as he proposes that anything like a square deal can be secured for the people of those two States and to those who may use the canal for freighting purposes, or to the Government of the United States when the time may come, if it ever does come, when the Government will take it over.

Mr. President, this bill is pernicious. It is dangerous. Its passage should not be seriously thought of by the Senate. I do not stand in the way of the construction of any great public work. I should like, as well as the Senator from Pennsylvania, to see the canal constructed. I should like as well as he to see it constructed as he doubtless would some similar enterprise out in the great West. I realize as fully as anybody can the supreme importance of cheap and speedy freightage. I realize that where channels are glutted or where the cost of transportation is high, prosperity is clogged, and business is endangered.

But, Mr. President, while I favor enterprises of this kind, I desire that they shall be constructed in the old-time methods, under authority from the States, and that the provisions for the floating of their liabilities shall be so guarded as that the people can not be cheated and that extortion can not be practiced upon the Government.

I know, and everybody else knows, that when the Interstate Commerce Commission shall undertake to regulate freights, it will be largely controlled by the amount of the liabilities that exist in the way of fixed charges against any transportation line. The Commission will first inquire the amount of bonds and the amount of stock. It will declare that the interest shall be paid upon the bonds and that fair dividends shall be paid upon the stock. It is only after these are provided for that a rate will be fixed, and the rate will be fixed with reference to them. When Congress swells the amount of the liabilities that may thus attach, away out of proportion to the cost of the work, away beyond what even in their wildest dreams the friends of this enterprise have contemplated as its cost, it imposes upon the Commission a duty from which they can not escape, of fixing tolls to meet the interest and the dividends; and the Supreme Court of the United States, should the Commission fail in that regard, would overturn its finding and allow freights and tolls that would provide for them.

The amendment offered by the junior Senator from Wisconsin is fair and reasonable and just. It is legislation that has been tested in the oldest of the States, and is found upon their statute books at the present time. It is legislation which long experience has taught is necessary to prevent the practice of undue extortion upon the people and to keep the cost of these enterprises, that are represented in the markets of the world by stocks and bonds, within reasonable limits. If the amendment of the Senator from Wisconsin, which I understand is taken almost bodily from the statute books of Massachusetts, is adopted, then the real danger, so far as the financial end of the enterprise is concerned, will be avoided. The amendment will not interfere in anywise with the speedy construction of the work. It will only place an impediment in the way of wildcat exploitation and of saddling upon the shippers of the country and ultimately upon the Government charges, and in the end a cost far beyond what they should be.

I will not take up any more of the time of the Senate. I have done what I believe to be a plain duty. It would be much more congenial to me to heartily support a measure that the Senators from Pennsylvania so earnestly urge than to oppose it in any fashion.

Mr. NELSON. Mr. President, until I heard the argument of the Senator from Colorado [Mr. PATTERSON] I supposed that this bill would be of some advantage and benefit to the people of the United States, and especially to those who are contiguous to the water courses which would be affected by this canal. But if you take the drift of the Senator's argument, it amounts to this—at least, in one part: That this is simply a stock-jobbing scheme on the part of certain people in Pittsburg to make money.

The construction of this great canal from the waters of Lake Erie to the head of navigation on the Ohio River is something in which all the people of the Northwest and of the entire Mississippi Valley are interested. It is not a mere matter of these incorporators. It is the matter of securing navigation from the Great Lakes down the Ohio and into the Mississippi River for the

purposes of commerce. No one can question that the Federal Government has the right to construct such a canal. Neither can anyone doubt that such a canal is necessary in the interest of commerce. Whatever the Government can do, the Government can delegate power to a corporation to do. As long ago as 1819 Chief Justice Marshall, in the great case of McCulloch *v.* Maryland, laid down the doctrine which ought to be the controlling doctrine and the governing principle in this case. Chief Justice Marshall held that while the Constitution did not in terms authorize the United States to establish a bank, yet the United States was interested in a bank because of the necessity of carrying on its fiscal operations, collecting and disbursing its revenues, and hence the Government of the United States had authority to establish a bank for that purpose and could vest the power in a corporation.

If the United States has the power to establish a bank, and to vest the power in a corporation created by the National Government under the Constitution, as construed by Chief Justice Marshall, manifestly under that much clearer power of the Constitution—the power to regulate commerce—Congress has the power to delegate that authority to a corporation. Congress has itself the power and the right to make provision for the construction of such a canal, and Congress can delegate that power to a corporation created by Congress. So we need not have any misgivings as to the constitutional authority on this point.

In the next place you will find that Congress has from time to time engaged in such enterprises as this, not by creating a corporation, but by delegating the power to the States to build international highways, and by giving them Congressional aid. I find, in looking over the statutes of Congress, that in 1852 Congress granted to the State of Michigan the right to construct a canal—then called the "St. Marys Canal," since called the "Soo Canal"—to connect the waters of Lake Superior and the lower Lakes, the canal running through a military reservation, and gave the State of Michigan 750,000 acres in aid of that enterprise. The State of Michigan proceeded to construct the canal and operated it for years, and in doing so it was acting as the agent and the trustee of the Government of the United States. Whether the Government confers the power to construct an international waterway upon a State, a municipal corporation, or a corporation created by the Government, as is proposed in this bill, can make no difference in principle.

That canal was constructed and operated for years by the State of Michigan. Afterwards, in 1881 or 1882, the Government took possession of that canal. It took possession of it because it was necessary to enlarge it and make it a much bigger canal to meet the necessities of navigation on the Great Lakes. Since then the Government has appropriated hundreds of thousands of dollars to enlarge and extend that canal. It has built two sets of great locks there and otherwise put the canal in such a condition that it is one of the great canals of the world, not in distance, but in the amount and extent of the commerce which it carries, exceeding by many thousands of tons the commerce carried by the Suez Canal. In fact, the commerce carried by the Soo Canal equals the commerce carried by all the other canals in the world.

Our own Government is to-day in the midst of constructing the Panama Canal, a canal to be constructed outside of the boundaries of the United States, in territory over which we had no interest until we simply got a strip of territory sufficient to build the canal. If, for the interest of the Government, we have a right to build a canal across the Isthmus, and if it is in the interest of commerce, manifestly it is in the interest of the Government to build such a canal as the one here provided for.

This is not the only example, Mr. President. In 1827 a grant of land was made to the State of Illinois for the construction of a canal from Lake Michigan to the Illinois River, to connect with the Mississippi River. There was another instance where the Government of the United States delegated the power to construct an international waterway to one of the States of the Union, and it gave it a land grant of one-half, five sections in width, on each side of the canal.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. NELSON. Certainly.

Mr. PATTERSON. I simply want to say to the Senator from Minnesota that no one will controvert what the Senator is saying. Every Senator who is at all familiar with the history of legislation knows that Congress has repeatedly aided States in the construction of canals.

Mr. NELSON. But they are not State canals. They are interstate canals; they are canals for interstate commerce.

Mr. PATTERSON. Oh, well, Mr. President, the New York and Erie Canal, the Wabash and Erie Canal, and quite a number of canals were constructed by the States.

Mr. NELSON. I want to ask the Senator from Colorado what is the difference in principle between the Federal Government delegating power to a State to construct a canal for interstate commerce and conferring it upon a corporation created by the Federal Government?

Mr. PATTERSON. If the Senator from Minnesota is not able to distinguish between the granting of authority to a State to operate a canal wholly for the interests of the people of the State——

Mr. NELSON. No; not for the interest of the State, but of the people of the United States.

Mr. PATTERSON. The Senator from Minnesota is entirely too impetuous. He asks questions and gives no opportunity to answer them. Everybody knows that when a State constructs a canal, as it would be did the United States construct a canal, the canal would be used for the benefit of the public, and not for the purpose of exploitation——

Mr. NELSON. A canal——

Mr. PATTERSON. It would be run for the purpose of giving to those who would use such utilities the cheapest freights and the best service, while the private corporation which constructs a work would usually use it for the largest amount of profit and the worst possible service that it could possibly get along with. It seems to me, Mr. President, that there is a very wide difference.

Mr. NELSON. The assumption of the Senator is entirely unwarranted. The assumption that because an enterprise is conducted by private parties instead of by a municipal corporation, the private parties are corrupt and dishonest——

Mr. PATTERSON. Mr. President——

Mr. NELSON. That is an assumption unwarranted by the facts. There is as much ground for assuming that a private corporation will be honest in the performance of its duties as the public functionaries of a State.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. NELSON. And the Senator's own State bears witness to that fact. His own city of Denver bears witness to the fact.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield?

Mr. NELSON. For a question.

Mr. PATTERSON. Oh, only for a question?

Mr. NELSON. That is all.

Mr. PATTERSON. I do not want to ask a question. I simply wish to make a statement that would be but a fair reply——

Mr. NELSON. I am willing to answer questions.

Mr. PATTERSON. A reply to what I might call almost in the nature of a personal appeal to me——

Mr. NELSON. Oh, no; I am not appealing at all to the Senator. The Senator must not take it in that light.

Now, in the case of the grant made to the State of Michigan in 1852, we authorized the State of Michigan to construct that canal. We gave the State of Michigan a land grant of 750,000 acres, and we authorized the State of Michigan to collect tolls, just the same as this corporation is authorized, and the State of Michigan had the right to collect tolls.

The Senator is laboring under the impression that all the object of securing this national incorporation for building this waterway is simply a matter of private gain and private exploitation. It is nothing of the kind. To construct this canal without a charter from the Federal Government there would have to be two corporations, one corporation in the State of Pennsylvania and one in the State of Ohio.

In the next place, one of the chief reasons why this should be a national corporation is that it may be put under national regulation and national control.

Then, in the next place, in order to secure the necessary water for this canal, water must be drawn from a great many navigable streams; and as to the water from those streams, the Federal Government and not the State governments is the controlling power.

Mr. BACON. Will the Senator please indicate what are the navigable streams from which this water is to be drawn?

Mr. NELSON. The Allegheny is one of them. I can not recall all the streams.

Mr. BACON. Is the Allegheny above Beaver a navigable stream?

Mr. NELSON. Yes, sir; it is navigable for a certain class of boats above Pittsburg.

Mr. KNOX. Mr. President——

Mr. NELSON. There are other streams. The Senator from Pennsylvania can give more information, because he resides at Pittsburg.

Mr. KNOX. I should like to state for the information of the Senator from Georgia, if I may in this connection, that this charter in terms provides for taking all the waters that occupy the bed of the Beaver River, which is navigable for 12 or 15 miles from where it empties into the Ohio River, for vessels of quite considerable size. They are wholly within the control of the United States, because the Beaver empties into the Ohio there at that point and makes an interstate highway. Of course the State of Pennsylvania could not grant a charter to a corporation to take the water of Beaver River or occupy a portion of the bed of the river.

Mr. PATTERSON. Mr. President, may I ask the Senator from Pennsylvania a question?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. NELSON. Certainly.

Mr. PATTERSON. May not Congress give to a corporation organized under the laws of a State the authority to do every one of the things proposed in this charter just as it gives authority to construct a bridge across a navigable stream?

Mr. KNOX. That is exactly what we are doing here. We are trying to get that authority under this bill.

Mr. PATTERSON. But we could do that just as well under your State charter, and there would be no controversy then over the propriety or impropriety of the new departure that this Government is asked to take.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Pennsylvania?

Mr. NELSON. Certainly.

Mr. KNOX. Of course, there is no answer to that argument except that it is within the discretion of Congress to grant a charter when it sees fit.

Mr. PATTERSON. Very well.

Mr. KNOX. If the character of this enterprise is not important enough to challenge the attention of Congress, they ought not to grant the charter. If the character of this enterprise is of sufficient importance and the connection between the Great Lakes and the Mississippi Valley in large enough for our attention, then it is a matter of discretion.

I want to add right here, talking about precedents, when in 1889 the Congress of the United States granted to a private corporation, for the purpose of facilitating commerce between the Atlantic and Pacific States, a right to construct a canal at Nicaragua, it did exactly what we are undertaking to do here, except that the interests of this country were far more indirect in that case than they are in this case.

I might, as another historical fact showing the relations of the United States to this proposed canal, state that as far back as 1824 the Congress of the United States appropriated $10,000 to survey this very canal, and although they did not go on and construct it, the State of Pennsylvania subsequently did construct the ordinary type of canal between the Ohio River and Lake Erie and operated it until the days when the railroads came upon the board, when it was set aside and foolishly abandoned, as the canals of the country generally were abandoned.

Mr. PATTERSON. Does not the Senator from Pennsylvania differentiate between a charter by Congress that could not be granted by a State, a charter to construct a canal across the Isthmus——

Mr. KNOX. The Senator from Colorado certainly forgets that it is proper enough to grant a charter by any State to operate or construct a canal or any other enterprise in a foreign country. The United States to-day holds every dollar of stock in the Panama Railroad, a corporation of the State of New York, and is operating a railroad across the Isthmus of Panama.

Mr. PATTERSON. Oh, Mr. President, as a matter of course, if the Senator from Pennsylvania can see no difference between the Federal Government granting a charter to a corporation to construct a canal at different points of the Isthmus to connect the waters of the Atlantic and Pacific and charters that are granted or taken out every day in the year under the laws of the several States for the construction of domestic and interstate enterprises, and an act of Congress for the construction of a railway or a canal within the limits of the United States, then, as a matter of course, the argument ceases to be of avail.

Mr. KNOX. Mr. President——

Mr. PATTERSON. Just one moment. We who have opposed this bill have not opposed it upon the ground that Congress did not have the power. The Supreme Court settled that long ago. It is more or less a question as to whether or not it is a wise policy, a sound and a safe policy, for the United States to put its brand of approval upon an enterprise such as this, when there is no impediment in the way of charters from State governments and the completion of the work under such charters.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Pennsylvania?

Mr. NELSON. I yield.

Mr. KNOX. I owe the courtesy of the floor to the Senator from Minnesota for the time I am taking, and I apologize to him; but I do wish to say a few words in reply to the suggestion "if the Senator from Pennsylvania does not see any difference between granting a charter to a corporation to dig a canal across Central America at Nicaragua and charter to a corporation to construct a canal which connects the Great Lakes with the Mississippi Valley," I wish to reply that I do see a great difference, and the difference is in favor of constructing the canal here at home, where we get immediate benefit from it.

There is less reason, in my judgment, Mr. President, why the Congress of the United States should charter corporations and turn them loose over the face of the globe in order to change its geography, even though we do get an indirect benefit from it, than to construct or to authorize the construction of great works in the interior of our country, which give the people cheap transportation, which help to regulate the domination of the railroads, and against which no honest objection based on anything else than innuendo and assumption has been advanced in this Chamber.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. NELSON. Certainly.

Mr. PATTERSON. Undeniably the argument which has just been used by the Senator from Pennsylvania may be applied with equal force and equal logic to a railway corporation that is intended to extend and develop the commerce of the several States; and his logic simply leads irresistibly to the end and the result that those of us who oppose this bill anticipate——

The PRESIDING OFFICER. The Senator from Colorado will suspend for a moment. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The Senator from Colorado will proceed.

Mr. PATTERSON (continuing). That the barrier will be broken down by legislation of this character, and soon Congress will be flooded with bills for national charters for the construction of railways, and the functions of State in matters of that kind will be eliminated.

The Senator has no right, it seems to me, to suggest that there was any sophistry or improper effort in dealing with this bill upon my part when I exposed what I contend are its shortcomings. The Senator has not undertaken to answer the proposition that I made with reference to the financiering of this concern. One of the strongest causes that can be urged against legislation of this kind is that the Congress of the United States will be called upon to put its seal of approval upon many enterprises of this character, though not perhaps for canals, and measures may be even more loosely constructed with reference to fictitious values of public works than is this measure.

It seems to me, Mr. President, that instead of using language which seems almost like epithets, it would be better for the Senator to meet the suggestions that I urge and to show that they do not exist. I understand, as a matter of course, there is nothing personal in this controversy. I do not doubt the absolute good faith of the Senator from Pennsylvania; and I do not like to hear the Senator impugn mine. I have studied this bill with a good deal of care, and I have attempted to give no false coloring to a single one of its provisions. With the provisions in the bill as they are the Senator should be content, if he is able to secure the approval of this body to it, and not indulge in reflections upon the motives of those who opposed it.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Pennsylvania?

Mr. NELSON. Certainly.

Mr. KNOX. It is rather amazing that I have said anything to impugn the motives of anyone who has seen fit to oppose this bill. I spoke of the arguments. I spoke of the arguments that were based upon assumption—assumption as to the character of the parties who were back of this bill, assumption as to their purposes, assumption as to the results, innuendo as to the relation of large organizations and capital with this enterprise which does not appear upon the face of these papers, and which I know to be absolutely without foundation.

Now, if anything can be found in that expression which, by the most remote processes of reasoning, can be figured out to be a reflection upon anyone's motive, I freely say to the Senator that no such thought ever entered my mind, and I can not see how it is possible to deduce it from what I have said.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. NELSON. Yes.

Mr. PATTERSON. The Senator from Pennsylvania has not undertaken to throw much light upon the personnel of the men whose names appear in this measure.

Mr. KNOX. I know nothing about it except what appears on the face of the papers. Is every Senator bound to know who the gentlemen are whose names appear upon the face of the bill? As I said, the city from which I come is a city of 600,000 people. I have the good fortune to know a great many of them and to know them well. I know some of these gentlemen, and those of them whom I know are men of the highest character, although they are not subject to the suggestion that they are millionaires.

Mr. PATTERSON. In the absence, Mr. President, of definite information, and in view of the avowed purpose for which this bill is being passed, it seems to me that Senators may very properly indulge in what they conceive to be logical deductions, in view of the lack of definite information; and that was all that I did.

Mr. KNOX. Mr. President——

Mr. PATTERSON. So far as my suggestions were concerned, with the possibilities and even the probabilities, taking into consideration the provisions of this measure, the ignorance of the Senator from Pennsylvania about it, as he has repeatedly avowed, knowing nothing about it except as he finds it coming into this Chamber from the other branch of the Capitol, we are justified in probing, as we must probe since we can not get information otherwise, for the purpose of reaching something like an intelligent conclusion.

Mr. KNOX. I think the Senator from Colorado must be laboring under a misapprehension. I owed no duty to the Senate or to the Senator from Colorado to disclose anything about this bill. The Committee on Commerce owed that duty, and have discharged that duty. I have assumed, as the Senator from Colorado should have assumed, that that committee fully satisfied themselves as to the character of the parties who are back of this bill and their good faith. I think the Senator from Colorado must have been laboring under the assumption that I am a member of the committee, which I am not.

Mr. PATTERSON. Oh, no, Mr. President.

Mr. NELSON. Mr. President——

Mr. PATTERSON. Just one moment. I simply labored under the impression that the Senator is a Senator from the State of Pennsylvania; that he is a resident of the city of Pittsburg, and that he is a Senator of great knowledge and learning and ability. I also assumed, Mr. President, that the Committee on Commerce was made satisfied as to certain things. But that does not preclude Senators, when the measure is before the body, from seeking information from Senators who may be presumed to be able to impart it, and it is not the subject of criticism when an effort of that kind is made. The bill, when it comes from the Committee on Commerce, is open to the fullest and freest discussion and criticism from every Senator, everyone being willing to give to the measure whatever credit is its due by reason of the fact that it was reported by a committee of the Senate. No one is precluded. Time and time again the work of a committee is rejected by the Senate. I have no doubt in the world that the Senator from Pennsylvania has done his share of that kind of work, and will continue to do it whenever he feels it to be his duty to do so.

So I have gone upon the presumption, as have the other Senators who have opposed this measure, that it was open to full and free discussion, and that legitimate deductions might well be drawn both from the language of the bill and its surroundings.

Mr. NELSON. Mr. President, as I understood the main body of the argument of the Senator from Colorado on this subject, it was entirely on a different line and on a different assumption from the argument of the Senator from Georgia [Mr. BACON]. The Senator from Georgia argued in respect to the bill as a matter of principle; but the argument of the Senator from Colorado, as I understood him, was based on the assumption that these men are not of much consequence; that it is a dangerous stockjobbing scheme, and that for that reason we should halt in this measure.

Mr. President, this is not a mere matter for the State of Ohio or the State of Pennsylvania. If it was a matter that only concerned those States, I should care little about the bill. I should take no interest in it; but to my mind, next to the construction of the Panama Canal, there is no other canal project of greater importance to this country that is discussed at the present time than is this canal.

Mr. BACON. Will the Senator permit me?

Mr. NELSON. Let me finish what I am saying. I will do as the Senator from Georgia many times does, and ask him to let me finish it.

The construction of this canal from the waters of the Ohio to the Great Lakes not only connects with that entire lake system clear to Chicago and away up to Duluth, in my own State, but by means of this canal and by means of the Erie Canal connection is made with the Atlantic seaboard, and coal can be carried in boats through this canal over Lake Erie, through the Erie Canal, down the Hudson River, and along all the Atlantic coast.

Congress is given the power to regulate commerce. The great virtue of a waterway of this kind is not only the fact that it affords a new and additional method of transportation, but the greatest advantage of all advantages is that it is the best regulator of tolls and rates.

We have had in the State of Minnesota for years a railroad commission, we have had the advantages of the Interstate Commerce Commission, such as it has been, with the limited powers it has had, but of all the benefits we have had in the matter of rate regulation the most important has been the fact that we have been in connection with the water system of the Great Lakes and could transport our traffic down those lakes. That has been the one great advantage.

This is a canal, Mr. President, that does not concern the people of Ohio, it does not concern the people of Pennsylvania, as much as it concerns all the other people of the country, all the great States bordering on the Mississippi River. From the Southwest Pass up the Mississippi, and from the junction of the Ohio clear up to St. Paul, and up the Missouri River, all the people along those water courses are vitally interested in this canal. It is no local project. It is a project of great national importance; and hence it ought to be constructed under the auspices of the Federal Government.

If the Federal Government would construct this canal, I would much sooner see the Government do it than any private corporation, but to get the Government of the United States at this time, while they are in the midst of constructing the great Panama Canal, to undertake a great enterprise of this kind is hopeless. But public-spirited men are ready and come before the country and say, "If you will give us the authority, we will build this great waterway and afford these advantages to the people of the United States."

Now, not only is this a canal that all the people of the country are vitally interested in, but there is another reason why the canal should be constructed under the auspices of the Federal Government, through a corporation, if the Government will not do it. If it is a Federal corporation we can control it. This bill puts the power of regulating the tolls and rates to be charged on this canal under the Interstate Commerce Commission, and under existing laws and any laws that may be passed supplemental and amendatory thereof. By section 15 of the bill the plans and specifications and the whole scheme of the construction of this canal are to be submitted to the Secretary of War, and must meet with his approval.

We have here, then, first, what we could not hope to have if this were a canal to be constructed under State auspices, a canal, the plans, specifications, and scheme for which must be submitted to the Secretary of War, representing the Federal Government, for his approval. In the next place, the Interstate Commerce Commission is given the power to regulate and control the rates of toll.

I will now say a few words as to the criticism of the Senator from Colorado [Mr. PATTERSON] in respect to the cost of this canal. The Senator read from a pamphlet stating what it was supposed the canal would have cost years ago. Mr. President, when the survey for this canal was made years ago, it was for a small canal, and the expense of building it then would have been much less. The estimate was based on a canal of very

limited size, with fewer feeders and fewer obstacles to be overcome in the shape of building over railroad tracks, under railroad bridges, and over other similar works.

The committee took especial pains in the consideration of this bill. I want to say to the Senator from Colorado that the committee which had charge of the bill considered it for several days. A delegation of eminent men from Pittsburg were here and appeared before us. We heard them, and they furnished us ample evidence, as ample as could be, that the promoters and incorporators named in this bill were men of high standing, of good character, and with ample means. We took especial care to inquire of those gentlemen what would be the cost of the canal and why its cost had been increased. The proposed company was represented by its chief engineer and by consulting engineers. I asked those gentlemen to furnish us the grounds and reasons why the cost of the canal was so much larger than it was at first apprehended it would be; and I have here a letter from those engineers, which I will ask the Secretary to read.

Mr. BACON. Before that is read—the Senator has passed from the point I wanted to interrupt him upon, for the purpose of making an inquiry—I wish to ask the Senator from Minnesota something about the Chicago Canal. The Senator speaks of this as essential for the purpose of connecting the waters of the Great Lakes with the Mississippi Valley. Is it not true that there is already a canal built at Chicago, which is a very much more direct canal than this, and which can be enlarged and made a canal which will furnish water communication between the Great Lakes and the Mississippi?

Mr. NELSON. Not at all.

Mr. BACON. Is not that true?

Mr. NELSON. Not at all. The Senator is entirely mistaken. There was a plan for such a canal, but it was never consummated.

Mr. BACON. I did not say that it had been consummated.

Mr. NELSON. It was never consummated, and never can be. The only canal there of any consequence at present—and that is not of any advantage for the purposes of navigation—is the so-called "Chicago Drainage Canal," which connects Lake Michigan and the Des Plaines River. The fact is that neither the upper Illinois River nor the Des Plaines River is at all navigable.

Mr. BACON. No; but is it not the fact that with the water that comes from Lake Michigan to the Chicago Canal, and with the water from the two rivers which the Senator has mentioned, it is perfectly practicable to so enlarge that canal as to connect it with the waters of the Mississippi River?

Mr. NELSON. Oh, no; not at all.

Mr. BACON. Without any lock, I mean—say up to the point where you reach the river?

Mr. NELSON. Not at all.

Mr. BACON. There is no lock there, is there?

Mr. NELSON. The whole river is so shallow and limited, that if you wanted a canal of the dimensions of this canal, you would have to lock the whole river, and whether you would build locks in the canal or in the river would make but little difference in the matter of navigation.

Mr. BACON. I want to correct the Senator, if he will pardon me. The Senator did not understand what I said. I said, without a lock from Lake Michigan to the point where you reach the river, but, of course, there must be locks after you reach the river. It is a larger canal, and is of more importance to the commerce of the Great Lakes than this proposed canal can possibly be.

Mr. NELSON. No; it is not. This canal has even greater advantages than that. While that canal would be of great advantage, it would not be of the advantage that this canal will be; and I will explain to the Senator why this canal is more important than even the canal to which he alludes.

This canal passes through the great heart of the anthracite coal region of Pennsylvania. That coal is distributed to the remote portions of this country; and this canal will be one of the great instrumentalities for distributing that coal.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER (Mr. PENROSE in the chair). Will the Senator from Minnesota permit an interruption by the Senator from Pennsylvania?

Mr. NELSON. I yield to the Senator.

Mr. KNOX. I only want to make an additional answer to the Senator from Georgia [Mr. BACON] to that which has been given by the Senator from Minnesota [Mr. NELSON]. The Senator from Minnesota has already partially answered. The peculiarity of the commercial situation which demands the construction of this canal is this: The great bituminous coal fields sweep down from western Pennsylvania, through West Virginia, into Kentucky. The coals from those fields are needed along the shores of Lake Erie, along the shores of Lake Michigan, and along the shores of Lake Superior. The ores of the upper Michigan Peninsula and the ores of upper Minnesota are needed all along that coal deposit. It is an economic fact that it is cheaper to haul the ore to the fuel than it is to haul the fuel to the raw material. Therefore there is freight both ways—the coal up to the Lakes, and the ore down to the coal—which can not be conducted by a canal across from Lake Superior to the upper Mississippi tributaries without bringing the freight down to Cairo and down the Ohio River, which is impossible.

Mr. BACON. If the Senator from Minnesota will pardon me further——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. NELSON. Certainly.

Mr. BACON. Nobody is disputing, of course, the fact that there will be found in any locality particular reasons why there may be particular freights which would be available there and which would not be elsewhere; or there may be more freight at some points than at others; but the Senator from Minnesota was expatiating upon the fact that this canal was essential and necessary to connect the commerce of the Great Lakes and the commerce of the Mississippi Valley. I was simply pointing out to him, or endeavoring to do so, the fact, speaking thus generally, that between the Great Lakes and the Mississippi River there is already constructed, not a navigable canal, but one which can be converted into a navigable canal, if my information is correct.

Mr. NELSON. Oh, no; the Senator is wrong.

Mr. BACON. The Senator from Minnesota interrupted me to say no. I simply desire to say that there are those who differ from him on that subject and those who have very great interest in it, and who contend that that can at some day be made a navigable canal, and they propose to try to make it so. I was simply trying to direct the attention of the Senator to the fact that the question of the opening of water communication between the Great Lakes and the Mississippi River was not dependent exclusively on this proposed canal.

Mr. NELSON. It is more dependent on this than on any other canal. There is no way by which boats larger than canoes or skiffs can now pass from Lake Michigan down to the Mississippi River from Chicago.

If the Senator lived in the upper part of this country he could see the great importance of this canal. The State of Minnesota is the greatest iron and ore producing State in the Union. Upward of 30,000,000 tons, if I recollect aright—twenty-eight or thirty million tons—of ore were shipped down the Great Lakes from Minnesota ports within this last fiscal year. That ore is carried down to various points on Lake Erie, and from there it is distributed by rail to the different smelters. Then the boats bring back the coal to Minnesota. The coal is carried from the mines by rail to Lake Erie, and from there it is transshipped by boat to Duluth. Nearly all of the anthracite coal that is used in the State of Minnesota is shipped to that State by the Great Lakes, and distributed from Duluth westward, not only all of the anthracite coal that is used in Minnesota, but the coal that is used in northern Wisconsin, in the two Dakotas, and clear out west even to Montana.

Mr. BACON. Will the Senator permit me again? I shall try not to interrupt him afterwards.

The PRESIDING OFFICER. Will the Senator from Minnesota permit a further interruption from the Senator from Georgia?

Mr. NELSON. Certainly.

Mr. BACON. I desire to ask the Senator a question: He is on the committee that recommended the passage of this bill, and has doubtless familiarized himself with all the history of the matter. The Senator from Pennsylvania [Mr. KNOX] has stated the fact that heretofore there has been a canal over this route, which was operated and afterwards abandoned. Now, I want to know from the Senator from Minnesota whether he knows from what jurisdiction the charter was obtained, under which there was constructed a canal over this direct route between Lake Erie and the Ohio River?

Mr. NELSON. I can not tell. That canal was constructed before the days of railroads. It was one of the old-fashioned horse canals, and it was abandoned as soon as railroads were constructed. It was not an international waterway at all. It was simply a little bit of a canal, where the boats were pulled by horses.

Mr. BACON. It furnished water connection, though, between Lake Erie and the Ohio River, did it not?

Mr. NELSON. Oh, well, in a limited way

Mr. BACON. It was practically in operation. Can the Senator tell me whether that was constructed under a Congressional charter, or under a Pennsylvania charter?

Mr. NELSON. I can not tell.

Mr. BACON. Does the Senator know that it was not constructed under a Congressional charter?

Mr. NELSON. I do not know under what charter it was constructed, or whether it was constructed under any charter at all.

Mr. BACON. While we are on the subject of charters, I will ask the Senator one more question, and then I will try not to trespass upon him any further. The Senator spoke of the fact that one reason why the enactment of a Federal charter was needed was that otherwise there would be two charters, one a charter from the State of Pennsylvania and the other a charter from the State of Ohio.

Mr. NELSON. I will qualify that statement. Not necessarily two distinct corporations, but if it was a Pennsylvania corporation it would have to go into the State of Ohio to get authority as a corporation to build its canal in that State, the same as the railroads do.

Let me explain to the Senator: In the West we have railroads built through several States, and it is customary in such cases to have separate acts of incorporation from each State. I imagine if this canal were constructed at all under State auspices, it would have to be constructed by a Pennsylvania corporation as to that part of the canal in Pennsylvania and by an Ohio corporation for the part of the canal in the State of Ohio.

Mr. BACON. With the permission of the Senator, I desire to read from this pamphlet, which has been laid upon our desks here by those who favor the granting of this charter. On page 29 there is a statement, I think, made in the speech of Mr. Shaw, in which this occurs, speaking about the steps which had been taken to secure the construction of this canal:

The committee—

That is, the committee which had undertaken to secure the necessary authority—

The committee procured a general law to be enacted in Pennsylvania authorizing a ship canal company to be organized to construct and operate a ship canal from the headwaters of the Ohio River via the Beaver and Mahoning rivers to the Ohio State line.

That is what was done in Pennsylvania.

A similar law was passed in the Ohio legislature authorizing a ship canal company to construct and operate a ship canal from Ashtabula, on Lake Erie, to the Pennsylvania State line, on the Mahoning River, and authority was given in both States to consolidate their franchises at the State line and operate a through canal from the Ohio River to Lake Erie by one company.

Does the Senator know that that is a fact?

Mr. NELSON. I am not prepared to say. I never saw that pamphlet until it was laid on our desks the other day.

Mr. BACON. Well, then, it is the statement made in the address of Mr. John E. Shaw at the meeting which was held in Pittsburg for the furtherance of this enterprise, and of course the statement must be accepted as absolutely true.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Minnesota yield to the Senator from Pennsylvania?

Mr. NELSON. Certainly.

Mr. KNOX. I think no one questions the statement which has just been read. The Senator from Georgia read that statement yesterday, and nobody denied it.

Mr. BACON. I did; and I only read it again, if the Senator will pardon me, because the Senator from Minnesota [Mr. NELSON] had made statements which were inconsistent with that fact; and he did not seem to be informed of the existence of that fact.

Mr. NELSON. Mr. President, before I was interrupted quite a while ago, I called attention to the reason why it was necessary to amend the bill so as to allow the canal company to issue more stock and bonds than had at first been thought necessary because it had been found that additional expense would be necessitated in the construction of the canal. I stated that the committee took special pains to ascertain that fact. One of the engineers of the company appeared before the committee, and I asked him and the other engineers of the company who had examined and estimated for this work to send us a communication and give us the reasons why the canal would cost more than they supposed it would cost in the first instance. Mr. President, I ask to have the letter of these engineers on this subject read. I think it will prove a complete answer to all the insinuations of the Senator from Colorado [Mr. PATTERSON].

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary proceeded to read the letter referred to.

Mr. NELSON. I ask that the remainder of the letter be printed in the RECORD without reading, as part of my remarks.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

The letter in full is as follows:

LAKE ERIE AND OHIO RIVER SHIP CANAL COMPANY,
Pittsburg, Pa., March 20, 1906.

DEAR SENATOR: When House bill 14396, for the incorporation of the Lake Erie and Ohio River Ship Canal, was under discussion at the meeting of the subcommittee of the Senate Committee on Commerce Saturday last, the 17th instant, and the cost per mile of constructing such canal was under consideration, the said subcommittee desired to be informed on the reasons for the increased cost over and above what it was estimated in 1895, when a similar bill was before Congress. The bill of 1895, introduced in the House, called for a stock issue of $300,000 per mile and an equal amount of a bond issue; the bill introduced in the House in 1906, under No. 6003, called for a stock issue of $500,000 per mile and an equal amount of bonds, which latter figures were changed by the House to the former amount in amended House bill 14396, also of 1906, this being done without the engineers for the canal company being heard in the matter. The increased capitalization per mile requested in House bill 6003, 1906, over what was called for in the bill of 1895 is, of course, a result of increased cost of construction of the canal. This increased cost is due to the following reasons:

1. The unit prices used in 1895 were somewhat too low, even for that time, when the country was at a low-price era.

2. The unit prices of 1906, both for material and labor, are, of course, very much higher than they were in 1895, as, for example—

(*a*) The units for excavation of earth and rock, both in the dry and in water, have increased on an average of about 50 per cent over what was assumed in 1895.

(*b*) The units for masonry in locks, walls, dams, bridge piers, and abutments and paving of banks have increased on an average of 20 per cent over and above what they were in 1895.

(*c*) The unit prices for timber have increased about 60 per cent above what they were in 1895.

(*d*) The unit prices for embankments for reservoirs have increased about 33 per cent above those in 1895.

(*e*) Cost of operating machinery for locks has increased about 40 per cent.

(*f*) Cost of bridges has increased about 100 per cent over what they were in 1895, principally due to great increase in weight per foot of trains and union wages of bridge erectors.

(*g*) Miscellaneous accessories have also increased in cost.

3. The engineers of 1906, having the benefit of the work of the engineers of 1895, have developed the enterprise much more in details and have thus learned that several items of work are necessary which were not taken into account in 1895, as, for example—

(*a*) Ten miles more of the canal will require masonry retaining walls for the banks.

(*b*) A great deal more paving for bank protection is required.

(*c*) The dams and locks have been changed somewhat in their location and canal levels have been lowered, thus requiring increased excavation.

(*d*) In raising the bridges and railroads crossing the canal grades have been eased up, requiring longer approaches.

4. The freight traffic between Lake Erie and the Pittsburg district, in the ten years that have elapsed, has increased over 100 per cent, calling for increased facilities on existing railroads as well as the building of new railroads in that territory. This has been considered in planning the projected canal, as it will, of course, secure its share.

(*a*) The number of bridges has increased about 15 per cent since 1895.

(*b*) The weight per foot of trains having increased, much heavier bridges have been estimated upon.

(*c*) The now more crowded condition of the territory through which the canal runs, due to new railroads and double tracking of existing railroads, has made it necessary to estimate for the more expensive bascule bridges than the simple swing bridges where drawbridges will be required.

5. Freight traffic on the Lakes has increased correspondingly in the last ten years, as has also the number of boats, as well as their dimensions.

(*a*) It being estimated that the canal will also get its full share of this increase in traffic, both on the Lakes and the railroads, requiring much more frequent locking and increased speed of boats and better facilities for their passing in the canal, it has been deemed wise to increase the width of the bottom of the canal whenever feasible by about 30 per cent.

(*b*) To insure more safety to the vessels traversing the canal it has been considered advisable to contemplate two gates at each end of the locks, so that should the inner ones be damaged the outer ones will protect the vessels and allow continuous operation of the canal. A middle gate for smaller crafts has also been contemplated. This will, of course, increase the length of the masonry work in the locks by at least twice the width of the lock gates, so that the total increase in cost of the locks, gates, and machinery over and above that estimated in 1895 is about 70 per cent.

(*c*) Provision for a probable additional parallel lock somewhat smaller has also been contemplated should future increase of traffic demand it.

(*d*) The increased locking, estimated from the so enormously increased traffic, calls for additional water supply, and consequently additional reservoirs and feeders, and the total increase in cost of such reservoirs will then be about 60 per cent and for the feeders about 200 per cent over and above that contemplated in 1895.

6. The enlargement of the Erie Canal in New York State, which is now an assured fact, will of course increase the traffic on the Lake Erie and Ohio River Ship Canal.

7. Such traffic will also be favorably affected by the present and future Government improvement of the Ohio River, which seems to be now assured.

8. The increased prosperity of the country through which the canal has to pass has materially increased the value of real estate throughout this region, besides more detailed investigation of this subject has probably something to do with the great increase in the cost of land per acre, inasmuch as we have found that—

(*a*) The increased value of land on the river divisions is about 600 per cent over what was estimated in 1895. The 1895 figure was likely an error.

(b) Forty per cent from Niles to Lake Erie.
(c) Forty per cent for the feeders.
(d) One hundred per cent for the reservoirs.

The above-enumerated causes for the increase in the physical cost of the canal over and above what was estimated in 1895, augmented by the present prosperous conditions and development of the region which the canal traverses makes the present estimate of the engineers run up to $500,000 per mile, in round numbers, for the physical construction alone of same. In addition to this there are a number of items, the cost of which can not be determined in dollars and cents at present, such as damages to existing works and rights, etc., with their legal expenses, but which nevertheless enter into the actual cost of the canal, feeders, reservoirs, and their accessories. These items in a large enterprise like this, experience shows, call for a very liberal percentage of increase in the estimated cost over and above the physical cost to meet the actual final cost of the project.

In view of this, the permissible capitalization should be ample to meet all probable contingencies, even though the issue of stocks and bonds should not be more than is actually required for the building of the said canal, feeders, reservoirs, and their accessories, to thus enable the incorporators to carry the enterprise to a successful conclusion.

Very respectfully, yours,

GEORGE M. LEHMAN,
Chief Engineer.
EMIL SWENSSON,
THOMAS P. ROBERTS,
Consulting Engineers.

Hon. KNUTE NELSON,
The Senate Committee on Commerce, Washington, D. C.

Mr. NELSON. I want to say in conclusion, for I am unwilling to take up the time of the Senate any further on this subject, that if this were simply an Ohio and Pennsylvania enterprise, if it merely affected those States, I should take no special interest in this bill beyond that of any other Senator; but the construction of this canal, Mr. President, is vital to all the commercial and industrial interests of the great Northwest and of the great State of Minnesota, which I have the honor to represent in part on this floor. We are as vitally interested in the construction of this canal and in being placed in communication by water with the Ohio River and with the navigable waters connected with that river as any portion of the people residing along that water course or along the Great Lakes. It is because of the national importance of this enterprise, it is because of the fear that the National Government itself will not in the immediate future embark in this enterprise, that I favor this bill.

Mr. LA FOLLETTE. Mr. President, I object to being placed, even by implication, in opposition to securing reduced transportation charges to the people of the Northwest because I have offered some opposition to certain provisions in the bill as reported by the committee. The State that I have the honor in part to represent is as much interested in this legislation as the State of Minnesota, and I have quite as much interest in securing reasonable transportation rates for the people of my State and this country as the Senator from Minnesota has.

With example and illustration on every side of the overcapitalization of transportation companies, I ask Senators whether the present be not a pretty good time to make reasonably certain that the corporation which proposes to build this great canal shall not be overcapitalized? It is no reflection upon the honor or integrity of anybody connected with this enterprise to suggest governmental supervision as a protection to the public against the stock watering which has been resorted to by every other corporation in the country which is engaged in transportation.

The Senator from Pennsylvania [Mr. KNOX] said in opening the debate upon this bill that cheaper transportation means better living for the people; that it means cheaper iron and cheaper coal. That would be true, Mr. President, if the market price of steel and iron and coal were not absolutely controlled by the steel trust and the coal trust. But with great combinations masters of the markets of these basic products of our industrial life, who will be benefited by cheaper transportation rates on iron and steel and coal? Have we any guaranty offered by the Senator from Pennsylvania that, if transportation rates are reduced on iron and steel from the Lake Superior iron belt to Pittsburg and upon coal transported through this canal from Pennsylvania to the lake ports, have we any guaranty, I ask, that the consumers will get any benefit from the reduced rates?

If iron and steel and coal were sold in the domestic market, with free competition between independent producers, consumers would realize a benefit in reduced transportation rates resulting from the construction of this canal. But, Mr. President, I am in favor of building this canal, and I hope to see the day when open competition between our own producers of iron and steel and coal will be restored, and all of the people can enjoy a share in the lower transportation charges which our great waterways can secure to us when improved and the commerce upon them regulated as the need may arise.

So, Mr. President, I stand here in this body to urge that when this corporation is granted its charter the public rights shall be protected as well as the rights of the incorporators. I do not oppose the passage of this bill for the incorporation of this canal company, but I shall contend here and elsewhere that the Government, State and national, shall put forth all its legitimate powers from this time on to prevent the overcapitalization of all public-service corporations.

I ask Senators can any fact or reason be urged against the amendment which I have offered? Will anyone rise and defend watering the stock of transportation companies? Are Senators in favor of the products of the country being taxed at a rate that is necessary to pay dividends and interest on capitalization that is not represented by investment? When these questions go to the country, they will require answer, and that answer will have to satisfy the American people, who understand their rights and are fast making ready to assert and maintain them.

The time has gone by, sir, when they will longer consent to see the transportation companies of this country capitalized beyond the amount of the investment necessary properly to equip those companies and to maintain and operate them. They clearly understand that every dollar of overcapitalization imposes an extra charge to be paid upon every hundredweight and every ton of traffic transported.

Mr. President, Senators may regard me as unduly earnest and positive in my assertions. I do not believe I am. I believe I can judge the temper of the American people as well as any other Senator upon this floor, and I say that with becoming deference. Within the last few years I have looked into the faces of thousands of your constituents in all the States between Pennsylvania and the Pacific slope, and I tell you here to-day that you underrate the interest and the intelligence and the determination of that great body of people if you think they will longer consent meekly to pay arbitrary trust prices for manufactured products and extravagant transportation charges in order to furnish an income to the holders of watered stocks.

What is the proper time to limit capitalization to actual investment? If not now, when we are on the threshold of chartering this company, when will the Federal Government put a proper restriction upon the capitalization of this company? Surely the experience of this Government admonishes us to consider it now.

Hark back over the years of the history of chartering transportation companies by the Federal Government. The Northern Pacific divided the whole nominal amount of its stock, $100,000,000, among the promoters, who paid nothing for it, before scarcely any expenditure was made upon the road. The Central Pacific was likewise constructed by its promoters, and the greater part of the stock issued went to them as a gratuity. Mr. Poor, an authority who surely makes no statement prejudicial to the railroad companies, says the Union Pacific divided and carried to the credit of profit and loss over $100,000,000 more than a fair return upon the capital invested by them.

The St. Paul and Manitoba Railway Company—the Great Northern, lessor—was bought on foreclosure at $3,600,000. Its capitalization was forced up to $84,000,000; to be exact, $84,500,000. The State of Minnesota through its courts made an appraisal in the Great Northern rate case, and held that the cost of the reproduction of all the property of the company at that time would not exceed $44,000,000, showing nearly 50 per cent of water.

The Atlantic Coast Line increased its capitalization $50,000,000 without any additional investment, to enable Morgan to get control of the Louisville and Nashville.

J. J. Hill testified in an investigation in the Northern Securities merger case that in the purchase of $108,000,000 of securities of the Burlington by the Great Northern and the Northern Pacific companies, $216,000,000 of new 4 per cent bonds were issued. In the recapitalization of the Rock Island $75,000,000 of Rock Island stock was converted into $75,000,000 of bonds and $137,000,000 of new stock.

The Chicago and Alton was capitalized at $30,000,000. When turned over to the purchasing syndicate in 1899 it was capitalized at $94,000,000.

Mr. President, there is not a dollar of water or inflation in the capitalization of the railroads of this country that does not impose burdens upon the consumers and producers of this country; and when we are to-day proposing to charter a canal company to construct a canal through which shall move all the lake commerce of that great inland sea, can any Senator interpose a fair and reasonable objection to a proposition which simply requires the Government to stand guard over this capitalization and see that it is not excessive?

I deny that any provision of that kind is a hindrance to the

enterprise. I deny that it defeats the purpose of the bill or will obstruct the organization of the company. I am willing to assume—and in so doing I put the gentlemen who are named in this bill as incorporators in a more favorable light than do those who oppose this amendment—I am willing to assume that the incorporators do not wish to overcapitalize the company, and if they do not, they surely will not object to authorizing the Government to say, "When you issue so many thousand dollars of bonds and so many thousand dollars of stock upon any given mile of the canal, we ask you to show that your corporation has made an investment of equal value for every dollar of that proposed issue of stock and bonds."

Possibly this is new doctrine in this Chamber. I do not know; I have been here but a few months. But if this legislation has not been contended for here before, you will hear more of it in the near future. Two States have statutes along lines similar to the amendment which I have proposed to the pending bill—Texas and Massachusetts. Other States are struggling for such legislation. In my own State, in Wisconsin, I recommended incorporating such a provision in the law regulating railway rates and services, which was written into the statutes of that State in 1905. The public-service corporations were strong enough in the State senate to defeat the legislation proposed in accordance with that recommendation, as they were able to defeat certain other provisions of importance to the public in the law enacted at that time. But in that State and in many other States, and presently in all the States of this Union, the people will take up this issue. They will compel legislation which will regulate and control within the States the issuance of stocks and bonds.

It is time the National Government, through the action of this Senate and the other branch of the National Congress should take like action with respect to every corporation over the capitalization of which it may, under the Constitution, exercise a control.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. NELSON. I move to lay on the table the amendment of the Senator from Wisconsin.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota to lay on the table the amendment proposed by the Senator from Wisconsin.

Mr. MALLORY and Mr. PATTERSON demanded the yeas and nays, and they were ordered.

Mr. CULBERSON. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to add at the end of section 3 the following additional proviso:

Provided further, That the Lake Erie and Ohio River Ship Canal Company, its successors and assigns, shall issue only such amounts of stocks and bonds, coupon notes, and other evidences of indebtedness payable at periods of more than twelve months after the date thereof as the Interstate Commerce Commission may from time to time determine is reasonably necessary for the purpose for which such issue of stock or bonds has been authorized. And the Interstate Commerce Commission is hereby authorized and empowered and it shall be its duty to determine, upon application, what issues of stocks, bonds, coupon notes, or other evidences of indebtedness may be reasonably necessary to pay the cost of construction, equipment, maintenance, and operation of said canals and works. Said Commission shall render a decision, upon an application for such issue, within thirty days after final hearing thereon, which decision shall be in writing, shall assign the reasons therefor, and shall, if authorizing such issue, specify the respective amounts of stocks or bonds or of coupon notes or of other evidences of indebtedness as aforesaid which are authorized to be issued for the respective purposes to which the proceeds thereof are to be applied. Such decision shall be filed in the office of the Commission, and a certified copy of such decision shall be delivered to the said canal company, which shall cause the same to be entered upon its records before any stocks, bonds, coupon notes, or other evidences of indebtedness thereby authorized are issued. Every certificate of stock, every bond, and other evidence of indebtedness of such canal company operating as a lien upon the property of such company which shall be made, issued, or sold without compliance with this act shall be void. Any officer or director of said canal company who shall knowingly make any false statement or shall withhold from the Interstate Commerce Commission any information requested by such Commission to procure the approval of said Commission to any issue of stocks, or bonds, or coupon notes, or other evidences of indebtedness shall be deemed guilty of a misdemeanor, and upon conviction thereof in the United States district court of the district in which such offense is committed shall be punished by imprisonment for a term of not less than two nor more than ten years, and shall likewise be liable to any creditor of such company for the full amount of damages sustained by such wrongful act.

Mr. MALLORY. I suggest the absence of a quorum.

Mr. LA FOLLETTE. On the question of agreeing to the amendment, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DANIEL. A roll call will show whether there is a quorum present or not.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. LA FOLLETTE. Mr. President, I should like to know whether this is a yea-and-nay vote on the amendment or a call of the Senate.

The PRESIDING OFFICER. It is a call of the Senate.

The Secretary resumed and concluded the calling of the roll, and the following Senators answered to their names:

Aldrich	Clarke, Ark.	Gearin	Nelson
Ankeny	Clay	Hale	Overman
Bacon	Culberson	Hansbrough	Patterson
Bailey	Cullom	Hemenway	Penrose
Benson	Daniel	Hopkins	Perkins
Berry	Dillingham	Kean	Pettus
Blackburn	Dolliver	Kittredge	Piles
Brandegee	Dubois	Knox	Scott
Bulkeley	Elkins	La Follette	Stone
Burkett	Flint	Long	Sutherland
Burnham	Foster	McCumber	Teller
Burrows	Frazier	Mallory	Tillman
Carter	Fulton	Millard	Warner
Clark, Mont.	Gallinger	Morgan	Warren

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum is present. The question is on agreeing to the motion of the Senator from Minnesota [Mr. NELSON] to lay on the table the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE], on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. LODGE].

Mr. HOPKINS (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. LATIMER]. In his absence, I will withhold my vote.

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. He is not present. Were he present, I should vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. PETTUS (when his name was called). I have a pair with the junior Senator from Massachusetts [Mr. CRANE]. He is not present, and I withhold my vote.

Mr. STONE (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. CLARK]. I am in receipt of a note from him, however, stating that I might be at liberty, during his absence, to vote at any time. So I will vote now. I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I do not see that Senator present, and so I withhold my vote.

The roll call was concluded.

Mr. CULLOM (after having voting in the affirmative). I should like to inquire if the junior Senator from Virginia [Mr. MARTIN] has voted.

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. CULLOM. I withdraw my vote. I have a general pair with the junior Senator from Virginia.

Mr. CLAPP. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I will take the liberty to transfer my pair to the Senator from New Jersey [Mr. DRYDEN]. I vote "yea."

Mr. CULLOM. I am informed that I can transfer my pair to the Senator from Vermont [Mr. PROCTOR], so that the Senator from Florida [Mr. MALLORY] and myself can vote. I vote "yea."

Mr. MALLORY. I vote "nay." I desire to state that my colleague [Mr. TALIAFERRO] is detained from the Senate on account of sickness.

* * * * * * *

The result was announced—yeas 33, nays 20, as follows:

YEAS—33.

Aldrich	Carter	Hale	Penrose
Allee	Clapp	Hemenway	Perkins
Ankeny	Clark, Mont.	Kean	Piles
Benson	Cullom	Kittredge	Scott
Brandegee	Dillingham	Knox	Sutherland
Bulkeley	Elkins	Long	Warner
Burkett	Flint	McCumber	
Burnham	Fulton	Millard	
Burrows	Gallinger	Nelson	

NAYS—20.

Bacon	Culberson	Frazier	Overman
Bailey	Daniel	Gearin	Patterson
Berry	Dolliver	Hansbrough	Stone
Blackburn	Dubois	La Follette	Teller
Clarke, Ark.	Foster	Mallory	Tillman

NOT VOTING—36.

Alger	Dryden	McEnery	Proctor
Allison	Foraker	McLaurin	Rayner
Beveridge	Frye	Martin	Simmons
Carmack	Gamble	Money	Smoot
Clark, Wyo.	Heyburn	Morgan	Spooner
Clay	Hopkins	Newlands	Taliaferro
Crane	Latimer	Nixon	Warren
Depew	Lodge	Pettus	Wetmore
Dick	McCreary	Platt	Whyte

So Mr. LA FOLLETTE's amendment was laid on the table.

Mr. LA FOLLETTE. I offer an amendment, which I send to the desk.

The SECRETARY. It is proposed to insert, after line 2, page 4, the following additional proviso:

And provided further, That no issue of bonds or stock, in excess of $5,000 of bonds and $5,000 of stock per mile of said canal, shall be made under authority of this act until estimates have been submitted to the Secretary of War and be by him authorized as being within the limit of the fair cost of the construction of said canal and its proper equipment and operation.

Mr. LA FOLLETTE. Mr. President, objection was made to the amendment just voted upon by the Senate for the reason that it gave no opportunity to this corporation to make even a preliminary organization. That objection was not well founded; but in order that Senators shall have no excuse to oppose the protection which this amendment is aimed to secure to the public, I now offer an amendment which provides that the question of capitalization shall be submitted to the Secretary of War, but that the corporation may make its organization and issue $5,000 per mile of stocks without the consent of anybody, but that after such issue shall be made all other issues of stocks and bonds shall be authorized by the Secretary of War as being within the limits of the reasonable cost of the construction of said canal and its proper equipment and operation.

Surely, Mr. President, no argument which has been offered in opposition to the amendment just laid upon the table can apply to the one which I now propose.

Mr. NELSON. I move to lay the amendment upon the table.

Mr. LA FOLLETTE. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I again announce my pair with the senior Senator from Massachusetts [Mr. LODGE].

Mr. CLAPP (when his name was called). I transfer my pair, as on the previous vote, to the Senator from New Jersey [Mr. DRYDEN], and I vote "yea."

Mr. HOPKINS (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. LATIMER]. In his absence, I withhold my vote.

Mr. MALLORY (when his name was called). I again announce my pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. PETTUS (when his name was called). I again announce that I am paired with the junior Senator from Massachusetts [Mr. CRANE].

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK]. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. MONEY]. I also desire to state that my colleague [Mr. CLARK of Wyoming] is unavoidably absent from the Senate to-day.

The roll call was concluded.

Mr. MORGAN. I desire to announce my pair with the Senator from Iowa [Mr. ALLISON].

Mr. MALLORY. The Senator from Mississippi [Mr. MCLAURIN] is absent unpaired. I transfer my pair with the Senator from Vermont [Mr. PROCTOR] to the Senator from Mississippi [Mr. MCLAURIN], and I vote "nay."

The result was announced—yeas 29, nays 19, as follows:

YEAS—29.

Aldrich	Burrows	Hemenway	Perkins
Allee	Carter	Kean	Piles
Ankeny	Clapp	Kittredge	Scott
Benson	Clark, Mont.	Knox	Sutherland
Brandegee	Dillingham	Long	Warner
Bulkeley	Flint	Millard	
Burkett	Fulton	Nelson	
Burnham	Gallinger	Penrose	

NAYS—19.

Bacon	Dolliver	Hansbrough	Patterson
Berry	Dubois	La Follette	Stone
Clarke, Ark.	Foster	McCumber	Teller
Culberson	Frazier	Mallory	Tillman
Daniel	Gearin	Overman	

NOT VOTING—41.

Alger	Blackburn	Crane	Dryden
Allison	Carmack	Cullom	Elkins
Bailey	Clark, Wyo.	Depew	Foraker
Beveridge	Clay	Dick	Frye
Gamble	McEnery	Pettus	Taliaferro
Hale	McLaurin	Platt	Warren
Heyburn	Martin	Proctor	Wetmore
Hopkins	Money	Rayner	Whyte
Latimer	Morgan	Simmons	
Lodge	Newlands	Smoot	
McCreary	Nixon	Spooner	

So Mr. LA FOLLETTE's amendment was laid on the table.

Mr. CULBERSON. At the end of line 2, page 4, I offer an amendment.

The PRESIDING OFFICER. The Senator from Texas offers an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of section 3 the following additional proviso:

Provided further, That all stock, bonds, and other evidences of indebtedness issued in excess of that allowed under the provisions of this act shall be absolutely null and void.

Mr. NELSON. I have no objection to that amendment.

The amendment was agreed to.

Mr. CULBERSON. At the end of line 9, page 4, I move to add:

Or the creation of additional indebtedness.

So that it will read:

Nor shall any dividend be paid by the issue of additional capital stock or the creation of additional indebtedness.

Mr. NELSON. I have no objection to that amendment to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CULBERSON. Mr. President——

Mr. DANIEL. I am instructed by the Select Committee on Industrial Expositions——

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. CULBERSON. If I can yield to the Senator under the new rule, I will be glad to do so.

The PRESIDING OFFICER. The Chair does not think that under the new rule the Senator from Texas can yield for that purpose.

Mr. DANIEL. I am much obliged to the Senator, but I do not request leave to interrupt him.

Mr. CULBERSON. On page 10, line 25, after the word "company," in the first line of section 14, I move to insert:

Subject to and in conformity with the laws of the respective States through which such canal may be constructed.

Mr. NELSON. I have no objection to that amendment.

The amendment was agreed to.

Mr. LA FOLLETTE. I move to strike out section 5, on page 4.

The SECRETARY. It is proposed to strike out section 5 of the bill, in the following words:

SEC. 5. That the said company may from time to time set aside a portion of its net earnings to be a sinking fund for the redemption of its said bonds or securities, with or without unearned interest, at such times, in such proportion, and in such manner, by allotment or otherwise, as may be determined by the board of directors.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I wish to say just a word on that amendment. Section 5 provides:

That the said company may from time to time set aside a portion of its net earnings to be a sinking fund for the redemption of its said bonds or securities, with or without unearned interest, at such times, in such proportion, and in such manner, by allotment or otherwise, as may be determined by the board of directors.

Mr. President, if the tolls which this company is fairly entitled to charge on the commerce to pass through the canal must be subject to the rate fixed by the Supreme Court with respect to other common carriers, then this section ought not to be permitted to remain in the bill.

The Supreme Court of the United States has fixed the measure of the transportation charge which the common carriers of the country may lawfully levy upon the commerce of the country. What is it? A fair return upon the fair value of the property operated for the convenience of the public. Section 5 of this act gives legislative sanction to this corporation to charge tolls upon the commerce that will pass through this canal to lay by a surplus out of which it may pay the principal and interest of its bonds. It authorizes this corporation to impose such transportation charges upon the commerce to pass through the canal as can free its stockholders from furnishing at least one-half of the capitalized value of this canal.

Any charge made upon the commerce of this country which exceeds a fair interest rate upon the amount of money invested in the building of the railroad or the canal is an unjust tax upon the commerce of the country. When you empower by legislative implication a corporation to which you give a charter to charge rates high enough not only to pay interest upon bonds

and dividends upon stocks, but also to set aside a surplus that shall ultimately discharge the bonded obligation of the company, you are surely imposing upon the commerce carried by this company an unlawful and unjust burden.

I am well aware, Mr. President, that under the present system of financing such enterprises the railroads of this country do exactly that thing. They charge on the commerce of the country rates high enough to pay a fair return upon a fair value of their property. They go beyond that. They make the transportation pay a fair return upon the watered and inflated capitalization of the railroads of the country. They go beyond that. They make the transportation of the country pay enough more to set aside a surplus out of which they may make their improvements, and then they make those improvements the basis of new capitalization and advance transportation charges upon the people.

I will put into the RECORD in this connection some of the wrongs the great transportation companies inflicted upon the commerce of this country. From 1899 to 1905 the Baltimore and Ohio Railroad Company made improvements or betterments out of its surplus exacted from the people in excessive transportation charges to the amount of $19,000,000. The Delaware, Lackawanna and Western from 1901 to 1904 exacted $13,347,100. The Pennsylvania Railroad Company took by excessive transportation charges out of the people on its lines and made improvements to the extent of $50,000,000. The Chicago and Northwestern Railway Company took $26,000,000; the Chicago, Milwaukee and St. Paul Railway Company took $9,000,000; the Chicago, St. Paul, Minneapolis and Omaha Railway Company, $31,000,000 between 1899 and 1905; the Illinois Central Railway Company between 1900 and 1905 took $16,630,000; the Norfolk and Western Railway Company between 1900 and 1905 took $12,250,000; the Atchison, Topeka and Santa Fe Railway Company between 1896 and 1904 took $30,000,000; the Great Northern Railway Company between 1898 and 1905 took $15,850,000; the Northern Pacific Railway Company between 1898 and 1905 took $19,999,603; and the Union Pacific Railroad Company between 1900 and 1905 took $13,479,165.

Every dollar of that amount of investment in the betterments of those railroad companies was paid out of the surplus which was exacted from the transportation of this country and imposed upon the consumers of the country in direct violation of the rule laid down by the Supreme Court as to what is the legitimate transportation charge, and section 5 of this bill, which I have proposed by amendment to strike out, will warrant and authorize this canal company to make an excessive charge for the payment of its bonds.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LA FOLLETTE. In one moment.

This canal company is placed by another section of this bill under the control of the Interstate Commerce Commission, and it is provided in that section that the Interstate Commerce Commission shall so regulate tolls upon all of that commerce passing through the canal as to make those tolls reasonable; but I undertake to say that if this Congress, in section 5 of this bill, authorizes this canal company to set apart enough surplus to pay off its bonded indebtedness, any court will be bound to construe the section with respect to any action of the Interstate Commerce Commission in fixing reasonable tolls at such rates as to enable this canal company to set apart enough money to discharge, under the provisions of section 5, all of its bonded indebtedness. Surely, if the people of the country are to be charged tolls sufficiently high to pay off the bonds of this canal company, then the people ought to own the canal and be authorized to take possession of it.

Mr. NELSON. Mr. President, I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota.

Mr. LA FOLLETTE. On that motion I ask for the yeas and nays, Mr. President.

Mr. CULBERSON. Let the amendment be stated, Mr. President.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] is to strike out section 5 of the bill. The Senator from Minnesota [Mr. NELSON] moves to lay the amendment on the table, on which motion the Senator from Wisconsin asks for the yeas and nays. Is there a second? In the opinion of the Chair there is not.

Mr. LA FOLLETTE. Then I ask for a division upon it.

Mr. CULBERSON. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Clarke, Ark.	Hansbrough	Overman
Ankeny	Clay	Hopkins	Patterson
Bacon	Culberson	Kean	Penrose
Benson	Cullom	Kittredge	Perkins
Berry	Daniel	Knox	Pettus
Beveridge	Dillingham	La Follette	Piles
Brandegee	Dolliver	Long	Scott
Bulkeley	Dubois	McCumber	Spooner
Burnham	Flint	Mallory	Stone
Burrows	Foster	Millard	Teller
Carter	Frazier	Morgan	Warner
Clapp	Fulton	Nelson	Warren

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. There is a quorum present.

Mr. LA FOLLETTE. Mr. President, I renew my request for the yeas and nays upon the pending amendment to strike out section 5.

The yeas and nays were ordered.

Mr. BERRY. What is the question, Mr. President—on the motion to lay the amendment on the table?

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota [Mr. NELSON] to lay on the table the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I announce my pair on this amendment and other amendments to this bill with the senior Senator from Massachusetts [Mr. LODGE].

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I transfer that pair to the Senator from Vermont [Mr. PROCTOR], and will vote. I vote "yea."

Mr. HOPKINS (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. LATIMER]. In his absence, I will refrain from voting. I desire this statement to stand for the remainder of the day.

Mr. MALLORY (when his name was called). I am paired with the senior Senator from Vermont [Mr. PROCTOR]. I transfer that pair to the Senator from Virginia [Mr. MARTIN], and vote. I vote "nay."

Mr. PETTUS (when his name was called). I again announce my pair with the junior Senator from Massachusetts [Mr. CRANE].

Mr. SPOONER. I again announce my pair with the Senator from Tennessee [Mr. CARMACK]. If I were at liberty to vote, I should vote "yea." I will not again announce the pair, but will let it stand as announced for the remainder of the afternoon. It is a general pair.

Mr. STONE (when his name was called). The senior Senator from Kentucky [Mr. BLACKBURN] was compelled to leave the Chamber, and asked me to pair with him on the bill. I transfer the pair to the junior Senator from Indiana [Mr. HEMENWAY], and I will vote. I vote "yea."

Mr. WARREN (when his name was called). I again announce my pair with the Senator from Mississippi [Mr. MONEY].

The roll call was concluded.

Mr. PENROSE. The senior Senator from New Hampshire [Mr. GALLINGER] has asked me to make the announcement that he has been compelled to leave the Chamber and is paired with the junior Senator from Maryland [Mr. WHYTE]. If the Senator from New Hampshire were present, he would vote "yea."

Mr. FLINT. The junior Senator from Nevada [Mr. NIXON] desired me to make the announcement that he is paired with the junior Senator from Mississippi [Mr. MCLAURIN]. If the Senator from Nevada were present, he would vote "yea."

Mr. CLAPP. I again announce the transfer of my pair with the Senator from North Carolina [Mr. SIMMONS] to the Senator from New Jersey [Mr. DRYDEN], and will vote. I vote "yea." I make this announcement of the transfer of my pair on this measure for the rest of the afternoon, and will not make further statement of it.

Mr. DANIEL. I beg leave to state that the senior Senator from Maryland [Mr. RAYNER] is paired with the senior Senator from New York [Mr. PLATT] on this bill and on all party votes.

Mr. BAILEY. I understand that no quorum has voted, and therefore, in spite of my pair with the Senator from West Virginia [Mr. ELKINS], I will vote in order to make a quorum. I vote "nay."

Mr. SPOONER. In order to make a quorum, I transfer my pair with the Senator from Tennessee [Mr. CARMACK] to the Senator from Idaho [Mr. HEYBURN], and will vote. I vote "yea."

Mr. MORGAN. I will take the liberty of voting to make a quorum. I vote "nay."

Mr. HOPKINS. In order to make a quorum, I will transfer my pair with the junior Senator from South Carolina [Mr. LATIMER] to the Senator from Delaware [Mr. ALLEE], and will vote. I vote "yea."

The result was announced—yeas 32, nays 14, as follows:

YEAS—32.

Aldrich	Carter	Hansbrough	Nelson
Ankeny	Clapp	Hopkins	Penrose
Benson	Cullom	Kean	Perkins
Beveridge	Dillingham	Kittredge	Piles
Brandegee	Dolliver	Knox	Scott
Bulkeley	Flint	Long	Spooner
Burnham	Foster	McCumber	Stone
Burrows	Fulton	Millard	Warner

NAYS—14.

Bacon	Culberson	La Follette	Teller
Bailey	Daniel	Mallory	Tillman
Berry	Dubois	Morgan	
Clarke, Ark.	Frazier	Patterson	

NOT VOTING—43.

Alger	Dick	Latimer	Platt
Allee	Dryden	Lodge	Proctor
Allison	Elkins	McCreary	Rayner
Blackburn	Foraker	McEnery	Simmons
Burkett	Frye	McLaurin	Smoot
Carmack	Gallinger	Martin	Sutherland
Clark, Mont.	Gamble	Money	Taliaferro
Clark, Wyo.	Gearin	Newlands	Warren
Clay	Hale	Nixon	Wetmore
Crane	Hemenway	Overman	Whyte
Depew	Heyburn	Pettus	

So Mr. LA FOLLETTE's amendment was laid on the table.

Mr. PATTERSON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 3, page 3, it is proposed to strike out the following proviso, beginning in line 14:

Provided, however, That the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for and paid in in money, or property at its fair value.

And to insert in lieu thereof the following:

Provided, however, That the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for and paid in in money at the face or par value of such stock, and such bonds shall neither be sold nor paid for at a greater discount than 5 per cent of their face or par value.

Mr. PATTERSON. Mr. President, when I explained this morning that under the provisions of this section at least $80,000,000 worth of bonds and $80,000,000 worth of stock might be issued and sold without regard to the price and before even any work was done, thus saddling $160,000,000 worth of obligations upon property that could not cost more than $50,000,000, I think the Senator from Pennsylvania [Mr. KNOX] said that he could see no objection to the amendment that I suggested then and now send up for consideration, with this exception that the amendment I now present allows a margin of 5 per cent on the price at which the bonds shall be sold and paid for, allowing a discount of 5 per cent instead of requiring that the bonds shall be sold and paid for at their face value. If this amendment be adopted, it will prevent the sale and issuance of stock at less than the par value of the stock, and will allow a margin of discount of 5 per cent upon the bonds when they are issued and sold.

Mr. KNOX. Mr. President, I did not reply in the early part of the afternoon to that portion of the Senator's argument which referred to this clause of the bill in extenso, but the frequent interruptions which I inflicted upon him indicated to him, I think, the position which I take with reference to this section. I think the interests of the public are fully guarded by the provisions of the bill as it came from the committee. I assume that the Senator from Colorado unconsciously stated that at least $80,000,000 of bonds and at least $80,000,000 of stock could be saddled upon this corporation. I think he meant that, at most, that amount of indebtedness could be incurred under the provisions of this bill.

Mr. PATTERSON. Yes; that is what I meant—"at most" that much could be saddled.

Mr. KNOX. That that would be possible; yes, sir. Mr. President, the language of this proviso, to my mind, absolutely prohibits the issuing of stock unless it has been fully "paid in in money or property at its fair value." The language of the second proviso is:

Provided further, That in no event shall the stock issued and debt created be more than may be necessary to construct, equip, maintain, and operate said canal, etc.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Minnesota?

Mr. KNOX. Certainly.

Mr. NELSON. I desire to call the attention of the Senator from Pennsylvania in that connection to the fact that at the end of that provision an amendment was added, on motion of the Senator from Texas [Mr. CULBERSON], that all bonds in excess of that should be null and void.

Mr. KNOX. I am obliged to the Senator for calling my attention to that. It had for the moment escaped me. But it is undoubtedly clear that no stock can be issued unless it is fully paid up either in money or in property. If the bonds and the stocks together can not in any event exceed in the aggregate what the property actually cost to construct, I do not see how it is possible for any fraud to be perpetrated on the public under the provisions of this bill, particularly having regard to the amendment to which the Senator from Minnesota has just called my attention, providing that any overissue beyond the amount that will be necessary to construct this canal will be null and void. Under the restraint we have placed upon the board of directors who will manage the affairs of this corporation they themselves would be personally responsible to the holders of those bonds, to the corporation, or to whoever might suffer for any issue which was in excess of the actual cost of the property, and the issuing of bonds which are by the law chartering the corporation null and void would make every man who participated in that issue liable to whoever might suffer by reason of it.

If I had any doubt at all in my mind as to these provisions being adequate to protect the public against fictitious securities, I should not hesitate to vote for the amendment; but having no doubt, I am entirely satisfied with the provisions of the bill as it came from the committee.

Mr. PATTERSON. Mr. President, I at least caused the Senator from Pennsylvania, when I was speaking this morning, to agree with me that such a change in the proviso was possibly desirable. Since then he has satisfied himself that it is not necessary. A consideration of the language of the proviso that is stricken out, it seems to me, should convince every Senator that I have not been mistaken in my construction, and also that the amendment of the Senator from Texas does not cure the defect. What is the meaning of the language:

Provided, however, That the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for?

If you subscribe for a thousand shares of stock at $100 a share, that is what you subscribe for, but that has nothing whatever to do with the sum you pay for that thousand shares of stock. When one subscribes for a thousand shares of stock——

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. PATTERSON. I will yield, but I should like to make myself plain to the Senator from Pennsylvania.

Mr. KNOX. I interrupt the Senator with great reluctance; but the Senator's observations must necessarily create a false impression in the minds of the Senate. The proviso does not stop with the words "that the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for," but it says "subscribed for and paid in in money or property at its fair value."

Mr. PATTERSON. Very well, Mr. President; I was coming to that. The Senator from Pennsylvania inferentially admits that if we stop at the words "subscribed for," then my interpretation of the language would be correct. I think I will demonstrate to him that if that is correct, then the other words to which he called attention in no wise change the legal effect of the clause:

Provided, however, That the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for.

If you say you have subscribed for a thousand shares of the stock of some corporation, you do not convey any idea of the amount you have agreed to pay for it. You have simply subscribed for a thousand shares of stock; and the next inquiry may be, What was the price of the stock? How can the words "and paid for in money" change the legal effect of the language? It simply means that you have subscribed for a certain number of shares of stock, and the price you have agreed to pay for the shares shall be paid in money or property at a fair value—that, and nothing less and nothing more.

Mr. KNOX. I think the Senator from Colorado is unintentionally mixing two separate and distinct propositions. A subscription to the capital stock of a corporation is a contract to pay for as many shares of that stock at par as may be set opposite the name of the subscriber. It is wholly and entirely different from a contract to purchase a certain number of shares of stock from an outsider or in the market or in any other place where you pay for the stock, no matter what its par

value may be, only the price you agree to pay. When you make a subscription, and that is a technical word which has been clearly over and over again defined, you make a contract with the corporation and with its creditors that you will respond to the full par value of the stock for which you have subscribed. I think there is no lawyer in the Senate Chamber who will differ with me upon that proposition.

Mr. PATTERSON. Again the Senator from Pennsylvania agrees I am right provided we use the word "purchase" instead of "subscription."

Mr. KNOX. No; that would change it the other way.

Mr. PATTERSON. Let us see. If the naked proposition is a subscription for shares of stock, then perhaps the position of the Senator from Pennsylvania may be right; but if the corporation having the stock puts it upon the market and fixes the terms of the subscription, the price at which it will be paid for, as it has a perfect right to do, then the subscription is for so many shares of stock at the price fixed by the owner, whether it is the company or a private individual. So undeniably I am right in every position I have taken.

Mr. SPOONER. That is, if it is without notice.

Mr. PATTERSON. What?

Mr. SPOONER. The purchaser of shares of stock from a corporation which have not been paid for is in law as to liability the same as a subscriber. If he sells it to a bona fide purchaser, the certificate reciting that the stock is full paid, the situation is different.

Mr. PATTERSON. If subscriptions for stock are asked for and the terms are not fixed by the company, the courts might hold that it was a subscription for stock at the face or par value. But the owner of stock, it being the company, may fix the terms upon which the stock may be subscribed for, and there is nothing in this bill which prevents the company from fixing the terms upon which subscriptions shall be taken or that prohibits the company from offering the stock upon the market, either to accompany the bonds or independently of the bonds, at whatever price the corporation may fix.

Under those circumstances, all that this proviso requires is that the debt created by the issue of bonds shall not exceed the amount of stock subscribed for, provided the price at which it was subscribed is paid. In other words, no matter what is paid for the stock, for every dollar of stock there may be a dollar of bonds. For every dollar of stock at the face and par value, no matter at what price the company may offer it for sale, the company may issue a bond which represents the same face value.

The Senator from Pennsylvania must at least be frank enough to admit that there is room for controversy upon this proposition. If such be the case, then there is no reason in the world why this amendment should not be adopted, because, according to the statement of the Senator from Pennsylvania, it simply effects in terms what he says will follow as an inference. I differ from him most emphatically and clearly on the proposition. I have no question in the world that this stock may be subscribed for at any price that the company may fix, and then a share of stock may be accompanied by a bond, dollar for dollar, and the bonds may be placed upon the market at whatever price the company sees fit to fix.

It is by reason of these provisions that I have asserted and maintained that it is entirely within the power of this company to saddle a debt of a hundred and sixty million dollars upon this public work which ought not to cost at the most liberal estimate, allowing generously and broadly for the increased price of everything that will enter into the construction of the canal, $50,000,000. Under the bill, as it stands now, allowing $50,000,000 for the construction of the canal, which is $17,000,000 more than was estimated two years ago, according to this pamphlet, there is $110,000,000 to go into some one's pocket, and then interest is to be collected upon the full amount, which will go into the pockets of the owners of those securities in the way of charges and tolls upon the shippers who shall use this instrumentality.

I appeal to the Senator from Pennsylvania if—why should I doubt his sincerity?—he believes such is the meaning of the bill, to allow the substitute for the proviso to go in, which puts it beyond peradventure.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. PATTERSON].

Mr. LA FOLLETTE. I suggest the absence of a quorum.

Mr. PENROSE. I should like to ask the Senate——

The PRESIDING OFFICER. The Senator from Pennsylvania is out of order.

Mr. PENROSE. I should like to have unanimous consent that the bill may be taken up after the routine morning business on Monday morning.

The PRESIDING OFFICER. The Senator from Pennsylvania is out of order. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich	Clapp	Hopkins	Overman
Ankeny	Clarke, Ark.	Kean	Patterson
Bacon	Clay	Kittredge	Penrose
Bailey	Culberson	Knox	Perkins
Benson	Cullom	La Follette	Pettus
Berry	Dillingham	Long	Piles
Brandegee	Dolliver	McCumber	Scott
Bulkeley	Dubois	McEnery	Spooner
Burkett	Flint	Mallory	Stone
Burnham	Foster	Millard	Teller
Burrows	Frazier	Morgan	Tillman
Carter	Fulton	Nelson	Warner

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. There is a quorum present.

Mr. PENROSE. In case the bill shall not be disposed of this afternoon—and I am anxious that it should be, if possible—I ask unanimous consent that it may be taken up after the conclusion of the routine morning business on Monday morning.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the bill now under consideration be taken up immediately after the routine morning business on Monday morning, in case it is not finished to-night.

Mr. LA FOLLETTE. I would not object to that, if the bill is to be laid aside at 5 o'clock to-day, but if we are to be held here an unreasonable length of time——

Mr. PENROSE. I did not hear the Senator from Wisconsin.

Mr. LA FOLLETTE. I would not object to having the bill taken up again under the same order, if it shall be laid aside when 5 o'clock arrives to-day, if it has not been disposed of.

Mr. PENROSE. If the Senator desires that, I have no objection, although I am sincerely anxious, for obvious reasons, for the convenience of the Senators, that this matter may be disposed of to-day, if possible.

Mr. PATTERSON. I desire to say to the Senator from Pennsylvania that I know of no good reason, if we shall remain in session to-day as long as we usually do, why the bill should not be disposed of. I have only one other amendment to offer.

Mr. PENROSE. Then the probabilities are it will be disposed of. I wanted to make my request and have it agreed to before the absence of a quorum should be disclosed.

Mr. KNOX. I hope Senators will not impose any conditions upon the consent asked for by my colleague, and that we may go along in the hope that we can get through with the bill to-night.

Mr. PATTERSON. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. PATTERSON].

Mr. NELSON. I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota to lay on the table the amendment proposed by the Senator from Colorado.

Mr. PATTERSON. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll, and Mr. ALDRICH voted "yea."

Mr. DOLLIVER. I should like to have the amendment reported.

The PRESIDING OFFICER. It is too late.

Mr. DOLLIVER. I desire to hear what the amendment is.

The PRESIDING OFFICER. A motion to lay on the table is not debatable.

Mr. DOLLIVER. I should like to have the amendment reported.

The PRESIDING OFFICER. The Senator from Iowa is out of order. The roll call will be proceeded with.

Mr. DOLLIVER. I——

The PRESIDING OFFICER. The Senator from Iowa is out of order. The roll call will be proceeded with.

Mr. DOLLIVER. I simply desire to enter a protest against any such disposal of our business here.

The Secretary resumed the calling of the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I transfer the pair to the Senator from Vermont [Mr. PROCTOR], and will vote. I vote "yea."

Mr. MALLORY (when his name was called). I am paired with the senior Senator from Vermont [Mr. PROCTOR]. I transfer my pair to the Senator from Virginia [Mr. MARTIN], and will vote. I vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. SPOONER (when his name was called). I announced my pair a while ago.

Mr. STONE (when his name was called). I again transfer the temporary pair I have with the senior Senator from Kentucky [Mr. BLACKBURN] to the Senator from Indiana [Mr. HEMENWAY], and I ask that the announcement may stand for the remainder of the day. I will vote. I vote "yea."

Mr. WARREN (when his name was called). I have already announced that I have a general pair, but an arrangement has been made to transfer the pair so that the senior Senator from Mississippi [Mr. MONEY] will stand paired with the junior Senator from Idaho [Mr. HEYBURN], and I will vote. I vote "yea."

The roll call having been concluded, the result was announced—yeas 28, nays 11, as follows:

YEAS—28.

Aldrich	Cullom	Knox	Perkins
Ankeny	Dillingham	Long	Piles
Brandegee	Flint	McCumber	Scott
Bulkeley	Fulton	McEnery	Stone
Burnham	Hansbrough	Millard	Sutherland
Carter	Kean	Nelson	Warner
Clapp	Kittredge	Penrose	Warren

NAYS—11.

Bacon	Culberson	La Follette	Patterson
Berry	Dubois	Mallory	Tillman
Clarke, Ark.	Frazier	Overman	

NOT VOTING—50.

Alger	Crane	Hale	Pettus
Allee	Daniel	Hemenway	Platt
Allison	Depew	Heyburn	Proctor
Bailey	Dick	Hopkins	Rayner
Benson	Dolliver	Latimer	Simmons
Beveridge	Dryden	Lodge	Smoot
Blackburn	Elkins	McCreary	Spooner
Burkett	Foraker	McLaurin	Taliaferro
Burrows	Foster	Martin	Teller
Carmack	Frye	Money	Wetmore
Clark, Mont.	Gallinger	Morgan	Whyte
Clark, Wyo.	Gamble	Newlands	
Clay	Gearin	Nixon	

The PRESIDING OFFICER. No quorum has voted.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, June 18, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 16, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D., as follows:

Be graciously near to us, O God, our Heavenly Father, with the uplift of Thy spirit as we journey through this day, that we fall not into temptation or loiter by the way, but with all diligence and patience and perseverance prosecute the work which lies before us with an eye single to Thy glory.

We lift up our hearts in fervent prayer, O God, for the Member who lies near to death's door. Be with his spirit, comfort the wife in her ministrations, and be with all. Bring us finally when Thou art done with us here in this life to Thee, through Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. COUSINS. Mr. Speaker, I call up the conference report on the bill H. R. 19264—the diplomatic and consular appropriation bill—and I ask unanimous consent that the statement of the conferees be read in lieu of the report.

The SPEAKER. The gentleman from Iowa calls up the conference report on the diplomatic and consular appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 37, and 38, and agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "one hundred and nine thousand two hundred and twenty-five dollars;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In the last line of said amendment strike out the word "thirty" and insert in lieu thereof the word "twenty;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In said amendment strike out the words "and fifty-five;" and the Senate agree to the same.

R. G. COUSINS,
C. B. LANDIS,
H. D. FLOOD,
Managers on the part of the House.

EUGENE HALE,
S. M. CULLOM,
H. M. TELLER,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report:

Amendment No. 1 restores Brazil to the $17,500 class, as previously recommended by the Committee on Foreign Affairs.

Amendments Nos. 2 and 3 appropriate for Turkey as an embassy instead of legation, and increases salary to rate given other ambassadors, namely, $17,500.

Amendments Nos. 4, 5, 8, 9, 10, 11, 12, 14, 16, 17, 18, 20, 22, and 23 make necessary verbal changes only.

Amendment No. 6 restores Belgium to the $12,000 class, as previously recommended by the Committee on Foreign Affairs.

Amendment No. 7 restores Cuba to the $12,000 class, the same amount that was appropriated for this mission last year, and restores the Netherlands and Luxemburg to the same class, as recommended by the Committee on Foreign Affairs.

Amendment No. 13 increases the salary of the agent and consul-general at Cairo from $5,000 to $7,500 in view of the passage of the reorganization bill taking away his fees of about $1,500.

Amendment No. 15 increases the salary of the secretary of legation to Belgium from $2,000 to $2,625.

Amendment No. 19 decreases the salary of the secretary of legation to Nicaragua, Costa Rica, and San Salvador from $2,800 to $2,000.

Amendment No. 21 inserts the words "whenever hereafter appointed" in the paragraph providing that clerks to embassies and legations shall be American citizens.

Amendments Nos. 24 and 25 increase the appropriation for the repair of the consular building at Tahiti, Society Islands, by $300, and change the word "repair" to "rebuilding."

Amendment No. 26 appropriates $10,000 for the preparation of reports and material necessary to enable the Secretary of State to utilize and carry on the work partly performed by the Joint High Commission of 1898 for the settlement of questions between the United States and Great Britain relating to Canada.

Amendment No. 27 appropriates $25,000 for continuing the survey of the boundary line between Alaska and Canada.

Amendment No. 28 appropriates $20,000 for continuing the more effective marking of the boundary line between the United States and Canada.

Amendment No. 29, as passed by the Senate, appropriates $30,000 for the expenses of a joint commission, to be constituted if the Government of Great Britain concurs, to investigate and report upon the conditions and uses of the St. John River, and to make recommendations for the regulation of the use of the waters thereof by the citizens and subjects of the United States and Great Britain, according to the provisions of treaties between the two countries. The conferees have agreed to recommend that this sum be reduced to $20,000, and as amended it is recommended that the House recede.

Amendment No. 30 authorizes the Secretary of State to submit to Congress a plan for the erection of consular buildings in China, Korea, and Japan, but makes no appropriation.

Amendment No. 31 appropriates $150,000 for the purchase of our present legation building in Constantinople.

Amendments Nos. 32 and 33 provide for consuls at Boma, in the Kongo Free State, and at Calgary, Canada, at $4,500 and $2,000, respectively, and in view of the apparent great necessity for consular representation at those two places, it is recommended that the House agree to these provisions.

Amendment No. 34 increases from $10,000 to $15,000 the fund to pay the expenses of consular inspectors for the coming year.

Amendment No. 35 increases from $500 to $1,000 the limit of the amount which the Secretary of State may allow to any one consulate for clerk hire, where the clerk hire is not specifically allowed by law, and amendment No. 36 increases the fund from which such clerk hire is paid from $50,000 to $100,000, being a reduction of $55,000 from the amount appropriated by the Senate.

Amendment No. 37 increases from $10,000 to $12,000 the allowance for the employment of interpreters, guards, etc., in the Turkish dominions.

Amendment No. 38 increases from $300,000 to $350,000 the fund for the contingent expenses of consulates, which increase is made necessary by the provision for the payment of mileage for consular officers.

The amount of the bill as recommended by the conferees is $65,000 less than passed by the Senate.

R. G. COUSINS,
C. B. LANDIS,
Managers on the part of the House.

Mr. COUSINS. I move the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

SALARIES OF TEACHERS IN DISTRICT OF COLUMBIA.

Mr. MORRELL. Mr. Speaker, I call up the conference report on the bill (H. R. 18442) to fix and regulate the salaries of the teachers, school officers, and other employees of the board of education in the District of Columbia, and I ask unanimous consent that the statement on the part of the managers be read in lieu of the report.

The SPEAKER. The gentleman from Pennsylvania calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 18442, "An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 13, 14, 16, 17, and 51.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 18, 19, 20, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 35, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54; and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out in said amendment the words "in the grades;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Page 5, line 14, strike out the word "schools" and insert before the word "high" the word "normal;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the word proposed in said amendment insert the word "four;" and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: After the word "School," in the last line of said amendment, insert the words "but this limitation shall not apply to pupils who have already entered upon a continuous course of two or more years;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out the word "board" in said amendment and insert the word "boards;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: Page 8, line 9, after the words "normal schools," strike out the word "or" and insert the word "and;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "of examiners. No person without a degree from an accredited college, or a graduation certificate from an accredited normal school, such normal-school graduate to have had at least five years of experience as a teacher in a high school, shall hereafter be appointed to teach any academic or scientific subjects in the normal, high, and manual-training schools;" also strike out the word "board," on page 8, line 12, and insert the word "boards;" and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out in said amendment the word "board," in line 1, and insert the word "boards;" also strike out the words "this board" and insert the words "these boards."

EDWARD MORRELL,
WILLIAM S. GREENE,
F. A. MCLAIN,
Managers on the part of the House.
E. J. BURKETT,
N. B. SCOTT,
JNO. M. GEARIN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia, submit the following statement in explanation of the action agreed upon and recommend in the conference report:

Amendment No. 1 provides that three of the board of education shall be women. There are three women members of the present board. The House recedes.

Amendment No. 2 provides that meetings of the board of education shall be open to the public, except meetings dealing with the appointment of teachers. The House recedes.

Amendment No. 3 corrects the text of the bill. The House recedes.

Amendment No. 4 provides that the white assistant superintendent of schools, under the direction of the superintendent, shall have general supervision over the white schools and be charged with the unification of the educational work of the white high schools and of all academic and scientific studies in the McKinley Manual Training School and the Business High School. Under the present system these duties devolve upon the director of high schools. The House recedes.

Amendment No. 5 prescribes the duties of the colored assistant superintendent, which correspond to those of the white assistant superintendent, and are enumerated in the explanation to amendment No. 4. The House recedes.

Amendment No. 6 provides for the appointment of a director of intermediate instruction for the white high schools, who shall have charge, under the direction of the superintendent, of the educational work of grades 5 to 8, inclusive. The white assistant superintendent under the present system has charge of the educational work in these grades. The result of amendments Nos. 4 and 6 is to eliminate the position of director of high schools and place the supervision of the educational work in the white high schools and in the McKinley Manual Training School and the Business High School under the immediate control and direction of the white assistant superintendent, he being the next ranking officer to the superintendent, and properly should be charged with the supervision of higher educational work. The position of director of high schools being eliminated and the position of director of intermediate instruction being created, leaves the number of officers and their salaries the

same as provided for in the bill as it passed the House. The House recedes.

Amendment No. 7 provides for the appointment of a supervisor of manual training, who shall have supervision, under the direction of the superintendent, of manual training instruction. This covers an omission, as there is such an official at present and provision was made for his salary in section 9 of the bill as passed by the House. The House recedes and agrees with an amendment.

Amendment No. 8 provides for the appointment of a superintendent of buildings and supplies and for one clerk, one stenographer, and one inspector of janitors as his assistants. The Senate recedes.

Amendment No. 9 eliminates assistants to eighth-grade principals. By the provisions of this bill all school principals will now receive, in addition to their grade salaries, $30 per annum for each session room in the grade school buildings over which each has charge. Inasmuch as this extra compensation has been provided for this service, it was decided that assistants were not necessary. The House recedes.

Amendment No. 10 corrects the text of the bill. The House recedes.

Amendments Nos. 11 and 12 fix the salaries of the teachers of manual training, drawing, physical culture, music, domestic science, and domestic art in the graded schools in classes 3 to 4, inclusive, instead of classes 2 to 5, inclusive, as provided in the House bill. As most of the teachers above enumerated now receive salaries provided for in class 3, it was deemed desirable to limit the minimum salary to $650 and the maximum to $1,100, resulting in a final saving in each case as between the schedule of class 4 and the schedule of class 5. The House recedes.

Amendments Nos. 13, 14, 16, and 17 provided a higher scale of salaries for high school teachers of manual training, drawing, physical culture, and music than for teachers of domestic art and domestic science. The House bill provided that these teachers should all be grouped in classes 4 and 5. The Senate recedes.

Amendment No. 15 corrects an omission in the bill as passed by the House by inserting "normal and manual training schools" in the paragraph providing salaries for the teachers mentioned above in the explanation of amendments Nos. 13, 14, 16, and 17, and strikes out the word "schools" to correct the text. House recedes and agrees with additional verbal amendment.

Amendment No. 18 provides that the first increase to be received under the terms of this bill in the case of the teachers enumerated in the paragraph shall not exceed $150 per annum, and also provides that the first two years shall be probationary in the case of special beginning teachers in the normal school. The House recedes.

Amendments Nos. 19 and 20 correct the text of the paragraph, and provide that the salary of the librarian of the teachers' library shall be class 4, instead of class 5 as in the House bill. The House recedes.

Amendment No. 21 provides that the M Street High School and the Armstrong Manual Training School shall be classified into four departments, instead of into three as provided by the Senate amendment and into five as provided in the House bill. The House recedes and agrees with an amendment.

Amendment No. 22 prevents the heads of departments from interfering with the discipline of the schools, and prescribes that no classes shall be formed in the high schools with less than ten pupils, except in the M Street High School in the case of subjects not offered as well in the Armstrong Manual Training School. This limitation, however, is not to apply to pupils who have already entered upon a continuous course of two or more years. The House recedes and agrees with an amendment.

Amendments Nos. 23, 24, 25, and 26 provide that in the promotion of teachers from one class to another the recommendation of the officer having direct supervision of the teacher must be had before action is taken in the matter by the board of education, and, in the case of colored teachers, upon the additional recommendation of the colored assistant superintendent. The House recedes.

Amendments Nos. 27, 28, 29, and 30 provide that teachers shall be promoted for superior work from group A to group B of class 6 only after oral and written examinations by the boards of examiners, and eliminate certain paragraphs of the bill as passed by the House to make the subject-matter conform to the changes previously made. The House recedes.

Amendments Nos. 31 and 32 provide that in the promotion of teachers for superior work from Group A to Group B of class 6 such teachers shall be recommended for examination by their respective principals in the case of all high and normal school teachers and teachers of manual-training schools, through and with the approval of the superintendent of schools; and in the case of colored teachers such recommendation shall be made by the colored assistant superintendent, through and with the approval of the superintendent of schools. The House recedes.

Amendments Nos. 33, 34, 35, 37, 38, and 39 provide for boards of examiners to examine applicants before appointment as teacher, head of department, principal, or supervising principal in the graded, high, manual-training, or normal schools, and that no director, assistant director, or teacher of special studies shall be appointed without being examined. The House recedes.

Amendment No. 36 provides that no person without a degree from an accredited college or a graduation certificate from an accredited normal school, such normal-school graduate to have had at least five years of experience as a teacher in a high school, shall be appointed to teach any academic or scientific subject in the normal, high, or manual-training schools. This provision is made with the view of preventing teachers from coming here indiscriminately on account of the increase of salary provided and for the purpose of securing a higher grade of teachers as vacancies occur. The Houses recedes and agrees with amendments.

Amendment No. 40 corrects an omission in the House bill. The House recedes.

Amendments Nos. 41, 42, 43, 44, and 45 are verbal and correct the text of the bill. The House recedes.

Amendment No. 46 gives to each school principal more authority over the conduct of his individual school. The House recedes.

Amendment No. 47 makes a slight increase in the salaries of the directors of drawing, physical culture, and music, giving them an annual increase of $100 for five years instead of an annual increase of $50 for five years as provided in the House bill. The House recedes.

Amendment No. 48 provides an increase of $200 per annum in the salary of the director of primary instruction. The House recedes.

Amendments Nos. 49, 50, 52, and 53 correct the text of the bill and make it conform with changes that have been made previously. The House recedes.

Amendment No. 51 provided that the white assistant superintendent shall have had at least two years of experience as an instructor in high schools or as superintendent or director of high schools. The Senate recedes.

Amendment No. 54 is for the purpose of preventing any of the officials designated in the paragraph from receiving, under the operation of this bill, a less salary than they are receiving at the present time. The House recedes.

Mr. MORRELL. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania, that the conference report be adopted.

The question was taken; and the motion was agreed to.

TELEPHONE SYSTEM ON ISLAND OF OAHU, HAWAII.

The SPEAKER laid before the House the bill (S. 4184) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii.

The Clerk read the bill, as follows:

Whereas the legislature of the Territory of Hawaii did, by an act duly passed at the 1905 session thereof, authorize the Standard Telephone Company (Limited) to construct, maintain, and operate a telephone system on the island of Oahu, Territory of Hawaii, and which said act was approved by the governor of said Territory on the 26th day of April, 1905; and

Whereas the act of Congress to provide a government for the Territory of Hawaii, approved April 30, 1900, provides that the legislature of the Territory of Hawaii shall not grant to any corporation, association, or individual any special privilege or franchise without the approval of the Congress of the United States: Now, therefore,

Be it enacted, etc., That the act of the legislature of the Territory of Hawaii entitled "An act to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii, by the Standard Telephone Company (Limited)," approved by the governor of the Territory April 26, 1905, be, and is hereby, amended, and as amended is hereby ratified, approved, and confirmed, as follows, to wit:

"ACT 66.

"An act to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii, by the Standard Telephone Company (Limited).

"*Be it enacted by the legislature of the Territory of Hawaii:*

"SECTION 1. The right is hereby granted to the Standard Telephone Company (Limited), a corporation organized under the laws of the Territory of Hawaii, to construct, operate, and maintain, for the term of twenty-five years from the date of the approval of this act, a telephone and electrical communicative system, aerial, underground, or subaqueous, in, upon, along, and under the highways and public roads of the said island of Oahu, and under the lands and waters of said island.

"SEC. 2. The said telephone system shall be operated by underground wires within a radius of one-half mile, starting from the north corner of Fort and King streets, and beyond said limits such means or methods as may be adopted by said company from time to time, with the approval of the superintendent of public works, or any other official or board having control of the streets and roads where said wires are located, which said officials or boards may, after 1912, at any time that the public interests require it, direct any changes in the method of placing or using said wires that have been or may thereafter be put up or laid that they shall determine to be proper and necessary.

"SEC. 3. If the Standard Telephone Company (Limited) shall at any time acquire, by lease or otherwise, the rights, franchises, and property of any person or corporation operating a telephone system on the island of Oahu, all of the rights, privileges, powers, and authority by this act conferred with reference to the occupation of streets, lands, and waters, maintenance and operation of telephone companies, and also all other powers so conferred, are hereby authorized in the maintenance and use of the property so acquired. All franchises thus acquired shall be subject to all the conditions and limitations of this act.

"SEC. 4. All underground wires shall be in conduits not less than 2 feet beneath the surface of the street, which surface shall be securely supported so as not to impair the use and enjoyment of said streets by the public, and all trenches in which conduits are placed, as well as the manholes connected with the system, shall be constructed in a substantial and workmanlike manner.

"SEC. 5. The said Standard Telephone Company, before laying its conduits or otherwise disturbing any of the streets or roads of the island of Oahu, shall ascertain the lawful grade of such streets or roads from the superintendent of public works or other officials or boards having charge of said streets or roads, who shall furnish the required information within a reasonable time.

"The conduits or other equipment of the said company which affect the surface of the public streets or roads shall conform to the grades of said streets or roads on which they are laid down, as furnished by the superintendent of public works or other officials or boards having charge of said streets or roads, and the said Standard Telephone Company shall not in any way change or alter the same without the written consent of the said authorities. And the Territory of Hawaii reserves further the right to change and alter the line and grades of its streets at any time, and the said Standard Telephone Company shall, at their own cost, within sixty days conform to such new lines and grades in reconstructing its surface equipment or conduits upon receiving notice in writing from the superintendent of public works or other official or boards having charge of said streets or roads, and such changes shall be made subject to the approval of the said officials. And in all cases of street improvements by the Territory, county, or municipality, the said Standard Telephone Company shall conform to all such improvements as directed by the superintendent of public works or other officials or boards having charge of said streets or roads. In case of neglect by said Standard Telephone Company to make such repairs, changes, or improvements required of it by this section, they shall be made by the Territory, county, or municipality which maintains said streets or roads, and the cost of such repairs, changes, and improvements shall be recovered from the said Standard Telephone Company.

"SEC. 6. The said Standard Telephone Company (Limited) shall erect and maintain its poles and lines so as not to unnecessarily interfere with the public use of the streets, alleys, lanes, and highways, and wherever its lines are laid underground shall cause all excavations to be immediately filled upon the completion of such work, and the streets, alleys, lanes, and highways restored to the condition in which they were before such excavations were made.

"SEC. 7. The said Standard Telephone Company (Limited) shall have the right at all times to construct and repair its underground or overhead wires or appliances by them required in the construction, equipment, operation, and maintenance of said telephone system, and to lay, maintain, and operate such additional underground or overhead wires as the business of the said Standard Telephone Company (Limited) may require.

"SEC. 8. The said Standard Telephone Company (Limited) shall from time to time make such rules and regulations for the government of its affairs, not inconsistent with the laws of the Territory of Hawaii, as will protect it from loss, misuse of its instruments, or abuse of its service.

"SEC. 9. Any person willfully and maliciously doing any of the following acts, to wit: Obstructing the free communication of intelligence, message, conversation, or tapping the lines of the said Standard Telephone Company (Limited); defacing, marring, or injuring the poles, wires, or other appliances used in operating, using the poles, fences, houses, or other property, without consent, for advertising purposes, or in any other manner inflicting injury to the property, or causing annoyance and embarrassment in the enjoyment of its property, rights, or franchises to the said Standard Telephone Company (Limited) shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding $50 or by imprisonment not exceeding a term of three months, or, upon a second or further conviction, by both such fine and imprisonment.

"SEC. 10. Whenever it shall be deemed necessary that the rights of way over private property should be taken by the said Standard Telephone Company (Limited) and the same can not be acquired by purchase for a reasonable or fair compensation, the said Standard Telephone Company (Limited) is hereby authorized and empowered to take such places or property to the extent only of the actual amount necessary for the said right of way in the manner hereinafter provided: *Provided, however*, That this act shall not be construed to allow the said Standard Telephone Company to condemn the equipment of any other electric or telephone company.

"SEC. 11. If the person, persons, association, or corporation owning such property does not consent and agree to the use required, and to the compensation offered therefor, the said Standard Telephone Company (Limited) may institute condemnation proceedings in the circuit court of the first circuit of the Territory of Hawaii, which is hereby empowered to hear and determine such condemnation proceedings.

"SEC. 12. The said Standard Telephone Company (Limited) shall have the right to take over, either by purchase or lease, any or all of the property, real or personal, rights, privileges, and franchises, of any other telephone company, and shall have, when so acquired, and may exercise all the rights, powers, privileges, and franchises of such company, whether the same be derived by charter, by municipal authority, by act of the legislature of the Territory of Hawaii, or by the United States Congress. All franchises and property thus acquired shall be subject to all the conditions and limitations of this act.

"SEC. 13. The said Standard Telephone Company (Limited), whenever from time to time it shall be deemed expedient in furtherance of the objects by this act authorized, shall have the power to borrow money and to secure the payment thereof with interest agreed upon by mortgages of all or any portion of its property, which may include the franchise, and any such mortgages may be issued, if it be deemed advisable, in the form of mortgage bonds; such mortgages or trust deeds may, in addition to the property named above, cover also any property or property rights to be acquired after their several dates, as well as the income and receipts of the property from whatever source derived. Such mortgages and trust deeds may also contain such provisions as the said Standard Telephone Company (Limited) may deem advisable and proper for the protection of all concerned, relative to payment of interest and principal, possession and operation of said telephone system or other property, default, remedies, foreclosures, powers of mortgagees or trustees in the matter, and all and every other matter which may be deemed wise and proper to insert therein.

"SEC. 14. The said Standard Telephone Company (Limited) shall pay to the government of the Territory of Hawaii a tax of 2½ per cent of its gross receipts from and after the expiration of two years from the date of the approval of this act by the Congress of the United States. Such payments shall be made quarterly.

"SEC. 15. In case of purchase, lease, or acquirement of the property of any other telephone company, as provided in sections 3 and 12 of this act, by the Standard Telephone Company, then and in that case the tax provided for under section 14 of this act shall be paid to the Territory from the date of such purchase, lease, or acquirement.

"SEC. 16. Such portion of the general telephone system required for a general public service as is to be operated in underground conduits, and within one-half mile radius of the point designated in section 2 of this act, shall be completed and in operation within two years from the date that this act is approved by the Congress of the United States; and if the said Standard Telephone Company, or any other person or corporation claiming under this act, shall fail to comply with the provisions of time limitation as expressed in this section, then in that case all rights under this act shall be forfeited, and the privileges hereby granted shall forthwith cease and determine.

"SEC. 17. Any person using the telephone instruments of the Standard Telephone Company shall be liable to pay for the use of such instruments at the following rates, namely:

"(a) Residences situated at such distances from the central office of the company as to require not more than 5 miles of constructed line, not more than $2.50 per month;

"(b) Places of business situated at such distances from the central office of the company as to require not more than 5 miles of constructed line, not more than $4 per month;

"(c) For instruments at places situated at such distances from the central office of the company requiring more than 5 miles of constructed line, not more than $6.25 per month:

"*Provided, however*, That nothing in this section contained shall prohibit the making of any special contract for any special service.

"SEC. 18. The said Standard Telephone Company shall during the existence of this franchise have and maintain an office for the transaction of business of the company at some place in Honolulu convenient of access to the public, and a majority of the board of directors of said company and other persons having the charge, management, and control thereof shall be residents of the Territory of Hawaii.

"SEC. 19. The entire plant, operation, books, and accounts of said Standard Telephone Company shall at any time be open and subject to the inspection of the treasurer of the Territory of Hawaii or any person appointed by him for the purpose.

"SEC. 20. *Forfeiture of franchise.*—Whenever said company refuses or fails to do or perform or comply with any act, matter, or thing requisite or required to be done under the terms of this act, and shall continue so to refuse or fail to do or perform or comply therewith after reasonable notice given by the superintendent of public works or other proper authority to comply therewith, the governor and attorney-general shall cause proceedings to be instituted before the proper tribunal to have the franchise granted by this act, and all rights and privileges granted hereunder, forfeited and declared null and void.

"SEC. 21. *Franchise not exclusive.*—It is hereby expressly provided that nothing herein contained shall be so construed as to grant to the company the exclusive right to install or operate a telephone system or systems.

"SEC. 22. This act shall take effect from and after its approval by the Congress of the United States of America.

"Approved this 26th day of April, anno Domini 1905.

"G. R. CARTER,
"Governor of the Territory of Hawaii."

SEC. 2. That Congress, or the legislature of the Territory of Hawaii with the approval of Congress, may at any time alter, amend, or repeal said act.

Mr. PAYNE. Mr. Speaker, I would like to inquire of the gentleman in charge of the bill if it relates to anything more than the telephone and telephone companies in Hawaii.

Mr. POWERS. Nothing.

Mr. PAYNE. And it does not include any other franchise whatever?

Mr. POWERS. No; no franchise whatever, and no exclusive franchise after this. It expressly states in the bill that it shall not be so construed. It is simply a ratification, as required by the organic act, of a telephone concession which was granted by the legislature of Hawaii. We put in certain amendments, making it a better bill, and reported the bill from the Committee on Territories of the House. A similar bill was reported unanimously from the committee of the Senate and has passed the Senate, and I call up the Senate bill instead of the House bill.

Mr. PAYNE. Is there any regulation of rates?

Mr. POWERS. Yes.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. POWERS, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Without objection, a similar House bill (H. R. 13392) upon the House Calendar will lie on the table.

There was no objection.

SUBPORT OF ENTRY AT SUPERIOR, WIS.

Mr. YOUNG. Mr. Speaker, I call up the bill (H. R. 19519) to establish a subport of entry at Superior, Wis., with privileges of immediate transportation of dutiable merchandise without appraisement, and I ask unanimous consent that the same may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Michigan calls up a privileged bill and asks unanimous consent that it may be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That Superior, in the State of Wisconsin, be, and the same is hereby, designated a subport of entry in the customs collection district of Superior, and that the privileges of immediate transportation of dutiable merchandise without appraisement, as defined by the act of June 10, 1880, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said subport.

With the following amendment:

Strike out all after the enacting clause and insert:

"That the privileges of the seventh section of the act approved June 10, 1880, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' be, and the same are hereby, extended to the subport of Superior, in the State of Wisconsin."

Amend the title to as to read: "A bill to extend the privileges of the seventh section of the act approved June 10, 1880, to the subport of Superior, Wis.

The SPEAKER. The question is on the adoption of the committee amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

The SPEAKER. Without objection, the title will be amended.

There was no objection; and it was so ordered.

On motion of Mr. YOUNG, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 19571. An act to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.;

H. R. 20070. An act to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 8428. An act to regulate the construction of dams across navigable waters; and

H. R. 14928. An act for the relief of F. V. Walker.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12323) to extend the public land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HANSBROUGH, Mr. SMOOT, and Mr. MCLAURIN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 15333) for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LONG, Mr. CLAPP, and Mr. STONE as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LA FOLLETTE, Mr. CLAPP, and Mr. DUBOIS as the conferees on the part of the Senate.

ORDER OF BUSINESS.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

Mr. SIMS. Mr. Speaker, a parliamentary inquiry. Was it not agreed yesterday that to-day should be for the consideration of business reported from the Committee on War Claims?

The SPEAKER. If this motion were voted down, undoubtedly that would be the order under the rule.

Mr. SIMS. I suppose we might consent to some other day.

Mr. TAWNEY. Mr. Speaker, I understand from the gentleman from Pennsylvania [Mr. MAHON] that he is willing to allow us to go on with the consideration of the remainder of this bill. I do not think it will require two hours' time.

Mr. SIMS. I thought if it would take this day we could agree on another day.

Mr. TAWNEY. I do not anticipate it will occupy more than two hours' time.

Mr. WILLIAMS. Mr. Speaker, if the gentleman from Minnesota asks unanimous consent that the Committee on War Claims have five legislative hours, a regular day, notwithstanding this cut in its time, I do not think there will be any objection to going right on with the sundry civil bill.

Mr. TAWNEY. Well, the gentleman from Pennsylvania, chairman of the Committee on War Claims, informs me that they can probably consider all the bills they want to consider to-day, after the consideration of this bill has been concluded.

Mr. MAHON. Mr. Speaker, I see the actual necessity of getting the sundry civil appropriation bill through the House. If it goes through in an hour or an hour and a half, I will ask for the balance of the time, and if not, I will ask unanimous consent to vacate the order and make a new order.

Mr. WILLIAMS. Well, Mr. Speaker, we have to do that by unanimous consent, and a similar objection would prevent the change of——

Mr. MAHON. All the House could do—the Senate could not pass any bill passed by this House from the Committee on War Claims at this session, and all we have to do is to get them through the House this session.

Mr. WILLIAMS. But we will not succeed in doing that unless the gentleman gets a full legislative day.

Mr. MAHON. The Committee on War Claims has given way four or five times already, and I know the House will be generous to us the next time.

Mr. WILLIAMS. Why not have this unanimous consent coupled with the other?

Mr. WATSON. What is unanimous consent asked for?

Mr. WILLIAMS. That the Committee on War Claims have five hours.

Mr. TAWNEY. Regular order!

The SPEAKER. The gentleman from Minnesota demands the regular order.

Mr. MAHON. It is understood, Mr. Speaker, that when this bill is finished we are to have the time.

The SPEAKER. The motion is that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil bill.

Mr. WILLIAMS. Mr. Speaker, pending that, if I can be recognized by the Chair, I will ask unanimous consent that upon the disposal of the sundry civil bill the Committee on War Claims be given five hours or so much thereof as is necessary for the consideration of bills reported by that committee.

Mr. TAWNEY. Mr. Speaker, in view of the fact the chairman of the Committee on War Claims has not submitted any request of that kind, I demand the regular order.

The SPEAKER. The gentleman from Minnesota demands the regular order.

Mr. MAHON. Mr. Speaker, this is Saturday, and I do not believe this bill will be finished in two hours. I am informed the Committee on Pensions have no more work this session, and I ask unanimous consent to vacate the order made yesterday, and that next Friday be set aside for bills reported from the Committee on War Claims.

Mr. PAYNE. Be set aside——

Mr. MAHON. Under the rule.

Mr. PAYNE. The same as though it were yesterday?

Mr. MAHON. Yes.

Mr. PAYNE. I have no objection, but I am not willing to tie up the business of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

SUNDRY CIVIL BILL.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state

of the Union for the further consideration of the sundry civil bill, Mr. WATSON in the chair.

The Clerk read as follows:

SEC. 2. Hereafter no requisition on the Public Printer by the official head of any Executive Department or bureau, or branch thereof, or independent office of the Government for printing a first edition of any public document or report under the provisions of the joint resolution "To prevent unnecessary printing and binding and to correct evils in the present method of distribution of public documents," approved March 30, 1906, shall be for a greater number of copies than 65 per cent of the whole number of copies of such public document or report now authorized to be printed or which may hereafter be authorized to be printed for any such Executive Department, bureau, or branch thereof, or independent office of the Government, and any additional edition of such public document or report that may be required shall only be printed on the requisition signed by the official head of such Department or independent office, and then only for such number as, when added to the number already required, shall not exceed the whole number authorized by law. All requisitions for printing editions of public documents or reports, additional to the 65 per cent of the whole number authorized by law, as provided for herein, shall be reported to Congress at the beginning of each regular session, together with the reasons for making said requisitions.

Mr. CHARLES B. LANDIS. Mr. Chairman, I desire to reserve the point of order on that paragraph.

The CHAIRMAN. The gentleman from Indiana reserves the point of order.

Mr. TAWNEY. Mr. Chairman, the paragraph is certainly subject to the point of order, but I want to explain to the committee the reason for the recommendation of the Committee on Appropriations.

The joint resolutions passed this session, which were intended and believed would prevent the printing of more of the public documents authorized to be printed by the Department than were necessary, by having them printed in several editions, the committee is informed are not being observed in this respect. Now, this provision will enable the Department to print any document it has authority to print up to the maximum number. The Department can not print them all at once or can not print them part at one time and part the next time, except upon condition that the head of the Department gives specific authority therefor. In other words, some clerk or bureau chief can not go and order the full quota allowed by law regardless of whether the quota is needed or not. If there is more than 65 per cent of the quota required, the head of the Department will order the remainder to be printed, giving his reasons therefor. It is subject to a point of order, and, if the gentleman makes it, why, it will have to go out.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. CHARLES B. LANDIS. I insist on the point of order, and would like to say in this connection, Mr. Chairman, that the joint resolution of March 30, which the Printing Committee feel will take care of this provision, went into effect under the regulations formulated by the Joint Committee on Printing on the 18th of May.

Mr. SLAYDEN. I can not hear the statement. I am interested in this.

Mr. CHARLES B. LANDIS. I said I believed the joint resolution approved March 30 and made effective on the 18th of last month would take care of the question which is meant to be covered in this proposition. That gives the heads of all the Departments the right to print in more than one edition, as it gives the Congress the right to print in more than one edition. The joint resolution has been in force but a short time only, and some of the heads of the various Departments have not had time to adapt themselves to it. Some of them have. Some of the editions have already been limited. The President has issued an order in which he directs the heads of the Departments to avail themselves of the opportunities for economy afforded by the provisions of our joint resolution, and in addition to that the Joint Committee on Printing has issued, under the authority conferred upon it, regulations governing this general proposition, which will be heeded by the heads of the Departments we feel sure. I would say to the chairman of the Committee on Appropriations that a majority of the editions that are now printed by the heads of the Executive Departments are in editions of a thousand or under, some are monthly publications, some weekly, some even daily, and the placing of these publications under this sweeping provision would, in my judgment, result in a greater expense than is now necessitated. In other words, I believe, that is a false notion of economy. The Joint Committee on Printing is giving this matter its best attention. It is receiving the hearty cooperation of the heads of Departments, and we feel confident that when the provisions of the joint resolution are recognized and the efficacy of them is appreciated, that the surplus publications of the Government will be reduced to an absolute minimum. And for that reason I shall insist upon my point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 5. Hereafter there shall be submitted in the regular annual estimates to Congress under and as a part of the expenses for "Printing and binding," estimates for all printing and binding required by each of the Executive Departments, their bureaus and offices, and other Government establishments at Washington, District of Columbia, for each fiscal year; and after the fiscal year 1907 no appropriations other than those made specifically and solely for printing and binding shall be used for such purposes in any Executive Department or other Government establishment in the District of Columbia.

Mr. TAWNEY. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Minnesota offers an amendment which the Clerk will report.

Mr. SLAYDEN. Mr. Chairman, does the introduction of this amendment in any way affect the privilege of a Member to raise a point of order against the paragraph?

The CHAIRMAN. What is the question asked by the gentleman?

Mr. SLAYDEN. I want to know if the introduction of the amendment in any way affects the right of a Member to raise a point of order against the paragraph.

The CHAIRMAN. It can not be done after the amendment has been read.

Mr. TAWNEY. Mr. Chairman, I make the point of order that the point of order against the paragraph comes too late.

The CHAIRMAN. The Chair thinks not. The Chair thinks the gentleman from Texas [Mr. SLAYDEN] was seeking recognition, according to his own statement, to make a point of order, and has simply raised the question as to whether or not the reading of the amendment would preclude him from making the point of order.

Mr. TAWNEY. We trust the gentleman will reserve his point of order until the committee can explain.

Mr. SLAYDEN. That, of course, I will do, Mr. Chairman, but I want to say to the chairman of the committee in perfect good faith that I was trying to secure recognition for that purpose, and I have absolute knowledge of the fact that another gentleman was also doing it.

The CHAIRMAN. The point of order must first be determined before the amendment is offered. If the paragraph goes out, there is nothing to amend.

Mr. TAWNEY. I will state, Mr. Chairman——

Mr. SLAYDEN. Mr. Chairman, I make the point of order, but I was willing to reserve it, if the reservation forfeits no right.

Mr. TAWNEY. It does not.

The CHAIRMAN. The gentleman can reserve it for debate, and he can reserve it to have the amendment read for the information of the committee; but he can not reserve it and have the amendment offered, because if the paragraph goes out, there is nothing to amend.

Mr. SLAYDEN. It can be reserved and the amendment read for information.

Mr. CHARLES B. LANDIS. I ask the gentleman from Texas to withdraw the point of order for this reason: The Committee on Printing has been attempting to, in some manner, segregate the various expenditures for printing in such a way as to get them together and arrive at some conclusion as to the amount of money actually spent for printing. Even the Treasury Department is unable to supply this information without an inexhaustible research and examination of miscellaneous vouchers. This provision will enable us to carry on our investigation, and if we are authorized by Congress, I feel sure that by the next session of Congress we will be able to present a report, and Congress can know at the end of each fiscal year every dollar of money that has been actually spent for printing.

Mr. SLAYDEN. I merely reserve the point of order to give the chairman an opportunity to make his statement and to have the amendment read for information.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 167, at end of line 24, insert: "*Provided*, That nothing in this section shall apply to stamped envelopes and envelopes and articles of stationery other than letter heads and note heads printed in the course of manufacture."

Mr. TAWNEY. I trust I can have the attention of the gentleman from Texas. My colleague on the committee will make an explanation as to the necessity for this provision.

Mr. SMITH of Iowa. Mr. Chairman, I hope the gentleman from Texas will see that the good of the public service requires that this point of order should not be made. Of course the point of order is well taken, if insisted upon. This simply requires that each branch of the public service shall annually make its estimates of what amount is needed for printing, and

that no other fund appropriated for the use of that branch of the public service shall be used for paying printing expenses except the appropriation made upon that estimate. The object is to segregate the expense of public printing from every other expense of the Government, so that we may know just what this public printing is annually costing us. If a Department can unite an expense incident to the preparation of a publication of the Government with the cost of printing in a single item, then there is no practicable means by which we can tell what we are paying for this public printing. For instance, under an appropriation for a report of the Bureau of Animal Industry they can pay not only the cost of the compilation and the preparation of the material for that report for printing, but can pay out of the same item for the printing itself. Thus, manifestly, it becomes impossible, except by a search of books in each branch of the public service by expert accountants, to discover what the public printing has cost the American people. This certainly can do no harm. It requires each branch to estimate its printing separately from the preparation of the material for printing. It requires that when we have then made an appropriation for the printing that the printing shall be paid only out of that appropriation. It certainly tends to an orderly administration of the public business in appropriating money for this purpose to have no money spent for this purpose that is not appropriated for it.

Mr. LIVINGSTON. May I suggest to my colleague that there have been publications, unwarranted, unprovided for, and that were entirely, so far as I believe, useless, that have been sent down there under an order of a chief of bureau? Book after book has been published without authorization. They were sent down there by a chief of a bureau. We want to stop that kind of business; and this is for that purpose.

Mr. SMITH of Iowa. The suggestion of the gentleman from Georgia is eminently proper; and that being true, it seems to this committee that we can not intelligently appropriate for the public printing with public printing being paid for out of appropriations under other bills that were not avowedly for that purpose.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. SMITH of Iowa. Certainly.

Mr. MANN. The gentleman, of course, is aware of the fact that there has been more or less controversy about these items, or those sections of the bill which direct that the Department printing offices shall be transferred to the Printing Office.

Mr. SMITH of Iowa. That has nothing to do with this item.

Mr. MANN. I suppose this item does not affect that question in any way whatever?

Mr. SMITH of Iowa. Oh, no.

Mr. SLAYDEN. I did not catch the question of the gentleman from Illinois.

Mr. MANN. There has been some controversy as to these sections of the bill——

Mr. SLAYDEN. Four, 5, and 6?

Mr. MANN. Which relate to taking away from the Departments their printing offices. I understand this section does not in any way whatever affect that question.

Mr. SLAYDEN. I am under the impression that it does.

Mr. SMITH of Iowa. Oh, no.

Mr. MANN. This has no relation to that?

Mr. PERKINS. I can assure the gentleman that it has not.

Mr. MANN. I supposed the gentleman was under that impression. That was the reason I asked the gentleman from Iowa the question.

Mr. SMITH of Iowa. I assure the gentleman from Texas that there is absolutely no relation between section 3 and sections 4, 5, and 6. They are for different purposes, and do not in the slightest degree relate to the same subject-matter.

Mr. SLAYDEN. May I ask the gentleman a question——

Mr. SMITH of Iowa. Oh, certainly.

Mr. SLAYDEN. In connection with that particular statement?

Mr. SMITH of Iowa. Yes.

Mr. SLAYDEN. Having admitted that the point of order is well taken and that the legislation is obnoxious to the rule in two or three ways, do we now proceed merely to discuss the merits?

Mr. SMITH of Iowa. I am simply appealing to the gentleman not to make the point of order.

Mr. SLAYDEN. Well, as the gentleman's mind is fixed now, the point of order will be made. I confess to the gentleman that my particular interest in this item—but I do not want to trespass on the gentleman's time——

Mr. SMITH of Iowa. That is all right.

Mr. SLAYDEN. That my particular interest in this was aroused by the fact that I think it affects in a disastrous way the printing necessarily done in the War Department, a branch of the Government with which I have a lot of business and some familiarity.

Mr. TAWNEY. Will the gentleman from Texas permit me to say just this: This paragraph now under consideration has no relation whatever to the branch printing offices, concerning which the gentleman just spoke. It relates solely and alone to the estimates for printing in all the Departments. It does not relate at all to the branch printing offices.

Mr. SMITH of Iowa. The branch printing offices are paid for out of the appropriation anyway for the public printing, and they will continue to be so paid for under this section.

Mr. PERKINS. If the gentleman will allow me, I am on the Printing Committee and rather familiar with this.

Mr. SMITH of Iowa. I want to say to the gentleman from Texas that this was submitted to the Committee on Printing.

Mr. CHARLES B. LANDIS. I suggest to the gentleman from Texas that the proposition in which he seems to be interested is covered in a succeeding paragraph.

Mr. SLAYDEN. Yes, Mr. Chairman, I am aware of the fact that it is covered in the three succeeding paragraphs.

Mr. SMITH of Iowa. Yes.

Mr. SLAYDEN. And I may as well be frank with the gentlemen, and put them on notice, and say now that it has been my intention to raise the point of order against those paragraphs. May I proceed in the gentleman's time for a moment?

Mr. SMITH of Iowa. Certainly.

Mr. SLAYDEN. Now, Mr. Chairman, I want to say that in my judgment I do not believe there is a Member of this House more anxious to see a reformation brought about in the matter of printing than I am. It is extravagant, it is foolish——

Mr. CHARLES B. LANDIS. I should like to ask the gentleman——

Mr. SLAYDEN. It unloads on every Member a lot of stuff that he does not want.

Mr. CHARLES B. LANDIS. I should like to ask the gentleman, in that connection, if there has been unloaded on him during the last six weeks anything that he has not wanted?

Mr. SLAYDEN. Yes, Mr. Chairman, there has.

Mr. CHARLES B. LANDIS. What?

Mr. SLAYDEN. Yesterday morning I received by registered mail two expensively bound volumes of printed reports from the Committee on Pensions, telling why somebody in Maine or in Texas or in Iowa was entitled to an increased pension. I do not care for the stuff, and it ought not to be sent to me, and it ought not to be generally printed nor distributed, in my opinion.

Mr. SMITH of Iowa. I appeal to the gentleman from Texas that there is not a line in this paragraph that can by any possible consideration be held to relate to the branch printing offices. There are two things in this paragraph, first, that they shall make estimates of how much they need for printing, whether in the branch printing offices or in the Government Printing Office; second, that they shall not spend any money for printing except that which is directly appropriated for that purpose. Now, how can it possibly be suggested even that a provision containing those two things can close any branch printing office?

Mr. SLAYDEN. The section says:

SEC. 3. Hereafter there shall be submitted in the regular annual estimates to Congress under and as a part of the expenses for "Printing and binding," estimates for all printing and binding required by each of the Executive Departments, their bureaus and offices.

Now, Mr. Chairman, every day, every hour, and every few minutes, in fact, printing is necessarily done in the branch office at the War Department——

Mr. SMITH of Iowa. Oh, do not let the gentleman be mistaken in thinking that the printing office of the War Department is a branch of the War Department. It is a branch of the Public Printing Office. Now, they are required to estimate how much their printing will cost for the next year in the War Department.

Mr. SLAYDEN. How can they estimate for orders, for example, issued from day to day, from hour to hour, from minute to minute?

Mr. SMITH of Iowa. How can we appropriate money if they can not estimate how much they are going to want? There is no requirement that the estimates shall be absolutely correct.

Mr. SLAYDEN. The gentleman knows that in what is known as the Tenth street office of the Record and Pension Office, there is a certain amount of printing paraphernalia belonging to the office which, if this bill passes, will be taken away from them. It is not a branch of the general priuting

office. The type is set and the press is run by clerks of the Bureau, and it operates to make a great saving of public expenditure, because it obviates the necessity of writing out painfully and slowly by hand all the various histories of each individual member of a particular regiment in the making of index cards.

Mr. CHARLES B. LANDIS. I want to say to the gentleman that this proposition is covered in the succeeding paragraph, and I want to make a point of order against that myself. I want to ask the gentleman if he did not give an order for the binding of the books that were delivered to him, as he says, yesterday morning?

Mr. SLAYDEN. I do not think I did.

Mr. CHARLES B. LANDIS. The gentleman does not think he did, but he probably gave a blanket order for the binding of a large number of books, as other Members in this House give blanket orders.

Mr. SLAYDEN. I can not believe that I did. My secretary, jealous of my rights, may have attached my name to it; but never in my Congressional career have I wanted any such books as those.

Mr. MANN. Anybody can ascertain in a few moments by sending downstairs, because there is a record kept of the fact.

Mr. SLAYDEN. If I did do it, I withdraw the order. [Laughter.]

Mr. CHARLES B. LANDIS. I think the gentleman will find that he did give the order, and he must not launch complaints against the House for that.

Mr. SMITH of Iowa. Now, Mr. Chairman, we are wandering from the question. I hope this will be considered by the House. Here is a proposition that they shall estimate what they want for printing, and when they estimate it and get the money that they shall not spend money for printing that is appropriated for something else. My friend says that they can not to a nicety make the estimate. We can not provide money except on estimates, and the sole question under this clause is whether they shall be entitled to take money appropriated for other purposes and use it for printing, or whether it is better administration to have this money estimated, what they will need for the public printing for either branch, and let us give it to them, and let them spend it out of the appropriation for printing, and not spend money out of appropriations for something else, and so let us know how much we are putting into public printing.

Mr. SLAYDEN. I would like to ask the gentleman if he doesn't believe that section 3 will interfere with and, when taken in connection with subsequent sections, will take away from that little office on F street——

Mr. SMITH of Iowa. Why, if the subsequent sections stay in, possibly they would, although if the statement is strictly accurate that this institution at the old Record and Pension Office is no branch of the Public Printing Office, then I should say no.

Mr. SLAYDEN. No; I did not say that because that is a branch of the Public Printing Office. This, I specifically referred to a while ago, is not, but is specially provided for by the statutes.

Mr. SMITH of Iowa. Mr. Chairman, whether some subsequent section will do it or not has nothing to do with the point of order. This section would not have the slightest tendency to take away that office.

Mr. SLAYDEN. I want to refer the gentleman to the statutes. Volume 25 of the Statutes at Large, page 52, says:

Provided, That the printing press and the material formerly in use in the office of the Surgeon-General may be used by the Record and Pension division of that office to expedite as much as possible the work of the division, and for no other purpose.

Now, I want to ask the gentleman if he can assure me that he knows that the enactment of section 3 will not interfere with the privilege there stated?

Mr. SMITH of Iowa. It does not seem to me conceivable that it would interfere with that privilege. I can not find a word in this section that would have a tendency to interfere with it.

Mr. PERKINS. If the gentleman wants further assurance, I can assure him that it would not.

Mr. SLAYDEN. In volume 28 of the Statutes at Large is another provision, where it says:

Provided, That the terms of this act shall not apply to the office in the Weather Bureau or to so much of the printing as is necessary to expedite the work of the Record and Pension Division of the War Department, nor to the printing office now in operation in the Census Office; but the Public Printer, with the approval of the Joint Committee on Printing, may abolish any of these excepted offices whenever, in their judgment, the economy of the public service would be thereby advanced.

Mr. Chairman, I have no desire to and I do not raise a captious opposition to any of this proposed legislation. I do not mind having sections 3, 4, 5, and 6 passed, if the gentleman will except the War Department——

Mr. SMITH of Iowa. Mr. Chairman, it is impossible to except the War Department from this section, because it has nothing to do with these things that we are talking about.

Mr. TAWNEY. Mr. Chairman, I think the gentleman from Texas [Mr. SLAYDEN] is laboring under a misapprehension of the facts. To-day the different Departments are making estimates for printing in different appropriation bills, so that Congress is unable to know definitely how much we are in fact expending for public printing. The effect of this is to consolidate all of the estimates in one estimate. One Department that I know of carries $200,000 this year for printing, independent of the allotment which they receive in this sundry civil appropriation bill. This allotment would indicate that that was all that Department had for public printing, when as a matter of fact, it has $200,000 in another appropriation bill which nobody knew anything about except the members of the committee preparing that bill. This is for the purpose of consolidating their estimates, so that they must be confined and limited to the aggregate appropriation made upon their aggregate estimates, and I hope the gentleman will not insist upon the point of order. The next three paragraphs will be eliminated. They are subject to points of order. They are necessary, I believe, but nevertheless I know there are enough Members in the House who oppose them to know that they will go out. That will leave the War Department and all other Departments that have branch printing offices in exactly the same status that they are in to-day. It does not affect the operation of these branch printing offices in the least.

Mr. SLAYDEN. Then in a few words, what is the effect?

Mr. TAWNEY. In a few words, it is to consolidate the estimates for public printing in one estimate, so that we will know what the aggregate cost of our public printing is. That is all there is to it. It does not affect the War Department, and does not affect any Department.

Mr. PRINCE. Mr. Chairman, I hope my colleague on the Military Committee, the gentleman from Texas [Mr. SLAYDEN], will not insist on this point of order as against this section. I think all that he is seeking to get at follows in the other sections.

Mr. TAWNEY. Absolutely.

Mr. CHARLES B. LANDIS. There is no question about that.

Mr. PRINCE. I hope the gentleman will not insist on his point of order.

Mr. TAWNEY. This is a reform, and a very necessary one.

Mr. MANN. Mr. Chairman, I would like to be recognized for a moment. I was under the impression which the gentleman from Iowa [Mr. SMITH] has and the gentleman from Minnesota [Mr. TAWNEY] has with reference to this section, and I am inclined to think they are right, but I would like to ask for a little information. If I understand it, as a usual rule, the estimates for appropriations are made by Departments and not by subjects. Is that not correct?

Mr. SMITH of Iowa. They are made by Departments through the Secretary of the Treasury for subjects.

Mr. MANN. Of course they are transmitted through the Secretary of the Treasury, but they are first made by the Departments to the Secretary of the Treasury. The Secretary of the Treasury, as a matter of fact, is largely formal in transmitting them to Congress. The Secretary of the Treasury, as I understand it, does not segregate the estimates by subjects. He transmits them to Congress by Departments.

Mr. SMITH of Iowa. They are segregated when they come from the Secretary of the Treasury.

Mr. MANN. Does the gentleman mean to say that now, on the subject of printing, the Secretary of the Treasury segregates the various items for printing in the different Departments which are carried in the different departmental appropriation bills?

Mr. SMITH of Iowa. There are no appropriations for printing generally carried in the departmental appropriation bills, and so they do not come in that form.

Mr. MANN. Mr. Chairman, I will give the gentleman an illustration. Take, for instance, the Weather Bureau. That is not, as I understand it, under the control of the Public Printer.

Mr. SLAYDEN. It is a specially excepted Bureau.

Mr. MANN. The estimate for that is not put with the estimates for the public printing. It is put with the estimates for the Agricultural Department.

Mr. SMITH of Iowa. No; the Weather Bureau printing is paid out of this large appropriation for public printing.

Mr. TAWNEY. Allotted to the Agricultural Department.

Mr. SMITH of Iowa. We appropriate about six millions a year—this year less—for the Public Printer, and we apportion

how much of it each branch of the public service is entitled to use.

Mr. MANN. Is the gentleman sure about that?

Mr. SMITH of Iowa. Oh, yes; I know that is the practice. As to the item for the Weather Bureau, as I understand it, it is paid out of the allotment from the gross appropriation to the Agricultural Department. That, I think, is not true probably of the Record and Pension Office, which is now known as the Military Secretary's Office.

Mr. MANN. Well, now, I may be incorrect; I will not say incorrect, because I do not know, but I supposed that the printing in the Weather Bureau was made out of the appropriation made for the Agricultural Department.

Mr. TAWNEY. If the gentleman will permit me, I will read the paragraph in the appropriation bill:

For the Department of Agriculture, including $25,000 for the Weather Bureau, $185,000.

Mr. MANN. What bill is that in?

Mr. TAWNEY. In the sundry civil appropriation bill.

Mr. SMITH of Iowa. That is the allotment of——

Mr. MANN. Does that include all of the printing in the Weather Bureau, or is there another item carried in that——

Mr. TAWNEY. No; including $25,000 for the Weather Bureau. Now, here is an item of $200,000, carried in the agricultural appropriation bill for printing farmers' bulletins.

Mr. MANN. Well, I am not speaking of that.

Mr. TAWNEY. Well, that is the only item that is carried in the agricultural appropriation bill appropriating money for the printing in the Agricultural Department.

Mr. MANN. This section would transfer that item from the agricultural appropriation bill to the sundry civil bill in the form of an estimate——

Mr. TAWNEY. No; it does not follow.

Mr. MANN. It does not necessarily follow, but that is true.

Mr. TAWNEY. But in the estimates the aggregate that the Department thinks is necessary for the next fiscal year for printing would be together in the annual estimates. It would all come as being under the Agricultural Department. Now, that portion which comes under the head of the Public Printer, which is allotted to him now, of course comes under the item of public printing. Then an estimate of $200,000 for this purpose, which comes from the Committee on Agriculture in addition to what is estimated for under the lump-sum appropriation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask for unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. The only difference, then, would be that now the estimate for the printing in the Agricultural Department is made under the head of the Agricultural Department in the estimates, whereas if this section goes into effect it will be made under the head of printing and binding and taken out of the heading of Agricultural Department.

Mr. TAWNEY. Yes; that is right.

Mr. SMITH of Iowa. Of course that does not govern the form of future bills.

Mr. MANN. I am talking about the way the estimate is transmitted, so as to put the item for printing in one place in the estimates without intending to affect in any way the jurisdiction of committees in the House or appropriation bills that would——

Mr. CHARLES B. LANDIS. I will say to the gentleman from Illinois that this will give the House some idea of how money is being spent for printing. The Printing Committee had trouble during the investigation last year in segregating the sums expended for printing which were carried in what might be called "miscellaneous" appropriations. For instance, an appropriation is made for certain work in Alaska, carrying with it printing and binding. Say it is a million dollars. So much would be spent for traveling expenses, so much would be spent for surveying, and they can spend $800,000 for printing and binding.

Mr. MANN. Will the gentleman give me this information? The Librarian of Congress, I know, is publishing now what is known as "records" or "minutes" of the Continental Congress, or something of that sort. I introduced a resolution upon the subject the other day. Out of what appropriation bill is the Library of Congress now paying for that printing?

Mr. CHARLES B. LANDIS. I presume it is being paid out of their allotment for printing and binding.

Mr. MANN. Well, does the Library of Congress have authority to bind and print whatever it pleases?

Mr. CHARLES B. LANDIS. In so far as it does not exceed its allotment.

Mr. MANN. Without regard to having been authorized by anybody?

Mr. CHARLES B. LANDIS. They necessarily use their own discretion in the matter of printing and binding, within the limitations of their appropriation.

Mr. TAWNEY. If the gentleman will read the hearings on the legislative bill at this session of Congress, he will find that subject very thoroughly discussed.

Mr. MANN. He never will have the time.

Mr. TAWNEY. The committee took issue with the Librarian on that very question, and the Librarian submitted a brief on the question of his right to print under the general law, and to print that very document of which the gentleman speaks, out of the allotment "For printing and binding, Congressional Library."

Mr. MANN. Now, Mr. Chairman, if I could get the attention of my friend from Texas for a moment. I went over these sections myself very carefully, and proposed to make the point of order, if nobody else did, against all of them. I did not think that the Committee on Appropriations had had the opportunity to know in reference to all of these so-called "departmental printing offices," and I do not think they do know as to the necessity of most of them. But it does seem to me, I may say to the gentleman, that this section does not affect the question in any way whatever, except that it gives to the Members of Congress hereafter an opportunity of knowing exactly the sum which can be spent in the different departmental printing offices, and to say whether this Department or that Department shall maintain a private printing office or a departmental printing office. Now, I agree with the gentleman myself that the Weather Bureau should have its printing office, and that the War Department or the Record and Pension division should have its printing office.

Mr. SLAYDEN. The Military Secretary's Office, because the Military Secretary succeeded to the duties of the Adjutant-General.

Mr. MANN. It is perfectly manifest, it seems to me, to any one who considers the subject. Some of those printing offices ought to be maintained, but ought to be maintained solely for certain work. The War Department departmental printing office ought not to be permitted to print those things which could just as well be printed next month as to-day. They ought to be confined to printing that class of work which is most convenient to print at the War Department building, instead of sending it to the Printing Office, such as orders, and things of that sort, and by this method we have some control over that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, I move to close debate in five minutes. The gentleman from Indiana [Mr. LANDIS] wants a couple of minutes, and the gentleman from Texas [Mr. SLAYDEN] a couple of minutes.

Mr. MANN. You can not close debate while the point of order is pending.

Mr. SLAYDEN. I am willing to close, so far as I am concerned, in five minutes.

The CHAIRMAN. Of course, this discussion is proceeding by unanimous consent.

Mr. SLAYDEN. If I understood the gentleman from Illinois [Mr. MANN], he stated that he himself would make a point of order against the next three sections.

Mr. MANN. Yes, sir.

Mr. SLAYDEN. You are going to do that?

Mr. MANN. If nobody else does.

Mr. SLAYDEN. Then it is your opinion that this section—No. 3—does not affect hurtfully the particular interest of the Government which I was trying to take care of?

Mr. MANN. That is my judgment, after some investigation and thought, and if I did not believe it I would make a point of order myself.

Mr. SLAYDEN. I will withdraw the point of order as to section 3.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

Mr. CHARLES B. LANDIS. Mr. Chairman, I would like to have two minutes. I would like to call the attention of the committee to an abuse that has arisen in the House, my attention having been called to it by the gentleman from Texas [Mr. SLAYDEN], and that is the abuse which has been fallen into by many Members of the House in the matter of ordering bound copies of what is known as the "reserve." The law provides that each Member may have printed and bound, in the binding which he may select—which is a most elegant and expensive binding—copies of all documents and reports. If left to himself, there is not one Member of this House who would order

to exceed ten volumes of this reserve, which will amount at this session to about 125 volumes.

Mr. SLAYDEN. Ten particular publications.

Mr. CHARLES B. LANDIS. Now, under the system that prevails, blanks are sent to the Members of the House or to their secretaries——

Mr. TAWNEY. Let me interrupt the gentleman. Is it not a fact that there is a gentleman outside of the Government Printing Office whose business it is to distribute these blanks and secure the orders of as many Congressmen as possible in the interest of continuing in the employ the people down in the Government Printing Office who would not otherwise be employed?

Mr. CHARLES B. LANDIS. I understand that is true.

Mr. MANN. I wish to say to the gentleman that I have never had anybody since I have been in Washington to present a blank to me. I have not gotten one without going out into the document room for it.

Mr. CHARLES B. LANDIS. I think the gentleman is an exception to the rule. I will say that within the last three or four days——

Mr. MANN. I have not only not had an order, but I have not signed one this session.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Illinois that there are other Members of the House, and I would say in this connection that within the last forty-eight hours there have been a dozen Members of this House to me to make inquiries relative to this abuse. I want to say further that within the last twelve hours a gentleman came to me and told me that last year, without any knowledge on his part, in so far as having ordered the binding of these volumes is concerned, there were dumped in on him at his committee room over 100 volumes most beautifully and elegantly bound. He gave them to the porters and janitors about the hotel. They selected what they chose; the rest of them were scattered and sent to the dump. These volumes cost on an average from two to four dollars, when it comes to their printing and binding.

Mr. LITTLEFIELD. Apiece?

Mr. CHARLES B. LANDIS. Two to four dollars apiece. Each Member of this House who signs that blanket order deliberately puts an obligation upon the Government of from $300 to $500 of money that is absolutely thrown away. I will say that within the last few days there have been certain pages of the House circulating among Members with these blanket orders, soliciting their signatures. Now, the committee has had a number of these abuses under consideration. There are many more of them that require attention. This is one of them. This is an abuse to which we are going to give attention when we have time. It has been a great work. The appropriation bill that is now passing shows that the appropriations carried by the bill are $1,080,000 lower than they were last year. That represents to a degree the work of the Commission appointed by this House and the Senate. We are going to ask that this work go on. If it does, we feel that we can show work that will be equally advantageous to the Government and economical at the same time. I want to warn this House against signing these blanket orders. If you gentlemen think you have not signed them, make inquiry at the proper place, and many of you will be astonished to learn that they have been signed for you.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. No money appropriated by this or any other act shall be used to maintain or operate any branch of the Government Printing Office or any other printing office or bindery in any Executive Department at Washington, D. C.

Mr. SMITH of Illinois. Mr. Chairman, I make the point of order against this section that it is a change of existing law and is new legislation.

The CHAIRMAN. Does the chairman of the committee desire to be heard?

Mr. TAWNEY. I do not; it is subject to the point of order. I intend to offer a substitute, which will affect all the branch printing offices. It will direct the Public Printer to make an investigation and inquiry and report to the next session of Congress. These three paragraphs are subject to the point of order.

The CHAIRMAN. Does the gentleman desire to offer a substitute now?

Mr. TAWNEY. Not until the paragraphs have been disposed of.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 5. All presses, type, printing material, binding tools and material, and other materials belonging to branch printing offices and branch binderies of the Government Printing Office shall, within thirty days after the approval of this act, be delivered to the Public Printer for use in the Government Printing Office, or, if the same can not be utilized therein, to be disposed of as other unserviceable material of said office is disposed of.

Mr. CHARLES B. LANDIS. I reserve the point of order upon that paragraph.

Mr. TAWNEY. Why not make it, and let it be disposed of?

Mr. CHARLES B. LANDIS. I make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana makes the point of order. Does the gentleman desire to say anything on it?

Mr. TAWNEY. No.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 6. Hereafter no money appropriated by this or any other act shall be used to establish or operate a branch or other printing office or bindery in any Executive Department at Washington, D. C.

Mr. CHARLES B. LANDIS. I make the point of order against that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TAWNEY. I offer the following as a new section.

The Clerk read as follows:

SEC. 3. The Public Printer is hereby authorized and directed to make a full and complete examination of the several branch printing offices in the Executive Departments and report to Congress at its next session whether or not their continuance is necessary and of advantage to the Government and whether in the event of their discontinuance the work now done at these several branch printing offices could be as expeditiously and economically performed in the Government Printing Office, and also report to Congress at its next session the probable annual cost to the Government of maintaining these several branch printing offices and the amount invested in the machinery and appliances now used therein, and what the saving, if any, would be in the case of abolition of the branch printing offices or any of them.

Mr. MANN. I reserve the point of order.

Mr. CHARLES B. LANDIS. I reserve the point of order.

Mr. TAWNEY. Mr. Chairman, every committee of this House that has ever given any attention to or investigated the subject of branch printing offices reached the same conclusion that the Committee on Appropriations has arrived at in the consideration of the bill now before the committee. Now, there has been, and there is to-day, a great deal of unnecessary work done in these branch offices merely for the purpose of keeping the men employed in them at work. It is a useless expense. Many Members, perhaps, do not fully understand the relation of the branch printing office to the Department in which the branch is located. It is no part of the Department. It is a part of the Government Printing Office. The work that it is doing can be done as efficiently and expeditiously in the Government Printing Office as it can be done in the branch printing office. These branch printing offices are maintained solely for the convenience of the Department, and not because of any real necessity for their existence. We have the largest and best-equipped printing office in the world, a printing office that can do all of the printing for the Departments and Congress, but notwithstanding this fact we are maintaining nine branch printing offices in the Executive Departments of the Government. The Public Printer since he has come into that office has made some investigation, and it was after that investigation and upon his recommendation that this provision was put into the bill.

Mr. CHARLES B. LANDIS. Does the gentleman mean to say that the Public Printer recommended this legislation?

Mr. TAWNEY. Yes.

Mr. CHARLES B. LANDIS. I fail to read it in his testimony before the committee.

Mr. TAWNEY. Well, the gentleman has not read his testimony, then, because he has recommended it, and the only exception he makes is the branch printing office in the Congressional Library. Now, the only purpose of this is to direct him, before the meeting of the next session of this Congress, to make a thorough investigation into the necessity of continuing any of them or all of them, reporting as to what branch printing office could be continued advantageously and what offices should be discontinued; in other words, to give Congress full and complete information on the subject. All of these branch printing offices are directly under his jurisdiction. The men are on his pay roll, the property is under his control, and I think it is entirely proper that we should call upon him for information concerning the administration and the work of these several branch printing offices, and whether or not, in his judgment, that work could not be done more advantageously in the Government Printing Office. I can see no objection to this investigation.

Mr. CHARLES B. LANDIS. I should like to ask the gentleman if he does not know that the Public Printer has authority now to abolish every one of these branch printing offices?

Mr. TAWNEY. Well, I question whether he has authority. He may have the technical authority in some instances——

Mr. CHARLES B. LANDIS. He has the authority to abolish every branch printing office, because he has jurisdiction over every one of them.

Mr. SLAYDEN. The law reads that way.

Mr. CHARLES B. LANDIS. He can take all persons now detailed to any of these branch printing offices and send them back to the Government Printing Office.

Mr. TAWNEY. The distinguished chairman of the Committee on Printing knows that even though he is absolutely convinced it ought to be done, and that he has the power to do it, it is impossible for the head of the Government Printing Office to do anything of that kind. It would be more difficult for him to do it than it would be even for Congress; and I doubt whether it will ever be done, no matter how flagrant the abuses may be. People in these branch printing offices will get Members of Congress to oppose it merely upon their request. I met a gentleman here at the door a few days ago, inquiring for a certain Member of this House. I said, "What do you want with him?" He said, "There is a provision carried in this bill now under consideration abolishing the branch printing office in which I am working, and I want him to raise a point of order against it." I said, "Why so? You will simply be transferred over to the Government Printing Office." He said, "Well, I know that, but if I go over there I will have more work to do than I have in the branch printing office, and that is the reason I don't want to go." Now, I did not know the man, and the man did not know me, but that illustrates the real objection to the breaking up of the branch printing office. The men could not loaf.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Minnesota that I am in hearty sympathy with the committee in its desire to legislate along the lines of economy——

Mr. TAWNEY. I realize that.

Mr. CHARLES B. LANDIS. And if I thought that in the long run this would result in economy and at the same time do justice on all hands, I would not offer an objection to the passage of this amendment. But I would say in this connection that after having gone into this question in a cursory way, not definitely or fully, but to a limited degree, I am satisfied that some of these branch printing offices possibly may be abolished. I am satisfied that all of them may be curtailed in the amount of work done in the offices. I am almost constrained to say, however, that I am satisfied there is certain work that, from the standpoint of Government interest and the standpoint of economy, should be done in the branch offices.

Mr. SLAYDEN. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from Minnesota, in whose time this discussion has been proceeding, has expired.

Mr. SLAYDEN. Mr. Chairman, I should like in my own time to ask the gentleman from Minnesota a question.

Mr. TAWNEY. Pardon me a moment. If the gentleman from Illinois is going to insist on his point of order, why of course this is clearly subject to a point of order.

The CHAIRMAN. The Chair is ready to rule.

Mr. TAWNEY. It is merely for the purpose of investigation and having a report to Congress.

Mr. SLAYDEN. There is no objection that I can see, except that I want to ask the chairman if he does not think that an investigation by a committee of Congress would bring more satisfactory information?

Mr. CHARLES B. LANDIS. I suggest to the gentleman from Minnesota that if this investigation is held, it should be held in such a way as to give a hearing to both sides.

Mr. TAWNEY. Certainly.

Mr. CHARLES B. LANDIS. Now, I doubt very much if under the provisions of this amendment the people in charge of this work—that is, the Treasury Department, the War Department, the Pension Bureau, and the State and Navy Departments—I doubt if they would be given as full a hearing and the result would in every way be as satisfactory as if the investigation were made in some other way.

Mr. SLAYDEN. Well, Mr. Chairman, this is all in my time, but I would like to have the privilege of interrogating the gentleman from Indiana. Does not the gentleman think this investigation would be more satisfactory if conducted by a special committee of the House or the Committee on Printing?

Mr. CHARLES B. LANDIS. I feel that the investigation would be more satisfactory and results more practicable would be arrived at if the investigation were made in the same way that it was made last year on the other reforms. I feel that it would be more satisfactory if it were made in such a way as would bring about the definite results that were brought about in the last investigation.

Mr. TAWNEY. If it is the purpose of the Committee on Printing to make an investigation, would the gentleman have any objection to my changing the form of my amendment so as to require the Committee on Printing to make this investigation in connection with the Public Printer? My idea was in putting this responsibility on the Public Printer, and my reason for doing it, was the fact that I know this commission of which the gentleman is a member will expire, and the Public Printer has jurisdiction of these branches and is more familiar with their work than anybody else.

Mr. CHARLES B. LANDIS. I will say to the gentleman that the members of this commission will go on with this work if authority is given.

Mr. TAWNEY. Has the gentleman any objection to my changing my amendment so as to include that?

Mr. CHARLES B. LANDIS. None whatever. I will say to the gentleman that I have an amendment here that I had intended to offer at the proper time, and if the gentleman will accept it as a substitute I will offer it now.

Mr. TAWNEY. Will the gentleman send it to the desk and have it read for information?

Mr. CHARLES B. LANDIS. Mr. Chairman, I send the following substitute to the desk.

The CHAIRMAN. Before the substitute can be offered the point of order must be disposed of.

Mr. TAWNEY. Let the substitute be read for information.

The CHAIRMAN. It will be read for information.

The Clerk read as follows:

Insert after line 4, page 169, as follows:

"SEC. 3. The authority vested in the Joint Commission to examine into the general subject of the public printing and binding of Congress and the various Executive Departments, authorized and appointed under the provisions of the act making appropriations to supply deficiencies, approved March 3, 1905, shall be continued in force during the term of the Fifty-ninth Congress, and the said commission is hereby directed to continue its investigations and report to Congress at its next session."

The CHAIRMAN. The only question before the House is the reservation of the point of order by the gentleman from Illinois. Does the gentleman make the point of order?

Mr. MANN. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 7. So much of the joint resolution authorizing the reprinting of certain documents to be sold by the superintendent of documents, approved March 28, 1904, as authorizes the Superintendent of Documents to order reprinted from time to time such public documents as may be required for sale, and the use of moneys received from the sale of public documents to reimburse the appropriation for printing and binding the cost of such reprinting, is hereby repealed.

Mr. CHARLES B. LANDIS. Mr. Chairman, I reserve the point of order on that paragraph.

Mr. TAWNEY. Mr. Chairman, I will only say a word in explanation of the recommendation of the committee.

Mr. MANN. I wish to make a point of order in the end, anyhow.

Mr. TAWNEY. The justification for the recommendation of the committee is that it appeared that the authority which the superintendent of documents now has is being grossly abused. He is exercising a privilege which no other governmental official possesses, the power of reprinting any edition of any public document he chooses, and he has done it.

Mr. MANN. What becomes of the volumes?

Mr. TAWNEY. He has the right to retain the proceeds of the sale of public documents in his possession for thirty days, and a scandal has grown out of that. As a result of that authority there has been an alleged defalcation, resulting in his dismissal, and this provision of law would make him deposit the proceeds every day with the Public Printer, instead of allowing him to keep them thirty days.

Mr. MANN. If the gentleman will pardon me, I understand the law is now for the superintendent of documents to reprint a document where it is for sale. I do not see anything here about twenty-four hours or thirty days.

Mr. PERKINS. That is in the next paragraph.

Mr. CHARLES B. LANDIS. While the law provides that the settlement shall be made at the end of every month, it is the practice now to make the settlement every week.

Mr. TAWNEY. That provision is a part of section 11.

Mr. MANN. Yes; but we are taking this up by paragraphs. I made the point of order on the paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Hereafter all moneys received by the superintendent of documents from the sale of documents shall be returned to the Public Printer at the close of business each day and be by him covered into the Treasury.

Mr. CHARLES B. LANDIS. Mr. Chairman, I make the point of order against that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, before proceeding, I did not intend to make the point of order on the proposed amendment of the gentleman from Indiana when it was offered, but it was read from the desk simply for information in lieu of the paragraph offered by the gentleman from Minnesota, upon which a point of order was made.

The CHAIRMAN. The Chair did not understand the gentleman. The gentleman offered it as an amendment to the paragraph; the paragraph having gone out on a point of order, there was nothing to amend.

Mr. MANN. I understand the position of the Chair, and I wish the gentleman from Indiana would offer it now.

Mr. TAWNEY. He can get it through as a joint resolution.

Mr. MANN. He can; but he can also have it put in here.

Mr. CHARLES B. LANDIS. I would like to inquire of the Chair if paragraph 7 has been disposed of?

The CHAIRMAN. Yes; both paragraphs of section 7 have been disposed of.

Mr. CHARLES B. LANDIS. I would offer now the amendment which was read for the information of the House.

The CHAIRMAN. The gentleman from Indiana offers an amendment in the nature of a new section.

Mr. TAWNEY. Mr. Chairman, I reserve the point of order to that.

Mr. CHARLES B. LANDIS. Mr. Chairman, I would say that if the gentleman from Minnesota is going to object to that amendment, I shall not offer it, because I am not seeking this additional work. I withdraw the amendment.

Mr. TAWNEY. Mr. Chairman, if the gentleman will so modify his amendment continuing the life of this Commission so as to expressly provide that this Commission shall investigate this subject of branch printing offices, as I endeavored to direct the Public Printer to do, I shall withdraw the point of order.

Mr. CHARLES B. LANDIS. Mr. Chairman, I will accept the suggestion of the gentleman.

The CHAIRMAN. Will the gentleman kindly embody it in his amendment, so that the Clerk can get at it?

Mr. CHARLES B. LANDIS. I will; and offer it as an amendment, as an additional paragraph.

The CHAIRMAN. The Chair would state to the gentleman that it better be offered now as a new paragraph, because it might not be germane later.

Mr. CHARLES B. LANDIS. I would ask that the paragraph be passed without prejudice.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana may be permitted to perfect his amendment, and that when perfected we may return to this place in the bill, and go on in the meantime.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return later to this portion of the bill for the purpose of the gentleman from Indiana offering an additional section. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 8. So much of chapter 187 of the laws of 1895 (28 Stat., p. 843, at page 848) relative to the employment of counsel to protect the interests of the Treasury Department in cases before the Board of General Appraisers is hereby amended so as to read as follows:

"The Attorney-General shall, at the request of the Secretary of the Treasury, appoint a solicitor of customs and such assistants as the Secretary may deem necessary, to protect the interests of the Treasury Department in all cases and matters before the Board of General Appraisers; and said solicitor and his assistants shall, whenever so directed by the Secretary of the Treasury, appear in the circuit courts and circuit courts of appeals of the United States in any cases appealed from said Board of General Appraisers and take such part in the management, conduct, and trial of such cases, in conjunction with the United States attorneys, as such solicitor or his assistants may deem advisable.

"The salary of said solicitor shall be $5,000 per annum, and of said assistants not to exceed $3,000 each per annum, to be fixed by the Attorney-General, and all of said salaries shall be paid out of the general appropriation for the expenses of collecting the revenue from customs."

Mr. PAYNE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out line 12 and following lines on page 169 and first five lines on page 170 and insert in lieu thereof the following:

"That the Attorney-General shall, at the request of the Secretary of the Treasury, appoint a solicitor of customs and such assistants, not to exceed three, as the Secretary may deem necessary to protect the interests of the United States in all cases and matters before the Board of General Appraisers; and the said solicitor and his assistants shall, whenever so directed by the Secretary of the Treasury, appear in courts of the United States in any cases appealed from said Board of General Appraisers and take such part in the management, conduct, and trial of such cases as the Attorney-General may deem advisable.

"That the salary of said solicitor shall be $5,000 per annum, and of said assistants not to exceed $3,000 per annum, to be fixed by the Attorney-General, and all of said salaries shall be paid out of the general appropriation for the expenses of collecting the revenue from customs.

"That said solicitor and assistants shall be appointed without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January 16, 1883, and amendments thereof."

Mr. PAYNE. Mr. Chairman, I wish to say that this amendment is simply a bill of the House passed unanimously within the last ten days. It is something that is recommended very urgently by the Treasury Department and also by the Board of General Appraisers of the city of New York.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I would like to ask the gentleman a question. Who has been performing these duties heretofore?

Mr. PAYNE. There has been heretofore an assistant appointed by the Attorney-General, who performed part of the duties. He appears before the General Appraisers in customs cases there. I think he is appointed by the Secretary on the nomination of the Attorney-General. He appears simply before the Board of Appraisers, and he can not go into the courts and can not represent the United States when cases are there on appeal. This allows him to go into the courts, and being familiar with the cases of course he can try them there, and he will have knowledge of them. They now come under the jurisdiction of the assistant district attorney, who knows nothing of the cases and of the facts that have been previously developed.

Mr. BUTLER of Pennsylvania. This amendment will permit him to pursue the remedy which he began?

Mr. PAYNE. Yes.

Mr. TAWNEY. Mr. Chairman, just a word. This provision, which is offered as a substitute for that carried in the bill, is almost identical with the bill which the Ways and Means Committee reported, and is inserted here at the request of the Secretary of the Treasury. The Committee on Ways and Means wanting to make some change, we are perfectly willing to accept their views.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 12. That all sums appropriated by this act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year 1907, and all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Mr. PARKER rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. PARKER. Mr. Chairman, I rise to move to strike out, in lines 7 and 8, section 12, the words:

And all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Mr. TAWNEY. Mr. Chairman, I will ask the gentleman from New Jersey to withhold his motion until I offer a new section at the end of the bill.

Mr. PARKER. That is perfectly agreeable.

The CHAIRMAN. The gentleman from New Jersey withholds his motion. The gentleman from Minnesota offers an amendment, which the clerk will report.

The Clerk read as follows:

On page 173, after line 8, insert:

"SEC. 13. No act of Congress hereafter passed shall be construed to make an appropriation out of the Treasury of the United States or to authorize the execution of a contract involving the payment of money in excess of appropriations made by law unless such act shall in specific terms declare an appropriation to be made or that a contract may be executed."

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. LITTLEFIELD. I would like to inquire of the gentle-

man why he has made it apply to legislation hereafter? Why not apply it to all legislation?

Mr. TAWNEY. Well, I do not suppose we could affect legislation heretofore enacted.

Mr. LITTLEFIELD. Certainly you can affect legislation heretofore enacted. You may not affect legislation hereafter enacted and——

Mr. TAWNEY. I have no objection at all to making it apply to all previous enacted laws.

Mr. LITTLEFIELD. Of course in legislation hereafter enacted the last expression governs.

Mr. TAWNEY. The purpose of this——

Mr. OVERSTREET. If the gentleman will permit me——

Mr. LITTLEFIELD. I think the proposition is right.

Mr. OVERSTREET. I was just going to suggest that I think the language in the bill is better than the language intimated by the gentleman from Maine. If the word "hereafter" were not included in this provision it would apply exclusively to one year to this particular bill. By expressing it "hereafter" it makes it permanent law.

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. MANN. I reserve the point of order. Mr. Chairman, I can not agree with the lawfulness of the proposition laid down by my friend from Indiana. I do not think "hereafter" has anything to do with the permanency of law enacted by Congress. It depends upon what it means. I would like to ask the gentleman from Minnesota whether it is intended by this proposition, by the word "hereafter," to confine this to legislation enacted hereafter?

Mr. TAWNEY. Yes; or——

Mr. MANN. Or to simply state hereafter as a matter of time. It seems to me that as the amendment reads, it provides that no contract can be entered into——

Mr. TAWNEY. Unless expressly authorized.

Mr. MANN. Unless expressly authorized, so that the word "hereafter" cuts no figure in the case whatever.

Mr. KEIFER. It prevents its affecting contracts that have already been made by him.

Mr. MANN. There are no contracts made heretofore.

Mr. KEIFER. I suppose there were under last year's appropriations.

Mr. MANN. This question arose on a point of order which I made the other day. Now, I have no objection, as far as I am concerned, to absolutely stating no contract shall be entered by an official of the Government unless it is authorized expressly or unless appropriation is made to cover it, but if that is done in this case, we must recur to the paragraph of the bill where the authority was stricken out. If the gentleman will ask unanimous consent to recur to that paragraph and insert that part that was stricken out on my point of order, I am perfectly willing then to let his go in with that understanding.

Mr. TAWNEY. I certainly will be willing to do that, because we want the Secretary of the Treasury to go on and make contracts.

Mr. MANN. I want that done first; somebody else may object to it. I think the section to which the gentleman offered an amendment preventing the Secretary of the Treasury from entering into a contract, which he now has authority to do——

Mr. TAWNEY. I will ask, Mr. Chairman, that the Clerk report the amendment.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. MANN. That is perfectly satisfactory, and I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order. The gentleman from New Jersey has moved an amendment, to strike out the last two lines.

Mr. PARKER. The gentleman from Indiana [Mr. CHARLES B. LANDIS] desires first to be heard, and I will yield to him.

Mr. TAWNEY. I would suggest to the gentleman from Indiana [Mr. CHARLES B. LANDIS] to withhold his request to return until after the gentleman from New Jersey has concluded.

Mr. CHARLES B. LANDIS. I understand the gentleman from New Jersey desires to make a speech.

Mr. PARKER. I desire to occupy about five minutes. Will the gentleman from Indiana now proceed?

Mr. TAWNEY. I would say, Mr. Chairman, that the Chair has not yet put the motion on the amendment which I offered.

The CHAIRMAN. That is quite true. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to.

Mr. CHARLES B. LANDIS. Mr. Chairman, I ask unanimous consent that we may return to section 7, as per agreement, and I offer the following amendment.

The CHAIRMAN. Unanimous consent has been granted. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after line 4, page 169, as follows:

"SEC. 3. The authority vested in the Joint Commission to examine into the general subject of the public printing and binding of Congress and the various Executive Departments, authorized and appointed under the provisions of the act making appropriations to supply deficiencies, approved March 3, 1905, shall be continued in force during the term of the Fifty-ninth Congress, and the said Commission is hereby directed to continue its investigations and report to Congress at its next session. And the said Commission is hereby directed to inquire into the necessity for the continuance of the various branch printing offices and printing offices maintained in the various Executive Departments, bureaus, or independent offices of the Government, and to report what economies, if any, would be effected in the abolition of these printing offices or branch printing offices and the execution of the work now performed therein in the Government Printing Office."

The CHAIRMAN. The question is on the amendment.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Indiana——

Mr. MAHON. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The gentleman from Pennsylvania reserves the point of order.

Mr. MANN. What does this Commission consist of?

Mr. CHARLES B. LANDIS. This Commission consists of three members of the Senate and three Members of the House.

Mr. MANN. When it works, is not there some expense connected somewhere with the work?

Mr. CHARLES B. LANDIS. There have been the actual expenses of the members of the Commission.

Mr. MANN. There is no provision here in this amendment for paying them. Is it covered by something else?

Mr. CHARLES B. LANDIS. There is in the original act passed last year.

Mr. MANN. Will this continuation of the Commission carry with it the authority to expend the money?

Mr. CHARLES B. LANDIS. It would.

Mr. MANN. Well, it is the gentleman's lookout. I doubt it.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. MAHON] insist on his point of order?

Mr. MAHON. No. I did not understand it. I have no objection.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Indiana [Mr. CHARLES B. LANDIS].

The question was taken; and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent to return to page 86, where I desire to offer an amendment, after line 23.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to page 86 and offer an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 86, after line 23, insert as a new paragraph the following:

"For reconstruction of bridge and viaduct between the city of Rock Island and Rock Island Arsenal, Ill., $125,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. I think, in view of the large amount asked for, there ought to be a statement made as to the necessity for the appropriation. It is due, I think, to the committee to know that the War Department has been advised within the last few days that the bridge at Rock Island is in such condition that it has become necessary for the Department to condemn it and close it against all heavy traffic, and this amendment is very essential, because it is a bridge that connects the Rock Island Arsenal and the Illinois shore, and it is a Government bridge. That is the reason for this request.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

The question was taken; and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I have one other amendment which I wish to offer.

The CHAIRMAN. The gentleman from Minnesota offers the following amendment, which the Clerk will report.

The Clerk read as follows:

On page 23, in line 2, after the word "office," insert: *"Provided*, That no other part of the sum appropriated in this paragraph for the Interstate Commerce Commission shall be expended for printing."

The CHAIRMAN. The gentleman must first obtain unanimous consent to return to that page and section.

Mr. TAWNEY. I ask unanimous consent. It is very necessary, in view of the allotment that has been made by the Printing Committee and accepted by the Committee on Appropriations. This amendment is absolutely necessary.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent to return to page 23 and offer an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk having reported the amendment, the question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

Mr. MANN. Mr. Chairman, I would like to have the amendment reported again.

The CHAIRMAN. Without objection, it will again be reported by the Clerk.

The Clerk reread the amendment.

Mr. MANN. I reserve the point of order.

Mr. TAWNEY. I can explain to the gentleman from Illinois. The Commission have heretofore had $15,000 for printing outside of Washington. Now, of the allotment that has been made for the purposes of the Interstate Commerce Commission, in that amount is included the amount which has heretofore been appropriated for separately. The Committee on Printing made this recommendation to the Committee on Appropriations, and we accepted it, for the reason that if this was not done, then they get $15,000 in addition to the allotment.

Mr. MANN. I have no desire to interfere with any reform of my distinguished friend from Minnesota; and I have no doubt very likely this is correct; but the law imposes on the Interstate Commerce Commission the duty of having certain printing done. If they do not do that printing, they fail to obey the law. Now, I do not know whether you have provided them with enough money in this appropriation. I want to be satisfied on that point. I want the printing done.

Mr. TAWNEY. I will say the allotment made to that Department is all they have asked for. Heretofore their printing has been paid—the printing here in the city—out of the general appropriation of that Department for that Bureau.

Mr. MANN. What is the use of the item in the bill at all, then?

Mr. TAWNEY. Why, we have now allotted to them out of the general appropriation for printing just the amount they say they will need, including the $15,000 heretofore expended outside of the District of Columbia.

Mr. MANN. Well, Mr. Chairman, though I regret I do not understand it, I will take the gentleman's statement that they give enough money for this. That is all I am looking out for.

Mr. TAWNEY. We give them all they asked, and if they have not enough it is their fault.

Mr. MANN. They ought to be satisfied with that; I have never found them fail to ask.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The Chair desires to inform the gentleman from Minnesota and the gentleman from Illinois that there is still an item pending with reference to an appropriation for paving around the post-office at Chicago.

Mr. BARTLETT. Mr. Chairman, there are various items pending upon the same proposition.

The CHAIRMAN. The gentleman from New Jersey has been recognized.

Mr. TAWNEY. Mr. Chairman——

Mr. PARKER. The "gentleman from New Jersey" is quite willing to yield the floor for the present.

Mr. BARTLETT. Mr. Chairman, I desire to call the attention of the chairman of the committee to the provision on page 16 which was passed over. There was considerable controversy between the gentleman from Illinois and the gentleman from Minnesota, the chairman of the committee, as to this item: "Toward the construction of a steam vessel especially fitted for and adapted to service at sea in bad weather, for the purpose of blowing up or otherwise destroying or towing into port wrecks, derelicts, and other floating dangers to navigation." The gentleman from Illinois made the point of order to line 19 to 22, inclusive, and the gentleman from Minnesota and the gentleman from Illinois were to arrive at some conclusion about the matter, and it was then passed over without prejudice.

Mr. TAWNEY. That is a fact; I recollect it now.

The CHAIRMAN. The Chair understands that went out on a point of order. The Chair is informed that it went out of the bill on a point of order.

Mr. BARTLETT. The RECORD shows that it was passed without prejudice. The gentleman from Illinois and the gentleman from Minnesota said they would agree to return to it. It was passed over so that they could see if they could agree about the matter. I think the gentleman from Illinois will agree with me about that statement.

The CHAIRMAN. The Chair recollects the proposition was made to pass it over without prejudice, but objection was made. The Chair feels sure he sustained the point of order to that section.

Mr. SMITH of Iowa. That certainly is a mistake as to the RECORD. That is not the record. The Chair had distinctly intimated the intention to sustain the point of order to that part of the section, but on a second suggestion it was passed over without prejudice.

The CHAIRMAN. That is directly contrary to the recollection of the Chair. The Chair very distinctly recollects it.

Mr. MANN. The Chair sustained the point of order.

Mr. KEIFER. It was reserved to go back. It was first sustained and then passed.

The CHAIRMAN. The gentleman from Iowa is confusing this with the paving around the post-office.

Mr. SMITH of Iowa. Not at all.

The CHAIRMAN. The Chair remembers very distinctly sustaining the point of order, and discussing it afterwards with the members of the Committee on Appropriations.

Mr. BARTLETT. The Chair sustained the point of order as to the paragraph printed in the bill, whereupon I offered an amendment changing the amount from $100,000 to $250,000, and at the suggestion of the gentleman from Minnesota it was passed over without prejudice. The chairman of the committee stated, and the gentleman from Illinois [Mr. MANN] agreed to the statement, that when he returned to it they would make an arrangement or come to some understanding subsequently about the matter.

Mr. TAWNEY. Mr. Chairman, I think the committee would save time by returning to this paragraph and discussing just what the status of it is.

Mr. MANN. If the Chair will pardon me, I think I can clear the mind of the Chair on this question. The point of order was made to the proviso, and the point of order was sustained by the Chair. Thereupon the gentleman from Georgia [Mr. BARTLETT] moved to increase the amount——

Mr. BARTLETT. That is it.

Mr. MANN. From one hundred to two hundred and fifty thousand dollars, and at the request of the gentleman from Minnesota the amendment was passed over, so that we might ascertain whether it was necessary to increase the amount in order that any contract might be entered into at all.

Mr. BARTLETT. I have just stated that to be the position.

Mr. MANN. I did not understand the statement of the gentleman.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent to return to the paragraph on page 16, for the purpose of perfecting it. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the paragraph and amendment.

Mr. TAWNEY. I understand, Mr. Chairman, that an amendment increasing the amount from $100,000 to $250,000 is pending.

Mr. BARTLETT. Yes; I offered it.

Mr. TAWNEY. I asked that that amendment go over until there could be some further investigation as to whether it was necessary to do that in order that a contract for the full limit of cost might be entered into.

Mr. MANN. Now, Mr. Chairman, if I may be permitted to engage the attention of the gentleman from Georgia——

Mr. BARTLETT. I will listen.

Mr. MANN. It is unnecessary to increase the amount of the appropriation. The $100,000 is all that can be expended in the ensuing fiscal year, and I have here a letter from the Comptroller of the Treasury, which letter I ask to insert in the RECORD, stating that under the act authorizing the construction of an ocean-going tug the Department can enter into a contract for the full amount of $250,000 whether there be any appropriation made this year or not.

The CHAIRMAN. The Clerk will read the letter.

Mr. MANN. I just ask to have it inserted in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to insert the opinion of the Comptroller of the Treasury in the RECORD. Is there objection?

There was no objection.

The letter is as follows:

TREASURY DEPARTMENT,
Washington, June 8, 1906.

Hon. JAMES R. MANN,
Representative in Congress.

SIR: You submit for my consideration public bill No. 159, as follows:

"An act to provide for the removal of derelicts and other floating dangers to navigation.

"*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized to have constructed, at a cost not to exceed $250,000, a steam vessel specially fitted for and adapted to service at sea in bad weather, for the purpose of blowing up or otherwise destroying or towing into port wrecks, derelicts, and other floating dangers to navigation, said vessel to be operated and maintained by the Revenue-Cutter Service under such regulations as the Secretary of the Treasury may prescribe.

"Approved May 12, 1906."

In response to your verbal request for my opinion as to whether the above-quoted bill carries with it authority for the Secretary of the Treasury to have constructed by contract or otherwise the vessel provided for therein, in the absence of a specific appropriation for the same, I have to say that I have no doubt whatever that under that act the Secretary has ample authority to enter into contract or otherwise to have the vessel constructed.

Respectfully, R. J. TRACEWELL, *Comptroller.*

Mr. TAWNEY. Now, I ask that the amendment be withdrawn.

Mr. BARTLETT. I offered the amendment, as I stated at the time, as a matter of precaution and safety, recognizing that this was a most important provision for the commerce on the Atlantic coast. The gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Illinois [Mr. MANN] differed so radically about the meaning of the section that when the point of order was sustained I offered the amendment. But now that the information has been obtained, and with the statement from the Comptroller of the Treasury, I withdraw the amendment.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent now to return to page 56, to offer a pro forma amendment.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to page 56 for the purpose of offering a pro forma amendment. Is there objection?

There was no objection.

The Clerk read as follows:

On page 56, in line 4, after the word "cook," insert "at $600."

The amendment was agreed to.

Mr. TAWNEY. Now, Mr. Chairman, we will return to the item of the Chicago paving.

Mr. MANN. Mr. Chairman, I offer as a substitute for the amendment which I proposed the other day the amendment which is at the Clerk's desk.

The CHAIRMAN. The Chair has the amendment, but the page where it is to be inserted is not stated.

Mr. OLMSTED. Where does it go in?

Mr. MANN. On page 3, at the end of line 4, as an amendment to that paragraph.

The Clerk read as follows:

Amend on page 3, after line 4, by inserting the following:
"For repair of paving laid by and for the United States adjacent to the said building, $15,000."

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order against this amendment that it is not authorized by existing law.

The CHAIRMAN. The Chair will state that, inasmuch as the gentleman from Illinois had a previous amendment pending, unanimous consent is necessary to withdraw that and offer this. Is there objection?

There was no objection.

Mr. SMITH of Iowa. I make the point of order that this is not authorized by existing law.

The CHAIRMAN. The gentleman from Iowa makes the point of order. Does the gentleman desire to be heard?

Mr. SMITH of Iowa. Mr. Chairman, the laws of Illinois provide that where land is platted a record of the plat shall operate to vest in the municipality in trust for the public the fee-simple title to the streets and other public places. Upon the assumption that the land in the vicinity of the Chicago post-office was platted by some one, the fee-simple title to the streets surrounding the post-office is in the city of Chicago in trust for public use. The act of the legislature of Illinois which has been called to the attention of the Chair vacates the streets and alleys crossing the Government grounds. One of these streets, as I understand it, was that street which extends from east to west opposite the center of this buildng and immediately north of the Great Northern and Majestic hotels. One of the alleys referred to, as I understand it, was the alley that runs in the rear of the Monadnock Block. The vacation in question had nothing whatever to do with the streets around the outside of the Government property in the city of Chicago. While it is true that an appropriation is in order to carry on an existing work, or to repair a work of the Government, it would scarcely be contended by the gentleman fom Illinois that if the Government should erect a building on a certain site and then convey the building and grounds, the fact that the Government had erected that building would make it in order on this bill to carry an appropriation for the repair of that building which had been constructed by the Government but to which the Government no longer had any title.

If then the Government of the United States, in the streets in the city of Chicago, the fee simple title to which was in the city of Chicago in trust for the public, put down any paving, the Government of the United States instantly ceased to have any title whatever to that paving. The instant that paving was attached to the real estate it became the property of the city of Chicago in trust for the people of Chicago, because it became a part of the real estate, and it is no more in order to move to add to this bill an appropriation for the repair or replacing of that pavement, which belongs to the city of Chicago, than it would be in order to put upon this bill an appropriation for the repair of a building or structure which had once belonged to the United States and which had subsequently been sold and conveyed by the United States.

The Government of the United States can not prevent the city of Chicago from taking up and carting away this pavement in the streets. Everywhere where the cost of paving has been assessed wholly against the adjacent property owners the city owns the pavement and can remove it at its pleasure, and he who adds to the real estate of another can not prevent the other from removing the improvement at his pleasure.

When the United States spent its money paving the streets, the title to which was vested in the city of Chicago in trust for the public, the pavement became the paving of the city of Chicago, and not the pavement of the Government of the United States.

Mr. Chairman, this is an important question, because substantially everywhere in the United States where public buildings exist pavements have been laid about those buildings. Scarcely anywhere have we a public building in a place that does not require paving in the streets about it. All the cities in the United States have been compelled for years to pay for this paving. It is indeed an important thing, if true as claimed, that because the people of the United States donated to Chicago the pavements around the public buildings when we refused to donate pavement to anybody else we have suddenly become liable for the continuance and maintenance of that pavement in a state of repair, and yet that is the effect of the contention of the gentleman from Illinois. I submit that the title to this pavement having passed from the Government of the United States it is no longer in order to move to appropriate money in this bill for the repair or replacing of that pavement, as it might be if the title had remained in the Government of the United States.

Mr. BARTLETT. Mr. Chairman, I have an amendment of my own pending on page 4, which was passed without prejudice. I think the gentleman from Iowa has misconstrued the law upon which it is sought to make the adjoining property owner liable for pay. It is not on the idea that the adjoining property owner has any right or title to the streets or any title to the pavement in the streets. The law for the pavement of the streets of the city where I live, Macon, by the authorities of the city requires that the pavement shall be paid for in this way: One-third of it shall be paid for by the city and the other two-thirds by the property owners, one-third on each side of the street. It so happens that the Government of the United States owns a lot and building of 200 feet or more on which it pays.

The property owners on the side opposite to the Government building have paid one-third of this paving. The amendment which I offered provides that the United States Government shall pay the third of the pavement like other property owners. This matter has been presented by myself to the Treasury Department. I have submitted it to the Supervising Architect of the Treasury. He declined to pay it as a matter of course, because he did not feel that he was authorized by law to pay

it and had no funds provided for paying such claims. I offered the amendment when this item in this bill was read, and it is now pending. The amount I desire to correct from $2,000 to $1,078.76. I did not at the time have before me the exact amount and merely placed the figure from memory, but have from the mayor of Macon the exact figures. I ask unanimous consent to amend my amendment by striking out the words "two thousand" and inserting in lieu thereof the words "one thousand and seventy-eight dollars and seventy-six cents," and that the amendment be considered as pending in that shape.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to modify his amendment as suggested. Is there objection?

There was no objection.

The CHAIRMAN. I would like to ask the gentleman from Georgia a question. Is the proposition of the gentleman from Georgia an original proposition, a proposition originally to pave, or is it to repair a pavement already constructed by the United States?

Mr. BARTLETT. To pay for one-third of the pavement in front of the property of the United States. In other words, to have the United States Government pay its proportion of the cost of the pavement in front of and adjacent to the property owned by the United States.

The CHAIRMAN. Has the United States already paved any part of it?

Mr. BARTLETT. Not a particle.

The CHAIRMAN. Then this is an original proposition?

Mr. BARTLETT. Yes.

The CHAIRMAN. Not a proposition to repave there?

Mr. BARTLETT. No, sir. This is an original proposition. The pavement does not need any repair, having been made some two or three years ago by the city in pursuance to the laws of the State of Georgia. The whole proposition is to ask that this amount of money, $1,078.76, be appropriated on this item to pay the proportion that the United States property owes for paving the streets adjacent to and in front of that property. There is nothing with reference to the repair of the pavement. The United States Government never has paid anything for the pavement. I know that to be the fact, because I have the papers and submitted them to the supervising architect of the Treasury, and I have a statement from the mayor of the city in my hand which gives the amount and the facts upon which this appropriation is asked.

Mr. MANN. Mr. Chairman, the amendment which I propose is an amendment to the paragraph providing that "the appropriation made in the urgent deficiency bill approved February 27, 1906, for improvements and changes of a general nature, is hereby made available also for the interior decoration of the building." That paragraph in the bill was itself subject to a point of order as new legislation, so that if the amendment which is proposed is germane to the paragraph, it is in order irrespective of the question as to whether it would be in order as a distinct proposition by itself.

The CHAIRMAN. Will the gentleman please restate that proposition?

Mr. MANN. The amendment which I propose is an amendment to the paragraph itself, subject to a point of order as new legislation, so that if the amendment which I propose is germane to the paragraph, it is in order whether as a new proposition it would be in order or not. That paragraph provides in reference to improvements and changes of a general nature. The appropriation for that work is also made available for the interior decoration of the building. The original appropriation was for improvements and changes of a general nature, and being before the House on this appropriation bill, it seems to me it would still be open to any amendment which was germane to that improvement.

Mr. SMITH of Iowa. Will the gentleman pardon me in order to clear up his position? This amendment to which the gentleman's amendment is offered simply provides that certain funds which are described by reference may be used for decorating this building. Why does the gentleman claim that an appropriation for decoration of the Chicago post-office is not in order on this bill?

Mr. MANN. Well, it is perfectly plain that this is legislation changing an appropriation. Probably an appropriation for the decoration would be subject to a point of order, but if it were not it is subject to a point of order to say that a previous appropriation shall be diverted from something else and applied to decorations. However, Mr. Chairman, I also contend that this proposed item is in order as an original item in the bill, if so offered.

The other day I called the attention of the Chair to the fact that this paving was laid by the United States under an appropriation made in 1880, expressly providing for the paving, and I shall insert in the RECORD, with the permission of the committee, a letter from the Supervising Architect giving the various appropriations for the Chicago post-office included within the original limit of cost and providing for an appropriation for paving. The appropriation for paving was carried by the general deficiency bill of June 16, 1880. Also, a letter from the Supervising Architect stating that under the act of June 16, 1880, providing for the pavement, there was paved by the Government with sandstone blocks one-half of the roadways on Clark, Dearborn, Adams, and Jackson streets, surrounding the building, and it is for the repair of that work done by the Government that this item is proposed. Now, Mr. Chairman, the gentleman from Iowa says that this is an item on the same footing as though the building had been sold by the Government. I deny it. In the first place, let it be understood that whatever title the Government has to the sidewalk space it has to the street space. Under the law of Illinois, if the Government has any title to the sidewalk it has the same title to the roadway. It has precisely the same title to one part of the street that it has to the other part of the street. The Government has improved the sidewalk space. It has laid a sidewalk there, and not only that, but it has machinery laid under the sidewalk, and one of the items, I call to the attention of the Chair, for which the urgent deficiency appropriation was made referred to in this paragraph was for machinery and improvements under and in the sidewalk space of the streets. The title was the same to that that it was to the balance of the streets. Now, Mr. Chairman, I do not believe that the gentleman from Iowa will contend that the Government can in no case make improvements even upon property which it does not own, but before discussing that for a moment I wish to say I have no doubt that the gentleman from Iowa is thoroughly familiar with the law of real estate as relating to streets in the State of Iowa, but his statement about the law of Illinois is erroneous.

Mr. SMITH of Iowa. I beg the gentleman's pardon, Mr. Chairman. I went and carefully examined the Revised Statutes of the State of Illinois, and found the provision I have cited here in the Revised Statutes of the State of Illinois.

Mr. MANN. That is very true, Mr. Chairman, but the gentleman did not go far enough and examine the decisions of the supreme court of Illinois, which decided that provision of the Revised Statutes had no application to this portion of the city of Chicago. I do not wonder the gentleman made a mistake, because there it is in the Revised Statutes of Illinois, purporting to cover everything, but in these days it is sometimes necessary, in order to understand the law, not only to examine the Revised Statutes, but the decisions of the courts, and occasionally the debates of the legislative bodies.

Mr. SMITH of Iowa. The courts, I believe, have decided that legislative bodies are not to be considered in the construction of a statute.

Mr. MANN. Only the other day I heard the Supreme Court of the United States deliver an opinion referring exhaustively to debates taking place in this House as a reason for the opinion——

Mr. SMITH of Iowa. And that ought to be, but I understand the rule to be otherwise.

Mr. MANN. Well, the gentleman's opinion and the opinion of the Supreme Court of the United States do not seem to go together in this case.

Mr. SMITH of Iowa. I think they do go together in this case. The gentleman and I differ as to what the opinion of the Supreme Court is on this subject. Now, I would like to ask the gentleman when this land was platted.

Mr. MANN. It was done probably before I was born.

Mr. SMITH of Iowa. That is not very definite.

Mr. MANN. Probably, then, it was before the gentleman from Iowa was born.

Mr. SMITH of Iowa. And even that is not very definite. Mr. Chairman, could the gentleman give me any idea when this land was platted?

Mr. MANN. It was platted, I will say to the gentleman, long before this provision was put in the Revised Statutes, and I do not know when this land was platted.

Mr. SMITH of Iowa. This statute was enacted in 1845.

Mr. MANN. The land was platted at this place before that

time. This is one of the oldest parts of the city of Chicago. Now, Mr. Chairman, on the other point, as to whether the Government of the United States can in any case make and repair improvements upon property which does not belong to it, I call your attention to this proposition: The light-houses of the country are often situate upon a piece of property owned by the Government which has no egress or ingress so far as lawful permission is concerned. In many cases there are no streets leading to the light-house. The same is true of life-saving stations. In many cases the Government does improve out of the funds for light-houses and life-saving stations—necessarily improve, economically improve—pathways or other ways for getting to those establishments upon property which it does not own. Now, will it be contended that as to those improvements—improvements which the Government makes with the consent of the owner of the property without the objection of anybody—it can not repair that improvement, and that if it can repair it Congress has no control over the question, but must leave it solely to the Executive to repair it out of the general funds? I do not think the gentleman from Iowa will contend that, because if he did, and that should become the policy of the Government, it would be more expensive than paving around Federal buildings, because it would require the Government to own the right of way to all of its life-saving stations and to its light-houses which are situate not on roads, but off on the seashore where there are no roads leading to them.

I think it clear that the Government has the right. The other day, Mr. Chairman, in this body, on the consideration of this identical bill, the gentleman from Ohio [Mr. KEIFER] either offered or supported an amendment for improvements in Cuba to mark places where our soldiers lost their lives. Located where? Upon property owned by the Government? Not at all; not even owned by American citizens. That appropriation went into the bill.

Mr. SMITH of Iowa. It went out of the bill.

Mr. MANN. The point of order against the appropriation was overruled, I will say. The Chair said that the item was in order, although it was an appropriation to continue a work in a foreign country upon land not owned by the Government at all. And while it is true that that point was not raised, it would be a reflection upon the Committee on Appropriations, which I will not make, if I should say that they thought it was good and did not make it. At that time they knew that it was not subject to a point of order on that ground, and although they urged every other ground which they could think of they did not urge that.

Mr. SMITH of Iowa. It may be possible, if the gentleman will permit me, that the Committee on Appropriations has more regard for places where soldiers fell in Cuba than it has for the ground around the Chicago post-office.

Mr. MANN. I can not say that that is proved, because, while they did not raise the point of order, they voted the amendment down. I have been taught to believe that gentlemen in charge of a bill who wish to defeat a proposition always raise a point of order on it if they can think of a point of order, and very often raise one when they can not think of a point of order. If they had not known that the amendment was in order, they would have raised the point. I contend, very briefly, Mr. Chairman, that this item would be in order as an independent proposition, although it is offered as an amendment to another proposition; and if it be not in order as an independent proposition, it is in order as germane to a proposition itself originally out of order relating to the same subject-matter.

I append herewith the following letters:

TREASURY DEPARTMENT,
Washington, January 20, 1906.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

SIR: Referring to our conversation of yesterday relative to the Chicago old custom-house and subtreasury building, and particularly to your reference to the fact that the Government paid for certain paving of the street surrounding said building, I have the honor to advise you that upon further investigation of the matter it appears from the records that the act of June 16, 1880, did provide for certain paving at the building named. For your information I give herewith a statement of the various acts for the site and construction of said building:

Act of December 21, 1871, limits cost of building to $4,000,000, and appropriates	$2,000,000.00
Act of March 3, 1873, appropriates	800,000.00
Act of June 23, 1874, appropriates	750,000.00
Act of March 3, 1875, appropriates	750,000.00
Act of March 3, 1877, appropriates	400,000.00
Act of April 30, 1878, appropriates	100,000.00
Act of June 20, 1878, appropriates	350,000.00
Act of March 3, 1879, appropriates for completion	$525,000.00
Act of June 16, 1880, appropriates for the completion of building and approaches, including steps, sidewalks, and paving	125,000.00
Total amount appropriated	5,800,000.00
Amount expended for site	1,259,385.65
Amount expended for building to September 20, 1880	4,427,538.84

Respectfully,

J. K. TAYLOR,
Supervising Architect.

TREASURY DEPARTMENT,
Washington, June 9, 1906.

Hon. JAMES R. MANN,
House of Representatives United States.

SIR: In connection with your recent visit to this office, I have the honor to advise you in relation to the paving of roadways on each side of the post-office, court-house, etc., building, Chicago, Ill.

Act approved June 16, 1880, on account of this building, appropriated $125,000 for completion of building and approaches, "including steps, grading, sidewalks, and paving," and as a charge against this appropriation a contract was entered into for the supply of sandstone blocks on half of the roadways on Clark, Dearborn, Adams, and Jackson streets. This work was completed and payment authorized in October, 1881.

An exhaustive search has been made of the records of this office, but has failed to disclose any action taken by the United States Government making expenditures on account of changes of blocks since that time. As bearing upon this matter, find copy of Department letter addressed to you on May 22, 1897, and also copy of Department letter dated October 14, 1902.

Respectfully,

J. K. TAYLOR,
Supervising Architect.

CITY OF CHICAGO,
BOARD OF LOCAL IMPROVEMENTS,
January 17, 1906.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR MANN: Your letter of January 12 to Commissioner of Public Works Patterson, in reference to the paving of the streets around the post-office, has by him been referred to this department. I beg to state that the records show the following condition in reference to the pavement around block 121, school section addition, etc., which is the legal description of the block upon which the post-office is situated. In 1879 Adams street was paved with wooden blocks, and block 121 (post-office) was assessed $945.70, and the assessment was paid by the United States Government. In 1887 the north half of Adams street in front of the post-office block was paved with granite blocks. The cost of this half of the street paving was assessed upon the property owners and no part upon the Government. In 1881 the east half of Dearborn street was paved with granite block. The cost of the same was assessed upon the property owners and no part upon the Government. In 1884 the west half of Clark street was paved with granite block, and no part of the improvement assessed against the post-office lot, and in 1887 Jackson street, now Jackson boulevard, was paved upon the south half of the street, and no assessment was made against the Government property.

You will observe that in all of these instances, except in the first case, where Adams street was paved with wooden block in 1879, the half of the street immediately abutting upon the Government property was eliminated from the assessment proceedings. While there is no record in the department to this effect, I am informed by people who have been connected with the department for the last twenty-five or thirty years that the Government itself paved its half of all of these streets and paid for the same. This is borne out also by the fact that Adams street, Clark street, and Dearborn street are now paved in front of the post-office with granite block, and they were not paved by the city under special assessment proceedings. The conclusion will naturally follow that the Government paved these streets by private contract. I am not conversant with the improvement of Jackson boulevard with asphalt, except that I do recollect the half block in front of the post-office property was not improved at the time that the balance of the street was paved, but whether or not it was later improved by the Government or by the park boards I do not know. In my opinion it would not be possible to or practicable to assess the other property surrounding the post-office building for the entire improvement of these streets, and I am very much in doubt as to the position the city would take in reference to paying for the same. This would be a matter entirely within the control of the finance committee, and it might be advisable that you take that part of the matter up with Alderman Bennett, the chairman of that committee.

If this does not contain all the information desired, kindly let me know and I will be glad to furnish it to you.

Yours, very truly,

JOHN A. MAY, *Secretary.*

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 22, 1897.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

SIR: Replying to your letter of the 15th instant relative to paving the north half of Jackson street between Dearborn and Clark streets

lying immediately south of the site of the post-office building, in Chicago, Ill., and suggesting that said expenditure might be paid out of the appropriation for "Court-house and post-office, Chicago, Ill.," I have to advise you that the appropriation for said building is not available for expenditures other than for the construction of the public building named upon Government property, and that unless Congress makes specific appropriation for the proposed improvement this Department is powerless to give consideration to a bill therefor.

The letter addressed you by the Department on this subject on the 6th instant is herewith returned.

Respectfully, yours, L. J. GAGE, *Secretary.*

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, October 14, 1902.

MY DEAR MR. MANN: I thank you for your letter of October 3, which has just reached my hands on my return to the city after an absence of several days. I have investigated the suggestion you make regarding an appropriation for paving that portion of the streets surrounding the Government building. I found that the Government has never done any paving whatever, and that the law does not authorize the expenditure of money for that purpose; otherwise I should be glad to take the matter up at once and have it pushed with all possible vigor.

As to the sidewalks, work is being done on those now as rapidly as possible, and as soon as they are ready for use they will be thrown open to the public. I understand that within two weeks the sidewalks on the Jackson boulevard and Dearborn street sides will be completed, and they will be immediately thrown open for traffic. All of the sidewalks should be completed not later than December 1. As soon as they are completed a low fence will be placed back near the building line of the building, and that will be replaced in time by the railing which is to be a permanent protection to the public from the area ways and light shafts.

I thank you for writing me, and shall be glad to cooperate with you to the best of my ability to secure prompt and efficient work on the whole structure. The new bids for the interior construction, I am informed, will be opened within a short time.

I inclose herewith some correspondence which was made public by the Department yesterday.

Very truly, yours,

L. M. SHAW, *Secretary.*

Hon. JAMES R. MANN,
906 Ashland Block, Chicago, Ill.

The CHAIRMAN. The amendment proposed by the gentleman from Illinois [Mr. MANN] reads as follows:

For repair of paving laid by and for the United States adjacent to the said building, $15,000.

This amendment is different in character and rests upon a different basis from the amendment proposed by the gentleman from Georgia [Mr. BARTLETT] and other amendments of like character, because the amendment proposed by the gentleman from Georgia and others of like character that are pending are original propositions for paving around a public building, whereas the one submitted by the gentleman from Illinois [Mr. MANN] is for the repair of a pavement previously laid by the Government. The Chair is clearly of the opinion that a proposition to pave originally is legislation, and manifestly subject to the point of order. The only question, therefore, is as to whether a proposition to repair a pavement already laid by the Government of the United States is legislation, or whether or not it is authorized by any existing law. If this proposition be in order, it rests upon one or two facts, if they be facts: First, that the Government of the United States owns the fee where this paving is sought to be done, or, secondly, that it is a "work in progress" within the meaning of our rule. When the proposition was first advanced by the gentleman from Illinois [Mr. MANN] the Chair was inclined to hold that it was in order because the Government of the United States owned the fee, that impression having been given the Chair by the reading of the cession made to this land by the State legislature of Illinois, which the gentleman at that time produced. A careful reading, however, convinces the Chair that it has no reference whatever to the street on which the paving was originally made, that is sought to be repaired, and presume that that contention is not made at this time by the gentleman from Illinois.

Mr. MANN. The Chair will pardon me. I will say that contention was never made by me, but has been made by Government officials at Chicago.

The CHAIRMAN. Which seems to be unfortunate for the Government under this language, as the Chair will read:

That in case there shall be any street or alley running through any lot or tract of land so purchased or acquired by the said United States for any of the purposes described in the said act therein set forth, all that portion of said street—

What street? Running through the block on which the building is erected—

or alley, then such block or tract of land shall, upon the purchase of the same by the United States or the transfer of the same to the United States, by condemnation or otherwise, for any of the purposes aforesaid, be, and the same is hereby, vacated and closed, and the lots or tracts of land abutting upon such street or alley—

"Such" referring back to the street or alley running through this block on which the building has been erected—

shall extend to the central line.

And so forth.

Manifestly, in the opinion of the Chair, having reference only to alleys and streets running through this block, then possessed by the Government on a part of which the public building was erected, and having no reference to the streets or alleys then originally paved and now sought to be repaired.

Mr. MANN. I think the Chair never caught the point that I made on that question.

The CHAIRMAN. The Chair is quite willing to hear the gentleman.

Mr. MANN. That provision of the statute only referred to Old Quincy street and the alley. The statute contemplates the vacation of that street, and the Government assumed by the vacation of the street that the Government became the owner of the vacated Quincy street and the alley; and the Government obtained the title to those streets except as to the mere matter of right of possession by vacation; they had already obtained all the balance of the streets surrounding as going with the land.

The CHAIRMAN. The Chair understands from this language that these streets on which this paving was done, now sought to be repaired, were not vacated in fact. These streets are in use now.

Mr. MANN. They were not vacated. The point is, that the Government and the legislature both recognized the fact that the title to the streets was in the owner of the property, subject to the street easement, and that the street easement was vacated, and the Government thereupon built the building through it and obtained the same title originally in the part of the street not vacated as it did to the part vacated.

The CHAIRMAN. The Chair undersands the proposition. The legal fiction is that the adjointing landowner owns to the middle of the street, owns subject to an easement. That is a legal fiction resorted to to prevent the fee from being in nubibus, or in the clouds, it being necessary in legal contemplation for it to vest somewhere or in somebody, and is only a legal fiction. The Chair is clearly of the opinion that the Government does not own the fee for the purpose of this legislation to the center of the street.

Now, the only other proposition is that this is a "work in progress." The Chair is of the opinion that when the Government of the United States laid the paving in question, now sought to be repaired, that it did not do it because of any legal obligation resting upon it to do the paving, but that it was a mere gift to the city of Chicago, which had absolute control of the streets and alleys of that city; that it was a mere gratuity on the part of the Government to the city, and that the Government of the United States does not now have such an interest in that paving that it might prevent the city of Chicago from doing with it as it pleases. In other words, if the city of Chicago desired to take up that pavement, which was laid there by the United States, the United States Government has no such interest in that paving that it could enjoin the city of Chicago from taking it up, casting it aside, or doing with it as it pleased. Essentially the streets and alleys of the city are exclusively within the control of the municipality of the city of Chicago, and not in the United States Government.

Now, the gentleman has made another point, which was, that this proposed amendment which he has offered, even if it be subject to a point of order, is sought to be appended as an amendment to a clause which is itself subject to a point of order, and therefore takes his amendment from under the operation of the general rule.

The Chair desires to call the attention of the gentleman from Illinois to the fact that it has been frequently held that, while a paragraph changing existing law may be allowed by general consent to remain and, thus remaining, may be amended by any germane amendment; yet that this does not permit an amendment which adds general legislation. So that if his amendment be legislation, it is still subject to the point of order.

For these reasons the Chair is inclined to the opinion that this is not authorized by law, and is therefore subject to the point of order; and the Chair sustains the point of order.

Mr. BARTLETT. I have an amendment on page 4 that I want to dispose of.

The CHAIRMAN. The Chair will sustain the point of order on the ground that that is a new proposition.

Mr. BARTLETT. Will the gentleman permit me to make another suggestion?

The CHAIRMAN. Certainly.

Mr. BARTLETT. I want the Chair and the gentleman from Minnesota [Mr. TAWNEY] to understand that this amendment is offered to that part of the bill which deals with the public building at Macon, Ga., so that it is germane to this section if it is in order.

I desire to add to what I have stated to the Chair, that the act of March, 1902, which authorizes the reconstruction and the additional work to be done on the Government building at Macon, Ga., contains these words:

For enlarging, improving, and extending the United States Government building at Macon, Ga.

And it also authorizes the purchase of additional land; and that reconstruction, remodeling, or to use the language of the act, "enlarging, improving, and extending" of the building is now in progress, for which $100,000 is appropriated by the section. So that we have a work in progress of remodeling, extending, and improving the public building at Macon, which is now in progress, the limit being fixed at $306,000, and we appropriate here $100,000 toward the completion of the project.

Now, this amendment proposes to pay $1,078.76 to the city of Macon, that has improved the property of the Government by paving the street, as I have heretofore stated.

That is all I desire to call the attention of the Chair to, and with that I am through.

The CHAIRMAN. The Chair is of the opinion that the amendment proposed by the gentleman from Georgia is not authorized by existing law, and therefore sustains the point of order.

Mr. KEIFER. Mr. Chairman, I ask unanimous consent to go back to page 86 of the bill, and offer the following as a new paragraph under the head of "War Department."

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to offer the following as a new paragraph.

The Clerk read as follows:

After line 4, page 86, insert:

"For the purpose of contributing to the expense of the national encampment of Spanish war veterans, to be held in the city of Washington, D. C., in October, 1906, the sum of $5,000, the same to be paid out on the order of the Secretary of the Treasury in payment of bills incurred to the expense of such national encampment, such sum to be immediately available."

Mr. PAYNE. Does the gentleman ask unanimous consent?

Mr. KEIFER. I ask unanimous consent to go back to offer this amendment. It is subject to the point of order, but in view of the worthy purpose I hope no gentleman will make the point.

Mr. PAYNE. It is not only subject to the point of order, but requires unanimous consent to go back. I do not think we ought to put any such language in an appropriation bill.

Mr. KEIFER. Will the gentleman allow me for a moment?

Mr. PAYNE. If I remember correctly, there is one precedent of an appropriation for the Grand Army of the Republic, when the encampment was held here, but that was done by a joint resolution. It seems to me if this is to be done at all, it should be done in the same way, and not to put it in an appropriation bill and make a new precedent.

Mr. KEIFER. It has been done both ways.

Mr. Chairman, just a word on the subject, by unanimous consent. The Grand Army of the Republic, at its first national encampment, had an appropriation in all of about $90,000. It was not directly appropriated for expenses, all of it, but some of it was, and some of it was by way of fitting up parks and stands and work of that kind. The last Grand Army national encampment had in the same way an appropriation, as I am informed, of about $25,000. About $11,000 of it was in the way of fitting up grounds for the meeting places of the encampment, and so on.

Now, those are the precedents. The Spanish war veterans set about raising, in the city of Washington, the necessary money by private subscription, and they were just entering upon that at the time the earthquake came in California. Then the field was taken by those who solicited subscriptions for the purpose of relieving people in the city of San Francisco. People gave liberally to that, and after that the committees say that the people declined to give, because they had already given privately for the other purpose. Therefore this comparatively small appropriation is asked of Congress, and, following the precedent, I ask unanimous consent that it may be put in the appropriation bill here.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to return to page 86 to offer the amendment which has been read.

Mr. PAYNE. Before that request is put to the committee, I ask unanimous consent to proceed for a minute.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for a minute. Is there objection?

There was no objection.

Mr. PAYNE. I do not know that I would object to it if it came up in the form of a resolution appropriating this money. There are several considerations that might lead me to yield to it; but I do not think we ought to put it in an appropriation bill. My recollection is that when a similar provision came up before for the Grand Army of the Republic it came up in the shape of a joint resolution. Therefore I must object to its coming in here in this way.

The CHAIRMAN. The Chair desires to state that there were several paving amendments that were pending, and the Chair desires to say that his ruling on the proposition of the gentleman from Illinois and the gentleman from Georgia extends to the other proposed amendments.

Mr. TAWNEY. I had reserved points of order upon all of them.

Mr. NORRIS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. NORRIS. I wanted to refer to a paving amendment which I obtained permission to offer the other day. Inasmuch as the ruling of the Chair has practically decided the question, and I think the ruling was right, I have no desire to offer my amendment.

The CHAIRMAN. The gentleman withdraws his amendment.

Mr. TAWNEY. Mr. Chairman, I read the other day a part of a letter written by Mr. Holmes, and stated that I would print the letter as a part of my remarks. When I received the transcript of my remarks the letter was not with it having been mislaid. It was subsequently found, and I now ask unanimous consent that it may be printed in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to print the letter referred to in the RECORD. Is there objection?

There was no objection.

Mr. TAWNEY. The following is the letter referred to as it was originally written and presented by me to Mr. Holmes and sent to him with his manuscript:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., March 12, 1906.

DEAR SIR: The United States Senate recently passed a resolution asking the Secretary of the Interior for an expression of opinion concerning the continuance of the investigations of fuels and structural materials by the United States Geological Survey.

I am sending you herewith a copy of his report in response to this resolution, in which he recommends the continuance of these investigations, giving reasons therefor, and asks Congress to make an appropriation of $350,000 for this work during the next fiscal year.

The final report on the fuel investigations during 1904 is now ready for distribution (Professional Paper No. 48), and you can obtain free of charge a copy of this report by applying for it at once to some Member of Congress or the Director of the Geological Survey. If in writing for this report you feel sufficiently interested in this work to express an opinion as to its continuance, I am sure that any such expression of opinion on your part will be considered appropriate.

The report on the investigation of structural materials during the past year, and also the preliminary report on the fuel investigations during 1905, will also be published at some time in the near future, and copies of these reports should be applied for through the same channel.

I may add that these fuel and structural-material investigations will hereafter be conducted under an advisory board made up of representatives from the national engineering and allied societies, and on this board the mining engineers will have five representatives, Mr. John Hays Hammond, of New York; Mr. Robert W. Hunt, of Chicago; Mr. B. F. Bush, of St. Louis; Mr. Julian Kennedy, of Pittsburg, and Mr. C. S. Robinson, of Denver.

Very respectfully, J. A. HOLMES.

The following is the letter as photolithographed with marginal note as it appeared when it was returned, with direction on the margin to omit the sentence underscored:

DEPARTMENT OF THE INTERIOR
UNITED STATES GEOLOGICAL SURVEY
WASHINGTON, D. C., March 12, 1906.

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Very respectfully,

Jas Holmes
3/22

Mr. PARKER. Mr. Chairman, I move to strike out the last two lines, repealing all laws inconsistent with this bill. At the conclusion of what I have to say I shall ask the committee for unanimous consent to extend my remarks on the subject of the amendment which was adopted the other day, during my temporary absence, with respect to the Soldiers' Homes, prohibiting any part of the appropriation to be used in any Home which maintains a bar or canteen for the sale of intoxicating liquors.

I did not know that such an amendment was to have been offered or I should have been here at any cost, and I wish to say a word or two now.

Mr. Chairman, the amendment affords no opportunity for a fair vote in the House on the report from this committee.

Mr. TAWNEY. Right there I want to state to the gentleman that since the adoption of the amendment I am advised by the general treasurer of the board that it will be necessary for Congress to appropriate $200,000 for the maintenance of Homes more than otherwise would have been necessary.

Mr. KEIFER. I would like to know for what purpose that is to be done.

Mr. PARKER. I hope gentlemen will not take up my time. Mr. Chairman, that amendment allows no fair vote in the House. Neither the Homes nor the Government want to maintain bars or canteens. "Canteen" and "bar" are not the right words. The soldiers in the Army and the old soldiers in the Homes have been maintaining solders' clubs, as they had a right to do, where they could have refreshment, a glass of light beer or light wine, in such moderation as shall not be intoxicating, as each man may in his own home, what every man in this House claims the privilege of doing. Under this amendment these soldiers' clubs, where the proceeds of the sales go for the common benefit into books, newspapers, and athletics, are to be taken away from the soldiers, and they are to be treated as mere children.

Mr. LITTLEFIELD. Mr. Chairman——

Mr. PARKER. If the gentleman will excuse me, I have but little time.

Mr. LITTLEFIELD. Fire away.

Mr. PARKER. I am going to fire away. Now, Mr. Chairman, this amendment was offered by the gentleman from Kansas. There is a Soldiers' Home in Leavenworth, Kans.; there is a prohibition against the sale of any sort of intoxicating liquors in the constitution of Kansas, and the Soldiers' Home is right by a town that is wide open with the sale of all sorts of intoxicating liquors. Old soldiers who insist on their right to a drink are to be forced and driven from their club into these unlicensed and unregulated saloons.

Mr. LITTLEFIELD. I do not see the gentleman from Kansas [Mr. BOWERSOCK] here——

Mr. PARKER. The gentlemen from Kansas know what I am talking about. They know it is true. Now, I do not believe in treating old soldiers as mere children, as babies; but I do not believe in going to a vote on a question that is not the question before the House. The question is not one of selling liquor in a bar or canteen. It is that of the right of the soldiers' club to drink light beer and light wines in moderation in their own room. The clause should have been amended so as to apply to these soldiers' clubs, but it can not be done now. We can not have a debate or amendment of the provision on the floor of the House that is passed. We could only have a vote on the question whether Soldiers' Homes should maintain a bar for general sale of liquor. They do not want this. I do not want it. But, on behalf of the old soldiers, I desired then and I desire now to object to this tyranny over them. I always have been, and always expect to be, unflinchingly opposed to taking away from them the right to practice temperance in their own home, and prohibition is not temperance. Mr. Chairman, I withdraw my pro forma amendment, and I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PARKER. The post exchange in the Army was a soldiers' club, in which, like any other man, our boy in blue could obtain a drink of beer in moderation and decency. That post exchange was not created by general order. It grew out of necessities. An officer in the far West some sixteen years ago wanted to promote temperance among his men and to keep them away from the low haunts that surround a military post. He arranged that his men should club together, allowing the use of light wine and beer, and furnishing a room in which they could meet together, with a refreshment counter, newspapers, and a gymnasium, to enjoy some of the freedom that belongs to a man in private life, where those who know one another form their own club, so that they may be with friends, and drink, if at all, in decency and moderation. The institution grew. It proved its usefulness. It destroyed the prevalence of the pay-day spree. It reduced disease. It reduced drunkenness. It reduced desertion; for the most common case of desertion is when a man is tempted into some vile haunt, doped, and finds himself absent without leave when he comes to his senses, but is unwilling to go back and receive punishment and disgrace. It commended itself to every officer who had seen it.

It was unfortunate that the post exchange got the name of "canteen," a name which is associated in the minds of the older officers and of the public with an entirely different institution, namely, the sutler's canteen, where strong drink could be bought at will. There is a great deal in a name, and it is quite possible that the name alone was the cause of the prejudice which was raised throughout the Union against the soldiers' club; but the mischief was done when Congress invaded the Army, as it is now proposed to invade the government of the Soldiers' Home, taking away their right to govern themselves and attempting government by statute.

But this proposition goes away beyond any that has come before. One could understand the feeling of anxious mothers as to young men in the Army. It is hard to understand how they could wish to take away the comfort of an occasional drink of beer from the old soldiers of more than 60 years of age. Only enthusiasts could twist the facts as they have done. We are told to compare the statistics of drunkenness at Marion, Ind., in 1903, without beer in the Home, and in 1905, when they say beer was there. The fact is that the beer hall was not opened in Marion until January, 1906, so as to give only a few months' statistics, but statistics which show a large decrease in drunkenness after pension day since the beer hall was opened. Attempt is made to compare the record of the National Homes with the Soldiers' Home in Washington, the latter being confined to men of long service and good record, a large proportion being there because of service in the Regular Army during a period of twenty years of peace.

I add an appendix as to some of the statements made the other day in debate.

APPENDIX.

Memorandum relative to beer in the National Home for Disabled Volunteer Soldiers.

If the amendment to the sundry civil bill that provides that no part of the appropriation for the National home shall be available for Homes where any form of alcoholic beverage is sold should become a law, it would result in depriving members of the Home of much more than the privilege of obtaining light beer. The beer halls were originally established in the Homes as a temperance measure, and have in every Branch helped in the difficult task of maintaining sobriety and good order. They have done much more than this. They have become a feature of the Home, essential to the best interests of all members, irrespective of whether they individually use the beer sold in them or not.

Long experience has shown that a wide variety of amusements and comforts is essential to the happiness of the aged members of Homes. A disinclination to make new acquaintances is a characteristic of old age, and aged people when separated from their families and the friends of a lifetime, as the members of the Home necessarily must be, are peculiarly subject to that most distressing form of lonesomeness—lonesomeness in a crowd.

AVERAGE AGE OF MEMBERS 66 YEARS.

The whole influence of the beer halls in the Home is to counteract this tendency. They provide a meeting place, furnished with chairs, and tables, where new acquaintances can be easily made, and where, under the influence of cheerful social intercourse, the vague mental and physical aches of old age and possibly the depressing recollection of past failures can be, at least temporarily, forgotten.

The extent to which members would be deprived of advantages to which they have become accustomed, by the passage of this amendment, is shown by the fact that there was expended for their amusement and benefit during the fiscal year ending June 30, 1905, the sum of $199,835.46 from the post fund. Of this amount $131,691.45 was derived from the profits of the beer halls. This expenditure was for the maintenance of bands, theaters, clubhouses, billiard halls, card room, out-door games, deer parks, aviaries, the construction of shelters, and resting places about the grounds, monuments for the cemetery, vocal music for Sunday services in chapel and hospitals, and the purchase of newspapers and periodicals.

All of this is necessary, because at best life in an institution where human beings are crowded together is so unnatural and different from family life that special provisions for entertainment are essential to even a moderate degree of contentment. Life in barracks for aged idle people, unless relieved by attractive surroundings and some form of amusement or diversion, is so depressing that it tends to the development of melancholia, dementia, and suicide. It is therefore important that if this amendment becomes a law the appropriation for the National Home should be largely increased. There is not now time to prepare full estimates for this, although an estimate has been made of the increase necessary to permit of continuing the bands, which, however, are but one feature of the amusements now enjoyed. If so radical a change as the adoption of this amendment is insisted upon, at least one year's time should be allowed before it becomes operative to permit of adjusting the practices at the Homes to the change.

On page 8604 of the CONGRESSIONAL RECORD for June 12, 1906, Mr. TIRRELL is quoted as follows:

"Now, I want to give an illustration, which is right in point in regard to this matter. There is a Soldiers' Home out in one of the

Western States, at Marion—I think—Indiana, where until the last two years no canteen was maintained. A canteen was put into that Home two years ago, and the statistics show that crime and disorder have increased in that Home 25 per cent since the canteen was established there."

On page 8608 Mr. LITTLEFIELD is reported as stating:

"Now, I would like to call attention to the Marion Branch, Marion, Ind., for two years with a canteen and a year without a canteen. I will take 1903 * * * the total cases of discipline were 543; * * * in 1905, with the canteen, * * * the total cases of discipline were 737—that is, an increase of 33⅓ per cent."

These statements are entirely incorrect, because the beer hall was not opened at the Marion Branch until January 9, 1906. The figures used by Mr. LITTLEFIELD are taken from the report of the Marion Branch for the fiscal year 1905, which ended on the 30th of June, more than six months prior to the opening of the beer hall.

The governor of the Marion Branch reports that difference in cases of discipline referred to by Mr. LITTLEFIELD is due to local causes resulting chiefly from a State law and the attitude of the authorities of the city of Marion relative to it. So far as figures are available at the Marion Branch relative to the effect of the beer hall since it was opened, January 9, 1906, they indicate that its influence has been good. The total arrests for the ten days following the last quarterly payment of pensions prior to the opening of the beer hall was 64. The total arrests for the ten days following the quarterly payment of pensions next succeeding the opening of the beer hall was 42, a decrease of 34.3 per cent in arrests, which may be fairly attributed to the influence of the canteen at that Branch.

Mr. LITTLEFIELD compares reports of discipline of the Central Branch, at Dayton, Ohio; the Northwestern Branch, at Milwaukee, Wis., and the Eastern Branch, at Togus, Me., with those of the Soldiers' Home at Washington, and states that the men in the latter are older than the members of the National Home. The official reports for the year ending June 30, 1905, show the average age of inmates of the Soldiers' Home at Washington to be 59.01 years. The average age of members of the National Home for the same year was 65.12.

A comparison between conditions in the National Home and the Soldiers' Home at Washington is not fair, because of the great difference in the class of men admitted to the two institutions. At the Washington Home only men of good record, and, as a rule, of long service, are admitted, while in the National Home there is practically no restriction upon the admission of men who served during the civil war. The average length of service of inmates of the Washington Home is fourteen and four-tenths years. The average length of service of the members of the National Home is less than two years. The habits of sobriety, subordination, and good conduct acquired by members of the Regular Army during their long service would necessarily have its influence in connection with the discipline of the Home at Washington.

The majority of the members of the National Home are there because of disabilities and habits contracted in early life while living under the conditions resulting from active service in the field during a great war. The influence of war and its effect upon men engaged in it is too well known to need further comment in this connection. A very large proportion of the men in the Soldiers' Home in Washington are there because of twenty years' service in the Regular Army, during a period when there was no war. They are, therefore, as a whole, of a totally different class from the members of the National Home. The difference in the methods of discipline and reporting in the two institutions are also so great as to make any comparison between their statistics of little or no value.

Mr. TIRRELL is quoted as saying (CONGRESSIONAL RECORD, p. 8604): "No one can dispute the accuracy of this statement, and it never has been disputed, so far as I know," and quotes a statement of Mr. Adams, his partner, relative to the conditions at the Eastern Branch, at Togus, Me., as follows: "If a man had no pension, he was allowed 'tobacco and beer tickets.'"

Beer tickets have never been given to members by the Home, nor has beer ever been purchased with money appropriated by Congress, except in small quantities for use in the hospitals. Tobacco has been and still is issued to nonpensioners who use it.

At the Southern Branch, near Hampton, Va., the members were quarantined on account of yellow fever from July 31, 1899, until September 7, 1899. During the entire period of quarantine there were only two arrests, both minor offenses. Members had free access to the beer hall at this time, but could not visit the saloons outside of the grounds where strong liquor is sold. This is the lowest record of cases of discipline at any Branch of the Home. If the sale of beer at the Home was the cause of misconduct of members, as charged by Mr. LITTLEFIELD, it would certainly have been manifest at this time, when members were made restless and uncomfortable by being confined to the Home grounds. At the Eastern Branch, at Togus, Me., members are, to a partial extent, kept within the limits of the Home during the first three months of the calendar year on account of the severity of the weather and the depth of the snow. The number of cases of discipline is much smaller during this period, although the number of members present is always larger, than for the three months following, when the weather permits members to go outside to places where strong liquor is sold. For the ten years ending June 30, 1905, the average number of cases of discipline at the Eastern Branch for the quarters ending March 31 was 119; for the quarters ending June 30, 186, an increase of 56 per cent.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the sundry amendments, with the recommendation that the amendments be adopted and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19844—the sundry civil appropriation bill—and had directed him to report the same back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment. If not, the vote will be taken on the amendments in gross. The question is on the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I move to recommit the bill to the Committee on Appropriations with instructions to report the same with the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add after line 2, on page 165:

"*Provided*, That no part of this appropriation shall be expended for materials and supplies which are manufactured or produced in the United States unless said articles are sold to the Isthmian Canal Commission at export prices whenever such export prices are lower than the price charged consumers in the United States."

Mr. TAWNEY. Mr. Speaker, the amendment is the same as that offered yesterday in the Committee of the Whole. I desire to ask the gentleman from Massachusetts if it is not the same as was offered in the Committee of the Whole on yesterday, and which was ruled by the Chair to be in order?

Mr. SULLIVAN of Massachusetts. Substantially the same. It is the same in effect. It has the same legal effect.

Mr. TAWNEY. Mr. Speaker, I make the point of order that this is a proposition that was considered in the Committee of the Whole, and that it is also new legislation and was considered and rejected by the Committee of the Whole. I also desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. The previous question has not been ordered on the final passage of the bill. Is it now in order to move to recommit the bill until the previous question has been ordered?

The SPEAKER. The Chair will hear the gentleman from Massachusetts [Mr. SULLIVAN] on the point of order briefly.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, the amendment is offered to that part of the appropriation bill which provides $9,032,814 for purchase and delivery of material, supplies, and equipment for the construction of the isthmian canal. The amendment is drawn in the form of a limitation upon the appropriation. It does not change existing law or make any addition to the permanent law. It applies to the appropriation carried in this bill, and to that only. If we have the power to deny this appropriation entirely, obviously we have the power to limit the appropriation or the manner in which it may be expended. It seems to me to be clearly a limitation upon the appropriation and not a change of law. I will say, in addition, that precisely the same question was submitted yesterday and ruled in order by the Chairman of the Committee of the Whole.

The SPEAKER. The Chair is informed that the gentleman is in error. The Chair is informed that the point of order was withdrawn, and that there was no ruling of the Chair in the Committee of the Whole. However, if there had been a ruling, it would not control the Chair, but of course would be considered by the Chair as an authority to be taken into consideration in deciding the point of order.

Mr. WILLIAMS. Mr. Speaker, the point of order was not withdrawn yesterday. While it was withdrawn by the gentleman from Minnesota [Mr. TAWNEY], it was renewed by the gentleman from Ohio [Mr. KEIFER], so that the point of order itself was never withdrawn.

Mr. SULLIVAN of Massachusetts. That is my recollection, and I wish to call the attention of the Chair to the further fact that a similar limitation in the form of an amendment was adopted by the House upon the motion of the gentleman from New York [Mr. LITTAUER], confining the expenditure of the appropriation to the lock type of canal, that a point of order was made against that and overruled by the Chair. The principle involved in both cases is the same.

Mr. TAWNEY. Mr. Chairman, I would ask the gentleman from Massachusetts in what respect this amendment differs from the one on page 8844 of the RECORD, which he offered yesterday in Committee of the Whole?

Mr. SULLIVAN of Massachusetts. No change, in my judgment, except in the language used. The legal effect of it is exactly the same.

Mr. TAWNEY. What is the difference in the language?

Mr. SULLIVAN of Massachusetts. I have not a copy of the amendment.

Mr. TAWNEY. Your present amendment does apply to export prices, does it not?

Mr. SULLIVAN of Massachusetts. No.

Mr. TAWNEY. It mentions export prices.

Mr. SULLIVAN of Massachusetts. It mentions export prices; that does not change the principle involved.

Mr. TAWNEY. I ask, Mr. Speaker, that the Clerk report the amendment.

The SPEAKER. The Clerk will again report the amendment.

The amendment was again reported.

Mr. SULLIVAN of Massachusetts. Now, Mr. Speaker, the proposition is the same under both amendments. The object sought by both of these amendments is to leave with the Isthmian Canal Commission the power which they now enjoy, to buy supplies for the construction of the canal in the cheapest markets. There is no provision of law now which compels them to discriminate in favor of American manufacturers and producers against manufacturers and producers in foreign countries. The amendment seeks to secure to the Isthmian Canal Commission the same free hand in purchasing its supplies that it has to-day. It makes no change in existing law.

Mr. OLMSTED. Mr. Speaker, I wish to suggest that the amendment now offered differs in some respects which may be material and important from any amendment which was offered in the Committee of the Whole House on the state of the Union yesterday, and particularly does it differ from the amendment offered by the gentleman from Massachusetts himself in committee and held in order by the Chairman. While the amendment which he offered yesterday was merely a limitation upon the appropriation itself, this amendment, if I correctly heard it as read by the Clerk, imposes upon the Isthmian Canal Commission, or those who purchase these supplies, an additional duty. The amendment yesterday which the gentleman offered provided that no part of the appropriation should be expended except as the result of bids advertised in the manner now established by the Isthmian Canal Commission under existing law—that is to say, it imposed upon them no duties except those already existing under present law. I suggest, Mr. Speaker, the consideration that this amendment would impose upon that Commission the duty, not now imposed under existing law, of inquiring and ascertaining the export prices of these materials, and to ascertain also the prices to American consumers, whether wholesale or retail prices not stated, in addition to receiving and opening bids. It imposes upon this Commission very arduous and important duties not imposed upon them by existing law, but which they would have to perform in order to comply with the terms of that amendment; and even those are not definite. It not only limits expenses or controls the appropriation, but in controlling it imposes the duties I have suggested.

Mr. CRUMPACKER. Will the gentleman allow a suggestion?

Mr. OLMSTED. Certainly.

Mr. CRUMPACKER. Allow me to suggest to the gentleman it fixes a standard of prices for the purchase of material. There is nothing clearer than that. No Department officer could help but construe that to be legislation by Congress fixing the standard of prices for materials when no standard is fixed by the law, and it is pregnant with legislation. The Chair of course will look to the substance as well as the form in determining whether the proposition is in or out of order, and as the gentleman from Maine has suggested, if it accomplishes anything it accomplishes legislation, and if its interpretation is such that it must be given the legislative meaning as fixing a standard of prices it is in violation of the rule and practice of the House.

Mr. DALZELL. Let me suggest to the gentleman there is no standard of export prices that could be ascertained by the Commission.

Mr. OLMSTED. There is no standard of prices to the American consumer, and there are thousands of different varieties of articles to be purchased under this appropriation.

Mr. WILLIAMS. Mr. Speaker, the present practice and the present rule of the Commission under the existing law is that they can buy goods wherever the goods can be bought cheapest. There is no tariff against foreign goods upon the isthmian strip. Now, then, in order to determine who is the lowest bidder at present when a bid is offered from the United States and another from abroad the Commission determines which one of the two is the lower. Now, if the amendment stopped with the words "export prices," something of what has been just said might be well said, but it goes on to say "wherever these are lower than the prices charged the American consumer." Now, Mr. Speaker, the amendment is merely a provision that the Commission shall limit the amount when buying in our markets to the world's competitive price, because, of course, when our people sell abroad and fix an export price it is necessarily the world's competitive price. The only way that the Commission can determine what that competitive price is is by considering the bids submitted to the Commission. So that the language "export prices, when they are lower than," is simply, after all, when those prices are lower that any other prices. The gentleman says this amendment is unlike either of the amendments suggested yesterday. I submit, in the first place, it is in substance, though not in language, exactly the same as the amendment submitted by the gentleman from Massachusetts, and then I submit it is in language even almost identical with the amendment submitted by me later on and voted down by the committee and entertained by the Chairman as being in order.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I wish to contribute something to the information of the Chair in order that he may make a just decision. The gentleman from Pennsylvania [Mr. OLMSTED] has stated that there was no such thing as a standard of export prices. If that statement is in accordance with the facts, it has a material bearing upon the decision of this question. I desire to read the testimony of Mr. Shonts, the president of the Commission, and Mr. Ross, the purchasing agent of the Commission, in order to show that there is a standard of export prices and that these high and responsible Republican officials know that there is. Mr. Shonts says——

Mr. TAWNEY. Mr. Speaker, I make the point of order that the testimony of Mr. Shonts and the testimony of Mr. Ross before the Committee on Appropriations on this subject is not material and has no bearing on the point of order which is now under consideration.

The SPEAKER. The Chair hears gentlemen on points of order. It is in the discretion of the Chair, and the Chair would not desire to cut off the gentleman from what he desired to say if it was fairly brief. The Chair would like to know if the gentleman has any statement to make concerning what the law now is?

Mr. SULLIVAN of Massachusetts. Yes; I have; but if the Chair will indulge me one moment, I will read this testimony.

The SPEAKER. The Chair will hear the gentleman briefly.

Mr. SULLIVAN of Massachusetts. The testimony is as follows:

> Mr. SHONTS. I would favor buying in the open market for the reasons Mr. Ross has stated. I think the fact that we have that privilege enables us to get our American-made material cheaper. I think that the steel companies, to illustrate, give us the benefit of their export prices.
>
> Mr. ROSS. There is one other thing that I might have said. I do not know positively, as I said a while ago, that the United States steel export companies, for instance, would take advantage of us if we didn't have the right of foreign competition, but they do put our business on an export basis now. For instance, on steel rails—we have bought steel rails during the last year for $26.40 a ton delivered alongside a vessel at Baltimore, while the rate that they usually charge the railroads of this country was $28 at the mill.

Now, Mr. Speaker, the law——

Mr. OLMSTED. Does the gentleman consider that is a standard rate?

Mr. SULLIVAN of Massachusetts. I consider that if the veracity of responsible Republican officials is to be admitted, it is a standard rate, and I assume that the officials, who have spent $10,000,000 for supplies and are ready to contract for $10,000,000 worth more, know quite as much as the gentleman from Pennsylvania on the question as to whether there is a standard export rate.

Mr. OLMSTED. Will the gentleman tell what the standard export rate of steel shovels is and how long it will remain the standard?

Mr. SULLIVAN of Massachusetts. I do not know. I am simply quoting the general statement of the president of the Commission that the present law gives them the advantage of the export prices of American manufacturers. He did not go into detail and say that there were export prices for some articles and not for others. That statement was a general one, obviously comprehending all supplies which are needed in the construction of the canal.

Now, Mr. Speaker, the gentleman from Pennsylvania states that this amendment will impose a new duty upon the officers purchasing canal supplies. I assert that it imposes no duty upon them which does not rest upon them now. There is a duty upon them now imposed by their obligation to the American people to construct this canal at the lowest possible cost. To do so they must purchase their supplies wherever they can buy cheapest. In order to purchase cheapest they must ascertain what articles are sold for abroad and what the same articles are sold for at home—in the United States.

If they fail to do that now, they fail to discharge a duty which existing law places upon them. Now, the same obligation will rest upon them absolutely unchanged, unenlarged, if this amendment is adopted. [Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, there is no existing law that guides the Isthmian Canal Commission in the making of purchases. The fact is that the Secretary of War and the President believe that there is no law, and have asked Congress to pass a law to furnish a guide to the Isthmian Canal Commission on that subject. If there be no law, and we have the statement of the Secretary of War and the President to that effect, then this is a change of existing law, because it proposes to make a new law, and the making of a new law is a change of law.

Mr. SULLIVAN of Massachusetts. In reply to the gentleman from Pennsylvania, if an officer of this Government fails to meet an obligation which the law puts upon him, namely, to buy supplies for the Government as cheaply as he can, and instead of discharging that obligation buys at a higher price than he is enabled to, I assert that he is guilty of a violation of law and of malfeasance in office.

Mr. DALZELL. I assert that there is no law.

Mr. SULLIVAN of Massachusetts. There is an unwritten law.

Mr. DALZELL. There is no United States law that fixes how the Isthmian Canal Commission shall purchase supplies for the construction of the isthmian canal.

Mr. SULLIVAN of Massachusetts. If an officer of the Government purchased supplies in the dearest market and not in the cheapest, I assert that that officer can be impeached for malfeasance in office, unless we direct him to purchase in the dearest market, as you gentlemen on the other side wish to have the law direct him to do.

The SPEAKER. The Chair is prepared to rule. It is conceded that under the law as it is at this time these supplies may be bought anywhere, without regard to where they may be produced, whether in the United States or elsewhere in the world. Now, this is an appropriation for supplies and equipment for the construction and engineering and administration departments of the Isthmus of Panama, $9,000,000. The motion to recommit made by the gentleman from Massachusetts is as follows:

To recommit the bill with instructions to report the same back with the following provision: After line 2 of page 165:

"*Provided*, That no part of this appropriation shall be expended for materials and supplies which are manufactured or produced in the United States unless said articles are sold to the Isthmian Canal Commission at export prices whenever such export prices are lower than the prices charged consumers in the United States."

Gentlemen say this fixes a standard. It is not necessary for the Chair to discuss the merits of the measure. "Consumers in the United States." If the Chair was to discuss them, and it was a question of fixing a standard, would it be consumers by retail or wholesale?

The merits of the proposition are not involved in the point of order. What is the object of the motion and of the instruction? If it does not change existing law, then it is not necessary. If it does change existing law, then it is subject to the point of order. [Applause.] Much has been said about limitation; and the doctrine of limitation is sustained upon the proposition under the rule that, as Congress has the power to withhold every appropriation, it may withhold the appropriation upon limitation. Now, that is correct. But there is another rule, another phase of that question. If the limitation, whether it be affirmative or negative, operates to change the law or to enact new law in effect, then it is subject to the rule that prohibits legislation upon a general appropriation bill; and the Chair, in view of the fact that the amendment would impose upon officials new duties as to purchasing canal supplies, has no difficulty in arriving at the conclusion that the instructions are subject to the point of order for the reasons stated.

Mr. TAWNEY. I move to recommit the bill; and on that I demand the previous question.

Mr. WILLIAMS. A parliamentary inquiry. Before the Chair passes finally upon the point of order I want to ask this question: Has the Chair any doubt that under existing law the Commission has already bought at export prices?

The SPEAKER. The Chair is informed that the Commission has plenary power now. Under the law as it now exists, after having asked a gentleman who he believes knows, and which he believes is not controverted, the Commission may buy supplies anywhere and of anybody.

Mr. WILLIAMS. Then this only requires them to continue——

The SPEAKER. Now, then, it is a limitation, the Chair submits to the gentleman from Mississippi; limits that power, and in limiting that power legislates.

Mr. WILLIAMS. But, Mr. Speaker——

Mr. TAWNEY. I move to recommit the bill, and upon that demand the previous question.

Mr. WILLIAMS (continuing). If they may do that now how is it a change of existing law? Has the Chair decided?

The SPEAKER. The Chair has decided.

Mr. WILLIAMS. Then I respectfully appeal.

Mr. TAWNEY. I move to lay the appeal on the table.

Mr. SULLIVAN of Massachusetts. On that I call for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion of the gentleman from Minnesota [Mr. TAWNEY] to lay on the table the appeal of the gentleman from Mississippi [Mr. WILLIAMS] from the decision of the Chair.

The question was taken; and there were—yeas 156, nays 69, answered "present" 12, not voting 143, as follows:

YEAS—156.

Adams	Davidson	Huff	Reeder
Alexander	Davis, Minn.	Humphrey, Wash.	Reynolds
Allen, Me.	Dawes	Jenkins	Rhodes
Allen, N. J.	Dawson	Jones, Wash.	Rives
Ames	Denby	Kahn	Rodenberg
Andrus	Dixon, Mont.	Keifer	Samuel
Babcock	Draper	Kennedy, Nebr.	Scott
Bannon	Driscoll	Kennedy, Ohio	Scroggy
Barchfeld	Dunwell	Kinkaid	Sibley
Bartholdt	Dwight	Klepper	Smith, Cal.
Bates	Ellis	Lacey	Smith, Ill.
Bede	Esch	Lafean	Smith, Iowa
Bennet, N. Y.	Fletcher	Landis, Frederick	Smith, Samuel W.
Birdsall	Foss	Littlefield	Smith, Pa.
Bishop	Foster, Ind.	Loudenslager	Snapp
Bonynge	Foster, Vt.	Lovering	Southard
Boutell	French	McCarthy	Southwick
Brooks, Colo.	Gaines, W. Va.	McCleary, Minn.	Stafford
Brownlow	Gardner, Mich.	McGavin	Steenerson
Buckman	Gardner, N. J.	McKinlay, Cal.	Sterling
Burke, S. Dak.	Gilbert, Ind.	McKinley, Ill.	Stevens, Minn.
Burton, Del.	Gillett, Cal.	McKinney	Sulloway
Burton, Ohio	Gillett, Mass.	McLachlan	Tawney
Butler, Pa.	Goebel	Madden	Taylor, Ohio
Campbell, Kans.	Graff	Mahon	Thomas, Ohio
Campbell, Ohio	Grosvenor	Marshall	Tirrell
Capron	Hale	Martin	Townsend
Chaney	Hedge	Miller	Tyndall
Chapman	Henry, Conn.	Murdock	Volstead
Cole	Hepburn	Needham	Waldo
Cooper, Pa.	Hermann	Nevin	Wanger
Cooper, Wis.	Higgins	Norris	Watson
Cousins	Hill, Conn.	Olmsted	Weems
Cromer	Hinshaw	Otjen	Wharton
Crumpacker	Hoar	Overstreet	Wiley, N. J.
Curtis	Hogg	Parker	Wilson
Cushman	Howell, N. J.	Payne	Wood, N. J.
Dale	Howell, Utah	Pollard	Woodyard
Darragh	Hubbard	Prince	Young

NAYS—69.

Adamson	De Armond	McNary	Sherley
Aiken	Dixon, Ind.	Macon	Sims
Bankhead	Ellerbe	Maynard	Slayden
Bartlett	Floyd	Meyer	Smith, Ky.
Beall, Tex.	Garner	Moon, Tenn.	Smith, Tex.
Bowie	Granger	Moore	Spight
Brantley	Hardwick	Murphy	Sullivan, Mass.
Broocks, Tex.	Heflin	Padgett	Talbott
Brundidge	Henry, Tex.	Patterson, S. C.	Taylor, Ala.
Burgess	Houston	Pou	Thomas, N. C.
Burleson	Howard	Rainey	Trimble
Butler, Tenn.	Humphreys, Miss.	Ransdell, La.	Wallace
Candler	Hunt	Richardson, Ala.	Watkins
Clark, Fla.	Johnson	Richardson, Ky.	Webb
Clark, Mo	Jones, Va.	Rucker	Zenor
Clayton	Kitchin, Wm. W.	Russell	
Davey, La.	Lee	Ryan	
Davis, W. Va.	Lloyd	Sheppard	

ANSWERED "PRESENT"—12.

Currier	Holliday	Minor	Powers
Gillespie	Lever	Mouser	Slemp
Gregg	Mann	Patterson, N. C.	Weeks

NOT VOTING—143.

Acheson	Dresser	Hamilton	Lester
Beidler	Edwards	Haskins	Lewis
Bell, Ga.	Fassett	Haugen	Lilley, Conn.
Bennett, Ky.	Field	Hay	Lilley, Pa.
Bingham	Finley	Hayes	Lindsay
Blackburn	Fitzgerald	Hearst	Littauer
Bowers	Flack	Hill, Miss.	Little
Bowersock	Flood	Hitt	Livingston
Bradley	Fordney	Hopkins	Longworth
Brick	Fowler	Hughes	Lorimer
Broussard	Fulkerson	Hull	Loud
Brown	Fuller	James	McCall
Burke, Pa.	Gaines, Tenn.	Kelliher	McCreary, Pa.
Burleigh	Garber	Ketcham	McDermott
Burnett	Gardner, Mass.	Kitchin, Claude	McLain
Byrd	Garrett	Kline	McMorran
Calder	Gilbert, Ky.	Knapp	Michalek
Calderhead	Gill	Knopf	Mondell
Cassel	Glass	Knowland	Moon, Pa.
Cockran	Goldfogle	Lamar	Morrell
Cocks	Goulden	Lamb	Mudd
Conner	Graham	Landis, Chas. B.	Olcott
Dalzell	Greene	Law	Page
Deemer	Griggs	Lawrence	Palmer
Dickson, Ill.	Gronna	Le Fevre	Parsons
Dovener	Gudger	Legare	Patterson, Tenn.

Pearre	Ruppert	Sparkman	Vreeland
Perkins	Schneebeli	Sperry	Wachter
Pujo	Shackleford	Stanley	Wadsworth
Randell, Tex.	Shartel	Stephens, Tex.	Webber
Reid	Sherman	Sullivan, N. Y.	Weisse
Rhinock	Small	Sulzer	Welborn
Rixey	Smith, Md.	Towne	Wiley, Ala.
Roberts	Smith, Wm. Alden	Underwood	Williams
Robertson, La.	Smyser	Van Duzer	Wood, Mo.
Robinson, Ark.	Southall	Van Winkle	

So the appeal was laid on the table.

The Clerk announced the following pairs:

For the session:

Mr. CURRIER with Mr. FINLEY.

Mr. SHERMAN with Mr. RUPPERT.

Mr. MOUSER with Mr. GARRETT.

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. LONGWORTH with Mr. STEPHENS of Texas.

Mr. GRAHAM with Mr. PAGE.

Mr. VREELAND with Mr. GREGG.

Mr. KNAPP with Mr. LITTLE.

Mr. SLEMP with Mr. GLASS.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. DEEMER with Mr. KLINE.

Mr. HASKINS with Mr. LEVER.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. WELBORN with Mr. GUDGER.

Mr. WEEKS with Mr. STANLEY.

Mr. EDWARDS with Mr. HILL of Mississippi.

Mr. LE FEVRE with Mr. CLAUDE KITCHEN.

Mr. HOLLIDAY with Mr. WILEY of Alabama.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. HITT with Mr. LEGARE.

Mr. DOVENER with Mr. SPARKMAN.

Until June 20:

Mr. BURKE of Pennsylvania with Mr. GILLESPIE.

Until June 18:

Mr. MINOR with Mr. SULZER.

For this day:

Mr. SHARTEL with Mr. VAN DUZER.

Mr. ROBERTS with Mr. WEISSE.

Mr. WADSWORTH with Mr. LAMB.

Mr. WM. ALDEN SMITH with Mr. UNDERWOOD.

Mr. PEARRE with Mr. SOUTHALL.

Mr. PALMER with Mr. SHACKLEFORD.

Mr. OLCOTT with Mr. RIXEY.

Mr. MOON of Pennsylvania with Mr. REID.

Mr. MONDELL with Mr. RANDELL of Texas.

Mr. MCCREARY of Pennsylvania with Mr. PATTERSON of Tennessee.

Mr. MCCALL with Mr. ROBERTSON of Louisiana.

Mr. LOUD with Mr. MCLAIN.

Mr. LITTAUER with Mr. TOWNE.

Mr. LILLEY of Connecticut with Mr. MCDERMOTT.

Mr. CHARLES B. LANDIS with Mr. LIVINGSTON.

Mr. KETCHAM with Mr. LEWIS.

Mr. HULL with Mr. HEARST.

Mr. HUGHES with Mr. LESTER.

Mr. HAUGEN with Mr. LAMAR.

Mr. GARDNER of Massachusetts with Mr. HAY.

Mr. FULLER with Mr. FLOOD.

Mr. CASSELL with Mr. FITZGERALD.

Mr. CALDERHEAD with Mr. COCKRAN.

Mr. CALDER with Mr. FIELD.

Mr. BURLEIGH with Mr. BYRD.

Mr. BROWN with Mr. BROUSSARD.

Mr. BRICK with Mr. BOWERS.

Mr. BLACKBURN with Mr. SMALL.

Mr. BINGHAM with Mr. LINDSAY.

Mr. BEIDLER with Mr. BELL of Georgia.

Mr. GILLETT of Massachusetts with Mr. KELIHER.

Mr. FASSETT with Mr. SMITH of Maryland.

Mr. SCHNEEBELI with Mr. PATTERSON of Tennessee.

Mr. GRONNA with Mr. GARBER.

Mr. BOWERSOCK with Mr. GOLDFOGLE.

Mr. ACHESON with Mr. ROBINSON of Arkansas.

Mr. MUDD with Mr. JAMES.

Mr. WACHTER with Mr. RHINOCK.

Mr. BURTON of Delaware with Mr. GILL.

Mr. DICKSON of Illinois with Mr. BURNETT.

For this day:

Mr. LAW with Mr. WOOD of Missouri.

Mr. DALZELL with Mr. WILLIAMS.

Mr. LAWRENCE with Mr. GRIGGS.

Mr. WILLIAMS. Mr. Speaker, I desire, if it be in accordance with the rules of the House, to have my vote recorded in the negative. I will state that I was in the Committee on Rules, at the invitation of the Speaker, at the time.

The SPEAKER. The gentleman is correct about that. He was engaged as a member of the Committee on Rules, in session during the roll call, and could not be present in the House; but that does not bring the gentleman within the rule. The Chair would be glad to pair with the gentleman. [Laughter.]

The result of the vote was then announced as above recorded.

Mr. TAWNEY. Mr. Speaker, I move to recommit the bill, and on that I demand the previous question.

The previous question was ordered.

The SPEAKER. The question now is on the motion to recommit the bill.

The question was taken; and the motion was not agreed to.

The bill was passed.

On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I submit a report on the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, to be printed in the RECORD under the rule.

The SPEAKER. The conference report and statement will be printed under the rule.

SEALER AND ASSISTANT SEALER OF WEIGHTS AND MEASURES, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 4468) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, with Senate amendments.

The Senate amendments were read.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

LIFE-SAVING STATION AT SOUTH KINGSTON, L. I.

Mr. CAPRON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 280) to provide a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be established a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island; and the Secretary of the Treasury is hereby required to provide for such establishment and supply the same with the necessary life-saving crew and furnishings as provided by law in like cases.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read the third time; and it was read the third time, and passed.

BRIDGE ACROSS SUNFLOWER RIVER, MISSISSIPPI.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1854) to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across Sunflower River.

The Clerk read the bill, as follows:

Be it enacted, etc., That the board of supervisors of Sunflower County, Miss., be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Sunflower River, at Lehrton, in Sunflower County, in the State of Mississippi, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

PURCHASE OF MATERIALS FOR USE IN CONSTRUCTION OF THE PANAMA CANAL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules; and I ask the Clerk to read Senate resolution referred to.

The Clerk read as follows:

Resolved, That immediately on the adoption of this resolution, it shall be in order to consider Senate resolution No. 60, and immediately to take a vote on the third reading and passage of said resolution without delay, intervening motion, or appeal.

Senate resolution No. 60.

Resolved, etc., That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, from the lowest responsible bidder, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable.

Mr. DALZELL. Mr. Speaker, I ask for the previous question.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 150, noes 70.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 66, answered "present" 11, not voting 156, as follows:

YEAS—147.

Adams	Dawes	Howell, Utah	Payne
Alexander	Dawson	Huff	Prince
Allen, Me.	Denby	Humphrey, Wash.	Reeder
Allen, N. J.	Dixon, Mont.	Jenkins	Rhodes
Ames	Draper	Jones, Wash.	Rives
Andrus	Driscoll	Kahn	Rodenberg
Bannon	Dunwell	Keifer	Samuel
Bates	Dwight	Kennedy, Nebr.	Scott
Bede	Ellis	Kennedy, Ohio	Scroggy
Bennet, N. Y.	Esch	Kinkaid	Sibley
Bennett, Ky.	Fletcher	Klepper	Smith, Cal.
Birdsall	Foss	Knowland	Smith, Iowa
Bishop	Foster, Ind.	Lacey	Smith, Samuel W.
Bonynge	Foster, Vt.	Landis, Frederick	Smith, Pa.
Boutell	French	Lawrence	Southard
Brownlow	Fulkerson	Littlefield	Southwick
Buckman	Gaines, W. Va.	Loud	Sperry
Burke, S. Dak.	Gardner, Mich.	Loudenslager	Stafford
Butler, Pa.	Gardner, N. J.	McCarthy	Steenerson
Calderhead	Gilbert, Ind.	McCleary, Minn.	Sterling
Campbell, Kans.	Gillett, Cal.	McKinlay, Cal.	Sulloway
Campbell, Ohio	Goebel	McKinley, Ill.	Tawney
Capron	Graff	McKinney	Taylor, Ohio
Chaney	Grosvenor	McLachlan	Thomas, Ohio
Chapman	Hale	McMorran	Tirrell
Cole	Haugen	Madden	Townsend
Cooper, Pa.	Hayes	Mahon	Tyndall
Cooper, Wis.	Hedge	Mann	Waldo
Cousins	Henry, Conn.	Martin	Wanger
Crumpacker	Hepburn	Miller	Watson
Currier	Hermann	Murdock	Weems
Curtis	Higgins	Needham	Wharton
Dale	Hill, Conn.	Nevin	Wiley, N. J.
Dalzell	Hinshaw	Olmsted	Wilson
Darragh	Hoar	Otjen	Wood, N. J.
Davidson	Hogg	Overstreet	Woodyard
Davis, Minn.	Howell, N. J.	Parker	

NAYS—66.

Adamson	Davis, W. Va.	Lloyd	Sims
Aiken	De Armond	McNary	Slayden
Bankhead	Dixon, Ind.	Macon	Smith, Ky.
Bartlett	Ellerbe	Meyer	Smith, Tex.
Beall, Tex.	Finley	Moon, Tenn.	Spight
Bowie	Floyd	Moore	Sullivan, Mass.
Brantley	Garner	Murphy	Talbott
Broocks, Tex.	Granger	Padgett	Taylor, Ala.
Brundidge	Hardwick	Patterson, S. C.	Thomas, N. C.
Burgess	Heflin	Pou	Trimble
Burleson	Henry, Tex.	Rainey	Wallace
Butler, Tenn.	Houston	Richardson, Ala.	Watkins
Candler	Howard	Richardson, Ky.	Webb
Clark, Fla.	Johnson	Rucker	Williams
Clark, Mo.	Jones, Va.	Ryan	Zenor
Clayton	Kitchin, Wm. W.	Sheppard	
Davey, La.	Lee	Sherley	

ANSWERED "PRESENT"—11.

Gillespie	Humphreys, Miss.	Patterson, N. C.	Sparkman
Gregg	Lever	Powers	Weeks
Holliday	Mouser	Slemp	

NOT VOTING—156.

Acheson	Fowler	Law	Reid
Babcock	Fuller	Le Fevre	Reynolds
Barchfeld	Gaines, Tenn.	Legare	Rhinock
Bartholdt	Garber	Lester	Rixey
Beidler	Gardner, Mass.	Lewis	Roberts
Bell, Ga.	Garrett	Lilley, Conn.	Robertson, La.
Bingham	Gilbert, Ky.	Lilley, Pa.	Robinson, Ark.
Blackburn	Gill	Lindsay	Ruppert
Bowers	Gillett, Mass.	Littauer	Russell
Bowersock	Glass	Little	Schneebeli
Bradley	Goldfogle	Livingston	Shackleford
Brick	Goulden	Longworth	Shartel
Brooks, Colo.	Graham	Lorimer	Sherman
Broussard	Greene	Lovering	Small
Brown	Griggs	McCall	Smith, Ill.
Burke, Pa.	Gronna	McCreary, Pa.	Smith, Md.
Burleigh	Gudger	McDermott	Smith, Wm. Alden
Burnett	Hamilton	McGavin	Smyser
Burton, Del.	Haskins	McLain	Snapp
Burton, Ohio	Hay	Marshall	Southall
Byrd	Hearst	Maynard	Stanley
Calder	Hill, Miss.	Michalek	Stephens, Tex.
Cassel	Hitt	Minor	Stevens, Minn.
Cockran	Hopkins	Mondell	Sullivan, N. Y.
Cocks	Hubbard	Moon, Pa.	Sulzer
Conner	Hughes	Morrell	Towne
Cromer	Hull	Mudd	Underwood
Cushman	Hunt	Norris	Van Duzer
Deemer	James	Olcott	Van Winkle
Dickson, Ill.	Kelliher	Page	Volstead
Dovener	Ketcham	Palmer	Vreeland
Dresser	Kitchin, Claude	Parsons	Wachter
Edwards	Kline	Patterson, Tenn.	Wadsworth
Fassett	Knapp	Pearre	Webber
Field	Knopf	Perkins	Weisse
Fitzgerald	Lafean	Pollard	Welborn
Flack	Lamar	Pujo	Wiley, Ala.
Flood	Lamb	Randell, Tex.	Wood, Mo.
Fordney	Landis, Chas. B.	Ransdell, La.	Young

So the previous question was ordered.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. REYNOLDS with Mr. HUNT.

Mr. SMITH of Illinois with Mr. LAMAR.

Mr. GARDNER of Michigan with Mr. RUSSELL.

Mr. BARTHOLDT with Mr. GRIGGS.

Mr. BROOKS of Colorado with Mr. MCLAIN.

Mr. BABCOCK with Mr. PUJO.

For the vote:

Mr. BURTON of Ohio with Mr. HUMPHREYS of Mississippi.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TOWNSEND). The gentleman from Pennsylvania [Mr. DALZELL] is recognized for twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] is recognized for twenty minutes.

Mr. DALZELL. Mr. Speaker, on the second day of the present month the Senate passed a resolution providing for the purchase of material and equipment for use in the Panama Canal. That resolution is in the following words:

That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, from the lowest responsible bidder, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable.

That resolution was sent to the House and was referred to the Committee on Ways and Means. It was reported favorably by that committee, and is now before the House by virtue of the rule under which the previous question has already been adopted. So far as the merits of the proposition are concerned, they were debated at some considerable length yesterday, and they have been debated at some length again to-day. The committee was of opinion, therefore, that the time allowed under the rules of the House for the adoption of this rule—twenty minutes on each side—was sufficient debate to be allowed.

I confess, Mr. Speaker, I find it difficult to make any argument in favor of this proposition which is in any degree stronger than the language of the proposition itself. The proposition is that the American people engaged in a great enterprise shall buy their supplies in the American market from their own people in free competition whenever the prices for those supplies are not unreasonable or extortionate. Why we should not do so I am at a loss to know. If the carrying on of this great enterprise that is to involve so many millions of dollars and consume so long a time is to open a great market, that market ought to belong, naturally does belong, to the American people. If by reason of our system supplies of any kind are somewhat higher in our market than they are abroad, they are higher because of the higher wage rate in the American market, and it seems to me that it would be suicidal legislation that would undertake to take away from the American wage-earner the right, the privilege that he already enjoys under our system. I submit, therefore, that this proposition is an American proposition, and ought to be sustained by every loyal American citizen. [Applause on the Republican side.]

I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I yield ten minutes, or such part of that as he may desire, to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, the gentleman from Pennsylvania [Mr. DALZELL] thinks that a very liberal amount of discussion has already taken place upon this most important subject. Incidentally a few Members yesterday and incidentally a few Members to-day for a short time, in the aggregate I think not equalling sixty minutes, talked about this general subject. How many millions or tens of millions, perhaps even a hundred millions of dollars are involved in it no man knows and no man can say.

Everybody ought to appreciate the fact that in engaging to construct this Panama Canal we have a great undertaking upon our hands. Nobody knows how long the work will last, nobody knows how much it will cost. All must know that there will be a considerable consumption of time running into years and years, and all can know that there will be hundreds of millions of dollars expended. Every dollar will come out of American citizenship, "American labor," even to use the term employed so affectionately by the gentleman here, so far as lip service is concerned, and treated with such contempt, so far as action goes.

It would seem, in a general way, that in providing for this work we ought to endeavor to arrange to do it as cheaply as in decency we can do it. That seems to be no more and no less than is due to the American taxpayer, the American citizen, the American laborer. The burden will be heavy enough at best. It threatens to become excessively heavy unless good management, good judgment, economy, and honesty are exercised throughout. It is even possible, great as this nation is and mighty as are its resources, that at no distant day, and

long before this great work is completed, the American people may consider seriously the question of whether they had not better delay a while, in view of enormous expenditures, and let the completion of the work await a time when we shall be even more powerful, and when the contribution can be made with less tax upon the energy and the substance of the American people. I hope no such time ever will come. I hope there may be no halt in the work and that the burden may not become at any time too grievous to be borne by this mighty people.

But no one has any assurance that it may not be so. And no one who has regard for the interests that we have at stake at home or in Panama, no one who desires honestly and earnestly the speedy completion of the great canal, or who has any respect for the rights of the American people can approach this question, it seems to me, without a sense of gravity on account of its vast importance. Then why is it that this resolution is to be hurried through the House, under whip and spur, without consideration, with a contemptuous disregard for the duty of consideration, with an absolute and complete denial of all opportunity for considerations? What is it that this proposition involves? As things are now, the American President and the American Secretary of War and the American Canal Commission—every one of them—like all the other people of this land, of every party, are disposed to buy of American manufacturers and from American bidders, as you would do, Mr. Speaker, and I would do, and as every man here would do, and all of our constituents would do, following the common, everyday experience, when the purchase can be made upon as good terms here as can be obtained elsewhere. You and I prefer to buy from the home merchants, but we expect them to give us practically as good terms as they give in the more distant trade centers.

As things are now, everything will be bought from the American manufacturer unless it ought not to be bought from him; unless the Commission, disposed to buy from him, out of a sense of duty to the people of the United States, and zealous for the successful completion of this great undertaking, deliberately decide against their own inclination, that it ought not to be done. There is no need of protection in this direction. There is no need of an admonition to buy from Americans. Everything will be bought of American manufacturers without legislation that ought to be bought of them at all, as ninety-nine per cent of all canal supplies have thus far been bought from them.

What, then, is the object of this resolution to hamper the President, the Secretary of War, the Canal Commission—everybody who has anything to do with this matter—by virtue of which they will be under a degree of compulsion to buy from the American manufacturer at the American manufacturer's prices, with very little regard to what prices are elsewhere or what necessary supplies might be bought for elsewhere? Look how it will work, practically. Often it is necessary to make a purchase perhaps in an emergency; to make it quickly. There is an absolute compulsion, if this resolution be passed, to buy from the American manufacturer at the American home price, no matter how extortionate or how unreasonable it may be, unless the whole matter can be delayed and the President consulted, the whole facts laid before him, and the President shall direct a different course.

Now, how unbusinesslike that is, how unfair it is, how badly it certainly will work in practical operation and enforcement. Buy at the American price, however unreasonable, however extortionate, unless the matter be deemed of sufficient consequence and importance, and there be sufficient time without too great incidental loss in the delay involved to lay it before the President, make the President acquainted with the details, and have him pass upon it! No escape from extortion, from outrage, from robbery, provided that extortion, that outrage, and that robbery be projected and attempted by the American manufacturer, except through an appeal to the President in every particular instance! Ingenuity could not devise anything more thoroughly calculated to build up and foster trusts, or better calculated to beat down and injure labor and all the taxpaying people. And yet gentlemen talk about American wages and American labor and buying American supplies to complete this great American work! In the name of labor, I protest against such a perversion, such an outrage upon American labor!

Here, for instance, in the letter of the Secretary of War, is submitted a proposition whether two Scotch dredges shall be bought at a saving of over $70,000, or whether two American dredges shall be bought at a loss of over $70,000. Gentlemen who favor buying the two American dredges say, in effect: "Throw away $70,000 of the people's money, because American labor, forsooth, gets the advantage of it." Not a solitary penny of it goes to American labor; there is not the slightest increase in the wages of American labor; there is not a solitary advantage to American labor. The advantage is to the American monopolist alone, alone.

Now, all that we ask—and that is the law to-day—is that they may hold up against the greed and extortion of the American manufacturer the possibility and honest intention of buying things elsewhere at decent prices, if necessary. All that need be asked is that the American sell to the United States as cheap as he would sell to Colombia or Panama or Great Britain or all or any of the powers of darkness, if you please, if engaged in the construction of this Panama Canal. That is denied in the resolution of the Senate, which this rule is to drive through the House in flippant haste. American labor ought to rise and scorn, I will not say such hypocrisy, but this abuse of its rights and this presumption upon its assumed ignorance. [Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, how does the time stand?

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. DALZELL] has seventeen minutes remaining and the gentleman from Mississippi [Mr. WILLIAMS] ten minutes.

Mr. DALZELL. I yield so much of that seventeen minutes as he may desire to the gentleman from New York [Mr. PAYNE], the chairman of the Committee on Ways and Means.

Mr. PAYNE. Under the present law the engineering department of the War Department, in its invitation for bids, puts in these general instructions to bidders:

> Second. Preference shall be given to articles or materials of domestic production, conditions of quality and price being equal, and including in the price of foreign articles the duty thereon.

Ever since the tariff law of 1897, as expressed in that law, articles imported into the United States and used by the Government pay the same duty as articles imported into the United States and used by individuals. In other words, bidders in foreign countries bidding against our own people have to take into consideration and pay the tariff duty on those articles in order to get them into the United States. And this is exactly right, because we want to provide, so far as we can, for the labor of our own people by suitable legislation. We want to encourage manufacture in the United States. We want to benefit and not destroy, as the gentleman from Missouri [Mr. DE ARMOND] says, the laboring people of the United States. It is the American idea—the protective idea—and sometimes called the "robber tariff" idea by gentlemen who either are careless as to the use of language or do not understand the workings and the benefit of the tariff law. But a protective tariff is the idea of the American people and the policy adopted by the American people.

Now, when we come to purchase supplies to be used in the Canal Zone, by the treaty with Panama we take all articles from abroad into that Zone free of duty, so that when any American wishes to bid on supplies to go into that Zone, he is brought into the open market without any tariff either way, and into competition with the nations of the earth. We who believe in the American idea can not hesitate to pass such a joint resolution as this, because we are spending American money building, as was said the other day, for the benefit of the world, this great canal, and it is fitting that all supplies to be used there should be bought in the United States, if they can be bought at a reasonable price compared with that of foreign countries. This resolution does not say that all articles must be bought in the United States or shall be of American manufacture, but that we should go into open competition in the market, and if the price is not extortionate or unreasonable compared with the other bids, we shall buy in the United States. It prevents any "hold up" on the part of the American manufacturers, if such a thing is possible. It preserves competition. It gives us a reasonable price and gives an American market for American goods.

The gentleman from Missouri [Mr. DE ARMOND] is disturbed because the construction of this canal involves the expenditure of millions of dollars. Well, those millions have been largely expended now for the purpose of buying tools and materials and building the railroad which it was necessary to build. The bulk of the expenditures for this purpose have already been made, and under open bids, and a very small fraction of the articles bought has been bought abroad. They have been bought in the United States. But under the law as it is to-day it is the duty of the President to take into consideration the difference in price and buy the goods where he can buy them the cheapest, without regard to the benefit accruing to American labor or protection to American labor. This resolution gives him a discretion when the prices are reasonable or are not ex-

tortionate. It gives the benefit to the American laborer and to the American people, and that is all there is in this resolution. It ought to be passed. The policy ought to be determined by Congress. The President has invited, by his communication to Congress, the determination of this question for his future guidance. Therefore I hope to see the resolution pass, and pass promptly. [Applause on the Republican side.]

Mr. WILLIAMS. I will ask the gentleman from Pennsylvania if he intends to conclude in one speech?

Mr. DALZELL. I think I have used as much time as the other side.

The SPEAKER pro tempore. The gentleman from Pennsylvania has eleven minutes and the gentleman from Mississippi ten minutes.

Mr. WILLIAMS. My question was whether the gentleman intended to conclude in one speech. I admit his right to conclude in one speech, but not in two speeches.

Mr. DALZELL. There will only be one speech on this side.

Mr. WILLIAMS. Mr. Speaker, it is seldom that the Republican party even has done a bolder or a hastier thing than this. A moment or two ago we were called out of the room, those of us who are members of the Committee on Rules, in hot haste, during a roll call, in order that this outrage on succeeding generations might be perpetrated by this House while it was in the mood to perpetrate it. I say upon succeeding generations, because succeeding generations must pay for this canal as well as ourselves. This is but another illustration of the fact that when tariff barons become tariff beggars for some favoritism, everything else must give way. I want the House at least to consider what it is invited to do. This is the resolution that you are invited to adopt without discussion and without amendment; without discussion substantially and actually without any amendment:

That purchases for the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture from the lowest responsible bidder unless the President shall in any case deem the bids or tenders therefor to be—

Higher than other bids or tenders? No. As high as the same people charge foreigners? No—

to be extortionate or unreasonable.

Extortionate quo ad what; unreasonable quo ad what?

How is the President going to determine whether they be "extortionate" or "unreasonable," except by comparison with other bids; and he is forbidden to take bids from anybody else except from the domestic producer. "The lowest responsible bidder" and all other bidders are "bidders of domestic production and manufacture." Then it follows that it is to be "extortionate or unreasonable," in view of other prices charged by our manufacturers to our own people in the home market. "Extortionate" in comparison with them; when they are already extortionate for all of us, as we all know.

Why do gentlemen desire to change the existing law? Why is this legislation here except for the purpose of changing the existing law? Who will furnish supplies down there as "domestic producers?" The United States Steel Association; the great cement trust, and all the balance of these great combinations, every one of them having two distinct prices, of which one is for the domestic consumer, including their own Government, and another for the foreign consumer, including foreign governments. [Applause on the Democratic side.]

We can not, under this rule, amend this resolution. If we could amend it, I had desired first to offer the following amendment. Were it in order now I would offer this amendment to report as a substitute for S. R. 60, the resolution which I just read, the following:

That purchases for material for the use of the Panama canal shall continue to be made as they are now made under existing law and regulations of the Canal Commission.

Now, what is present law and practice? Why, the practice has been to buy from American manufacturers and producers, but to make them sell at their export prices. [Applause on the Democratic side.] That is the existing law; that is the existing practice; and the Government and Commission should go on doing what they have been doing. Now, if this Senate resolution be adopted, prices in order to be declined are to be "extortionate," are to be "unreasonable" in comparison with what? Other bidders. Prices charged by these manufacturers to the home consumers in the American market.

Then I would have liked to offer this amendment:

Unless the President shall deem bids and tenders therefor—

That is the language of the resolution, which concludes:

to be extortionate or unreasonable.

I want to strike out the words "extortionate or unreasonable" and substitute these words:

To be the lowest bid made for the same goods to be delivered at the same point of delivery at the same time.

Then I wanted, if that had been voted down, to offer this: To strike out the language and insert, so as to read:

Unless the President shall deem these bids and tenders to be higher than *the contemporaneous export prices of the manufacturer or producer bidding to sell* goods to the Panama Commission or to the Panama Railway.

I suppose that I would not be violating any confidence to say that these three amendments were actually offered in the Committee on Rules, and there voted down by the Republican members.

Now, Mr. Speaker, let us think about what we are doing. What is the existing law? "To build this great work as cheaply" as the Commission can. Aye, you all say build it as cheaply as you can, with one exception—that it must not result in any loss of profit to the great trusts and combinations—your campaign-fund providers. If I offer an amendment cheapening the process of construction in any other respect, I could get some willing ears on that side of the Chamber, but when I offer any proposition that involves, as this does, a diminution of the present extortionate profits of the American manufacturers, proven to be extortionate by the fact that they charge other and lower profits in foreign markets, then the whole Republican party, as organized in this House, but not, I hope, as it is organized in this country, cries "No; no. You must not touch the men who contribute our campaign funds." [Applause on the Democratic side.]

You never did a bolder thing; you never did a hastier thing, and you never did a thing in all your lives for which swifter and greater retribution is to come than for this very thing you are doing to-day. [Applause on the Democratic side.] Talk about American labor! Who is there with a particle of common sense upon this floor, on either side of this Chamber, who believes that if this Commission continues to buy these materials, supplies, and equipments in exactly the way they are buying them now, one dollar less will upon that account be paid to one single American laborer, from the Great Lakes to the Gulf of Mexico? Is there one of you with little enough brains to believe that? Is there one of you with so little brains that you believe that a single American laborer will be paid one cent per month, per week, or per day more after the passage of this resolution than before its passage? It is "the great American trust," not the great American laborer. It is the great American campaign contributor, not the great American wage-earner, that you are trying to take care of, and you know it. [Applause on the Democratic side.]

Labor! What have you done for American labor on the Isthmus itself? Why, it is alien labor that is building the canal, and, by your own laws, building it under alien hours of labor. The gentleman calls the canal a "great American work." You are about to make it a great plaything for the enrichment of great plutocrats and trust magnates and unjust and unpatriotic extortioners. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. DALZELL. I yield the remainder of the time on this side to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, the great question addressed to American statesmanship to-day in this country is the question of markets for the surplus products of American labor. There has been no act of political acumen that the genius of the Democratic party to do evil could devise during the last twenty-five years that it has not devised and carried into execution to strangle and destroy and impoverish American labor. [Applause on the Republican side.] And the evidence that it was evil is in the fact that labor always suffers when the Democratic party is in power. There has been no effort spared by the Republican party in the last twenty-five years that genius and patriotism and Americanism and Republicanism could devise to enhance the value of American labor that has not been done by that party, and the genius has been manifested in the success of its efforts. [Applause on the Republican side.] So much for that. Trusts may have grown up——

Mr. RUCKER. Will the gentleman allow me to ask him a question?

Mr. GROSVENOR. No; not now. This is not that kind of a debate.

Mr. RUCKER. It is on the very matter you just referred to, relating to the wages of American labor.

I only wanted to suggest that under the policies of your party manufacturers paid wage-earners in 1900 nearly $37,000,000 less than the same number of laborers would have received in 1890 under the wage rate then in force.

Mr. GROSVENOR. I am neither able to hear what the gentleman says, nor——

The SPEAKER. The gentleman from Ohio declines to yield.

Mr. GROSVENOR. Mr. Speaker, the gentleman from Missis-

sippi misinterprets the resolution pending before the House. He stated, as I understood him—and I am quite sure I did understand him, for he spoke very plainly—that while the President was authorized to demand that the proposals for the sales to the Commission should not be extortionate or unjust, yet he was deprived of the opportunity to test competition in the markets of the country.

Mr. WILLIAMS. In the markets of the world.

Mr. GROSVENOR. In the markets of the world, I mean. Now, the provision of the resolution is exactly the reverse of the gentleman's proposition. Here is the language of the resolution:

> The purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, from the lowest responsible bidder, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable.

So that when the Commission seeks to enter the markets of the world or the markets of the United States for tenders of supplies of any character, bids from all the world may be received under this proposition, and the test of whether any bid is extortionate or unreasonable will be furnished by the tenders and bids themselves. So that the whole proposition of the gentleman, which he built up on the structure I have indicated, falls absolutely to the ground. [Applause on the Republican side.]

Now, it is the purpose of the Republican party to do all that in its power lies to furnish to the labor and industry of this country a market for its production. That is the purpose of this legislation. It is the opinion of the Congress of the United States, not in a peremptory and controlling sense, but in a proposition that is suggestive and persuasive to the authorities that are buying these materials, that they ought to be bought from the American producer.

Why, Mr. Speaker, in every little town, in every county, in every city of the United States the popular demand goes up always to every purchasing board of trustees, to every municipal corporation or any other corporation engaged in building, and to the private consumer of the commodities that we all require—the appeal goes up from popular demand that the domestic producer, the man who produces nearest the consumer, shall have the opportunity to compete upon fair terms, and if he does succeed he shall have the market for the production. [Applause.] That is the true American policy, and that is the policy of this resolution. It has been discussed here for a day or two, more or less, and we all understand it. It binds this Government to the expenditure of not one extortionate dollar. It compels this Government to no contract that it can get a better proposition for from some place else, if the home demand be not unreasonable.

Mr. DE ARMOND. Will the gentleman yield for a question?

Mr. GROSVENOR. Yes.

Mr. DE ARMOND. Is the gentleman in favor of buying Scotch dredges at $654,000 or American dredges at $724,850?

Mr. GROSVENOR. I have had some knowledge of dredge-buying business.

Mr. DE ARMOND. That is the reason that I thought the gentleman could answer.

Mr. GROSVENOR. I can answer, and I am in favor of offering the Scotchman in the Clyde and the American in New York the proposition to build the dredges on plans required, whatever they may be; and I will say that from my information, drawn from the testimony before the committee, that the American dredge maker will get the contract on terms equally favorable to the American people. There is nothing in the gentleman's proposition if he will investigate it.

Mr. DE ARMOND. But which one would the gentleman buy?

Mr. GROSVENOR. If I believed that the American dredge maker offered his production at a fair price, and it was to be strictly of American labor out of American material, I would buy the American dredge. [Applause on the Republican side.] The difficulty about the position of the gentleman from Missouri is this: He takes the ground that the Government ought to be careful and look out and skin down to the lowest possible the production. Our proposition is that we should consider all the time the benefits to flow to the American mechanic, the American laborer, and the American producer of material. [Applause on the Republican side.]

Mr. DE ARMOND. I have another question which I would like to ask the gentleman, and that is whether this really is not designed to bring in that condition of things when there will be a compulsion to buy just as the gentleman says he would buy the dredge costing $724,850, instead of $654,000.

Mr. GROSVENOR. When there is such compulsion, the American Congress has intelligence enough to repeal that resolution. I do not believe that such a condition will ever happen. Now let me go on, for I have but little time left. The gentleman from Mississippi threatens the Republican side of this House with retribution. Well, I have read somewhere that vengeance was not located in the possession of the gentleman from Mississippi. [Laughter and applause on the Republican side.] Nor is retribution. But we have heard this before. I heard it twenty years ago, and I have heard it on each recurring biennial election as we were approaching the period of nominations and elections. From that side of the House I have heard that same old song. It used to give me some alarm; it used to give me some sleepless hours.

"Retribution! The people are going to rise and sweep the Republicans away. The people are going to take vengeance and retribution upon the Republican side." Well, they did deal out a little retribution on us in the Fifty-third Congress, but six more Congresses have rolled around and retribution seems to have been suspended all that time. [Laughter on the Republican side.] And with that prophetic declaration, that prophetic utterance on that side of the House, the terrible forebodings upon that side of the House have never ceased and are dragged out now in the same old tune and the same old strain. They are not coming so much from the people. There was not any retribution on the Republican party the other day when two Representatives of Congress from the State of Oregon were elected by 15,000 majority [applause on the Republican side] in a State that has since I have been a Member of Congress elected one or more Democrats to sit on the floor of Congress. I do not see any signs of retribution, and now at a time when we are exporting more goods to foreign markets, when we are paying higher wages to laborers producing them, it is not the time for us to be frightened at the prophecy of the owl or the croaking of the raven of despair. [Laughter and applause on the Republican side.]

The SPEAKER pro tempore (Mr. TOWNSEND). The question is on agreeing to the resolution.

The question was being taken,

Mr. DALZELL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 83, answered "present" 11, not voting 148, as follows:

YEAS—138.

Allen, Me.	Davidson	Huff	Overstreet
Allen, N. J.	Dawes	Humphrey, Wash.	Parker
Ames	Denby	Jenkins	Payne
Andrus	Dixon, Mont.	Jones, Wash.	Reeder
Bannon	Draper	Kahn	Rhodes
Barchfeld	Driscoll	Keifer	Rives
Bartholdt	Dunwell	Kennedy, Nebr.	Rodenberg
Bates	Dwight	Kinkaid	Samuel
Bede	Ellis	Klepper	Scroggy
Bennet, N. Y.	Esch	Knowland	Sibley
Bennett, Ky.	Fletcher	Lacey	Smith, Cal.
Bishop	Foss	Landis, Frederick	Smith, Iowa
Bonynge	Foster, Ind.	Lawrence	Smith, Samuel W.
Boutell	Foster, Vt.	Littlefield	Smith, Pa.
Brownlow	French	Loud	Snapp
Buckman	Gaines, W. Va.	Loudenslager	Southard
Burke, S. Dak.	Gardner, Mich.	McCleary, Minn.	Southwick
Butler, Pa.	Gardner, N. J.	McCreary, Pa.	Sperry
Calderhead	Gilbert, Ind.	McKinley, Cal.	Sterling
Campbell, Ohio	Gillett, Cal.	McKinley, Ill.	Sulloway
Capron	Goebel	McKinney	Tawney
Chaney	Graff	McLachlan	Taylor, Ohio
Chapman	Grosvenor	McMorran	Thomas, Ohio
Cocks	Hale	Madden	Tirrell
Cole	Hamilton	Mahon	Townsend
Cooper, Pa.	Hayes	Marshall	Tyndall
Cooper, Wis.	Henry, Conn.	Martin	Waldo
Cousins	Hepburn	Michalek	Wanger
Cromer	Hermann	Miller	Weems
Crumpacker	Higgins	Mondell	Wharton
Currier	Hill, Conn.	Mouser	Wiley, N. J.
Curtis	Hoar	Needham	Wilson
Cushman	Hogg	Nevin	Woodyard
Dale	Howell, N. J.	Olmsted	
Dalzell	Howell, Utah	Otjen	

NAYS—83.

Adamson	Davis, W. Va.	McCarthy	Rucker
Aiken	De Armond	McLain	Sheppard
Bankhead	Dixon, Ind.	McNary	Sherley
Bartlett	Ellerbe	Macon	Sims
Beall, Tex.	Finley	Mann	Slayden
Bell, Ga.	Floyd	Meyer	Smith, Ky.
Birdsall	Fulkerson	Moon, Tenn.	Smith, Tex.
Bowie	Garner	Moore	Spight
Brantley	Granger	Murdock	Stafford
Broocks, Tex.	Hardwick	Murphy	Steenerson
Brundidge	Heflin	Norris	Stevens, Minn.
Burgess	Henry, Tex.	Padgett	Sullivan, Mass.
Burleson	Houston	Patterson, S. C.	Thomas, N. C.
Burton, Ohio	Howard	Perkins	Trimble
Butler, Tenn.	Hubbard	Pollard	Volstead
Candler	Humphreys, Miss.	Pou	Wallace
Clark, Fla.	Johnson	Pujo	Watkins
Clark, Mo.	Jones, Va.	Rainey	Webb
Clayton	Kitchin, Wm. W.	Ransdell, La.	Williams
Darragh	Lee	Richardson, Ala.	Zenor
Davis, Minn.	Lloyd	Richardson, Ky.	

ANSWERED "PRESENT"—11.

Burton, Del.	Gregg	Le Fevre	Sparkman
Davey, La.	Hinshaw	Lever	Weeks
Gillespie	Holliday	Patterson, N. C.	

NOT VOTING—148.

Acheson	Garber	Legare	Ryan
Adams	Gardner, Mass.	Lester	Schneebeli
Alexander	Garrett	Lewis	Scott
Babcock	Gilbert, Ky.	Lilley, Conn.	Shackleford
Beidler	Gill	Lilley, Pa.	Shartel
Bingham	Gillett, Mass.	Lindsay	Sherman
Blackburn	Glass	Littauer	Slemp
Bowers	Goldfogle	Little	Small
Bowersock	Goulden	Livingston	Smith, Ill.
Bradley	Graham	Longworth	Smith, Md.
Brick	Greene	Lorimer	Smith, Wm. Alden
Brooks, Colo.	Griggs	Lovering	Smyser
Broussard	Gronna	McCall	Southall
Brown	Gudger	McDermott	Stanley
Burke, Pa.	Haskins	McGavin	Stephens, Tex.
Burleigh	Haugen	Maynard	Sullivan, N. Y.
Burnett	Hay	Minor	Sulzer
Byrd	Hearst	Moon, Pa.	Talbott
Calder	Hedge	Morrell	Taylor, Ala.
Campbell, Kans.	Hill, Miss.	Mudd	Towne
Cassel	Hitt	Olcott	Underwood
Cockran	Hopkins	Page	Van Duzer
Conner	Hughes	Palmer	Van Winkle
Dawson	Hull	Parsons	Vreeland
Deemer	Hunt	Patterson, Tenn.	Wachter
Dickson, Ill.	James	Pearre	Wadsworth
Dovener	Keliher	Powers	Watson
Dresser	Kennedy, Ohio	Prince	Webber
Edwards	Ketcham	Randell, Tex.	Weisse
Fassett	Kitchin, Claude	Reid	Welborn
Field	Kline	Reynolds	Wiley, Ala.
Fitzgerald	Knapp	Rhinock	Wood, Mo.
Flack	Knopf	Rixey	Wood, N. J.
Flood	Lafean	Roberts	Young
Fordney	Lamar	Robertson, La.	
Fowler	Lamb	Robinson, Ark.	
Fuller	Landis, Chas. B.	Ruppert	
Gaines, Tenn.	Law	Russell	

So the resolution was adopted.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. VAN WINKLE with Mr. GARRETT.

Mr. ALEXANDER with Mr. RYAN.

Mr. CAMPBELL of Kansas with Mr. DAVEY of Louisiana.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (S. R. 60) providing for the purchase of material and equipment for use in the construction of the Panama Canal.

Resolved, etc., That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, from the lowest responsible bidder, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time; and it was read the third time.

The SPEAKER. The question now is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. I demand a division, and to save the time of the House, I shall ask now for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 129, nays 82, answered "present" 9, not voting 160, as follows:

YEAS—129.

Adams	Cushman	Hermann	Mahon
Allen, Me.	Dale	Higgins	Marshall
Allen, N. J.	Dalzell	Hill, Conn.	Martin
Andrus	Davidson	Hoar	Michalek
Bannon	Dawes	Hogg	Miller
Barchfeld	Denby	Howell, N. J.	Mondell
Bartholdt	Dixon, Mont.	Huff	Mouser
Bates	Draper	Humphrey, Wash.	Needham
Bede	Driscoll	Jenkins	Nevin
Bennet, N. Y.	Dunwell	Jones, Wash.	Olmsted
Bennett, Ky.	Dwight	Kahn	Otjen
Bishop	Ellis	Keifer	Overstreet
Bonynge	Fletcher	Keanedy, Nebr.	Payne
Boutell	Foss	Kinkaid	Reeder
Brownlow	Foster, Ind.	Klepper	Rhodes
Burke, S. Dak.	Foster, Vt.	Knowland	Rives
Butler, Pa.	French	Lacey	Rodenberg
Calderhead	Gaines, W. Va.	Landis, Frederick	Scroggy
Capron	Gardner, Mass.	Lawrence	Sibley
Chaney	Gardner, Mich.	Loud	Smith, Cal.
Chapman	Gardner, N. J.	Loudenslager	Smith, Iowa
Cocks	Goebel	McCleary, Minn.	Smith, Samuel W.
Cole	Graff	McCreary, Pa.	Smyser
Cooper, Pa.	Grosvenor	McKinlay, Cal.	Snapp
Cooper, Wis.	Hale	McKinley, Ill.	Southard
Cousins	Hamilton	McKinney	Southwick
Cromer	Hayes	McLachlan	Sperry
Currier	Henry, Conn.	McMorran	Sterling
Curtis	Hepburn	Madden	Sulloway
Taylor, Ohio	Waldo	Wharton	Woodyard
Thomas, Ohio	Wanger	Wiley, N. J.	
Tirrell	Watson	Wilson	
Townsend	Weems	Wood, N. J.	

NAYS—82.

Adamson	Davis, Minn.	Lee	Russell
Aiken	Davis, W. Va.	Lloyd	Sheppard
Bankhead	De Armond	McCarthy	Sherley
Bartlett	Dixon, Ind.	McLain	Sims
Beall, Tex.	Ellerbe	McNary	Slayden
Bell, Ga.	Finley	Macon	Smith, Ky.
Birdsall	Floyd	Mann	Smith, Tex.
Bowie	Fulkerson	Meyer	Spight
Brantley	Garner	Moon, Tenn.	Stafford
Broocks, Tex.	Granger	Moore	Steenerson
Brundidge	Hardwick	Murdock	Stevens, Minn.
Burgess	Heflin	Murphy	Sullivan, Mass.
Burleson	Henry, Tex.	Norris	Thomas, N. C.
Burton, Ohio	Houston	Padgett	Volstead
Butler, Tenn.	Howard	Patterson, S. C.	Wallace
Candler	Hubbard	Perkins	Watkins
Clark, Fla.	Humphreys, Miss.	Pou	Webb
Clark, Mo.	Hunt	Pujo	Williams
Clayton	Johnson	Rainey	Zenor
Crumpacker	Jones, Va.	Ransdell, La.	
Darragh	Kitchin, Wm. W.	Richardson, Ky.	

ANSWERED "PRESENT"—9.

Burton, Del.	Holliday	Patterson, N. C.	Sparkman
Gregg	Lever	Pollard	Weeks
Hinshaw			

NOT VOTING—160.

Acheson	Fuller	Landis, Chas. B.	Robertson, La.
Alexander	Gaines, Tenn.	Law	Robinson, Ark.
Ames	Garber	Le Fevre	Rucker
Babcock	Garrett	Legare	Ruppert
Beidler	Gilbert, Ind.	Lester	Ryan
Bingham	Gilbert, Ky.	Lewis	Samuel
Blackburn	Gill	Lilley, Conn.	Schneebeli
Bowers	Gillespie	Lilley, Pa.	Scott
Bowersock	Gillett, Cal.	Lindsay	Shackleford
Bradley	Gillett, Mass.	Littauer	Shartel
Brick	Glass	Little	Sherman
Brooks, Colo.	Goldfogle	Littlefield	Slemp
Broussard	Goulden	Livingston	Small
Brown	Graham	Longworth	Smith, Ill.
Buckman	Greene	Lorimer	Smith, Md.
Burke, Pa.	Griggs	Lovering	Smith, Wm. Alden
Burleigh	Gronna	McCall	Smith, Pa.
Burnett	Gudger	McDermott	Southall
Byrd	Haskins	McGavin	Stanley
Calder	Haugen	Maynard	Stephens, Tex.
Campbell, Kans.	Hay	Minor	Sullivan, N. Y.
Campbell, Ohio	Hearst	Moon, Pa.	Sulzer
Cassel	Hedge	Morrell	Talbott
Cockran	Hill, Miss.	Mudd	Tawney
Conner	Hitt	Olcott	Taylor, Ala.
Davey, La.	Hopkins	Page	Towne
Dawson	Howell, Utah	Palmer	Trimble
Deemer	Hughes	Parker	Tyndall
Dickson, Ill.	Hull	Parsons	Underwood
Dovener	James	Patterson, Tenn.	Van Duzer
Dresser	Keliher	Pearre	Van Winkle
Edwards	Kennedy, Ohio	Powers	Vreeland
Esch	Ketcham	Prince	Wachter
Fassett	Kitchin, Claude	Randell, Tex.	Wadsworth
Field	Kline	Reid	Webber
Fitzgerald	Knapp	Reynolds	Weisse
Flack	Knopf	Rhinock	Welborn
Flood	Lafean	Richardson, Ala.	Wiley, Ala.
Fordney	Lamar	Rixey	Wood, Mo.
Fowler	Lamb	Roberts	Young

So the joint resolution was passed.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. TAWNEY with Mr. RICHARDSON of Alabama.

Mr. ESCH with Mr. TRIMBLE.

Mr. AMES with Mr. RUCKER.

The result of the vote was announced as above recorded.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL COLLECTION DISTRICT IN THE STATE OF TEXAS.

Mr. CURTIS. Mr. Speaker, I call up the conference report on the bill H. R. 10715.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The statement was read.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amend-

ments of the Senate numbered 1, 2, 3, and 5, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Add at the end of section 1 the following: "And the charges for the use of said docks and wharves shall be just and reasonable and shall not be greater than charges for similar services at other ports of the United States on the Gulf of Mexico;" and the Senate agree to the same.

CHARLES CURTIS,
H. S. BOUTELL,
CHAMP CLARK,
Managers on the part of the House.

S. B. ELKINS,
A. J. HOPKINS,
A. S. CLAY,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House on the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, submit the following statement:

The House recedes from its disagreement to the amendments of the Senate Nos. 1, 2, 3, and 5, and recedes from its disagreement to amendment No. 4 with an amendment.

Amendment No. 1 applies to slip No. 3 in Taylors Bayou, which was shown to your committee to be private property, and therefore was not under the control of the Port Arthur Canal and Dock Company.

Amendments Nos. 2 and 3 are in reference to the State of Texas ceding to the United States exclusive jurisdiction over the waterway, basins, and slips. As the legislature of Texas does not meet for some time, your committee thought it advisable to agree to the amendments striking out these requirements, because there is no doubt when the legislature does meet such cession will be made by the State of Texas, and to retain the provisions in the bill would unnecessarily delay the putting in operation of the provisions of the bill.

Amendment No. 5 makes Sabine, in the State of Texas, a subport of entry and delivery, with full authority and license to enroll, enter, and clear vessels, receive entries, collect dues, fees, and other moneys, and generally to perform the functions prescribed by the laws for collectors of customs, and perform such other services as in the judgment of the Secretary of the Treasury the exigencies of commerce may require. Your managers agreed to this amendment because they believed it was doing only what was fair and just to Sabine.

Amendment No. 4, as agreed to by the committee of conference, provides that the charges for the use of the docks and wharves shall be just and reasonable, and shall not be greater than the charges for similar services at other ports on the Gulf of Mexico.

Your managers recommend the adoption of the report.

CHAS. CURTIS,
H. S. BOUTELL,
CHAMP CLARK,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. CLARK of Missouri rose.

Mr. CURTIS. How much time does the gentleman desire?

Mr. CLARK of Missouri. Only a minute. I simply want to make one statement, because I promised Senator BAILEY to make it, and that is that neither he nor I believed that it was necessary to put in the part there about the charges for docking, because we believe Congress had that jurisdiction anyway. He was not willing for the report to be agreed to unless I would make that statement on the floor of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

BLACKFEET RESERVATION.

Mr. CURTIS. Mr. Speaker, I desire to call up conference report on the bill H. R. 19681.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 19681) to survey and allot lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open surplus lands for settlement.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19681) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation in the State of Montana, and to open the surplus lands to settlement, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"That the Secretary of the Interior is hereby authorized and directed to immediately cause to be surveyed all of the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana.

"SEC. 2. That so soon as all the lands embraced within the Blackfeet Indian Reservation shall have been surveyed the Commissioner of Indian Affairs shall cause allotments of the same to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and may rightfully belong on said reservation. That there shall be allotted to each member forty acres of irrigable land and two hundred and forty acres of additional land valuable only for grazing purposes, or at the option of the allottee the entire two hundred and eighty acres may be taken in land valuable only for grazing purposes, and for the irrigable lands allotted there is hereby reserved out of the waters of the reservation sufficient to irrigate said irrigable lands, and the United States shall and does hold said reserved waters in trust as appurtenant to the lands so allotted for the trust period named in the patent to be issued: *Provided*, That such reservation and trust shall only apply to such waters as may be actually and necessarily appropriated for the irrigable portions of Indian allotments within two years from the date of the issuance of the proclamation by the President opening the unallotted lands to settlement; and, pending such actual appropriation of water by and for any Indian allottee, all of said water shall be subject to use under the laws of Montana, but such use shall not be held to create a right adverse to any Indian allottee who actually appropriates water or for whom an actual appropriation of water is made to the extent that may be necessary for use on the allotment within the time limit aforesaid, but on the contrary each Indian allottee shall have and enjoy the prior right to appropriate water actually necessary for the irrigation of his or her allotment at any time within two years after the issue of the President's proclamation aforesaid: *And provided further*, That, subject to the foregoing provisions, all water rights and privileges on or connected with streams within or adjoining said reservation shall be subject to the laws of the State of Montana: *Provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved so long as needed and so long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians, not exceeding two hundred and eighty acres to any one religious society; also such tract or tracts of timber lands as he may deem expedient for the use and benefit of the Indians of said reservation in common; but such reserved lands, or any part thereof, may be disposed of from time to time in such manner as the said Secretary may determine: *Provided*, That there is hereby granted two hundred and eighty acres each to the Holy Family Mission on Two Medicine Creek and the Mission of the Methodist Episcopal Church near Browning, to be selected by the authorities of said missions, respectively, embracing the mission buildings and improvements thereon.

"SEC. 3. That upon the completion of said allotments the President of the United States shall appoint a commission consisting of three persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior or otherwise disposed of; said commission to be constituted as follows: One commissioner shall be a person holding tribal relations with said Indians, one a resident citizen of the State

of Montana, and one a United States special Indian agent or Indian inspector of the Interior Department.

"That within thirty days after their appointment said commissioners shall meet at some point within the Blackfeet Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk at a salary of not to exceed five dollars per day.

"That said commissioners shall then proceed to personally inspect and classify and appraise, by the smallest legal subdivisions of forty acres each, all of the remaining lands embraced within said reservation. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, the mineral land not to be appraised.

"That said commissioners shall be paid a salary of not to exceed ten dollars per day each while actually employed in the inspection and classification of said lands; such inspection and classification to be completed within nine months from the date of the organization of said commission.

"SEC. 4. That when said commission shall have completed the classification and appraisement of all of said lands and the same shall have been approved by the Secretary of the Interior, the land shall be disposed of under the general provisions of the homestead, mineral and town-site laws of the United States, except such of said lands as shall have been classified as timber lands, and except such sections sixteen and thirty-six of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections or parts thereof is lost to the State of Montana by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other lands not occupied or reserved within said reservation, not exceeding two sections in any one township, which selections shall be made prior to the opening of the lands to settlement: *Provided*, That the United States shall pay to the said Indians for the lands in said section sixteen and thirty-six, so granted, or the lands within said reservation selected in lieu thereof, the sum of one dollar and twenty-five cents per acre.

"SEC. 5. That the lands so classified and appraised shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars and the Philippine insurrection, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged, but no entry shall be allowed under section twenty-three hundred and six of the Revised Statutes: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by said commission, which in no case shall be less than one dollar and twenty-five cents per acre for agricultural and grazing lands and five dollars per acre for timber lands; but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-fifth of the appraised value in cash at the time of entry and the remainder in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence, and shall have made all the required payments aforesaid, he shall be entitled to a patent for the lands entered: *Provided*, That he shall make his final proofs in accordance with the homestead laws within seven years from date of entry, and that aliens who have declared their intention to become citizens of the United States may become such entrymen, but before making final proof and receiving patent they must receive their full naturalization papers: *And provided further*, That the fees and commissions at the time of commutation or final entry shall be the same as are now provided by law where the price of land is one dollar and twenty-five cents per acre: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, or to make final proof within seven years from date of entry, all rights in and to the land covered by his entry shall at once cease, and any payments theretofore made shall be forfeited and the entry shall be forfeited and canceled: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made.

"SEC. 6. That if, after the approval of the classification and appraisement, as provided herein, there shall be found lands within the limits of the reservation under irrigation projects deemed practicable under the provisions of the act of Congress approved June seventeenth, nineteen hundred and two, known as the reclamation act, said lands shall be subject to withdrawal and be disposed of under the provisions of said act, and settlers shall pay, in addition to the cost of construction and maintenance provided therein, the appraised value, as provided in this act, to the proper officers, to be covered into the Treasury of the United States for the credit of the Indians: *Provided*, That all lands hereby opened to settlement remaining undisposed of at the end of five years from the taking effect of this act shall be sold to the highest bidder for cash, at not less than one dollar and twenty-five cents per acre, under rules and regulations prescribed by the Secretary of the Interior; and any lands remaining unsold ten years after said lands shall have been opened to entry shall be sold to the highest bidder, for cash, without regard to the minimum limit above stated: *Provided*, That not more than six hundred and forty acres of land shall be sold to any one person or company.

"SEC. 7. That the lands within said reservation not already previously entered, whether classified as agricultural, grazing, timber, or mineral lands, shall be subject to exploration, location, and purchase under the general provisions of the United States mineral and coal land laws, at the prices therein fixed, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to an Indian.

"SEC. 8. That lands classified and returned by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under sealed bids to the highest bidder for cash at not less than five dollars per acre, under such rules and regulations as he may prescribe: *Provided*, That the said timber lands shall be sold in tracts not exceeding forty acres, with preference right of purchase to actual settlers, including Indian allottees residing in the vicinity, at the highest price bid.

"SEC. 9. That after deducting the expenses of the commission of classification, appraisement, and sale of lands, and such other incidental expenses as shall have been necessarily incurred, including the cost of survey of said lands, the balance realized from the proceeds of the sale of the lands in conformity with this act shall be paid into the Treasury of the United States and placed to the credit of said Indian tribe. Not exceeding one-third of the total amount thus deposited in the Treasury, together with one-third of the amount of the principal of all other funds now placed to the credit of or which is due said tribe of Indians from all sources, shall be expended from time to time by the Secretary of the Interior, as he may deem advisable for the benefit of said Indians, in the construction and maintenance of irrigation ditches, the purchase of stock cattle, horses, and farming implements, and in their education and civilization. The remainder of all funds deposited in the Treasury, realized from such sale of lands herein authorized, together with the remainder of all other funds now placed to the credit of or that shall hereafter become due to said tribe of Indians, shall, upon the date of the approval by the Secretary of the Interior of the allotments of land authorized by this act, be allotted in severalty to the members of the tribe, the persons entitled to share as members in such distribution to be determined by said Secretary; the funds thus allotted and apportioned shall be placed to the credit of such individuals upon the books of the United States Treasury for the benefit of such allottees, their legatees, or heirs. The President may, by Executive order, from time to time order the distribution and payment of such funds or the interest accruing therefrom to such individual members of the tribe as, in his judgment, would be for the best interests of such individuals to have such distribution made, under such rules and regulations as he may prescribe therefor: *Provided*, That so long as the United States shall hold the funds as trustee for any member of the tribe the Indian beneficiary shall be paid interest thereon annually at the rate of four per cent per annum.

"SEC. 10. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of sixty-five thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and for lands reserved for agency and school purposes, at the rate of one dollar and twenty-five cents per acre; also the sum of sev-

enty-five thousand dollars, or so much thereof as may be necessary, to enable the Secretary of the Interior to survey, classify, and appraise the lands of said reservation as provided herein, and also to defray the expense of the appraisement and survey of said town sites, the latter sums to be reimbursable out of the funds arising from the sale of said lands.

"SEC. 11. That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections sixteen and thirty-six, or the equivalent, in each township that may be granted to the State of Montana, the reserved tracts hereinbefore mentioned for agency and school purposes, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any part thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

"SEC. 12. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks, not less than eighty acres of said land at or near the present settlements of Browning and Babb, and each of such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlements. Such town sites shall be surveyed, appraised, and disposed of as provided in section twenty-three hundred and eighty-one of the United States Revised Statutes: *Provided*, That any person who, at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter at any time prior to the day fixed for the public sale, and at the appraised value thereof, such lot and any one additional lot of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: *Provided further*, That before making entry of any such lot or lots, the applicant shall make proof to the satisfaction of the register and receiver of the land district in which the land lies of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proof as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: *Provided further*, That in making their appraisal of the lots so surveyed it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry in their regular order with the other unimproved and unoccupied lots: *Provided, however*, That no lot shall be sold for less than ten dollars: *And provided further*, That said lots when surveyed shall approximate fifty by one hundred and fifty feet in size."

And the Senate agree to the same.

J. S. SHERMAN,
CHAS. CURTIS,
WM. T. ZENOR,
Managers on the part of the House.

W. A. CLARK,
FRED T. DUBOIS,
MOSES E. CLAPP,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The Senate in passing the House bill struck out all after the enacting clause and inserted Senate bill No. 6354. As agreed to in conference all after the enacting clause as passed by the Senate is again stricken out and the House bill is substituted therefor, modified so that instead of each head of a family receiving 80 acres of irrigable land and 240 acres of grazing land, each member of the tribe is given 40 acres of irrigable land and 280 acres of grazing land.

The conference report also modifies this bill so as to provide that waters for the use of the Indians shall be reserved for two years following the proclamation of the President opening the unallotted lands to settlement instead of five years from the date of the approval of the allotment by the Commissioner of Indian Affairs. Under the terms of the bill the proclamation of the President can not be issued until after the conclusion of allotments.

The conference report also modifies the bill so as to permit the use of the waters, without prejudice to the Indians, pending the date of allotments and appropriation of the water by the Indian allottees.

A further amendment grants 280 acres each to two religious societies now having institutions upon said reservation.

It also strikes out the provision that lands taken by the Reclamation Service must be paid for out of the reclamation fund within one year from the date of withdrawal, and provides in lieu of this provision that the lands when sold shall be paid for to the proper officers and the money covered into the Treasury to the credit of the Indians.

An amendment also adds to the lands which shall be subject to exploration, location, purchase, etc., mineral lands as well as grazing and timber lands, etc.

Another amendment provides that the clerk to be appointed by the commission created to appraise the lands shall be paid $5 per day instead of $7, as provided in the House bill as it passed.

J. S. SHERMAN,
CHARLES CURTIS,
WM. T. ZENOR,
Managers on the part of the House.

Mr. LACEY. Mr. Speaker, I would like to ask the gentleman a question.

Mr. CURTIS. I will yield for that purpose.

Mr. LACEY. I notice you have reduced the time for the appropriation of water to two years. I want to ask the gentleman if he does not think that entirely too short a time to enable the Indians to avail themselves of water enough to irrigate their holdings?

Mr. CURTIS. The managers on the part of the House thought that, as the date of the appropriation of the water was changed to two years from the issuing of the proclamation, the time was sufficient. The House bill provided that the water should be appropriated within five years from the date of the allotment. The proclamation will not be issued until the Secretary of the Interior advises the President that the conditions on the reservation are proper for the proclamation to be issued; and therefore we thought that two years would be ample time.

Mr. LACEY. The gentleman will recall the fact that five years was the lowest period that the House committee seemed to think would be proper, and some wanted to make it seven.

Mr. CURTIS. And some wanted to make it three years, if the gentleman from Iowa will remember. The managers thought that two years would be ample time.

Mr. LACEY. I want to say that I fear that in making that time so short the result will be that the Indians will find themselves without water.

Mr. CURTIS. We will have plenty of time to extend it by another act, in case this is found insufficient. Mr. Speaker, I ask for the adoption of the report.

The question was taken; and the report was agreed to.

HOUSE DOCUMENT.

Mr. KENNEDY of Nebraska. Mr. Speaker, I ask unanimous consent to print as House document two letters relating to pending legislation. They are both from officials of the United States.

Mr. PAYNE. I understand those letters are written by officers of the Government?

Mr. KENNEDY of Nebraska. Yes.

The SPEAKER. Is there objection?

There was no objection.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5901. An act to extend the time for the completion of the Alaska Central Railway, and for other purposes—to the Committee on the Public Lands.

S. 1816. An act for the relief of the Citizens' Bank of Louisiana—to the Committee on War Claims.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 19432. An act to authorize additional aids to navigation in the Light-House Establishment; and

H. R. 19264. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 17983. An act providing for the erection of a monument on Kings Mountain battle ground, commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces;

H. R. 15331. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907;

H. R. 19642. An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations.

H. R. 17510. An act to provide for a reconnoissance and preliminary survey of a land route for a mail and pack trail from the navigable waters of the Tanana River to the Seward Peninsula, in Alaska, and for other purposes;

H. R. 19150. An act to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes;

H. R. 18330. An act transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa;

H. R. 17663. An act to extend the provisions of the act of March 3, 1901, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections 1506 and 1605 for eminent and conspicuous conduct in battle;

H. R. 9813. An act granting a pension to Harriet P. Sanders; and

H. R. 12707. An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, recommending the sale of the site of the old appraisers stores at Providence, R. I.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for reconstruction of bridge and viaduct between the city of Rock Island, Ill., and Rock Island Arsenal—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 20266) to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906, reported the same, accompanied by a report (No. 4945); which said bill and report were referred to the House Calendar.

Mr. HOWARD, from the Committee on the Library, to which was referred the bill of the House (H. R. 12063) to accept from the State of Louisiana a cession of territory known as the "Chalmette Monument Place," in the parish of St. Bernard, of that State, and to provide for the completion of the monument thereon, and for other purposes, reported the same with amendment, accompanied by a report (No. 4950); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCLEARY of Minnesota, from the Committee on the Library, to which was referred the bill of the Senate (S. 1032) to aid in the erection of a statue of Commodode John D. Sloat, United States Navy, at Monterey, Cal., reported the same with amendment, accompanied by a report (No. 4951); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 19680) directing the Secretary of War to cause an examination and survey to be made of Coney Island channel, reported the same without amendment, accompanied by a report (No. 4948); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4554) to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisnewski, reported the same with amendment, accompanied by a report (No. 4947); which said bill and report were referred to the Private Calendar.

Mr. MOUSER, from the Committee on Claims, to which was referred the bill of the House (H. R. 18865) for the relief of John and David West, reported the same without amendment, accompanied by a report (No. 4949); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HOPKINS: A bill (H. R. 20262) to authorize William Goosey, G. B. Blakey, F. A. Lyons, J. M. Beatty, and associates, to bridge the Kentucky River—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Maryland: A bill (H. R. 20263) to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war,' approved July 27, 1892"—to the Committee on Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 20264) to compel telegraph companies to show plainly on every telegram the time of the receipt of the telegram at the receiving office—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: A bill (H. R. 20265) establishing in the District of Columbia a neurological hospital for the care and treatment of the indigent insane of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. BURTON of Ohio, from the Committee on Rivers and Harbors: A bill (H. R. 20266) to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906—to the House Calendar.

By Mr. TOWNSEND: A bill (H. R. 20267) to provide for the disposal of certain lands within the abandoned military reservation of St. Michael to persons claiming the same and having improvements thereon for purpose of trade—to the Committee on the Public Lands.

By Mr. REYNOLDS: A bill (H. R. 20268) providing that death in the service shall constitute an honorable discharge, under the third section of the act of June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing pensions to widows, minor children, and dependent parents"—to the Committee on Military Affairs.

By Mr. BEDE: A concurrent resolution (H. C. Res. 34) authorizing and directing the Secretary of War to cause an examination and survey to be made of the harbor at Duluth, Minn.—to the Committee on Rivers and Harbors.

By Mr. MONDELL: A resolution (H. Res. 594) authorizing the chairman of the Committee on Irrigation of Arid Lands to appoint a clerk to said committee—to the Committee on Accounts.

By Mr. NEEDHAM: A memorial from the legislature of California, asking Congress to suspend certain portions of the Revised Statutes of the United States for the year 1906, relative to mining claims—to the Committee on Mines and Mining.

Also, a memorial from the legislature of the State of California, asking certain legislation concerning the work of the Geological Survey—to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 20269) granting an increase of pension to Sarah A. Galloway—to the Committee on Pensions.

By Mr. BEDE: A bill (H. R. 20270) granting an increase of pension to Michael Dunn—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 20271) granting an increase of pension to Waldo Sprague—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 20272) granting an increase of pension to James L. House—to the Committee on Invalid Pension.

By Mr. FULKERSON: A bill (H. R. 20273) to correct the military record of James H. Magee—to the Committee on Military Affairs.

By Mr. SOUTHARD: A bill (H. R. 20274) granting a pension to Venier S. Feasel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20275) to correct the military record of Edward H. Severance—to the Committee on Military Affairs.

By Mr. TIRRELL: A bill (H. R. 20276) to refund legacy taxes illegally collected—to the Committee on Claims.

By Mr. WEEMS: A bill (H. R. 20277) granting a pension to Eugenia Sinclair—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 20278) granting an increase of pension to Alexander Bryant—to the Committee on Pensions.

Also, a bill (H. R. 20279) granting an increase of pension to Edmund Hostetter—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Paper to accompany bill for relief of Sarah A. Galloway—to the Committee on Pensions.

By Mr. ALEXANDER: Resolution of Western New York Federation of Women's Literary and Educational Organizations, for amendment to Federal Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. BATES: Petition of Philadelphia Association of Retail Druggists, for bill H. R. 8102 (the Mann bill)—to the Committee on Patents.

Also, petition of W. F. Hill, State Grange, Pa., for Hepburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of George Reagan—to the Committee on Invalid Pensions.

By Mr. DUNWELL: Petition of United German Societies of New York, for furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of Illinois State Medical Society, for a law increasing efficiency of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of M. H. Crider, Walter Porter, and W. C. Neely, for the pure-food bill and Federal inspection of meat-packers' products—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Petition of certain oil producers of Marietta, Ohio, against pipe-line amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition, in form of letters and telegrams, from Moline, Ill.; Cincinnati, Ohio; Bridgeton, N. J.; Chicago, Ill., and Minneapolis, Minn., against the eight-hour bill—to the Committee on Rules.

By Mr. HOUSTON: Paper to accompany bill for relief of J. C. Williams, heir of Chirley Williams—to the Committee on War Claims.

By Mr. HUFF: Petition of C. A. Hite, against pipe-line amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Associated Producers' Company, against the pipe-line amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: Petition of merchants et al., of Atkinson, Holt County, Nebr., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAM W. KITCHIN: Paper to accompany bill for relief of George H. Preddy—to the Committee on Military Affairs.

By Mr. LACEY: Petition of J. T. Tunbrel et al., for the pure-food bill and Federal inspection of meat-packers' products—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of the New Immigrants' Protective League, for a commission to study and formulate a feasible system for distribution of immigrants over the country—to the Committee on Immigration and Naturalization.

By Mr. McNARY: Petition of common council of the city of Boston, against the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STERLING: Petition of William Dancer, Kempton, Ill., for pure-food bill and Federal inspection of meat-packing products—to the Committee on Agriculture.

By Mr. TIRRELL: Petition of Hyland C. Kirk, relative to certain patent from which the Government has derived (so petitioner claims) very great advantage—to the Committee on Patents.

By Mr. VREELAND: Petition from many producers and refiners of petroleum, against the pipe-line provision in rate bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *June 18, 1906.*

Prayer by the Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The VICE-PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of the proceedings of Saturday last; when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives on the naval appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, receding from its disagreement to amendment No. 4, and insisting on its disagreement to the remaining amendments, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate further insist on its amendments still in disagreement and agree to the conference asked for by the House, the conferees to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 280. An act to provide a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island; and

S. R. 60. A joint resolution providing for the purchase of material and equipment for use in the construction of the Panama Canal.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4468) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 10715. An act to establish an additional collection district in the State of Texas; and

H. R. 19681. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open surplus lands for settlement.

The message also announced that the House had passed the

following bills; in which it requested the concurrence of the Senate:

H. R. 19519. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the subport of Superior, Wis.;

H. R. 19844. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes; and

H. R. 19854. An act to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across Sunflower River.

The message further communicated to the Senate the intelligence of the death of Hon. RUFUS EZEKIEL LESTER, late a Representative from the State of Georgia, and transmitted resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. BARTLETT, Mr. GRIGGS, Mr. BRANTLEY, Mr. ADAMSON, Mr. HARDWICK, Mr. BELL, and Mr. LEWIS, of Georgia; Mr. BURTON of Ohio; Mr. BANKHEAD and Mr. CLAYTON, of Alabama; Mr. SPARKMAN of Florida; Mr. BISHOP of Michigan; Mr. LAWRENCE of Massachusetts; Mr. DAVIDSON of Wisconsin, and Mr. BURGESS of Texas as members of the committee on the part of the House to attend the funeral.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment; and it was thereupon signed by the Vice-President.

GRADING AND INSPECTION OF GRAIN.

Mr. McCUMBER. I present a petition in the shape of a letter, which I ask may be read and printed in the RECORD. It is very short. After it is read I wish to make a very brief statement explaining it.

There being no objection, the Secretary read the letter, as follows:

SUPERIOR BOARD OF TRADE,
Superior Wis., June 12, 1906.

Hon. P. J. McCUMBER, *Washington, D. C.*

DEAR SIR: We are directed by the board of directors of the Superior Board of Trade to write you regarding the overage of 26,000,000 bushels of grain as indicated by the figures taken by one Mr. Crumpton from the official figures of the Minnesota grain and warehouse commission. This report, as well as the official figures, are now claimed to be erroneous.

We do not vouch for the accuracy of any of their figures, nor do we contend that the purloining is to exceed possibly 6,000,000 bushels, but it is no doubt of sufficient quantity to cause alarm, and of sufficient importance to justify an investigation by the Interstate Commerce Commission.

We would strongly urge such an investigation, and if desired will take pleasure in extending to you the assistance of persons here who have been familiar with the grain operations for several years.

The friends of the present Minnesota inspection lay great stress upon some error claimed in arriving at the figures of this large overage, but this is only one of the vulnerable points.

They say nothing of their attempts to cover up this stealing by shipping out wheat as screenings, but an investigation will bring out these facts, as we can name men who know it to be true, and who will give dates, weights, numbers of cars, persons to whom sold, and prices paid.

They say nothing about the pressure brought to bear on Mr. Crumpton to get him to change his figures and to retract sworn testimony given by him in circuit court before Judge Parish.

Mr. Crumpton is now a member of the Duluth Board of Trade, having paid about $2,500 for his membership, and they, the Duluth board, might make this a serious matter for his business and membership.

If we can be of assistance to you in this campaign for honest grain inspection, give the word—we can and will help. Should you need copies of sworn affidavits in the case in the United States court, will get them for you. Wire if in a hurry.

Dakota people are assuring us of the great benefit your efforts and our efforts are yielding.

Let the good work continue.

Yours, very truly,
J. H. ROTH, *President.*
A. N. LENT, *Secretary.*

Mr. McCUMBER. Mr. President, in explanation of this letter, I simply desire to state that the letter was received by me last Friday. It comes from the president of the Superior Board of Trade and seems to come as the result of official action taken by that board. I immediately wired the writer to see if it was satisfactory to have it made a part of the RECORD, and received an affirmative answer.

Mr. President, in asking that this letter go in the RECORD in connection with the statement made by the Minnesota grain and warehouse commission, introduced by the Senator from Minnesota [Mr. CLAPP] some few days ago, I do not wish to be understood as conceding that it is the important issue in the matter of grain grading and inspection. It is of minor importance as compared with the dissatisfaction which grows out of the system of weighing, grading, inspecting, and mixing.

The statement of this commission, which has been made a part of the RECORD, admits that the grades are raised in the elevators after cleaning. However, inasmuch as the grain is docked sufficiently to allow not only for the dirt, cockle, or other foul stuff, but also to cover the expense of the cleaning, the producer claims, and I agree with him, that he should have the benefit of the grade after it is cleaned.

The commission also admits the mixing of grades for export, and attempts to justify it. But where this mixing is allowed the inclination of the mixer is to get all he possibly can of the lower grade into the compound, and when it reaches the foreign port it is not the good No. 1 or No. 2 northern which the purchaser has agreed to receive. Our consular reports are filled with complaints of this character, and our wheat is being discredited by reason of it.

It seems, Mr. President, from the statement made and reported by the commission that Mr. Crumpton, on whose testimony Judge Sanborn found that there was overage in the elevators of about 26,000,000 in about ten years in favor of the purchasers, now makes a statement or affidavit that he made some errors in his computation or estimate—that is, that there are some matters which he did not take into consideration.

The letter from the Superior Board of Trade may throw some light on the credence which should be given to this latter statement. Letters which I received from Mr. Crumpton several years ago, after he had had an opportunity to examine practically the same figures as are reported, do not harmonize with his present statement.

A joint resolution requesting an investigation of this subject is now before the Committee on Agriculture and Forestry. I am not a member of that committee and therefore unable to move it to action, but I sincerely hope that the committee will give it the attention that the gravity of the situation and its importance justify and will report the joint resolution in sufficient time to dispose of it at this session.

There seems to be a wide difference of opinion between the Minnesota board and the elevator companies on the one side and the Superior Board of Trade and Judge Sanborn's decision and the producers in my State on the other side. It involves a very important matter to our commerce; and the investigation ought to be made in justice to both sides and in justice to all claimants. Nothing but good can result from such an investigation. I hope that the Committee on Agriculture and Forestry will give all parties who are asking for the investigation that which they desire.

The VICE-PRESIDENT. The letter will be referred to the Committee on Agriculture and Forestry.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented a joint resolution of the legislature of California, praying for a suspension of the operations of section 2324, Revised Statutes, requiring the expenditure annually of $100 in labor and improvements upon unpatented mining claims; which was referred to the Committee on Mines and Mining, and ordered to be printed in the RECORD, as follows:

Senate joint resolution No. 3.

Whereas the recent conflagration which destroyed a large portion of the city and county of San Francisco has resulted in withdrawing a large amount of capital annually employed in the State of California in the prospecting for, working, and developing mines, has particularly worked a hardship upon those persons who annually contribute a large amount of money for the performance of the annual labor upon mining claims, as required by the provisions of section 2324 of the Revised Statutes of the United States:

Resolved, therefore, by the senate of the State of California and assembly jointly, That our Senators and Representatives in Congress use all honorable means to secure the passage of legislation by the present Congress, suspending the operation for the year of 1906 of that portion of the Revised Statutes of the United States, section 2324 thereof, requiring the expenditure annually of $100 in labor and improvements upon unpatented mining claims, similar legislation having been enacted in the years 1893 and 1894: Be it therefore

Resolved, That the secretary of the Senate be, and he is hereby, directed to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

ALDEN ANDERSON,
President of the Senate.
THOS. E. ATKINSON,
Speaker of the Assembly.

Attest:
C. F. CURRY, *Secretary of State.*

Senate joint resolution No. 3.

Adopted in senate June 11, A. D. 1906.
LEWIS A. HILBORN,
Secretary of the Senate.

Adopted in assembly June 11, A. D. 1906.
CLIO LLOYD,
Chief Clerk of the Assembly.

This resolution was received by the governor this 12th day of June, A. D. 1906.
A. B. NYE,
Private Secretary of the Governor.

Mr. PERKINS presented a memorial of the legislature of California, remonstrating against any reduction being made in the appropriation for the maintenance of the hydrographic

branch of the Geological Survey; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

Senate joint resolution No. 2.

Whereas the hydrographic branch of the Geological Survey has rendered conspicuous service to the people of the United States and especially of the State of California; and

Whereas any reduction in the amount of money appropriated for its maintenance would seriously cripple and reduce the efficiency of its works: Now, therefore, be it

Resolved by the senate and assembly jointly, That the Senators and Representatives in Congress from the State of California be, and they are hereby, urgently requested to use every honorable means to prevent any reduction in the sundry civil bill of the amount of the appropriation providing for the maintenance of the hydrographic branch of the Geological Survey. The secretary of senate is hereby directed to mail a copy of this resolution to the said Senators and Representatives.

ALDEN ANDERSON,
President of the Senate.
THOS. E. ATKINSON,
Speaker of the Assembly.

Attest:
C. F. CURRY, *Secretary of State.*

Senate joint resolution No. 2.

Adopted in senate June 9, A. D. 1906.

LEWIS A. HILBORN,
Secretary of the Senate.

Adopted in assembly June 11, A. D. 1906.

CLIO LLOYD,
Chief Clerk of the Assembly.

This resolution was received by the governor this 12th day of June, A. D. 1906.

A. B. NYE,
Private Secretary of the Governor.

Mr. GALLINGER presented a petition of 150 employees of the United States Senate, praying that the names of Curtis Washington and John Coleman, barbers in the employees' barber shop of the Senate, be placed on the skilled laborers' roll; which was referred to the Committee on Appropriations.

Mr. BURKETT presented resolutions adopted by the Nebraska Stock Growers' Association, relative to the meat-inspection provision in the agricultural appropriation bill; which were referred to the Senate conferees on the agricultural appropriation bill, and ordered to be printed in the RECORD, as follows:

We, the Nebraska Stock Growers' Association, in regular meeting assembled, recognizing the great injury and damage that has fallen upon the live-stock industry by reason of the investigation and reports of the conditions surrounding the packing-house products, and the sanitary condition of the packing houses of Chicago, and realizing that speedy action is necessary if further damage is to be averted, hereby urge our National Congress, and especially the Nebraska members thereof, to pass such legislation as will improve and strengthen Government inspection of all packing-house meat products, and that will prescribe and enforce such sanitary regulations for packing houses as will leave no room for criticism of their methods.

We, as cattle growers, recommend that the pending Beveridge bill be carefully considered and revised before being enacted into law. We, as stock growers, especially object to that provision of the bill which would levy the cost of animal and meat inspection upon the packers. Government inspection of food products is for the protection of the whole nation, and the cost should fall equally upon all who are benefited. The cost, as provided in the Beveridge bill, will eventually fall upon the live-stock growers and permits more tribute to be levied upon an industry already depressed: Therefore, be it

Resolved, That a copy of these resolutions be forwarded to the Senators and Representatives in Congress from Nebraska.

Mr. BURKETT presented a petition of the Nebraska Stock Growers' Association, praying for the enactment of legislation providing for the disposal of such portions of the public lands in that State as is unsuited for agricultural purposes; which was referred to the Committee on Public Lands.

Mr. NELSON presented a telegram in the nature of a petition from Thuet Brothers, live stock commission merchants, of South St. Paul, Minn., praying for the enactment of a rigid meat-inspection law; which was read, and referred to the Committee on Agriculture and Forestry, as follows:

SOUTH ST. PAUL, MINN., *June 18, 1906.*

Hon. KNUTE NELSON,
United States Senate, Washington, D. C.:

The live stock dealers and producers desire a rigid meat-inspection law. The cost to be paid by the Government. Law should be passed promptly to stop this agitation.

THUET BROTHERS,
Live Stock Commission Merchants.

Mr. BLACKBURN presented sundry papers to accompany the bill (S. 5270) for the relief of Ellenor Gibson Whitney; which were referred to the Committee on Claims.

Mr. LONG. I present certain petitions in relation to the railroad rate bill. I ask that one of them be read and that the others be referred to the Senate conferees on the railroad rate bill.

The VICE-PRESIDENT. Without objection, the Secretary will read the petition.

The Secretary read as follows:

INDEPENDENCE, KANS., *June 11, 1906.*

Hon. C. I. LONG,
United States Senate, Washington, D. C.:

As a producer in the Kansas and Indian Territory fields and being vitally interested in the welfare and prosperity of those fields, I would request that the pipe-line amendment to the rate bill now before the joint conference committee be stricken out. If this is permitted to pass, it will work a great injury to the oil business in Kansas and Indian Territory and will act against the general welfare of the producer.

A. C. STICH.

The VICE-PRESIDENT. The petitions presented by the Senator from Kansas will be referred to the Senate conferees on the bill, as requested.

Mr. LONG presented memorials of A. C. Stich, John F. Overfield, George W. Finley, and H. W. Conrad, all of Independence; of C. E. Saddler, secretary of the Oil Producers' Association of Sedan; of P. H. Albright, president of the Union Oil Company, of Winfield; of H. C. Ewers & Co., of Sedan, all in the State of Kansas, and of William Johnston, of Bartlesville, Ind. T., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" relative to pipe lines; which were referred to the Senate conferees on the railroad rate bill.

Mr. FORAKER. I have numerous similar telegrams, protesting against the provision of the railroad rate bill in regard to pipe lines. I send them to the desk and ask that they may be filed as petitions, and I would be glad if they could be referred to the conferees who now have that bill under consideration. I tried to get them there, but the august presence would not tolerate any petitions, and I did not succeed in leaving them.

The VICE-PRESIDENT. The memorials will be referred to the conferees on the part of the Senate.

Mr. TILLMAN. But not to the conference.

Mr. FORAKER. To the conferees was the request I made. I did not know what the parliamentary usage is in that respect; and I could not get beyond the doorkeeper. I suppose the conferees did not know of it.

Mr. TILLMAN. I merely want to comment upon the sarcastic allusion of the Senator from Ohio to the august presence of the conferees. As I am the only member of the conference committee on the part of the Senate whom I see present, I wish to take occasion to say that if we should add to our troubles (and we have enough of them since the bill has been sent back to conference), I think, probably, the present session of Congress might last considerably longer than we expect. We therefore have felt unwilling to take up the numerous telegrams that have been sent from the lumber interests and the pipe-line interests and others. When anyone has sent us telegrams we have received them, but we have not felt willing to have arguments made, because we have arguments enough among ourselves, I assure the Senator.

Mr. FORAKER. I understood that there was some trouble of that kind in the inner chamber. I was only speaking of my experience at the door. It was the doorkeeper who would not allow me to proceed.

Mr. TILLMAN. As I said, we could not afford—at least we did not feel willing—at this stage of the proceedings to add to our misery by having long arguments made in conference, after we had listened to them four days here in the Senate.

Mr. FORAKER. I understand how it was that the conferees did not want this additional light. They have had trouble enough with what light they have.

The VICE-PRESIDENT. The memorials presented by the Senator from Ohio will be referred to the Senate conferees on the bill, as requested.

Mr. FORAKER presented memorials of L. G. Neeley, president of the Neeley Clover Company, Ohio, general manager of the Ohio Valley Oil and Gas Company, Indiana, and secretary of the Nelson Oil Company, of Kansas; of D. W. Jay, of St. Paris; of E. C. Kurtz, of St. Marys; of W. L. Russell, of Lima; of D. C. Davis, of Marietta; of William M. Melville, of Lima; of J. O. Hover, of Lima; of J. R. Longsworth, of Lima; of M. M. Rose, of Marietta; of Walter B. Richie, of Lima; of W. B. Jack, manager of the National Oil Company, of Wapakoneta; of J. D. S. Neely, of Lima; of S. M. Murdock, of Lima; of W. W. Mills, of Marietta; of D. B. Torpy, of Marietta; of M. D. Shaw, of Wapakoneta; of J. B. Kerr, of Lima; of S. W. Van Cleve, of Lima; of E. J. Cable, of Lima; of Thomas Hanley, district superintendent of the Southern Oil Company, of Marietta; of R. B. Gordon, of St. Marys; George C. Best, of Marietta; of T. W. Moore, of Marietta; of A. Alderman, of Marietta; of J. E. Lowry, of Lima; of C. D. Palmer, manager of the Lorenz Oil Company, of Marietta, all in the State of Ohio; of C. C. Harris, J. L. Loney, and B. F. Tupper, of Independence, Kans., and of the Continent Oil Producers' Association, of Bartles-

ville, Ind. T., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" relative to pipe lines; which were referred to the Senate conferees on the railroad rate bill.

REPORTS OF COMMITTEES.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 188) for the relief of the legal representatives of George W. Soule, reported it with an amendment, and submitted a report thereon.

Mr. BURKETT. I am directed by the minority of the committee to submit views adverse to this claim.

The VICE-PRESIDENT. The Senator from Nebraska presents the views of the minority in connection with the bill. They will be printed, to accompany the report.

Mr. NELSON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 19522) establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal., reported it with an amendment.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the amendment submitted by himself on the 16th instant proposing to increase the appropriation for military posts from $750,000 to $973,750, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by himself on the 16th instant, proposing to appropriate $15,000 for completing the approaches, subdividing and finishing the attic story, and increasing the business facilities of the public building at Cheyenne, Wyo., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6471) granting an increase of pension to Ella E. Kenney; and

A bill (H. R. 16875) granting an increase of pension to John K. Hart.

Mr. McCUMBER (for Mr. CARMACK), from the Committee on Pensions, to whom was referred the bill (H. R. 4967) granting an increase of pension to Joshua Holcomb, reported it without amendment, and submitted a report thereon.

He also (for Mr. PATTERSON), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 19245) granting an increase of pension to William C. Hoover; and

A bill (H. R. 14257) granting an increase of pension to Fleming H. Freeland.

Mr. McCUMBER (for Mr. BURNHAM), from the Committee on Pensions, to whom was referred the bill (H. R. 9101) granting an increase of pension to James W. Loomis, reported it without amendment, and submitted a report thereon.

He also (for Mr. BURKETT), from the Committee on Pensions, to whom was referred the bill (H. R. 10267) granting an increase of pension to David W. Farington, reported it without amendment, and submitted a report thereon.

Mr. McLAURIN, from the Committee on Claims, to whom was referred the amendment submitted by Mr. FOSTER on the 16th instant, authorizing the Secretary of the Treasury to return to the Citizens' Bank of Louisiana the money taken from that bank by the military order of June 19, 1862, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

LICENSED OFFICERS OF VESSELS.

Mr. GALLINGER. For the Senator from Maine [Mr. FRYE] I report back favorably from the Committee on Commerce with amendments the bill (S. 6355) concerning licensed officers of vessels, and I will ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Commerce were, on page 1, line 10, after the words "gross tons," to insert a comma; in line 15, after the words "gross tons," to insert a comma; and on page 2, line 1, after the words "for hire," to insert a comma; so as to make the bill read:

Be it enacted, etc., That section 4438 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4438. The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters and chief mates of sail vessels of over 700 gross tons, and all other vessels of over 100 gross tons, carrying passengers for hire. It shall be unlawful to employ any person, or for any person to serve, as a master, chief mate, engineer, or pilot of any steamer or as master of any sail vessel of over 700 gross tons or of any other vessel of over 100 gross tons carrying passengers for hire, who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of $100 for each offense."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT STREET RAILWAYS.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 6147) authorizing changes in certain street-railway tracks within the District of Columbia, and for other purposes, to report it favorably with amendments, and I submit a report thereon. I wish to say that this bill proposes legislation which will enable the existing street-railway companies to get their tracks to the new Union Station. I understand the Senator from North Dakota [Mr. HANSBROUGH] desires to make a statement concerning the matter, but I hope, notwithstanding the stress of the business before the Senate, unanimous consent will be given that this bill be acted on at the present time. It is exceedingly important.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill just read? The Chair hears none, and it is before the Senate as in Committee of the Whole.

Mr. HANSBROUGH. Mr. President, this is the bill, or at least a part of the bill, which came from the Committee on the District of Columbia some three or four weeks ago and was placed on the Calendar.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. HANSBROUGH. For a question.

Mr. PATTERSON. It is quite possible that this bill will bring on considerable argument, and I would suggest that the business which was to be taken up immediately on the conclusion of the routine business this morning be taken up and disposed of, and that we get that out of the way. I know the Senator from Pennsylvania is very anxious to have this done. I think it would be better to allow this bill to go over for the present and take it up a little later by unanimous consent, if it shall be determined to do so.

Mr. GALLINGER. I will say to the Senator that I was absent from the Chamber the latter part of Saturday, and I did not know what arrangement had been made. I have not had time to look at the RECORD. I do not wish to interfere with any arrangement that has been made for the proceedings of to-day. I am anxious to have this bill acted on, and I had hoped it would not take many minutes. But I will ask that the bill may lie over, to be taken up after the routine morning business to-morrow.

Mr. HANSBROUGH. I only wish to say that I have several amendments to offer to the bill.

The VICE-PRESIDENT. The bill will go to the Calendar. It has been read.

Mr. GALLINGER. I ask that the bill may be taken up after the routine morning business to-morrow.

Mr. NELSON. That will interfere with the arrangement which was made Saturday. We are to take up the Lake Erie and Ohio River Ship Canal bill immediately after the conclusion of the morning business.

The VICE-PRESIDENT. The request of the Senator from New Hampshire is that the bill mentioned be taken up after the routine morning business on to-morrow. Is there objection to the request. The Chair hears none.

Mr. TILLMAN. I suggest that the Senator from North Dakota should offer his amendments and have them printed, so that we can see what is proposed in the way of a change.

Mr. GALLINGER. I think that is right.

Mr. TILLMAN. It will add to the knowledge of the situation which Senators who are interested in the matter will have.

Mr. HANSBROUGH. I think that is a very good suggestion. In compliance with the request of the Senator from South Carolina, I offer the amendments, and I ask that they may be printed.

The VICE-PRESIDENT. The Senator from North Dakota proposes certain amendments, which will be printed and lie on the table.

PROPOSED RULE AS TO CONFERENCE REPORTS.

Mr. BAILEY. Several days ago I introduced an amendment to the rules and asked that it might lie upon the table. At that time I thought probably I would have something to say about it, but it seems generally accepted as a proper amendment, and I will ask that it be taken from the table and referred to the Committee on Rules.

The VICE-PRESIDENT. The resolution submitted by the Senator from Texas on the 4th instant, relative to a proposed rule as to conference reports, will be referred to the Committee on Rules, as requested.

FORFEITURE OF RAILROAD LANDS.

Mr. CARTER. I ask for the consideration of the bill (H. R. 15513) to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States."

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with amendments, on page 2, line 10, after the word "progressing," to insert the words "in good faith;" in line 12, page 2, after the word "railroad," to strike out the words "for three years after such approval;" so as to make the bill read:

Be it enacted, etc., That each and every grant of right of way and station grounds heretofore made to any railroad corporation under the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," where such railroad has not been constructed and the period of five years next following the location of said road, or any section thereof, has now expired, shall be, and hereby is, declared forfeited to the United States, to the extent of any portion of such located line now remaining unconstructed, and the United States hereby resumes the full title to the lands covered thereby freed and discharged from such easement, and the forfeiture hereby declared shall, without need of further assurance or conveyance, inure to the benfit of any owner or owners of land heretofore conveyed by the United States subject to any such grant of right of way or station grounds: *Provided*, That in any case under this act where construction of the railroad is progressing in good faith at the date of the approval of this act the forfeiture declared in this act shall not take effect as to such line of railroad.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill (S. 6255) to amend section 4 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906.

Mr. BURROWS. I wish to inquire if the morning business has been concluded?

The VICE-PRESIDENT. It has not been concluded.

Mr. BURROWS. Let us have the regular order.

The VICE-PRESIDENT. Reports of committees are still in order.

Mr. KNOX. I rose to inquire if the morning business has been closed?

The VICE-PRESIDENT. It has not been concluded.

BRANCH LIBRARY IN TAKOMA PARK.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 6406) to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch, to report it favorably with amendments, and I ask for its present consideration. It will take but a moment to pass it, and I hope consent will be given.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on the District of Columbia were, on page 2, line 4, before the name "Andrew Carnegie," to strike out "Mr.;" and in line 5, after the word "Carnegie," to strike out the words "on the conditions aforesaid;" so as to make the bill read:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to accept from Andrew Carnegie a donation not exceeding $30,000 for the purpose of erecting a suitable branch library building in Takoma Park, subject to the approval of the Commissioners and the public library trustees, and to accept conveyance of unencumbered land considered suitable by the said Commissioners and library trustees as a site for a branch library for Takoma Park. And authority is hereby conferred upon a commission, to consist of the Commissioners of the District of Columbia, the chairman of the committee on branch libraries of the library trustees, and the librarian of the Washington public library, to supervise the erection of said branch library building: *Provided*, That such branch library building shall not be opened for public use until Congress shall hereafter provide for the necessary expenses of maintaining said branch library when the same shall be completed and ready for such use.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I move that the preamble be stricken out.

The motion was agreed to.

HAROLD L. JACKSON.

Mr. BULKELEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 4965) authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army, to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President, with the advice and consent of the Senate, to appoint Harold L. Jackson, now a captain on the retired list of the Army, to be a major on the retired list of the Army, with the rank and pay of that office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. TALIAFERRO (by request) introduced a bill (S. 6482) for the relief of William A. Chisolm; which was read twice by its title, and referred to the Committee on Claims.

Mr. SPOONER introduced a bill (S. 6483) to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HANSBROUGH introduced a joint resolution (S. R. 67) limiting the gratuitous distribution of the "Rules and Specifications for Grading Lumber Adopted by the Various Lumber Manufacturing Associations of the United States" to the Senate, the House of Representatives, and the Department of Agriculture; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Printing.

AMENDMENTS TO BILLS.

Mr. DUBOIS submitted an amendment intended to be proposed by him to the bill (S. 6147) authorizing changes in certain street-railway tracks within the District of Columbia, and for other purposes; which was ordered to lie on the table and be printed.

Mr. WHYTE submitted an amendment proposing to increase the appropriation for field expenses in the Coast and Geodetic Survey from $70,000 to $85,000, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 19519. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the subport of Superior, Wis.; and

H. R. 19854. An act to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across Sunflower River.

H. R. 19844. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On June 14:

S. 267. An act to prohibit aliens from fishing in the waters of Alaska;

S. 5357. An act permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn.;

S. 663. An act granting a pension to Joseph Ellmore;

S. 722. An act granting a pension to Annis Bailey;

S. 2008. An act granting a pension to Virginia A. McKnight;

S. 2852. An act granting a pension to Bridget Manahan;

S. 6. An act granting an increase of pension to Ella N. Harvey;

S. 20. An act granting an increase of pension to Edward Higgins;

S. 215. An act granting an increase of pension to Elias Phelps;

S. 225. An act granting an increase of pension to Thomas R. Smith;

S. 453. An act granting an increase of pension to George K. Green;

S. 586. An act granting an increase of pension to Corydon W. Sanborn;

S. 668. An act granting an increase of pension to John C. Rassbach;

S. 764. An act granting an increase of pension to Robert Carney;

S. 911. An act granting an increase of pension to Julius A. Davis;

S. 1174. An act granting an increase of pension to Edwin Morgan;

S. 1224. An act granting an increase of pension to William A. Bowles;

S. 1256. An act granting an increase of pension to Lewis D. Moore;

S. 1264. An act granting an increase of pension to Joseph Shiney;

S. 1428. An act granting an increase of pension to Daniel Lamprey;

S. 1443. An act granting an increase of pension to Hiram C. Clark;

S. 1570. An act granting an increase of pension to Lydia A. Johnson;

S. 1664. An act granting an increase of pension to Elizabeth L. W. Bailey;

S. 1849. An act granting an increase of pension to David T. Pettie;

S. 1855. An act granting an increase of pension to James J. Brown;

S. 1865. An act granting an increase of pension to Solomon H. Baker;

S. 2032. An act granting an increase of pension to Thomas F. Stevens;

S. 2179. An act granting an increase of pension to G. Annie Gregg;

S. 2429. An act granting an increase of pension to James Devor;

S. 2619. An act granting an increase of pension to William H. Willie;

S. 2728. An act granting an increase of pension to Louisa Carr; and

S. 2791. An act granting an increase of pension to John Lindt.

PROPOSED INVESTIGATION OF NATIONAL BANKS.

The VICE-PRESIDENT. If there are no concurrent resolutions, the morning business is closed, and——

Mr. TILLMAN. Mr. President, I desire to call the attention of the Senate to some matters connected with the resolution which I offered some time ago, which is now pending before the Committee on Finance, and with the permission of the Senate I will ask to have the resolution I submitted on April 16 read again, in order to make some statements in regard thereto.

The VICE-PRESIDENT. The Chair would suggest that the morning business is closed, and under the unanimous-consent agreement made on Saturday——

Mr. TILLMAN. The Chair had not announced that the morning business was closed when I rose and addressed the Chair.

The VICE-PRESIDENT. The Chair had announced it, but the Senator evidently did not hear it. Without objection——

Mr. TILLMAN. Then, I addressed the Chair as he made the announcement.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Carolina?

Mr. NELSON. This is not strictly morning business. While I dislike to object to the Senator, I am very anxious to have the ship-canal bill disposed of, inasmuch as the Senator from Pennsylvania [Mr. KNOX] is obliged to leave the city to-morrow and can only be here to-day. I trust the Senator will let the resolution go over.

Mr. TILLMAN. I can not let it go over, for the reason that to-morrow the Committee on Finance will consider the resolution referred to it, and I wanted to lay before the Senate some facts in regard to this situation.

Of course, the Senator understands that if he gets the bill up I can then speak on the resolution that I want to discuss in the time that is devoted to the bill which will be under consideration. I do not think anything will be gained by trying to shut me off. I do not want to be cross or at all obstructive, but I have something to say and I submit that unless I am ruled out of order I should like to have the resolution read and to make a few observations upon it—not very long.

The VICE-PRESIDENT. The Senator from South Carolina requests the reading of the resolution. Is there objection?

There being no objection, the Secretary read the resolution submitted by Mr. TILLMAN April 16, 1906, as follows:

Resolved, That the Committee on Finance be directed to inquire whether or not the national banks have made contributions in aid of political committees, and if so to what extent and why the facts have not been discovered by the Comptroller of the Currency; and whether or not such contributions have been embezzlements, abstractions, or willful misapplications of the funds of the banks which call for restitutions and criminal prosecutions. Said committee is also directed to inquire whether or not the national banks of Chicago have recently engaged in transactions beyond their lawful powers in connection with the recent failure of a bank in that city, and whether such failure involved illegalities and crimes; and also to inquire whether the national banks in Ohio have been in the habit of paying large sums of money in a secret and illicit manner to the county treasurers of Ohio as a compensation to said treasurers for making deposits of public money with such banks; and to report the facts to the Senate and the opinion of the committee whether any legal proceedings should be instituted on account of the transactions disclosed; and whether the public interest requires any amendments of the existing national banking laws.

Mr. TILLMAN. Mr. President, I do not see the chairman of the Committee on Finance in the Chamber.

Mr. HALE. He was called out for a moment. He will be here very soon.

Mr. TILLMAN. I presume he can read what little I have to say in the RECORD.

The other day when I brought this matter up the Senator waved aside, so to speak, the part of the resolution which deals with contributions to campaign committees as having been disposed of by the Senate by the passage of Senate bill 4563. That bill prohibits contributions by national banks or any corporations organized by authority of Congress to campaign committees and provides for punishing them. But the House of Representatives has not taken up Senate bill 4563, and I seriously doubt whether it will be considered by that body during this session, if at all.

I am pretty sure that the national banks and other corporations which have been the main sources of campaign contributions to the Republican national committee will not be hampered, if it can help it, by the House passing the Senate bill, at least not until after the next election.

It is for the purpose of directing the attention of the country to this great abuse, this crime, so to speak, that I mention this part of the resolution as an important one which needs investigation, even though the House should pass Senate bill 4563, and for this reason, Mr. President: The contributions which are acknowledged to have been made by national banks to campaign committees are clearly unlawful——

Mr. FORAKER rose.

Mr. TILLMAN. I will yield to the Senator in a moment.

It is acknowledged that they have made such contributions, and I offered to produce proofs that in Pittsburg in 1896 they did make such contributions. It is with a view to providing data on which the Attorney-General may institute suit against the directors and other officers who have misapplied national-bank funds and have them make restitution that I want the investigation.

It is, as I said, problematical whether the House will consider this bill at this session or whether it will ever pass. Therefore I want to direct the attention of the Senate and of the country to the fact that there is a bill of this character pending, which ought to receive attention, and which should become a law as soon as possible. At least, that is our judgment. It passed here unanimously. I hardly expect that the Committee on Finance, when it comes to consider this resolution, will be willing to make any move in the line of ascertaining the facts, or to compel restitution, or to punish these offenders. I imagine that that committee will probably, if it does anything, confine itself to a partial investigation of the other branches of the resolution, and leave the past sins of national banks and their directors with immunity; that they will dip them in the "immunity bath," or leave them in the "immunity bath," without bringing out the facts. It is not with the view to do more than call attention to this bill and its importance so as to possibly excite public attention to act on the House of Representatives that I allude to that feature of this resolution.

But there is another feature of this resolution, Mr. President, that, in my judgment, is very important. Three or four days ago, some time in the past week, the Committee on Finance reported House bill 8973, "to amend section 5200, Revised Statutes of the United States, relating to national banks," in which it was provided:

SEC. 5200. The total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such associations, actually paid in and unimpaired and one-tenth part of its unimpaired surplus fund.

The Senate Committee on Finance reported to strike out the proviso which declared:

Provided, however, That the total of such liabilities shall in no event exceed 20 per cent of the capital stock of the association.

And a provision was inserted increasing the percentage to 30. I understand the House of Representatives has accepted that Senate amendment, and that the bill will soon become a law.

Mr. President, this is probably a valuable piece of legislation, and one which will, in most cases, be beneficent; but I call the attention of the Senator from Rhode Island [Mr. ALDRICH]—who is now in the Chamber, I am glad to see—to the fact that under existing law and under the bill which the Senate passed, and which will soon be enacted into law, and which I have just read, there is no provision by which the disobedience of this inhibition is punishable; in other words, while Congress in the past has provided that no national bank shall loan more than 10 per cent of its capital stock to any one individual or corporation, and the other House has recently amended it so as to provide that it shall loan no more than 10 per cent of its capital stock and one-tenth of its surplus funds, that has been increased by the Senate to 30 per cent of the capital stock of the association. It would seem—and I am sorry that it did not occur to me at the time to suggest this to the chairman of the Committee on Finance—that this would be a proper place to put in a provision which would make it a misdemeanor, punishable by fine and imprisonment, for any officer of a bank, or a director in charge of its affairs, to disobey this provision.

What is the existing statute in regard to the disobedience of that 10 per cent prohibition as originally enacted? Simply that the bank shall be liable to liquidation and the forfeiture of its charter; that is all. It does not matter how much or in how great a degree this provision of law is transgressed; the only thing that is now provided in the way of punishment for this transgression is simply that the bank shall forfeit its charter and be closed out of business; but so far as I know, if this has ever been done, I have not heard of it. The Senator from Rhode Island perhaps can inform me whether any bank has ever been liquidated and its charter forfeited because of its transgressions.

Mr. ALDRICH. I know of no case in which that has been done.

Mr. TILLMAN. And I have not heard of any.

Mr. ALDRICH. Nor do I know of any case in which it has been necessary.

Mr. TILLMAN. Well, I only call attention to the fact that if this had been thought necessary by the Comptroller of the Currency when he discovered it, and if there were a provision of law which would punish the officers of the bank for not obeying it, we would probably have practically no story to tell of the absolute embezzlement of the entire assets and capital stock and everything else of various banks that have failed in the United States.

I recall that in the case of the Maverick Bank, at Boston, in 1892, the officers of that bank had practically loaned to themselves under one subterfuge and another the entire assets, deposits, and everything else, I believe, that they had, and that bank was liquidated as insolvent. I do not know that anybody connected with it has ever been punished, although there was an investigation to find out the facts in that case; but I do know that in the report, which was framed by the Senate Finance Committee, two members of which were John G. Carlisle and Calvin S. Brice, the facts were brought out that this bank had been wrecked by this very failure of the Comptroller of the Currency to watch, through his examiners, and see that this provision prohibiting the loaning of more than 10 per cent to any one individual was carried out. This leads me up to the balance of this resolution in connection with the Chicago banks.

Mr. President, the committee, as I said, I suppose will investigate the situation in regard to the Chicago National Bank and the other transactions by the Clearing House Association of Chicago in connection therewith. I take it for granted, in accordance with the long-continued practice of the office of the Comptroller of the Currency, that we shall have from that office a report that will practically say "nothing criminal has been done; there is nothing blamable; everything is justifiable, and eminently proper; in fact, the clearing house was doing a great act of financiering, saving a panic," and all that kind of thing. I do not know what the Comptroller will say, but I want to bring out some facts in connection with that failure that will show what the Comptroller ought to say and will show what the Comptroller ought to have done long ago.

For instance, some days ago—perhaps the day after I brought this matter up in the Senate last week—a statement was made by the Senator from Illinois [Mr. HOPKINS] that every depositor had been paid; and I believe he stated—if I am not correct he will correct me—that every stockholder would be paid in time. The day after that, two of the Members of the House of Representatives, who are members of the Committee on Banking and Currency, came to my committee room with a copy of testimony taken before that committee in May in relation to this bank failure; the evidence being that of Mr. W. T. Fenton, president of the National Bank of the Republic, and a delegate from the Chicago Clearing House. I ask that the Secretary read it, in order that we may know just what has been done in Chicago.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from South Carolina? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

Extracts from statement made before House Committee on Banking and Currency on Wednesday, May 25, 1906, by W. T. Fenton, president of the National Bank of the Republic, Chicago, Ill., and delegate from the Chicago Clearing House.

The banks of Chicago were called together on a Sunday; the members of the clearing house stayed up all night Sunday night; *they found the Chicago National Bank was hopelessly insolvent.* Not a member of the clearing house suspected that there was anything wrong with it.

Mr. WEEKS. Was it insolvent?

Mr. FENTON. *Yes.* The members of the Chicago Clearing House, after sitting up all night to avert what they thought would be a calamity, assumed the obligations of that bank and took the bank's assets. *The immediate cause of the failure of that concern was overloans to concerns in which the president of the bank was interested.* Correspondence was shown at that meeting of the clearing house running back over a period of three years—and I am not saying this to cast reflections on the Comptroller's department or on any of the examiners or officials—but here are the facts, that three years before that bank closed the Comptroller's department knew that the president of the institution had loaned $5,000,000 to a concern in which he was interested; and by the night we took over the assets he had used $15,000,000 of the assets of that bank. And here is one of the results of the familiarity with the violation of this law. It had been done so long, and had been overlooked and temporized with until it grew and grew, and finally absorbed the entire institution; and we were called upon, in order to maintain the financial integrity of our city, to liquidate that institution, and take its assets and assume its debts.

Mr. TILLMAN. Mr. President, we have here the testimony of a member of the clearing house and the president of one of the great banks of Chicago, that the Comptroller of the Currency knew long ago that Mr. Walsh had loaned to himself practically, certainly to a railroad of which he was the chief owner and the controller, $5,000,000, and yet nothing was done about it.

Mr. ALDRICH. I am sure the Senator does not want to make that statement.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. TILLMAN. Certainly.

Mr. ALDRICH. I think, upon reflection, the Senator will not say that the Comptroller of the Currency knew that a national bank had loaned to one man $5,000,000, and that no action was taken.

Mr. TILLMAN. I say no actual results followed any action under the law as it now stands. The only thing he could have done would have been to notify the president and directors: "The statute provides that you shall not loan but 10 per cent; you must have this thing stopped. Collect that money, and get yourselves straight."

Mr. ALDRICH. The transactions of Mr. Walsh in connection with the national banks of Chicago and the facts in relation to that matter, have been reported by the Comptroller to the Department of Justice for its action, and the transactions are now in the courts. That has been well understood.

Mr. TILLMAN. Mr. President, the transactions of Mr. Walsh in regard to the Bank of Chicago are criminal in some phases and in others they are possibly mere transgressions which are not punishable by law, except by declaring that the bank must be liquidated and closed up and cease business as a bank, as I have already pointed out.

I will read to the Senator from Rhode Island section 5239 of the Revised Statutes—with which, of course, he is very familiar—showing that some things have been done that are unlawful and that are punishable by the courts:

If the directors of any national banking association shall knowingly violate, or knowingly permit any of the officers, agents, or servants of

the association to violate, any of the provisions of this title, all the rights, privileges, and franchises of the association shall be thereby forfeited.

Now, does the Senator pretend to say that the forfeiture of the charter of that bank is not declared as soon as the Comptroller finds out that the president of the bank has loaned himself $5,000,000?

Mr. ALDRICH. I imagine if the loan were repaid in any way——

Mr. TILLMAN. It has not been repaid, but it has been added to by $10,000,000 more. So that, according to the testimony which has been produced by Mr. Fenton before the House Committee on Banking and Currency, Mr. Walsh not only loaned himself $5,000,000 three years ago—and no steps were taken by the Comptroller of Currency to forfeit the charter of his bank, as was required by law—by Mr. Walsh went on and loaned himself $10,000,000 more, making $15,000,000 in all—in fact, clearing the bank out, making it absolutely insolvent, and causing the destruction of all its assets, so to speak.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. TILLMAN. Certainly.

Mr. ALDRICH. I do not know whether or not the Senator from South Carolina is engaged in the trial of this case, but surely he is pronouncing judgment.

Mr. TILLMAN. The Senator from South Carolina is not engaged in the trial of this case. The Senator from South Carolina is trying to get the Committee on Finance to act or to appoint a subcommittee to bring out the facts. That is all the Senator from South Carolina is trying to do, and I do not think it is justifiable for the Committee on Finance, or its chairman, to pooh-pooh the transaction and to say that no harm has been done; that no law has been violated, and that everything is sweet and wholesome, when I can prove, as I will before I get through, that Mr. Walsh has in several instances violated the criminal law and wherein the entire clearing-house association of Chicago has also violated the statute.

Mr. ALDRICH. I have stated already that the transactions of Mr. Walsh, whatever they were, are now before the courts of the United States, referred there by the Department of Justice at the instance of the Comptroller of the Currency; and I assume that neither the Senate nor the Senator from South Carolina will enter here on a discussion of a matter which is now being examined into by the courts of the country.

Mr. TILLMAN. Let me read the remainder of section 5239, and perhaps the Senator from Rhode Island will see it in a different light:

Such violation—

The violation I have just spoken of—

Such violation shall, however, be determined and adjudged by a proper circuit, district, or Territorial court of the United States, in a suit brought for that purpose by the Comptroller of the Currency, in his own name, before the association shall be declared dissolved. And in cases of such violation every director who participated in or assented to the same shall be held liable in his personal and individual capacity for all damages which the association, its shareholders, or any other person shall have sustained in consequence of such violation.

Is the Senator from Rhode Island prepared to say that the Comptroller of the Currency has brought the suit in his own name, as the law provides and compels him to do?

Mr. ALDRICH. Mr. President, it is fair to presume that the Comptroller of the Currency has discharged his duty——

Mr. TILLMAN. Of course.

Mr. ALDRICH. In the premises, whatever it may be. I should be very unwilling to believe that the present Comptroller of the Currency has not fully done his duty.

Mr. TILLMAN. But suppose the Senator should appoint a committee to investigate and they should find out that, unfortunately, following the bad precedent that has been established and has been going on for twenty years and possibly thirty years, he has not done so, then what?

Mr. ALDRICH. If the Senator from South Carolina will state definitely that the Comptroller of the Currency has violated his duty, has violated the statute, and has been guilty of malfeasance in office, I have no doubt the Senate will appoint a committee to examine into the facts of the matter. I do not understand that up to this time the Senator has made any such statement or made any such charge.

Mr. TILLMAN. Mr. President, I will give the Senator some more facts, then, in relation to the Walsh failure, so that he can have all the light he wants, or, at least, he will have enough light to probably induce him, either by a subcommittee or the whole Committee on Finance, to take the matter up, investigate it, and report to the Senate just what the committee finds. I read from a prepared statement sent to me, which I received in the mail this morning, and which goes more into detail as to just what has occurred and what the situation is:

CHICAGO, *June 16, 1906.*

Senator BENJAMIN R. TILLMAN,
Washington, D. C.

DEAR SIR: My knowledge of the Walsh banks is derived from the public press and verified by some of my acquaintances in the banks.

The details of the transaction are jealously guarded by the clearing-house committee, but should be fully known by the Comptroller of the Currency, and if there is anything at all in the Federal inspection of national banks these facts ought to be easily obtainable in Washington. To quote from a long statement in the Chicago Tribune of March 3, 1906, which I herewith inclose, with the request that you return it, the capital of Walsh's banks was, Chicago National, $1,000,000; Home Savings, $100,000 (from Chicago Securities, 1905); Equitable Trust, $500,000, making a total capital of the three banks of $1,600,000. The deposits of the Chicago National were about $20,000,000; of the Home Savings, $4,000,000, and of the Equitable Trust, $2,000,000, making total deposits of $26,000,000.

Both the State law and the Federal law provide that no bank shall lend over 10 per cent of its capital to any one borrower. According to this report there was loaned by Walsh to Walsh $15,000,000, or 800 per cent of the capital of the combined banks. These loans were ingeniously handled, so as, if possible, to avoid liability. The banks carried a vast amount of bonds of his railroads, coal mines, and stone quarries, and in some cases an amount stated to be $2,000,000 was loaned on notes signed by the names but not with the signatures of people who either were ignorant of their names being used or, at any rate, had no interest in the transaction.

I will state here that in the Maverick Bank failure I find that this same process was followed and that the names of bell boys and other underlings about the bank were signed to notes. Of course the Committee on Finance can discover whether this man's statements are true or not.

Bonds were put up as collateral for these loans. It is for the legal authorities to determine the legal aspects of this signing of other men's names.

It was contended by Secretary Shaw, as quoted in the Chicago press, and not denied by him, that Walsh, in this system of finance, did nothing beyond what most banks do in making excess loans, for which, as I understand, there is no criminal liability, although directors may be held personally liable should loss accrue on such excess loans. But the difference in degree is so great as to make a difference in kind.

Now, as to the present status of the situation. The banks, having stepped in and having taken the assets of the Walsh institutions, paid off the Walsh depositors as they agreed to do, and thereby released the stockholders of the Walsh banks from the stockholders' liability. Certain of the directors of the Walsh banks put up security said to amount to $4,700,000, but probably more nearly worth $3,000,000, to be used by the banks to make up any deficiency that might result.

The banks do not own all of the bonds of the Chicago Southern and Southern Indiana railways, certain of these bonds having been sold prior to the commercial earthquake. The stock of the two roads is trusteed in the hands of a lawyer friendly to Walsh, named A. W. Green. There having been no default on interest up to date, there are no foreclosure proceedings, no receiver, and it rests with Messrs. Walsh and Green to name the price at which the railroads can be sold. Should these railroads bring a price of $22,000,000, it is believed that these obligations to the banks would be canceled, principal and interest, without recourse to the deficiency guaranty fund. Anything less than this would use up the deficiency fund as well as the capital stock of the banks. I am informed that no bid has yet been made for these roads.

The construction of the two southern roads is of an excellent character, but they are unfortunate in not being joined together to make a through route. It is not to the interest of rival roads to buy these roads and link them together. Therefore it is hard to market them in their incomplete state. It is estimated that it will take $2,000,000 to complete the system, when the line would at once have a much greater value. It can not be stated that Mr. Walsh was guilty of bad judgment in locating these roads which may and probably will eventually, by the use of considerable money, be an asset of great value—whether of sufficient value to pay off all indebtedness or not I have no means of knowing. This, however, is not a point at issue, except as affecting the judgment of the Chicago banks in going to the rescue of the situation.

I would not for a moment criticise the fine public spirit as well as the realization of the necessity for self-preservation shown by the bankers in that crisis. For, in spite of the political reputation of Walsh and his reputation as a citizen, he had in the panic of 1893 shown himself a conservative banker, and the Chicago National Bank was regarded as eminently sound, although criticised for the large proportion of public funds in its deposits. Had the other banks allowed him to collapse, there would have been a bank panic in Chicago of the most severe type, and to avert this was worth a large sacrifice.

After realizing on what assets could be turned into cash, including the bank building, there is still due to the Chicago banks from the Walsh aggregation between $11,000,000 and $12,000,000. This is being carried by the State and national banks of Chicago, having an aggregate capital of $40,000,000, and is prorated among them on the basis of their capital, so that at the present time more than 25 per cent of the bank capital of Chicago (excepting a few minor institutions) is tied up by this Walsh failure.

I noticed the statement of Senator HOPKINS that the stockholders of the Walsh banks would receive par for their stock. There being no market for this stock, it is impossible to determine its value, but the surplus funds of the three banks were wiped out, to the detriment of the stockholders, and there seems no probability of the stock paying out much of anything. These surplus funds, according to published statements in a reliable publication, known as "Chicago Securities," for 1905, amounted to about $2,000,000, as follows:

Chicago National surplus and undivided profits	$1,402,444.23
Equitable Trust surplus and undivided profits	446,317.33
Home Savings Bank surplus and undivided profits	149,618.11
Total	1,998,379.67

It would seem to me, whether or not any legal crime had been committed, that his stockholders had been abominably dealt with.

Although not having access to the data held by the clearing-house committee, which committee is unquestionably doing all in its power to alleviate the situation and pull through with the minimum of loss, I feel sure, from talks with a number of bankers, that they would be extremely glad to accept a loss of from 5 to 10 per cent and be rid of the mess.

Had Walsh succeeded in his plans and made a profit, that profit would have been his and would not have redounded to the benefit of either his depositors or his stockholders. As he failed, it was merely incidental that the other banks saved his depositors. His stockholders certainly lost. This was a colossal game of "heads I win, tails you lose," and if Senator HOPKINS is correctly quoted as stating that it was to the credit of Mr. Walsh's bank that the depositors were paid he is overlooking the fact that they were paid by others in the face of Mr. Walsh's delinquency.

How this cumulative, long-drawn-out financial scheme, which, whether criminal or not, was opposed to every principle of fairness and responsible finance, so long escaped the scrutiny of the Federal Government it is difficult to understand. It may be that Walsh has evaded all criminal statutes, but to an outsider it would look as though there must have been either collusion with bank examiners or some strange bookkeeping. The signing of names of others to dummy notes has a painful resemblance to an offense recognized by law. The loaning to himself, through various subterfuges, of such a vast sum of other people's money does not create a pleasant impression, and whether or not he properly exercised his trust to his stockholders brings up another set of questions.

The average embezzler takes his employer's money to gamble or speculate with it. If he wins, the employer gets it back; if he loses, the employer takes the loss. Is a bank president an employee of his stockholders?

The statements above made are as nearly correct as can be given without access to the data of the clearing house. They have been published and reiterated in the Chicago papers without denial.

Should there be any denial made, a Senate committee, properly authorized to subpœna witnesses, could obtain these facts and many more.

Yours, truly,

WILLIAM KENT.

Mr. William Kent is a director in one of the State banks. That is all I know about him. But when he gives his name and writes a statement of facts, such as I have read to the Senate, it stands to reason that it is the duty of the Finance Committee to first call on the Comptroller's department to find out how much of this statement is true and how much is false, or about how much he does not know anything; and, secondly, to consider very seriously, I hope, whether or not the question of the liability of the directors and of Mr. Walsh should be left entirely to the discretion of the Department of Justice and nothing be done toward liquidating the Chicago bank.

Now, there is another statement which I have somewhere—I do not recollect where it is; I think perhaps it is in one of the papers—with respect to Mr. Walsh the night after the collapse, when the Clearing House Association sat up all night examining into the condition, and, in order to avert a panic, decided that they would take the bonds of these railroads and pay the depositors and prevent a panic, thereby doing a great public act of beneficence and possibly saving themselves from disaster, because if confidence was once lost and the banks, with their enormous deposits, were called on by the depositors to pay up, they would not have been able to do it. Therefore they would have had a very disastrous condition in financial circles in Chicago. But without presuming to criticise the first action of the Clearing House Association, this remarkable fact can be learned, I think—in fact, Mr. Kent states it: That Mr. Walsh was not called on by the banks at all to deliver the stock of the railroads, but only the bonds. I presume they thought the stock was worthless, but it turns out that Mr. Walsh has absolute control of the situation, from the fact that as long as he pays the interest on the bonds which the banks have taken or bought, or which they had to take to prevent a panic, the banks can not liquidate this "mess," as it is termed, and can not get themselves straight, and can not get back their 25 per cent of capital stock thus loaned to one concern contrary to law and use it in their legitimate business of banking; and Mr. Walsh is talking about going to Europe, the papers say. He feels so safe in his sharp manipulation and management of this collapse of his banking institution and possibly of the wreck of his railroads, and so little uneasy in regard to the action of the district attorney, that he wants to go off for the summer to recoup his health, I suppose, and enjoy himself.

The question is, Why does not the district attorney press this matter to the attention of the grand jury? Why is Mr. Walsh, a one-time millionaire, any different from any other man who has broken the law? Why can not the courts be called upon to determine once for all just what Mr. Walsh has done that is unlawful, and if he has transgressed any of the criminal statutes let the jury determine it, and let the law take its course toward punishing him? If he has forged names, that certainly is a crime. And then there is the transgression of lending more than five millions three years ago, and then, finally, fifteen millions, all to himself or to his railroads; and the national banks, not knowing of this situation, were called on suddenly to face a crisis and probably did the best they could. I am not criticising them.

But I desire to call the attention of the Senator from Rhode Island to section 5136 of the Revised Statutes as showing what is regarded by the law as legitimate banking:

Seventh. To exercise by its board of directors, or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of banking; by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; and by obtaining, issuing, and circulating notes according to the provisions of this title.

Mr. President, I desire to make two points in regard to the illegality and lawlessness of this Chicago bank muddle, and in order to put them in the form of a syllogism based on the facts I have tried to bring out, and which I think the committee would very soon find to be absolutely correct, I will state them in this way:

1. A national bank in a city may join two State banks, the three being authorized to do a banking business only, and they may invest $10,000,000—more than all their capital and surplus—in securities of two or three railroad companies; and may become utterly insolvent; and this kind of national banking can not be held to be illegal, and nobody can be criminally punished for what has been done.

That is one logical proposition which I hope the Senator from Rhode Island will consider in connection with the suggestion I made, whether the banking laws should not be amended by providing a personal punishment of imprisonment for disobedience to this provision prohibiting the loan of more than 10 per cent of its capital to any one concern, and now under the new provision which was passed here two or three days ago, more than 30 per cent.

The next syllogism has to deal with the clearing-house situation:

2. The national and other banks of the same city, having a capital of $40,000,000, and authorized to do a banking business only, may jointly purchase the ten millions of dead assets of the three insolvent banks, making 25 per cent of their capital thus invested; and this kind of national banking is not illegal; and the Comptroller of the Currency says it is in the highest degree praiseworthy.

I take it for granted the Comptroller will so state, because, as I said, it is the custom of the Comptroller's Department to minimize and pooh-pooh any transgression or appearance of "wild-cat banking" that the national banks may engage in, and to leave them largely alone until the conditions grow so desperate that he must step forward, when it is too late.

I do not care to say anything more, Mr. President. It seems to me that this is eminently a case for investigation by the Committee on Finance, with a view to ascertaining whether the facts I have brought out as coming from Mr. Fenton, through the Committee on Banking and Currency in the House, and the statement of Mr. Kent, and the statements which have been taken largely from the Chicago papers and not denied, are correct, and if so, that the committee should authorize a subcommittee to take up the matter during the recess of Congress or as soon as practicable and ascertain all the facts and report what is necessary to prevent other transactions of this character, and to punish those who have broken the law.

Mr. HOPKINS. Mr. President, the statement made by the Senator from South Carolina [Mr. TILLMAN] illustrates as perfectly as it ever has come under my observation the saying of the old English poet:

A little learning is a dangerous thing;
Drink deep, or taste not the Pierian spring.

I am sure if the Senator from South Carolina, instead of being misled by the statement of Billy Kent and some newspaper statements that are equally irresponsible, had gone to leading citizens like Mr. Eckels, who was once Comptroller of the Currency and one of the great leaders of the party to which the Senator belongs; or to Mr. Forgan, of the First National Bank of Chicago, who is also a member of the Senator's political organization; or to Mr. Dawes, who was once Comptroller of the Currency, and is now at the head of a great State bank; or to Mr. Orson B. Smith, one of the best known financiers of the country, either East or West, he never would have indulged in this tirade against the clearing-house banks which have taken in charge the assets of the Chicago National Bank. I say he would not, unless he has a disposition to misrepresent and unless he desires, regardless of the facts, to make sensational statements that will depress the value of the assets which are now held by those banks, so that by his act possibly a loss may

be made. I am not going to assume that he wishes to bring about any such result.

But if he had been entirely frank and candid and had wanted the chairman of the Finance Committee and that committee to take action in the premises, why did he not wait until to-morrow morning, when he knows that the committee will meet, and present to them the facts, if he has any, that he thinks are of a character that should be brought to their attention and upon which they could predicate action, instead of presenting them in the Senate, where they go into the press of the country from Wall street to the Pacific coast?

These actions on the part of the Senator from South Carolina, it seems to me, are the subject of just criticism. If his object is to injure the Chicago banks and exploit himself at the expense of the facts, he could not have taken a better course than he has taken here. He could not have made any statement which could have resulted in the desired result more than those he has made here. And I say to the Senator from South Carolina that he could not serve the interests of Wall street and the parties who desire to get control of the Walsh railroads and other interests better than by taking the course he has taken here this morning. They wish conditions to exist which will make it difficult for the Chicago banks to dispose of those great interests. They wish the conditions such that those properties will not bring their full value.

Now, Mr. President, if the Senator from South Carolina had waited until to-morrow, I think I am in possession of facts that warrant me in making the statement that he would have been told by the Comptroller of the Currency that the action of the Chicago banks is not in violation of any law whatever, and that instead of being the subject of censure, their acts should be commended, as they have been commended by all of the leading bankers of this country from the Atlantic to the Pacific. They have not only violated no law, Mr. President, but they have shown a degree of public spirit and patriotism which place them above any just criticism. I have named a few of these men, who are known over the entire country. They are the men from whom I have gained the facts I have presented from time to time to the Senate on this question, which has been raised repeatedly by the Senator from South Carolina.

I do not go to men like Billy Kent. I wish the Senator knew him as well as I know him. I wish he knew the financial and civic standing of Billy Kent as well as I know it. If he did, I do not believe he would have read the letter that he has read here to-day in criticism of such men as Mr. Eckels, Mr. Forgan, Mr. Smith, and Mr. Dawes, the foremost men in the second city on the continent. I do not believe that in all his zeal in the cause of reform of national banks he would take the word or the statements of this man, who admits that he is interested in no bank that belongs to the clearing house there, who admits that he has no inside knowledge, who admits that he is an entire outsider, and present them here in the Senate for the purpose of criticising the foremost citizens in the city of Chicago.

Now, as I said, if the Senator wants the facts, I will be glad to have him go to Chicago and see Mr. Eckels. The Senator knows him personally. The Senator knows that what I say of him is but the living truth. If the Senator desires to know whether any law has been violated by these banks, let him go to such an authority. If Mr. Eckels, or men of the character I have mentioned, say that any law has been violated by the clearing-house banks, it will be far from me ever to raise my voice in protest or criticism of any effort to condemn such practices.

I have spoken upon this subject only because I have known from the character of these men that they are doing a great and a mighty work in the interest of honest finance, not only in Chicago, but also in the entire country; and I regret that the Senator from South Carolina, or any other Senator, should find it incumbent upon him to rise in his place in the Senate of the United States and denounce or criticise them without knowing the facts as they exist.

There is no secret with respect to what these men are doing or have done. This whole transaction is as open as the day; and the men who inaugurated this were led by one of the greatest business men of this generation—Mr. Marshall Field. When the facts with respect to the Chicago National Bank were made known, Mr. Field joined with other great financiers in the city of Chicago for the purpose of preventing a run upon the other banks of Chicago or a crisis in the financial affairs of that city or of the country. It was under his wise suggestion that the arrangement was made which exists to-day.

Mr. President, I have it from Mr. Eckels that they have assets enough not only to pay off all the depositors of the banks—as they have already been paid, as I understand—but to pay the book value of the stock to stockholders, and that there will be several million dollars left to go to Mr. Walsh in the end. Now, unless sensational scenes can be enacted in the Senate and other places to depress the value of these properties, the condition will be brought about as outlined to me by Mr. Eckels. Mr. John J. Mitchell, at the head of the Illinois Trust Company, a State corporation with deposits of a hundred million dollars, concurs in all these statements of Mr. Eckels, as I am informed. Where is there any point or place to criticise the action of those banks or the bankers who control them?

So far as the bank of Mr. Walsh is concerned, the statement that was read here from Mr. Fenton, president of one of the lesser banks in Chicago, is inaccurate in its language. Mr. Fenton said the bank was insolvent. He is not correct in that if he intended to convey the idea that there were not assets enough in the Walsh bank to pay all the depositors and to pay anybody who was interested in the bank, either directly or indirectly. If he means by the word "insolvent" that their assets were such that they did not have what bankers call "quick assets," so as to meet all the demands of depositors on a run on the bank, he would be correct; and that is the reason why the Chicago bankers met on this Sunday night and took over these assets and put cash enough in the bank to meet all the depositors. The Walsh bank did not have quick assets. But before the bankers put that money up they went over all the securities of the Walsh bank, and they took enough not only to make them absolutely safe, but a number of the directors put up, as shown by the letter of Mr. Kent, several million dollars of their private property, so as to "make assurance double sure" on that point.

The point of criticism where the Senator from South Carolina would be justified would be that the Chicago National Bank did loan more than 10 per cent of its capital to one person. But as has been stated by a high official, 70 per cent of the banks of the country have done that. The Senator must be familiar with the Chemical National Bank of New York, which has a capitalization of only $300,000, while it has a surplus of more than $7,000,000. It is an open secret that a man can go there with proper security and borrow an amount equal to the entire capitalization of the bank; and it has been done, as I have been informed. That is no criminal offense. That section of the law was passed by Congress years and years ago as a rule to guide banks. But as the banks have developed in the great commercial centers, it has been found that that provision of the law could not be successfully complied with; that the great commercial and industrial interests of the country were such as to demand from time to time more than 10 per cent of the capitalization of a bank; and hence by common custom, almost, the great banks in the commercial centers have loaned to customers whom they knew to be all right and who gave them gilt-edge securities, more than the statutory limit. Congress has come to see that that rule which was adopted years ago is not one that should be enforced against the banks to-day, and so the other day, under the leadership of the distinguished Senator from Rhode Island [Mr. ALDRICH], provision was made that 30 per cent of the capital could be loaned. If I mistake not, the Senator from South Carolina did not vote against that bill. So by that vote, if I am correct in my statement, he himself recognizes the fact that the rule of law adopted years ago is one which should not at the present time be enforced against the great banks in the commercial centers.

Now, one other word, and I am through. I am not here either to defend or to condemn Mr. Walsh. My acquaintance with him is much more limited than it is with men like Mr. Dawes, Mr. Eckels, and other Chicago bankers whom I might mention. I have known him only in a general way. My personal acquaintance has been limited to a few years. For many years he stood before the country as one of the great bankers and financial men of Chicago. It was a distinct shock to the entire community when it was learned that the assets of his bank were such that it was necessary for the bank to go into voluntary liquidation, and that is the reason why such men as Marshall Field came to the rescue and said that a man who had stood in the community as Mr. Walsh had stood should have the helping hand of the other great banks of Chicago, and that the Chicago National Bank should go into voluntary liquidation so as to save all the depositors, all the stockholders, and leave a handsome fortune to Mr. Walsh.

The Senator from South Carolina intimates in his speech that Mr. Walsh has violated some criminal law. That is a matter which I have not investigated. So I have no opinion either one way or the other upon the subject. But I will say this for Mr. Walsh: He claims that he has violated no criminal

law, and to show his good faith in the premises I will say to the Senator from South Carolina that he has thrown his bank books and checks open to the Government inspectors, and the Government, through the Department of Justice, for weeks has been going over every item in the bank books to see whether there has been any violation of the criminal law. Mr. Walsh has stood ready to meet any charge of a violation of law. If not guilty, as he insists he is not, he has asked for this investigation that he may be vindicated from the aspersions of men who, while he is now in financial straits, are attempting to ruin his character and blight his future life.

Mr. TILLMAN. Mr. President, only a word. I wish to call attention to the fact that the Senator from Illinois [Mr. HOPKINS], without the slightest provocation on my part or even the mention of his name, except incidentally as having been mistaken in one of his statements, indulges in more or less harsh language in regard to my action and all that kind of thing. I will let that pass. I am not trying to get up any exploitation of myself. I do not need any advertisement. I am pretty well advertised in the United States in one way and another, and I am not endeavoring to get any additional printer's ink used in connection with my name.

But I believe there have been some criminal transactions in regard to the Walsh failure. It is very easy for Mr. Walsh to prove his innocence in court if a grand jury shall find a true bill and force him to trial, provided he is innocent. It is also very easy for the Committee on Finance to make investigation and discover whether the Comptroller of the Currency has been negligent or whether he has merely followed a series of bad precedents or whether he has done anything that ought not to have been done or left any thing undone which it was his duty to do.

I have nothing against Mr. Walsh, because I never saw him and I do not know anything about him in a general way, except that he was a Democrat once, or he pretended to be, and he afterwards swapped politics, and that always left something of a bad taste in my mouth in regard to a man. But other people swap politics, and they are not altogether criminal or reprehensible in changing their views. It is every man's right to do it, if he wants to.

I say I have no personal concern in this matter whatever, but having started in on the question of investigating national banks in regard to campaign contributions, and while that subject was under consideration and I was hunting up evidence, which I afterwards found and presented to the Senate, this Walsh failure was called to my attention, along with the transactions in Cincinnati of national banks indulging in direct and indirect bribery of county treasurers, and looking into the law a little I thought I discovered that it was not sufficiently guarded in providing that banks that indulge in wild-cat speculations, like I call this, or beneficent financiering, as the Senator from Illinois calls it—whatever you call it I do not care, we will not have any row about the description of it, but I thought the examination by a committee with the possible suggestion of a punishment clause in the law would make a bank officer hesitate and think a good while before he transgressed with impunity this provision in regard to 10 per cent. Liberalize, if you want to, and broaden and increase the amount it is lawful to lend, but in the name of common sense and respect for the law, which we demand of all the small people in this country, let us compel the millionaires also to have regard for the law and obey it. That is all there is about it. Therefore, I thought it worth while to bring to the attention of the Committee on Finance in this way these facts which have come to my attention.

The Senator calls Mr. Kent "Billy Kent;" he must be a warm friend of his or something like that. Anyway Billy Kent may be an all-round liar or he may be the right kind of a man; I do not know; but Billy Kent is backed up in some of his statements by Mr. Fenton, who is president of one of the other banks and member of the clearing house. There is undoubtedly a great deal of smoke in Chicago in regard to the Walsh failure. There is no liquidation yet of the bank's assets to determine whether the Clearing House Association has lost or will lose money. If these banks are going into railroad building now, if they are going to complete these two roads and make a through route, and all that sort of thing, what becomes of the law which specifies what banking is and what it is legitimate for national banks to do? There ought to be some regard for a law, even among national banks, and that is all I had in view. I do not want to injure the financial standing of the Chicago banks. I do not want to create any distrust of their capacity and honesty and integrity of purpose. I have not said a word that would indicate any such desire as that. I have information that this $11,000,000, or such a matter, that they have loaned to Walsh's concern, or which is a part of the liability to which they are subject because of their taking Walsh's assets, is not more than 5 or 6 per cent of their total loans and that everything is all right. If it is true that the law has not been obeyed, and that is all there is about it, the law ought to be changed or else they ought to have the Comptroller of the Currency liquidate the banks that disobey the law. That is all there is about it so far as I am concerned.

EXECUTIVE SESSION.

Mr. CULLOM. Mr. President, there are some reasons why I desire a brief executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

ENTRY OF LANDS UNDER RECLAMATION ACT.

Mr. ANKENY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment on page 1, line 9, striking out "ten" and inserting "twenty."

That the House recede from its disagreement to the amendments of the Senate, as follows:

Amendment on page 1, line 3, after the word "Interior," inserting "by reason of market conditions and the special fitness of the soil and climate for the growth of fruit and garden produce."

Amendment on page 1, line 4, striking out "reasonably required" and inserting "sufficient."

Amendment on page 2, line 6, after "fund," inserting "*Provided*, That an entryman may elect to enter under said reclamation act a lesser area than the minimum limit in any State or Territory."

On page 2, line 9, after "acquire," inserting "by relinquishment."

Amendment inserting a new section designated as section 5; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate inserting a new section designated as section 4, with an amendment as follows: Strike out all after the period following the words "Secretary of the Interior" in said amendment and insert the following: "Providing that the limitation on the size of town sites contained in the act of April sixteenth, one thousand nine hundred and six, entitled 'An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes,' shall not apply to the town sites named in this section; and whenever, in the opinion of the Secretary of the Interior, it shall be advisable for the public interest, he may withdraw and dispose of town sites in excess of one hundred and sixty acres under the provisions of the aforesaid act approved April 16, 1906, and reclamation funds shall be available for the payment of all expenses incurred in executing the provisions of this act, and the aforesaid act of April 16, 1906, and the proceeds of all sales of town sites shall be covered into the reclamation fund."

LEVI ANKENY,
THOS. H. CARTER,
FRED. T. DUBOIS,
Managers on the part of the Senate.

F. W. MONDELL,
W. A. REEDER,
W. R. SMITH,
Managers on the part of the House.

The report was agreed to.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. NELSON. I move that the Senate proceed to the consideration of House bill 14396.

The VICE-PRESIDENT. That is the business before the Senate under the unanimous-consent agreement.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

The VICE-PRESIDENT. The question is on the motion of the Senator from Minnesota [Mr. NELSON] to lay the amend-

ment proposed by the Senator from Colorado [Mr. PATTERSON] on the table. The amendment will be stated.

The SECRETARY. In section 3, page 3, it is proposed to strike out the following proviso, beginning in line 14:

Provided, however, That the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for and paid in in money, or property at its fair value.

And to insert in lieu thereof the following:

Provided, however, That the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for and paid in in money at the face or par value of such stock, and such bonds shall neither be sold nor paid for at a greater discount than 5 per cent of their face or par value.

The VICE-PRESIDENT. The yeas and nays have been ordered upon the motion of the Senator from Minnesota to lay on the table the amendment just read. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. HOPKINS (when his name was called). I am paired with the junior Senator from South Carolina [Mr. LATIMER].

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR], who is absent. If he were present, I should vote "nay."

Mr. PETTUS (when his name was called). The junior Senator from Massachusetts [Mr. CRANE] is absent. I am paired with him.

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO]. I do not see him in the Chamber, and I withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I do not see him in the Chamber, and therefore I withhold my vote. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. GAMBLE. I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. I will transfer that pair to the junior Senator from New Jersey [Mr. DRYDEN] and vote. I vote "yea."

Mr. BEVERIDGE. I have a general pair with the senior Senator from Montana [Mr. CLARK]. I will transfer that pair to the junior Senator from Michigan [Mr. ALGER] and vote. I vote "yea."

Mr. SCOTT. The Senator from Florida [Mr. TALIAFERRO] has returned to the Chamber and I will vote. I vote "yea."

The result was announced—yeas 32, nays 9, not voting 48, as follows:

YEAS—32.

Aldrich	Burnham	Gamble	Perkins
Allee	Burrows	Hemenway	Piles
Ankeny	Carter	Kean	Scott
Benson	Dick	Kittredge	Smoot
Beveridge	Dolliver	Knox	Stone
Brandegee	Flint	Millard	Sutherland
Bulkeley	Foraker	Nelson	Warner
Burkett	Fulton	Penrose	Warren

NAYS—9.

Bacon	Blackburn	La Follette	Teller
Bailey	Clarke, Ark.	Patterson	Whyte
Berry			

NOT VOTING—48.

Alger	Dillingham	Hopkins	Newlands
Allison	Dryden	Latimer	Nixon
Carmack	Dubois	Lodge	Overman
Clapp	Elkins	Long	Pettus
Clark, Mont.	Foster	McCreary	Platt
Clark, Wyo.	Frazier	McCumber	Proctor
Clay	Frye	McEnery	Rayner
Crane	Gallinger	McLaurin	Simmons
Culberson	Gearin	Mallory	Spooner
Cullom	Hale	Martin	Taliaferro
Daniel	Hansbrough	Money	Tillman
Depew	Heyburn	Morgan	Wetmore

The VICE-PRESIDENT. A quorum of the Senate has not voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Clay	Hansbrough	Penrose
Allee	Culberson	Hemenway	Perkins
Ankeny	Cullom	Hopkins	Pettus
Bacon	Daniel	Kean	Piles
Bailey	Dick	Kittredge	Scott
Benson	Dolliver	Knox	Simmons
Berry	Dubois	La Follette	Smoot
Beveridge	Flint	Long	Spooner
Blackburn	Foraker	McCumber	Stone
Brandegee	Foster	Mallory	Sutherland
Bulkeley	Frazier	Millard	Taliaferro
Burkett	Fulton	Morgan	Teller
Burnham	Gallinger	Nelson	Warner
Carter	Gamble	Overman	Wetmore
Clarke, Ark.	Hale	Patterson	Whyte

The VICE-PRESIDENT. Sixty Senators having answered to their names, a quorum is present. The Secretary will call the roll on agreeing to the motion of the Senator from Minnesota [Mr. NELSON] to lay the amendment of the Senator from Colorado [Mr. PATTERSON] on the table.

The Secretary proceeded to call the roll.

Mr. HOPKINS (when his name was called). I am paired with the junior Senator from South Carolina [Mr. LATIMER].

Mr. MALLORY (when his name was called). I am paired with the senior Senator from Vermont [Mr. PROCTOR].

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP].

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent. I transfer that pair to the Senator from Idaho [Mr. HEYBURN], and will vote. I vote "yea."

The roll call having been concluded, the result was announced—yeas 30, nays 15, as follows:

YEAS—30.

Aldrich	Carter	Knox	Scott
Allee	Dick	Long	Smoot
Ankeny	Flint	McCumber	Spooner
Benson	Foraker	Millard	Stone
Brandegee	Fulton	Nelson	Warner
Bulkeley	Hansbrough	Penrose	Wetmore
Burkett	Kean	Perkins	
Burnham	Kittredge	Piles	

NAYS—15.

Bacon	Culberson	Gallinger	Taliaferro
Berry	Dubois	La Follette	Teller
Blackburn	Foster	McLaurin	Whyte
Clarke, Ark.	Frazier	Patterson	

NOT VOTING—44.

Alger	Cullom	Hemenway	Newlands
Allison	Daniel	Heyburn	Nixon
Bailey	Depew	Hopkins	Overman
Beveridge	Dillingham	Latimer	Pettus
Burrows	Dolliver	Lodge	Platt
Carmack	Dryden	McCreary	Proctor
Clapp	Elkins	McEnery	Rayner
Clark, Mont.	Frye	Mallory	Simmons
Clark, Wyo.	Gamble	Martin	Sutherland
Clay	Gearin	Money	Tillman
Crane	Hale	Morgan	Warren

So Mr. PATTERSON'S amendment was laid on the table.

PANAMA CANAL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

Mr. PATTERSON. I offer as a substitute for section 22 of the bill what I send to the desk. Let the Secretary read the section.

The SECRETARY (reading)—

SEC. 22. That the corporation hereby created shall be subject, in the respective States in which it does business, to all the laws of said States regulating the taxation of foreign corporations.

In lieu of section 22 it is proposed to insert:

SEC. 22. That the corporation hereby created shall be subject, in the respective States in which it does business, to taxation upon its property and franchises as are other corporations.

Mr. NELSON. I have no objection to that amendment.

Mr. SPOONER. I think the amendment ought not to be adopted, Mr. President.

Mr. PATTERSON. The Senator in charge of the bill [Mr. NELSON] states that it is satisfactory to him.

Mr. NELSON. I have conferred with the Senator from Pennsylvania about this matter, and he has no objection to the amendment.

Mr. SPOONER. I do not think it is a proper precedent to establish. I do not believe the States ought to be permitted to tax the franchises of a corporation created by Congress in the exercise of Federal power. The power to tax involves the power to destroy, and this seems to me to be something that ought not to be done any more than the Federal Government ought to tax the franchise of a State corporation. But, of course, if the Senator from Minnesota is willing to accept the amendment, I shall not contest it.

Mr. PATTERSON. I do not want to occupy any time in debating the amendment, Mr. President.

Mr. MALLORY. Mr. President, I agree with the Senator from Wisconsin [Mr. SPOONER] in regard to this amendment; and, if a vote is had on it, I shall vote against its adoption.

Mr. CULBERSON. Let the amendment be again read, Mr. President.

The VICE-PRESIDENT. The amendment proposed by the Senator from Colorado [Mr. PATTERSON] will be again stated.

The Secretary again read Mr. PATTERSON'S amendment.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Colorado.

The amendment was agreed to.

Mr. MALLORY. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. After the word "company," in section 17, line 16, on page 12, it is proposed to insert "and approved by the Interstate Commerce Commission."

Mr. MALLORY. Mr. President, the bill provides that the rate of "tolls shall be equal to all persons, vessels, and goods under certain classifications to be established by the company." The amendment which I sent to the desk adds, after the word "company," the words "and approved by the Interstate Commerce Commission;" so that the establishment of the classification will require the approval of the Interstate Commerce Commission.

I propose this amendment, Mr. President, because this is a Federal charter, and I think it is desirable that, if this is to be accepted as a precedent, whenever we establish a Federal charter some provision of this kind in regard to the classification of freight should be fixed in the charter. There is no means by which equality in rate charges is evaded oftener than by an arbitrary change of classification. Any Senator who will take the trouble to read the investigations made by the Industrial Commission will understand how readily—an illustration is given in the volumes of that report—how readily and how frequently, arbitrarily, and wrongfully the railroads have in the past, by transferring an article from one classification to another, been able to increase the charge on those classifications most oppressively.

Without taking up further time of the Senate—and I have only said this much for the purpose of calling attention to the object of the amendment—I trust that we may now have a vote on it.

Mr. NELSON. I should like to have the amendment again read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Florida [Mr. MALLORY] will be again stated.

The SECRETARY. In section 17, on page 12, line 16, after the word "company," it is proposed to insert "and approved by the Interstate Commerce Commission;" so that if amended it will read:

> Tolls shall be equal to all persons, vessels, and goods under certain classifications to be established by the company and approved by the Interstate Commerce Commission.

Mr. FORAKER. Mr. President, I have no objection to the amendment; but I wish to suggest to the Senator from Florida [Mr. MALLORY] that I do not know why, if we put this provision in, we should not make this canal subject to the interstate-commerce act. I say I have no objection to the amendment, because here Congress is granting this charter, it is exercising its proprietary right with respect to the charter, and it has a right to attach this or any other condition it may see fit to name. So that it is unlike the case of common carriers which are not created by an act of Congress. But if, as to the making of rates and charges, the canal is to be subjected to supervision by the Interstate Commerce Commission, why should it not be in every other respect? I have all the time thought—although I have not spent much time insisting upon it, for it has seemed to be useless—that all our waterways, canals, and rivers on which interstate commerce is carried should be under the supervision of the Interstate Commerce Commission. For this reason, Mr. President——

Mr. CULBERSON. Mr. President——

Mr. FORAKER. The Senator will excuse me for just a moment.

While no one complains of the rates charged for water transportation, it is a notorious fact that as to the evils of discrimination, which are most seriously complained of in connection with interstate commerce, carriers on waterways practice discriminations in a more pronounced way than any other class of carriers. Boats are loading at Cincinnati, for instance, for New Orleans. They charge for freight certain rates that are recognized to be exacted from everybody until they find, two or three hours before they are about to sail, that they can not get a load otherwise, and then they load up with whatever they can get, no matter how low the rate may be, so that they can get freight. That is the practice in respect to water carriers almost everywhere.

So I see no objection, inasmuch as we are creating a corporation for building a ship canal, to making it subject to the provisions of the interstate-commerce law in so far as its provisions are applicable to carriers by water.

Mr. CULBERSON. Mr. President, I rose simply to call the attention of the Senator from Ohio to the last paragraph of section 9, in which that very thing is done.

Mr. FORAKER. If it be done by section 9, it is hardly worth while to do it over again by this proposed amendment. I was assuming that there had not been any such provision. Section 9 reads as follows:

> That Congress hereby reserves the right to regulate——

Mr. CULBERSON. It is the last sentence of section 9.

Mr. FORAKER. I will read the entire section:

> SEC. 9. That Congress hereby reserves the right to regulate the tolls, fares, and rates to be charged by said company for the use of said canals; and the said company and the said canals and all transportation thereon shall be subject to all the provisions of an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts supplemental thereto and amendatory thereof now or hereafter enacted.

It seems to me, Mr. President, that that covers the case completely.

Mr. MALLORY. There is no provision of law——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Florida?

Mr. FORAKER. I will, if the Senator will allow me to say just one word more. I want to apologize for not apparently being aware of that section, but I have been absent from the Senate for a day or two—compelled to be on account of committee business—and I have not been able to give special attention to this measure, and so I was not aware of that section.

Mr. MALLORY. Mr. President, I do not think the Senator from Ohio is very far wrong in thinking that there is no provision of law that covers the subject of classification. Our rate bill does not, and there is no law that I know of that does confide to anybody the power to control classification. It is an arbitrary power, which is exercised by the railroads to-day, and in changing the classification they can change the rate. My idea is to put it in this bill, and I would have put it into the rate bill if I had had the opportunity, and I would include it in any charter relating to transportation that Congress should pass if I had my way, because I believe that it is a greater abuse than any of the other abuses which are practiced by railroads in the way of discriminations. Therefore, the amendment is necessary. If the Senator will read section 12, he will see that the right of classification is confided to this company. They can exercise their own sweet will as to what classifications they will provide. I do not know that in this particular instance, this canal transporting heavy freight like coal and iron ore, there is going to be much room for discrimination in classification; but still the bill confides that positively to the canal company, and I think it ought to be subject to the supervision of the Interstate Commerce Commission.

Mr. STONE. I should like to have the amendment again read.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The Secretary again read the amendment proposed by Mr. MALLORY.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

Mr. BERRY. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Arkansas will be stated.

The SECRETARY. After line 14, on page 15, it is proposed to add as a new section the following:

> SEC. 24. Nothing contained in this act shall be construed as creating a liability upon the United States for the payment of the stock, bonds, or other indebtedness of the corporation hereby created, nor shall it be construed as imposing an obligation upon the United States to purchase, take charge of, or operate the canal herein named.

Mr. NELSON. I have no objection to that amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BAILEY. I offer an amendment, in section 5, page 4,

line 10, after the word "may," to insert "in lieu of paying dividends;" so as to read:

That the said company may, in lieu of paying dividends, from time to time set aside a portion of its net earnings to be a sinking fund, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Texas.

Mr. BAILEY. Mr. President, it is probably true that the language of the section as it stands was only intended to authorize the company to set aside a part of what would otherwise have been declared and paid out as dividends; but I think the language susceptible of a different construction, and if a different construction should be placed upon it, it would, in my judgment, work a hardship upon the public. The bill provides for the construction of the canal by an issue of stock and bonds in practically equal amounts; indeed, I believe in exactly equal amounts. If the canal company is permitted to charge tolls sufficient, first, to pay interest on the bonds—and they must do that, of course, to avoid a foreclosure—next, to pay dividends on their stock, and, in addition to both, to set aside enough ultimately to retire the bonds, it must necessarily follow that they will be overcharging the traffic which they transport. Under the rules which we have adopted in the railroad-regulation act, every common carrier is entitled to earn a fair return upon the value——

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Wisconsin?

Mr. BAILEY. Certainly.

Mr. LA FOLLETTE. I suggest that there is no quorum present.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allee	Culberson	Kittredge	Piles
Ankeny	Daniel	Knox	Scott
Bailey	Dick	La Follette	Simmons
Benson	Dolliver	Long	Smoot
Berry	Dubois	McEnery	Spooner
Brandegee	Flint	McLaurin	Stone
Bulkeley	Foraker	Millard	Sutherland
Burkett	Foster	Morgan	Taliaferro
Burnham	Frazier	Nelson	Teller
Burrows	Fulton	Overman	Warner
Carter	Hansbrough	Patterson	Warren
Clarke, Ark.	Hopkins	Penrose	Wetmore
Clay	Kean	Perkins	Whyte

The VICE-PRESIDENT. Fifty-two Senators have answered to their names. A quorum is present.

Mr. BAILEY. Mr. President, perhaps I can illustrate my objection to the section and my argument in favor of the amendment by stating a case. Suppose this company contributes in cash, for which the stockholders receive stock, one-half the cost of constructing the canal, and borrows on bonds the other half. If they are permitted, after paying the interest on their bonds and a dividend, to charge enough to accumulate a surplus that will retire the bonds, at the end of the transaction the matter would stand in this way: The people who furnished one-half enough money to build the canal would have paid the other half, not out of the dividends to which they were entitled, but out of the excessive charges which they levied upon the traffic transported through the canal, and they would own the entire canal, with only an expenditure of half its cost.

It is undoubtedly true that it is well for Congress to encourage the payment of this debt, and I believe that there ought to be a provision which authorizes a sinking fund, but let the stockholders provide that sinking fund out of their own money, so that when the sinking fund has been accumulated until it is sufficient to pay off and retire the bonds, the canal will have been built entirely with the money of the stockholders. It would not be right and just to the taxpayers—or rather to the shippers who, after all, are taxpayers, but they contribute as shippers in this particular—it would not be right to authorize in practical effect—and it seems to me that is what this provision does—a transportation charge sufficient to pay the interest on the bonds, to pay dividends on the stock, and, in addition, to accumulate a surplus that shall finally retire the bonds. That can not be accomplished except by overcharging the transportation that may take place upon this canal.

I sincerely hope that the Senator in charge of the bill will agree to the adoption of the amendment, because it only expresses what the Senator from Pennsylvania [Mr. KNOX] said the other day was, after all, the effect of section 5.

Mr. NELSON. Mr. President, I agree in part with the Senator from Texas, and shall make no objection to the amendment. It must occur to everybody that the sooner the fixed charges of the company are reduced the sooner there will be an opportunity to get lower rates. To allow a bonded debt to hang over the company without any diminution from year to year would simply afford them an opportunity to maintain their rates. That is one great objection that I have always had to some of the railroad managements, that, instead of taking the surplus which they accumulate and reducing their bonded debt from time to time so as to reduce their fixed charges, they allow that bonded debt to remain and to increase. Mr. President, I have no objection to the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Texas [Mr. BAILEY].

The amendment was agreed to.

Mr. LA FOLLETTE. I propose the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 13, after line 13, it is proposed to insert as a new section the following:

SEC. —. It shall be the duty of the Interstate Commerce Commission to investigate and determine the true fair value of the said canal, canals, property, and appurtenances thereto belonging and used, or to be used, for the convenience of the public. Such investigation shall be commenced as soon as any work on the said canal is undertaken and shall continue as improvements are made and contracts are executed. For the purpose of such investigation, the Commission is authorized to employ such engineers, experts, and other assistants as may be necessary. The canal company, or any construction company, or other person, firm, or corporation engaged in the construction of the said canals or works or any parts thereof shall furnish to the Commission, from time to time, and as the Commission may require, maps, profiles, contracts, reports of engineers, and other documents, records and papers, or copies of any or all of the same, in aid of such investigation and determination of the value of the said canals, property, and appurtenances.

The Commission shall thereafter, in like manner, keep itself informed of all extensions and improvements or other changes in the condition of the property of the said canal and ascertain the fair value thereof, and, from time to time, as may be required, for the regulation of tolls, charges, and services, under the provisions of the act to regulate commerce, approved February 4, 1887, and all acts amendatory thereof, revise and correct its valuation of the property of the said canal company. To enable the Commission to make such valuation and such changes and corrections in its valuation, the said canal company is required to report currently to the Commission, and as the Commission may require, all improvements and changes in its property, and to file with the Commission copies of all contracts for such improvements at the time the same are executed.

Whenever the Commission shall have completed the valuation of the property, or any part thereof, and before said valuation shall be recorded as finally determined by said Commission, the Commission shall give notice by registered letter to the said canal company, stating the valuation placed upon the said canals, appurtenances, or parts thereof used, or to be used, for the convenience of the public, and shall allow the company twenty days in which to file a protest of the same with the Commission. If no protest is filed within twenty days, such valuation shall be made a matter of record by the Commission.

If notice of contest is filed by the said canal company, the Commission shall fix a time for hearing the same, and shall proceed as promptly as may be to hear and consider any matter relative and material thereto presented by the said company in support of its protest so filed as aforesaid. If after hearing any contest of such valuation, under the provisions of this act, the Commission is of the opinion that its valuation is incorrect, it shall correct the same and determine a fair valuation of such property, and shall make such determination a matter of record in the office of the Commission. All such valuations by the Commission shall be prima facie evidence of the fair value of the said canals, property, and appurtenances in any proceedings under the act to regulate commerce approved February 4, 1887, and all acts amendatory thereof, and in all proceedings which may be instituted for the purchase of the said canals, property, and appurtenances by the United States.

Mr. LA FOLLETTE. Mr. President, the Senate, by its vote on Saturday, rejected an amendment which would have authorized the Interstate Commerce Commission to control the issue of stocks and bonds by this corporation, limiting such issue to the value of the property and money invested in constructing and improving the canal. The Senate also voted down an amendment which would have clothed the Secretary of War with authority to prevent the fictitious capitalization of this corporation. This leaves the public wholly unprotected against stock watering, resulting, as it will, in excessive tolls and charges, unless some other measure is taken to prevent it. Surely the Senate will not now reject the proposed amendment the purpose of which is to enable the Interstate Commerce Commission to ascertain the fair value of this property and keep itself informed with respect to all changes in that value. By the terms of section 9 of the bill, as amended by the committee reporting it to the Senate, the Interstate Commerce Commission is authorized to regulate the tolls which the corporation may collect from the vessels passing through the canal, under the provisions of the interstate-commerce act of 1887 and acts amendatory thereof in so far as the same are applicable. Under the law, as interpreted by the Supreme Court, the Commission should so regulate the tolls as to make them just and reasonable. But what tolls and charges will be just and reasonable? A just and reasonable toll is such a charge as will yield the corporation a fair return upon a fair value of its property, used for the convenience of the vessels passing through the canal. To enable the Interstate Commerce Commission to fix and estab-

lish such reasonable tolls it must know the fair value of the property of the canal company.

Now, if section 9 is incorporated in this bill in good faith, surely there can be no objection to authorizing the Interstate Commerce Commission to ascertain the fair value of this property. It can in no other way fix reasonable tolls or charges for the vessels passing through the canal. It is not often that Congress can, by legislation, primarily and directly benefit the great masses of the people of this country. As a rule, they must secure such advantages under legislation in a secondary and indirect way.

The owners of great aggregations of capital can apply to Congress and to the legislatures of the different States for valuable public franchises offering opportunity for investment and large profit to themselves. But to-day, if we will but perform our plain duty to the people, who are granting through their Congress a franchise to this corporation, which enables it to condemn private property, to divert water courses, to change highways, and even railroads, to-day we have the opportunity at the very organization of this company to place it upon a basis, with respect to the regulation of its tolls and charges, which will be just and equitable to the public and make this canal a real and substantial benefit to the people whose commerce will pass from the North and West over the Great Lakes and through the canal.

The amendment authorizes the Interstate Commerce Commission, without any expense whatever to the canal company, to secure information upon which it can determine just what is a reasonable toll for the vessels passing through the canal. If any objection can be offered to the proposed amendment, I hope some Senator will rise and present it before the vote is taken.

Mr. NELSON. I move to lay the amendment on the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Minnesota to lay on the table the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE]. [Putting the question.] In the opinion of the Chair the "ayes" have it.

Mr. LA FOLLETTE. I ask for a roll call upon this matter.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I again announce my pair with the senior Senator from Massachusetts [Mr. LODGE]. Not knowing how he would vote, I decline to vote.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN], who is absent, I understand, and therefore I withhold my vote.

Mr. HOPKINS (when his name was called). I am paired with the junior Senator from South Carolina [Mr. LATIMER], and for that reason I withhold my vote. I wish this statement to stand for the remainder of the day on all votes.

Mr. TILLMAN (when his name was called). I again announce my pair with the Senator from Vermont [Mr. DILLINGHAM]. If he were present, I should vote "nay."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Mississippi [Mr. MONEY]. I do not see him present, and therefore withhold my vote.

The roll call was concluded.

Mr. MALLORY. I am paired with the senior Senator from Vermont [Mr. PROCTOR], who is not here.

Mr. WARREN. As I stated a few moments ago, I am paired with the Senator from Mississippi [Mr. MONEY]. If agreeable to the Senator from South Carolina [Mr. TILLMAN], we will exchange pairs, so that the Senator from Vermont [Mr. DILLINGHAM] will stand paired with the Senator from Mississippi [Mr. MONEY].

Mr. TILLMAN. That is agreeable to me.

Mr. WARREN. I will vote. I vote "yea."

Mr. TILLMAN. I vote "nay."

The result was announced—yeas 30, nays 20, as follows:

YEAS—30.

Aldrich	Carter	Knox	Scott
Allee	Dick	Long	Smoot
Ankeny	Flint	McCumber	Spooner
Benson	Foraker	Millard	Stone
Beveridge	Fulton	Nelson	Sutherland
Brandegee	Gallinger	Penrose	Warren
Bulkeley	Kean	Perkins	
Burnham	Kittredge	Piles	

NAYS—20.

Bacon	Daniel	Hansbrough	Simmons
Bailey	Dolliver	La Follette	Taliaferro
Berry	Dubois	McLaurin	Teller
Blackburn	Foster	Overman	Tillman
Clarke, Ark.	Frazier	Patterson	Whyte

NOT VOTING—39.

Alger	Culberson	Hemenway	Morgan
Allison	Cullom	Heyburn	Newlands
Burkett	Depew	Hopkins	Nixon
Burrows	Dillingham	Latimer	Pettus
Carmack	Dryden	Lodge	Platt
Clapp	Elkins	McCreary	Proctor
Clark, Mont.	Frye	McEnery	Rayner
Clark, Wyo.	Gamble	Mallory	Warner
Clay	Gearin	Martin	Wetmore
Crane	Hale	Money	

So Mr. LA FOLLETTE'S amendment was laid on the table.

Mr. STONE. Mr. President, because of the anxiety of the junior Senator from Pennsylvania [Mr. KNOX] to conclude the consideration of this bill, I am reluctant to occupy the time of the Senate for even a few minutes in any further statement. But I am so profoundly astonished at the position taken by many Democratic Senators on this bill, seemingly on party ground, that I feel constrained to add something to what I said the other day regarding this measure. I would regret to separate, even on nonpolitical questions, from the body of my party associates; but when a question like that now before the Senate arises, which involves no party principle or policy, or any question of party authority, but which is a purely economic and commercial question, I can not follow blindly those who would lead in what I am convinced is a wrong direction. In such cases I need only to be satisfied that I am right, and being so satisfied, I would lose my self-respect if I did not have the courage of my convictions. I would infinitely prefer to stand alone, believing I was right, than to float with the current conscious that I was wrong.

Mr. President, I was a member of the subcommittee to which this bill was referred, and after a careful consideration of it I became convinced that it was a meritorious measure. After it had been materially amended so as to safeguard the public interests I approved the proposal to report it favorably to the Committee on Commerce; and after it was so reported to the committee I favored reporting it to the Senate with a recommendation for its passage. The bill was first considered by the Committee on Commerce as a whole, and hearings were had before the full committee. Maps were exhibited, explanations made, and witnesses interrogated. Then the bill was referred to a subcommittee, and that committee had several sittings, both public and executive, and the whole matter was examined into with the utmost care. I thought the bill should be passed, and I have heard nothing to change my opinion. No one claims that the bill is perfect. Perfect bills are very rare.

It is proper, therefore, to amend the bill, and no one should object to amending it at points where it may be imperfect, and several very excellent amendments have been proposed and agreed to. Other amendments have been offered and accepted that do not seem to me to be important, and some have been proposed that ought not to have been adopted, if the bill is to pass and become effective. It would be useless to pass it if it is to be so loaded down with restrictive provisions as to make it impracticable. There can be no objection to the most rigid scrutiny of the bill, nor to any amendment necessary to safeguard the public right; but hypercriticism is unjust, and amendments intended to weaken rather than to strengthen the measure ought to be rejected.

Mr. President, personally I know absolutely nothing of the men who are promoting this enterprise. Except the three or four gentlemen who appeared before the Committee on Commerce to present this measure to that body, I have never seen or heard from any person connected with the enterprise, and I can not now recall the names of those who appeared before the committee, nor do I know whether I could recognize any of them if I met them. I do recall, however, that they were gentlemen of fine intelligence, and we were informed that they were men of excellent standing. I do not know whether they are "dummies," as the junior Senator from Colorado [Mr. PATTERSON] intimated they might be; but they did not impress me or the committee as being men of that character. The personal aspect of those I saw was almost as engaging as that of the Senator from Colorado himself, and I could not pay them a higher compliment in that behalf. And as to their standing, character, and business integrity, I saw nothing, nor did anything occur, to excite suspicion that the Senators from Pennsylvania are mistaken in the estimate they have given of their qualities in those particulars.

The Senator from Colorado also delivered himself of a scathing malediction against the millionaires of Pittsburg. They may deserve all he said about them; as to that I do not know. But this I do know, that if this bill is passed, and the canal is ever built under its authority, it will be necessary to interest men of millions in the enterprise, whether they live in Pitts-

burg or some other gilded portal to purgatory. The Senator from Colorado is not quite consistent in his discussion—I might say his indictment—of the denizens of Pittsburg. In one breath he arraigns the millionaires and expresses apprehension that they are lying in ambush waiting to pounce on this project as soon as this charter is granted, and in the next breath he belabors the incorporators because they are pauper dummies, not millionaires, and therefore not able to build the canal. He pounds the millionaires because they are rich and have money with which they might construct the canal, and then he pounds the incorporators because he fears they are poor, and therefore unable to construct it. He would withhold this charter from the rich because they might build the canal, and he would withhold it from the poor because they might not be able to build it. I do not think that arguments of that kind, however eloquently presented, should sweep Senators who have capacity to discriminate and who sometimes indulge the luxury of reflection from their feet.

Mr. President, the opponents of this bill admit that the Constitution has clothed the Congress with authority to enact such laws as this. If that be so, then those who made the Constitution and those who have construed it did not consider that it would be dangerous either to the States or the people for Congress to pass such legislation. The danger of the Congress exercising such a power did not deter the framers or the earlier judicial expounders of the Constitution; but now at this day the danger of it rises like a horrid ghost to affright the wiser statesmen of this generation.

No, Mr. President, the bill is not opposed on constitutional grounds, but on some vague and intangible theories of public policy. Daniel Webster is quoted as saying that a corporation should not be chartered by the National Government unless it is to subserve some national object which could not be so well subserved by a State corporation. When the charters granted by Congress to the transcontinental railroads are referred to as illustrative of this Congressional power and as instances in which that power has been exercised, we are told that Congress did that to facilitate the transportation of mails, troops, and munitions of war. But, Mr. President, should the mails and the military be the only objects of governmental solicitude when this power of Congress is invoked? Are not the arts of peace as valuable and the needs of peace as great as those of war? Congress has power to regulate commerce between the States and with foreign nations and to adopt policies promotive of the general welfare. Is it less promotive of the general welfare or less within the legitimate purview of Congressional authority or of wise Congressional discretion to create a corporation to construct an interstate canal for the accommodation of the greatest commerce in the world, breaking the hold monopoly has upon that commerce and cheapening the cost of transportation by means of a great waterway—is that less within the legitimate purview of Congressional authority and wise discretion than to create a corporation to construct a railroad for the accommodation of the military forces of the country? It may be said that the canal, in a commercial sense, would be just as valuable if constructed by a corporation created under the laws of a State as it would be if constructed by a corporation created by an act of Congress. That may be so, but the same thing would be equally true of a railroad.

There are reasons, Mr. President, and good reasons, why Congress should create this corporation if we are willing to have a corporation construct this canal at all. One reason is that the navigable waters of the United States are to be used by the canal company, and the General Government should have a constant and watchful supervision over the company so that it may not abuse its privileges. The company could not utilize these navigable waters in the way it will probably have to utilize them without Congressional authority; and since that authority must be invoked, why should it not be sought in the first instance and in a way commensurate with the importance and necessities of the enterprise? Again, while it may be true that the Federal Government could regulate the tolls and practices of the canal company as to interstate and foreign commerce even though the canal should be constructed under a State charter, yet would it not be better for the public interest to put this canal immediately under Federal supervision and subject its business to the control of Federal authority?

Again, Mr. President, this is not a mere local enterprise, but one of great national importance. It is of scarcely less national importance than the Panama Canal itself. In some respects it is of infinitely more importance. So important is it to the commerce of the country that no man can say it should not be built. The commercial value of the canal is as clear as is the constitutional authority of Congress to organize this corporation. Mr. President, there is no good reason, founded in law or public policy, why this corporation should not be created and empowered to prosecute this great enterprise, as stupendous as it is important.

Mr. President, it has been urged as an objection to this bill that if Congress charters this corporation the day will come when the stockholders and bondholders will come asking that the Government take the canal, pay the debts of the company, and assume its responsibilities, and that they will base their demand on the fact that Congress created the corporation. Such talk is idle. Whether the owners of the corporate stock and bonds will ever approach Congress in that way I can not, of course, foretell; but I do know that Congress would be under no obligation whatever to yield to any such demand. The Congress would be under no greater obligation, legal or moral, to take the canal from a national corporation than it would be to take it from a State corporation. The National Government would be under no greater obligation to take the property of a corporation existing under national authority than a State would be under obligation to take the property of a corporation existing under its authority. If a corporation does a paying business, the owners of the stocks and securities are usually anxious to hold the property. If it does a losing business and becomes insolvent, its property it usually put into the hands of a receiver, and this is true of national as well as State corporations. If one of the railroad companies chartered by the Government should become insolvent, or if a national bank should become insolvent, would the Government of the United States appropriate the property of the corporation and assume its liabilities? Of course not. The affairs of the company would be taken in charge by a court and wound up by judicial procedure. Why should any different rule apply to a corporation organized to construct a canal? Such talk, I say, as that to which I have referred is absolutely idle; "idle" is a mild epithet to apply to it; and yet it is upon such idle, improbable dreams that opposition to this measure is largely predicated. Gentlemen who resort to such arguments, if arguments they be, as that must be hard pressed for something to say in support of their contention.

Mr. President, I am and for years have been an earnest advocate of water transportation, not only along the seaboard, but also across the Lakes, along rivers, and through canals to be constructed by the Government. I wish it were so that the Government of the United States could take up this enterprise and make it truly a national work. But, manifestly, the Government can not do that at this time, and years must elapse before we could hope to have the Government undertake the work. Because of that fact I am willing to commit this project, gigantic and important as it is, to private enterprise.

But, Mr. President, so far from fearing that the Government may some day possess the canal, I hope the day is not distant when the Government will acquire, own, and control it, for I believe that the principal waterways of the country should be under the absolute control of the Government. One of my greatest anxieties, so far as public affairs are concerned, is to see a canal constructed from Lake Michigan to the Mississippi River, and to see that river so improved as to make a waterway navigable for large vessels from the Gulf to the Lakes, and thence across the Lakes, through the Erie Canal or some other canal, to tide water on the Atlantic coast. That would be a stupendous undertaking, I know, but it is feasible, and I am as sure that some day it will be accomplished as I am that I live. I even indulge the hope that before my public career is ended I may see the systematic beginning, if not the ending, of that greatest of all national undertakings. Indeed, I can not but regard the construction of this Lake Erie and Ohio River Canal, even though constructed under private auspices, as the inauguration of a work which will ultimate in a great system of waterways such as I have indicated. Therefore I am not alarmed at the possibility of the Government some day coming into the possession of this canal, and I am happy to do any legitimate thing calculated to stimulate a national spirit and impulse in the direction of canal construction.

I have been told that this project is not in accordance with Democratic ideas, but is a move in line with Republican ideas. That is not a very high plane from which to view a subject of this character and of this magnitude and importance; but even this narrow contention is not well founded. I undertake to affirm that the Democratic party, as much, if not more, than any other political organization that has ever existed as a substantial potentiality in this Republic, is committed to the doctrine of internal improvements under national authority and by national aid. I will admit that in more recent years the less sagacious statesmanship of the Democratic party has sought to build on lines more restrictive and circumscribed; but, Mr. President, the Democratic party when wisely led has always

been a party of progressive ideas and great conceptions. I deny absolutely that there is anything in the pending proposition inconsistent with Democratic party principles or out of harmony with the best and truest conceptions of Democratic statesmanship. Mr. President, I want to see the Democratic party once more take its proper place as the leader of public thought and public action. I want to see it a positive, not a mere negative force; a constructive rather than an obstructive factor in national development. It is easy to drift inertly and object to everything other people propose, but that is not a very proud and honorable position for a great party to occupy. A record of mere negation is not a record to boast of. I want the Democratic party to be what it has been, can be, and ought to be—a great, suggestive, potential, dominating force in American public life. I am for reviving the old masterful spirit of the party, and for making a new Democracy out of the old.

Mr. President, if we are to pass this bill, it should be a sensible and practical measure. It should, of course, be made as complete and perfect as possible; but I want it understood that I am not hunting for some excuse to vote against it. I voted against the motion of the junior Senator from Wisconsin [Mr. LA FOLLETTE] to strike out section 5 of the bill. That section, at least as it has been amended, should stand. To raise the enormous sum that will be required to construct this canal it will be necessary to incur indebtedness and to issue bonds. It is to be presumed that the Interstate Commerce Commission will prescribe reasonable tolls for freights carried on the canal. If the volume of that freight shall be large enough to produce a revenue sufficient to pay the fixed charges and operating expenses of the canal, with a surplus over, why should not the directorate and the stockholders be authorized to set a part of that surplus aside to raise a fund for the gradual extinction of the bonded debt? Would not that be in accordance with prudent, legitimate, and honorable business conduct?

Why, sir, if the Government itself should borrow money and build the canal, is it not probable that the net profits of operating the canal would be segregated and put into a fund with which to liquidate its bonds? Why, then, should not the stockholders of this corporation be permitted to set aside at least a part of their net profits for a similar purpose? If they should not be permitted to do that, then how would the bonds be paid? In the course of time they would certainly mature, and payment would be demanded. If there should be no sinking fund, then the stockholders themselves would have to contribute to a liquidating fund or else a new issue of bonds would be a necessity—either that or a receivership.

Mr. President, suppose the entire net profits should be paid to the stockholders and no sinking fund provided for; and suppose that out of these profits, distributed as dividends, the stockholders should afterwards contribute to a liquidating fund for the purpose of meeting the bonds at maturity, would there be any difference, so far as the public is concerned, between that and the creation of a sinking fund in the manner proposed by section 5 of the bill? What difference could it make to the public whether a part of the profits of the business was retained by the directorate and covered into a sinking fund to be held under its control or whether all the profits should be paid to the stockholders in the first place, and a part thereof afterwards returned to a voluntary fund created for the purpose of paying the bonds? If bonds are to be issued at all, then a sinking fund to meet them should be provided.

Almost of necessity bonds must be issued if the canal is built. That is the only practical and feasible way of raising the money necessary to construct the canal. And I can not see that it could possibly make any material difference to the public whether all the money needed for construction was raised from the sale of stock or whether only a part of it should be raised in that way and another part by the sale of bonds. It seems to me that, so far as the public is concerned, the result would be the same. And so I say, Mr. President, that if we are to pass this bill, while guarding the public interests with the greatest care, we should not so hedge it about with limitations and restrictions as to make it impossible to construct the canal in obedience to its provisions.

Mr. President, the Committee on Commerce is composed of honorable men, none of whom is a novice in the conduct of public affairs. I can not but feel impatient when Senators rise from their seats and insinuate that there is some sinister design wrapped up in a measure of legislation reported from that committee. Such insinuations reflect either upon the intelligence or the integrity of the committee. I resent such unwarranted insinuations, but I am not otherwise affected by them. Others may do as they please, and will do as they please, but as for myself, I can not be frightened by such oratorical thundering and vocal pyrotechnics as have characterized the assault upon this bill. Being satisfied that I am right, I shall stand by my guns, let others do as they may.

Mr. PATTERSON. Mr. President, I will not occupy much time, because I know the junior Senator from Pennsylvania [Mr. KNOX] is anxious for a vote, as it is his desire, I understand, to leave the city, and I hope nothing that I will say will provoke any further discussion. But in view of the somewhat scathing malediction of my friend and neighbor I can not refrain from saying something. Here we are, the Senator from Missouri and myself, neighbors, with not even a fence between us, and, like a roaring lion, in a carefully prepared speech, he suddenly thunders out his anathemas upon me.

There is nothing political in this bill. The first effort that has been made to give it a political hue is from the Senator from Missouri. Both Senators upon this side of the Chamber and the other have voted for and against the different amendments that have been before the body, and if perchance upon most of them the Senators upon the other side and the Senators upon this have seemed to align themselves in party fashion, it is not because it is a party measure, or considered a party measure, but because there are certain principles in every school of political thought that necessarily and intuitively give color to the vote of every Senator when measures of this kind are before them.

And yet they are principles that are not altogether confined to the one party or the other, for reaching from one party we find that certain of its principles permeate at least beyond the outskirts of the other. The result of it is, while the votes may seem partisan, they are not partisan, and the votes, for the reason I have mentioned, have not been partisan in dealing with this measure.

I am rather gratified that the Senator from Missouri has proclaimed his independence of some imaginary party trammels. I do not think there was any necessity for that. Anybody who knows the Senator from Missouri knows that he is always independent, and that if it becomes a question of right and conscience no party obligations would control his vote or his utterance. No man should complain of that attitude upon the part of any Senator, for, after all, conviction should be the highest and the permanent standard of legislative duty.

Mr. President, I did not arraign the Pittsburg millionaires. I simply alluded to the fact that there are provisions in this measure which I thought were quite in keeping with the financial methods of the average Pittsburg millionaires, and when I suggested, by way of illustration, the United States Steel Company, the junior Senator from Pennsylvania [Mr. KNOX] admitted immediately—admitted in part, at least—the justice of the criticism. My suggestion was that Pittsburg millionaires, when it came to investment, had gotten into the habit of demanding four for one, and the junior Senator from Pennsylvania——

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. PATTERSON. One moment, that the Senator may properly understand me. The junior Senator from Pennsylvania immediately admitted that there had been a world-wide, known, and great financial transaction in which citizens of his city did realize four to one, and he excused it upon the theory that the property was for sale, and finding financiers in the city of New York who were willing to purchase it at the rate of four to one, of course they did not feel disposed to take less than the purchasers were willing to give.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. PATTERSON. Certainly.

Mr. KNOX. Mr. President, the limitation by the Senator from Colorado of his remarks to the specific instance to which he now refers makes it unnecessary for me to say what I had proposed. I thought he was speaking generally.

Mr. PATTERSON. Oh, no, Mr. President; that was all. I used the illustration for the purpose of particularly calling attention to what I conceive to be the inherently immoral and financially rotten feature of this bill; not only a questionable feature, but a reprehensible one; and, adopting my standard of honest dealing in such things as my guide and examining the bill by the measure of that standard, I do not see how a Senator can consistently with the duty of a Senator to the people of the country give it his support.

Mr. President, the Senator from Missouri [Mr. STONE] is no more enthusiastically in favor of great public works than am I. He will not vote more frequently nor can he vote more cheerfully in every proper case for whatever is necessary to put on foot and carry through great public enterprises; but I do insist, Mr. President, that when a company of men desire to have the brand of Federal approval placed upon their measure, they

shall either so guard it themselves or Congress shall so guard it that it can not be made an instrument for the undue oppression of the traveling and shipping public. I insist that by the terms of this measure, and I believe it is the purpose of those who have so carefully framed it—not the members of the committee, whose good faith and patriotism I could not question, but the men who brought the measure here and fashioned it to meet their designs—they can and doubtless will arrange it so that through the stock issue and the amount of bonds that will also be issued the work will appear to have cost $160,000,000, while in fact it will have cost less than $50,000,000.

That perhaps should not concern us so much, and it would not were it a corporation to carry on some ordinary business, such as a mining, manufacturing, or other industrial business; but, Mr. President, this is a transportation corporation. It is one created for constructing a line of transportation for the use of which it will collect tolls from the traveling and the freight-transporting public; and when they succeed in saddling upon it $160,000,000 in the shape of $80,000,000 of stock and $80,000,000 of bonds, so that it will appear to the Interstate Commerce Commission and the public to have cost $160,000,000, it means that rates and tolls on traffic of every character will be established upon that basis of cost and the public must submit to the extortion.

We all know that the business of corporations of this character is in a special class. They are quasi public; their business is in the nature of a monopoly; they demand and command the public patronage, and the public, if such corporations be left to their own devices, must pay unfair prices for the privilege of using them. The law and the courts have all declared that, by reason of the character of these corporations, Congress has a right to regulate their tolls and charges and the character of the service they are to give to the public. That this may be done as to transportation companies a commission has been created, and only at this session of Congress the powers of that Commission have been vastly enlarged, in order that the extortions and discriminations that such corporations have been practicing upon the public and their nefarious discriminations shall no longer continue and that only just, reasonable, and fairly remunerative charges shall be exacted.

The peculiar relation of this corporation to the public is that when the Commission is called upon to regulate its charges the Commission must, ex necessitate, have regard for the amount of incumbrances that are upon the property. Even though the bonds secured by their mortgage is far beyond the real value of the property, the Commission must recognize the validity of the bonds thus secured and allow such tolls as will enable the company to pay interest upon them, that they may not be forced into the hands of a receiver; and, in addition, upon the theory that the stockholders of such a company are entitled to fairly remunerative profits, the Commission must also allow such charges as will permit of fair dividends being paid upon the stock, and upon all the stock. Therefore it is of prime importance to both the country and the public that the cost of the canals shall be supervised by Congress, and that proper provision shall be made to prevent the issue of an undue amount of bonds and stock.

This is positively necessary that the tolls and charges to be imposed upon the shipping interests shall not be extortionate or unfair. It is because under this bill the promoters may meet and agree to issue all the bonds and stock and agree upon the price they will pay for them, taking all the bonds and stock to themselves at a price only sufficient to construct the work that, as guardians of the public interests, we should prevent it. Congress, since its approval is applied for, should make it impossible to saddle a public work that can't cost more than $50,000,000 with a stock and bond debt of $160,000,000.

Mr. President, one Senator may say that such is not the provision of the bill; another may say that it is. I have examined it for myself, and, to my mind, such are the provisions of the bill, and such are the powers given to the incorporators and to those who are to undertake to construct the work. That it is I have no more doubt than I have that I am on the floor at this time addressing the Senate; and no Senator has undertaken to disprove these facts.

Mr. President, as I said before, we should always be particularly careful in chartering transportation corporations, because the business of the country will immediately be put under tribute to such corporations, and we should see to it that that tribute shall not be made extortionate, unjust, or unreasonable.

I will not, Mr. President, pay any attention to what was said by the Senator from Missouri about what he hopes the Democratic party will be. I was in doubt whether he was indulging in a eulogy or a criticism of the Democratic party. I have no question as to what the Democratic party will be and must be. If it was not a party that did represent constructive statesmanship, if it was not a party that did represent the real interests of the masses of the people, if it was not a party that could not be cajoled or intimidated indefinitely by the consolidated wealth of the country whether operating in the form of trusts or industrial combines or monopolies, it would have been dead and buried long ago. The fact that it lives, the fact that it is to-day arraying itself as a body militant, the fact that the conservative press of the country is already recognizing the almost certainty of the success of the Democratic party in the coming campaign, proves not only that it is a conservative party, but that it is a party militant, that it represents and stands for sound, national, undying principles, and without which a republican form of government must perish from this continent. Its destiny is not to be determined by Senators who are shocked at the attitude of brother Senators who fight for honest financial methods, nor by Senators who become unduly indignant because their colleagues see fit to criticise in an honest way legislation which they believe to be unwise and dangerous. Such are not going to determine the fate of the party of which the Senator and myself are members—the Senator from Missouri a very distinguished member, and I a much less one and more of a negative quantity.

Mr. President, why should the Senator suggest that we are unduly criticising the Committee on Commerce? I have no question but that all the members of that committee when they reported the bill believed that they were doing a wise and a patriotic thing. When I heard the eulogy that was passed upon the Pittsburg gentleman who appeared before the committee, I was inclined to think that, instead of any of the opponents of the measure being carried off their feet, some of the committee, who ought to have stood firmly on solid ground, did permit themselves to be swept away, and they are now floundering about quite unconscious of the fact. The very fact that a number of important amendments have been made, shows that the bill deserved criticism, that it was a proper subject of discussion, and that, had it been passed without amendments, something would have been done that could hardly be defended.

I believe, Mr. President, that the measure, except in essential particulars, was well guarded. It was well guarded in nonessentials. I recognize the constitutional power of Congress to give charters of this character, but, while that is true, when I saw the vital defect in this bill, when I realized the certainty that it gives to the corporation, the opportunity to oppress the shippers of the country, through the lien of an exorbitant and wholly unwarranted amount of indebtedness, an indebtedness out of all proportion to the money to be put into the enterprise, acting upon my own individual responsibility, and not as a partisan, not even realizing that there was an obligation upon any Democratic Senator to vote with me or against me, I took the stand upon the bill I did. So far as I am concerned, with this vital defect in the measure, as broad and clear as it was at the very moment we commenced deliberating upon it, I can not vote for it.

I can not vote for it for another equally good reason—because it does not follow at all that though this bill should be defeated the canal will not be built. As it was clearly pointed out by the Senator from Georgia [Mr. BACON], this company already has its charter from two States, with the power to consolidate and construct this work as though it were being constructed in but one State. That was the channel these incorporators first sought, and it seems to me as though coming to Congress were but an afterthought.

The Senator from Missouri says that he looks for the day and longs for the day when the United States will own all of these canals constructed by private corporations and otherwise. Well, Mr. President, I should like the Senator from Missouri to draw the line between canal government ownership and railroad government ownership. Canals and railways are both instruments of commerce; they both connect all the States and all the great waterways and the great oceans. The railroad system is of much vaster importance to the business of the country than any canal system that can be built.

The mere fact that canal transportation is cheaper than railroad transportation does not in the least change the principle that is involved. These are all great public highways; they are all for the advancement of commerce; they must all be used by the public; they are all subject to Congressional control; they all aim at the same end—and the mere fact that one system of transportation is by water and the other system of transportation is by steel rails does not and can not alter the eternal principle that lies at the bottom.

I am not advocating government ownership; but I do not

hesitate to say that whenever any Senator, I care not what his political affiliations may be, insists that because it will be for the benefit of the country, because it will cheapen transportation and improve business and add to the prosperity of the country, because it will bind together in closer lines the great water highways—when for those reasons he insists that the Government should own the canals and operate them and rent them out and charge tolls upon them, he has made every argument that is necessary for the government ownership of railroads, and he is familiarizing the public mind with the idea that after all the only harbor of safety to the business and to the people of the country from transportation extortion is by putting under government control not only the canals, but the railroads.

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Missouri?

Mr. PATTERSON. Certainly.

Mr. STONE. I do not care to enter into a discussion on the subject of government ownership of railroads, but I should like to ask the Senator—and it is pertinent to what he is saying—whether he can not differentiate and clearly draw the distinction between the Government of the United States improving the Mississippi River, for instance, and better adapting it to commercial uses and navigable uses, and constructing a line of railroad?

Mr. PATTERSON. Oh, yes, Mr. President; I can differentiate, and nothing will give me greater pleasure than to differentiate. When Congress appropriates money for the widening or the deepening or the straightening of the Mississippi River——

Mr. STONE. Or the connection of one waterway with another.

Mr. PATTERSON. Or the connection of one waterway with another, whether through a bayou or through dry land, Congress is simply making easy the use of all of these waterways by all the people without charge or let or hindrance. Any man may take his steamboat or his flatboat or his log raft down those streams, and there is no guardian standing at the mouth or anywhere midway demanding tolls; but I conceive, Mr. President, that if this Government shall purchase a great canal and tributaries 200 miles in length that can be used only by a limited number of shippers or boats, Congress will do what it is natural for Congress to do under such circumstances—fix tolls and adopt regulations by which and under which such canal can be used.

The Senator from Missouri has not yet gone to the extent of suggesting that Congress buy the New York and Erie, the Wabash and Erie, the Lake Erie and Ohio River Canal—the one that is proposed to be built—and the other canals of the country and maintain them as open waterways for the unlimited and unrestricted use of the shipping or the traveling public. That is the vast difference between owning and operating canals and improving natural waterways. The latter are for all the public, who may use them at will and without charge; the other is for the customer—the man, the company, or corporation—that will pay the charges or tolls fixed by the Government and observe the regulations fixed by the Government. That is all there is in connection with the Government ownership of railways. Those who are advocating government ownership of railways do not for a moment suggest that they be made free highways, but they say the Government shall establish such regulations and fix such tolls as will maintain the roads in good order, extend the lines wherever they may be needed, and give the use of the roads, so far as they will accommodate the public, to shippers who are willing to pay the tolls and to meet and abide by the regulations.

Mr. President, I speak for no party. I am not advocating government ownership of railroads or of canals, but I do say that every measure of this kind is familiarizing the public mind not only with the idea, but with the benefits of public ownership of all the public utilities. The country is traveling quite rapidly enough in that direction. The goal is liable to be reached before the country is prepared for it, and I do not believe that Congress should make their strides too long or exhibit undue haste in reaching that goal. The public sentiment of the country will carry the country there quite rapidly enough.

Mr. President, I have simply spoken for myself to express my own views. This is not a party question in any sense of the word. No man is obliged to vote for the bill because he is a Republican or against it because he is a Democrat. It is merely a question of the exercise of good, sound, common sense and business judgment, and, in addition, to determine the wisdom of starting out along this new and untried path.

This is the first time that any canal company has ever received a charter from Congress. This bill will be the initial instrument in putting the Government into business of that kind; and since it is the initiation of a new policy Congress may well hesitate before it enters upon that policy. Certainly it is the duty of every Senator to discuss every feature of the bill critically and to discuss the policy that is involved, to determine whether or not by his deliberate action he will aid in starting the Government along this new line.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. BERRY. Upon that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from California [Mr. FLINT]. In his absence, I withhold my vote.

Mr. MALLORY (when his name was called). I again announce my pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. SPOONER (when his name was called). I transfer my pair with the Senator from Tennessee [Mr. CARMACK] to the Senator from Idaho [Mr. HEYBURN], and will vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MONEY]. I withhold my vote.

The roll call was concluded.

Mr. CULLOM. I have a general pair with the junior Senator from Virginia [Mr. MARTIN], and therefore withhold my vote.

Mr. BEVERIDGE. I have a general pair with the senior Senator from Montana [Mr. CLARK]. I hold in my hand a telegram from him to the junior Senator from Pennsylvania [Mr. KNOX], saying he would vote in favor of the bill if here, which releases me, and I wish to vote. I vote "yea."

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who I observe has not voted. If he were present, I should vote "yea."

Mr. CLAY. I am paired with the senior Senator from Massachusetts [Mr. LODGE]. In his absence, I withhold my vote.

Mr. BAILEY. I desire to announce my pair with the Senator from West Virginia [Mr. ELKINS].

Mr. MALLORY. I suggest to the Senator from Wyoming [Mr. WARREN] that we transfer our pairs, so that the Senator from Vermont [Mr. PROCTOR] will stand paired with the Senator from Mississippi [Mr. MONEY].

Mr. WARREN. That is agreeable to me.

Mr. MALLORY. I vote "nay."

Mr. WARREN. I vote "yea."

Mr. CLAPP. I transfer my pair to the junior Senator from New Jersey [Mr. DRYDEN], and will vote. I vote "yea."

Mr. CULLOM. I am informed that I can transfer my pair with the junior Senator from Virginia [Mr. MARTIN] to the Senator from Montana [Mr. CLARK], which I do, and will vote. I vote "yea."

The result was announced—yeas 41, nays 11, as follows:

YEAS—41.

Aldrich	Clapp	Hemenway	Scott
Allee	Clarke, Ark.	Kittredge	Smoot
Ankeny	Cullom	Knox	Spooner
Benson	Dick	La Follette	Stone
Beveridge	Dolliver	Long	Sutherland
Brandegee	Dubois	McCumber	Warner
Bulkeley	Foraker	Millard	Warren
Burkett	Foster	Nelson	Wetmore
Burnham	Fulton	Penrose	
Burrows	Gallinger	Perkins	
Carter	Hansbrough	Piles	

NAYS—11.

Bacon	Daniel	McLaurin	Teller
Berry	Frazier	Mallory	Whyte
Blackburn	Kean	Patterson	

NOT VOTING—37.

Alger	Dillingham	Latimer	Pettus
Allison	Dryden	Lodge	Platt
Bailey	Elkins	McCreary	Proctor
Carmack	Flint	McEnery	Rayner
Clark, Mont.	Frye	Martin	Simmons
Clark, Wyo.	Gamble	Money	Taliaferro
Clay	Gearin	Morgan	Tillman
Crane	Hale	Newlands	
Culberson	Heyburn	Nixon	
Depew	Hopkins	Overman	

So the bill was passed.

ALASKA RAILROAD COMPANY.

Mr. BURNHAM. Mr. President, I give notice that I will ask unanimous consent for the consideration of the bill (S. 6358)

to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska after the routine morning business to-morrow and after the consideration of the District of Columbia bill, as to which notice has been given.

Mr. TELLER subsequently said: Mr. President, I am about to leave the Senate for the remainder of the session, for which I suppose I ought to obtain the consent of the Senate. I assume there will be no objection, although the rule, I believe, says I ought to ask leave, and if it is necessary I will do so.

I wish to say a word. The Senator from New Hampshire [Mr. BURNHAM] has just given notice that to-morrow he will call up a bill chartering a railroad company in the district of Alaska. I had intended to prepare some amendments to that bill, but I have not had the time to do it since the bill has been re-formed, as I think it came in in its present form on the 5th day of this month. I merely want to say with respect to the bill that I think its passage will be very unfair to a vast number of citizens who are putting their money into railroads in Alaska and are asking no assistance whatever from the Government, not even asking for a charter. I desired to say that because I have felt like attempting at least to re-form the bill properly, which I can not do under the circumstances. I did not think it would be called up during the session.

EDUCATION OF THE BLIND.

Mr. SPOONER. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 16290) to postpone until 1937 the maturity of $250,000 of 4 per cent United States bonds held in trust for the benefit of the American Printing House for the Blind, to report it with an amendment in the nature of a substitute, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, to strike out all after the enacting clause and insert:

That the sum of $250,000, heretofore invested in United States registered 4 per cent bonds, funded loan of 1907, inscribed "Secretary of the Treasury, trustee, interest to the Treasurer of the United States for credit of appropriation 'To promote the education of the blind,'" shall, upon the maturity and redemption of said bonds on the 1st day of July, 1907, in lieu of reinvestment in other Government bonds, be set apart and credited on the books of the Treasury Department as a perpetual trust fund; and the sum of $10,000, being equivalent to 4 per cent on the principal of said trust fund, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, and such appropriation shall be deemed a permanent annual appropriation, and shall be expended in the manner and for the purposes authorized by the act approved March 3, 1879, entitled "An act to promote the education of the blind," approved March 3, 1879.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to modify the requirements of the act entitled "An act to promote the education of the blind,' approved March 3, 1879."

PRACTICE OF OSTEOPATHY IN THE DISTRICT OF COLUMBIA.

Mr. FORAKER. I ask present consideration for the bill (S. 5221) to regulate the practice of osteopathy, to license osteopathic physicians, and to punish persons violating the provisions thereof in the District of Columbia.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BAILEY. Mr. President——

Mr. FORAKER rose.

Mr. BAILEY. I thought the Senator from Ohio was going to address the Chair.

Mr. FORAKER. I did address the Chair a moment ago, and I asked unanimous consent for the present consideration of this bill. It is a bill of some twelve or thirteen pages, and I will withhold the request until a more opportune moment if Senators have shorter bills which they wish to have passed.

Mr. NELSON. The bill is of great importance, and I wish the Senator would let it go over.

Mr. FORAKER. It can be considered at another time, and I will withdraw the request for the present.

Mr. SPOONER. What is the bill?

Mr. FORAKER. It is a bill of some 12 or 13 pages, providing for the regulation of the practice of osteopathy in the District. It merely authorizes the creation of a board to make examination of those who wish so to practice. In view of the length of the bill, I will withdraw the request until a more opportune moment, as so many Senators are pressing shorter measures.

The VICE-PRESIDENT. The Senator from Ohio withdraws his request.

EDWARD S. BRAGG.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 6365) granting a pension to Edward S. Bragg, to report it with an amendment. I call the attention of the Senator from Wisconsin to it.

Mr. SPOONER. I ask unanimous consent for the present consideration of the bill. It is very short and will not lead to debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward S. Bragg, late brigadier-general, United States Volunteers, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEXICAN KICKAPOO INDIANS.

Mr. TELLER. Mr. President, I have what is intended to be a petition from some Indians, and I desire to have the petition and a letter which accompanies it printed and referred to the Committee on Indian Affairs, if I can obtain the consent of the Senate. I do not care to have them printed as a document, but I should like to have them printed in the RECORD, so that they may be preserved. I ask unanimous consent to do that.

The VICE-PRESIDENT. The Senator from Colorado asks permission that the papers sent to the Secretary's desk by him be printed in the RECORD and referred to the Committee on Indian Affairs. Without objection, it is so ordered.

The papers referred to are as follows:

SAN FRANCISCO KICKAPOO COLONY,
Muzquiz, Mexico, June 10, 1906.

Hon. H. M. TELLER,
United States Senate, Washington, D. C.

DEAR SIR: We, the undersigned Mexican Kickapoo Indians, are those referred to in the act of Congress of March 3, 1905, as "Oke mah and his wife Th the qua, and five others." We sent Mr. Bentley to Washington, after having agreed among ourselves to put our allotments in Oklahoma into a pool for the purpose of acquiring lands here, or rather, to exchange our lands there for land here. Of course, we are Indians and do not understand the details of such business, and employed him to look after it for us. He came back from Washington and told us that Congress had passed a law that we could do as we pleased with our land, just the same as a white man.

Then we deeded the land or turned it over to Mr. Bentley, that he might sell it and with the money buy land here. At the time we signed the deeds some money was advanced to us for us to live on until we could get some land and make a crop. Mr. Bentley took the deeds back to Oklahoma and tried to sell the land. The Indian agent there opposed the sale, and said the deeds were no good. The people up there who bought some of the land will not pay the last payment until the Secretary of the Interior follows the law and issues to us our patents, which he has not done.

We are all satisfied with what Mr. Bentley has done and tried to do, but the Secretary of the Interior keeps sending men here to tell us about it. We know all about it, and don't need some men who don't know anything about it to come and tell us about it. They try to break what we have done, tell us Bentley is a bad man, and that he has stolen everything. He did not steal anything from us. The money he has gotten so far was paid for the land where we live, and on which we make this letter now. We made lots of wheat right here this year. It was hauled in ox carts to Muzquiz. We are eating flour made from the wheat from our own land for the first time in our lives. We are plowing the land that raised the wheat, and planting it in corn right now. The spring crop of corn is just in good roasting ears now. We begin drying corn next week. Lots of corn this year, and good corn, but we have no houses to put it in, and no money to make them with. Some families have 10 acres for the first crop, and will plant 10 acres fall crop. Our pumpkins and melons are doing fine, and we have lots of beans right now. Our farm land is good. Lots of water, but too little grass for our stock, because we haven't got it fenced, and the Mexicans graze it with their goats, and they spoil the grass.

The Indian agent from Shawnee and the United States attorney from Oklahoma are here bothering us. We didn't call them here. If we have trouble we look to the Mexican law. The Mexican judge, when we complained, put them out of our camp, because we didn't want them here. They tried to get the young men who drink mescal to go back to the American side and sell their land; we don't want to sell any land; we want to swap it for land here. If they get money for the land they will spend the money and then come back to us and want us to take them in and share the land we have bought with them. We can't do that, for if they sell their land we won't have enough money to buy Piedra Blanca. Where we live now the land is too small. We just stopped here until we could get a larger land, and because this was the first place we could get. We expect the attorney and the Indian agent will lie about it just as Dixon did. They have got six white men with them. One of them had a saloon and gambling house when we left Shawnee, Okla. Another one of them was a saloon man, and Grimes, the leader, the department has refused to lease land to. Now, the Indian agent brings him over here to furnish the proof on which to lie about us. Thackery has been at Eagle Pass trying to coax the young men over there so these men can buy their land. These men that are here wanted us to sign papers for them to send to Thackery. They said he would telegraph the contents of the papers to

Washington. Their papers, as they read them to us, said that Mr. Bentley had some of us arrested in order to make us sign to get in the new tribe here. Their paper is a lie. Not one of our people signed their paper; nobody has been arrested to make him sign anything; everybody was glad to sign the New Indian tribal roll. At first some of them did not understand it because these white men had lied to them, but now all have willingly signed.

The only arrests were some Indians who attempted to leave without paying their debts, but they were arrested on complaint of the Mexican merchants, and they were Pottawatomie Indians, who were going back to Shawnee anyway.

We want the United States to let us alone. Call back this Indian agent and attorney. We want the new law just as it has been explained to us. Every Kickapoo here sent Bentley to Washington to ask for this new law so we could swap our land there for land here. Some of us have not gotten our lease money for three years. We need it bad and ask you to help us. We want it sent to Eagle Pass, Tex. We want the Border National Bank to pay us. We are afraid of Thackery and will not sign anything unless our white friends who read English tell us what it is. We might touch the pen for lease money and he put our names on a deed. The Mexican authorities tell us that Dixon was a bad man and that he lied about us and that these men who came in company with Thackery are bad white men. Some of them stay in Muzquiz around the saloons and give beer and whisky to those of our people who will drink it. They offered some of our headmen $300 to let them come and stay in their tepees. In the lifetime of Senator Quay he started this work for us, with the help of Senator Pettigrew; now Johny Mine tells us you are our friend, and we are glad of that. We don't have many white friends, but we think a great deal of a straight white man. We thank you for what you have done for us and for anything you may do.

Most respectfully, your friends,

(1) OKE MAH (his x mark).
(2) THI THE QUA (her x mark).
(3) NO TEN (his x mark).
(4) WAH NAH KE THA HAH (his x mark).
(5) NE CON O PIT (his x mark).
(6) KISHKIN E QUOTE (his x mark).
(Sole heir of Shuck e quah.)
(7) TAH PAH THE A (her x mark).

Witnesses to marks from (1) to (7):
STANLEY EDGE (CADDO, *Interpreter*).
JACOB TOMAHAWK.

I hereby certify that I am the official interpreter of the Mexican Kickapoo Indians from Oklahoma now resident in Mexico, and that I correctly and fully interpreted the foregoing letter to each of the signers thereof, and caused him to fully understand the same before his signature was affixed thereto. The above letter was formulated by Oke mah in the presence of practically the entire tribe in council assembled, and received the unanimous indorsement of the tribe, and was written by our clerk, E. P. Erney, as dictated and directed by Oke mah, our principal headman.

JOHNY MINE (his x mark).
(Mah me qua che mah che ma net.)

Witnesses to mark:
STANLEY EDGE.
JACOB TOMAHAWK,
Chief Indian Territory Shawnees in Mexico.

EAGLE PASS, TEX.,
June 2, 1906.

Hon. H. M. TELLER, *Washington, D. C.*

DEAR SIR: I am just in receipt of a letter from Mr. Martin J. Bentley, who is now at Muzquiz, Mexico, who says that Mr. Thackery and the United States district attorney have been to Monclova, Mexico, and say they have examined the records and find no transfer of six days of water, etc., to Martin J. Bentley. I will say that there are now and have been for several months in our vaults the following papers:

A contract of sale from Celedonio Galan to Martin J. Bentley.

A deed to six days of water and the land thereto pertaining from Celedonio Galan to Martin J. Bentley.

A written opinion from Lic. Garza Castillion (a Mexican lawyer) that the said deed is a valid one.

An agreement from Mr. Bentley properly acknowledged that he will deed to certain Indians the above land when he makes final payment on same.

The deed from Celedonio Galan to Mr. Bentley is "registered" in the office of Eduardo Elizondo, a notary public at Muzquiz, Mexico, which is all that is required, under the Mexican laws, to pass title to land. They have no officer designated as a clerk of records, but deeds, etc., are registered (equivalent to our recorded) in the office of a notary public duly authorized to register public documents. Had Mr. Thackery or the district attorney asked us, we would have shown them the deed and would have also taken pleasure in explaining to them where they could find it recorded in Mexico.

We believe the papers are good beyond question, and we did not pay out any of this money until we got the certificate above mentioned from Mr. Garza Castillion that the papers were in order.

I will say that Mr. Garza Castillion is one of the best known lawyers in northern Mexico, and his opinion is accepted by all regarding land matters in that country.

Yours, very truly, W. A. BONNET, *President.*

[Copy of letter from Bentley.]

MUZQUIZ, MEXICO, *June 2, 1906.*

MY DEAR SENATOR: Thinking you should know the situation, I write you.

Upon my arrival here I found Mr. Thackery, the Indian agent, with an attorney, claiming to be special United States attorney, pretending to investigate titles. They have not learned much of Mexican law, and up to date have found no record of the transfer to me, and I presume they will report no transfer. I have asked the bank at Eagle Pass to write you a full statement. The first transfer is of record here, while they have been hunting at Monclara for it. The local judge ordered all persons objectionable to the Indians removed from their camp, and as they objected to the agent, he was obliged to go with the rest. About a dozen speculators are here trying to pull the Indians off and induce them to sell. They brought with them four boys who have been making trouble. These the authorities have ordered out of town, and the grafters are threatening all kinds of international complications. One boy is under arrest, but will be released on Monday. The Indians are jubilant, and are earnestly at work planting winter-wheat ground in corn.

The transfer is recorded after Mexican fashion here with Edward Elizondo, a notary public, and then placed in escrow pending the last payment formerly referred to.

Thanking you again for many favors,

Very truly, yours, M. J. BENTLEY.

I think the attempt will be made to have the President refuse approval and call the conferees before him. Could you not be present in such a case, and also the commissioner, so that the President may be made to fully see the situation?

M. J. B.

GRANT OF LANDS TO MANCOS, COLO.

Mr. PATTERSON. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 10292) granting to the town of Mancos, Colo., the right to enter certain lands, to report it without amendment. I ask unanimous consent that it be considered at this sitting. It is very short.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PASTURE RESERVE NO. 3, COMANCHE COUNTY, OKLA.

Mr. LONG. I ask unanimous consent that the Senate may consider at this time H. R. 16785, giving preference right to actual settlers on pasture reserve No. 3 to purchase lands leased to them for agricultural purposes in Comanche County, Okla.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment was, on page 1, line 5, after the word "act," to strike out "of this Congress in H. R. 17507" and insert "approved June 8, 1906;" so as to read:

That persons who are now in possession of land under leases approved by the Secretary of the Interior on pasture reserve No. 3, open for settlement by act approved June 8, 1906, etc.

The amendment was agreed to.

The next amendment was, on page 2, line 24, after the word "act," to strike out "of this session of Congress in H. R. 17507" and insert "approved June 8, 1906;" so as to read:

The funds received from said sales to be placed to the credit of the Indians the same as other funds provided for in said act approved June 8, 1906: *Provided*, That the Secretary shall appoint said commissioners within thirty days from the passage of this act, and said commissioners shall make said appraisement and file their report within thirty days from the date of their appointments.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

VETERINARY SERVICE OF THE ARMY.

Mr. WARREN. I ask unanimous consent to call up for present consideration the bill (S. 3927) to increase the efficiency of the veterinary service of the Army.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill indicated by the Senator from Wyoming?

Mr. BURROWS. Let it be read.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill.

Mr. CARTER. This bill is likely to lead to some discussion, and I therefore suggest to the Senator from Wyoming, in view of the desire to have unobjected bills considered, that he withdraw the request for the time being.

Mr. WARREN. If the Senator from Montana objects, of course I have nothing to do but to consent that it go over.

Mr. CARTER. I do not care to be regarded as objecting to the bill, for perchance I might favor its passage ultimately, but I think it will lead to some debate.

Mr. WARREN. I will say to the Senator that it makes but little change, and it ought to be passed before we adjourn.

Mr. NELSON. It will create a new lot of commissioned officers in the Regular Army.

Mr. WARREN. It does not do that; but if the Senator objects, of course the bill will go over.

Mr. NELSON. I should like to have it go over.

The VICE-PRESIDENT. Under objection, the bill will go over.

HELEN G. HIBBARD.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 6268) granting a pension to Helen

G. Hibbard. It is a short pension bill, and the beneficiary is very much in need.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen G. Hibbard, widow of James M. Edminster, late of Company E, Ninth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEATH OF REPRESENTATIVE RUFUS E. LESTER.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions of the House of Representatives relative to the death of the late Representative LESTER, of Georgia, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *June 18, 1906.*

Resolved, That the House has heard with profound sorrow of the death of Hon. RUFUS EZEKIEL LESTER, late a Representative from the State of Georgia.

Resolved, That a committee of fifteen Members of the House be appointed by the Speaker to take order, superintending the funeral of Mr. LESTER, at Savannah, Ga., and to attend the same, with such members of the Senate as may be appointed by the Senate.

Resolved, That the Sergeant-at-Arms of the House be, and he is hereby, authorized and directed to take such steps as may be necessary to carry out these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the House do now adjourn.

Mr. BACON. Mr. President, I offer the resolutions I send to the desk.

The VICE-PRESIDENT. The Senator from Georgia submits resolutions, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. RUFUS E. LESTER, late a Representative from the State of Georgia.

Resolved, That a committee of seven Senators be appointed by the presiding officer to join a committee appointed on the part of the House of Representatives to attend the funeral of the deceased, at Savannah, Ga.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the Senator from Georgia.

The resolutions were unanimously agreed to.

The VICE-PRESIDENT appointed under the second resolution as the committee on the part of the Senate Mr. BACON, Mr. CLAPP, Mr. CLAY, Mr. WARNER, Mr. FOSTER, Mr. FULTON, and Mr. OVERMAN.

Mr. BACON. Mr. President, I move as a further mark of respect to the memory of the deceased that the Senate adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 39 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 19, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 18, 1906.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

John G. A. Leishman, of Pennsylvania, now envoy extraordinary and minister plenipotentiary to Turkey, to be ambassador extraordinary and plenipotentiary of the United States to Turkey, to fill an original vacancy.

SURVEYORS OF CUSTOMS.

John R. Puryear to be surveyor of customs for the port of Paducah, in the State of Kentucky. (Reappointment.)

Frank B. Posey to be surveyor of customs for the port of Evansville, in the State of Indiana. (Reappointment.)

COLLECTOR OF INTERNAL REVENUE.

George H. Brown, of North Carolina, to be collector of internal revenue for the fifth district of North Carolina, to succeed Herschel S. Harkins, removed.

REGISTER OF LAND OFFICE.

John Reese, of Broken Bow, Nebr., now receiver of public moneys at that place, to be register of the land office at Broken Bow, Nebr., vice James Whitehead, whose term expired May 25.

RECEIVER OF PUBLIC MONEYS.

Darius M. Amsberry, of Broken Bow, Nebr., to be receiver of public moneys at Broken Bow, vice John Reese, to be transferred to register of that land office.

PROMOTION IN THE NAVY.

Capt. William T. Burwell to be a rear-admiral in the Navy from the 6th day of June, 1906, vice Rear-Admiral John J. Hunker, an additional number in grade.

PROMOTIONS IN THE ARMY.

Lieut. Col. William L. Pitcher, Twenty-eighth Infantry, to be colonel from June 15, 1906, vice Whitall, Twenty-seventh Infantry, retired from active service.

Maj. Bernard A. Byrne, Thirteenth Infantry, to be lieutenant-colonel from June 15, 1906, vice Pitcher, Twenty-eighth Infantry, promoted.

Capt. Harry C. Hale, Fifteenth Infantry, to be major from June 15, 1906, vice Byrne, Thirteenth Infantry, promoted.

First Lieut. Garrison McCaskey, Twenty-fifth Infantry, to be captain from June 15, 1906, vice Hale, Fifteenth Infantry, promoted.

Col. Samuel R. Whitall, United States Army, retired, to be placed on the retired list of the Army with the rank of brigadier-general from June 15, 1906.

POSTMASTERS.

ARIZONA.

Albert L. Smith to be postmaster at Prescott, in the county of Yavapai and Territory of Arizona, in place of Albert L. Smith. Incumbent's commission expired April 25, 1906.

ARKANSAS.

G. H. Taylor to be postmaster at Morrilton, in the county of Conway and State of Arkansas, in place of Omar N. Hawkins, resigned.

COLORADO.

Clark Z. Cozens to be postmaster at Littleton, in the county of Arapahoe and State of Colorado, in place of Maud Olmsted. Incumbent's commission expires June 27, 1906.

FLORIDA.

Guy Gillen to be postmaster at Lake City, in the county of Columbia and State of Florida, in place of Berry E. Raulerson. Incumbent's commission expires June 25, 1906.

Alexander W. Jackson to be postmaster at White Springs, in the county of Hamilton and State of Florida, in place of Thomas H. Alexander, removed.

Henry J. Ritchie to be postmaster at St. Augustine, in the county of St. John and State of Florida, in place of Henry J. Ritchie. Incumbent's commission expired June 17, 1906.

Joseph L. Skipper to be postmaster at Lakeland, in the county of Polk and State of Florida, in place of Joseph L. Skipper. Incumbent's commission expired January 21, 1906.

ILLINOIS.

James F. M. Greene to be postmaster at Hillsboro, in the county of Montgomery and State of Illinois, in place of James F. M. Greene. Incumbent's commission expired May 27, 1906.

Edward Grimm to be postmaster at Galena, in the county of Jo Daviess and State of Illinois, in place of George S. Avery. Incumbent's commission expired June 10, 1906.

William H. Hainline to be postmaster at Macomb, in the county of McDonough and State of Illinois, in place of William H. Hainline. Incumbent's commission expires June 24, 1906.

James H. Lincoln to be postmaster at Franklin Grove, in the county of Lee and State of Illinois, in place of James H. Lincoln. Incumbent's commission expired June 10, 1906.

James R. Morgan to be postmaster at Maroa, in the county of Macon and State of Illinois, in place of James R. Morgan. Incumbent's commission expired June 10, 1906.

William E. Nipe to be postmaster at Mount Carroll, in the county of Carroll and State of Illinois, in place of William E. Nipe. Incumbent's commission expired June 7, 1906.

INDIANA.

William T. Baker to be postmaster at Alexandria, in the county of Madison and State of Indiana, in place of James F. Brenaman. Incumbent's commission expired March 31, 1906.

E. T. Botkin to be postmaster at Farmland, in the county of Randolph and State of Indiana, in place of William C. West. Incumbent's commission expired December 12, 1905.

IOWA.

Frank E. Fritcher to be postmaster at Nashua, in the county of Chickasaw and State of Iowa, in place of Frank E. Fritcher. Incumbent's commission expires June 30, 1906.

G. L. Van de Steeg to be postmaster at Orange City, in the county of Sioux and State of Iowa, in place of G. L. Van de Steeg. Incumbent's commission expired June 10, 1906.

KANSAS.

James A. Arment to be postmaster at Dodge City, in the county of Ford and State of Kansas, in place of James A. Arment. Incumbent's commission expires June 28, 1906.

Frank C. Bevington to be postmaster at Jewell, in the county of Jewell and State of Kansas, in place of William C. Palmer, resigned.

James Frey to be postmaster at Enterprise, in the county of Dickinson and State of Kansas, in place of James Frey. Incumbent's commission expires June 27, 1906.

Theodore Griffith to be postmaster at Great Bend, in the county of Barton and State of Kansas, in place of Theodore Griffith. Incumbent's commission expires June 24, 1906.

Samuel C. Lobaugh to be postmaster at Harper, in the county of Harper and State of Kansas, in place of Samuel C. Lobaugh. Incumbent's commission expires July 1, 1906.

Samuel R. Peters to be postmaster at Newton, in the county of Harvey and State of Kansas, in place of Samuel R. Peters. Incumbent's commission expires June 24, 1906.

George W. Watson to be postmaster at Kinsley, in the county of Edwards and State of Kansas, in place of George W. Watson. Incumbent's commission expires June 28, 1906.

MASSACHUSETTS.

William E. Freese to be postmaster at East Walpole, in the county of Norfolk and State of Massachusetts, in place of John F. Freese, resigned.

Joseph A. West to be postmaster at Provincetown, in the county of Barnstable and State of Massachusetts, in place of Joseph A. West. Incumbent's commission expired June 2, 1906.

MICHIGAN.

Minnie L. Hall to be postmaster at Lawton, in the county of Van Buren and State of Michigan, in place of Elmer W. Hall, deceased.

Charles G. Kellow, to be postmaster at Painesdale, in the county of Houghton and State of Michigan. Office became Presidential January 1, 1906.

MINNESOTA.

Charles E. Callaghan to be postmaster at Rochester, in the county of Olmsted and State of Minnesota, in place of Charles E. Callaghan. Incumbent's commission expired June 10, 1906.

Theodore P. Fagre to be postmaster at Blooming Prairie, in the county of Steele and State of Minnesota, in place of Walter L. Bucksen, resigned.

MONTANA.

Ira L. Kirk to be postmaster at Bozeman, in the county of Gallatin and State of Montana, in place of Ira L. Kirk. Incumbent's commission expires June 30, 1906.

NEBRASKA.

James M. Beaver to be postmaster at Scribner, in the county of Dodge and State of Nebraska, in place of James M. Beaver. Incumbent's commission expired January 20, 1906.

Frank D. Reed to be postmaster at Shelton, in the county of Buffalo and State of Nebraska, in place of Frank D. Reed. Incumbent's commission expired May 19, 1906.

NEW JERSEY.

Edwin Cadmus to be postmaster at Bayonne, in the county of Hudson and State of New Jersey, in place of Edwin Cadmus. Incumbent's commission expires June 24, 1906.

NEW YORK.

Robert H. Bareham to be postmaster at Palmyra, in the county of Wayne and State of New York, in place of Frederick W. Clemons. Incumbent's commission expired December 17, 1905.

Charles E. Sheldon to be postmaster at Sherman, in the county of Chautauqua and State of New York, in place of Charles E. Sheldon. Incumbent's commission expires June 27, 1906.

Claude L. Wilson to be postmaster at Little Valley, in the county of Cattaragus and State of New York, in place of Claude L. Wilson. Incumbent's commission expires June 19, 1906.

NORTH CAROLINA.

William H. Jenkins to be postmaster at Henderson, in the county of Vance and State of North Carolina, in place of Pryce T. Jones. Incumbent's commission expires June 24, 1906.

OHIO.

John W. Bath to be postmaster at Elyria, in the county of Lorain and State of Ohio, in place of Irving H. Griswold. Incumbent's commission expired January 16, 1906.

Henry S. Enck to be postmaster at Leipsic, in the county of Putnam and State of Ohio, in place of Henry S. Enck. Incumbent's commission expires June 30, 1906.

Frank A. Gamble to be postmaster at Van Wert, in the county of Van Wert and State of Ohio, in place of Clyde A. L. Purmort. Incumbent's commission expired April 5, 1906.

Allan Graham, jr., to be postmaster at Ottawa, in the county of Putnam and State of Ohio, in place of Allan Graham, jr. Incumbent's commission expired May 19, 1906.

Homer L. House to be postmaster at Deshler, in the county of Henry and State of Ohio, in place of John Vogt. Incumbent's commission expires June 30, 1906.

John Ramsey McElroy to be postmaster at New Comerstown, in the county of Tuscarawas and State of Ohio, in place of Robert F. Dent, deceased.

Leslie E. Meyer to be postmaster at Oakharbor, in the county of Ottawa and State of Ohio, in place of John C. Metzger, deceased.

William D. Powley to be postmaster at Monroeville, in the county of Huron and State of Ohio, in place of William D. Powley. Incumbent's commission expired January 16, 1906.

OKLAHOMA.

Alfred F. Deming to be postmaster at Snyder, in the county of Kiowa and Territory of Oklahoma, in place of Bess L. Bailey, resigned.

PENNSYLVANIA.

David M. Graham to be postmaster at Mahanoy City, in the county of Schuylkill and State of Pennsylvania, in place of David M. Graham. Incumbent's commission expired April 2, 1906.

Burd R. Linder to be postmaster at Orwigsburg, in the county of Schuylkill and State of Pennsylvania, in place of Burd R. Linder. Incumbent's commission expired April 3, 1906.

Jesse H. Roberts to be postmaster at Downingtown, in the county of Chester and State of Pennsylvania, in place of Jesse H. Roberts. Incumbent's commission expired June 30, 1906.

George W. Schmeltzer to be postmaster at Pine Grove, in the county of Schuylkill and State of Pennsylvania, in place of George W. Schmeltzer. Incumbent's commission expired April 10, 1906.

William H. Underwood to be postmaster at Washington, in the county of Washington and State of Pennsylvania, in place of William H. Underwood. Incumbent's commission expired March 10, 1906.

SOUTH DAKOTA.

John E. Hipple to be postmaster at Pierre, in the county of Hughes and State of South Dakota, in place of Samuel G. Dewell. Incumbent's commission expired March 4, 1906.

TEXAS.

William C. Smith to be postmaster at Bowie, in the county of Montague and State of Texas, in place of William C. Smith. Incumbent's commission expired March 25, 1906.

UTAH.

John W. Dougall to be postmaster at Springville, in the county of Utah and State of Utah, in place of Hugh M. Dougall, deceased.

Peter Martin to be postmaster at Park City, in the county of Summit and State of Utah, in place of Nellie M. Thiriot. Incumbent's commission expires June 30, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 18, 1906.

AMBASSADOR.

John G. A. Leishman, of Pennsylvania, to be ambassador extraordinary and plenipotentiary of the United States to Turkey.

PROMOTIONS IN THE ARMY.

Lieut. Col. Oliver E. Wood, detailed military secretary, to be colonel in the Artillery Corps from June 8, 1906.

Maj. John R. Williams, detailed military secretary, to be lieutenant-colonel in the Artillery Corps from June 9, 1906.

POSTMASTERS.

CALIFORNIA.

Thomas M. Wright to be postmaster at Watsonville, in the county of Santa Cruz and State of California.

ILLINOIS.

Thomas W. Price to be postmaster at Astoria, in the county of Fulton and State of Illinois.

William H. Shaw to be postmaster at Canton, in the county of Fulton and State of Illinois.

Joseph T. Van Gundy to be postmaster at Monticello, in the county of Piatt and State of Illinois.

Cassius M. C. Weedman to be postmaster at Farmer City, in the county of Dewitt and State of Illinois.

Sewell P. Wood to be postmaster at Farmington, in the county of Fulton and State of Illinois.

INDIANA.

James R. Spivey to be postmaster at Bluffton, in the county of Wells and State of Indiana.

Harry A. Strohm to be postmaster at Kentland, in the county of Newton and State of Indiana.

IOWA.

Edna Chesley to be postmaster at Sutherland, in the county of O'Brien and State of Iowa.

William Gray to be postmaster at Clear Lake, in the county of Cerro Gordo and State of Iowa.

William M. Sindlinger to be postmaster at Waterloo, in the county of Black Hawk and State of Iowa.

KANSAS.

Floyd E. Young to be postmaster at Stockton, in the county of Rooks and State of Kansas.

MICHIGAN.

Edward L. Bates to be postmaster at Pentwater, in the county of Oceana and State of Michigan.

E. A. Smith to be postmaster at Wayne, in the county of Wayne and State of Michigan.

NEBRASKA.

Albert M. Coonrod to be postmaster at Ord, in the county of Valley and State of Nebraska.

NEW YORK.

Charles Herbert Rich to be postmaster at Cattaraugus, in the county of Cattaraugus and State of New York.

Leroy H. Van Kirk to be postmaster at Ithaca, in the county of Thompkins and State of New York.

OREGON.

James T. Brown to be postmaster at Pendleton, in the county of Umatilla and State of Oregon.

PENNSYLVANIA.

John Grein to be postmaster at Homestead, in the county of Allegheny and State of Pennsylvania.

Alonzo G. Hudson to be postmaster at Safe Harbor, in the county of Lancaster and State of Pennsylvania.

George R. Morrison to be postmaster at Oakmont, in the county of Allegheny and State of Pennsylvania.

Harry G. Smith to be postmaster at West Chester, in the county of Chester and State of Pennsylvania.

John A. Wallace to be postmaster at Chester, in the county of Delaware and State of Pennsylvania.

SOUTH DAKOTA.

William A. Carter to be postmaster at Castlewood, in the county of Hamlin and State of South Dakota.

Edward G. Edgerton to be postmaster at Yankton, in the county of Yankton and State of South Dakota.

WASHINGTON.

James Ewart to be postmaster at Colfax, in the county of Whitman and State of Washington.

WISCONSIN.

John T. Harris to be postmaster at Ripon, in the county of Fond du Lac and State of Wisconsin.

Benjamin Webster to be postmaster at Platteville, in the county of Grant and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 18, 1906.*

The House met at 11 o'clock a. m.

The Chaplain, the Rev. HENRY N. COUDEN, D. D., offered the following prayer:

O Thou great Father Soul, above, beneath, around, within, impress us, we beseech Thee, with Thy presence and quicken all that is truest, noblest, best in our being, that with singleness of purpose we may serve Thee all the days of our life in a faithful service to our fellow-men. Profoundly impressed by the brief span of our earthly existence in the absence of one whose vacant chair and draped desk carry to our hearts the unwelcome tidings that the place which knew him here shall know him no more, the faithful service which he rendered his people, his State, his nation in the committee room and on the floor of this House is over. But Thou, O God, are ever the same, and Thy presence is ever with us, and though life is a mystery, strange its vicissitudes, death an enigma, yet underlying all, down deep in our being is the consciousness of the immortality of the soul. Comfort his colleagues and friends, his bereaved wife and children with the blessed truth, and impress us with the thought that though he may not return to us we shall surely go to him, there to dwell in the realm of eternal bliss forever, in Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent to recommit the agricultural appropriation bill to the Committee on Agriculture.

The SPEAKER. The gentleman from New York [Mr. WADSWORTH] asks unanimous consent to recommit the agricultural appropriation bill to the Committee on Agriculture. Is there objection?

There was no objection.

SUSPENSION OF RULES.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that a motion to suspend the rules be in order on Tuesday and Wednesday of this week the same as under the rules it would be to-day.

The SPEAKER. The gentleman from New York [Mr. PAYNE] asks unanimous consent that a motion to suspend the rules shall be in order on Tuesday and Wednesday next the same as it would be to-day. Is there objection?

There was no objection.

DEATH OF HON. RUFUS E. LESTER.

Mr. BARTLETT. Mr. Speaker, it becomes my painful duty to announce to the House the death of an honored Member, the Hon. RUFUS E. LESTER, a Representative from the State of Georgia, who for nearly eighteen years has served the State in that capacity faithfully, earnestly, and devotedly. He met the great enemy of us all, Mr. Speaker, with that same uncomplaining courage that he met and discharged all of the duties of life.

At some later time I will ask the House to set apart a day upon which his colleagues and friends of the House may pay tribute to the memory and services of our deceased associate. I offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The gentleman from Georgia [Mr. BARTLETT] offers the following resolutions; which the Clerk will report.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. RUFUS EZEKIEL LESTER, late a Representative from the State of Georgia.

Resolved, That a committee of fifteen Members of the House be appointed by the Speaker to take order superintending the funeral of Mr. LESTER at Savannah, Ga., and to attend the same, with such members of the Senate as may be appointed by the Senate.

Resolved, That the Sergeant-at-Arms of the House be, and he is hereby, authorized and directed to take such steps as may be necessary to carry out these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk of the House communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the House do now adjourn.

The SPEAKER. The question is on agreeing to all of the resolutions except the last one.

The question was taken; and the resolutions were unanimously agreed to.

The SPEAKER announced the following committee: Mr. BARTLETT, Mr. BURTON of Ohio, Mr. BANKHEAD, Mr. GRIGGS, Mr. SPARKMAN, Mr. BISHOP, Mr. BRANTLEY, Mr. LAWRENCE, Mr. ADAMSON, Mr. HARDWICK, Mr. BELL of Georgia, Mr. LEWIS, Mr. CLAYTON, Mr. DAVIDSON, and Mr. BURGESS.

The SPEAKER. The question is on agreeing to the last resolution.

The question was taken; and the resolution was agreed to.

Accordingly (at 11 o'clock and 15 minutes a. m.) the House adjourned until to-morrow.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Commissioners of the District of Columbia submitting an estimate of appropriation for payment of a judgment against the District of Columbia—to the Committee on Appropriations, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LEVER: A joint resolution (H. J. Res. 176) directing the Secretary of Agriculture to cause a survey and investigation to be made of the swamp and tidal lands of Virginia, North Carolina, South Carolina, and Georgia, to determine the feasibility and cost of leveeing and draining said lands, and the benefits to agriculture and the public health which would result therefrom—to the Committee on Agriculture.

By Mr. BARTLETT: A resolution (H. Res. 595) to pay Daniel G. Heidt, jr., amount due for clerk hire—to the Committee on Accounts.

By Mr. KAHN: A memorial of the legislature of California, favoring maintenance of appropriation for hydrographic branch of the Geological Survey—to the Committee on Appropriations.

Also, a memorial of the legislature of California favoring the suspension of section 2324 of the Revised Statutes on account of the recent calamity in that State—to the Committee on Mines and Mining.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Arizona: A bill (H. R. 20280) to set aside certain lands to the town of Flagstaff for park purposes—to the Committee on the Public Lands.

By Mr. MOON of Tennessee: A bill (H. R. 20281) for the relief of the widow of the late Capt. Daniel C. Trewhitt—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 20282) granting an increase of pension to Joseph Morrell—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 20283) granting an increase of pension to Henry D. Bole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20284) granting an increase of pension to Lewis Hazlett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20285) granting an increase of pension to Alexander Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20286) granting an increase of pension to Bartholomew Holmes—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Daughters of the American Revolution for aid for the Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. BARCHFELD: Petition of Grange Association of Pennsylvania, for pure-food bill (Hepburn bill)—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of Robert S. Waddell, against the powder monopoly—to the Committee on Military Affairs.

By Mr. FULLER: Petition of Board of Trade of Chicago, for a thorough inspection of packing-house meat products—to the Committee on Agriculture.

Also, petition of D. Hernan, Streator, Ill., for pure-food bill and Federal inspection of meat-packers' products—to the Committee on Interstate and Foreign Commerce.

Also, petition of United Trades and Labor Council, Streator, Ill., for the Gardner eight-hour bill—to the Committee on Rules.

Also, petition of Chicago Commercial Association, for the ship-subsidy bill or bill for upbuilding of American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of United German Societies of New York City, for furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of M. Saperstein, Tarentum, Pa., against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of Grange Association of Pennsylvania, for pure-food bill (Hepburn bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. Mary S. Ross et al., for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. HUFF: Paper to accompany bill for relief of Lewis Hazlett, Alexander Thompson, Bartholomew Holmes, David W. McClure, and Henry D. Bole—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of Hawarden Commercial Club, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Samuel W. Jones et al., of Iowa, for the pure-food bill and Federal meat inspection—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Thomas R. Elliott—to the Committee on Invalid Pensions.

By Mr. NORRIS: Petition of Nebraska Stock Growers' Association, for Government inspection of packing-house meat products—to the Committee on Interstate and Foreign Commerce.

By Mr. WEISSE: Petition of the Sheboygan Herald, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of National German-American Alliance, for better system of distribution of immigrants in the United States—to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *June 19, 1906.*

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 34, 35, 38, and 47.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 11, 12, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 52, 53, 54, 57, 58, 59, and 63; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with amendments as follows:

In line 10 of said amendment strike out the colon and insert in lieu thereof a period.

In lines 10, 11, 12, 13, 14, 15, 16, and 17 of said amendment strike out the following: "*Provided*, That hereafter the pay and allowances of chaplains shall be the same, rank for rank, as is or may be provided by law for officers of the line and of the Medical and Pay Corps, all of whom shall hereafter receive the same pay on shore duty as is now provided for sea duty: *And provided further*, That the present pay and allowances of any officer now in the Navy shall not be reduced: *Provided further*," and insert in lieu thereof, as a new paragraph:

"That all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commander in the Navy according to length of service under the provisions of law for that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: *Provided*, That naval chaplains hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have completed seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever vacancies occur, to the grade of lieutenant-commander, which shall consist of five members, and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: *Provided further*, That nothing herein contained shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving."

In line 17 of said amendment, commencing with the word "That," have a new paragraph; and in lines 17 and 18 of said amendment strike out the words "pay and;" and in line 21 of said amendment strike out the words "pay and."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the words "rank, highest;" and in lines 4 and 5 of said amendment strike out the comma after the word "commander" and the words "and of no higher rank;" and in lines 6 and 7 strike out the words "be appointed from civil life in the manner and at" and insert in lieu thereof the word "receive;" and at the end of said amendment insert the following: "*Provided further*, That such officer shall not have the benefit of retirement;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In said amendment, after the word "million," strike out the words "three hundred thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "immediately available and to be;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In the last line of said amendment strike out the comma and the words "to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "graduation," insert the following: "or that may occur for other reasons;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In said amendment strike out the words "one million" and insert in lieu thereof the words "five hundred thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: On page 76 of the bill, at the end of line 5, insert the following: "But this provision shall not apply to or interfere with contracts for such armor already entered into, signed, or executed by the Secretary of the Navy;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-three million four hundred and seventy-five thousand eight hundred and twenty-nine dollars;" and the Senate agree to the same.

On amendments numbered 2, 6, 7, 13, 32, 33, 37, 55, and 56 the committee of conference have been unable to agree.

EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
ADOLPH MEYER,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. HALE. I move that the Senate further insist upon its amendments still in disagreement and request a further conference with the House of Representatives on the disagreeing votes of the two Houses, the Chair to appoint the conferees.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

Mr. WARREN. Before the Senator from Maine leaves the subject I desire to ask a question, or two questions, for that matter. Is the amendment regarding the large battle ship still open?

Mr. HALE. It is still open, and will be in the next conference.

Mr. WARREN. I presume the Senator has the figures in mind, and I should like to know what change the report just adopted makes in the salaries of the chaplains, and what is the maximum of the two different grades—that is, per year or per month—that the chaplains shall receive hereafter?

Mr. HALE. It puts them on the same basis of appointment as chaplains in the Army, and they succeed finally to the rank of lieutenant-commander. The largest pay of the chaplains ultimately is increased from $2,800 to $3,500.

Mr. WARREN. Does the Senator mean that it amounts to that with the longevity service additional, or is that the straight salary alone?

Mr. HALE. That is the final salary. They commence the appointment, as they do in the Army, with the salary of a lieutenant of the lower grade. Then they are promoted by longevity, as in the Army, and when they reach the rank of lieutenant-commander they receive the same pay that the present chaplains in the Army receive.

Mr. WARREN. And the same allowances?

Mr. HALE. And the same allowances.

Mr. BAILEY. Mr. President, I dislike to complain against the clergy. I do not intend to complain against them. I simply want to complain against Congress. Ninety per cent of the ministers of the gospel in this country work very much harder than these chaplains and receive very much smaller salary. I suppose, however, that a man who is expected to save the souls of soldiers ought to be pretty well paid for it. I understand that generally they are not very religiously inclined.

The salary is bad enough, and I want to ask the Senator from Maine if, in addition to that, the chaplains are entitled to the provisions for the retirement of officers of the Army and Navy?

Mr. HALE. Undoubtedly.

Mr. BAILEY. Then, Mr. President, that makes two reasons why this provision, for which the Senator from Wyoming is so solicitous, ought not to be incorporated in the bill.

Mr. HALE. The conferees strictly confined themselves to their right in the matter.

Mr. BAILEY. The Senator from Maine will observe that I did not say I wanted to complain against the conference; I said against the Congress.

Mr. HALE. Congress is always very liberal, and is so with chaplains undoubtedly.

Mr. BAILEY. It has been extravagant. It is bad enough to be liberal with other people's money; it is inexcusable to be extravagant with it.

Mr. HALE. The pressure was from the chaplains. They are a very worthy body of men, and are very modest in not asking for any advance in pay for any other corps.

Mr. BAILEY. I, of course, do not contradict the statement that the chaplains have been very modest.

Mr. HALE. In that respect.

Mr. BAILEY. I never did understand why a soldier of the Lord needed a rank in the Army of his country. But I make no complaint about that. I am perfectly willing to give them the rank, and I am perfectly willing to give them the pay that is commensurate with the duties they perform, both considered with reference to their importance and with reference to the work required. But I do declare that these chaplains do less work than 98 per cent of the ministers in actual service through the various States and communities, and they are receiving probably double, and it may be more than double, the average pay of ministers of equal piety, education, and ability.

Mr. HALE. Undoubtedly.

Mr. BAILEY. It seems to me that where a man must work as the average minister of the gospel in this country does work, he ought to be fairly paid. I believe every man in any field of endeavor ought to be properly paid. But it seems to me that the Government, using the funds of the people, ought not to consider itself justified in paying for a given service twice as much as that given service commands in what we call the "open market."

If ministers of the gospel, very learned, very pious, and very industrious, serving congregations in the various communities of this land are well content with a salary that ranges from $1,200 to $2,000, without any provision for retirement, such as the Army and Navy law provides, it would seem that the Congress ought to have followed as nearly as it could the example of our constituents at home, and fixed the salary of these ministers according to the difficulty of their employment.

Mr. HALE. I am very glad to hear the remarks of the Senator from Texas, and I commend them to the chaplains as being good, easy reading.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the chairman of the Chickamauga and Chattanooga National Park Commission setting forth the necessity for the immediate reconstruction of two bridges, and recommending that an additional appropriation be made for this purpose to be included in the sundry civil appropriation bill; which, with the accompanying

paper, was referred to the Committee on Appropriations, and ordered to be printed.

HYGIENIC LABORATORY, WASHINGTON, D. C.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Surgeon-General, Public Health and Marine-Hospital Service, submitting an estimate of appropriation for improvement to the grounds of the Hygienic Laboratory, Washington, D. C., $15,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

LEPROSY HOSPITAL, HAWAII.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Surgeon-General, Public Health and Marine-Hospital Service, submitting an amendment to be included in the sundry civil appropriation bill for the maintenance of the leprosy hospital in Hawaii; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 1031. An act granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State; and

S. 1442. An act to increase the efficiency of the militia and promote rifle practice.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

S. 289. An act to provide a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island;

S. 4250. An act to further enlarge the powers and authority of the Public Health and Marine-Hospital Service, and to impose further duties thereon;

S. 4806. An act to regulate the landing, delivery, cure, and sale of sponges;

H. R. 4464. An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes;

H. R. 4468. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895;

H. R. 7771. An act for the relief of Judd O. Hartzell;

H. R. 8428. An act to regulate the construction of dams across navigable waters;

H. R. 8973. An act to amend section 5200, Revised Statutes of the United States, relating to national banks;

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes;

H. R. 14928. An act for the relief of F. V. Walker;

H. R. 14968. An act to amend the internal-revenue laws so as to provide for furnishing certified copies of certain records;

H. R. 16125. An act authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park and to operate electric cars thereon;

H. R. 18442. An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia;

H. R. 18668. An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington;

H. R. 19571. An act to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.;

H. R. 19681. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement;

H. R. 20070. An act to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.; and

S. R. 60. Joint resolution providing for the purchase of material and equipment for use in the construction of the Panama Canal.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the North American Gymnastic Union, of Indianapolis, Ind., remonstrating against the adoption of a certain amendment to the sundry civil appropriation bill excluding alcoholic beverages from Soldiers' Homes; which was referred to the Committee on Military Affairs.

He also presented a petition of the International Missionary Union, of Clifton Springs, N. Y., praying for a moderate enforcement of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of the National German-American Alliance, of Philadelphia, Pa., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. NELSON presented the petitions of M. Condon, of Clara City; Elorum & Davis, of Amidon; the Farmers' Elevator Company, of Springfield; C. W. Chamberlain, of Amboy, and the First National Bank, of Luverne, all in the State of Minnesota, praying for the enactment of legislation providing for rigid Government inspection of packing meat products; which were referred to the Committee on Agriculture and Forestry.

Mr. WARREN. I present a telegram in the form of a petition. It is from one of the prominent and one of the oldest citizens of what is now Wyoming, a man who settled there before there was any Wyoming and before there was any live-stock business. It consists of but three lines. I have had several scores of letters and telegrams bearing upon the same subject. I ask that this telegram may be read.

There being no objection, the telegram was read, and referred to the Committee on Agriculture and Forestry, as follows:

CHEYENNE, WYO., *June 18, 1906.*

Hon. F. E. WARREN,
United States Senate, Washington, D. C.:

It is of vital importance to stock raisers that we have prompt legislation providing for rigid inspection of packing meat products at Government expense.

R. S. VANASSEL.

Mr. HANSBROUGH. In connection with the telegram just read I desire to state that last night and this morning I received ten or twelve telegrams, very much like the one just read and almost in the same language. I did not think it was necessary to present them to the Senate, but I will simply call attention to the fact that I received such telegrams, so that those who have charge of legislation on the meat question may take notice thereof.

Mr. STONE. I should like to state also that I have received a great number of similar telegrams, which I have not sent to the desk, as I did not consider it necessary; but there is great interest in the matter in my State.

Mr. PENROSE presented a petition of the Civic Club of Philadelphia, Pa., praying for the enactment of legislation to establish national forest reserves in the Southern Appalachian and White Mountains; which was ordered to lie on the table.

He also presented a petition of the Civic Club of Philadelphia, Pa., praying that an appropriation be made for a scientific investigation of the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Oxford, Nine Points, and Quarryville, Pa., remonstrating against the enactment of legislation providing for the transfer of the education and care of the Indians and Eskimos of Alaska from the Bureau of Education to the governor of that Territory; which was referred to the Committee on Territories.

Mr. KEAN presented the memorials of J. H. Shannon, of Blairstown; Rev. Henry Ward, D. D., Edwin Du Rie, David D. Ackerman, Dr. L. B. Parsell, John Z. Demarest, and A. D. Atwood, all of Closter, in the State of New Jersey, remonstrating against Hon. REED SMOOT, a Senator from the State of Utah, retaining his seat in the Senate; which were ordered to lie on the table.

Mr. PLATT presented memorials of the Wellsville Oil Company; of sundry citizens of Wellsville, N. Y., and of J. T. Jones, Gulfport, Miss., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" relative to pipe lines; which were ordered to lie on the table.

He also presented the memorial of Dr. M. T. Greene and E. P. Gordon, of Castile, N. Y., remonstrating against Hon. REED SMOOT, a Senator from the State of Utah, retaining his seat in the Senate; which was ordered to lie on the table.

Mr. KNOX presented the memorial of the Pennsylvania Refining Company, of Oil City, Pa., and the memorial of J. I. Buchanan, of Pittsburg, Pa., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" relative to pipe lines; which were ordered to lie on the table.

He also presented petitions of Rev. W. T. Tapscott, of Easton; Antisaloon League, of Pittsburg; Temperance Committee, General Assembly, Presbyterian Church, of Pittsburg; Rev. Charles

E. Dunn, of Philadelphia; D. L. Hufman, of Ashland; G. F. Snyder, of Altoona; Frank Williams, of Ashland; E. B. Killinger, of Ashland; David S. Curry, of York, all in the State of Pennsylvania, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in National Soldiers' Homes; which were referred to the Committee on Military Affairs.

Mr. MILLARD presented petitions of the Nebraska Stock Growers' Association; of J. H. Norsworthy, of Gothensburg; of the United States National Bank, of Omaha; of the First National Bank of Omaha; of E. D. Gould, of Wolbach; of W. H. Butterfield & Son, of Norfolk, and of H. W. Yates, of Omaha, all in the State of Nebraska, praying for the enactment of legislation providing for a rigid meat inspection at Government expense; which were referred to the Senate conference committee on the agricultural appropriation bill.

Mr. BLACKBURN presented sundry papers to accompany the bill (S. 5267) for the relief of the estate of Solomon Jones, deceased; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. SIMMONS, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 5945) providing for an inspection of certain agricultural products, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 19854) to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across Sunflower River, reported it without amendment.

Mr. KNOX, from the Committee on the Judiciary, to whom was referred the bill (S. 5136) to amend the act creating the Spanish Treaty Claims Commission, approved March 2, 1901, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 8214) granting an increase of pension to Joseph Slagg, reported it without amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (H. R. 14211) granting an increase of pension to Deborah J. Pruitt, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 19533) granting an increase of pension to Mary A. Hall, reported it without amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (H. R. 4659) granting an increase of pension to John F. Morris, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 12892), granting an honorable discharge to Seth Davis, reported it with an amendment, and submitted a report thereon.

BLANK & PARKS.

Mr. BAILEY. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 4580) for the relief of Blank & Parks, of Waxahachie, Tex., to report it with a favorable recommendation, and I submit a report thereon. I ask unanimous consent for its immediate consideration.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Blank & Parks, of Waxahachie, Tex., the sum of $400, paid under protest to the collector of internal revenue at Dallas, Tex., said payment having been demanded and payment required under threats of restraint and sale of said Blank & Parks's property in consequence of a technical violation of the internal-revenue laws of the United States.

Mr. SCOTT. I should like the Senator from Texas to explain what the technical violation was. Oftentimes we find the internal-revenue law violated where a still is operated in the mountains, and a man will claim that he did not know but that he had a right to still his own apples and grain, and therefore it was only a technical violation.

Mr. BAILEY. The violation in this case consisted in the firm of Blank & Parks, who were engaged in a marketing business at Waxahachie, Tex., ordering, at the request of a restaurant keeper, 40 pounds of oleomargarine, to be shipped along with an order which they had made from Swift & Co. They turned the oleomargarine over to the restaurant keeper without any profit to themselves or without any thought of profit, he simply paying his portion of the freight and the amount which Blank & Parks had to pay to the packer. Under the law the internal-revenue collector felt called upon to collect from them the tax as a dealer, whereas, as a matter of fact, they were never dealers.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16472) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 27, 49, 50, 52, 53, 54, 60, 61, 65, 66, 67, 74, 76, 77, 78, 79, 83, 84, 85, 86, 87, 96, 97, 120, 127, 128, 129, 130, 131, 132, 135, 138, 139, 141, 149, 152, 154, 155, 179, 191, 192, 197, 200, 201, 202, 204, 205, 208, 209, 210, 211, 220, 221, 227, 228, 237, 247, and 250.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 28, 29, 30, 31, 32, 33, 34, 36, 38, 39, 40, 41, 42, 43, 45, 47, 48, 51, 56, 57, 58, 59, 63, 64, 69, 73, 75, 81, 82, 88, 90, 92, 93, 94, 95, 98, 99, 100, 101, 102, 103, 104, 105, 106, 111, 112, 113, 114, 115, 116, 117, 118, 119, 125, 133, 134, 136, 137, 144, 145, 146, 147, 151, 153, 157, 158, 159, 161, 162, 163, 164, 165, 166, 167, 169, 175, 176, 177, 178, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 193, 194, 195, 196, 199, 206, 212, 213, 214, 215, 216, 217, 218, 219, 222, 223, 224, 226, 229, 230, 231, 232, 233, 234, 235, 236, 238, 239, 240, 242, 243, 244, 245, and 251; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: On page 5 of the bill, in lines 20 and 21, strike out the words "Relations with Cuba" and insert in lieu thereof "Cuban Relations;" and in lines 22 and 23 strike out the words "improvement of the;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-seven thousand eight hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "sixty-nine privates, at one thousand and fifty dollars each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-seven thousand six hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and insert, on page 32 of the bill, after line 14, as a separate paragraph, the following:

"For plans and estimates for a newspaper stack, to be procured by the Joint Committee on the Library, if said committee shall decide such stack to be necessary, two thousand five hundred dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "hereafter;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and eight thousand nine hundred and seventy dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ten thousand four hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: On page 44 of the bill, in lines 12, 13, and 14 strike out the words "two superintendents of technical divisions, at two thousand seven hundred and fifty dollars each" and insert in lieu thereof the following: "superintendent of computing division, two thousand seven hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: On page 44 of the bill, in line 16, after the word "dollars," insert the words "chief of inspection division, two thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-three thousand four hundred and sixty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one stenographer and typewriter, one thousand four hundred dollars; one typewriter copyist, one thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "one hundred and forty-two thousand five hundred and forty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and thirty-one thousand three hundred and thirty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and sixty-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert "rent of office and quarters in Juneau;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and sixty-four thousand three hundred and eighty-six dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two chiefs of division at $2,000 each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the words inserted by said amendment insert the words "three clerks;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$69,380;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: After the word "For," in said amendment, insert the word "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and one thousand three hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: On page 99 of the bill, in line 25, strike out the word "four" and insert in lieu thereof the word "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "eighteen" and insert in lieu thereof the word "sixteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and fifty-three thousand eight hundred and seventy dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lines 8 and 9 of said amendment strike out the words "sixty-one thousand five hundred dollars" and in lieu thereof insert the following: "namely: twelve clerks, qualified as draftsmen, at one thousand two hundred dollars per annum each; fifty copyists at nine hundred dollars per annum each; and one messenger at six hundred dollars per annum; in all, sixty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,769,750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 171, 172, 173, and 174, and agree to the same with an amendment as follows: Strike out all of the amended paragraph and insert in lieu thereof the following:

"For photolithographing or otherwise producing plates and illustrations for the Official Gazette, for work to be done at the Government Printing Office in producing the Official Gazette, including the letter press, the weekly, monthly, bimonthly, and annual indexes therefor, exclusive of expired patents, in all one hundred and thirty thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For rent for storage for Patent Office model exhibit, ten thousand dollars or so much thereof as may be necessary; and the Secretary of the Interior shall dispose of a part or all of the models of said exhibit, either by sale, gift, or otherwise."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and twenty-six thousand six hundred and ten dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-one thousand nine hundred and ninety dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: Before the words inserted by said amendment insert the words "not more than;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven hundred and seventeen thousand and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 241, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "expended," insert the words "during the fiscal year nineteen hundred and seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: On page 161 of the bill, after the word "service," at the end of line 16, insert the following: ", and the heads of Departments shall cause this provision to be enforced;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 248, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "preceding," in line 5;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 249, and agree to the same with an amendment as follows: At the end of said amendment, after the word "originate," insert ", in which case such special or additional estimate shall be accompanied by a full statement of its imperative necessity and reasons for its omission in the annual estimates;" and the Senate agree to the same.

S. M. CULLOM,
F. E. WARREN,
H. M. TELLER,
Managers on the part of the Senate.

LUCIUS N. LITTAUER,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

JURIES IN NEW MEXICO.

Mr. KNOX. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 19379) providing for the manner of selecting and impaneling juries in the United States courts in the Territory of New Mexico, to report it favorably with an amendment. I ask for the present consideration of the bill as it involves the procedure of impaneling juries in the Territory of New Mexico.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on the Judiciary was, on page 1, line 10, after the words "United States," to insert:

Provided, That no person shall be eligible for jury service in the Territory of New Mexico who does not understand the English language sufficiently, in the opinion of the court, to qualify him for such service.

Mr. HANSBROUGH. In regard to that amendment, I desire to say that I have information to the effect that the juries in the Territory of New Mexico are composed largely and necessarily of Mexicans, and that a great many of those drawn as jurors can not speak the English language. I think it is a matter of common knowledge that in almost all the courts in the Territory it is necessary to have interpreters. I do not know whether the amendment should be adopted or not, because if it is true that a great many of the jurors can not speak the English language they would be disqualified, if the amendment is agreed to.

Mr. KNOX. I regret that the senior Senator from Wisconsin [Mr. SPOONER] is not present, as the amendment was proposed in the committee by him, and the committee adopted it upon the statement that it was a habit in the trial of criminal cases in New Mexico to send out the interpreter with the jury. We considered that matter and concluded it was substantially a trial by interpreter instead of a trial by jury, and for that reason the committee came to the conclusion to recommend the amendment.

Mr. PATTERSON. Mr. President——

Mr. HANSBROUGH. Unless the Senator from Pennsylvania is anxious to press the bill, in view of the fact that the Senator from Wisconsin is not present, I suggest to the Senator that the bill be allowed to go over.

Mr. KNOX. I have no objection to its going over.

The VICE-PRESIDENT. The bill will go to the Calendar.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 6484) granting an increase of pension to William Cassady; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6485) granting an increase of pension to Samuel Cook (with accompanying papers);

A bill (S. 6486) granting a pension to John Little; and

A bill (S. 6487) granting an increase of pension to Israel Plain.

Mr. PENROSE introduced a bill (S. 6488) authorizing the striking of 200 additional medals to commemorate the two hundredth anniversary of the birth of Benjamin Franklin; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 6489) for the relief of Laura A. Wagner; which was read twice by its title, and referrel to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 6490) for the relief of A. J. Clark; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PLATT submitted an amendment proposing to appropriate $31,000 to pay the day inspectors of customs of the port of New York the difference between the per diem salary of $4 paid them during the months of October, November, and December, 1905, and their proper per diem salary ($5 per diem) for the same period, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KEAN submitted an amendment providing for analyses, tests, examinations, or investigations by the Geological Survey of structural materials, fuel, and mineral substances, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. MALLORY submitted an amendment relative to the appropriation for vehicles and automobiles for the use of the superintendent of the Government Hospital for the Insane, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment providing that the appropriation made for the Government Hospital for the Insane shall be disbursed under the supervision of the Secretary of the Interior by the disbursing officer of the Department of the Interior, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DANIEL submitted an amendment relative to the Jamestown Tercentennial Exposition to be held in Hampton Roads, Va., in 1907, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment authorizing the Secretary of War to purchase certain lands on the battlefield of Gettysburg, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $25,000 for the addition of a new roof and the construction of a new cornice on the public building at Pottsville, Pa., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment proposing to appropriate $11,112.22 to pay the estate of David B. Landis, deceased, of Lancaster, Pa., and also $34,055 to pay the estate of Jacob F. Sheaffer, deceased, of Lancaster, Pa., being amounts found due by the Court of Claims for taxes and penalty collected on distilled spirits that had been destroyed by fire, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

VOLUNTEER RETIRED LIST.

Mr. PLATT submitted an amendment intended to be proposed by him to the bill (S. 2162) to create in the War Department a special roll, to be known as the "Volunteer retired list," to authorize placing thereon with pay certain surviving officers of the United States Volunteer Army of the civil war, and for other purposes; which was referred to the Committee on Military Affairs, and ordered to be printed.

STATISTICS RELATING TO PASSENGER RATES.

Mr. LODGE. On June 8 I presented to the Senate a letter from Mr. H. T. Newcomb, of Washington, D. C., submitting tables showing comparisons between passenger charges on European railways and those in force for similar distances in the

United States, being Senate Document No. 479. The print is entirely exhausted, and I ask for a reprint of the document.

The VICE-PRESIDENT. Without objection, it is so ordered.

GEOLOGY OF THE OWL CREEK MOUNTAINS.

On motion of Mr. WARREN, it was

Ordered, That there be printed for the use of the Senate 9,000 copies of Senate Document No. 219, Fifty-ninth Congress, first session, with the illustrations.

WITHDRAWAL OF PAPERS—GEN. PHILIP H. SHERIDAN.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of "A bill to purchase a bust of Gen. Philip H. Sheridan," accompanying Senate bill 1111, Fifty-fourth Congress, first session, copies of the same to be left in the files as provided by clause 2 of Rule XXX.

APPEALS IN CRIMINAL PROSECUTIONS.

The VICE-PRESIDENT. The morning business is closed.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 15434) to regulate appeals in criminal prosecutions.

Mr. GALLINGER. It will be observed by referring to the RECORD that unanimous consent was given for the consideration this morning of the bill I reported on yesterday—Senate bill 6147. If that be laid before the Senate, I will be glad to yield to the Senator from Minnesota.

The VICE-PRESIDENT. The Chair lays before the Senate, in accordance with the unanimous-consent agreement of yesterday, Senate bill 6147.

The SECRETARY. A bill (S. 6147) authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes.

Mr. GALLINGER. If there be no objection, I will yield to the Senator from Minnesota [Mr. NELSON], if the bill he wishes to call up does not lead to debate.

The VICE-PRESIDENT. The Senator from Minnesota asks for the present consideration of a bill, which will be read.

Mr. NELSON. The bill was unanimously reported from the Committee on the Judiciary.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15434) to regulate appeals in criminal prosecutions, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That a writ of error may be taken by and on behalf of the United States from the district or circuit courts to the Supreme Court or the circuit courts of appeals, as prescribed in an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the acts amendatory thereof, in all criminal cases, in the following instances, to wit:

From the decision or judgment quashing or setting aside an indictment;

From the decision or judgment sustaining a demurrer to an indictment or any count thereof;

From the decision arresting a judgment of conviction for insufficiency of the indictment;

From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

In all these instances the United States shall be entitled to a bill of exceptions as in civil cases.

Mr. NELSON. At the suggestion of the Senator from Colorado [Mr. TELLER], who is not here, I offer an amendment to come in at the end of line 15 of the committee amendment.

The SECRETARY. After the word "jeopardy," line 15, page 2, insert the following proviso:

Provided, That if on such writ of error it shall be found that error in the ruling of the court during the proceeding or trial and the verdict was in favor of the defendant, such verdict shall not be set aside.

Mr. CULBERSON. The Secretary was interrupted in the reading by a message, and I did not get its full force.

The VICE-PRESIDENT. The Secretary will again read the amendment to the amendment.

The SECRETARY. In one of the cases the committee reported is the following:

From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

To this the following is offered as an amendment:

Provided, That if on such writ of error it shall be found that error in the ruling of the court during the proceeding or trial and the verdict was in favor of the defendant, such verdict shall not be set aside.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAY. I would be glad if the Senator in charge of the bill would explain it. As I understand the bill, and I only caught it as it was read, it gives the Government of the United States the right of appeal in criminal cases in certain instances, and it is certainly a new departure. I would be exceedingly glad if the Senator would explain it. I have not had time to read the bill carefully, but when the Government undertakes an appeal from the decision of a judge in a criminal case, it is certainly a new departure in the history of judicial trials.

Mr. NELSON. I will say to the Senator that in a great many of the States they allow appeals. This only relates to cases where the defendant has not been put in jeopardy and where he has not been acquitted. If the Senator will read the substitute, he will find that the only cases in which a writ of error can be taken is, first, from the decision or judgment quashing or setting aside an indictment; second, from the decision or judgment sustaining a demurrer to an indictment or any count thereof; third, from the decision arresting a judgment of conviction for insufficiency of the indictment, and, fourth, from the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy. Then the amendment which I offered on behalf of the senior Senator from Colorado expressly provides that no matter what errors may be found, if the defendant has been acquitted that is the end of it; he will not be tried again. Under the amendment as proposed the defendant can not be put in jeopardy a second time, and if acquitted he can not be tried a second time.

Mr. CLAY. I see on page 2 the bill provides for a writ of error from the decision or judgment quashing or setting aside an indictment. Now, if the defendant is indicted on the criminal side of the court and there is a defect in the indictment and the judge quashes the indictment, there is nothing to do but send it to the grand jury or get a new indictment. That has been the immemorial practice since our Government was organized.

Mr. NELSON. I will say to the Senator that sometimes an indictment is set aside on the ground that the law under which the indictment was found is held to be unconstitutional. The object is to allow the Government to take the case up and get a ruling of the Supreme Court.

Mr. CLAY. I desire to call the Senator's attention to this fact: If a defendant under this bill is indicted and the indictment is quashed for any irregularity or defect, and the Government of the United States desires to take that case to a higher court, the defendant is compelled to employ counsel and follow his case in the higher court before there has been any trial, when under the present law all that would have to be done would be to indict him again, and then he could stand his trial at home and save the necessary expense.

Mr. NELSON. But it may be that if the case goes up to the appellate court and the decision of the appellate court involves the question of the constitutionality of the law under which the defendant is prosecuted, the decision of the appellate court may end the case and there may be no subsequent indictment. This bill was carefully considered by the Judiciary Committee, and every member of that committee agreed to it.

Mr. GALLINGER. Mr. President, I rose simply to say that I yielded with the understanding that the bill would not be debated, and if it is to be debated I must object to its further consideration.

Mr. CLAY. I would prefer to look into the bill before it passes.

The VICE-PRESIDENT. The bill will lie over, retaining its place on the Calendar.

Mr. GALLINGER. I yield to the Senator from Iowa [Mr. DOLLIVER] if the bill he wishes to call up does not lead to debate.

SAC AND FOX INDIANS.

Mr. DOLLIVER. I ask unanimous consent for the consideration of the bill (H. R. 10133) to provide for the annual pro rata distribution of the annuities of the Sac and Fox Indians of the Mississippi between the two branches of the tribe, and to adjust the existing claims between the two branches as to said annuities.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VINCENNES UNIVERSITY, INDIANA.

Mr. GALLINGER. I yield to the Senator from Indiana [Mr. HEMENWAY] if the measure he desires to call up does not lead to debate.

Mr. HEMENWAY. I ask unanimous consent for the present consideration of the joint resolution (S. R. 52) authorizing the Secretary of War to donate to the board of trustees of Vincennes University, Vincennes, Ind., such obsolete arms and other military equipments now in possession of said university, to be used in military instruction.

The Secretary read the joint resolution, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND GRANTS TO NEW MEXICO.

Mr. HANSBROUGH. Mr. President——

Mr. GALLINGER. If there be no objection I will yield to the Senator from North Dakota if his bill does not lead to debate.

Mr. HANSBROUGH. The bill for which I ask consideration is House bill 18600. It has heretofore been read, and there was objection made to it on that occasion by the Senator from Wisconsin, who has since advised me that he withdraws his objection to it. I think there will be no debate upon the bill.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 18600) to amend section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes, so as to read as follows:

SEC. 10. That the land reserved for university purposes, including all saline lands, and sections 16 and 36, reserved for public schools, may be leased under such laws and regulations as may be hereafter prescribed by the legislative assembly of said Territory; but until the meeting of the next legislature of said Territory the governor, secretary of the Territory, and the solicitor-general shall constitute a board for the leasing of said lands, and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases. And it shall be unlawful to cut, remove, or appropriate in any way any timber growing upon the lands leased under the provisions of this act, and not more than one section of land shall be leased to any one person, corporation, or association of persons, except when in the opinion of the Secretary of the Interior the leasing of a larger area is deemed advisable, and no lease shall be made for a longer period than five years, and all leases shall terminate on the admission of said Territory as a State; and all money received on account of such leases in excess of actual expenses necessarily incurred in connection with the execution thereof shall be placed to the credit of separate funds for the use of said institutions, and shall be paid out only as directed by the legislative assembly of said Territory and for the purposes indicated herein. The remainder of the lands granted by this act, except those lands which may be leased only as above provided, may be sold under such laws and regulations as may be hereafter prescribed by the legislative assembly of said Territory; and all such necessary costs and expenses as may be incurred in the management, protection, and sale of said lands may be paid out of the proceeds derived from such sales; and not more than one quarter section of land shall be sold to any one person, corporation, or association of persons, and no sale of said lands or any portion thereof shall be made for less than $1.25 per acre; and all money received on account of such sales, after deducting the actual expenses necessarily incurred in connection with the execution thereof, shall be placed to the credit of separate funds created for the respective purposes named in this act, and shall be used only as the legislative assembly of said Territory may direct, and only for the use of the institutions or purposes for which the respective grants of lands are made: *Provided*, That such legislative assembly may provide for leasing all or any part of the lands granted in this act on the same terms and under the same limitations prescribed above as to the lands that may be leased only; but all leases made under the provisions of this act shall be subject to the approval of the Secretary of the Interior, and all investments made or securities purchased with the proceeds of sales or leases of lands provided for by this act shall be subject to like approval by the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NORTHWEST NORMAL SCHOOL AT ALVA, OKLA.

Mr. LONG. Mr. President——

Mr. GALLINGER. Mr. President, the Senator from Kansas has said to me that he has a bill which will not lead to debate, and I will yield to him to ask for its consideration.

Mr. LONG. I ask unanimous consent for the present consideration of House bill 11787.

The VICE-PRESIDENT. The Senator from Kansas asks unanimous consent for the present consideration of the bill named by him, the title of which will be stated.

The SECRETARY. A bill (H. R. 11787) ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School at Alva, in Oklahoma Territory, passed by the legislative assembly of Oklahoma Territory, and approved the 15th day of March, 1905.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. WILLIAMS.

Mr. BLACKBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Kentucky?

Mr. GALLINGER. I yield to the Senator from Kentucky, who has stated to me that he has a small House bill for which he desires consideration, which will not lead to debate.

Mr. DANIEL. I hope the Senator from New Hampshire will let us introduce a few routine matters.

Mr. BLACKBURN. I ask unanimous consent for the present consideration of the bill (H. R. 3459) for the relief of John W. Williams. I am sure it will lead to no debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to John W. Williams, of Powell County, Ky., $200 for one horse purchased by him at Government sale June 3, 1865, and recovered by the legal owner by judicial proceedings, which established a lack of title in the Government and made Williams liable for the value of said horse and cost.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SPANISH TREATY CLAIMS COMMISSION.

Mr. GALLINGER. Mr. President, the Senator from Pennsylvania [Mr. KNOX] informs me that he has a bill in which the Senator from Alabama [Mr. PETTUS] is interested. The Senator from Pennsylvania is about to leave the city, and I will yield to that Senator, if the bill for which he desires consideration does not lead to debate.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill (S. 5136) to amend the act creating the Spanish Treaty Claims Commission, approved March 2, 1901. The bill was reported from the Committee on the Judiciary this morning.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent for the present consideration of the bill named by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments; which were, on page 2, line 10, after the word "brought," to insert a comma and the words "or to be hereafter filed;" on page 2, line 12, after the word "cases," to insert a comma and the words "including those heretofore passed on by said Commission;" and in line 21, after the word "Navy," to strike out "not heretofore filed, or which shall not be filed, which are hereby allowed, within six months from the passage of this act shall be forever barred" and to insert "growing out of the destruction of said battle ship, not heretofore filed, may be filed with said Commission within six months from the passage of this act, and if not so filed shall be forever barred."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. CARTER. Mr. President, I ask that the title of the bill be again stated.

The VICE-PRESIDENT. The title of the bill will be read by the Secretary.

The SECRETARY. A bill (S. 5136) to amend the act creating the Spanish Treaty Claims Commission, approved March 2, 1901.

Mr. CARTER. From what committee was the bill reported?

The VICE-PRESIDENT. It was reported this morning from the Committee on the Judiciary by the junior Senator from Pennsylvania [Mr. KNOX].

Mr. CARTER. That, I understand, is the bill which provides for appeals to the Supreme Court of the United States?

Mr. BLACKBURN. No.

Mr. KNOX. This bill does not provide for such an appeal; but provides for a certiorari. It provides practically the same right which exists under the present court of appeals act—that is, the Commission itself, when a question of law arises and it desires the opinion of the Supreme Court on it, can request that opinion; and the Supreme Court, upon such application, if it thinks the question of sufficient importance to challenge its attention, may send for it by writ of certiorari; but there is no appeal granted.

Mr. CARTER. It does not in any respect limit the power of the Commission or provide that it shall have any greater power?

Mr. KNOX. No, sir.

Mr. BURROWS. Has the bill been read, Mr. President?

The VICE-PRESIDENT. The bill has been read, and is now in the Senate.

Mr. BURROWS. I should like to hear it again read.

The VICE-PRESIDENT. The bill will be read as it has been amended.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That section 13 of an act entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898," approved March 2, 1901, be amended so that the same will read as follows:

"SEC. 13. That the Commission may, as to any question of law arising upon the facts in any case before them, state the facts and the question of law so arising and certify the same to the Supreme Court of the United States for its decision, and said court shall have jurisdiction to consider and decide the same. In any case heretofore finally determined and decided, or that may hereafter be finally determined and decided, by the Commission created by this act, it shall be competent for the Supreme Court to require, by certiorari, any such case to be certified to the Supreme Court for its review and determination. But such application to the Supreme Court for the writ of certiorari in any such case heretofore decided shall be made within one year from the passage of this act, and in any such case hereafter decided within one year after the final decision of the aforesaid Commission therein: *Provided*, That the foregoing provisions shall not apply to any case brought, or to be hereafter filed, on account of personal injury or death sustained by reason of the destruction of the battle ship Maine, but that in all such cases, including those heretofore passed on by said Commission, the Commission, except to show the extent of the injuries received, shall not allow or require any testimony other than such as may be deemed necessary to show that the plaintiffs are the parties injured, or their next of kin or legal representatives, and shall make awards as in other cases of such amounts as will in equity and justice compensate the petitioners, such awards to exceed in no case the sum of $4,000; and all claims in favor of officers, sailors, or marines of the United States Navy, growing out of the destruction of said battle ship, not heretofore filed, may be filed with said Commission within six months from the passage of this act, and if not so filed shall be forever barred."

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT GREAT FALLS, MONT.

The VICE-PRESIDENT laid before the Senate a message from the House of Representatives, returning to the Senate, in compliance with its request, the bill (S. 544) to provide for the purchase of a site for a public building in the city of Great Falls, Mont.

Mr. CARTER. I ask that the motion heretofore entered by my colleague [Mr. CLARK of Montana] to reconsider the vote by which the bill was passed be submitted to the Senate.

The VICE-PRESIDENT. The question is on the motion heretofore submitted by the Senator from Montana [Mr. CLARK] to reconsider the vote by which the bill was passed.

The motion was agreed to.

Mr. CARTER. I move that the bill be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

DISTRICT STREET RAILWAYS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6147) authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes.

Mr. GALLINGER. I ask, Mr. President, that the amendments reported by the Committee on the District of Columbia may now be stated.

The VICE-PRESIDENT. The amendments reported by the Committee on the District of Columbia will be stated.

The first amendment was, in section 1, on page 1, after the word "avenue," at the end of line 6, to insert "with such northerly deviation as may be necessary to bring the tracks immediately in front of and adjacent to the main entrance to the Union Station;" so as to make the section read:

That the City and Suburban Railway, of Washington, be, and it hereby is, authorized and required to construct a double-track extension of its lines from New Jersey avenue and G street NW. eastwardly to and along Massachusetts avenue with such northerly deviation as may be necessary to bring the tracks immediately in front of and adjacent to the main entrance to the Union Station to junctions with the existing tracks at Third and D streets NE. and at the northwest corner Stanton square; also to extend its double tracks on North Capitol street southwardly from the intersection of G street to Massachusetts avenue to connect with the tracks of the City and Suburban Railway hereinbefore authorized; also to construct a double-track extension, beginning at the intersection of East Capitol street and First street east, south on First street east to E street south, to the now existing tracks of the Anacostia and Potomac River Railroad Company at E street.

The amendment was agreed to.

The next amendment was, in section 2, on page 2, line 14, after the word "authorized," to insert "also a double-track loop on the Union Station plaza connecting with the four tracks provided for in section 6;" so as to make the section read:

SEC. 2. That the Washington Railway and Electric Company be, and it hereby is, authorized and required to construct a double-track extension of its line from Delaware avenue and C street northeastwardly along Delaware avenue to Massachusetts avenue, there to connect with the tracks of the City and Suburban Railway, of Washington, hereinbefore authorized; also a double-track loop on the Union Station plaza connecting with the four tracks provided for in section 6.

The amendment was agreed to.

The next amendment was, in section 3, on page 2, line 22, after the words "Union Station," to strike out "thence across said plaza to Massachusetts avenue" and insert "together with a double-track loop passing in front of the station on said plaza;" and on page 3, line 5, after the words "Florida avenue," to insert "also a double-track extension for connecting its lines from First and B streets northeast southerly along First street to B street southeast;" so as to make the section read:

SEC. 3. That the Capital Traction Company of the District of Columbia be, and it hereby is, authorized and required to construct a double-track extension of its lines from C street and Delaware avenue northeast northeasterly along Delaware avenue to the plaza in front of the proposed Union Station, together with a double-track loop passing in front of the station on said plaza, and northwestwardly along Massachusetts avenue to New Jersey avenue, and thence along New Jersey avenue to Florida avenue; thence along Florida avenue to a junction with its present tracks at Seventh street and Florida avenue northwest; also a double-track extension of its line beginning at Seventh and T streets northwest; thence eastwardly along T street to its intersection with Florida avenue; also a double-track extension for connecting its lines from First and B streets northeast southerly along First street to B street southeast.

The amendment was agreed to.

The next amendment was, in section 5, on page 3, line 16, before the word "years," to strike out "three" and insert "two;" and in line 20, after the word "determine," to strike out "All work to be done in accordance with plans acceptable to and approved by the Commissioners of the District of Columbia;" so as to make the section read:

SEC. 5. That the construction of the aforesaid street-railway lines shall be commenced within one year and completed within two years from the date of the passage of this act; and in default of such commencement or completion within the time in this section specified, all rights, franchises, and privileges granted by this act shall immediately cease and determine.

The amendment was agreed to.

The next amendment was, in section 6, on page 4, line 6, before the word "tracks," to insert the word "double;" so as to read:

Provided, That there shall be at least two sets of double tracks immediately in front of the main entrance to the Union Station facing Massachusetts avenue, the most northerly rail being not more than 50 feet south of the said main entrance.

The amendment was agreed to.

The next amendment was, to strike out section 8, as follows:

SEC. 8. That all acts or parts of acts inconsistent herewith are hereby repealed.

The amendment was agreed to.

The next amendment was, on page 4, line 17, to insert as a new section the following:

SEC. 8. That authority is hereby given the Commissioners of the District of Columbia to use such portions of reservation 77 as may in their judgment be necessary for sidewalks and roadways and for street railway use. And authority is hereby given the Commissioners to acquire by purchase or to condemn in accordance with existing law for street purposes so much of square 626 lying north of the north building line of square 567 extended as they may deem necessary, and the cost of acquiring said property as above shall be paid equally by the Capital Traction Company and the City and Suburban Railway Company: *Provided*, That where a portion of any lot is authorized to be acquired as above the said Commissioners may, in their discretion, acquire the entire lot; the portion thereof, when so acquired, lying south of the north building line of square 567 extended to become the joint property of the said City and Suburban Railway Company and the said Capital Traction Company so soon as the entire cost of acquisition as above specified shall be paid by them.

Mr. HANSBROUGH. I wish to say, Mr. President, that that is rather a remarkable amendment. It authorizes the Commissioners of the District of Columbia to acquire property by condemnation, and then turns it over to the corporations. My attention had not been called to the amendment until I heard it read. It seems to me to be rather a strange procedure. I may be wrong about it, but I call the attention of the lawyers of the Senate to the provision.

Mr. GALLINGER. Let the question be taken, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee, which has been stated.

Mr. SCOTT. Has the amendment been printed?

Mr. GALLINGER. It is in the bill, I will say to the Senator from West Virginia, and if he will examine the bill he will find it there.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HANSBROUGH. I reserve the right to call attention to this amendment later, after the bill shall have been reported to the Senate.

The next amendment reported by the Committee on the District of Columbia was, on page 5, after line 12, to insert as a new section the following:

SEC. 9. That any and all of the said companies are hereby authorized to construct temporary tracks on plans and along such streets as may be approved by the Commissioners of the District of Columbia from the new Union Station to the intersection of C street with Dela-

ware avenue or North Capitol street, and to operate cars thereon by overhead trolley pending the construction of the permanent tracks herein authorized, said temporary tracks to be removed on the completion of said permanent tracks.

Mr. SCOTT. I ask the Senator from New Hampshire if there ought not to be a time limit on the use of overhead trolleys? It might so happen that the street railways would use that system for years.

Mr. GALLINGER. The time limit for completing these extensions is two years, and the presumption is that they will be completed in a fraction of that time; but, in the event of the permanent improvements not being made, it is manifest that there ought to be an allowance for this little spur to accommodate the traveling public. It will not be kept there any longer than it is absolutely necessary, I assure the Senator.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on the District of Columbia was, on page 5, after line 21, to insert as a new section the following:

SEC. 10. That whenever, in the construction of the new tracks herein authorized, the Commissioners of the District of Columbia deem it necessary, in order to reasonably accommodate vehicular traffic, to widen the roadway of any street or streets in which such track or tracks are to be laid the cost and expense of such widening, including the laying of the new sidewalks, the adjustment of all underground construction, and of every public appurtenance, shall be borne by the said railway company, and the said railway company shall deposit with the collector of taxes of the District of Columbia the estimated cost of changing and widening the said street or streets, the work to be done by said Commissioners; and whenever, at any future time, the said Commissioners deem it necessary to widen the roadway of any street or streets occupied by the extensions herein authorized said railway company shall bear one-half the cost of widening and improving such street or streets, to be collected in the same manner as the cost of laying or repairing pavement lying between the exterior rails of the tracks of said street railroad and for a distance of 2 feet exterior to such track or tracks is collectible under the provisions of section 5 of an act entitled "An act to provide a permanent form of government for the District of Columbia," approved June 11, 1878.

The amendment was agreed to.

The next amendment was, on page 6, after line 20, to insert as a new section the following:

SEC. 11. That whenever in the construction of any of the tracks herein authorized it is necessary, in the opinion of the Commissioners, to improve, by paving or otherwise, the roadway of any street occupied by such track or tracks, said company shall adjust the grade of its tracks to the new grade of the street or streets, the cost thereof to be borne by said company in the same manner as the cost of paving between the exterior of the tracks of the street railroad companies, as referred to in the preceding section.

The amendment was agreed to.

The next amendment was, on page 7, after line 4, to insert as a new section the following:

SEC. 12. That the arrangement of all tracks herein authorized within the lines of the plaza in front of the Union Railroad Station shall be in accordance with the plans approved by the Commissioners of the District of Columbia, and all work of constructing the extensions herein authorized shall be executed in accordance with plans to be approved by the Commissioners of the District of Columbia, and under a permit or permits by the said Commissioners.

The amendment was agreed to.

The next amendment was, on page 7, after line 12, to insert as a new section the following:

SEC. 13. That all acts and parts of acts inconsistent herewith are hereby repealed.

The amendment was agreed to.

Mr. HANSBROUGH. I ask the Senator from New Hampshire whether that completes the committee amendments?

Mr. GALLINGER. It does, I will say to the Senator.

Mr. HANSBROUGH. I offer the amendment which I send to the desk, to be added as a new section.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, after line 12, it is proposed to insert as a new section the following:

SEC. 13. That every railway company now authorized by law, or which may hereafter be authorized by law, to operate cars on any of the streets, avenues, or highways of the District of Columbia, and all other public-service corporations of said District, including the Chesapeake and Potomac Telephone Company, Potomac Electric Lighting and Power Company, the Washington Gaslight Company, and the Georgetown Gaslight Company, shall annually pay to the collector of taxes of the District of Columbia, as a franchise tax, in addition to the taxes now imposed upon them by law, an amount equal to 12 per cent of their respective net earnings, which said net earnings shall be ascertained by deducting from their respective gross receipts from all sources only the current repairs and expenses for the same year, excluding interest, dividends, sinking fund, cost of betterments, extensions, and enlargement of plant: *Provided*, That on or before the 1st day of August, 1906, the board of assessors of the District of Columbia are hereby authorized and directed to appraise and assess the personal property of all such public-service corporations, and in making such appraisement the said board shall appraise the value of the franchises of each of said companies and include the same in the said personal property appraisement: *Provided further*, That any of such corporations as may elect so to do may pay to the collector of taxes of the District of Columbia an amount equal to 1½ per cent of said appraised value, as now provided for by law for general taxation of personal property in said District, which shall be in lieu of the 12 per cent per annum tax on net incomes, as above provided, and of the gross earnings tax now provided by law: *And provided further*, That the real estate of all said street railway companies in the District of Columbia shall be taxed as other real estate.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from North Dakota. [Putting the question.] By the sound the "ayes" have it.

Mr. GALLINGER. I ask that the question be again put, Mr. President.

The VICE-PRESIDENT. The Chair will again put the question. [Putting the question.] By the sound the "noes" have it.

Mr. HANSBROUGH. I ask for a division.

Mr. GALLINGER. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. WARREN. Am I too late to ask that the amendment be again read?

Mr. GALLINGER. I will let the Senator read it, if he wishes.

Mr. TILLMAN. Other Senators would like to hear it, if the Senator please.

Mr. GALLINGER. Very well; let it be read.

The VICE-PRESIDENT. The amendment will be again read.

The SECRETARY. On page 7, after line 12, it is proposed to add as a new section the following——

Mr. SCOTT. I suggest the absence of a quorum. If the amendment is to be again read, I think it would be well for the Senate to hear it.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names.

Allee	Culberson	Hopkins	Perkins
Ankeny	Cullom	Kean	Piles
Benson	Daniel	Kittredge	Rayner
Berry	Dick	La Follette	Scott
Beveridge	Dolliver	Lodge	Smoot
Blackburn	Flint	Long	Stone
Brandegee	Foraker	McCumber	Sutherland
Bulkeley	Frazier	McLaurin	Taliaferro
Burkett	Fulton	Mallory	Tillman
Burnham	Gallinger	Martin	Warren
Burrows	Gamble	Morgan	Whyte
Carter	Hansbrough	Patterson	

The VICE-PRESIDENT. Forty-seven Senators have answered to their names. A quorum is present. The Secretary will again read the amendment proposed by the Senator from North Dakota.

The Secretary again read Mr. HANSBROUGH'S amendment.

Mr. HANSBROUGH. Mr. President, I had supposed that most of the members of the Senate understood the purport of this amendment, because the matter was up in the Senate some three or four weeks ago and was debated at some length. The bill was subsequently recommitted to the Committee on the District of Columbia on the request of the chairman, for the reason that it appeared that the managers of the public-service corporations of the District desired to be heard on the question of taxation. The bill remained in the committee for some weeks, but was finally reported out, or at least that portion which has been read this morning was reported out.

The amendment which I have proposed, Mr. President, provides for a tax of 12 per cent on the net earnings of the public-service corporations in the District of Columbia. Twelve per cent upon the net earnings of these corporations it is believed will amount on an average to less than the percentage which is now paid by the private citizens of the District. With respect to those corporations that have net earnings, of course the tax will amount to more than they now pay; with respect to those that have no net earnings, they will pay no additional taxes. It is a sort of automatic system, and, in my judgment, the only equitable system of taxation.

Mr. President, it is not proposed to visit any hardship upon these corporations. I think that I am justified in saying that they pay less taxes in the District of Columbia than in any other place in the United States. In my own State of North Dakota I think the taxes are from 4 to 5 per cent. Here in the District of Columbia the rate is 1½ per cent, and the public-service corporations here pay less than 1 per cent.

There is a proviso in this amendment under which, if the public-service corporations should be obliged to pay more than the rate paid by the private citizens, to wit, 1½ per cent, then these corporations may take advantage of the private citizen's rate and pay that rate, instead of 12 per cent on their net earnings; so that there can be no hardship whatever inflicted upon

any of these corporations. It can not be said, because it can not be maintained, that they will be required to pay more than the private citizen. If any one can convince me, or convince the Senate, that these corporations should not pay as great a tax as the private citizen, then I have no more to say, but I have never yet heard any satisfactory reason why they should not pay the rate paid by the private citizen.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. GALLINGER. I thought the Senator was through.

Mr. HANSBROUGH. I yield to the Senator.

Mr. GALLINGER. I will wait until the Senator gets through.

Mr. HANSBROUGH. There is another proviso, Mr. President, to which I desire to call attention, and that is—

Provided, That on or before the 1st day of August, 1906, the board of assessors of the District of Columbia are hereby authorized and directed to appraise and assess the personal property of all such public service corporations, and in making such appraisement the said board shall appraise the value of the franchises of each of said companies and include the same in the said personal property appraisement.

That provision is for the purpose of enabling the proper District officials to arrive at an equitable basis upon which these corporations may be taxed. I have figured out—and I call the attention of the Senate to the figures—as to what would happen under such an adjustment. We find from the returns made by the street-railway corporations that their total funded debt and capitalization amount to $49,489,000. We will suppose that the board of assessors should conclude to assess their property at two-thirds of the funded debt and capitalization, then, in such case, they would pay 1.1 per cent. In other words, if the street-railway corporations should pay on two-thirds of their funded debt and capitalization, they would pay 11 mills, against 15 mills which the private citizen is now paying. So that, Mr. President, under no condition that I can conceive of can it be said that the corporations would be required to pay more than the private citizen, and in order that they may not be required to pay more I have put in the proviso to which I called attention a while ago, to the effect that if they preferred to pay the private-citizen rate rather than the special rate under the gross receipts and net earnings system, then they may elect to pay 1½ per cent, the same as the private citizen pays.

Mr. GALLINGER. Mr. President, this matter was discussed at considerable length some time ago, and I do not think we need to occupy much time in discussing it to-day.

The bill that is under consideration is a bill providing for the extension of the existing railway lines to the Union Station, which station will, under the law, be open to the public in a little over a year, and it is the intention to have it open, partially at least, at a considerably earlier period. It is very necessary that when it is opened the traveling public coming to Washington should have an opportunity to get to the various parts of the city on the rapid-transit cars, and the only purpose of this bill is to give the traveling public that opportunity.

The Senator from North Dakota [Mr. HANSBROUGH] proposes to complicate this matter by adding to it a scheme of taxation, revolutionizing the existing scheme of taxation, which was worked out a few years ago with great care and particularity. I do not know whether——

Mr. HANSBROUGH. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from North Dakota?

Mr. GALLINGER. Oh, yes.

Mr. HANSBROUGH. Mr. President, the Senator will not undertake to leave the impression upon the Senate that a scheme of taxation was worked out two years ago?

Mr. GALLINGER. I did not say two years ago.

Mr. HANSBROUGH. Or within recent years, which affects these corporations.

Mr. GALLINGER. Mr. President, it is not necessary for the Senator to correct me. I know what I am talking about.

Mr. HANSBROUGH. Will the Senator allow me?

Mr. GALLINGER. I was one of those who worked it out.

Mr. HANSBROUGH. The Senator does not care to have me make a statement. I will make it in my own time.

Mr. GALLINGER. That is the Senator's privilege.

Now, Mr. President, I do not know whether or not it is desirable to go into this matter of taxation in the District of Columbia. The Senator from North Dakota not only proposes on a bill which is intended to provide means to get the street railroads to the new station to adopt a different system of taxing the railroads of the District, but of the electric light company, the telephone company, and the gas company of the District as well.

I remember that a few weeks ago, when the shipping bill was before the Senate, we proposed to increase the tonnage taxes so as to make foreign vessels pay a larger revenue than they are paying now, and this Chamber thundered with denunciations of that method of providing taxation, saying it was a function which belonged to the House of Representatives primarily, and I withdrew that section of the bill because of the opposition that developed. I will suggest to the Senator from North Dakota that possibly it would be well for him to inquire whether or not we can constitutionally proceed to increase this taxation primarily in this body.

Mr. HANSBROUGH. I have not any doubt about it.

Mr. GALLINGER. Well, very distinguished lawyers had doubt about it when it related to the shipping bill, and it is equally applicable to this bill.

Now, Mr. President, as to the question of the taxation of the street railroad companies of Washington, the fact is that they pay 5.54 per cent on their gross receipts in taxes. Now, let us look at the other States. The Senator's State does not appear in the list, because I believe there are only three and a half miles of street railway in North Dakota. Of course, it is a new State. I find that Maryland, Louisiana, Massachusetts, Pennsylvania, Tennessee, Kentucky, Missouri, Connecticut, Illinois, and New York pay a little higher tax than is paid in the District of Columbia, while the Territories and all the remaining States pay a much less tax. While the District of Columbia pays a tax of 5.54, Alabama pays 2.47; Arkansas, 1.94; California, 4.97; Colorado, 2.42; New Hampshire, 1.29, and so on, the average of all the States being less than that paid by the District of Columbia. I will put the entire list in the RECORD.

So while it may be wise to increase the taxes upon these corporations and other corporations of the District, it is a matter that ought to be examined into with great care, and it ought not to be done in the haphazard way which the Senator from North Dakota proposes in his amendment.

Above all, Mr. President, it does seem to me bordering on the ridiculous to attempt to regulate taxation on electric-light companies and gas-light companies and telephone companies in a bill which proposes to extend the lines of existing street railway companies to the new Union Station.

Of course, if the Senator desires to defeat the bill which is under consideration, no one can find fault with the method he is adopting, because it would, in the nature of things, defeat the purpose that I have in view.

I feel, Mr. President, as chairman of the Committee on the District of Columbia, that I have a responsibility resting upon me in regard to this matter. I should be glad to be relieved of that responsibility; but I apprehend that I would be very severely criticised if I did not make every exertion in my power to secure these extensions before the great Union Station is opened to the general public.

It will be remembered that these street railway corporations will not get a single passenger more because they go to the Union Station than they get now in going to the two stations. This bill requires those companies to expend about $900,000 to make those extensions. Now, is it a reasonable thing, is it a just thing, is it a proper thing for us under those circumstances to undertake to load down this legislation with propositions such as the Senator from North Dakota has injected into the discussion?

Mr. President, I think I have said all I care to say, and I move to lay the amendment on the table.

Mr. HANSBROUGH. Mr. President, I hope the Senator will not take that method of procedure until——

Mr. GALLINGER. The matter has been discussed heretofore, Mr. President, and I move to lay the amendment on the table.

Mr. PATTERSON. Mr. President, I will say——

Mr. HANSBROUGH. I do not think the Senator will shut off discussion by this means.

Mr. PATTERSON. I think that is rather snap judgment. I hope the Senator from New Hampshire will not make the motion; at least not at this time.

Mr. GALLINGER. The Senator from Colorado discussed this very question for more than an hour the other day.

Mr. PATTERSON. Not on this bill.

The VICE-PRESIDENT. The motion to lay on the table is not debatable.

Mr. SCOTT. Mr. President, I rise to ask a question. When I suggested the absence of a quorum, was not the Secretary in the act of calling the roll on this amendment?

The VICE-PRESIDENT. The roll call had not been begun.

Mr. PATTERSON. I hope the Senator from New Hampshire will withhold his motion.

Mr. GALLINGER. I withhold it for a little time, but I shall renew it in the near future.

Mr. HANSBROUGH. I ask the Senator from Colorado to yield to me just a moment.

Mr. PATTERSON. Certainly.

Mr. HANSBROUGH. I simply desire to make a brief statement in regard to the taxes paid by street railway companies elsewhere. I wish to call the attention of the Senate briefly to a pamphlet published by the New England Society of Orange, N. J., entitled "Street Railway and Municipal Franchises." It is a most interesting document. I find in that document, under the heading of "Toronto," a statement to the effect that the street railway companies of Toronto, Canada, upon $1,000,000 gross receipts per year pay 8 per cent. Here in the District of Columbia they pay 4 per cent on $3,300,000.

Mr. GALLINGER. What road was that?

Mr. HANSBROUGH. In Toronto, Canada. On gross receipts amounting to $1,000,000 per year they pay 8 per cent, on gross receipts amounting to $1,500,000 they pay 10 per cent, on gross receipts amounting to $2,000,000 per year they pay 12 per cent, amounting to $3,000,000 per year they pay 15 per cent, and amounting to upward of $3,000,000 per year they pay 20 per cent. In the District of Columbia the gross receipts of the street railways last year were about $3,300,000, and they paid 4 per cent as against 20 per cent in Toronto, Canada.

Now, Mr. President, if the Senator from Colorado will indulge me a moment, the Senator from New Hampshire thought that this amendment would result in the defeat of this measure, or in preventing the measure from becoming a law. I think it will facilitate the passage of the bill, because I have no earthly objection to the street railways going into the Union Station. Indeed, they ought to be allowed to go in there. But I think that this taxation amendment and one other amendment which I intend to propose would greatly facilitate the passage of the bill. I do not know who would help to defeat the bill if these amendments were put on unless it is the public service corporations themselves. I do not think that any Senator or any Member of the House can be so deeply interested in preventing these corporations from paying their just share of taxes as to defeat the bill because we have put the tax amendment upon it.

Mr. PATTERSON addressed the Senate. After having spoken for fifteen minutes,

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KNOX rose.

Mr. GALLINGER. Will the Senator from Pennsylvania kindly yield to me for a moment?

Mr. KNOX. Certainly.

Mr. GALLINGER. I will ask unanimous consent that when the debate upon the unfinished business closes to-day the District street railway bill may be further considered.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that when the debate upon the unfinished business closes on to-day the consideration of the bill which has been before the Senate in the morning hour shall be resumed. Is there objection? The Chair hears none.

Mr. GALLINGER. Now, will the Senator from Pennsylvania yield to me for just one moment further?

Mr. KNOX. Certainly.

Mr. GALLINGER. I desire to state in a very few words that while the taxes on the railway corporations of the District of Columbia are larger than the average tax in the several States and three times as much as in some States, it should be taken into consideration that we have an underground system here, which costs more than twice the cost of the overhead trolley; that we reserve ducts for the District of Columbia and the Government, which is a reservation of great value to the District and to the Government, and that we compel the railways to sell six tickets for 25 cents, instead of getting a straight 5-cent fare, as is given in almost every city of the country. I will add that if these street railways were permitted to collect a 5-cent fare there would be no controversy over the question of taxation, even though it might be very inequitable and unjust.

Mr. President, in addition I desire to put in the RECORD and to have printed as a document some statistics that I have here relating to the taxation of public-utility corporations in the District of Columbia and the several States.

There being no objection, the paper was ordered to be printed as a document and to be printed in the RECORD, as follows:

Statement showing percentage of taxes to gross receipts paid by street-railway companies in the District of Columbia for the year 1905, compiled from Report No. 3792, to accompany Senate bill No. 43.

	Gross receipts, 1905.	Taxes for year 1905.	Per cent.
Washington Rwy. and Electrical Co. and subsidiary railway companies	$1,810,744.33	$104,795.99	5.79
Capital Traction Co	1,500,956.59	79,001.06	5.26
Washington, Alexandria and Mount Vernon Rwy	28,297.59	1,131.90	4.00
Total	3,339,998.51	184,928.95	5.54

JUNE 6, 1906.

Statement showing percentage of taxes to gross receipts payable by street-railway companies in the District of Columbia for the year 1905 under proposed law imposing additional tax of 12 per cent on net earnings, compiled from Report No. 3792, to accompany Senate bill No. 43.

	Gross receipts, 1905.	Taxes for year 1905.	Per cent.
Washington Rwy. and Electric Co. and subsidiary railway companies	$1,810,744.33	$222,019.61	12.26
Capital Traction Co	1,500,956.59	196,630.37	13.10
Washington, Alexandria and Mount Vernon Rwy	28,297.59	a1,131.90	4.00
Total	3,339,998.51	419,781.88	12.57

a Does not include 12 per cent tax on net earnings.

JUNE 7, 1906.

List of States in which the percentage of taxes to gross receipts is higher than in the District of Columbia.

	Per cent.
Maryland	8.21
Louisiana	6.88
Massachusetts	6.81
Pennsylvania	6.08
Tennessee	6.08
Kentucky	6.06
Missouri	6.06
Connecticut	6.00
Illinois	5.94
New York	5.63

List of States in which the percentage of taxes to gross income is lower than in the District of Columbia.

	Per cent.
Arizona, District of Columbia, Idaho, and New Mexico combined	5.34
New Jersey	5.28
California	4.97
Indiana	4.86
Rhode Island	4.75
Georgia	4.67
Wisconsin	3.82
Ohio	3.62
Minnesota	3.52
Michigan	3.50
South Carolina	3.23
Washington	3.08
Utah	2.85
Montana	2.84
Virginia	2.81
Delaware	2.79
West Virginia	2.54
Alabama	2.47
Nebraska	2.46
North Carolina	2.44
Colorado	2.42
Texas	2.37
Florida	2.35
Kansas	2.27
Iowa	2.25
Arkansas	1.94
Maine	1.89
Vermont	1.78
Mississippi	1.74
Oregon	1.69
New Hampshire	1.29

JUNE 6, 1906.

Statement showing percentage of taxes to gross receipts for street and interurban railways in the United States, compiled from Special Report of the Census Office on Street and Electric Railways, 1902.

State.	Gross income.	Total taxes.	Percentage of taxes to gross income.
Alabama	$1,497,351	$37,047	2.47
Arkansas	371,560	7,213	1.94
California	9,967,838	495,179	4.97
Colorado	2,227,760	78,264	2.42
Connecticut	4,355,775	261,445	6.00
Delaware	500,559	13,973	2.79
Florida	529,743	12,439	2.35
Georgia	2,375,224	110,846	4.67
Illinois	25,020,257	1,488,359	5.94
Indiana	3,813,076	185,014	4.86
Iowa	2,403,834	54,115	2.25
Kansas	370,481	8,401	2.27
Kentucky	2,933,800	177,775	6.06

Statement showing percentage of taxes to gross receipts for street and interurban railways in the United States, etc.—Continued.

State.	Gross income.	Total taxes.	Percentage of taxes to gross income.
Louisiana	$2,910,244	$200,156	6.88
Maine	1,571,582	29,704	1.89
Maryland	4,868,627	402,223	8.21
Massachusetts	23,633,410	1,610,341	6.81
Michigan	6,521,173	228,538	3.50
Minnesota	3,727,648	131,128	3.52
Mississippi	258,654	4,501	1.74
Missouri	10,734,692	646,682	6.06
Montana	492,023	13,975	2.84
Nebraska	1,148,994	28,252	2.46
New Hampshire	604,131	7,822	1.29
New Jersey	8,176,923	431,912	5.28
New York	60,881,780	3,428,461	5.63
North Carolina	442,467	10,791	2.44
Ohio	16,590,851	601,142	3.62
Oregon	1,042,895	17,622	1.69
Pennsylvania	30,357,727	1,844,880	6.08
Rhode Island	2,964,260	140,814	4.75
South Carolina	653,736	21,109	3.23
Tennessee	1,866,835	113,573	6.08
Texas	1,547,846	36,919	2.37
Utah	586,611	16,702	2.85
Vermont	249,228	4,427	1.78
Virginia	1,667,022	46,845	2.81
Washington	2,542,906	78,239	3.08
West Virginia	1,102,171	28,030	2.54
Wisconsin	3,923,884	150,059	3.82
All other States and Territories	3,021,063	161,418	5.34
All States	250,504,627	13,366,335	5.34

NOTE.—Gross income is the sum of gross earnings from operation (Table No. 37) and income from other sources (Table No. 37). Total taxes is the sum of taxes, operating companies (Table No. 38) and taxes, nonoperating companies (Table No. 39).

JUNE 5, 1906.

Statement showing percentage of taxes to gross receipts for electric-lighting companies in the United States, compiled from Special Report of the Census Office on Central Electric Light and Power Stations, 1902.

State.	Gross income.	Total taxes.	Percentage of taxes to gross income.
Alabama	$340,289	$6,970	2.05
Arizona	298,066	6,344	2.16
Arkansas	382,278	6,350	1.66
California	4,937,444	124,284	2.52
Colorado	1,646,979	70,765	4.30
Connecticut	1,273,613	26,099	2.05
Florida	191,637	4,206	2.19
Georgia	225,795	6,261	2.77
Idaho	186,554	5,045	2.70
Illinois	5,578,012	152,076	2.73
Indiana	1,604,099	55,425	3.46
Indian Territory	94,346	1,115	1.18
Iowa	1,297,589	29,614	2.28
Kansas	588,138	16,997	2.89
Kentucky	787,700	17,040	2.16
Louisiana	894,240	35,355	3.95
Maine	678,250	18,402	2.71
Maryland	928,062	26,477	2.85
Massachusetts	6,070,643	296,444	4.88
Michigan	1,855,714	54,580	2.94
Minnesota	1,448,084	40,991	2.83
Mississippi	245,788	5,762	2.34
Missouri	2,121,604	79,161	3.73
Montana	1,009,763	28,996	2.87
Nebraska	540,859	16,322	3.02
Nevada	44,549	1,550	3.48
New Hampshire	829,072	23,621	2.85
New Jersey	3,378,651	121,131	3.58
New Mexico	135,307	2,787	2.06
New York	16,631,802	719,669	4.33
North Carolina	154,407	3,112	2.02
North Dakota	143,205	4,157	2.90
Ohio	3,729,339	99,936	2.68
Oklahoma	171,179	2,250	1.31
Oregon	670,262	20,080	2.99
Pennsylvania	9,057,503	294,181	3.25
Rhode Island	1,017,630	56,675	5.57
South Carolina	338,219	8,018	2.37
South Dakota	179,114	4,073	2.27
Tennessee	828,189	26,420	3.19
Texas	1,957,568	37,607	1.95
Utah	711,483	18,882	2.65
Vermont	433,392	8,392	1.94
Virginia	154,806	2,873	1.86
Washington	635,443	14,596	2.29
West Virginia	265,276	4,607	1.74
Wisconsin	1,166,533	34,515	2.96
Wyoming	159,216	3,439	2.17
All other States	722,809	11,263	1.56
All States	78,735,500	2,654,885	3.37

NOTE.—Gross income is from Table No. 67, and total taxes is from Table No. 72.

Statement showing percentage of taxes to gross receipts paid by electric lighting companies within the District of Columbia for the year 1905, compiled from Report No. 3792, to accompany Senate bill No. 43.

Potomac Electric Power Company:

Gross receipts, 1905	$663,558.83
Taxes for year 1905	$34,590.92
Per cent	5.21

Statement showing percentage of taxes to gross receipts payable by electric lighting companies within the District of Columbia for the year 1905 under proposed law imposing additional tax of 12 per cent on net earnings, compiled from Report No. 3792, to accompany Senate bill No. 43.

Potomac Electric Power Company:

Gross receipts, 1905	$663,558.83
Taxes for year 1905	$93,759.78
Per cent	14.1

JUNE 8, 1906.

Mr. GALLINGER. I thank the Senator from Pennsylvania.

Mr. PATTERSON. I will simply say that I will notice what the Senator from New Hampshire has said when the debate on this bill may be resumed.

Mr. BURNHAM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from New Hampshire?

Mr. KNOX. I do.

Mr. BURNHAM. Just a moment. I desire to give notice that I shall call up the Alaska railroad bill at the conclusion of the consideration of the District railway bill, and I ask unanimous consent that the Senate will agree at that time to consider the Alaska bill, of which I gave notice yesterday evening.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the Alaska railway bill be taken up for consideration after the bill reported by the Committee on the District of Columbia that has been under consideration shall have been disposed of.

Mr. BERRY. I object.

The VICE-PRESIDENT. Objection is made.

Mr. BURNHAM. I shall ask unanimous consent, and I shall ask for a vote of the Senate on proceeding to the consideration of the bill notwithstanding the objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 1649. An act providing for the retirement of petty officers and enlisted men of the Navy; and

S. R. 66. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Mr. José Martin Calvo, of Costa Rica.

The message also announced that the House had disagreed to certain amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, agrees to the amendment of the Senate numbered 29, with an amendment, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. SCOTT, and Mr. LAMB managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 4184. An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii, to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii; and

H. R. 10292. An act granting to the town of Mancos, Colo., the right to enter certain lands.

AGRICULTURAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to certain amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, agreeing to amendment No. 29 with an amendment, and requesting a conference on the disagreeing votes of the two Houses.

Mr. PROCTOR. In view of the importance of one amendment made by the House, I ask that the bill lie upon the table, and that the amendment of the House to Senate amendment numbered 29, which is in the nature of a substitute and is quite lengthy, be printed.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Vermont? The Chair hears none, and it is so ordered.

PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KNOX. Mr. President, if it were not for what I regard as a real obligation upon my part to myself, to the Senate, and to the gentlemen upon the Committee on Interoceanic Canals, with whom I am in accord upon the subject of the type of the proposed canal, I would not feel justified in taking the time of the Senate this afternoon. But I do feel that I owe it to myself, to the Senate, and to my associates upon that committee to state the reasons which have led me to the conclusion that the lock type of canal, as recommended by the minority of the Board of Consulting Engineers, is the most practicable, useful, and cheapest canal that the Government can construct.

Mr. President, in June, 1902, the Congress of the United States passed an act, commonly known as the "Spooner Act," providing for the connection of the Atlantic and Pacific oceans by means of a canal at the Isthmus of Panama. A more comprehensive and yet concise piece of legislation it has not been my fortune to inspect. The authority conferred upon the President of the United States is found in very brief paragraphs and it is plain and simple and easily understood. After providing that the President of the United States shall, if he finds that he will be able to obtain a good title therefor, purchase from the Panama Canal Company all of its property upon the Isthmus of Panama, all its stock in the Panama Railway Company, and all its archives in the city of Paris, the act provides as I shall read, and it is the execution of this act that the President is now engaged in, and it is the manner of the execution of this act which we are now considering. The act provides that—

> The President shall then, through the Isthmian Canal Commission hereinafter authorized, cause to be excavated, constructed, and completed, utilizing to that end, as far as practicable, the work heretofore done by the New Panama Canal Company, of France, and its predecessor company, a ship canal from the Caribbean Sea to the Pacific Ocean. Such canal—

The act provides—

> shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean.

So, Mr. President, if the Congress of the United States is of the same mind that it was in June, 1902, the thing that it desired is that the President of the United States shall proceed to the execution of this act by constructing a canal which shall be of sufficient capacity and depth to afford convenient passage for the largest vessels now in use and those which can be reasonably anticipated.

For the execution of this work the Congress made three separate and distinct appropriations in this act. The first is found in section 5. Section 5 provides:

> That the sum of $10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated by either route so selected.

Further in section 5 it is provided as follows:

> And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses, * * * . Appropriations therefor shall from time to time be hereafter made, not to exceed in the aggregate the additional sum of $135,000,000 should the Panama route be adopted, or $180,000,000 should the Nicaragua route be adopted.

So, then, it was contemplated by Congress at the time of the passage of this act that the sum of $135,000,000, plus the sum of $10,000,000 appropriated in the first paragraph of section 5, which I have read, plus the sum of $40,000,000 which was appropriated for the purchase of the property of the New Panama Canal Company of France, that that total of $185,000,000 should secure that property and execute the work.

Mr. President, it is wholly unnecessary for me to recite to the Senate what has been done up to the present time. We are familiar with the fact that, on account of the agitation in the public press, the question arose as to the type of the canal, which seems to me to have been contemplated by the act to have been a lock canal, or such a canal as could have been built within the limits of the appropriation. But for the reason that I have pointed out, or for some other one equally good, the President of the United States convened not long since a board of consulting engineers, calling together the highest engineering talent of all the earth, and submitted to them the question as to whether or not, in their judgment, a lock canal should be constructed at Panama or a sea-level canal.

Mr. CLAY. I should like to ask the Senator a question.

The PRESIDING OFFICER (Mr. SCOTT in the chair). Does the Senator from Pennsylvania yield to the Senator from Georgia?

Mr. CLAY. If the Senator is clear that the act contemplated that a lock canal should be built and the President so understood and he was executing that act, why was it that the President summoned a board of engineers and held a consultation to ascertain whether he would build a sea-level canal or a lock canal?

Mr. KNOX. I have just endeavored to explain that to the Senator by saying that because of the public agitation as to the type of the canal the President deemed it wise to submit that question to Congress, which he did in a message transmitting the report of the Board of Engineers. As to my own personal judgment, from the language of the act of 1902, that "such canal shall be of sufficient capacity and depth as shall afford convenient passage," etc., "and shall be supplied with all necessary locks and other appliances," and that it shall be built within the sum of $135,000,000 plus $10,000,000, I think it contemplated clearly that a lock canal should be constructed.

However, it is not my purpose to discuss the provisions of the act, but to discuss this proposition as it finds itself now before the Congress of the United States.

Mr. TALIAFERRO. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Florida?

Mr. KNOX. Certainly.

Mr. TALIAFERRO. Would it interrupt the Senator from Pennsylvania if I should ask him to advise the Senate as to the views of the President on the type of the canal at the time he assembled the Board of Consulting Engineers?

Mr. KNOX. It would be wholly impossible for me to answer such a question as that.

Mr. TALIAFERRO. The President delivered a speech to the Board, which is contained in the report of the engineers and to which I thought the Senator from Pennsylvania might readily refer.

Mr. KNOX. The President's views were expressed to Congress in the message by which he transmitted the report of the Commission and the report of the Board of Consulting Engineers. Whether he had any views outside of that, of course I know not, and I do not regard it as material to anything I propose to discuss.

Mr. TALIAFERRO. I simply wanted to call the Senator's attention to the fact that the President of the United States in submitting this question to the Board of Consulting Engineers distinctly spoke in favor of a sea-level canal, if a sea-level canal were found to be feasible and practicable.

Mr. KNOX. That would be very persuasive evidence with me that the President of the United States had reached a view which was not conclusive. I am speaking of my own views upon the type of canal based upon diligent attention and the testimony of engineers and others who were called before our committee, and diligent study of the subject made since.

Mr. President, the fact is that the Board of Consulting Engineers disagreed. The majority of them reported in favor of a sea-level canal and a minority in favor of a lock canal. I have had drawn a map, which is upon the wall in this corner, to which I shall take occasion to refer, because from that map there will be seen at a glance the difference between the lock canal and the sea-level canal in that respect. It shows the difference between those two canals in respect to the ability of the one as against the other to accommodate the commerce which will pass across the Isthmus of Panama. At this point [indicating] it is proposed to construct the Gatun lock. The construction of the Gatun dam will gather the waters of the Chagres River and its tributaries, which flow through this portion of the country, into a lake which will extend from the dam at Gatun practically to Obispo, a distance of some 25 miles. The area of this lake is 110 square miles. I have had this map drawn, not for the purpose of showing the perimeter of that lake, but for the purpose of showing in blue only such portions of the lake as contain 45 feet of water, so that Senators by merely glancing at this map will observe the area of navigable waters of the depth of 45 feet. I would ask Senators to make a special note of what I say, that all they see before them in blue is navigable water 45 feet deep, and that the largest vessels that have ever been constructed can penetrate into those portions of this lake and find safe and navigable water of that depth.

As against this, Mr. President, if the eye will define this red line [indicating] drawn from the middle of the Gatun dam and following this line, it will see what is proposed as the sea-level canal, which at no place is to exceed 200 feet in width and at portions of it, I think about 15 miles, will be 150 feet in width.

So, Mr. President, if there is no difficulty in the way of constructing this dam at Gatun, there could hardly be any question as to which of these propositions would be the best for the ac-

commodation of the commerce of the world—the blue space disclosing, as I have said, navigable water 45 feet deep, and this at 40 feet only 200 feet in width.

That brings me to the proposition which I propose to discuss, and practically the only one, except that I shall generalize on some practical features of the case: Is there any difficulty in constructing that canal which will give this great area of navigable water, and is there any difficulty in respect to the works that are proposed in connection with this project by the minority of the committee?

Mr. President, the Senator from New Hampshire [Mr. GALLINGER], when the Senator from South Dakota [Mr. KITTREDGE] spoke on this subject, asked him a question which it seems to me can furnish a text or the key of the inquiries which I am making. Reading from page 7724 of the RECORD, the Senator from New Hampshire made the following inquiry:

Mr. GALLINGER. The Senator from Illinois [Mr. HOPKINS] lays stress upon the depth it will be necessary to go to find rock foundations for these small dams. Am I correct, I will ask the Senator from South Dakota, in supposing that the enormous dam at Gatun that will be necessary if we have a lock canal, a mile and a half long, half a mile wide, and I have forgotten how high, will necessarily be built upon a mud foundation?

To which the Senator from South Dakota replied:

Mr. KITTREDGE. The Senator is absolutely correct, as I will later show.

Mr. President, it seems to me that this is the key of the whole situation; and as that is the key to the whole project, so is the accuracy of the answer of the Senator from South Dakota the key of the argument which I propose to make. Senators will observe that there was no qualification of this answer; Senators will observe that the answer was, "The Senator is absolutely correct."

Mr. President, in my deliberate judgment, the answer is not correct. The answer is correct in this sense, and in this sense alone: It depends altogether upon what Senators and what engineers may choose to call the substance upon which that proposed dam will rest. There is not any doubt as to what it is, borings having been made, but the only doubt is what it shall be called. Witnesses appeared before the committee who said it was mud; witnesses appeared before the committee who said it was indurated clay, and witnesses appeared before the committee who said it was rock. There are many things that we can learn from engineers; there are many things that we must accept from scientists; we must take a great deal in this world upon faith; but I contend that the question as to whether a given material is mud, indurated clay, or rock is a question that the Senate can decide for itself.

Mr. President, I will produce, for the inspection of such Senators as care to examine them, borings taken from different places along the site of this Gatun dam, and Senators may see for themselves whether these substances, which I hold in my hands, are rock, mud, or indurated clay.

Mr. KITTREDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. KNOX. Certainly.

Mr. KITTREDGE. Will the Senator tell us at what point beneath the proposed Gatun dam these borings were made?

Mr. KNOX. The number of the bore hole is plainly marked on the specimens.

Mr. KITTREDGE. And where located?

Mr. KNOX. Yes, sir; and where located.

The length of the proposed dam across the valley at Gatun——

Mr. KITTREDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. KNOX. Certainly.

Mr. KITTREDGE. Will the Senator kindly give the marks upon these borings?

Mr. KNOX. I will pass these specimens around, if the Senator from South Dakota does not mind, as I prefer to go on now with my remarks, and let Senators examine them for themselves.

Mr. KITTREDGE. Very well.

Mr. PATTERSON. Does the Senator from Pennsylvania intend to explain these specimens and under what headings they will come?

Mr. KNOX. Yes, sir; I will later on.

The length of the proposed dam across the valley at Gatun will be about 7,700 feet. The width, or thickness, at the top, 100 feet; at the top of water resting against it, 374 feet; at the bottom of the dam, 2,625 feet, or one-half mile. The extreme height of the dam will be 135 feet, or everywhere 50 feet higher than the water in the lake. The dam will contain about 22,000,000 cubic yards of material, principally clay, all put in by sluicing or hydraulic process, and will weigh about 30,000,000 tons. It will weigh sixty-three times as much as the entire pressure against it from the water in the lake.

The character of the foundation upon which this artificial mountain is to rest was determined by borings. The borings across the entire length of the dam site show that the rock comes everywhere nearly to the surface—excepting at two places, one about 1,000 feet in width, where the rock was found at varying depths, the greatest being 200 feet. In the other case, for a width of about 750 feet, rock was found at varying depths, the blanket of impervious clay and fine sand being not less than 200 feet in thickness. In the case of the latter depression, coarse sand and fine gravel, containing some water, were found in the extreme bottom for a thickness of from 50 to 58 feet.

It is not believed, as the result of careful experiments made by eminent hydraulic engineers during the last few years, that any artificial preparation of the foundation of this dam would be necessary other than to remove the top soil and alluvial material from the space to be occupied by the same, thus allowing it to rest directly on the heavy impervious strata of clay and fine sand lying on top of the rock. However, to place the matter entirely outside of the realm of speculation or criticism, it is proposed to put down a large number of additional drill holes, and then, if conditions would seem to indicate the slightest necessity for such precaution, to either drive steel sheet piling or to force down cement grout, probably the latter, to render any water-carrying material absolutely impervious, the cost of such possible work having been provided for in the estimate. Thus the foundation of the Gatun dam is clearly shown to be an impervious stratum of clay and fine sand, through which water will not penetrate, from 20 to 200 feet in thickness, resting everywhere on rock. It is not mud in any sense of the word.

I will insert in my remarks a table showing in the thirteen bore holes across the two depressions the situation as regards the presence of water. There were thirteen borings, and water flowed from only one of them at a depth of 32 feet. Of the other twelve it did not flow from six at any depth, and from the remaining six it flowed only at a much greater depth than 32 feet. There is not the slightest basis for the statement that at all depths below 32 feet the material is freely water bearing.

Number of bore hole.	Depth of bottom of hole below sea level.	Remarks.
16 86	−103	No water is reported to have flowed from pipe at any depth.
1915	−204	Do.
2081	−190	At 32 feet water flowed over top of casing and continued to −62 feet. Also flowed at −170 feet over top of casing.
22 40	−173	No water reported until a depth of −124 feet was reached, when water flowed over top of casing.
23 37	−180	No water reported until a depth of −72 feet was reached, when water flowed over top of casing.
27 30	−182	No water reported until a depth of −151 feet was reached, when water flowed over top of casing and continued to flow to 170 feet.
29 75	− 62	No water flowed from pipe at any depth.
31 50	− 53	Do.
32 92	− 57	Do.
50 58	−116	Do.
52 67	−218	At −41 feet water flowed over top of casing and continued to flow to −214 feet.
54 51	−260	No water reported until depth of −192 feet was reached, when water flowed over top of casing and continued to flow to −229 feet.
56 48	−197	No water reported until depth of −118 feet was reached, when water flowed slightly and continued to −131 feet.

It is proposed to construct this Gatun dam entirely by the hydraulic or water-sluicing process, the material taken largely from the prism of the canal, between the dam and Limon Bay, being largely clay with some fine sand. This material will be moved in barges up through the old French canal, and then handled by pumping plants directly into the dam. This process results in the solidest and most stable bank that can be made of earthen materials, and would become sedimentary rock were it subjected to heavy pressure. Owing to the excellent character of the material and to the process of depositing it in the work, the result will be an enormous mass, over sixty times as massive, as shown above, as any force that can be exerted against it, one that will be absolutely impervious to water, even with the pressure of the lake; and a dam which will be 50 feet higher than the water surface of the lake it will create.

The face or upstream side of the dam, as shown by the profile in blue, where the water rests against it will be riprapped or covered with large stones, to prevent any wave wash, and the

extreme toe or lower wedge end at the downstream side will be made of large rock, to prevent any very improbable filtration of water from any source or cause from carrying away any portion of the material.

Careful investigations and experiments have been conducted which show that even if the entire section of the material in the foundations of this dam, in the two depressions spoken of above, were pervious to water—or, in other words, if water could percolate it—the result would be a total of water thus escaping of but 10 cubic feet per second—an entirely negligible quantity.

Mr. President, in my judgment, based upon the testimony which I have heard and the examinations which I have made, there can be no doubt as to the safe and entirely reliable character of the foundations of this dam; once built and in service. The only wonder will be why it was ever criticised. The whole structure will be as solid and eternal as the hills and mountains inclosing the Chagres Valley, and when the latter are destroyed, then, and only then, will the Gatun dam fail of its intended purpose.

Now, Mr. President, having described the physical features of the Gatun dam and the character of its foundation to show that it rests not upon mud throughout its entire length, but upon rock, let me direct the attention of Senators to the following quotation from the speech of the Senator from South Dakota on May 28, 1906. The Senator asserted that the majority of the Board of Consulting Engineers questioned the stability of the Gatun dam. He said (RECORD, p. 7731):

> The majority of the Board—eight to five—strenuously opposed the idea of a dam and locks at Gatun on two grounds: First, that the introduction of locks in the treatment of the question was objectionable from many points of view, and, second, that the maintenance of a summit level by means of an earth dam of immense magnitude to control the flood waters of this river introduces an element of great danger.

Mr. President, this statement is not supported by the report of the Board of Consulting Engineers, and I propose to show that even the majority of that Board did not question the stability of the Gatun dam.

Mr. Frederic P. Stearns testified before the Committee on Interoceanic Canals (page 1889) that it was at least six weeks after the first description of this dam was presented to the Board before *any* criticism was made unfavorable to the safety of the dam, and it was *then* made *by only one* member of the Board, who did not criticise it at all in detail, but stated that it was an engineering guess to which he would not subscribe his name.

In the testimony before the Committee on Interoceanic Canals Professor Burr, of the majority of the Board of Consulting Engineers, has testified as to the danger of such a dam, while Mr. Parsons, in oral testimony, and Mr. Hunter, in a letter, both of the majority, have expressed an opinion in favor of the stability of the dam.

Mr. President, permit me to read a portion of that testimony, Mr. Parsons being on the stand. I read from page 404:

> Senator TALIAFERRO. Have you taken up the question of the dams, Mr. Parsons?
> Mr. PARSONS. *Not in any detail; no, sir.*

I ask Senators to note that answer, because I shall refer to it later on in my argument. When asked if he had taken up the question of the dam, Mr. Parsons replied, "Not in detail; no, sir."

> Senator TALIAFERRO. Do you consider the dam as proposed by the minority at Gatun, is it not——
> Mr. PARSONS. At Gatun; yes.
> Senator TALIAFERRO (continuing). Do you consider that a safe dam?

To which Mr. Parsons replied:

> Mr. PARSONS (after a pause). Yes; I consider it as a safe dam. I do not particularly like a dam at that point, but I think that dam would stay. I would rather have a dam in which I knew the water of percolation to be cut off. You are going to get water percolating beneath that dam, and some questions are going to arise. Some of our friends think those questions are very very serious. I do not know that I quite go to the length that some of them do; but when you have a question mark opposite the key detail of your whole structure one naturally hesitates.

These matters of detail were conjectured by him, because he replied that he had not taken up the subject of the dam in detail. But in reply to that portion of the question which may be considered a general question as to the stability of the dam, he replied that he thought that that dam would be safe. Reading further from the testimony (p. 419):

> Senator KNOX. Right in that connection, because it is a part of the same subject, is there a sufficient amount of water, in your judgment, flowing through those channels to affect the stability of the dam?
> Mr. PARSONS. As I said yesterday, Senator, I believe that dam will be stable, even under those conditions. It is a dam that I would rather not build, but if it was the only way to build the Panama Canal I would build the dam that has been proposed by the minority. I do not believe in the arrangement of the dam, and the most objectionable feature is the one I explained yesterday in connection with the three locks.
> Senator KNOX. I understand that view thoroughly. I only wanted to be satisfied in my own mind about the question of stability.
> Mr. PARSONS. I believe that the dam will be stable. It is somewhat conjectural, but I believe that with proper care the dam would be stable——

The published report of the majority of the Board of Consulting Engineers nowhere specifically states that the Gatun dam is unsafe.

Mr. KITTREDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. KNOX. Certainly.

Mr. KITTREDGE. I will ask the Senator if it is not a fact that when the majority report was written, the minority report proposing a lock plan had not yet been formulated?

Mr. KNOX. Exactly; I am coming to that in a moment.

As I had just observed, Mr. President, the published report of the majority of the Board of Consulting Engineers nowhere specifically states that the Gatun dam is unsafe, although there are many suggestions as to the unstability of earth dams of many kinds, but these suggestions necessarily include the dams proposed by the majority as well as by the minority.

The reason for this peculiar phraseology of the report is not difficult to understand on the assumption that nearly all the members of the majority believe the Gatun dam to be a stable structure.

The foreign members left this country before the draft of the report was made, as is stated in the minutes of the proceedings of the Board of Consulting Engineers, and after it had been drafted and printed the report was taken to Europe by the chairman for the signature of the five European members. It was so well known that these members regarded the Gatun dam as a stable structure that in drafting the report care was evidently taken not to make any statement that this dam was unsafe, as such statement would undoubtedly have been stricken out before the additional signatures were appended. I believe that this accounts fully for the absence of any expression of opinion with regard to the Gatun dam which does not also apply to other dams.

Mr. President, regarding the possibilities and probabilities of the situation, knowing as we did know, knowing as the most ordinary layman would know, that the whole scheme of the lock system depended upon the stability of the dam at Gatun, if those consulting engineers had a defined and settled opinion to the effect that that dam was unsafe, they would have branded it as unsafe in no mistaken terms, and they need not have gone further with their criticism of that scheme, because that in itself would have been sufficient to eliminate it.

Mr. KITTREDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. KNOX. Certainly.

Mr. KITTREDGE. Perhaps my inquiry was not understood by the Senator from Pennsylvania. I understand the fact to be—and I ask the Senator if I am not correct—that the report of the majority of the Board of Consulting Engineers was written and in the hands of the minority of the Board of Consulting Engineers, who favored the lock plan, before they proposed the lock plan now suggested by the minority of the Committee on Interoceanic Canals. Is not that the fact?

Mr. KNOX. Mr. President, I do not know how that may be. I did not understand the Senator's previous question. I repeat, I do not know how that may be, and I do not think it is at all material to anything for which I am now contending.

The Senator from South Dakota, in his speech, endeavored to make the following general statement applicable to the Gatun dam. He said (CONGRESSIONAL RECORD, p. 7731): "In this connection I will read a few sentences from the report of the Board of Consulting Engineers upon the subject of the Gatun dam." Then he quoted the following paragraph, by reading which it will be seen that it is not a statement upon the subject of the Gatun dam, but is a general statement relating to all dams. It is as follows:

> The United States Government is proposing to expend many millions of dollars for the construction of this great waterway, which is to serve the commerce of the world for all time, and the very existence of which would depend upon the permanent stability and unquestioned safety of all dams.

And, Senators, note that the sea-level scheme depends for its integrity upon four dams that impound an area of water of over 44 square miles. It depends upon dams, not for the purpose of facilitating transportation along the line of the canal, but it depends upon dams to prevent the destruction of the canal. The radical distinction between the lock system and the sea-level system is this: That under the lock system we impound the water at Gatun and make that lake the canal, whereas the impounded area of over 44 square miles by the four dams of the

sea-level system is not utilized at all for the purposes of navigation.

Mr. KITTREDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. KITTREDGE. I do not wish to interrupt the Senator if it at all disturbs him.

Mr. KNOX. I would not infer that the Senator did, but I will yield.

Mr. KITTREDGE. Of course, I do not wish to disturb the Senator, but I should like to ask the Senator one more question.

Mr. KNOX. Certainly.

Mr. KITTREDGE. I should like to ask him whether all the dams proposed by the sea-level scheme had not the full approval of all the members of the Board of Consulting Engineers, minority as well as majority?

Mr. KNOX. Mr. President, I do not know how that may be. But I do not want to be misunderstood. I am not contending here that it is not possible to build a sea-level canal, and I do not think any intelligent engineer has ever contended that it was not possible to build a lock canal. The question here is, Which is the better of the two under all the circumstances? If the Senator from South Dakota will permit me to proceed, I think many of the things to which his mind would naturally be directed will be anticipated in my remarks. However, I do not wish to indicate that a question annoys me in the slightest degree.

Continuing the quotation from the report of the Board of Consulting Engineers:

> The Board is therefore of opinion that the existence of such costly facilities for the world's commerce should not depend upon great reservoirs held by earth embankments resting literally upon mud foundations or those of even sand and gravel. The Board is unqualifiedly of opinion that no such vast and doubtful experiment should be indulged in, but, on the contrary, that every work of whatever nature should be so designed and built as to include only those features which experience has demonstrated to be positively safe and efficient.

Senators will note that this is a general statement. It makes the broad statement that it is the opinion of the Board that the canal should not depend upon great reservoirs held by earth embankments, and yet the report of the majority favoring a sea-level canal proposes to build four great reservoirs held by such embankments.

Now, let us for a moment consider these dams and reservoirs in connection with the opinion contained in the above quotation, that the work "should be so designed and built as to include only those features which experience has demonstrated to be positively safe and efficient."

The plans of the minority of the Board of Consulting Engineers provide for the formation of two great reservoirs, one of them retained by the Gatun dam, with a depth of water against it of 85 feet, and the other retained by three dams at the Pacific end of the canal, with a depth of water against them of 55 feet.

The sites of these dams have been carefully examined by the Board of Consulting Engineers; there have been numerous borings showing the character of the foundation, and they have been designed with care by the best engineering authorities on the construction of dams with a view to making them safe without regard to the cost of the work.

The testimony discloses that the proposed dams are well within the limits of actual experience, as earth dams of much smaller mass and with a pressure of water against them as great as that against the Gatun dam have not only successfully held water for the last forty years near San Francisco, but these same dams, with the reservoirs behind them full, have successfully withstood the recent earthquake shocks at that place, and, notwithstanding the fact that the main fault, or fissure line, of the earthquake, which extends continuously for 50 miles or more, passes directly by the end of one of these dams, and the ground at this place was so severely shaken that trestles and other structures were wrecked, the dams remain intact. These dams have not more than one-sixth of the mass or of the resisting power that will be possessed by the proposed Gatun dam.

There is another dam, also shaken by the California earthquake, which has against it a depth of water of 115 feet, 30 feet greater than that proposed against the Gatun dam, and this also, although shaken by the earthquake, was not affected.

The closest precedent for the Gatun dam is a great earth dam built in connection with the Wachusett reservoir of the Metropolitan Water Supply, of Massachusetts. This is one-third longer than the Gatun dam, will have 20 feet less depth of water against it, and it rests on fine material, where borings showed a maximum depth of rock of 286 feet, while the maximum depth to rock at Gatun is 258 feet. It is similar in general design, as its thickness at the highest place is one-third of a mile, while the thickness of the dam at Gatun is one-half of a mile.

Mr. Stearns tells us the character of the material under the Wachusett dam, which is locally known as the "North dike of the Wachusett reservoir," is more permeable than that indicated by the borings at Gatun. The water pressure is now against it, although the reservoir is not full, and the quantity percolating beneath the dam is so small that it is evident that it will be negligible even when the reservoir is entirely filled.

We know that the construction of dams on alluvial foundations is no novelty. All of the levee systems of the Mississippi River are built upon alluvial foundations, and some of these levees which cross crevasses are high, yet no engineer connected with the levee system would doubt his ability, with sufficient funds, to construct safe levees at such places. The famous dikes of the Netherlands, which prevent the encroachment of the sea, rest on material which has been deposited in water, often to some extent containing mud, so that it will settle.

These comparisons, Mr. President, show that the dams of the lock canal are well within the limits "which experience has demonstrated to be positively safe and efficient."

Let us for a moment next examine the character of the dams proposed in connection with a sea-level plan. There are four of them—the same number as required in the plan for a lock canal.

The greatest dam is that at Gamboa, for the purpose of holding back the waters of the Chagres River. The Board recommended at this place "either an earth dam with a heavy masonry core carried down to bed rock, or an all masonry structure founded at the same depth and upon the same material" (Report, p. 47), in this way giving their approval to an earth dam with a masonry core wall at this place.

The highest flow line of this reservoir is 130 feet above the river bed and 170 feet above the bed rock, which at this place is at sea level. The lake formed by the dam would have an area of 29½ square miles. In other words, Mr. President, the vessels which would have to navigate the sinuous windings of this 200-foot-wide canal would have impending over them at a height of 170 feet, held back by an earthen dam with a masonry core, a lake 24 miles in area; a lake which for its integrity not only depended upon the dam which held back its waters, but likewise depended upon the integrity of the three other dams which dammed up the tributaries of the Chagres River.

In approving an earth dam of this height with a core wall the Board has gone directly contrary to their unqualified opinion that "no vast and doubtful experiment should be indulged in," and that the works should "include only those features which experience has demonstrated to be positively safe and efficient." I make this statement because no earth dam of any kind has been constructed to retain water to a greater height than about 115 feet, which is held by the California dam already referred to, and no earth dam with a concrete core wall has ever been in use in which the height of the core wall has exceeded 125 feet, while in this dam it would require a height of 170 feet.

The Board, in the consideration of the subject of dams (Report, p. 46), states:

> The earth dams which have already been built for the retention of large bodies of water, some of them exceeding 100 feet in height, show that this type of structure may give satisfactory results when properly designed and constructed, but the character of the foundation material on which such dams are built and the means for preventing dangerous seepage underneath or through such foundations must always be carefully considered.

The report then proceeds to recommend three dams, respectively, across the rivers Gigante, Gigantito, and Cano Quebrado, without giving any designs, without any engineer having looked at the sites of these dams to determine whether they were favorable or not, and without any borings at their sites to show the character of the material or the depth to rock. That these dams can be built at these places is merely a matter of conjecture, based upon the rough topographical surveys of a large section of territory made by the French before the canal came into the possession of the United States.

Notwithstanding the statement of the majority above quoted, that the character of the foundation material on which such dams are built and the means for preventing dangerous seepage beneath or through such foundations must always be carefully considered, they have, without any such consideration, recommended as a vital part of their project that these dams be built to hold back great reservoirs of water, which, although not so large as that to be held back by the Gatun dam, are,

nevertheless, such great reservoirs that if the water were to be let loose by the failure of the dams the destruction of the canal would inevitably result.

All three of these proposed dams—I am speaking of the three proposed dams of the sea-level type outside of the Gamboa dam—will have a height of about 75 feet above the surface of the ground. That required to close the Gigante will be 2,800 feet long, that to close its main tributary, the Gigantito, will be about 490 feet long, and that to close the Cano about 820 feet long. The lakes which they form have an aggregate area of ground of upward of 10 square miles.

As to the effect of the destruction of dams holding back so great a body of water, it is well to note that the damage done by the Johnstown flood resulted from letting loose the water from a reservoir having an area of only two-thirds of a square mile.

Mr. President, in this connection I want to observe that the failure of that dam was caused not by any weakness in the foundation, although it was nothing but an earth dam, not by any pressing out or washing away of the dam from the pressure of water which it held back, but because of the enormous precipitation of the night before, when the waters of the dam rose with such rapidity that the sluiceway, or spillway, was not able to carry them off, and they rushed over the top of the dam, cutting out the outer surface, thereby causing the failure. In that connection I wish to call attention to the fact that in this proposed lock at Gatun, supported by the dam of which I have been speaking, the crest of the dam rises 50 feet above the normal height of the lake, and the lake is so vast in area that it will gather upon its bosom the waters of the Chagres and all its tributaries and so scatter them that at high flood the waters will not rise more than 2 or 3 feet, leaving an absolute margin of safety of from 45 to 47 feet.

The Senator from South Dakota (CONGRESSIONAL RECORD, p. 7733) quoted at length and asked to have incorporated in his remarks a statement from the address of Mr. William R. Hill, the engineer in charge of the Croton dam, the great water reservoir for the city of New York. He quoted, speaking of the Croton dam:

> Such a structure can not be regarded as anything but an experiment. It is abnormal and unprecedented in all of its dangerous features. The engineer might apply in vain for science to aid in computing the efficiency of such a structure; he could get no light, for he could find not even the slightest guaranty of safety in a structure so built.

It is unfortunate for the Senator's cause that the remarks which he has quoted apply to the Croton dam, which was an earth dam with a masonry core wall, such as the majority of the Board of Consulting Engineers propose to build at Gamboa, and does not apply in the least to the type of dam proposed in connection with the lock canal at Gatun.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. KNOX. Certainly.

Mr. KITTREDGE. I will ask one more question of the Senator from Pennsylvania. Do not the plans of the majority of the Board of Consulting Engineers contemplate the construction of a masonry dam, or an earth dam with a masonry core wall?

Mr. KNOX. Yes; that is correct—either a masonry dam or an earth dam with a masonry core wall.

Mr. KITTREDGE. I merely wished to call the Senator's attention to that fact.

Mr. KNOX. Yes; I will refer to that later on. It is absolutely correct—either one or the other.

Mr. Hill, the engineer whom the Senator from South Dakota quoted with approval, in almost the next sentence of the address quoted from, stated that the "core wall cracked in five places within a length of 100 feet."

Further, after calling attention to the great height of this core wall, which was 200 feet, or only 30 feet higher than one of the alternatives, I will add, proposed by the majority of engineers to the dam at Gamboa, Mr. Hill says:

> Considering the height of the wall, and this in artificially placed earth, it could be but an experimental structure, inasmuch as it would be about twice the height of any heretofore built.

Mr. President, in reviewing the dams proposed in connection with the lock canal and with the sea-level canal it can be confidently asserted that the dams of the lock canal have been designed by engineers of the highest reputation in this branch of engineering after a careful examination of their sites and after extended borings to show the character of the material beneath them, and that they do not go beyond the limits of actual practice, except in being made more massive and stronger than any dams heretofore constructed to retain the same depth of water. On the other hand, it can be confidently asserted that three out of the four dams of the sea-level canal have not yet been designed; that their sites have not been examined; that the character of the material or the depth to rock at the sites is entirely unknown, and that the fourth dam is far beyond the limits of any actual practice.

The difference in the degree of detail with which the sea-level and lock-canal plans are presented by the majority and minority of the Board of Consulting Engineers is very marked, and should be carefully considered and given great weight in drawing conclusions concerning their respective merits. The structural features of the lock plan, and their locations, are described in such detail that intelligent investigation and criticism can be applied to all of them, while, on the other hand, the intentions of the majority in the presentation of similar parts of the sea-level plan are so vaguely and indefinitely expressed as to evade the scrutiny and exact knowledge necessary before safe conclusions can be reached as to their practicability, cost, and stability.

Mr. President, it required the unanimous consent of the foreign engineers upon that Board to make this majority, and when I have gone over the report they have made and seen the lack and want of detail, it seems to me that these gentlemen practically opened their arms and walked away and said it can be done, but not how it can be done; and it is for us to work out the execution of their scheme, and if we fail it is our failure.

As I have said, the principal structures in the sea-level plan are the Gamboa dam and controlling sluices, the four dams across the Giante, Giantito, Cano, and Agua Benita rivers, the spillway for the lake formed by these dams, the structures for the control of the other tributaries of the Chagres, and the tide lock at the Pacific end.

Those in the lock plan are the Gatun dam, the three dams forming Lake Sosa, and the several locks.

Reviewing in detail the consideration and information concerning these works given in the two reports submitted by the majority and minority of the Consulting Board, we find a remarkable difference. Taking first the sea-level report, information concerning the keystone of the project is limited to the following statement:

> At the site of the Gamboa dam, 30 miles from Colon, the river bed has an elevation of about 50 feet above mean sea level, but the deepest rock is at practically sea level, making it necessary to sink the foundations of a dam to a maximum depth of only 53 or 54 feet below water at the low stages of the river before finding material on which to form a suitable foundation bed. At the proposed site of the dam the high hills approach each other within 2,020 feet at an elevation of 180 feet and within 1,170 feet at the bottom of the valley. The earth overlying the rock is of moderate depth, so that the conditions are favorable for the construction of any type of dam which may be adopted.
>
> The consideration of these and other reasons have prompted the Board to recommend at Gamboa—

I am still reading from the report—

> either an earth dam with a heavy masonry core carried down to bed rock or an all-masonry structure founded at the same depth and upon the same material.

Mr. President, no further description is given, nor is any design submitted for a dam, which is both the most important structure in the canal and one of the largest dams ever proposed. There is nothing said about the design of the controlling sluices or the method by which their discharge is to be conducted into the canal. We also look in vain for designs or descriptions of the four dams and spillway to control the four tributary rivers on the left bank before mentioned. We know of the French surveys that their accuracy is inversely as their distance from the canal, and it may be assumed that these structures, vital to the construction and operation of the canal, are in a region where the maps are largely based on sketch work. No examination for the purpose of locating dams and spillways has ever been made nor any borings for foundations. We are only informed that these dams are to be built, while their dimensions and underlying foundations are unknown. It was impossible, therefore, to make a design or to state whether they were to be of earth or masonry or of a combination of these materials. It can, however, be stated that they are of very considerable dimensions, holding a head of water above sea level of probably 70 feet, or nearly the same as the Gatun dam, and probably aggregating in length a mile or more. Such an all-pervading lack of study and exact information does not inspire much confidence in the practicability of the plan, and still less in the estimates.

Still more unfortunate is the absence of design in the proposition to deal with the other tributary streams, both in their treatment during construction and in their final introduction into the prism of the canal. Of these streams there are fifteen or twenty of sufficient importance to require costly work of great stability, as many of them descend from considerable heights in a short distance with a rapid and violent fall.

The discharge of all these streams, and of the Chagres, is,

during construction, to be carried to an outfall through diversion channels on either side of and at considerable height above the canal. These channels will therefore require a capacity, or sectional area and fall, proportioned to the combined discharge at all times of the Chagres and its tributaries below Gamboa if the canal is to be protected during construction from the incursion of these streams, in order that the work may be free from interruptions and damage. It is not apparent in the majority report that adequate provision is made for this.

Concerning the final disposal of these waters we are told in the report—and I quote from that document:

> The tributary streams, whose beds at point of junction with the canal are considerably above the prism of the latter, will be discharged over masonry-stepped aprons or through metallic discharge pipes, or these beds will be sloped and lowered so as to prevent objectionable currents at junction points. The means for the accomplishment of these results are such as are in common use on nearly all important canals.

No preference is given to either of these schemes, although the last two seem impracticable, while the first involves construction work of great cost and strength. It must be remembered that the height from which these streams descend ranges up to 150 feet and the flood discharge to 3,000 second-feet. Yet for these important structures, on whose stability and success the uninterrupted operation of the canal depends, no design or description beyond that already quoted is given.

It seems incredible that the sum allowed in the estimate for the sea-level canal for the foregoing work, amounting only to $3,500,000, viz, the four dams and spillway on the left bank, the temporary works for river control, and the final regulated admission of these waters into the canal prism, is at all adequate.

On the other hand, the minority of the Consulting Board make their presentation of a lock canal with a fullness of description and design that gives a firm basis for conclusions and for estimate. Its detail gives information and inspires confidence.

The Gatun dam with the spillway are carefully worked out, leaving no doubt of what is intended and how it is to be accomplished. The information of location, of foundation, and of method of construction is full and satisfactory. It is so thorough that no further information or explanation is required for the dams forming Lake Sosa, at the Pacific end. A sufficient outline is given of the locks for all necessary information concerning their location, dimensions, arrangement, and stability. Whatever information we may have of the tide lock of the Pacific end of the sea-level canal can only be inferred from the minority report concerning the high-level canal locks.

This marked difference in the fullness of information and detail marks the two reports throughout. The candor of the one inspires a confidence which is missing in the other.

Mr. President, I recapitulate the reasons that have induced me to favor the lock proposition as follows:

First. In view of the fact that the overshadowing engineering problem to be solved in either case is that of control of the flood waters of the Chagres and other streams. I favor the lock type because it affords absolute control of these and involves no uncertain features, no danger of collapse of any part of the work or works embraced in the proposition, and avoids all deposits of silt, rock, timber, or other obstructions in or near the navigable channel, which, on the other hand, in the case of currents and obstructions are unavoidable in the sea-level type.

Second. Because of the marked superiority of width of channels and depth of water of the lock type, as compared with the sea-level. The longitudinal currents are not to be avoided in the sea-level plan, and the cross currents made by many small streams which must be brought directly into the navigable prism of the sea-level canal, the fall of which varies from 10 to 160 feet, would endanger ships navigating the sea-level canal under their own steam, owing to the great amount of curvature and narrow channel.

Third. Because it will be an impossibility, in case the necessity arises during the transit of war vessels, to turn such vessels in a sea-level canal in case of a change of orders requiring a different movement of the ships, whereas in a lock-level canal such turning could be accomplished in over two-thirds of the length of the canal, and because the speed of all ships in a sea-level canal of 200 feet or 100 feet, or 50 feet, as it is for a great portion of the distance, necessarily would be the speed of the slowest ship making the transit.

Fourth. Because I am not impressed by the alleged danger to locks or ships in passing ships through the locks in flights, and think it largely is imaginary. Ships would not be handled by their own power or crews, but they would be handled by lock crews especialy trained to the business, and would be easily handled by stationary power, which would entirely obviate the danger from the transmission of wrong signals and wrong movements.

Fifth. Because it is amply proven by a great number of borings, 110 in all, which have been made on the exact site of the proposed Gatun locks, many of them to a depth of 60 feet below sea level, that the material afforded for the foundation of these locks is rock, and not only can these locks be constructed with the dimensions proposed, namely, 95 feet wide and 900 feet in length, but it is possible to construct locks fully 250 feet longer than the dimensions called for above, with a corresponding increase in width if necessary; that these borings have proven beyond question that there is ample room for three additional locks in duplicate, and also for an additional similar installation of locks alongside, in case they will ever be required.

Sixth. Because there are no problems connected with the lock type which have not been fully and thoroughly considered and the details worked out, and that such is not the case with the sea-level type; that many of the most important propositions connected with the sea-level type have been guessed at, as, for instance, the plans for the Gamboa dam, the location, the foundations, the character of the four dams to impound the waters of other streams, some of them aproaching almost in size and importance the Gatun dam as proposed in the lock type, and no intelligent plan has been even suggested for taking care of the small streams, which it is proposed to divert directly into the narrow channel of the sea-level canal.

Seventh. Because the consideration of time and cost are much greater in the sea-level than in the lock type.

The depth to which excavation must be made for the sea-level type opens up many dangers of great difficulties from unknown geological faults, possibly involving serious complications in expensive material to be removed, and also a great amount of excavation to be removed below sea-level in case of the sea-level type, for which no competent engineering authority has been or is able to fix an intelligent estimate of cost. On the other hand, the excavation of Culebra cut is not carried to a depth in the lock type sufficient to justify any belief that more than ordinary construction contingencies will be encountered.

Eighth. Because I do not believe that any intelligent criticism can justly be directed against either type, as regarding the results from earthquake shocks. The Gamboa dam, the tidal lock at Sosa, the very high excavation through the summit of Culebra cut, in the sea-level type, are equally vulnerable with the Gatun and Sosa locks, and vastly more so than the immense earthen dam proposed at Gatun, in the lock type. I believe that in the case of either type the damage from earthquake shocks is a purely negligible quantity. It does not seem to me, Mr. President, that we should be shaken in our understanding or unduly alarmed because of the recent disaster at San Francisco, because it appears to me the two things that were absolutely proven by that catastrophe were, first, that it did not occur at Panama, and, second, that earthen dams were not affected by the vibration of the earth at San Francisco.

Ninth. Because the lock type of canal can, if the necessity ever arises, be transformed into a true sea-level canal, one of from five to six hundred feet in width, and 50 feet or more in depth of water. The lock type, if constructed, will handle from 60,000,000 to 70,000,000 tons of freight per annum, or vastly more than will probably ever be reached during the next fifty years, and the amount of water required for this large tonnage can be supplemented to take care of at least 20,000,000 of tons additional per year, at a small cost by the construction of additional water reservoirs.

The difference in cost of construction between the lock type and the sea-level type as proposed, compounded at 2 per cent for a period of fifty years, added to the saving in fifty years in fixed charges, will amount to about $500,000,000, a sum which will be available at the end of fifty years to transform the lock canal into a true sea-level canal, if the necessity for it exists.

Tenth. Because I believe that owing to the inflowing of silt and other matter into the narrow and depressed channel of the sea-level type it would require the constant maintenance and operation of a number of dredges to keep the channel open for navigation for any class of ships, and, further, that even with this channel open it would be found a practical impossibility to force a ship, say, 800 feet long by 80 feet beam and drawing 35 feet of water through such a channel.

Eleventh. Because I believe the safety of the proposed earthen dam at Gatun can not be intelligently attacked. The 200 feet or more blanket of clay and other similar materials beneath it, the construction which will give a weight of sixty-three times the extreme pressure which can come against it, and the great height—50 feet—to which it is proposed to carry this dam

above the water's surface, renders it absolutely safe from destruction by any known forces of nature; and this point is emphasized by consideration of the proposed method of construction, namely, that this earth is not to be deposited loosely, but to be put in by sluicing with water, which will render the whole structure of the dam almost as solid as sedimentary rock.

Twelfth. And, finally, Mr. President, because a lock canal furnishes better commercial facilities for half the expenditure of time and money.

Mr. KITTREDGE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

DISTRICT STREET RAILWAYS.

The VICE-PRESIDENT. Under the unanimous-consent agreement the Chair lays before the Senate Senate bill 6147.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6147) authorizing changes in certain street-railway tracks within the District of Columbia, and for other purposes.

Mr. GALLINGER. The Senator from Colorado [Mr. PATTERSON] had the floor, and I presume he desires to continue.

Mr. PATTERSON. Mr. President, the public has always been more deeply interested in matters of taxation than in any other. Taxation has led to more discussion, more trouble, and greater dissatisfaction than almost any other subject connected with public administration. There is one thing the public usually insists upon, and that is equality in taxation; and it should be the first aim of legislative bodies, when taxation is found to be unequal, to change the inequality and make it just and fair for all.

There is no question but that the taxes levied on and paid by the public utility corporations of Washington are wholly insufficient compared with the value of their holdings, and measured by the taxes that are assessed upon the property of individuals and other corporations the tax is wholly unequal and falls far below the rates which all the rest are compelled to pay.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. The taxes paid by the street railways in this District are 5.54 on the gross earnings. If 12 per cent on their net earnings were added, they would be paying 12.57 on their gross receipts. The State of Colorado pays 2.42.

Mr. HANSBROUGH. Will the Senator allow me just a word?

Mr. PATTERSON. Certainly.

Mr. HANSBROUGH. I wish to say that the street railway companies charge up a great many things to taxes in this District that do not belong to taxes. I have the exact figures of the taxes that they pay over signatures of the tax collector and the assessor. The amount of taxes they pay is 4.5.

Mr. GALLINGER. I simply beg to say that the Senator is wrong; that is all.

Mr. PATTERSON. Mr. President, the best answer to any criticism made upon the amendment of the Senator from North Dakota is the amendment itself. The provisions of the amendment are so inherently just that it is difficult to understand how an objection can be made to them. It is true it mentions 12 per cent of the net proceeds of these corporations, but there is contained in the amendment a substitute for that, that if these corporations are disinclined to pay the tax upon net receipts they may be relieved from paying that as well as the percentage they already pay upon gross receipts by paying one and one-half per cent upon the appraised value of their property, as do other property holders in the District.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. More than one-half of the street railways in the District of Columbia are not earning a dollar profit; in fact, they are not paying their operating expenses. Does the Senator think that they ought to be burdened very much in addition to what they are now paying in taxes?

Mr. HANSBROUGH. They would not pay any additional tax in that case.

Mr. PATTERSON. The Senator from New Hampshire is presenting obstacles that do not exist, and is raising objections that are not justified. When a citizen is taxed upon his personal property and real estate, the taxing power does not inquire whether his business is good or bad, or whether he is solvent or insolvent. The value of his property is determined, and the assessment is made upon the basis of that valuation. I understand that the assessment is 1½ per cent on all personal property in the District. What the per cent is on real estate I do not know.

Now, Mr. President, if the property of all others in the District is taxed upon the same uniform basis, is it aught but fair to all other taxpayers that the property of the utility corporations, consisting of tracks, cars, buildings, machinery, and franchises, shall be appraised by the same body that values all other property for taxation, and that upon that valuation a levy of 1½ per cent shall be made? What would that be, Mr. President, but taxing the utility corporations of the District precisely as the individual is taxed upon his property and as other corporations are taxed upon theirs?

When an amendment is offered that proposes a special tax and, in addition, proposes that if the bodies to be taxed prefer, in lieu of the special tax, they may pay the tax that owners of other property in the District are required to pay, the proposition can not be out of time. There is not a single element of justice that is lacking in the proposition, and to refuse to accept it seems to me to be willing to wantonly perpetuate a wrong upon the great body of the tax-paying community.

Mr. President, I haven't the slightest idea that this amendment will be adopted. The alacrity with which the bill reported by the Senator from North Dakota the other day was recommitted to the Committee on the District of Columbia, and the decided vote by which it was recommitted, prove that this body is unwilling at this time to place any additional tax upon the corporations, however just it may be.

I have no objection to the bill that is reported from the District Committee being passed, because by the system under which these utilities are operated it is quite necessary that it should be passed, for the traveling public will be afforded no other facilities of travel to and from the new depot when it shall be completed.

But, Mr. President, there never will be any change in the system until the matter of the taxation of public utilities is discussed more generally and earnestly than it has been heretofore, and until more correct information is disseminated, and the bodies that have such matters committed to them shall have a better understanding of the true principle upon which the taxation of public-utility corporations rests.

I also believe, Mr. President, that the mere matter of taxation will never bring the reform that is inseparably associated with the true relation of these public utilities to municipal governments. It is almost impossible that taxation should be fair and just as applicable to them, because the property they own, the franchises they secure, the monopoly that is inherent in their business, place their assets, tangible and intangible, upon a basis quite different from that upon which other property rests.

It is largely for that reason that another system of dealing with these utilities has taken root not only in this country, but in foreign countries. Instead of turning the ownership and management of these public utilities over to private corporations, the municipalities themselves are undertaking their operation. It is only by municipal ownership and operation that the city populations can secure from them all the benefits the public is entitled to have.

Mr. President, Washington, above every other city in the country, should own its own utilities. Washington should own its street railways and its lighting plants. It does, I understand, own its own water supply. Many other cities are not quite so favorably situated as Washington in that regard, because a number as yet do not even own their own water supply. But quite a large number of cities have wholly freed themselves from the trammels of all these private corporations, now owning and operating their own water, light, and street transportation systems.

The great social and political problem in the United States to-day is that of city government. The concentration of great masses of people in the towns and cities, the problems that these people are engaged in solving, the necessity for the utmost economy that the mass may be able to live in any degree of comfort, the necessity for the increase of compensation for labor, for the lessening of the tax burden, for the betterment of all public facilities in city life is growing stronger every day, and all over the country more attention is now being given to problems of this character than has ever been given before.

We see the politics of New York revolutionized at an election held within a year through the interest in municipal ownership. We see the issue distinctly made in Chicago and the municipal-ownership proposition prevailing by a decided majority. We notice cities that were Democratic and cities that have been Republican, in Ohio and other States, now governed by practically nonpartisan administrations by reason of the deep hold municipal ownership has taken on the minds of voters.

The fact that municipal ownership sentiment is spreading so rapidly, its growth is so phenomenal, with no backward step noted in any direction, with the reform advancing, growing in might and power, should be sufficient to induce the Committee on the District of Columbia to calmly and deliberately take up the matter for consideration and to determine whether the capital of the nation shall not be made the very leader among cities in adopting and advancing the reform.

Mr. President, those who have studied city life and the influences that operate in municipalities for good or evil do not hesitate to declare that public-utility corporations are the source of greater corruption in city life than any other element. And why? The owners of these utilities are, as a rule, men of the largest wealth. They are men of the widest social influence. By reason of their wealth and social standing they are sought out for their influence and feared for their power. These men, in their desire to secure these great franchises for the corporations they control, do not hesitate to corrupt the electorate of cities by whatever means may be necessary.

Show me a city of a quarter million people or of a hundred thousand with street railways, water, and light plants owned by private corporations and I will show you cities in which these corporations unqualifiedly control the politics. They control nominating conventions and dictate the nominees for the parties, and they spend their money lavishly to secure the election of the men whom they regard as most devoted to their service; and I will also show you cities in which these municipal corporations control the councils and rule their mayors, and obtain control of them either at the election or by purchase afterwards; all to the end of acquiring and holding the franchises for these utilities. Their aim is also to escape their proper share of taxation and to secure renewal of franchises when they are about to expire.

It is idle, Mr. President, for any political party in a State dominated by the utility and other corporations to struggle for honest conventions or honest elections; and honest city administrations are an impossibility. The vast wealth of the men who control these utilities, their social standing, the extremes to which they go to maintain their supremacy in city affairs, override and overawe all combinations that attempt to combat them. One of the great troubles is that only men outside of their class—only the poorer, the weaker, and the less influential of the public—are, as a rule, willing to come out into the open to join issue with these corporations.

[At this point Mr. PATTERSON was interrupted by the expiration of the morning hour, and he resumed and concluded his speech later in the day.]

Mr. PATTERSON. Mr. President, when I was interrupted with the unfinished business, I was talking about the evil influences of these utility corporations upon city life; their control for evil of the politics of the cities; their control of elections, of city councils, of police forces, of boards of public works. Wherever these corporations are they dominate political conventions, nominate tickets, elect candidates, and control city councils, and the people of the cities seem powerless to combat them.

Municipal ownership of these utilities means a change in the conditions to which I have called attention. I suggested the wealth, the social influence, and power of the men who, as a rule, control these corporations, and that their influences are for evil by reason of their selfish interests and the great value of the franchises they hold and the control of which they are always struggling to retain. Municipal ownership will change these men into instruments for good instead of for evil.

City ownership of street railways and great water and light plants involves city management of properties of such vast value that all, rich and poor, are interested in their good management—they become interested in cheap water rates, cheap light rates, and cheap street transportation, and for these reasons all tax-paying citizens desire honest, good, and efficient government. So we would have the controlling influence in our great cities lined up upon the side of economy, honesty, and justice, instead of combatting these conditions.

But the change, Mr. President, will not only give us better city life in most of its phases, it will also give to the public cheaper light and water and street transportation. These are all in the nature of taxes, of fixed charges upon everybody who lives within a city. The owner of a home must not only confront interest upon his investment and taxes for the maintenance of city government, but he must take into consideration the cost of water, of light, and of street-car service; and these charges are as much fixed on the home owner in a city as are the taxes that he pays into the city treasury. If by municipal ownership these charges can be reduced and better and more efficient service be secured, the palpable wisdom of municipal ownership reform stands out too prominently to be ignored.

Mr. President, this reform has gotten very considerable headway in Great Britain. It has been worked out there much more largely than here. The Secretary of Commerce and Labor, recognizing this fact, sent a commissioner over to Great Britain to examine into the problem and to report the result of his investigation. I have here in a volume issued only last January from the Department of Commerce and Labor the result of as well as most of the details of the investigation that was made by the commissioner.

The claim is set up by a great many that municipal ownership is a socialistic idea or development. Such, Mr. President, is not the case, and it was not found to be the case by our commissioner when he went abroad. I would call the attention of the Senate to something upon that subject at the very opening of this report. The commissioner shows most conclusively that municipal ownership came from the commercial, the manufacturing, and the taxpaying classes of Great Britain generally, rather than from any phase of the socialistic cult. Upon this subject he says:

> In its beginnings municipal ownership was not socialistic; it was not even an outgrowth of the labor movement; it came rather from the mercantile or commercial classes. The councils of several boroughs, notably West Ham and Battersea, are controlled by labor representatives, but the larger cities and county boroughs are in the hands of business men, who, with the more public-spirited of the leisure class, make up the personnel of municipal administration.

Again, he says:

> In its present stage of development municipal ownership is inspired by no ideal of a changed social order, and the movement is likely to continue to be one for improved service, for business thrift, for the relief of the taxpayer from the burdens of taxation, and for increased revenue for the community.

Then referring to the motives which led to the efforts for municipal ownership, the commissioner, Professor Howe, says:

> These facts—

Facts that he referred to in previous paragraphs of his report—

> These facts explain in a measure why municipal ownership has proceeded with so much rapidity within recent years. Other causes are also operative on public opinion. The general reasons assigned in Great Britain for this growth may be classed under four heads, as follows:
>
> First. A desire for better and more efficient service. It was felt that private ownership, interested, as it was, only in dividends, could not be relied upon to operate enterprises so as to produce the largest social results. With this was the belief that under public ownership rates and charges could be reduced to the consumer and that the earnings could be used for the betterment of the service or the lowering of its cost.

I will read now, because I do not desire to quote too extensively from the report, a summing up of his investigations. He recites that—

> The literature of municipal ownership is found in municipal reports, in parliamentary returns, and the daily press. The justification of the extension of municipal activities, as set forth by its advocates in these writings, as well as in the comments of officials and the people, may be summarized under six general heads, as follows:
>
> First. That municipal ownership stimulates public spirit, promotes good citizenship, and arouses a sense of local patriotism growing out of the services which the city extends to the citizen.
>
> Second. That public operation is alone consistent with the best interests of the community. It permits city administration to be coordinated, and the service of the tramways, electricity, gas, and water undertakings to be made to serve one another and the community.
>
> Third. That public ownership has greatly cheapened the cost of service, whether in water, gas, electricity, or transportation. The same is true of telephones.
>
> Fourth. That municipal ownership has proved a financial success; already in many cities it has out of its earnings paid off a part of its indebtedness, and in many instances contributed to the reduction of the local taxes.
>
> Fifth. That municipal ownership has improved the condition of labor by increasing wages, shortening hours, and establishing cordial relations between the public and its servants.
>
> Sixth. That in addition to this, public operation is subject to public opinion; that every voter is a critic and can make his influence felt upon service and conditions; that this makes the industry responsive to the needs of the community in a way that is never true of private operation.

Then, speaking more directly on street railways, he says:

> The tramways, coming in close and intimate touch with the people, stimulate an interest in the city that is almost universal. The change from private to public operation has apparently always been followed by a marked increase in their use by the community. The most agressive, the most active, and the best-governed cities from the point of view of the average Englishman are the cities that have gone in for municipal ownership. Glasgow, Liverpool, Manchester, Sheffield, Bradford, Leeds, and Birmingham are examples. The London county council also has been most aggressive in the enlargement of its functions and activities.

I will conclude quotations from this report by the author's statement of the benefits the change from private to public ownership wrought. He says:

> An examination of the water, gas, tramway, electricity, and telephone undertakings, in so far as the latter have been municipalized,

shows that the change from private to public operation has resulted in—

1. Marked reduction in rates and charges to consumers.
2. Greater economy in operation through lower interest charges, and great extension of use.
3. In many instances a considerable relief to the burden of taxation.
4. A coordinated municipal policy by which the city and its undertakings are made to work together and with one another. This is true as to health and cleanliness, in policing and lighting, in the administration of the streets and public places, in the unification of all departments working through the common body—the town council. Friction is eliminated, and one department is made to serve another and the public.

Passing over others—

7. The condition of the employees has been greatly improved. Thousands of men have been raised to a fair wage, and relieved from the fear of capricious dismissal. Their service has been dignified, and their standard of living improved, not only by better wages, but by shorter hours.

Mr. President, if such are the results of municipal ownership in Great Britain—if the cost for street-car service has been lessened, if the wages of the employees have been increased and their hours of labor have decreased, if it has banished to a very large extent corruption from the government of English cities—I may ask is it any wonder that the example is being followed by American cities and that the movement for municipalization of the utilities has taken such mighty strides?

Mr. President, municipal ownership of public utilities does not in any sense mean city ownership or management of any other industry or business. It only includes such public service as in their very nature are monopolies; service that can not be exercised without public grants of privileges or franchises, and service that supplies the people with things that have become necessaries of life. Water is a necessary of life; light has become one of the great necessities of life and adds inconceivably to its comfort. Street transportation has become as much a necessity in city life as has light and heat. Through the extension of lines of street railways, city boundaries have been enlarged; the congestion of human life in city centers has been dissipated; life has been made more comfortable and beautiful. You may select at random ninety persons out of every hundred and you will find that those ninety people are compelled to use street transportation as a necessity of their daily business and existence.

These businesses can not be conducted except by special grants from the municipality, and these special grants of franchises are of immense value, and when they are owned by private corporations they are used so as to earn the greatest profit for the corporation and give the poorest service to the public that will be submitted to. But should the cities own and operate them, they would be operated for the benefit of all, without reference to profits for private companies. Then why should not Washington lead in such a reform? Washington could manage these utilities to much greater advantage than could any other American city. It would have fewer obstacles to overcome. Its government is altogether in the hands of Congress. I am glad that in Washington private corporations, from the very nature of the District government, can not exercise the same evil influences which they do in the government of other cities. The standard of government in Washington is created by the President and approved by the Senate; for the President appoints its Commissioners and the Senate approves them. The Board of Commissioners of Washington stand in lieu of the mayor and the common council in other cities; the President and the Senate stand in lieu of the voter; and for these reasons alone, the government of Washington can the more readily and with the fewer obstacles secure the reforms that municipal ownership brings.

Mr. President, what do we find in the British cities that have adopted municipal ownership? The Senator from New Hampshire spoke about the street railways of Washington selling six tickets for a quarter. The average fare in Great Britain, where street railways are municipalized, is a fraction less than 2 cents. Compare a 2-cent fare in British cities with a 4-cent fare in Washington, and it means that transportation to every family in the cities of Great Britain costs but one-half what American families must pay in Washington, and it costs less than one-half of what fares cost the people of cities where the fare is 5 cents straight.

In addition, Mr. President, the statistics show that where the 2-cent fare prevails the profits to the companies amount to very nearly one-half of the gross receipts; and it is only when you study the statistics that are contained in the report made by Professor Howe that you can comprehend the immense profits that are associated with the operation of these public utilities by private corporations. You can then understand how it is that the street railways of Washington pay their interest upon $17,000,000 worth of bonds, or thereabouts, and how they pay heavy dividends upon their immense capitalization, and how their stock sells upon the market at something in the neighborhood of 50 per cent above par.

The bonded indebtedness of these companies represents the full amount of their entire investment.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. With pleasure.

Mr. GALLINGER. Is the Senator aware of the fact that there are $9,000,000 of bonds out on these street railways which are selling at 89 on the market to-day?

Mr. PATTERSON. No.

Mr. GALLINGER. There are $9,000,000 of those 4 per cent bonds; and if the Senator will go to the evening paper he will find they are quoted at either 88 or 89, and the Senator can buy them all at that price.

Mr. PATTERSON. I am not aware, Mr. President, of what the bonds of all of these street railway companies may be selling for. I do know that by market quotations the stocks of some of them are selling at about 50 per cent above par, and I know that such would not be the case if the interest upon the bonds was not regularly paid, and if large dividends, after paying all the interest, were not assured to the investors.

Mr. GALLINGER. Mr. President, a very considerable part of the common stock of the street railways of Washington can be bought at 40, and those street railways have never paid a dividend from the time they were built to the present.

Mr. PATTERSON. Mr. President——

Mr. HANSBROUGH. Will the Senator from Colorado yield to me?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. PATTERSON. With pleasure.

Mr. HANSBROUGH. The statement made by the Senator from New Hampshire [Mr. GALLINGER] in regard to these stocks, dividends, etc., applies to a few small roads that are controlled by what is known as the Washington Railway and Electric system.

Mr. GALLINGER. It applies to the consolidated roads, I will say to the Senator.

Mr. HANSBROUGH. The Washington Railway and Electric Company owns all the roads to which I have referred. There are five street railways in operation controlled by the Washington Railway and Electric Company, which is a paying institution; but the other four are not.

Now, as to the Capital Traction Company——

Mr. GALLINGER. But, if the Senator from Colorado will permit me——

Mr. PATTERSON. Certainly.

Mr. GALLINGER. The common stock of that consolidated road, which is known as the "Washington Railway and Electric Company," can be bought at 40. It has never paid a dividend.

Mr. PATTERSON. Yes; but the Senator should add to that, that the preferred stock of that company is selling for about 90, and is paying 5 per cent.

Mr. GALLINGER. It is indeed; and it would be a very remarkable circumstance if the preferred stock did not sell at a hundred when the company was paying a dividend.

Mr. HANSBROUGH. In addition to that, I want to say, if the Senator from Colorado will allow me——

Mr. PATTERSON. With pleasure.

Mr. HANSBROUGH. That the stock of the Capital Traction Company is selling for about 140, and has sold, I believe, as high as 150, its par value being 100. I think that company pays 5 per cent regularly. I am not sure but that it pays 6 per cent. It pays 5 per cent anyway.

Mr. PATTERSON. I notice that the stock of the latter company, mentioned by the Senator from North Dakota, was quoted within the last few weeks at 146 and a fraction. I can well understand how, by a consolidation of a splendidly paying line of road with a number of outlying ill-paying ones, that the stock of such a combination might be low upon the market, while its bonds would be gilt edged, and the future would insure a very heavy return upon every dollar put into them.

The Senator from New Hampshire must always bear in mind, when he is quoting the stocks and bonds of these utility corporations, that the bonds usually represent the amount that is invested in the physical property and the stock represents simply the franchise; and when the bonds are at par and the stock selling at 50 cents on the dollar, it means that the stock at 50 cents is velvet in the enterprise, and it does not indicate in any

degree that there is not a splendid profit being returned to those who happen to own them.

The benefits, Mr. President, from this class of property are that as soon as the franchise in a reasonably large and thrifty city is granted, the grantee may, as a rule, upon the security of the franchise alone, borrow money enough to construct the lines of railway and put them in operation. The bonds they issue are paid out of the profits of the roads, and when the bonds are paid the owners possess great lines of street railway that did not cost them a dollar. The money that was borrowed upon the franchise constructed the road; the bonds were paid off out of the profits, and the owners have remaining all the visible property, the lines with the franchise, which stand the original promoters practically nothing.

Those profits, Mr. President, should belong to the cities themselves. If the city were to own the lines of street railway in Washington, there would be no necessity to pay out to the stockholders a quarter or a half million dollars as dividends each year. The money that would go to the stockholders would go into the city treasury to pay the expenses of the city government. The street railways, as well as the gas and electric lighting companies, would all be run for the benefit of the people, the profits going to the people either in cheaper service or directly into the treasury, thereby lessening the tax burden, while the people would have a vastly improved service.

Mr. President, if we can not have municipal ownership in Washington at this time—and I am frank to admit that information on the subject is not sufficiently diffused to expect it now—then the District should at least have the corporations owning these utilities taxed to the same degree that the people themselves are. I can not understand how, when a Senator proposes a reform that will compel these corporations to pay only the amount of taxes paid by all other citizens upon their property in the District, anyone can be found with nerve enough to object. The proposition is one that does not need any very long time for investigation. To state the proposition is to establish the justice of it; and what is it? Either that these utility corporations shall pay an additional 12 per cent upon their net receipts—and, of course, if there are no net receipts, there will be no additional taxes—or if the companies regard the percentage of net receipts as burdensome, then to have their property appraised and pay upon its appraised value the same rate that every private citizen is required to pay to carry on the government of the District.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. The Senator's argument interests me. The Senator is a very influential man in his home city. He owns one or two great newspapers. Has the Senator advocated the adoption in Denver of this system of taxation which he suggests?

Mr. PATTERSON. Indeed I have. I have been advocating municipal ownership for many years.

Mr. GALLINGER. Municipal ownership—I understand that; but the people of Denver do not agree with the Senator on that proposition. But as to this system of taxation the Senator is so eloquent over, the fact is that the public-utility corporations of Denver pay only about one-half in taxes what similar corporations pay in the city of Washington. Why does not charity begin at home?

Mr. PATTERSON. Mr. President, I have been, in my weak way and with whatever instrumentalities I possess for molding public opinion in Colorado, engaged now ever since 1895—a period of more than ten years—attempting to induce the city of Denver to adopt the very system that I am advocating here. The reason we have failed, Mr. President, is because the utility corporations of Denver are so powerful that the people have been powerless against them.

Mr. President, the utility corporations of Denver hold the executive committees of both political organizations in a grip of iron. The Republican executive committee is but a pliant tool of those corporations, and the Democratic executive committee of Denver is even more pliant, if that were possible. The recent election in Denver, upon the one side the two old party political organizations, with five or six corporations aligned with them, endeavoring to secure as many franchises as possible from Denver at the election, and upon the other side the people of Denver—and with what result, Mr. President?

The Senator from New Hampshire says that we failed in the last election. Well, Mr. President, in four weeks we organized a people's movement under the head of municipal ownership; the ticket it put up was defeated by but about 1,000 votes. Three of the franchises were defeated, and the two greatest were carried apparently, but by such narrow majorities that contests have been inaugurated against them. Within less than a week after the election we unearthed the issuance of more than 1,000 fraudulent tax receipts, with which tax-paying voters were manufactured. They were given to those who did not own a dollar's worth of property that they might qualify to vote for these franchises.

Nay, more, Mr. President, we found a judge brave and independent enough to call a grand jury. Realizing that the sheriff, the district attorney, and others of the officials of the city were wholly under the control of these utility corporations, the district judge set them aside. From that action an appeal was taken, and pending the decision of the supreme court the investigation of the grand jury is suspended.

Mr. President, it is by reason of experiences such as these, realizing that party organizations are as a rule, where these public-utility corporations are in the saddle, mere shams, that there can be no such thing as an honest political fight and no fair show for the people, that I here and elsewhere, wherever the occasion may arise, do what I can to change the iniquitous private-ownership system.

Mr. President, as I have suggested, if we can not now have municipal ownership in Washington, if Congress is not ready for it, there should at least be fair and equal taxation of their property; and I ask the Senator from New Hampshire whether the proposition to require these corporations to be assessed 1½ per cent upon the valuation of their property is or is not just?

Mr. GALLINGER. Mr. President, I will answer the Senator by saying that I do not know whether it is or not. That is a matter that would need investigation, and that I have not made.

Mr. PATTERSON. Let me ask the Senator another question.

Mr. GALLINGER. I want to answer the first one. I think if a street railway company is bankrupt it ought not to be taxed as a profitable, well-paying corporation is taxed. In my State we exempt from taxation many corporations, and we think it good public policy.

Mr. PATTERSON. Let me ask the Senator this question: The assessed valuation of any corporation's property should depend, as a rule, should it not, upon its real value?

Mr. GALLINGER. It will depend somewhat on that; yes.

Mr. PATTERSON. Very well. If the street-railway property is assessed at its real value, what has that got to do with the insolvency of the corporation? If the street railways are assessed at the real value of their property they will be required to pay only that which every other taxpayer must pay upon the assessed value of his property. Why is not that just? I want to ask the Senator when the District assessor assesses the value of a lot and building, does he inquire as to the solvency or the insolvency of the owner?

Mr. GALLINGER. The Senator has entered upon a novel theory. There is not a city on earth that taxes its corporations upon the basis the Senator suggests. I say to the Senator that it is a matter which ought to be investigated. I do not know but that it might be good policy; but it is an untried scheme, and the Senator will not get me to commit myself either one way or the other on the proposition he has presented until I have looked into it.

Mr. PATTERSON. The Supreme Court of the United States has decided time and time again that franchises, rights, and privileges are as much property as the cars that run upon the rails; that their value may be determined by the taxing power, and that it is the duty of the Government to assess such franchises and privileges at their value as is other property.

Mr. GALLINGER. I am trying not to give the Senator a new text, because I hope to get a vote on this bill to-night; but I will suggest to the Senator that if we adopt a system of taxation in lieu of that method, as we have done in Washington and in every other city in the country, then his citations do not apply to this case.

Mr. PATTERSON. I will not longer take up the time of the Senate, Mr. President. I simply want to reasseverate that the proposition contained in the amendment of the Senator from North Dakota is so fair, so just, and is so free from criticism that no person, in my opinion, should object to it. The proposition in the amendment now discussed is one that requires no investigation. I do not understand what halo surrounds a public-utility corporation to place it in a different class in the matter of taxation from any other corporation.

The taxation of private-utility corporations does not, however, meet the evil. I advocate the municipalizing of all utilities and the operation of them for the benefit of all the public and not for the benefit of private stockholders. Through city ownership we will have a better city life, a purer electorate,

cheaper water, light, and street transportation, and, at the same time, the public will have the direct benefit of the large profits that are now distributed among the stockholders of these utility companies.

Mr. HANSBROUGH. Mr. President, I have a tabulated statement on this subject that I think would be quite interesting if Senators had an opportunity to examine it. I ask that it may be inserted in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered. The table referred to is as follows:

Company.	Gross receipts.	Tax last year.	Per cent of tax on gross receipts.	Net earnings.	Tax under proposed law.	Total tax under proposed law.	Per cent of tax on gross receipts under proposed law.	Funded indebtedness.
Capital Traction Co	$1,500,956.59	$68,552.06	4.5	$980,244.23	$117,629.31	$186,181.37	12.4	$1,080,000.00
Washington Rwy. and Electric Co. and controlled lines	1,810,744.33	81,944.99	4.5	976,863.59	117,223.62	199,168.61	10.9	17,364,100.00
Total	3,311,700.92	150,497.05	----------	1,957,107.82	234,852.93	385,349.98	----------	18,444,100.00
Washington Rwy. and Electric Co	1,133,439.17	52,416.21	4.6	683,311.21	81,997.35	134,413.56	11.9	12,647,100.00

Company.	Capitalization.	Dividends.	Interest on funded debt.	Total interest and dividend.	Funded debt and capitalization.	Rate of tax under proposed law on two-thirds bonds and stocks.	Amount that would accrue under 1¼ per cent rate.
						Per cent.	
Capital Traction Co	$12,000,000.00	$720,000.00	$43,200.00	$763,200.00	$13,080,000.00	2.1	$130,000.00
Washington Rwy. and Electric Co. and controlled lines	19,044,990.00	425,000.00	868,205.00	1,293,205.00	36,409,090.00	.8	364,090.80
Total	31,044,990.00	1,145,000.00	911,405.00	2,056,405.00	49,489,090.00	a1.1	494,890.80
Washington Rwy. and Electric Co	15,000,000.00	425,000.00	632,355.00	1,057,355.00	27,647,100.00	.7	276,471.00

a Average.

Mr. HANSBROUGH. Mr. President, I should also be glad if the Senator from New Hampshire would withdraw his motion to lay the amendment on the table, so that the Senate may vote directly on the question whether they want the street railway companies in the District of Columbia, that can afford to pay something approaching the tax paid by private citizens, to be given an opportunity to do that. I should like to have a vote taken directly on the amendment, if the Senator will withdraw his motion, and I will agree not to say anything further on the subject.

Mr. GALLINGER. Is the Senator ready to take a vote now?

Mr. HANSBROUGH. I am ready to take a vote now.

Mr. GALLINGER. Then I withdraw my motion to lay the amendment on the table.

Mr. HANSBROUGH. I understand the yeas and nays were ordered on the amendment.

The VICE-PRESIDENT. The yeas and nays were ordered on the amendment proposed by the Senator from North Dakota. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. As he is not present, I withhold my vote.

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO]. I do not see him in the Chamber. If he were present, I should vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP], who is out of the Chamber.

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I do not see him in the Chamber, and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I do not see him in the Chamber, and therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MONEY], and therefore withhold my vote.

The roll call was concluded.

Mr. BAILEY. I announce my pair with the Senator from West Virginia [Mr. ELKINS]. As I do not know how he would vote if he were present, I withhold my vote.

The result was announced—yeas 13, nays 21, as follows:

YEAS—13.

Benson	Daniel	La Follette	Patterson
Berry	Dolliver	McCumber	
Burkett	Fulton	Nelson	
Carter	Hansbrough	Overman	

NAYS—21.

Aldrich	Clay	Hemenway	Perkins
Allee	Dick	Kean	Piles
Blackburn	Foraker	Lodge	Wetmore
Brandegee	Foster	Long	
Bulkeley	Gallinger	Martin	
Burnham	Hale	Millard	

NOT VOTING—55.

Alger	Cullom	Knox	Rayner
Allison	Depew	Latimer	Scott
Ankeny	Dillingham	McCreary	Simmons
Bacon	Dryden	McEnery	Smoot
Bailey	Dubois	McLaurin	Spooner
Beveridge	Elkins	Mallory	Stone
Burrows	Flint	Money	Sutherland
Carmack	Frazier	Morgan	Taliaferro
Clapp	Frye	Newlands	Teller
Clark, Mont.	Gamble	Nixon	Tillman
Clark, Wyo.	Gearin	Penrose	Warner
Clarke, Ark.	Heyburn	Pettus	Warren
Crane	Hopkins	Platt	Whyte
Culberson	Kittredge	Proctor	

The VICE-PRESIDENT. A quorum has not voted. The Secretary will call the roll.

Mr. SCOTT. In order to make a quorum, I shall take the liberty of voting in the absence of my pair.

The VICE-PRESIDENT. It is too late. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Carter	Kean	Perkins
Allee	Clay	La Follette	Piles
Bailey	Cullom	Lodge	Scott
Benson	Daniel	Long	Simmons
Berry	Dick	McCumber	Stone
Blackburn	Foraker	Mallory	Tillman
Brandegee	Foster	Martin	Warren
Bulkeley	Fulton	Millard	Wetmore
Burkett	Gallinger	Nelson	
Burnham	Hansbrough	Overman	
Burrows	Hemenway	Patterson	

The VICE-PRESIDENT. Forty-one Senators have answered to their names. A quorum is not present.

Mr. HALE entered the Chamber and answered to his name.

Mr. ALDRICH. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

Mr. SMOOT entered the Chamber and answered to his name.

Mr. GALLINGER. Would it be in order to ask for a call of the absentees?

The VICE-PRESIDENT. It is in order.

Mr. GALLINGER. I should like to have that done.

The VICE-PRESIDENT. The Secretary will call the names of the absentees.

The Secretary proceeded to call the names of absent Senators.

Mr. CLAY (when Mr. BACON's name was called). My colleague [Mr. BACON] has necessarily been called to Georgia on account of the recent death of a Member of the House, Mr. Lester, from my State, and he is absent by order of the Senate.

Mr. SCOTT (when Mr. ELKINS's name was called). My colleague [Mr. ELKINS] is unavoidably detained at his home in Elkins.

Mr. PERKINS (when Mr. FLINT's name was called). I will state that my colleague [Mr. FLINT] is quite ill at his home.

Mr. GEARIN and Mr. KITTREDGE answered to their names when called.

Mr. BLACKBURN (when Mr. MCCREARY's name was called). My colleague [Mr. MCCREARY] is necessarily absent from the city.

Mr. STONE (when Mr. WARNER's name was called). My colleague [Mr. WARNER] is absent by order of the Senate, in attendance at the funeral of the late Representative Lester, of Georgia.

The call of the names of absent Senators was concluded.

Mr. ANKENY entered the Chamber and answered to his name.

Mr. NELSON. My colleague [Mr. CLAPP] is absent by order of the Senate, attending the funeral of the late Congressman Lester.

Mr. KEAN. My colleague [Mr. DRYDEN] is necessarily absent from the city.

Mr. CARTER. I desire to announce that my colleague [Mr. CLARK of Montana] is unavoidably absent.

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present. Without objection, further proceedings under the call will be suspended.

Mr. GALLINGER. Let the roll be called on agreeing to the pending amendment.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH].

The Secretary proceeded to call the roll.

Mr. MALLORY (when his name was called). I again announce my pair with the senior Senator from Vermont [Mr. PROCTOR].

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TALLIAFERRO]. Not knowing how he would vote, I, of course, withhold my vote. I should vote "yea" if he were here.

Mr. KEAN. I suggest to the Senator from West Virginia to transfer his pair to the junior Senator from Michigan [Mr. ALGER].

Mr. SCOTT. I will transfer my pair to the junior Senator from Michigan [Mr. ALGER]. I vote "yea."

Mr. SIMMONS (when his name was called). I am paired with the Senator from Minnesota [Mr. CLAPP].

Mr. STONE (when his name was called). I again announce my pair with the senior Senator from Wyoming [Mr. CLARK].

Mr. TILLMAN (when his name was called). I again announce my pair with the Senator from Vermont [Mr. DILLINGHAM].

Mr. WARREN (when his name was called). If agreeable to the Senator from South Carolina [Mr. TILLMAN], we will arrange a transfer of pairs, so that the Senator from Vermont [Mr. DILLINGHAM] will stand paired with the Senator from Mississippi [Mr. MONEY].

Mr. TILLMAN. Very well.

Mr. WARREN. I vote "nay."

The roll call was concluded.

Mr. TILLMAN. I vote "yea."

Mr. LONG. I inquire if the Senator from Idaho [Mr. DUBOIS] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. LONG. I will transfer my pair with the Senator from Idaho to the junior Senator from New Jersey [Mr. DRYDEN], and vote. I vote "nay."

Mr. BAILEY. In order to make a quorum, notwithstanding my pair with the Senator from West Virginia [Mr. ELKINS], I will vote. I vote "yea."

Mr. MALLORY. I understand that one vote is very much needed. I will, therefore, vote. I vote "nay."

Mr. MCLAURIN. I desire to state on behalf of my colleague [Mr. MONEY] that he is paired with the Senator from Wyoming [Mr. WARREN]. That pair has, I understand, been transferred to the Senator from Vermont [Mr. DILLINGHAM].

The result was announced—yeas 17, nays 29, as follows:

YEAS—17.

Bailey	Daniel	La Follette	Scott
Benson.	Dolliver	McEnery	Tillman
Berry	Fulton	McLaurin	
Burkett	Gearin	Overman	
Carter	Hansbrough	Patterson	

NAYS—29.

Aldrich	Clay	Kittredge	Perkins
Allee	Cullom	Lodge	Piles
Ankeny	Dick	Long	Smoot
Blackburn	Foraker	Mallory	Warner
Brandegee	Foster	Martin	Wetmore
Bulkeley	Gallinger	Millard	
Burnham	Hemenway	Nelson	
Burrows	Kean	Penrose	

NOT VOTING—43.

Alger	Depew	Hopkins	Proctor
Allison	Dillingham	Knox	Rayner
Bacon	Dryden	Latimer	Simmons
Beveridge	Dubois	McCreary	Spooner
Carmack	Elkins	McCumber	Stone
Clapp	Flint	Money	Sutherland
Clark, Mont.	Frazier	Morgan	Talliaferro
Clark, Wyo.	Frye	Newlands	Teller
Clarke, Ark.	Gamble	Nixon	Warren
Crane	Hale	Pettus	Whyte.
Culberson	Heyburn	Platt	

So Mr. HANSBROUGH's amendment was rejected.

Mr. GALLINGER. Mr. President, while it is evident that after considerable effort a voting quorum may be obtained, I am quite well satisfied that the pending bill can not be gotten through this evening, and I will venture to ask unanimous consent that it be taken up immediately after the routine morning business to-morrow.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the pending bill be taken up for consideration immediately after the routine business to-morrow. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 20, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 19, 1906.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Herbert H. D. Peirce, of Massachusetts, now Third Assistant Secretary of State, to be envoy extraordinary and minister plenipotentiary of the United States to Norway, to fill an original vacancy.

THIRD ASSISTANT SECRETARY OF STATE.

Huntington Wilson, of Illinois, now secretary of the legation at Tokyo, Japan, to be Third Assistant Secretary of State, vice Herbert H. D. Peirce, nominated to be envoy extraordinary and minister plenipotentiary to Norway.

RECEIVER OF PUBLIC MONEY.

C. Frost Liggett, of Colorado, to be receiver of public moneys at Lamar, Colo., his term having expired February 20, 1906. (Reappointment.)

REGISTER OF LAND OFFICE.

John A. Williams, of Colorado, to be register of the land office at Lamar, Colo., his term having expired March 10, 1906. (Reappointment.)

CONFIRMATION.

Executive nomination confirmed by the Senate June 19, 1906.

POSTMASTER.

SOUTH DAKOTA.

John E. Hipple to be postmaster at Pierre, in the county of Hughes and State of South Dakota.

WITHDRAWAL.

Executive nomination withdrawn June 19, 1906.

Albert W. Brickwood, jr., of Arizona, to be consul of the United States of class 8 at Nogales, Mexico.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 19, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I submit a report from the Committee on Agriculture on the agricultural appropriation bill, with Senate amendments.

The SPEAKER. The gentleman from New York submits a report from the Committee on Agriculture on the agricultural appropriation bill. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union.

EFFICIENCY OF THE MILITIA.

Mr. MORRELL. Mr. Speaker, I desire to move to suspend the rules and pass the Senate bill 1442 in lieu of House bill 7136.

The SPEAKER. Is the Senate bill on the Speaker's table or in the committee?

Mr. MORRELL. The Senate bill has passed the Senate and is on the Speaker's table.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the following Senate bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 1442) to increase the efficiency of the militia and promote rifle practice.

Be it enacted, etc., That section 1661 of the Revised Statutes, as amended by the acts of February 12, 1887, and June 6, 1900, is hereby amended and reenacted so as to read as follows:

"SECTION 1. That the sum of $2,000,000 is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, quartermaster stores, and camp equipage for issue to the militia, such apropriation to remain available until expended."

SEC. 2. That section 2 of the act of February 12, 1887, is hereby amended and reenacted so as to read as follows:

"SEC. 2. That said apropriation shall be apportioned among the several States and Territories, under the direction of the Secretary of War, according to the number of Senators and Representatives to which each State respectively is entitled in the Congress of the United States, and to the Territories and District of Columbia such proportion and under such regulations as the President may prescribe: *Provided, however,* That no State shall be entitled to the benefits of the appropriation apportioned to it unless the number of its regularly enlisted, organized, and uniformed active militia shall be at least 100 men for each Senator and Representative to which such State is entitled in the Congress of the United States. And the amount of said appropriation which is thus determined not to be available shall be covered back into the Treasury: *Provided also,* That the sums so apportioned among the several States and Territories and the District of Columbia shall be available for the purposes named in section 14 of the act of January 21, 1903, for the actual excess of expenses of travel in making the inspections therein provided for over the allowances made for same by law; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges; for the hiring of horses and draft animals for the use of mounted troops, batteries, and wagons; for forage for the same and for such other incidental expenses in connection with encampments, maneuvers, and field instruction provided for in sections 14 and 15 of the said act of January 21, 1903, as the Secretary of War may deem necessary."

SEC. 3. That section 3 of the act of February 12, 1887, is hereby amended and reenacted as follows:

"SEC. 3. That the purchase or manufacture of arms, ordnance stores, quartermaster stores, and camp equipage for the militia under the provisions of this act shall be made under the direction of the Secretary of War, as such arms, ordnance and quartermaster stores, and camp equipage are now manufactured or otherwise provided for the use of the Regular Army, and they shall be receipted for and shall remain the property of the United States, and be annually accounted for by the Governors of the States and Territories and by the commanding general of the National Guard of the District of Columbia, for which purpose the Secretary of War shall prescribe and supply the necessary blanks and make such regulations as he may deem necessary to protect the interests of the United States."

SEC. 4. That section 4 of the act of February 12, 1887, is hereby amended so as to read as follows:

"SEC. 4. That whenever any property furnished to any State or Territory, or the District of Columbia, as hereinbefore provided, has been lost or destroyed, or has become unserviceable or unsuitable from use in service, or from any other cause, it shall be examined by a disinterested surveying officer of the organized militia, to be appointed by the governor of the State or Territory, or the commanding general of the National Guard of the District of Columbia, to whom the property has been issued, and his report shall be forwarded by said governor or commanding general direct to the Secretary of War, and if it shall appear to the Secretary of War from the record of survey that the property has been lost or destroyed through unavoidable causes, he is hereby authorized to relieve the State from further accountability therefor; if it shall appear that the loss or destruction of property was due to carelessness or neglect or that its loss could have been avoided by the exercise of reasonable care, the money value thereof shall be charged against the allotment to the States under section 1661 of the Revised Statutes as amended. If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what disposition, by sale or otherwise, shall be made of them, except unserviceable clothing, which shall be destroyed, and if sold the proceeds of such sale shall be covered into the Treasury of the United States."

The SPEAKER. Is a second demanded?

Mr. PAYNE. I demand a second, Mr. Speaker, in order to have an explanation of the bill, and I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania is entitled to twenty minutes and the gentleman from New York to twenty minutes.

Mr. PAYNE. I would like to ask the gentleman what change this bill makes in existing law. First, as to the annual appropriation, and if this amount is a permanent annual appropriation, how much?

Mr. MORRELL. It changes the annual appropriation from $1,000,000 to $2,000,000. The present annual appropriation made by the United States is $1,000,000 as against $4,500,000 which is contributed by the States themselves. In other words, it provides for the maintaining of 122,000 officers and men of the militia of the different States, $5,500,000. Under the old proportion, the United States Government paid, as near as can be calculated, $8 per year per man as against $37 per year per man paid by the States themselves.

Mr. PAYNE. What necessity is there for doubling this appropriation now?

Mr. MORRELL. In answer to that, I would like to have the Clerk read a letter from the Secretary of War.

The Clerk read as follows:

WAR DEPARTMENT, *January 18, 1906.*

Respectfully returned to the chairman Committee on the Militia, House of Representatives, with the information that the annual appropriation for the support of the militia has been found inadequate for its development along the lines proposed by the Department, and consequently the favorable consideration of Congress is urged for the increase in appropriation herein proposed. This measure also removes certain limitations upon the use of the appropriation which have proved unreasonably restrictive, and provides for its use in the promotion of rifle practice, which is a most important feature in promoting the efficiency of the militia, and which has heretofore received neither recognition or provision for its development. The remaining sections remedy defects in the law governing the accountability of State authorities for militia supplies issued by the United States, and provides an adequate means of properly enforcing accountability therefor.

This measure has the unqualified indorsement of the Interstate National Guard Association, and the Department heartily recommends favorable action by Congress with a view to promote the efficiency of the militia.

WM. H. TAFT, *Secretary of War.*

Mr. MORRELL. I have also here letters from the adjutant-general of the State of New York—in fact letters from the adjutant-generals of all the States directed to different Members of Congress of the different State delegations calling attention to the importance of this bill, particularly as far as promotion of rifle practice is concerned.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. MORRELL. Certainly.

Mr. TAWNEY. What is the necessity for making this a permanent definite appropriation?

Mr. MORRELL. For the reason that the object for which this money will be expended will be necessary to be carried on in the following years.

Mr. TAWNEY. What is the necessity for this appropriation being a permanent definite appropriation, greater than the necessity would be for a permanent definite appropriation for the maintenance of the Army of the United States? The Secretary of War must submit his estimates for the maintenance of the Army annually. Now, why can not he, and why should he not, submit his estimates for the militia establishment just the same as he submits his estimates for the Army, so that Congress may have some control and supervision over the expenditure?

Mr. MORRELL. I will yield to the chairman of the Committee on Military Affairs.

Mr. HULL. The reason for it is to my mind very plain. The Army is created by Federal law and maintained from year to year on estimates submitted by the War Department. The militia is primarily a State force, organized by the State governments. It is incorporated into what we call the second line of defense only in time of war, so that the Government can only call upon it at that time. It is primarily the police force of the State, but for all time the Government has borne part of the expense of the maintenance of the organized militia of the State. However until only within the last few years there was but little money appropriated, but there was a large appropriation for arms.

Now, we have adopted a plan of a small standing army. With over 80,000,000 people our standing army amounts to only about

60,000 men all told. It is supposed that by having a well-trained militia force the expense of the regular military establishment will be decreased and the necessity for increasing the number, except in time of war, beyond the 60,000 will be obviated. It would be impossible, these being State organizations, for the War Department to submit estimates to Congress in time for action each year. If you attempted that, you would have to appropriate specifically for each State. This bill gives the Department the power to apportion among the States, so that each State gets the proportion of the money that it is entitled to by the efficiency of the guard that it maintains. No State can arrange its expenditures for the guard if it is not known in advance the amount to be contributed permanently for the maintenance of the guard by the Federal Government.

Mr. TAWNEY. Will the gentleman permit me to interrupt him?

Mr. HULL. Yes.

Mr. TAWNEY. Why would it not be just as competent for Congress to annually appropriate the aggregate amount Congress deems necessary for the militia, and make the allotment on the recommendation of the Secretary of War, as it is to appropriate annually for the Army? Then we would obviate the poor, if not dangerous, policy of permanent definite appropriation.

Mr. HULL. This Congress can not bind any of its successors, and whenever Congress desires, it can cut off this appropriation; but by making it annual until Congress otherwise orders, you increase the efficiency of the militia and help to develop this strong arm of national defense. To depend on annual appropriations would work badly. I hope the bill will pass.

The question was taken; and (two-thirds voting in the affirmative) the rules were suspended, and the bill passed.

By unanimous consent, the corresponding House bill was ordered to lie on the table.

PUBLIC LANDS IN CALIFORNIA.

Mr. SMITH of California. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1031) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State.

The bill was read, as follows:

Be it enacted, etc., That there be, and is hereby, granted to the State of California 5 per cent of the net proceeds of the cash sales of the public lands which have been heretofore made by the United States since the admission of said State, or may hereafter be made in said State, to aid in the support of the public or common schools of said State; and the sum of money necessary to pay said 5 per cent to said State is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. I demand a second.

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from California asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from California is entitled to twenty minutes, and the gentleman from Missouri [Mr. CLARK] is entitled to twenty minutes.

Mr. SMITH of California. Does the gentleman from Missouri desire to ask any question?

Mr. CLARK of Missouri. I want to know what this bill is about, and the reasons for such an extraordinary proposition.

Mr. SMITH of California. I will state, Mr. Speaker, that from the time of the admission of Ohio into the Union, in 1802, down to the admission of Oklahoma, last week, every State in the Union, with the single exception of California, has received, in its enabling act, 5 per cent of the cash sales of the public lands within the State. Some of them have had various subsequent acts, giving all the way from 10 to 26 per cent. Now, the reason California did not receive her share was because she never was a Territory. She came to us from Mexico; and without any preliminary action of Congress she prepared and adopted a constitution, elected her Senators and Representatives, and sent them here to Washington.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. SMITH of California. Yes.

Mr. TAWNEY. I think I shall have to correct the gentleman's statement that California is the only State that has not received this payment. The State of Minnesota has not received it.

Mr. GILBERT of Kentucky. Nor has the State of Kentucky.

Mr. TAWNEY. And there is a bill now pending before Congress for the purpose of making that payment to the State of Minnesota.

Mr. SMITH of California. Minnesota, by an act of Congress, found in the fifth volume of the Statutes at Large, at page 73, received her 5 per cent; that was in 1857. Again, in 1858, she was given another 5 per cent. The gentleman probably has in mind the land that was covered by military bounty warrants. That question is unsettled in a great many States, including California also.

Mr. TAWNEY. The act of 1857 preceded the admission of the Territory into the Union.

Mr. SMITH of California. Certainly. That was the enabling act.

Mr. TAWNEY. Yes; that was the enabling act, I suppose. The State was admitted in 1858.

Mr. SMITH of California. This 5 per cent is generally authorized in the enabling act, just as it was in the Oklahoma case last week. We gave Oklahoma 5 per cent, and $5,000,000 beside. California alone is the only State that has never received any share of the cash sales of the public lands.

Mr. CLARK of Missouri. Mr. Speaker, I want to ask the gentleman if this tax is retroactive and undertakes to get 5 per cent of all the lands that are sold?

Mr. SMITH of California. Yes, sir.

Mr. CLARK of Missouri. What have Californians been doing for fifty-four years if they haven't got it before?

Mr. SMITH of California. Since 1879 California has been trying as industriously as she could to get this money. The bill has passed the Senate ten times and never received an unfavorable report in either branch of Congress. It now passes the Senate unanimously as a matter of course, because they have heard it discussed until they know exactly what it means.

Mr. HULL. How much will it carry?

Mr. SMITH of California. In the neighborhood of $900,000; that is, according to the statement which the Auditor of the Treasury made to Senator Bard a year or two ago.

Mr. HULL. It carries 5 per cent on all public lands that have been sold.

Mr. KAHN. Yes; since 1857.

Mr. SMITH of California. On all cash sales. When California was admitted, you must remember that she was a long way off and the East knew practically nothing about her conditions. There were reports about the Spanish grants, and things of that kind, and Congress declared that it could not take care of this question at that time, but would await further information. But in 1851 they appointed a commission to investigate the boundary of the Spanish grants, and in the meantime withdrew the public lands from entry, and it wasn't until 1857 that they were restored; and immediately after that, in 1858, the legislature of California memorialized Congress to take care of this question.

Mr. CLARK of Missouri. Did the homestead act ever apply in California?

Mr. SMITH of California. Yes; it does yet.

Mr. CLARK of Missouri. Does this bill undertake to mulct the Government in 5 per cent of the lands that have been homesteaded?

Mr. SMITH of California. No; it does not touch the homestead or military bounty entries, and does not touch anything except the cash entries. The bill is reported favorably by the Public Lands Committee.

Mr. HINSHAW. In addition to the $900,000 directly appropriated, it will hereafter take 5 per cent of any lands that are sold?

Mr. SMITH of California. Yes; the same as all other States.

Mr. HINSHAW. How much public land have you out there?

Mr. SMITH of California. I don't know; there is a large amount of desert and mountain land that is not going on the market very fast. There is a large part of California in the forest reserve, and much of the balance is desert land that is not going at any price.

Mr. RUCKER. How much would the bill carry for the land already sold?

Mr. SMITH of California. I have already stated—about $900,000.

Mr. RUCKER. How much public land have you yet in California?

Mr. SMITH of California. I stated a moment ago that I was not able to state exactly. There is a very large amount of it in forest reserve and parks, and still more of it rough land—mountainous land and desert lands.

Mr. TAWNEY. Does this admit of the payment for lands that were located under the military warrants?

Mr. SMITH of California. No, sir.

Mr. TAWNEY. It would apply only to the cash sales?

Mr. SMITH of California. Yes, sir.

Mr. TAWNEY. Five per cent of the cash sales?

Mr. SMITH of California. Yes; the bill specifically mentions

cash sales. There is another bill pending here involving the military bounty question in which California is interested, but it is not involved in this bill.

Mr. GILBERT of Kentucky. I would like to know the difference between California in this proposition and Kentucky and Vermont and other States which were admitted prior to 1802. What is the difference in the public land question?

Mr. SMITH of California. I am not familiar with the Kentucky question.

Mr. GILBERT of Kentucky. Is it not true that Vermont and Kentucky and a number of other States admitted into the Union prior to 1802 were in the same attitude California is?

Mr. SMITH of California. This statement shows that Kentucky has been allowed 10 per cent.

Mr. GILBERT of Kentucky. What about Vermont?

Mr. SMITH of California. It is in the same category; it has been allowed 5 per cent, I think.

Mr. GILBERT of Kentucky. Kentucky never had any public lands; she never was a Territory.

Mr. SMITH of California. There was a blanket act, I think, in 1841, giving all of the States 10 per cent, and that was in addition to many 5 per cent grants which they had had on coming into the Union. I reserve the balance of my time.

Mr. CLARK of Missouri. Mr. Speaker, I now yield five minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, I desire only to use about two or three minutes. I wish to say that as I understand this bill—and the committee investigated it pretty carefully—it simply puts California on the same footing as to the 5 per cent fund as the other States that have been admitted into the Union. It is not 5 per cent on homestead entries; and as I understood the bill it is 5 per cent on the cash sales. It is simply what Alabama and Missouri and the other States which came into the Union since the date the gentleman from California refers to received. All of them which have come in since that time have come in on that footing. The mere fact that it is retroactive does not deprive it of the equity that it has, simply because California waited for fifty years to get that which they were entitled to, and which other States got. That certainly is no argument against their having it at this time. I think that the bill is just. The fact is that a great many of us think that there is a good deal more coming to other States from this 5 per cent arising from other sales of land. There is a bill pending, and it has been reported by the Public Lands Committee, giving it to the other States in addition to this 5 per cent fund. But this bill does not embrace that. This simply stands flat-footed on the proposition that California asks for just what the rest of us have gotten. It seems to me that it is equitable and they should have it.

I yield back the balance of my time.

Mr. CLARK of Missouri. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, I would like very much to agree with my colleague on the committee and support this bill, but I can not do it. This bill is predicated upon the fact that the Government owes the State of California $900,000, which is sought to be obtained here under suspension of the rules in a very few minutes' time without adequate debate, while I know and many of my associates know that in the case of individual claims and demands against the Government it is very difficult to secure action. I personally have a bill pending now for relief of an old gentleman who is aged and infirm, and who may not live to see another session of Congress, which I am not permitted to call up. His bill is so just and equitable that no one will oppose it. Everyone who has any knowledge of it concedes it absolute merit, it has been unanimously reported, but I can not get consideration of it. It is only for $200 or $300, but that is to an individual. But when it comes to paying eight or nine or ten hundred thousand dollars to a great State on an assumed liability, legal or equitable, of the Government for past transactions, the House will pass it under suspension of the rules. I can not give my approval to it.

Mr. KAHN. Is it not a fact that Missouri has received 20 per cent of the sales of her public lands?

Mr. CLARK of Missouri. No; that is not true.

Mr. RUCKER. I am not prepared to say. I do not think so. I know one thing, that Missouri has not received any more than she is entitled to, and I am sure of another thing, that Missouri has nobody here asking the Congress of the United States to grant her one dollar she ought not to have. If the gentleman says she has received 20 per cent, I will assume that it is true, because I know the gentleman would not make a statement unless it is true.

Mr. KAHN. Is not California by the same rule entitled to her share?

Mr. RUCKER. If California is entitled to it, the question is, Why hasn't she had it? The gentleman says that since 1879 she has been seeking it.

Mr. KAHN. Members of Congress from that State have succeeded in passing such a bill through one or the other House constantly since that time. There has never been an adverse report, so that everybody has conceded the justice of the claim.

Mr. RUCKER. Mr. Speaker, I want to say I was not present in the committee when this bill was considered, therefore I do not pronounce against the justice of the bill. It may be just, but so far as I am personally concerned, I can not support it for the reasons just stated.

I yield back the balance of my time.

Mr. CLARK of Missouri. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, this is a particularly appropriate time to do this act of justice to the people of California. The legislation proposes to give to the State and the people of California that proportion of the proceeds of the cash sales of public lands that all of the other public-land States have received. I sympathize with the gentleman from Missouri [Mr. RUCKER] in view of the fact that he has not up to this time been able to bring his meritorious proposition up for consideration, but I submit that that is no argument against doing this act of simple justice to California. It is not proposed by this legislation to do more for California than has been done for the people of all the other public-land States of the Union, and at this time, when that great State is still under the shadow of an overwhelming catastrophe, it is, as I said, most proper and opportune that we should give to the State these sums to which she has been so long entitled.

Mr. CLARK of Missouri. Mr. Speaker, I have not half as much objection to this particular bill as I have to this way of legislating. Here the gentleman comes in under suspension of the rules with a claim for $900,000, and there is not a man in the House who has time enough to investigate the facts and find out whether it is a just claim or not.

I remember one time I was objecting to Speaker Reed in a private conversation about the strictness with which he demanded that he should investigate bills to know what was in them himself before he would recognize me or anybody else to call one of them up under unanimous consent. This arrangement is very close kin to the unanimous-consent business. He said that on the face of it it looked like the fairest way in the world to pass a bill was to call it up by unanimous consent, but as a matter of fact that it was the most dangerous way that legislation was ever adopted by this House, and I believe that that is true. We have not time to investigate what these other States got and under what kind of acts they got them.

Mr. MONDELL. Mr. Speaker, will the gentleman yield to me for a question?

Mr. CLARK of Missouri. Yes.

Mr. MONDELL. The gentleman knows that the committee has very carefully examined this matter, and the members of the committee have assured the gentleman that 5 per cent of the cash sales of the public lands has been paid to all the public-land States, and a number of the public-land States—I think including the gentleman's own State—received a larger amount.

Mr. CLARK of Missouri. I want to take that as an illustration, the proposition that you do not know what you are doing. It says, "Missouri, 2 per cent, February 28, 1859." Two per cent on what in 1859? "Missouri, 3 per cent, May 3, 1822." Three per cent on what?

Mr. MONDELL. Mr. Speaker——

Mr. CLARK of Missouri. Wait a minute until I get through. "Missouri, 10 per cent, September 4, 1841." Ten per cent on what?

Mr. MONDELL. Mr. Speaker, if the gentleman will yield I think I can inform him.

Mr. CLARK of Missouri. Well, that is what I want.

Mr. MONDELL. These sums have all been paid on the basis of cash sales—2½ per cent, 3 per cent, or 10 per cent, as the case might be, on the amount of cash sales of land within the borders of the State. Now, all of the States have received at least 5 per cent on cash sales; all of them have received that. Some of the States have had special legislation whereby, in addition, they have received 5 or 10 per cent on certain classes of sales of land not sold for cash, figured on a cash basis of $1.25 an acre. Now, we are not proposing to give California the grant that a number of other States have had over and above the uniform amount of 5 per cent on cash sales, but every State in the Union has received at least 5 per cent on the cash sales of their public lands, and California is certainly entitled to that amount.

Mr. CLARK of Missouri. Let me ask a question. How does it happen Missouri, for instance—I take that because it is my own State—has not received any per cent on public lands sold since 1841?

Mr. MONDELL. On the contrary, I want to say to the gentleman——

Mr. SMITH of California. Those acts were of a continuing nature; they were to continue as long as there were public lands.

Mr. MONDELL. And Missouri has received every year and is receiving now and will receive this year 5 per cent on the cash sales of her public lands, and every other State in the Union save California alone.

Mr. SMITH of California. May I make an explanation with reference to the 2 per cent feature? I have not examined that particular State, but I have followed through a great many, and in the case of Alabama, you see, when she came into the Union she was given 3 per cent for a few years, and then Alabama was given 2 per cent——

Mr. CLARK of Missouri. Two per cent to start on, and then 3.

Mr. SMITH of California. Yes; and now the act admitting Alabama provided this: That 5 per cent of the sales of public lands of Alabama should be set aside for the benefit of the State; that 3 per cent, or 2, should be expended by the State of Alabama on her highways and on river improvements, and the other should be spent by the Federal Government for her benefit; and then a few years later an act of Congress was passed turning over that to the State also, and she got the benefit of the full 5 per cent from the beginning. Congress disposed of a portion of it at first, and then turned it all over to her.

Mr. CLARK of Missouri. If it turns out that the statements of the gentleman from California and the gentleman from Wyoming are correct——

Mr. MONDELL. I assure the gentleman the statements are correct.

Mr. CLARK of Missouri. Then California is only getting what she is entitled to.

Mr. SMITH of California. That is all we are asking for.

Mr. CLARK of Missouri. But if the act authorizing this to Missouri and the rest of these States is not a continuing act, and they have not all got this percentage to which they are entitled under these various acts, then in the next Congress every State in the Government, except California, will be back in here with a bill to give them what California has gotten, and, like the fellow with his bread and molasses, it will never come out even.

Mr. MONDELL. If the gentleman will yield again, I want to assure the gentleman that every member of the Committee on Public Lands, and a great many Members of the House, are familiar with this situation. Every State in the Union is receiving, and has received since its admission, 5 per cent, at least, of the cash sales of the public lands.

Mr. PAYNE. I would like to ask the gentleman if he has any knowledge of the amount received by each State? For instance, how much did New York receive? The report says 10 per cent, and 10 per cent is about the only money received by the State of New York that I know of, and that was the loan made to the State in 1840 and 1841. That loan was made to New York and to other States based not upon the sale of lands, but upon the population. Now, if our quota was detained from the sale of land, it would hardly be enough, in my judgment, to send the children to school, let alone giving $1,000,000 to California at one fell swoop.

Mr. MONDELL. I can not tell the gentleman at this moment what the actual amount paid to each State has been, but each State has received 5 per cent of the amount received in cash from the sale of lands within her borders belonging to the United States.

Mr. PAYNE. It looks to me like a very inequitable distribution.

Mr. SMITH of California. Let me ask a question. The deposit which was made in the various States was outside and entirely independent of this 5 per cent, or whatever it was, that was given out of the proceeds of the sale. It was absolutely a gift from the public Treasury—that is, a deposit which has resulted in a gift.

Mr. PAYNE. I am a little curious to know what New York got at the rate of 10 per cent of the sale of public lands in the State of New York.

Mr. MONDELL. They probably would not get much at this time.

Mr. PAYNE. If I had had information that this bill was coming up, I would have looked into it. If the committee had wanted to give full information to the House, they probably would have put that into the report.

Mr. CLARK of Missouri. Here is the act of 1841:

That from and after the 31st day of December, A. D. 1841, there be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan, over and above what each of the said States are entitled to by the terms of the compact entered into between them and the United States upon their admission into the Union, the sum of 10 per cent on the net proceeds of the sales of the public lands which, subsequent to the day aforesaid, shall be made within the limits of each of the said States, respectively.

That seems to be a continuing act.

Mr. SMITH of California. Yes, sir; it is.

Mr. CLARK of Missouri. I have done my duty by the House by calling their attention to this slipshod way of legislating here.

Mr. PAYNE. I call my friend's attention to the fact that New York is not included in the act of 1841.

Mr. CLARK of Missouri. I made a mistake because the memorandum is wrong in the report of the committee.

Mr. PAYNE. I am inclined to think that the whole thing is a mistake. Inasmuch as the report does not include those States, it looks as if some one had made a mistake in making up the report.

Mr. SMITH of California. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I will ask leave to insert in my remarks, for the convenience of the House, a copy of the enabling acts relating to this matter in the States of Ohio, Louisiana, Indiana, Mississippi, Illinois, Alabama, Missouri, and down to and including Wyoming. There was no preceding enabling act for the State of California, and consequently California did not get the 5 per cent that was given to the other public-land States. I will give the act of Missouri as an illustration, for the benefit of my friend from Missouri [Mr. CLARK]. Missouri got 5 per cent of the net proceeds of the land for making public roads, canals, improving the navigation of rivers, three-fifths of which was to be applied in the State under the direction of the legislature, and two-fifths to the making of a road or roads leading to the State under the direction of Congress. At that time it was a hard matter to get a wagon road over into Missouri, so that the people could go there, and two-fifths of the money was to be spent by Congress to get a road into that then distant State.

Mr. CLARK of Missouri. That was the old Cumberland road.

Mr. LACEY. That was the original proposition; but after that road was built and joined with the other roads leading to Missouri, and after Missouri needed no more such roads she still continued to get the 5 per cent, and has been getting it ever since, and has been building her own roads. Now, as to the State of Missouri, the consideration that she gave for this grant was this: She provided "no taxes should be imposed on lands the property of the United States within the State, and the navigable waters within the State shall remain public streams, and that without any tax, duty, or impost." Most of the States added one other condition providing that there should be no tax upon public lands sold by the United States for five years after they had been sold, exempting the property of the private citizen who purchased such land from the United States from taxation for five years. The condition varies a little as to the purpose for which the money was to be used in the different enabling acts, but all the different States had an enabling act, with the exception of the State of California.

Gentlemen who are familiar with the history of that time will recall the fact that there was a great struggle between the free States and the slave States; and the question was about the admission of California into the Union, doing it immediately, without an enabling act, and passing a fugitive-slave law, and a number of things became part of the general compromise, and California was rushed into the Union without a previous enabling act; and therefore it had never set apart the 5 per cent of the proceeds of the public lands that all the other new States had. She has been calling for it ever since I have been a Member of Congress; and the Committee on Public Lands have made a favorable report in nearly every Congress of which I have been a Member to give to them the same as was given to Missouri, Arkansas, and Kansas. There is no reason why California should not be put on the same footing. There is no provision in this bill as to what should be done with the money. I apprehend that California will take care of that. I suggest that it might be wisest to turn it over to the relief of San Francisco——

Mr. SMITH of California. California will give it to the benefit of public schools.

Mr. LACEY. There being no enabling act. There was a different proposition in the other States applying to the conditions

surrounding each separate enabling act as the enabling act was passed. I ask to insert as a part of my remarks these different enabling acts.

There was no objection.

The enabling acts are as follows:

PUBLIC LAND STATES.

Dates of admission to the Union.

State.	Date.	United States Statutes.	
Ohio	Apr. 30, 1802	Vol. 2,	p. 175
Louisiana	Feb. 20, 1811	2,	641
Indiana	Apr. 19, 1816	3,	290
Mississippi	July 4, 1836 / Mar. 3, 1857	3,	349
Illinois	Apr. 18, 1818	3,	430
Alabama	Mar. 2, 1819 / Mar. 2, 1855	3,	389
Missouri	Mar. 6, 1820	3,	545
Arkansas	June 23, 1836	5,	58
Michigan	do	5,	59
Iowa	Mar. 3, 1845	5,	790
Florida	do	5,	790
Wisconsin	Aug. 6, 1846	9,	58
Minnesota	Feb. 26, 1857	11,	167
Oregon	Feb. 14, 1859	11,	384
Kansas	May 4, 1858	12,	127
Nevada	Mar. 16, 1864	13,	30
Nebraska	Apr. 19, 1864	13,	47
Colorado	Mar. 3, 1875	13,	34
California	Sept. 9, 1850	9,	453

OHIO.

[5 per cent.]

* * * * * * * *

SEC. 7. 3d. That one-twentieth part of the net proceeds of the lands lying within the said State sold by Congress, from and after the thirtieth day of June next, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said State, and through the same, such roads to be laid out under the authority of Congress, with the consent of the several States through which the road shall pass:

Provided always, That the three foregoing propositions herein offered are on the conditions that the convention of the said State shall provide, by an ordinance irrevocable without the consent of the United States, *that every and each tract of land sold by Congress* from and after the thirtieth day of June next, *shall be and remain exempt from any tax* laid by order or under authority of the State, whether for State, county, township, or any other purpose whatever, for the term of five years from and after the day of sale. (U. S. Stats., vol. 2, p. 175.)

LOUISIANA.

[5 per cent.]

* * * * * * * *

SEC. 5. *And be it further enacted*, That five percentum of the net proceeds of the sales of the lands of the United States after the first day of January, shall be applied to laying out and constructing public roads and levees in the said State, as the legislature thereof may direct.

SEC. 3. * * * *And provided also*, That the said convention shall provide by an ordinance, irrevocable without the consent of the United States, that the people inhabiting the said territory do agree and declare that they forever disclaim all right or title to the waste or unappropriated lands lying within the said territory; and that the same shall be and remain at the sole and entire disposition of the United States; and, moreover, that each and every tract of land sold by Congress *shall be* and *remain exempt* from *any tax* laid by the order or under the authority of the State, whether for State, county, township, parish, or any other purpose whatever, for the term of five years from and after the respective days of the sales thereof; and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to persons residing therein; and that *no taxes shall be imposed on lands the property of the United States;* and that the river Mississippi and the navigable rivers and waters leading into the same or into the Gulf of Mexico shall be common highways and forever free, as well to the inhabitants of the said State as to other citizens of the United States, without any tax, duty, impost, or toll therefor imposed by the said State. (U. S. Stats., vol. 2, p. 641.)

INDIANA.

[5 per cent.]

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SEC. 6. 3d. That five per cent of the net proceeds of the lands lying within the said Territory, and which shall be sold by Congress from and after the first day of December next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the said State, under the direction of the legislature thereof, and two-fifths to the making of a road or roads leading to the said State, under the direction of Congress.

FIFTH. * * * *And provided always*, That the five foregoing provisions herein offered are on the conditions that the convention of the said State shall provide, by an ordinance irrevocable without the consent of the United States, that every and each tract of land sold by the United States from and after the first day of December next shall be and *remain exempt from any tax* laid by order or under any authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after day of sale. (U. S. Stats., vol. 3, p. 290.)

MISSISSIPPI.

[5 per cent.]

SEC. 5. *And be it further enacted*, That five per cent of the net proceeds of the lands lying within the said Territory, and which shall be sold by Congress from and after the first day of December next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the said State, under the direction of the legislature thereof, and two-fifths to the making of a road or roads leading to the said State, under the direction of Congress.

SEC. 4. * * * *And provided also*, That the said convention shall provide, by an ordinance irrevocable without the consent of the United States, that the people inhabiting the said Territory do agree and declare that they forever disclaim all right or title to the waste or unappropriated lands lying within the said Territory, and that the same shall be and remain at the sole and entire disposition of the United States; and, moreover, that each and every tract of land sold by Congress shall be and *remain exempt from any tax* laid by the order or under the authority of the State, whether for State, county, township, parish, or any other purpose whatever, for the term of five years from and after the respective days of the sales thereof, and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to persons residing therein; and that *no taxes* shall be *imposed on lands the property of the United States*, and that the river Mississippi, and the navigable rivers and waters leading into the same, or into the Gulf of Mexico, shall be common highways, and forever free, as well to the inhabitants of the said State as to other citizens of the United States, without any tax, duty, impost, or toll therefor imposed by the said State. (U. S. Stats., vol. 3, p. 349.)

ILLINOIS.

[5 per cent.]

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SEC. 6. 3d. That five per cent of the net proceeds of the lands lying within such State, and which shall be sold by Congress from and after the first day of January, one thousand eight hundred and nineteen, after deducting all expenses incident to the same, shall be reserved for the purposes following, viz: Two-fifths to be disbursed, under the direction of Congress, in making roads leading to the State, the residue to be appropriated by the legislature of the State for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university.

FOURTH. * * * *Providing always*, That the four foregoing propositions herein offered are on the conditions that the convention of the said State shall provide, by an ordinance irrevocable without the consent of the United States, that every and each tract of land sold by the United States from and after the first day of January, one thousand eight hundred and nineteen, shall *remain exempt from any tax laid* by order or under any authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale: *And further*, That the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt, as aforesaid, from all taxes for the term of three years from and after the date of the patents, respectively; and that all the lands belonging to the citizens of the United States residing without the said State shall never be taxed higher than lands belonging to persons residing therein. (U. S. Stats., vol. 3, p. 430.)

ALABAMA.

[5 per cent.]

* * * * * * * *

SEC. 6. 3d. That five per cent of the net proceeds of the lands lying within the said Territory, and which shall be sold by Congress from and after the first day of September, in the year one thousand eight hundred and nineteen, after deducting all expenses incident to the same, shall be reserved for making public roads, canals, and improving the navigation of rivers, of which three-fifths shall be applied to those objects within the said State, under the direction of the legislature thereof, and two-fifths to the making of a road or roads leading to the said State, under the direction of Congress.

4th. * * * *And provided, always*, That the said convention shall provide by an ordinance, irrevocable without the consent of the United States, that the people inhabiting the said Territory do agree and declare that they forever disclaim all right and title to the waste or unappropriated lands lying within the said Territory, and that the same shall be and remain at the sole and entire disposition of the United States; and, moreover, that each and every tract of land sold by the United States after the first day of September, in the year one thousand eight hundred and nineteen, *shall be* and *remain exempt from any tax* laid by the order or under the authority of the State, county, township, parish, or any other purpose whatever, for the term of five years from and after the respective days of the sales thereof; and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to persons residing therein; and *that no tax shall be imposed on lands the property of the United States;* and that all navigable waters within the said State shall forever remain public highways, free to all citizens of said State and of the United States, without any tax, duty, impost, or toll therefor imposed by the said State. (U. S. Stats., vol. 3, p. 489.)

MISSOURI.

[5 per cent.]

* * * * * * * *

SEC. 6. 3d. That five per cent of the net proceeds of the sale of land lying within the said Territory or State, and which shall be sold by Congress from and after the first day of January next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the State, under the direction of the legislature thereof, and the other two-fifths in defraying, under the direction of Congress, the expenses to be incurred in making of a road or roads, canal or canals leading to the said State.

FIFTH. * * * *Provided*, That the five foregoing propositions herein offered are on the condition that the convention of the said State shall provide by an ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by the United States from and after the first day of January next shall *remain exempt from any tax* laid by order or under the authority of the State, the patentees, or their heirs, remain exempt as aforesaid from taxation for the term of five years from and after the day of sale: *And further*, That the bounty lands granted, or hereafter to be granted for military services during the late war, shall, while they continue to be held by the patentees, or their heirs, remain exempt as aforesaid from taxation for the term of three years from and after the date of the patents, respectively. (U. S. Stats., vol. 3, p. 545.)

ARKANSAS.

[5 per cent.]

* * * * * * *

THIRD. That five per cent of the net proceeds of the sale of lands lying within said State, and which shall be sold by Congress from and after the first day of July next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals within the said State, under the direction of the general assembly thereof.

FIFTH. * * * *Provided*, That the five foregoing propositions herein offered are on the condition that the general assembly or legislature of the said State, by virtue of the powers conferred upon it by the convention which framed the constitution of said State, shall provide, by an ordinance irrevocable without the consent of the United States, that the said general assembly of said State shall *never interfere with the primary disposal of the soil within the same by the United States*, nor with any regulation Congress may find necessary for securing the title of such soil to the *bona fide* purchasers thereof; and that *no tax shall be imposed on lands the property of the United States*, and that in no case shall nonresident proprietors be taxed higher than residents; and that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, whilst they continue to be held by the patentees or their heirs, remain *exempt from any tax* laid by order or under the authority of the State, county, township, or any other purpose, for the term of three years from and after the date of the patents, respectively. (U. S. Stats., vol. 5, p. 58.)

MICHIGAN.

[5 per cent.]

* * * * * * *

FIFTH. That five per cent of the net proceeds of the sales of all public lands lying within the said State which have been or shall be sold by Congress from and after the first day of July, eighteen hundred and thirty-six, after deducting all the expenses incident to the same, shall be appropriated for making public roads and canals within the said State, as the legislature may direct: *Provided*, That the five foregoing propositions herein offered are on the condition that the legislature of the said State, by virtue of the powers conferred upon it by the convention which framed the constitution of the said State, shall provide, by an ordinance irrevocable without the consent of the United States, that the said State shall *never interfere with the primary disposal of the soil within the same by the United States*, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers thereof; and that *no tax shall be imposed on lands the property of the United States;* and that in no case shall nonresident proprietors be taxed higher than residents; and that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, whilst they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether for State, county, township, or any other purpose, for the term of three years from and after the date of the patents, respectively. (U. S. Stats., vol. 5, p. 59.)

IOWA AND FLORIDA.

[5 per cent.]

* * * * * * *

5th. That five per cent of the net proceeds of sales of all public lands lying within the said State which have been or shall be sold by Congress from and after the admission of said State, after deducting all the expenses incident to the same, shall be appropriated for making public roads and canals within the said State, as the legislature may direct: *Provided*, That the five foregoing propositions herein offered are on the condition that the legislature of the said State, by virtue of the powers conferred upon it by the convention which framed the constitution of the said State, shall provide, by an ordinance irrevocable without the consent of the United States, that the said State *shall never interfere with the primary disposal of the soil within the same by the United States*, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers thereof; and that *no tax shall be imposed on lands the property of the United States;* and that in no case shall nonresident proprietors be taxed higher than residents; and that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether for State, country, township, or any other purpose, for the term of three years from and after the date of the patents, respectively. (U. S. Stats., vol. 5, p. 790.)

WISCONSIN.

[5 per cent.]

* * * * * * *

5th. That five per cent of the net proceeds of sales of all public lands lying within the said State which have been or shall be sold by Congress from and after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the purpose of making public roads and canals in the same, as the legislature shall direct: *Provided*, That the foregoing propositions herein offered are on the conditions that the said convention which shall form the constitution of said State shall provide, by a clause in said constitution, or an ordinance, irrevocable without the consent of the United States, *that said State shall never interfere with the primary disposal of the soil within the same by the United States*, nor with any regulations Congress may find necessary for securing the title in such soil to *bona fide* purchasers thereof; *and that no tax shall be imposed on lands the property of the United States;* and that in no case shall nonresident proprietors be taxed higher than residents. (U. S. Stats., vol. 9, p. 58.)

MINNESOTA.

[5 per cent.]

* * * * * * *

SEC. 5. 5th. That five per cent of the net proceeds of sales of all public lands lying within said State which shall be sold by Congress after the admission of the said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State for the purpose of making public roads and internal improvements, as the legislature shall direct: *Provided*, The foregoing propositions herein offered are on the condition that the said convention which shall form the constitution of said State shall provide, by a clause in said constitution, or an ordinance, irrevocable without the consent of the United States, that *said State shall never interfere with the primary disposal of the soil within the same by the United States*, or with any regulations Congress may find necessary for securing the title in said soil to *bona fide* purchasers thereof; *and that no tax shall be imposed on lands belonging to the United States;* and that in no case shall nonresident proprietors be taxed higher than residents. (U. S. Stats., vol. 11, p. 167.)

OREGON.

[5 per cent.]

* * * * * * *

SEC. 4. 5th. That five per centum of the net proceeds of sales of all public lands lying within said State which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State for the purpose of making public roads and internal improvements, as the legislature shall direct: *Provided*, That the foregoing propositions hereinbefore offered are on the condition that the people of Oregon shall provide, by an ordinance irrevocable without the consent of the United States, *that said State shall never interfere with the primary disposal of the soil within the same by the United States*, or with any regulations Congress may find necessary for securing the title in said soil to *bona fide* purchasers thereof; and that in no case shall nonresident proprietors be taxed higher than residents.

6th. And that the said State shall never tax the lands or the property of the United States in said State. (U. S. Stats., vol. 11, p. 384.)

KANSAS.

[5 per cent.]

* * * * * * *

SEC. 3. 5th. That five per centum of the net proceeds of sales of all public lands lying within said State which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State for the purpose of making public roads and internal improvements, or for other purposes, as the legislature may direct: *Provided*, That the foregoing propositions hereinbefore offered are on the condition that the people of Kansas shall provide, by an ordinance irrevocable without the consent of the United States, that *said State shall never interfere with the primary disposal of the soil within the same by the United States* or with any regulations Congress may find necessary for securing the title in said soil to *bona fide* purchasers thereof.

6th. And that the *said State shall never tax the lands* or the *property of the United States in said State*. (U. S. Stats., vol. 12, p. 127.)

NEVADA.

[5 per cent.]

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SEC. 10. * * * That five per centum of the proceeds of the sales of all public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the purpose of making and improving public roads, constructing ditches or canals, to effect a general system of irrigation of the agricultural land in the State, as the legislature shall direct.

SEC. 4. 3rd. That the people inhabiting said Territory do agree and declare that they forever *disclaim all right and title to the unappropriated public lands lying within said Territory*, and *that the same shall be and remain at the sole and entire disposition of the United States;* and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the land belonging to the residents thereof; and that no *taxes shall be imposed by said State on lands or property therein belonging to or which may hereafter be purchased by the United States*. (U. S. Stats., vol. 13, p. 30.)

NEBRASKA.

[5 per cent.]

* * * * * * *

SEC. 12. * * * That five per centum of the proceeds of the sales of all public lands lying within said State which have been or shall be sold by the United States prior or subsequent to the admission of said State into the Union, after deducting all expenses incident to the same, shall be paid to the said State for the support of common schools.

SEC. 4. 3rd. That the people inhabiting said Territory do agree and declare that they forever *disclaim all right and title to the unappropriated public lands lying within said Territory*, and that *the same shall be and remain at the sole and entire disposition of the United States;* and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof; and that *no taxes shall be imposed by said State on lands or property therein belonging to or which may hereafter be purchased by the United States*. (U. S. Stats., vol. 13, p. 47.)

COLORADO.

[5 per cent.]

* * * * * * *

SEC. 10. * * * That five per centum of the proceeds of the sales of all public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all expenses incident to the same, shall be paid to the said State for the purpose of making and improving public roads, constructing ditches or canals, to effect a general system of irrigation of the agricultural land of the State, as the legislature shall direct.

SEC. 4. 3rd. That the people inhabiting said Territory do agree and declare that they *forever disclaim all right and title to the unappropriated public lands within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States*, and that the land belonging to citizens of the United States residing without the said State shall never be taxed higher than the land belonging to residents thereof; and that *no taxes shall be imposed by said State on lands or property therein belonging to or which may hereafter be purchased by the United States*. (U. S. Stats., vol. 13, p. 34.)

CALIFORNIA.

[5 per cent.]

* * * * * * *

Be it enacted, * * * That the State of California shall be one, and is hereby declared to be one, of the United States of America, and *admitted into the Union on an equal footing with the original States in all respects whatever*.

SEC. 3. * * * That the said State of California is admitted into the Union upon the express condition that the people of said State, through their legislature or otherwise, *shall never interfere with the*

primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned; and that they shall never lay any tax or assessment of any description whatsoever upon the public domain of the United States; and in no case shall nonresident proprietors who are citizens of the United States be taxed higher than residents; and that all the navigable waters within the said State shall be common highways and forever free, as well to the inhabitants of said state as to the citizens of the United States, without any tax, impost, or duty therefor. (U. S. Stats., vol. 9, p. 453.)

NORTH DAKOTA, SOUTH DAKOTA, MONTANA, AND WASHINGTON.

[February 22, 1889, 25 Stats., sec. 13, p. 676.]

IDAHO.

[July 3, 1890, 26 Stats., sec. 7, p. 215.]

WYOMING.

[July 10, 1890, 26 Stats., sec. 7, p. 222.]

* * * That five per centum of the proceeds of the sales of public lands lying within said States, which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States to be used as a permanent fund, the interest of which only shall be expended for the purpose of common schools within said States, respectively.

The SPEAKER. The question is on suspending the rules and passing the Senate bill.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. I offer the following motion.

The Clerk read as follows:

I move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the consideration of the Senate amendments to the agricultural appropriation bill, disagree to all the Senate amendments except No. 29, to concur in amendment 29, with the amendment recommended by the Committee on Agriculture, and ask a conference with the Senate on the disagreeing vote.

The SPEAKER. Is a second demanded?

Mr. LAMB. I demand a second.

Mr. WADSWORTH. I ask unanimous consent that a second may be considered as ordered.

Mr. WILLIAMS. I would like to ask the gentleman from New York if he can not agree upon a few minutes additional time beyond that allowed under the rule when a second is ordered?

Mr. WADSWORTH. I think the subject is so well understood by the House that twenty minutes on a side will be sufficient, which we are granted on a motion to suspend the rules.

The SPEAKER. Is unanimous consent given that a second be considered as ordered?

Mr. DAVIS of Minnesota. I would like to make a parliamentary inquiry.

The SPEAKER. Does the gentleman object to a second being considered as ordered?

Mr. DAVIS of Minnesota. For the present I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DAVIS of Minnesota. Under the proceedings contemplated is it the intention that an amendment may be offered to the committee substitute?

The SPEAKER. A motion to suspend the rules and pass a bill covers the bill and such matters as are covered by the motion, and nothing else. Is a second considered as ordered?

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent. Has the matter of a second been disposed of?

The SPEAKER. The Chair is trying to see.

Mr. WILLIAMS. I will wait until it is.

The SPEAKER. Is unanimous consent granted that a second may be considered as ordered? [After a pause.] The Chair hears no objection. The gentleman from New York is entitled to twenty minutes and the gentleman from Virginia to twenty minutes.

Mr. WILLIAMS. Now, Mr. Speaker, I wish to submit a request for unanimous consent, that there may be forty minutes' debate on each side.

Mr. WADSWORTH. I hate to be discourteous, Mr. Speaker, but I shall have to object.

The SPEAKER. The gentleman from New York objects. Without objection, the committee amendment proposed by way of substitute for the Senate amendment will be read, not to be taken out of anyone's time.

Mr. HENRY of Texas. What was the statement of the Chair?

The SPEAKER. That if there be no objection the proposed amendment, recommended by the House committee, will be read.

Mr. HENRY of Texas. We want to have it read.

The SPEAKER. It is also printed in bill form. The Clerk will read.

Mr. WADSWORTH. So that there may be no confusion, I want to say to the House that the print of June 19, 1906—today—is the print from which the Clerk will now read. It is found on page 15, and it is amendment numbered 29 to the agricultural appropriation bill.

The Clerk read as follows:

That for the purpose of preventing the use in interstate or foreign commerce, as hereinafter provided, of meat and meat food products which are unsound, unhealthful, unwholesome, or otherwise unfit for human food, the Secretary of Agriculture, at his discretion, may cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment, in which they are to be slaughtered and the meat and meat food products thereof are to be used in interstate or foreign commerce; and all cattle, swine, sheep, and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, or goats, and when so slaughtered the carcasses of said cattle, sheep, swine, or goats shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Secretary of Agriculture as herein provided for.

That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors appointed for that purpose, as hereinafter provided, a postmortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats to be prepared for human consumption at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in any State, Territory, or the District of Columbia for transportation or sale as articles of interstate or foreign commerce; and the carcasses and parts thereof of all such animals found to be sound, healthful, wholesome, and fit for human food shall be marked, stamped, tagged, or labeled as "Inspected and passed;" and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned," all carcasses and parts thereof of animals found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof, and said inspectors, after said first inspection shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become unsound, unhealthy, unwholesome, or in any way unfit for human food, and if any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, it shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof.

The foregoing provisions shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, and goats, or the meat or meat products thereof which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for ment food products; and the foregoing provisions shall also apply to all such products which, after having been issued from any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained.

That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors appointed for that purpose an examination and inspection of all meat food products prepared for interstate or foreign commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection said inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "Inspected and passed" all such products found to be sound, healthful, and wholesome, and which contain no dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food; and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all such products found unsound, unhealthful, and unwholesome, or which contain dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy such condemned meat food products: *Provided*, That, subject to the rules and regulations of the Secretary of Agriculture, the provisions hereof in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of this act.

That when any meat or meat food product prepared for interstate or foreign commerce which has been inspected as hereinbefore provided and marked "Inspected and passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this act is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under the supervision of an inspector, which label shall state that the contents thereof have been "inspected and passed" under the provisions of this act; and no inspection and examination of meat or meat food products deposited or inclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this act is maintained shall be deemed to be complete until such meat or meat food products have been sealed or inclosed in said can, tin, pot, canvas, or other receptacle, or covering under the supervision of an inspector, and no such meat or meat food products shall be sold or offered for sale by any person, firm, or corporation in interstate or foreign commerce under any false or deceptive name; but established trade name or names which are usual to such

products and which are not false and deceptive and which shall be approved by the Secretary of Agriculture are permitted.

The Secretary of Agriculture shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of all slaughtering, meat canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, and goats are slaughtered and the meat and meat food products thereof are prepared for interstate or foreign commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human food, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged as "inspected and passed."

That the Secretary of Agriculture shall cause an examination and inspection of all cattle, sheep, swine, and goats, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of interstate or foreign commerce to be made during the nighttime as well as during the daytime when the slaughtering of said cattle, sheep, swine, and goats, or the preparation of said food products, is conducted during the nighttime.

That on and after October 1, 1906, no person, firm, or corporation shall transport or offer for transportation, and no carrier of interstate or foreign commerce shall transport or receive for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to any foreign country, any carcasses or parts thereof, meat, or meat food products thereof which have not been inspected, examined, and marked as "inspected and passed," in accordance with the terms of this act and with the rules and regulations prescribed by the Secretary of Agriculture: *Provided*, That all meat and meat food products on hand on October 1, 1906, at establishments where inspection has not been maintained, or which have been inspected under existing law, shall be examined and labeled under such rules and regulations as the Secretary of Agriculture shall prescribe, and then shall be allowed to be sold in interstate or foreign commerce.

That no person, firm, or corporation, or officer, agent, or employee thereof, shall forge, counterfeit, simulate, or falsely represent, or shall without proper authority use, fail to use, or detach, or shall knowingly or wrongfully alter, deface, or destroy, or fail to deface or destroy, any of the marks, stamps, tags, labels, or other identification devices provided for in this act, or in and as directed by the rules and regulations prescribed hereunder by the Secretary of Agriculture, on any carcasses, parts of carcasses, or the food product, or containers thereof, subject to the provisions of this act, or any certificate in relation thereto, authorized or required by this act or by the said rules and regulations of the Secretary of Agriculture.

That the Secretary of Agriculture shall cause to be made a careful inspection of all cattle, sheep, swine, and goats intended and offered for export to foreign countries at such times and places and in such manner as he may deem proper, to ascertain whether such cattle, sheep, swine, and goats are free from disease.

And for this purpose he may appoint inspectors who shall be authorized to give an official certificate clearly stating the condition in which such cattle, sheep, swine, and goats are found.

And no clearance shall be given to any vessel having on board cattle, sheep, swine, or goats for export to a foreign country until the owner or shipper of such cattle, sheep, swine, or goats has a certificate from the inspector herein authorized to be appointed, stating that the said cattle, sheep, swine, or goats are sound and healthy, or unless the Secretary of Agriculture shall have waived the requirement of such certificate for export to the particular country to which such cattle, sheep, swine, or goats are to be exported.

That the Secretary of Agriculture shall also cause to be made a careful inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats, the meat of which, fresh, salted, canned, corned, packed, cured, or otherwise prepared, is intended and offered for export to any foreign country, at such times and places and in such manner as he may deem proper.

And for this purpose he may appoint inspectors who shall be authorized to give an official certificate stating the condition in which said cattle, sheep, swine, or goats, and the meat thereof, are found.

And no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef, mutton, pork, or goat meat, being the meat of animals killed after the passage of this act, or except as hereinbefore provided for export to and sale in a foreign country from any port in the United States, until the owner or shipper thereof shall obtain from an inspector appointed under the provisions of this act a certificate that the said cattle, sheep, swine, and goats were sound and healthy at the time of inspection, and that their meat is sound and wholesome, unless the Secretary of Agriculture shall have waived the requirements of such certificate for the country to which said cattle, sheep, swine, and goats or meats are to be exported.

That the inspectors provided for herein shall be authorized to give official certificates of the sound and wholesome condition of the cattle, sheep, swine, and goats, their carcasses and products as herein described, and one copy of every certificate granted under the provisions of this act shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the cattle, sheep, swine, and goats or their carcasses and products are sent abroad, a third copy shall be delivered to the chief officer of the vessel on which the shipment shall be made.

That no person, firm, or corporation engaged in the interstate commerce of meat or meat food products shall transport or offer for transportation, sell or offer to sell any such meat or meat food products in any State or Territory or in the District of Columbia or any place under the jurisdiction of the United States, other than in the State or Territory or in the District of Columbia or any place under the jurisdiction of the United States in which the slaughtering, packing, canning, rendering, or other similar establishment owned, leased, operated by said firm, person, or corporation is located unless and until said person, firm, or corporation shall have complied with all of the provisions of this act.

That any person, firm, or corporation, or any officer or agent of any such person, firm, or corporation, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished on conviction thereof by a fine of not exceeding $10,000 or imprisonment for a period not more than two years, or by both such fine and imprisonment, in the discretion of the court.

That the Secretary of Agriculture shall appoint from time to time inspectors to make examination and inspection of all cattle, sheep, swine, and goats, the inspection of which is hereby provided for, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products hereinbefore described are prepared; and said inspectors shall refuse to stamp, mark, tag, or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment hereinbefore mentioned, until the same shall have actually been inspected and found to be sound, healthful, wholesome, and fit for human food, and to contain no dyes, chemicals, preservatives, or ingredients which render such meat food product unsound, unhealthful, unwholesome, or unfit for human food; and to have been prepared under proper sanitary conditions, hereinbefore provided for; and shall perform such other duties as are provided by this act and by the rules and regulations to be prescribed by said Secretary of Agriculture; and said Secretary of Agriculture shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of this act, and all inspections and examinations made under this act shall be such and made in such manner as described in the rules and regulations prescribed by said Secretary of Agriculture not inconsistent with the provisions of this act.

That any person, firm, or corporation, or any agent or employee of any person, firm, or corporation who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or empolyee of the United States authorized to perform any of the duties prescribed by this act or by the rules and regulations of the Secretary of Agriculture any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of the United States in the discharge of any duty herein provided for, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine not less than $5,000 nor more than $10,000 and by imprisonment not less than one year nor more than three years; and any inspector, deputy inspector, chief inspector, or other officer or employee of the United States authorized to perform any of the duties prescribed by this act who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in interstate or foreign commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine not less than $1,000 nor more than $10,000 and by imprisonment not less than one year nor more than three years.

That the provisions of this act requiring inspection to be made by the Secretary of Agriculture shall not apply to animals slaughtered by any farmer on the farm and sold and transported as interstate or foreign commerce, nor to retail butchers and retail dealers in meat and meat food products, supplying their customers: *Provided*, That if any person shall sell or offer for sale or transportation for interstate or foreign commerce any meat or meat food products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food, knowing that such meat food products are intended for human consumption, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $1,000 or by imprisonment for a period of not exceeding one year, or by both such fine and imprisonment: *Provided also*, That the Secretary of Agriculture is authorized to maintain the inspection in this act provided for at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment notwithstanding this exception, and that the persons operating the same may be retail butchers and retail dealers or farmers; and where the Secretary of Agriculture shall establish such inspection then the provisions of this act shall apply notwithstanding this exception.

That there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000,000, for the expenses of the inspection of cattle, sheep, swine, and goats and the meat and meat food products thereof which enter into interstate or foreign commerce and for all expenses necessary to carry into effect the provisions of this act relating to meat inspection, including rent and the employment of labor in Washington and elsewhere, for each year. And the Secretary of Agriculture shall, in his annual estimates made to Congress, submit a statement in detail, showing the number of persons employed in such inspections and the salary or per diem paid to each, together with the contingent expenses of such inspectors and where they have been and are employed.

Mr. WADSWORTH. Mr. Speaker, on yesterday, at the request of the Committee on Agriculture, the agricultural appropriation bill, with the amendments thereto, was recommitted to the Committee on Agriculture for the purpose of making certain slight amendments thereto. Those amendments have been incorporated in the copy which the Clerk has just read. All of them, with two exceptions, are mere verbiage. These two exceptions are the clause eliminating the "civil-service provision," and what might be called the "appeal or review clause."

I want, first, to call the attention of the House to just a few of the changes in the verbiage of the "inspection" clauses. In the amendment on page 31, at the end of line 11, you will read these words:

> And all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof.

In the original bill which we reported we covered all that by saying:

> And all carcasses or parts thereof thus inspected and condemned shall be destroyed for food purposes, and an inspector shall personally superintend such destruction.

I think the House will admit that that is simply verbiage. There is no new idea or thought contained in it.

This verbiage is repeated three times in the bill.

You will find the next amendment on page 32, at the bottom,

line 25. I want to read the clause, because some dispute has taken place about it:

That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors appointed for that purpose an examination and inspection of all meat food products prepared for interstate or foreign commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection said inspectors shall have access at all times to every part of said establishment.

Now, we have added the words:

By day or night, whether the establishment be operated or not.

That, it must be admitted, is simply verbiage.

Now, on page 36, in line 16, we provide:

That all meat and meat food products on hand on October 1, 1906—

The original provision was "on the passage of this bill." I think October 1 is better at establishments where inspection has not been maintained or which have been inspected under existing law—

shall be examined and labeled under such rules and regulations as the Secretary of Agriculture shall prescribe, and then shall be allowed to be sold in interstate or foreign commerce.

The original bill had it—

That all meat and meat food products on hand at the passage of this bill, at establishments where inspection has not been maintained or which have been inspected under existing law, shall be examined and labeled under such rules and regulations as the Secretary of Agriculture shall prescribe.

You will observe that we have simply added—

and shall then be allowed to be sold in interstate or foreign commerce.

Mr. KEIFER. Will the gentleman yield for a question as to that clause of the bill?

Mr. WADSWORTH. Yes; with pleasure.

Mr. KEIFER. I want to inquire why it is provided that the meats or meat food products on hand on October 1, 1906, at establishments where inspection has not been maintained or which have been inspected under existing law, after being inspected and labeled, are required to be sold, whether fit for food or not? This is the only provision in the bill that requires the sale of all labeled goods which may be on hand October 1, 1906. It is true it is to be inspected under rules and regulations prescribed by the Secretary of Agriculture, but after it is inspected it is provided that then it shall be allowed to be sold in interstate and foreign commerce, which I think is an extraordinary provision in a bill intended to get pure food into foreign commerce.

Mr. WADSWORTH. In answer to the gentleman I can only say that that will be left to the rules and regulations of the Secretary of Agriculture. If after the inspection these goods are labeled "condemned," they will not be allowed to go outside of the factories. If they are labeled and "passed," they will be allowed to be sold in interstate commerce.

Mr. KEIFER. The provision is that they shall then, after being inspected, be sold in interstate and foreign commerce?

Mr. WADSWORTH. Allowed to be sold.

Mr. KEIFER. Allowed to be sold, no matter how the inspection resulted?

Mr. WADSWORTH. That is not the intent. I think that is a stretch of the meaning of the words. Of course under the rules and regulations of the Secretary of Agriculture they would not be allowed to be sold unless labeled and passed as fit for food.

Mr. HULL. Not allowed to be sold as a food product?

Mr. KEIFER. The language is, "after being labeled under direction of the Secretary of Agriculture they are then allowed to be sold in interstate and foreign commerce," regardless of how they are labeled.

Mr. WADSWORTH. If there is any doubt about that, the conferees would be very glad to receive any suggestion or amendment, but I do not think it is necessary.

Mr. OLMSTED. I would like to ask the gentleman a question.

Mr. WADSWORTH. I will yield to the gentleman.

Mr. OLMSTED. I wish to make a suggestion to the gentleman, which may or may not be worthy of his attention. On page 36 it is especially provided that no carrier of interstate or foreign commerce shall transport any meat or meat product unless it is stamped "inspected and passed." And he is subject to fine and imprisonment if he does. Now, on page 42 you provide, and very properly, that this shall not apply to animals slaughtered on a farm or at a retail butcher's shop, which may be transported by interstate commerce to customers. How is the interstate carrier or railroad officer to know, how is he to determine between a carcass slaughtered by a farmer or a retail butcher and shipped when slaughtered somewhere else, and how dare he carry it for a farmer or a retail butcher unless it is inspected and passed?

Mr. WADSWORTH. That clause was put in to exempt the farmer and retail butcher—the small dealer who might be located near the State line and who, in the course of his business, peddling from a wagon or cart, passes over a State line.

Mr. OLMSTED. I think it is a very proper provision.

Mr. WADSWORTH. But that clause does not apply to anybody shipping by common carrier, but to a dealer in meat products supplying consumers.

Mr. OLMSTED. It says "sold and transported as interstate and foreign commerce."

Mr. WADSWORTH. What line is the gentleman reading from?

Mr. OLMSTED. Page 42, lines 19 and 20.

Mr. WADSWORTH. That does not apply to the farmer.

Mr. OLMSTED. My point is, How is the interstate carrier going to know whether the carcass came from a farmer or butcher, or anybody else?

Mr. WADSWORTH. It is not necessary to know when he receives it from a farmer or a retail dealer.

Mr. OLMSTED. How is the shipping agent going to know a farmer?

Mr. WADSWORTH. If the gentleman will read the language, I think he will have no difficulty about it.

Mr. OLMSTED. My point is that a railroad company would not dare to carry the product of a farm or a butcher without it was inspected.

Mr. WADSWORTH. Mr. Speaker, how much time have I consumed?

The SPEAKER. The gentleman has consumed ten minutes.

Mr. WADSWORTH. Now, on page 35, line 16, the language in the original bill is "products are rendered unsound, unhealthful, unwholesome, or otherwise unfit for human food." We thought we had adjectives enough; but the word "unclean" was suggested, and it was put in. Now, Mr. Speaker, I think I have shown examples enough. So, speaking generally in regard to all these small changes and verbiage, if, like Mrs. Winslow's soothing sirup, they soothe, pacify, and quiet, let them all go in. No one objects to them. [Laughter and applause.]

We have eliminated the so-called "civil-service clause." We put it in the bill originally in order to expedite its operations, in order that the Secretary of Agriculture might not only get his inspectors through the civil service, but also from the outside. There is absolutely no objection to its going out if the House, in its wisdom, sees fit.

Now I come, Mr. Speaker, to the review clause, and after consultation with some of the ablest lawyers in the House it was decided that the court-review clause was unnecessary, if the entire paragraph allowing the appeal from inspector to inspector and so on to the Secretary of Agriculture and then to the court was eliminated. The paragraph in the original Senate amendment made the judgment of the Secretary of Agriculture mandatory and final. That clearly was unwise and injudicious, if not unconstitutional, and the committee, in order to make matters entirely fair and just, inserted in the bill a clause giving the right to resort to the courts, which the ablest lawyers on the floor claim is granted now under the Constitution and the existing general laws. Therefore, the clause was entirely eliminated in the bill just read by the Clerk, and the packers and slaughterers in Chicago, if they consider any of the rights of their property are injured in any way by the operations of this law, can invoke the jurisdiction of a United States judge in Chicago; and I know of no difference between the honesty and integrity of a United States judge in Chicago and the honesty and integrity of a United States judge in St. Louis, Kansas City, Fort Worth, St. Joe, or any other place where these slaughtering and canning establishments are located. [Applause.]

Mr. Speaker, in conclusion I simply want to assure this House on behalf of the Committee on Agriculture that the provisions of this bill will insure to the public a rigid meat and meat food inspection law. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. PADGETT. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. The gentleman has eight minutes of his time remaining.

Mr. WADSWORTH. And, Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from New York reserves the remainder of his time.

Mr. PADGETT. Mr. Speaker, I want to ask the gentleman from New York a question.

The SPEAKER. The gentleman from Virginia is recognized.

Mr. LAMB. Mr. Speaker, at this stage of the proceedings I shall ask unanimous consent, and I hope my colleague from New York [Mr. WADSWORTH] will not object to it, to extend this discussion forty or fifty minutes, renewing the request

made by the gentleman from Mississippi [Mr. WILLIAMS]. I pause for an answer.

Mr. WADSWORTH. Mr. Speaker, I shall have to object. I objected once, and I shall have to do so again.

The SPEAKER. The gentleman from Virginia is recognized for twenty minutes.

Mr. LAMB. Mr. Speaker, I congratulate the Committee on Agriculture and this House upon the fact that after considering this measure for more than a week and offering various amendments to the Beveridge bill they have come into this House and adopted every feature, save one, that was contended for by the seven minority members of the Committee on Agriculture. Time will not permit now to go through with the features of this bill as has been done in part by the chairman of this committee. On those features, save one, this committee stood unanimous. The members of the minority disagreed with the majority on the question of paying the cost of inspection. The minority committee report is familiar to Members of the House. Their reasons for putting at least a part of this cost for inspection on the packers, who have produced the conditions that now confront us, are set forth in that report. It says:

We might be willing that that part of the cost of inspection which has heretofore been paid by the Government, amounting to about $800,000, shall be continued, although strong objections thereto can be urged upon principle and precedent, but we are opposed—

And I hope this House will be opposed—

to an addition of more than $2,000,000 for inspection of canned goods and meat food products generally, the sole benefit of which operates for a particular industry to correct a wrong done by them. We believe this to be class legislation of an indefensible character. For the payment of inspection fees in cases of this character there is abundant precedent. The national banks now are required to pay the cost of their own examinations. Te same is true of renovated butter, steamboat inspection, the immigration head tax, and other cases that might be mentioned.

Mr. Speaker, if the rule under which we are proceeding here allowed it, the minority would offer an amendment to the last paragraph of this bill that would cover this case completely and would make this bill, in my humble judgment, about as perfect a measure as human skill and human ingenuity can make it. I shall ask to have read in my time by the Clerk the amendment which I would offer if I could, and I invite the careful attention of the House to the same.

The Clerk read as follows:

And there shall be paid into the Treasury of the United States, under such rules and regulations as the Secretary of the Treasury may prescribe, by the proprietor of any slaughtering, packing, meat-canning, rendering, or similar establishment, for whom inspection is maintained, an inspection fee of 5 cents for each bovine inspected under the terms of this act, an inspection fee of 3 cents for each sheep or goat inspected under the terms of this act, and an inspection fee of 3 cents for each head of swine inspected under the terms of this act. The fund thereby created shall be subject to the requisition of the Secretary of Agriculture, as if appropriated by Congress, and shall be in addition to the appropriations by Congress for the necessary expenses of carrying out the provisions of this act, and shall continue permanently available until used, and all the provisions of existing law relating to the collection of the revenue shall, in so far as they are applicable, apply to the collection of the fees provided for by this act.

Mr. LAMB. Mr. Speaker, if any amendment were permitted here and this House could take a vote, it would be wise legislation to substitute the one I have had read for this provision in the bill that saddles an annual appropriation on this Government of over three millions of dollars with which to pay for the inspection of meat and canned foods to gratify the wishes and carry out the edict, I may say, of these packers—middlemen who stand between the consumer and the producer. I need not stop here to discuss the question of whether these people will recoup from the cattlemen or from the consumer. Possibly they would do as they have been doing for the last decade or more and recoup from both parties. That is very likely what they would try to do, but this charge is so small that they would not be able, in my judgment, to do this. The packers have produced this condition by their own neglect, by their own methods, and we claim that the people of the United States who do not use their products, the 30 per cent of our population, the farmers on the farms in this country who kill their own cattle and raise their own produce, should not be saddled with a tax to pay for this inspection. Much more might be said, but the time is too short to discuss such a question.

I now yield five minutes to the gentleman from Mississippi, [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, we have been for some time in apprehension of a very serious and interesting, if not sensational, discussion, between the two gentlemen from New York—one at the other end of the Avenue and one in this House; but to-day everything seems to be in a smiling condition. We might quote Shakespeare's utterance:

Now is the winter of our discontent
Made glorious summer by these sons of New York.

[Laughter and applause.]

Of course, this legislation could not be defeated if I wanted to defeat it, and I do not, because, as I understand, the two real ruling authorities under this boasted American form of free government have consulted together about it and determined upon and here prescribed just exactly what shall be done, to wit, the President of the United States and the Speaker of the House of Representatives. [Applause.] Whenever those two gentlemen meet in amity, after a few days of blusterous discussion of one another, and of various and sultry thunderings in the index not following up later on, why, of course, we know that "the winter of our discontent has been made glorious summer."

There might be some objections to this legislation cured by amendment that I would offer, Mr. Speaker, if a helpless individual Member of the House of Representatives, or if the House itself, even, could consider an amendment, but we can not. We must, under the rules of the House, vote this proposed legislation up just as it comes to us, nursed by the Speaker and the President, and approved of by the committee, because the Committee on Agriculture could not well do anything except approve after these two great ruling authorities had spoken. We must, I say, either vote it up or vote it down. There has been some thundering in the index at the other end of the line of Pennsylvania avenue that was likewise not followed up, but we must remember, Mr. Speaker, you and I—even you, much more I—that men of iron, like other products of iron, are subject to expansion and contraction by the effect of the weather. [Applause and laughter.] As a broad general principle, Mr. Speaker, all sanitary legislation ought to be paid for by the public. The reason for that rule is that nobody is, as a rule, responsible for insanitary conditions. When the bubonic plague or yellow fever invade the country, everybody knows that nobody wants to be the vehicle of the transfer of those dangerous diseases. Nobody wants to catch them for the purpose of giving them to other people. That is the reason of the rule that the public ought to pay the expense, but the very reason points out the exception. Sometimes an insanitary condition is brought about by the voluntary action of evil doers. Whenever that is the case, then the expense of curing the condition which has been brought about by their acts ought to be borne by them. [Applause.] And I for one had hoped that the White House thundering in the index about making the evil doers stand the expense of curing the condition brought about by their own evil doing, would be followed up more strenuously than it has been. But here we are. We are faced with this precise resolution, and being faced with it, it is about as good an outcome as could have been expected, and I for one shall vote for the legislation, even though deprived of the power to try to better it by amendment lodging the burden on the shoulders of the evil doers.

Mr. SCOTT. I would like to ask the gentleman a question——

Mr. WILLIAMS. In a moment. Now, Mr. Speaker, I wish to add this: There has been some muck raking that has been going on in connection with this matter, and I want to pay my individual tribute to a Member of this House—the gentleman from New York, Mr. WADSWORTH. I think that in this particular legislation he has been mistaken, especially upon the point of not making the evil doers pay for curing the evil condition brought about by their own action. There has been some muck raking in which there has been a disposition to charge all sorts of wrong motives upon the gentleman from New York [Mr. WADSWORTH], the chairman of the Committee on Agriculture. I served with him for eight or ten years upon a committee of this House. I have known him to cast more votes against his own interests than almost any man in this House. [Applause.] He is a worthy son of a noble sire [applause], and an honest man, if God makes honest men [applause], and I believe He does. If the abbreviated disturbance between the two gentlemen from New York had come off, my conviction and my reasoning would have been with the other gentleman from New York, the one who occupies the White House, but my affections and feelings would have been with this gentleman from New York. [Applause.] I think we have had entirely too much tolerance for the idea that whenever men honestly differ about a public measure their motives are to be impugned and their integrity to be attacked. Now I yield to the gentleman from Kansas. [Applause.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. SCOTT. Will the gentleman from Virginia yield another

minute to the gentleman from Mississippi, that I may ask him a question?

Mr. LAMB. Yes.

Mr. SCOTT. The gentleman bases his argument for charging the cost of this inspection upon the packers upon the ground that the packers are responsible for the condition which makes this legislation necessary.

Mr. WILLIAMS. Yes; for this condition. These packers have been poisoning our wives and our children, or, at any rate, the wives and children of the poor and all sorts of people.

Mr. SCOTT. I presume he would admit that the railroads are responsible for the condition which makes railroad rate legislation necessary. Would he, therefore, argue that the railroads should pay the expense of enforcing the requirements of the rate bill?

Mr. WILLIAMS. Mr. Speaker——

Mr. SCOTT. Is it not a parallel case?

Mr. WILLIAMS. No; far from it. The rate bill was passed not in the interest of the railroads, nor can the effect of it be in the benefit of the railroads except in the safety of their property and stability of institutions brought about by right legislation, but this is totally a different thing from that.

The railroads may have extorted, and they have. The railroads may have charged too much or discriminated, and they have; but the railroads have not entered into our families with poison. And this legislation differs in this respect, too, that it will mainly result in benefit to the very evil doers themselves, who, without some legislation of this sort, can have neither a foreign nor an interstate market for their products. This market they have lost by greed and selfishness. They ought to pay for the inspection, which by reinspiring confidence will restore it. That is the difference.

The SPEAKER. The time of the gentleman has expired.

Mr. LAMB. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, I venture at the outset of my very brief remarks to attempt a homely, but I think a deserved, tribute to some other persons engaged in this legislation who have have not yet been mentioned with approval. The main question of difference now between the two elements of the committee is as to who shall pay for the inspection. Not as to how the inspectors shall be paid, but as to whether or not the packers shall be taxed something to make a fund in whole or in part to meet the expense to be taken out of the Treasury to pay these inspectors. I find, upon looking over the papers in the case after they had been changed and presented and withdrawn, and as they now exist, that there are three gentlemen here—the gentleman from Virginia [Mr. LAMB] and the gentleman from Mississippi [Mr. CANDLER] and the gentleman from Alabama [Mr. BOWIE]—who, it seems to me, in the tossing of bouquets ought to have at least a whiff of the pleasant odor going about through the House at this time. [Applause.]

These gentlemen, according to my conception, have demonstrated in connection with this matter a devotion to public duty as well as a comprehension of it which will entitle them to the gratitude of their constituents and to the good wishes of the people of the United States in general. They have been consistent enough and honest enough and bold enough and independent enough to take the position and to hold the position that those for whose benefit this inspection is to be made ought to contribute to the public fund out of which the inspectors are to be paid.

The proposed amendment read in the time of the gentleman from Virginia [Mr. LAMB], but of course not possible to be voted upon in this House at this time, or perhaps at any time, would impose upon these packers a tax of 5 cents for each animal of the bovine species inspected and 3 cents for each hog, sheep, and goat; and yet, against this extortion, against this great exaction, against this tremendous draft upon the exchequers of the rich packers, there is found in the majority of the committee, and will perhaps be found in a majority of the House, that deep and tender sense of justice and that profound regard for the defenseless packers that would reach into the Treasury of the United States and take out nobody knows how many millions annually in order that that great 5 and 3 cent tax may be saved to the coffers of these rich packers! Somebody says that the packers will throw it back upon the stock raisers. Imagine the spectacle of a man with a steer that, at the lowest price that cupidity and combination and monopoly and wrong can impose upon the seller, will command, we will say, a price of $40, standing helpless as that sum is scaled down 5 cents! The truth about it is that this inspection tax which it is proposed to lay upon the packers would, as nearly as it is possible for the masses of the people to get anything out of the monopolists who ride over them, booted and spurred, be paid by the packers themselves. Now, to this great committee, at the head of which is our distinguished friend from New York [Mr. WADSWORTH], distinguished not only as an agriculturist, but also lately distinguished in the realms of literary achievement [applause], to this committee, to these gentlemen, there appears awful injustice, terrible, threatened, impending outrage in compelling millionaire packers—through whose establishments the Presidential agents lately went, and had to go with their noses swathed and saturated with disinfectants—in a ruthless, unfeeling, outrageous way to put up 5 cents for the inspection of a beef and 3 cents for a hog or sheep in order that their products may go through interstate and foreign commerce and be made salable! What an outrage! [Applause on the Democratic side.]

Mr. LAMB. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has three minutes remaining.

Mr. LAMB. I yield to the gentleman from Minnesota [Mr. DAVIS].

Mr. DAVIS of Minnesota. Mr. Speaker, in the exceedingly short space of time allotted to me for discussion of this very important measure I will of necessity be very brief. Since this matter was presented to the Committee on Agriculture, of which I have the honor of being a member, it has been my earnest desire to secure the passage of a bill that would insure the best possible inspection of all the meats and meat food products which are used and consumed by our people and to provide ample funds at all times in order that a sufficient number of competent inspectors would be employed in this work. With this end in view I have thrown aside all partisan feeling and worked earnestly for the common good.

In the beginning of our investigations there were many divergent views of the various members of the committee, but at all times I was willing to yield my judgment whenever presented with facts showing that I might be mistaken, and I will say at this time that the present substitute of the committee for the so-called "Beveridge amendment" in many respects is very commendable and will, I trust, insure better inspection of all meats and meat food products hereafter produced by the large slaughtering and packing establishments of our country. The former amendment heretofore submitted to the House by our committee did not contain many of the present important provisions now set forth in the present bill. All of these important amendments, I am pleased to say, were strenuously contended for by the seven minority members, of which I was one, notably of which amendments I allude to the broad court review clause, which we of the minority desired to have eliminated and which has now been accomplished. Also, the present substitute does not nullify the civil-service law in regard to the appointment of inspectors who are to carry out the provisions of this bill, the former substitute of the committee having a provision expressly providing for the suspension of the civil-service law in this regard for one year. Again, the minority members urgently insisted that violations of some of the provisions of the proposed law should not only be declared to be a felony, but that the punishment therefor should be by both fine and imprisonment, and I am pleased to say that the committee's substitute contains such provisions, so that the willful violator shall now be punished, as he justly deserves, by both an adequate fine and a suitable term of imprisonment. We have always contended that ample funds should be supplied, either by the Government direct or otherwise, to carry into successful operation all of the provisions of the proposed law, and that such funds should be at all times available, in order that the Department of Agriculture, through its Bureau of Animal Industry, might not at any time be hampered for the necessary money to protect our people from all possible danger in consequence of any negligence, carelessness, or misconduct of those engaged in the manufacturing of meat food products.

There was and still is a great diversity of opinion among the members of the committee as to who should pay the cost of this inspection, some contending that it should be borne exclusively by the Government by direct appropriation out of the Treasury, and others that an inspection fee should be charged upon each animal slaughtered, while others considered that it would be more equitable that the Government should bear a part and the packers a reasonable share. In this connection I will say that the minority members were in sympathy with an amendment which they desired to have incorporated into the proposed law, and which they would earnestly support, as follows: Insert after the word "year," in line 24 on page 43 of the pending committee substitute, the following:

Provided, That for the purpose of reimbursing the Treasury of the United States for the expenses incurred under the provisions of this

act in the inspection, labeling, marking, stamping, or tagging of all meat and meat food products prepared or manufactured in any and all of the slaughtering, meat canning, salting, packing, rendering, or similar establishments hereinbefore mentioned, out of and from the carcasses, or parts thereof, of all animals or carcasses inspected under the provisions of this act, the Secretary of Agriculture is directed to ascertain, prescribe, and fix a reasonable fee, to be paid upon each carcass or part thereof so used in the preparation and manufacture of said meat and meat food products, which fee shall be fixed by the Secretary of Agriculture at a rate which, as nearly as possible, will serve only to defray the cost and expense of said inspection of said meat and meat food products, and such fees shall be uniform throughout the United States. The Secretary of Agriculture shall collect said fees from the person, company, or corporation preparing or manufacturing said meat and meat food products, and which fees, when collected, shall be deposited in the Treasury. A schedule of such fees, together with the rules and requirements relating to the collection thereof, shall be set forth in regulations prescribed by the Secretary of Agriculture.

Mr. Speaker, this amendment I intended to offer upon the floor of the House whenever opportunity presented, but at this time the parliamentary situation is such that no amendments whatever can be offered to the pending measure. Hence, I will have to be content by merely presenting to the House our good intentions. I will say, however, that this parliamentary situation was forced upon the minority and against their protest.

Cattle raising in the United States is one of its greatest industries and is one of the great sources of our food supply. It is also our judgment that one duty of government is to aid in keeping that food supply pure and wholesome. Therefore, it is proper that the contemplated appropriation of $3,000,000 should be made for this purpose and the whole or so much thereof as may be necessary shall be used to accomplish this end. This proposed amendment contemplates that after the Government has caused all animals which are to be slaughtered to be thoroughly inspected while alive, and that as soon as killed the carcass shall be thoroughly subjected to a rigid post-mortem examination, thus insuring that the meat of this carcass is pure and wholesome for human food, that thereafter in case any person, company, or corporation shall in any manner manufacture this carcass into different meat food products which shall require further inspection as to their purity, wholesomeness, or fitness for human food, the cost and expense of this subsequent inspection shall be borne by the persons, company, or corporation so transforming the pure carcass into other and different products. The justness of this proposition is apparent. The stock raiser should not be subjected to any tax or charge when he offers for sale the product of his farm. The Government is willing to separate the diseased from the sound animal and see that only sound ones are slaughtered for human food. This being accomplished, is it not right, is it not justice that the man or set of men who seek to transform the carcass of this animal into the many forms of food products should be compelled to pay for any expense caused by his own acts?

From the hearings recently had before the Committee on Agriculture it was ascertained that about 92 per cent of the meat products of this country is disposed of and consumed as fresh meat; that the remaining 8 per cent is manufactured into various forms of meat food products, and that all or nearly all of this 8 per cent of the finished products require inspection, owing to the fact that various ingredients are used in the manufacture thereof. Now, it is to this portion of the meat food products and the expense of the proper inspection thereof, that the contemplated amendment, which I have proposed, is intended to provide for, and to compel the manufacturer thereof to pay the expense of inspecting the same. Or, in other words, the Government having in the first instance appropriated all the money to pay for all inspection contemplated under the proposed bill, that the manufacturer should pay back into the Treasury a sufficient sum to reimburse the Government for all expense which he has directly caused to be incurred.

The SPEAKER. The time of the gentleman has expired.

Mr. DAVIS of Minnesota. May I have one-half minute?

Mr. WADSWORTH. The gentleman will have to ask it on the other side.

Mr. DAVIS of Minnesota. Will the gentleman from Virginia yield me half a minute?

Mr. LAMB. I have no time; my time has expired.

Mr. WADSWORTH. I yield one minute to the gentleman from Colorado.

Mr. DAVIS of Minnesota. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BROOKS of Colorado. Mr. Speaker, I had intended to submit some remarks on the action of the committee in eliminating that particular feature of the bill which gave to the Secretary of Agriculture the power to make a final conclusive decision on all questions of fact or law. I think that elimination was the most important thing we have done. I do not care to take the time of the House now, but I rise to ask, on behalf of myself and a great many others who wish the same privilege, the right to extend remarks in the RECORD on this subject.

The SPEAKER. The gentleman from Colorado asks unanimous consent for general leave to print on this subject.

Mr. SHERLEY. If the request is limited to the gentleman, I shall not object; but if this request is extended to all Members of the House, inasmuch as we have not been given opportunity to have any consideration of the bill, I shall object. I do not think these speeches that are never delivered ought to go in the RECORD, as if there had been a real consideration of this important bill.

Mr. BROOKS of Colorado. Then I separate the request for myself.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BROOKS of Colorado. Now, I renew my request on behalf of the House.

Mr. WADSWORTH. I yield the balance of my time to the gentleman from Wisconsin [Mr. ADAMS].

Mr. DAVIS of Minnesota. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. That has already been granted.

Mr. MADDEN. Mr. Speaker, the live-stock industry is one in which one-third of our people are engaged more or less directly, and the proper preparation of meat food products is of such vast importance that it is now engaging not only the attention of this body, but that of all the American people and those of Europe as well.

The Twelfth Census of the United States shows that never in any country has such marvelous development in any industry been witnessed as that which has taken place in America in the one now under discussion during the past fifty years. In the last half century the development of this industry has been phenomenal. The settlement of the western country and the consequent expansion of territory devoted to stock raising; the extension of railroads and the increased facility of communication; the methods devised to insure the preservation of meats, such as improved methods of curing and the introduction and improvement of mechanical and chemical processes of refrigeration, rendering summer packing possible; the utilization of every part of the animal, and the adoption of labor-saving devices are among the factors that have contributed to its growth.

In fifty years the number of establishments have increased from 185 to 929, and the capital invested from $3,482,500 to $237,699,440; the number of wage-earners from 3,276 to 74,132; the wages paid from $1,231,536 to $40,447,574; the cost of materials from $9,451,096 to $805,856,969, and the value of products from $11,981,642 to $913,914,624.

The average amount of capital invested per establishment grew from $18,824 in 1850 to $205,427 in 1900. The average yearly earnings of the wage-earners grew from $376 to $488, and the average value of products per establishment rose from $64,766 to $852,945. During the ten years covered by the English census, taken in 1860, the center of the meat industry was at Cincinnati and in the Ohio Valley.

The average amount of capital per establishment increased from $18,824 to $39,221, or 108.4 per cent, while the average value of products per establishment increased from $64,766 to $113,675, or 75½ per cent.

In the decade from 1860 to 1870 a greater relative growth is shown. The number of establishments increased 509, or 196½ per cent. The sum of $14,066,330 was added to the investment, 3,308 wage-earners more than formerly found employment, and the benefit to the stock raiser is shown in the increase of $38,109,591, or 161.7 per cent, paid for materials used. The value of the product increased $46,384,724, or 157½ per cent.

The refrigerator car was invented in 1869. The first cargo of dressed beef was shipped from Chicago to Boston.

To the improvement of various refrigerating processes is due in a large measure the development of the trade from 1870 to 1880, because of which summer packing on a large scale became possible.

But 505,500 hogs were killed during the summer of 1872–73. Summer packing from that time on continued to increase until in the season of 1879–80, 4,051,248 hogs were killed and packed.

The summer packing in 1872–73 amounted to 8½ per cent of the pack for the entire year, while in 1879–80 it grew to 37¾ per cent. During the same period winter packing grew from 5,410,314 hogs in 1872–73 to 6,950,451 hogs in 1879–80. Winter packing increased 28½ per cent, while summer packing increased 701.6 per cent.

This latter growth shows the influence that refrigeration had on the growth of the meat trade. Up to 1875 the dressed-beef

trade had been of minor importance except for local consumption, but with the introduction of the refrigerator car it assumed large proportions. The beginning of the export of fresh beef dates from 1876. The canning of beef was attempted in 1860, but it was not until 1879 that it was taken up on a large scale.

From 1880 to 1890 the capital invested and the wages had nearly the same growth per cent, although the total amount of wages was a little more than one-fifth of the capital invested. The value of the products increased $258,049,255, or 85 per cent. The average amount of capital per establishment increased from $56,673, an increase of 44.3 per cent. This decade is the only one in which the growth per cent in the value of the product exceeded the growth per cent in the cost of materials used. This was due to the fact that the packer began to use the waste that was formerly thrown away.

The capital invested per establishment in 1900 had increased to $205,427, compared with $104,551 in 1890, or an increase of 96½ per cent. The miscellaneous expenses in 1890 were but 2.8 per cent of the value of the product, while these expenses had reached 3.1 per cent in 1900.

Until within comparatively late years little attempt was made to utilize the waste products of the abattoir. To-day nothing is allowed to go to waste. The horns, hoofs, bones, sinews, hide trimmings, and other so-called "waste materials" are now utilized in the manufacture of glue, gelatin, brewers' isinglass, curled hair, bristles, wool felt, hair felt, laundry soap, and soap powders, toilet soaps, glycerin, ammonia, fertilizers, bone meal, cut bones, poultry food, albumen, neat's-foot oil, pepsin, knife handles, and many other things. Each large establishment has its chemical laboratory, where expert chemists are constantly seeking for new combinations to render more valuable and extensive the already long list of by-products.

It must be apparent to everyone that an industry putting out a product in a single year of over $913,000,000 is of the utmost importance to the people of the country. It is essentially western in its location and growth. The largest establishments are located in the Mississippi Valley. The States leading in the production of live stock for slaughter are west of the Mississippi. The territory devoted to the raising of hogs on a large scale is coextensive with the corn belt. The corn crop, the hay crop, and the grasses take on an added value when converted into the form of meat products. The corn crop is the foundation upon which depends the live-stock industry, and this industry is coming more and more to be a question of corn supply. The greater the cattle market the better the price of corn. A great cattle market enables the consumption of the surplus corn and a restriction of the cattle market will lower the price of corn.

From this western stock-raising territory the movement is northward and eastward to Chicago, Kansas City, South Omaha, St. Louis, South St. Joseph, and the other great slaughtering centers. The geographical movement of the slaughtering and packing area furnishes a view of the settlement and development of the West.

The advantages of the transportation facilities possessed by Chicago, backed with the wide area devoted to stock raising, spreading westward from Lake Michigan to the Rocky Mountains, give that city the lead in this industry. The tendency, however, is for the slaughtering centers to move still nearer the corn belt. The rise within recent years of Kansas City and South Omaha, and more lately of South St. Joseph, may be traced directly to this factor and to the improved railroad facilities that followed any enlargement of the territory devoted to corn production.

Another comparatively new development is the extension of the feeding or fattening operations for market. The conversion of the surplus corn into beef, pork, and mutton yields a large profit to the feeder. Poor-grade stock is bought in the fall, fattened during the winter, and later is sent back to market to be sold at a considerable advance.

The Union Stock Yards at Chicago present a monument to the opportunity and good business sense of the American people.

To the stranger entering the yards for the first time the scene is novel. He enters the main entrance beneath an iron arch bearing an inscription that informs him that the territory within is the "Union Stock Yards, chartered 1865." Once within, factories, pens, and viaducts surround him on every side. Noise and confusion reign everywhere, but the apparent confusion is well ordered, and considering the immense number of animals that are constantly being handled, the wonder is that they are handled with so much facility.

The stock arrives at the yard in the night or early morning, often after a long, hard ride of hundreds of miles. As soon as possible after the arrival at the yard the herds are driven to pens, fed, and watered, and after that the selling begins. Owners, buyers, sellers, agents of the packing houses, and commission men mingle in the excitement of the market. An official statement of the weight is given the seller. The animals are then driven to the slaughterhouses. The worry and exhaustion of the cattle, occasioned by the long ride, have heated them so much that a period, generally of about twenty-four hours, is given to allow their temperature to cool to the normal point. Hogs, however, are not allowed this respite, but are sprinkled and immediately driven to a large solid wheel, with chains fastened at intervals along the rim. The wheel revolves, slowly raising the squealing porker. As he gets near the top, the hog is detached automatically from the wheel, and a hook attached to a sloping rail carries the victim to the butcher. With a swift motion, almost mechanical because of its long practice, the throat is cut lengthways and the carcass is run along a short distance to allow the blood to drain out, which is drawn off and used largely in the manufacture of fertilizers. After a short time has been allowed for this draining, the carcass is plunged into a bath of scalding water. It is then brought automatically to a table, across which it is dragged through a scraping machine by an endless chain. This machine does the work better than it could be done by hand, leaving the bristles in much better condition. It does its work very thoroughly, its blades being mounted on cylinders coming in contact with every part of the body. To insure perfect results the body is then gone over by hand scrapers, after which the carcass is thoroughly washed with a hose. Next the head is nearly severed, the gambrels are cut, and the body suspended by them from the rail.

The body is then opened and dressed, the leaf lard is removed, the head is taken off, the tongue removed, and lastly, the body is split in two. All this is done at the rate of twenty hogs per minute. Thence the two halves go to the chill room, where they remain about twenty-four hours, until after the animal heat has left the body and it is thoroughly chilled. After this the sides are run to the cutting tables.

A hog dresses about 80 per cent of its live weight, about 20 per cent being offal. Fresh meat comprises about 10 per cent of the dressed hog and the other 90 per cent is cured. From the cutting room the various parts intended for curing are sent by chutes to the curing rooms, where some cuts lie for at least sixty days in dry salt, and the shoulders, sides, hams, etc., intended for smoking lie for a like period in vats of sweet pickle. After these pieces intended for smoking have lain in pickle for five to eight weeks—the time required and the strength of the pickle varying according to the size of the cut—they are removed to the soaking tank and soaked for about twenty-four hours in order that the heavier salting toward the surface of the cut may be brought to a uniformity with the center. From there the hams go to the trimming table, whence they are taken to the smokehouse, where they are smoked for about twenty-four hours. They then go to the storeroom or the department where the hams and bacon are branded and labeled, and some are covered with canvas.

After the cattle are cooled the body is shackled by the hind legs, hoisted and hooked to a rail along which it slides to the butcher, who, with a quick thrust, severs the large vein of the neck. A pan is quickly shoved in to collect the blood, and the floor is arranged so that whatever quantity of the blood may escape the pan is drained into a large tank. Next the carcass is headed, lowered to the floor, and adjusted in such manner that the hide may be removed most easily. In this operation the division of labor is carried to a high degree. Each workman engaged in removing the hide cuts only a certain portion, and the amount done by each is surprisingly small, but this is compensated for in the additional quickness with which the work is accomplished. Next the beef is sent to the chill room, where it is refrigerated about forty-eight hours, when that which is intended for sale as fresh meat is run to the loading platforms, divided into fore and hind quarters, and loaded into refrigerator cars for shipment to all parts of the United States and to foreign countries. The killing of sheep differs little from the killing of cattle.

The meat used in canning is generally cow beef and of an inferior grade. It is cooked in huge kettles and is handled with pitchforks. As soon as cooked it is pressed into cans, which are capped, soldered, sealed, and inspected by steaming to ascertain if any air holes remain. These holes are closed and the cans are washed, painted, and labeled, when they are ready for shipment to any climate, since, being air-tight, they are proof against climatic changes.

We recognize the fact that the reputation of American meats in the markets of the world depends upon the care and thoroughness with which the meat is inspected. This inspection is

conducted by the Bureau of Animal Industry of the Department of Agriculture, and the cost of the work is borne by the Government.

On arrival at the stock yards all animals intended for slaughter are subjected to an ante-mortem examination by a Government inspector. Any animal that is found to be diseased or not fit for human food is condemned, and marked by having a metal tag stamped "U. S., condemned," placed in its ear.

These condemned animals are killed under the supervision of an employee of the Bureau of Animal Industry, whose duty it is to see that the products of such animals are rendered in such manner that they shall not be fit for human food. At the time of slaughter all animals are again examined, and if found to be diseased the carcass is marked with a yellow condemnation tag and removed and rendered so that no part of it can be placed on sale for food. Provision is made to insure the proper rendering of the condemned carcasses by requiring the return to the inspector of a numbered stub removed from the tag of condemnation at the time the rendering is done. This always insures the proper rendering of the carcasses. Only those carcasses and meats are inspected that are intended for interstate and export trade.

Each article of food made from inspected carcasses must bear a label, on which appears the official number by which the establishment is known to the Department of Agriculture and a statement to the effect that the article has been inspected according to law. A copy of this label is filed with the Department of Agriculture at Washington, to serve as a mark of identification that the products to which it has been attached were properly inspected. Each package shipped has stenciled upon it "For export" or "Interstate trade," as the case may be, and further, the official number of the establishment, the number of pieces or pounds in the package, and the trade-mark of the firm. Upon such packages the official of the Department pastes meat-inspection stamps, which are immediately canceled, certifying to the wholesomeness of the product and its fitness for food. These stamps must be obliterated as soon as the package is opened.

To say that the meat prepared in an establishment of this country under such regulations is not clean and wholesome is to say that which it is hard to believe. The development of the business has been so rapid and its growth so enormous that difficulty may have been experienced in keeping pace with the constantly growing improvements.

But that the meat has been and is being prepared under conditions fully equal to those prevailing in any country of the world no one can deny. That some improvements should be made in the sanitary conditions all will agree; that more rigid inspection might be of benefit does not admit of two opinions. The farmer, the middleman, and the packer all join in the desire for the most rigid regulations in order that their product may have the stamp of approval of those who in authority have the right to exercise a supervisory control over its preparation, and to that end the bill before the House at this time providing for a system of inspection greatly in advance of that heretofore existing and following the product from the hoof to the can should be enacted into law and rigidly enforced.

Value of live stock in the United States January 1, 1905, as shown in Yearbook of the Department of Agriculture.

Cattle (p. 704)	$661,571,308
Sheep (p. 708)	127,331,850
Hogs (p. 714)	283,254,987
Total	1,072,158,136
Value of milch cows (see same page)	483,272,203
Total milch cows, other cattle, sheep, and hogs	**1,554,430,339**

Live-stock markets for 1900.

	Cattle.	Hogs.	Sheep.
Chicago	2,729,046	8,696,097	3,548,885
St. Louis	795,800	2,156,972	434,133
Kansas City	1,969,718	3,094,139	644,177
Omaha	828,204	2,300,926	1,376,775
HOW USED.			
Chicago:			
Shipped	934,649	1,452,183	487,254
Slaughtered	1,794,397	7,243,914	3,061,631
St. Louis:			
Shipped	207,998	513,561	65,199
Slaughtered	587,802	1,643,411	368,934
Kansas City:			
Shipped	853,303	223,963	216,272
Slaughtered	1,116,415	2,870,176	644,177
Omaha:			
Shipped	274,479	36,996	552,234
Slaughtered	553,725	2,163,930	724,541

Cattle shipped for 1900.

Chicago	934,649
St. Louis	207,998
Kansas City	853,303
Omaha	274,479
Total	2,270,429

Cattle slaughtered for 1900.

Chicago	1,794,397
St. Louis	587,802
Kansas City	1,116,415
Omaha	553,725
Total	4,052,339

Hogs shipped for 1900.

Chicago	1,452,183
St. Louis	513,561
Kansas City	223,963
Omaha	36,996
Total	2,226,703

Hogs slaughtered for 1900.

Chicago	7,243,914
St. Louis	1,643,411
Kansas City	2,870,176
Omaha	2,163,930
Total	13,921,431

Sheep shipped for 1900.

Chicago	487,254
St. Louis	65,199
Kansas City	216,272
Omaha	552,234
Total	1,320,959

Sheep slaughtered for 1900.

Chicago	3,061,631
St. Louis	368,934
Kansas City	644,177
Omaha	724,541
Total	4,799,283

Grand total:	
Animals shipped	5,818,091
Animals slaughtered	22,773,053

That is to say, in the year 1900, in the cities of Chicago, St. Louis, Kansas City, and Omaha, out of a total of 28,591,144 cattle, hogs, and sheep brought into market, 22,773,053 were slaughtered and only 5,818,091 shipped away. This gives a faint idea of the size of the packing plants and the meat trade six years ago, the date of the last obtainable Government reports.

According to Census Bulletin 217, Twelfth Census, printed June 30, 1902, page 9, Chicago produced a value in packing-house products in 1900 of $256,527,949, or 32.7 per cent of the total value of the United States.

Kansas City stood second with a total of $73,787,771, a gain during the decade of $33,860,579, or 84.9 per cent. In 1900 Kansas City furnished of the total product of the United States 9.4 per cent.

South Omaha in 1900, $67,889,749, or 8.6 per cent of the total product of the United States.

New York, Brooklyn, Jersey City, and Newark showed a decrease; not on account of consumption, but the importance of western dressed meats in eastern markets. Boston shows a decrease, while Baltimore gained in number of establishments and value of product.

South St. Joseph and St. Joseph furnished 3.8 per cent of the total value of the product for the United States.

In 1900 the list of the thirteen States in their order as to the prominence of packing-house products, etc., was as follows:

Illinois	$287,922,227
Kansas	77,411,883
Nebraska	71,280,366
New York	57,431,293
Indiana	43,862,273
Missouri	43,040,885
Massachusetts	$31,633,483
Iowa	25,695,044
Pennsylvania	25,238,772
Ohio	20,660,780
California	15,717,712
New Jersey	14,046,217
Wisconsin	13,649,750

The preliminary summary of the statistics of slaughtering and meat packing for the calendar year 1904, forming a part of the census of manufactories of 1905 taken in conformity with the act of 1902, issued by the Bureau of Animal Industry April 10, 1906, shows, among other things:

Number of packing houses	929
Capital	$237,699,440
Salaried officials and clerks	12,075
Salaries	$13,377,908
Wage-earners (average number)	74,132
Wages	$40,447,574
Miscellaneous expenses	$30,623,108
Material used, total cost	$805,656,969
Animals slaughtered:	
Beeves	289,040,930
Sheep	44,359,804
Hogs	329,763,430
Calves	12,666,942
All other	61,905
All other materials	129,963,958
Products, total value	**$913,914,624**
Beef, sold fresh	247,135,029
Beef, canned	7,697,815
Beef, salted or cured	8,107,952
Mutton, sold fresh	36,880,453

Products—Continued.	
Veal, sold fresh	$12,856,369
Pork, sold fresh	91,779,323
Pork, salted	116,626,719
Hams, smoked	132,210,611
Sausage, fresh or cured	25,056,331
All other meat, sold fresh	9,579,718
Refined lard	74,116,991
Natural lard	8,423,973
Oleomargarine oil	10,201,911
Other oils	2,595,951
Fertilizers	4,397,626
Hides	44,137,802
Wool	5,229,521
All other products	76,880,536

Number of slaughtering and meat-packing houses in the United States, year 1900.

Number of establishments	921
Capital	$189,198,264
Salaried officials, clerks, etc	10,227
Salaries	$10,123,247
Wage-earners (average number)	68,534
Total wages	$33,457,013
Miscellaneous expenses	$24,060,412
Cost of materials used	$683,583,577
Value of product	$785,562,433

Reports and figures compiled from governmental and private, but equally reliable sources show that the great volume of export dressed beef from America to Europe is to-day over 100,000,000 pounds less than it was five years ago and is gradually diminishing, while shipments from Argentina to Europe during the same period have increased almost 200 per cent and are still growing.

In 1905 the shipments of dressed beef from Argentina to England exceeded the shipments from the United States by over 38,000,000 pounds. Five years ago the United States shipped to England 70 per cent of the total imports of dressed beef and Argentina 17 per cent.

For 1905 the proportion from the United States was 44 per cent and from Argentina over 51 per cent. The United States is compelled to compete in European markets with Argentina beef and the Argentina cattle are sold for about 60 per cent of what the American producer gets.

If the export trade is further hampered and the present tendency continues it is easy to see that the American trade in cattle, meat, and meat products will become a thing of the past.

It is needless to say that the past twelve months show the largest losses to the American shipper on shipments of any twelve months. And the situation has not been bettered in the last month.

The average animal imports into Great Britain from all countries were, during 1895–1897, 293,000,000—223,000,000 contributed by this country (75 per cent); 1898–1900, 412,000,000—296,000,000 contributed by this country (72 per cent); 1901–1903, 462,000,000—305,000,000 contributed by this country (66 per cent); 1904, 487,000,000—268,000,000 contributed by this country (55 per cent). Argentina has furnished during the same period—1895–1897, 6,000,000 pounds, or 2 per cent; 1898–1900, 25,000,000 pounds, or 6 per cent; 1901–1903, 106,000,000 pounds, or 23 per cent; 1904, 188,000,000 pounds, or 39 per cent.

The United States in 1904 imported into thirteen European countries and Cuba $153,429,026 worth of packing-house products, to say nothing of imports into other quarters of the globe.

The immensity of the meat trade in its ramifications is absolutely beyond comprehension. The amounts of money involved are fabulous. The trade furnishes a livelihood to millions of people. Even the small farmer sends his surplus cattle and hogs to market now, instead of killing them at home, as was the custom. By so doing he gets a good price for the animals, and buys from local meat dealers the cuts of meat he needs for family use, getting the highest price for such parts of the animal as he can not use.

The trade in the United States in tinned meats and preparations other than those denominated "fresh" is simply marvelous. Every general store, butcher shop, grocery, delicatessen, bakery, lunch room, and even the little country store at the crossroads carries a stock of tinned goods, smoked meats, sausage, tongues, and, in fact, every character of meat product. A line of these goods is as essential to the stock of the store as any of the other staples, sugar, or coffee. Many of these merchants and butchers, too, sell pressed corned beef by the pound. The trade carries a fair profit, and as the goods do not deteriorate from age, they are staple in every way, classed and invoiced as such.

Let us pass such legislation as will meet every demand for clean, wholesome meat food products—make it sufficiently stringent to insure confidence on every hand and encourage a greater use of meat food products at home and abroad. But let it be understood that no unworthy motive now or ever has prompted the sale of this commodity, and that though we favor a more rigid inspection than has heretofore prevailed, we still challenge the world to show that any meat in any form which was unfit for food has ever been placed upon the market.

Mr. ADAMS. Mr. Speaker, I ask unanimous consent that every Member of this House who wants to extend his remarks in the RECORD on this subject be permitted so to do. It is evident that many gentlemen wish to do so.

Mr. SHERLEY. I object.

The SPEAKER. The gentleman from Kentucky objects.

Mr. ADAMS. Mr. Speaker, the gentleman from Mississippi [Mr. WILLIAMS] has told the truth, and it is idle to disguise it, that the President of the United States and the Speaker of this House have agreed with reference to the bill which is now before you. The gentleman from Mississippi, with his characteristic intellectual integrity, manifested in this instance, as it has been in many others, accepts the situation, says it is a good bill, and makes no complaint because the President of the United States and the Speaker of this House agree with him.

Now, Mr. Speaker, what has happened? The Secretary of Agriculture sent a committee to Chicago to investigate the conditions under which the packing-house industry of that city was carried on. That committee submitted an elaborate and complete report, covering every building, covering every room—a report which was simple, direct, concise, evidently prepared without passion and without prejudice, telling the exact truth; and the exact truth was that in the great center of the meat-handling industry of the United States conditions existed which threatened the character and integrity of the meat products of the United States. That report was submitted to the President. In order to confirm it, or not confirm it, he selected two men in whom he had confidence, who did not claim to be experts, who were ordinary, intelligent citizens, having the judgment of ordinary, intelligent citizens, and sent them there to make such an investigation as you and I would make. The report of those two gentlemen confirmed the report that was made to the Secretary of Agriculture. The President of the United States, understanding, as you and I understand, that meat is something which goes into the consumption of every family, knowing, as you and I know, that the great meat industry of the United States exports to foreign lands $200,000,000 worth of meat a year, knowing the importance of this subject, communicated the facts to Congress. Why? In order that public sentiment might be stirred all over the United States, and that the legislative judgment of this body and the other across the Capitol might be stirred to enact into law a provision for governmental inspection, which should insure the healthfulness, the wholesomeness, the cleanliness, the purity, and perfection of American meat products. [Applause.] That is all there is of it.

A bill passed the Senate, passed without consideration, a provision conceived by a gentleman who wished to do good things, who was moved by a good purpose. That bill was imperfect. It came over here and was sent to the Committee on Agriculture. Hearings were had. Representatives of the packers were heard; representatives of the Agricultural Department were heard; the men who went to Chicago to investigate were heard. The committee gave ample consideration to the representatives of all these interests; and I want to say to you, gentlemen, with reference to the truth of the charges which have been made, that when Mr. Wilson, the representative of the packers of Chicago, who came there and very modestly and very clearly stated what he deemed the conditions to be in Chicago, and then, in response to questions, admitted that every solitary conclusion of Mr. Neill and Mr. Reynolds in their report should be carried out, he confessed judgment on the essential points in this controversy. [Applause.] And when the board of health of Chicago sent their representative, under the spur of public feeling that has been applied in this case, into the packing-house district and started to work there, in nearly every establishment the truth of the charges was again sustained. There is no question about it. The committee took up that bill in the utmost good faith, every man actuated with the desire to draw and present to this House a measure which should compel rigid and, in so far as human judgment could make it, perfect inspection of meat, to give us a bill which should not only be just to the producing interests of the United States, but also fair and just to those great manufacturing interests which are handling hundreds of millions of dollars' worth of the meat products of this country. The committee worked in absolute good faith. They have no pride of opinion. There was but one purpose among the members of that committee, and that was to make the bill right. I disagreed with the majority in the first report which came here, providing for a court review. I do not believe that every time the Congress of the United States draws a law, under the power which it has over interstate commerce, to regulate

some particular kind of business, we must provide in that particular bill for some particular kind of court review. That provision has gone out of the bill.

It is true that I have consulted with the President. It is true that the Speaker of this House has taken hold of this thing as a Member of the House and as an American citizen, and has worked with Mr. Roosevelt. Neither has shown any pride of opinion, but a simple desire to yield nonessentials in order that the executive branch of the Government and the legislative branch of the Government and the American people, all of whom want a good law, may have it. [Applause.]

Mr. HINSHAW. Mr. Speaker, in view of the large stock interests in my country, I ask leave to extend remarks in the RECORD along this subject.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HENRY of Connecticut. Mr. Speaker, I ask unanimous consent to extend remarks in the RECORD upon this subject.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KENNEDY of Nebraska. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the report of the committee of the Omaha Commercial Club on the condition of the Omaha packing houses.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to print in the RECORD the matter to which he refers. Is there objection?

Mr. DE ARMOND. I object, Mr. Speaker.

Mr. HAY. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the motion of Mr. WADSWORTH was agreed to.

Mr. LILLEY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend remarks in the RECORD upon the agricultural appropriation bill.

Mr. HAY. I object.

SUBDIVISION OF LANDS UNDER RECLAMATION ACT.

Mr. MONDELL. Mr. Speaker, I desire to offer the conference report on the bill (H. R. 18536) providing for subdivision of lands under the reclamation act, to be printed in the RECORD.

The SPEAKER. The report and statement will be printed under the rule.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6355. An act concerning licensed officers of vessels;

S. 6406. An act to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch;

S. 4965. An act authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army;

S. 6444. An act to authorize the Wichita Mountain and Orient Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes;

S. 6365. An act granting a pension to Edward S. Bragg; and

S. 6268. An act granting a pension to Helen G. Hibbard.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. RUFUS E. LESTER, late a Representative from the State of Georgia.

Resolved, That a committee of seven Senators be appointed by the presiding officer to join a committee appointed on the part of the House of Representatives to attend the funeral of the deceased, at Savannah, Ga.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that the Vice-President, in compliance with the foregoing, had appointed, under the second resolution, Mr. BACON, Mr. CLAPP, Mr. CLAY, Mr. WARNER, Mr. FOSTER, Mr. FULTON, and Mr. OVERMAN as the committee on the part of the Senate.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 15513. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;"

H. R. 14396. An act to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce;

H. R. 16290. An act to postpone until 1937 the maturity of $250,000 of 4 per cent United States bonds held in trust for the benefit of the American Printing House for the Blind; and

H. R. 16785. An act giving preference right to actual settlers on pasture reserve No. 3 to purchase lands leased to them for agricultural purposes in Comanche County, Okla.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 10292. An act granting to the town of Mancos, Colo., the right to enter certain lands.

PHILIPPINE MERCHANDISE.

Mr. McCLEARY of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19756) to amend section 3844 of the Revised Statutes of the United States, and to provide for an authentication of invoices of merchandise shipped to the United States from the Philippine Islands.

The Clerk read the bill, as follows:

Be it enacted, etc., That section No. 2844 of the Revised Statutes of the United States is hereby amended by adding thereto the following: "*Provided*, That the authentication may be made by the collector or a deputy collector of customs in the case of merchandise shipped to the United States from the Philippine Islands."

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

ADDITIONAL ASSOCIATE JUSTICE FOR SUPREME COURT OF ARIZONA.

Mr. HENRY of Texas. Mr. Speaker, I move to discharge the Committee on the Judiciary from further consideration of S. 948, to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes, and to suspend the rules and pass the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act providing for an additional associate justice of the supreme court of Arizona, and for other purposes, approved March 3, 1905, be so amended that the first section thereof shall read as follows:

"That hereafter the supreme court of the Territory of Arizona shall consist of a chief justice and four associate justices, any three of whom shall constitute a quorum, but three justices must concur in order to reverse a judgment or other determination of a district court, except that in cases where two of the five justices are now or hereafter may be disqualified from sitting in such case or cases the justices not disqualified shall constitute a quorum and a majority thereof may reverse or affirm such case or cases."

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

EFFICIENCY OF THE REVENUE-CUTTER SERVICE.

Mr. ESCH. Mr. Speaker, I move to suspend the rules and pass the bill S. 3044. I am further directed by the committee to move to amend by striking out section 4 and inserting section 7, which is the committee amendment in lieu thereof, section 4 having been enacted into law by a previous act.

The Clerk read the bill, as follows:

Be it enacted, etc., That on and after the passage of this act the number of officers on the active list in the grade of third lieutenant in the Revenue-Cutter Service shall not exceed thirty-seven: *Provided*, That until such time as the grade of third lieutenant shall be filled as provided in this act there may be advanced to that grade any cadet of the line who has served not less than two years as such cadet, and is recommended for advancement by the Secretary of the Treasury.

SEC. 2. That hereafter the number of cadets of the line allowed in the Revenue-Cutter Service shall be such as to provide for filling the vacancies that may occur in the grade of third lieutenant in said

Service: *Provided*, That a person to be eligible for appointment as a cadet of the line shall produce satisfactory evidence of good moral character, shall be not less than 18 nor more than 24 years of age at the time of appointment, and shall pass a satisfactory physical examination by a board of officers of the Public Health and Marine-Hospital Service, and a satisfactory educational examination, which must in all cases be written and strictly competitive, by a board of commissioned officers of the Revenue-Cutter Service, both examinations to be conducted under such regulations as shall be prescribed by the Secretary of the Treasury: *Provided*, That no person who has been dismissed or compelled to resign from the Military Academy or from the Naval Academy of the United States for hazing, or for any other improper conduct, shall be eligible for appointment as a cadet in the Revenue-Cutter Service: *Provided*, That no person shall become a cadet of the line who does not obligate himself, in such manner as the Secretary of the Treasury may prescribe, to serve at least four years as an officer in said Service after graduation, if his services be so long required: *And provided further*, That the Secretary of the Treasury may summarily dismiss from the Service any cadet who, during his probationary term, is found unsatisfactory in either studies or conduct, or may be deemed not adapted for a career in the Service.

SEC. 3. That hereafter appointments into the grade of second assistant engineer in the Revenue-Cutter Service shall be as at present, except that, before being commissioned, the candidate who has successfully passed the required examinations shall serve a probationary term of not less than six months as a cadet engineer to determine his fitness for a commission in said Service, and during which probationary term he shall receive a salary of $75 per month and one ration per day: *Provided*, That no person shall be commissioned a second assistant engineer who is less than 21 or more than 26 years of age, nor until he shall have served the probationary term herein required.

SEC. 4. That hereafter it shall not be necessary for any commissioned officer of the Revenue-Cutter Service to make oath to his pay accounts.

SEC. 5. That a chief engineer of the Revenue-Cutter Service, to be selected for his special ability in naval construction from the present list of chief engineers by the Secretary of the Treasury, may be commissioned a constructor for engineering duty in said Service with the rank, pay, and emoluments now provided by law for a chief engineer: *Provided*, That the vacancy created in the list of chief engineers by such transfer shall not be filled by promotion or otherwise, but the number of chief engineers now authorized by law shall be reduced by one, and that no additional expense shall be incurred by reason of commissioning such chief engineer a constructor.

SEC. 6. The Secretary of the Treasury is hereby authorized to employ two civilian instructors in the Revenue-Cutter Service, one at a salary of $2,000 per annum and one at a salary of $1,800 per annum.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

NAVAL MILITIA.

Mr. FOSS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 10858) to establish a Naval Militia and define its relations to the General Government.

The Clerk read the bill, as follows:

Be it enacted, etc., That of the organized militia as set forth in the act to promote the efficiency of the militia, and for other purposes, approved January 21, 1903, such part of the same as each State may elect shall constitute a Naval Militia.

SEC. 2. That all sections of the said act which define the relations between the organized militia and the United States Government shall be applicable to the Naval Militia as part of the organized militia of the several States, Territories, and the District of Columbia, and the duties therein named for the Secretary of War shall, so far as the Naval Militia is concerned, devolve upon the Secretary of the Navy.

SEC. 3. That the Secretary of the Navy be, and he is hereby, authorized and empowered, upon the request of the governor of any State or Territory, or of the Commissioners of the District of Columbia, having an organized Naval Militia, to appoint an officer or officers to inspect, instruct, examine, and train such Naval Militia at such times and places as may be appointed by any of said governors or Commissioners, and also for the purpose of formulating standard regulations for the organization, discipline, training, armament, and equipment of said Naval Militia, and for the professional examination of the officers, petty officers, and men composing the same, with a view to producing uniformity among the Naval Militia of the various States and assimilating them to the standard of the United States Navy.

SEC. 4. That the Naval Militia, when called into the actual service of the United States, shall be governed by the same rules and articles as the Regular Navy.

SEC. 5. That such appropriations as may from time to time be made by the Congress for the benefit of the Naval Militia of the several States, Territories, and the District of Columbia shall be distributed between them according to equitable proportions to be determined by the Secretary of the Navy and applied to the uses and necessities of each organization: *Provided*, That no part of the money appropriated from time to time to carry out the provisions of the act approved January 21, 1903, shall be allotted to that part of the organized militia of any State that is now or may hereafter be designated as Naval Militia.

SEC. 6. That all laws and sections of laws conflicting with the provisions of this act are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. THOMAS of North Carolina. Mr. Speaker, I demand a second for the purpose of asking a question.

Mr. FOSS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Illinois asks unanimous consent that a second may be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois is entitled to twenty minutes and the gentleman from North Carolina is entitled to twenty minutes.

Mr. THOMAS of North Carolina. Mr. Speaker, I would ask the gentleman from Illinois if this is a unanimous report from the Committee on Naval Affairs?

Mr. FOSS. Yes.

Mr. THOMAS of North Carolina. I would further ask the chairman if this bill is satisfactory to the Naval Militia?

Mr. FOSS. Yes; it is.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

ORDNANCE DEPARTMENT, UNITED STATES ARMY.

Mr. HULL. Mr. Speaker, I am instructed by the Committee on Military Affairs to move to suspend the rules and pass the bill (S. 1540) to increase the efficiency of the Ordnance Department of the United States Army, as amended by the committee, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Ordnance Department shall consist of one chief of ordnance with the rank of brigadier-general; six colonels, nine lieutenant-colonels, nineteen majors, twenty-five captains, twenty-five first lieutenants, and the enlisted men, including ordnance sergeants, as now authorized by law.

SEC. 2. That details to the Ordnance Department under the provisions of the act of February 2, 1901, may be made from the Army at large from the grade in which the vacancy exists, or from the grade below: *Provided*, That no officer shall be so detailed except upon the recommendation of a board of ordnance officers, and after at least one examination, which shall be open to competition: *And provided further*, That officers so detailed in grades below that of major shall not be again eligible for such detail until after they shall have served for at least one year out of that department.

The SPEAKER. Is a second demanded? [After a pause.] No second having been demanded, the question is on suspending the rules and passing the bill as amended.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

RETIREMENT OF PETTY OFFICERS AND ENLISTED MEN OF THE NAVY.

Mr. DAWSON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1649) providing for the retirement of petty officers and enlisted men in the Navy, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That in computing the necessary thirty years' time for the retirement of petty officers and enlisted men of the Navy all service in the Army, Navy, or Marine Corps shall be credited.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS MISSISSIPPI RIVER AT ST. LOUIS.

Mr. BARTHOLDT. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 20210) to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River, together with committee amendments thereto, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the city of St. Louis, a corporation organized under the laws of the State of Missouri, be, and is hereby, authorized to construct, maintain, and operate a railroad, wagon, and foot-passenger bridge, and approaches thereto, across the Mississippi River at St. Louis, Mo., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded?

Mr. HUNT. Mr. Speaker, I demand a second.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Missouri [Mr. BARTHOLDT] is entitled to twenty minutes, and his colleague, the gentleman from Missouri [Mr. HUNT], is entitled to twenty minutes.

Mr. BARTHOLDT. Mr. Speaker, in explaining this bill I desire to say that the people of the city of St. Louis on last Tuesday voted for a proposition to issue bonds to the amount of $3,500,000 for the purpose of constructing a free municipal bridge across the Mississippi River, to be owned and controlled by the municipality for all time to come. The vote of the people was about 52,000 to 6,400, and in accordance with that verdict I have introduced this bill, the passage of which I now ask.

I reserve the balance of my time.

Mr. HUNT. Mr. Speaker, the bill under consideration is practically the same as House bill (20206) introduced by myself. In fact the phraseology is the same as contained in my

bill. But, Mr. Speaker, above and beyond any personal pride of mine I see the city of St. Louis asking for the necessary Federal permission to construct a municipal highway across the Father of Waters, in short, to enable her to prepare the way for the million or more of people who will take up their homes in the greatest city of the greatest State of these United States. Therefore, Mr. Speaker, I hope that no objection will be made to the passage of this bill. [Loud applause.]

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 18600. An act to amend section 10 of an act of Congress approved June 21, 1899, to make certain grants of land to the Territory of New Mexico, and for other purposes; and

H. R. 11787. An act ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School at Alva, in Oklahoma Territory, and approved the 15th of March, 1905.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes.

Also that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16472) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

H. R. 10133. An act to provide for the annual pro rata distribution of the annuities of the Sac and Fox Indians of the Mississippi between the two branches of the tribe, and to adjust the existing claims between the two branches as to said annuities;

H. R. 4580. An act for the relief of Blank & Parks, of Waxahachie, Tex.; and

H. R. 3459. An act for the relief of John W. Williams.

S. 5136. An act to amend the act creating the Spanish Treaty Claims Commission, approved March 2, 1901.

S. R. 52. Joint resolution authorizing the Secretary of War to donate to the board of trustees of Vincennes University, Vincennes, Ind., such obsolete arms and other military equipments now in possession of said university, to be used in military instruction.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4965. An act authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army—to the Committee on Military Affairs.

S. 6268. An act granting a pension to Helen G. Hibbard—to the Committee on Invalid Pensions.

S. 6355. An act concerning licensed officers of vessels—to the Committee on the Merchant Marine and Fisheries.

S. 6406. An act to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch—to the Committee on the District of Columbia.

S. 6365. An act granting a pension to Edward S. Bragg—to the Committee on Invalid Pensions.

OBSOLETE ORDNANCE.

Mr. MOUSER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19814) authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers and sailors orphans' homes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to issue, at his discretion and under proper regulations to be prescribed by him, without cost of transportation to the United States, such obsolete ordnance and ordnance stores as may be available to State and Territorial educational institutions and to State soldiers and sailors orphans' homes, for purposes of drill and instruction.

And the Secretary of War shall require from such institutions or homes a bond in each case in double the value of the property issued, for the care and safe-keeping thereof and for the return of the same to the United States when required: *Provided*, That the issues herein provided for shall be made only to institutions upon recommendation of the governors of States and Territories and shall not be made in any case to any educational institution to which issues of such stores are allowed to be made under provisions of existing law.

The SPEAKER. Is a second demanded? [After a pause.] No second having been demanded, the question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

FORT CLINCH RESERVATION, FLA.

Mr. CLARK of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1697) confirming to certain claimants thereto portions of lands known as Fort Clinch Reservation, in the State of Florida, with committee amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That all of the right, title, claim, and interest of the United States in and to the several lots of land in the old town of Fernandina, Nassau County, Fla., located on lot 2 of section 14, in township 3 north of range 28 east of Tallahassee principal meridian, which were granted by Spain to certain persons prior to the cession of Florida to the United States, and afterwards confirmed by the United States to such persons, their heirs, representatives, and assigns, prior to the issuance of the order creating the Fort Clinch Military Reservation, shall be, and the same are hereby, confirmed, granted, released, and relinquished to the said several persons to whom said lots were so granted by Spain and confirmed by the United States, respectively, and their respective heirs, representatives, and assigns; and that all the right, title, claim, and interest of the United States at the date of the patent to Yulee and of the swamp-land selection by Florida hereinafter referred to in and to lots 1 and 2 of section 14, in township 3 north of range 28 east of said meridian, except the said lots granted by Spain to certain persons and confirmed by the United States as above mentioned, and except the block of the old town of Fernandina known as the Plaza, bounded by Estrada, White, Marine, and Somuerelos streets, and except also the Military Road from said town to Fort Clinch, be, and the same are hereby, released and relinquished to the several persons and corporations, respectively, now claiming or holding the same under a patent issued by the United States to David L. Yulee, dated the 5th day of September, 1853, to said lot 2, and under an approval and certification by the Secretary of the Interior of the United States to the State of Florida of said lot 1, as swamp and overflowed lands, under an act of Congress dated the 28th day of September, 1850: *Provided, however*, That titles to that portion of said lands which are now held by said town of Fernandina for public purposes, whether claimed under the act of Congress of June 15, 1844 (5 Stat., p. 667), or otherwise, shall be, and hereby are, confirmed, granted, released, and relinquished to said town of Fernandina: *And provided further*, That the said town of Fernandina shall hold the lands hereby confirmed and relinquished to it only on condition that the said town shall keep open and maintain the said Military Road from said town to Fort Clinch without expense to the United States.

The SPEAKER. Is a second demanded?

Mr. LACEY. Mr. Speaker, I demand a second.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Florida asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Florida [Mr. CLARK] is entitled to twenty minutes, and the gentleman from Iowa [Mr. LACEY] is entitled to twenty minutes.

Mr. CLARK of Florida. Mr. Speaker, this bill has been recommended by the Interior Department and by the War Department both. The Committee on Private Land Claims made a unanimous report in its favor, and I do not know how I can better explain than to read briefly from the report. It says:

Your committee have made a very careful examination of the papers submitted with this bill and are thoroughly satisfied with the views taken by the Department of the Interior of the equities of the claimants. An additional fact showing that the Government ought to recognize the equities of the parties who claim under the Yulee patent we have ascertained by causing the records of the General Land Office to be searched. The United States still retains in the Land Office the consideration paid by Yulee for the land patented to him September 5, 1853, as is shown by the letter from the Assistant Commissioner of the General Land Office, under date of May 12, 1906, addressed to Hon. Hilary A. Herbert, as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 12, 1906.

SIR: In reply to your personal inquiry of this date, I have to advise you that, as shown by the records of this Office, lots 2 and 3, sec. 14, T. 3 N., R. 28 E., containing 204.73 acres, were located August 4, 1851, by David L. Yulee, by surveyor-general's certificate No. 2, in part satisfaction of the scrip issued under the provisions of the eleventh section of the act of May 26, 1824 (4 Stat. L., 52), in satisfaction of the Arredondo grant of 38,000 acres. Said location was patented September 5, 1853. The location and the patent issued thereon are intact upon the records of this Office, and the scrip surrendered in payment for the land is on file with the entry papers. At date of location said land was in the St. Augustine district, Florida.

Very respectfully,
J. H. FIMPLE, *Assistant Commissioner.*

Hon. HILARY A. HERBERT,
419 G Street NW., Washington, D. C.

Then, omitting some of the report, it further says:

This is a bill to quit and relinquish title to occupants who, with their predecessors, have been in possession of certain lands for over

sixty years, claiming title under the United States. The bill as it passed the Senate was prepared in the General Land Office, and approved by the Secretary of the Interior. As some of the lands are covered by a United States military reservation, it was recommended by the Commissioner of the General Land Office that the bill as prepared there should be referred to the War Department. This reference was made, and from that Department the bill was returned with the statement that there was no objection to the passage of the bill.

I think, Mr. Speaker, with that explanation——

Mr. LACEY. Mr. Speaker, I would like to ask the gentleman from Florida one further question. In the reading of the bill or report something was said about some of this land being swamp or overflowed land.

Mr. CLARK of Florida. Yes, sir.

Mr. LACEY. Would not that particular portion of the land have been the property of the State rather than the United States and have been included in the swamp-land grant?

Mr. CLARK of Florida. Yes; and this is to settle the title as to purchasers from the State as well as——

Mr. LACEY. The State has already parted with its title to these same parties whom the Government would now quiet title in this bill.

Mr. CLARK of Florida. Yes, sir; the Government simply relinquishing its title. One of the lots went to the State as swamp and overflowed land; the other was purchased by Mr. Yulee.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

JOINT COMMITTEE ON REVISION AND CODIFICATION OF LAWS.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask for the suspension of the rules and the passage of the following concurrent resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That a joint special committee be appointed, consisting of four Senators to be appointed by the Vice-President and five Members of the House of Representatives to be appointed by the Speaker, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the statutory revision Commission heretofore authorized to revise and codify the laws of the United States; and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary clerical and other assistance; to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be deemed necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

The SPEAKER. The Chair will ask the gentleman from Pennsylvania whether the Senate has passed a resolution similar to this which has gone to the Committee on Revision of the Laws?

Mr. MOON of Pennsylvania. I have no knowledge, Mr. Speaker, that the Senate has passed a similar resolution. I can only say we have had a conference with the Committee on Revision of Laws of the Senate and it was in obedience to their suggestion and in harmony with it that this joint resolution is submitted.

The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. Mr. Speaker, I demand a second; I want to get the hang of this thing.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Missouri. What is this proposition?

Mr. MOON of Pennsylvania. It is simply to appoint a joint committee of the Senate and House, to sit during the recess, in order to receive and take up the work that is reported to us from the Commission to revise and codify the laws of the United States, get it in form, and present it to the House and Senate at their meeting next December.

Mr. CLARK of Missouri. Was that resolution reported by Mr. HOAR the other day to discharge this Commission the 1st of December carried?

Mr. MOON of Pennsylvania. Yes, sir; that was carried.

Mr. CLARK of Missouri. And all this does is to appoint a joint commission of the House and Senate to examine the work and report to the House and Senate in December?

Mr. MOON of Pennsylvania. Yes, sir.

Mr. CLARK of Missouri. How much is it going to cost?

Mr. MOON of Pennsylvania. Well, I would not suppose it would cost anything very much. We simply ask clerical assistance. I could not exactly state that to the gentleman, but I should suppose the expense would be a very moderate one.

Mr. CLARK of Missouri. Are you going to get through with it by December or is it going to be another continuous performance?

Mr. MOON of Pennsylvania. I say that is our object and purpose. We are willing to sit during the recess of Congress intending to do that thing. I want to say our committee and the Senate committee, so far as we have talked with them, are exceedingly anxious to get this work forwarded, and we are willing to give our time for that purpose.

Mr. CLARK of Missouri. I suppose, Mr. Speaker, that is the easiest way to get rid of this whole business.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

FORT ROBINSON MILITARY RESERVATION.

Mr. KINKAID. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19181) to grant a certain parcel of land, part of Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes, with committee amendments thereto, and which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That there is hereby granted to the village of Crawford, a duly incorporated municipality under the statutes of the State of Nebraska as a village, situated in the county of Dawes, in the State of Nebraska, one certain parcel of land, being now a part of the Fort Robinson Military Reservation, the property of the United States, situated in the said county of Dawes, in the State of Nebraska, described as follows: Beginning at a point at the northeast corner of said Fort Robinson Military Reservation and running thence due west 1,584 feet; running thence due south 3,696 feet; running thence due east 1,584 feet; running thence due north 3,696 feet to the point of beginning (134.4 acres): *Provided*, That the said tract shall be used for park and water-power purposes only: *And provided further*, That the village of Crawford shall erect and maintain a suitable fence to separate the said tract from the military reservation: *Provided further*, That if the said village of Crawford shall cease to use the said land for park and water-power purposes the title hereby vested in it shall immediately revert to the United States.

The SPEAKER. Is a second demanded?

Mr. GILBERT of Kentucky. Mr. Speaker, I demand a second.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

Mr. GILBERT of Kentucky. Mr. Speaker, I am willing that the unanimous consent may go and may be considered as waived. I do not care to avail myself of the twenty minutes. However, I want some information about this bill. Why should the Government of the United States donate that tract of land to this village?

Mr. KINKAID. Mr. Speaker, there is plenty of land in that locality, and there will be a great deal to spare after this may have been disposed of in this particular way. There are about 15,000 acres contained in this military reservation, and this particular parcel which this bill will grant, if the bill is enacted, is near the village of Crawford, and the village of Crawford has used it for many years, by a license granted by the Secretary of War, for park purposes.

However, the village has never deemed it wise to make permanent improvements, because it felt it would not be warranted in doing so on account of the uncertainty that the license might at any time be terminated. But all this time, the War Department being advised by different commanders of the post that this was not needed at all for military purposes, the license has run, and the village has been allowed to use this particular parcel, or nearly one-third more than this particular parcel, for park purposes. Now that prospects for the growth of the village have become somewhat improved, it seeks to have the title granted to itself, conditioned that it may be used for park and water-power purposes only, and that it revert to the Government when it shall cease to be so used. It seeks this in order that it may proceed with safety in the making of improvements of a permanent character and which are necessary for the full enjoyment of the land for park purposes.

Mr. GILBERT of Kentucky. Why should the Government donate that tract of land to that municiplaity?

Mr. KINKAID. It would be just as well as to maintain it as part of the reservation, because it is of no use for reservation purposes. It is a rough piece of land, particularly adapted to park purposes on account of its scenic character, and also it has water-power facilities which have been utilized by the village, and the village needs the water for different purposes. It is in a dry country. It is but a short distance from there to the eastern line of the State of Wyoming. It is in the semiarid region.

Mr. GILBERT of Kentucky. I will withdraw my objection, with a mental reservation that you are not entitled to the property at all.

Mr. KINKAID. All right; I yield you the mental reservation in consideration of 134¼ acres of the military reservation. I want the property.

Mr. MANN. Will the gentleman yield?

Mr. KINKAID. Yes, sir.

Mr. MANN. You say the village needs the water. Now, may not the Government need water on the reservation?

Mr. KINKAID. It has at another place an abundance of water on much higher ground, and that is right near where the post is situated—that is, the post buildings. It is as good water as there is in the United States. They would not use this water, for they have water which is so much better.

Mr. MANN. The gentleman stated what of course is common knowledge, that this is in a dry country.

Mr. KINKAID. Usually dry.

Mr. MANN. Is he sure that the Government will never need this water which you propose to give away to the village?

Mr. KINKAID. I can answer that question very authoritatively, because the Secretary of War ordered that an Army officer be detailed to make a thorough examination of the proposition, and an officer was detailed for the purpose. Now, the post commanders at this post had previously recommended that this grant be made, but the Secretary of War was not content with that, and it was perfectly agreeable to me that a very careful and scrupulous investigation be made, which was done; and instead of recommending the granting of 196 acres, the amount asked for, this officer reported that there would be no question about the safety of the Government in making the grant if it were reduced to 134½ acres. That reduction was made by a committee amendment, which I have moved that the House adopt, so that there is nothing remaining in the parcel which this bill will grant that the Government will ever possibly need.

Mr. MANN. Is this reservation an original reservation from the public domain?

Mr. KINKAID. Yes, sir; it is an original reservation from the public domain.

Mr. MANN. No ground that the Government has purchased?

Mr. KINKAID. No, no.

Mr. LITTLEFIELD. Never cost the Government anything?

Mr. KINKAID. No.

Mr. DE ARMOND. What does the Secretary of War say about it?

Mr. KINKAID. The Secretary of War recommends it; nobody has objected to it. [Cries of "Vote!"]

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CANAL AND POWER STATIONS, WHITE RIVER, ARKANSAS.

Mr. MACON. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the Clerk's desk.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the Batesville Power Company, a corporation created and organized under a charter granted by the State of Arkansas, its successors or assigns, to erect, construct, operate, and maintain inlet and outlet races, canals, or other structures and a power station or stations at or near Lock and Dam No. 1, upper White River, Arkansas, and to make such other improvements as may be necessary for the development of water power from Pool No. 1, and the transmission or application of the same: *Provided*, That the constructions hereby authorized are not built on any lands belonging to the United States and do not in any way impair the usefulness of any improvement made by the Government for the benefit of navigation: *Provided further*, That in the operation of the aforesaid constructions the withdrawal of water from the river shall at all times be under the direction and control of the Secretary of War, and that until the plans and location of the works herein authorized, so far as they affect the interests of navigation, have been approved by the Secretary of War, the improvements shall not be commenced or built, and the Secretary of War is authorized and directed to fix from time to time reasonable charges to be paid by said company for the use of said power.

SEC. 2. That unless the work herein authorized be commenced within one year and completed within three years from the date hereof the privileges hereby granted shall cease and be determined.

SEC. 3. That the right to alter, amend, or repeal this act is expressly reserved.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second. I ask unanimous consent that a second may be considered as ordered.

Mr. MACON. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The Chair hears no objection. The gentleman from Arkansas is entitled to twenty minutes and the gentleman from Illinois is entitled to twenty minutes.

Mr. MANN. I just wish to ask the gentleman briefly, first, what committee reports upon this bill?

LOCK AND DAM, WHITE RIVER, ARKANSAS.

Mr. MACON. Mr. Speaker, I have a companion piece here that I should like to have considered now. It will only take a moment. I move to suspend the rules and pass the bill (H. R. 18596) to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River, Arkansas, and for other purposes, with the committee amendments.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and empowered to grant permission to J. A. Omberg, jr., to build and construct a lock and dam across the White River at such point above Lock No. 3, now built or being built by the United States, as may be approved by the Secretary of War, the said lock and dam to be constructed under his direction, supervision, and control, and in accordance with and conformity to the plans and designs as may be approved by the Chief of Engineers of the United States Army: *Provided*, That the plans and designs of the said structure shall be prepared by the said contracting party at his own expense; and the said contracting party shall purchase and pay for all lands on either side of the river that may be necessary to the successful construction and operation of said lock and dam, including flowage rights and rights of way for ingress and egress from public highways, and deed the same to the United States, and make all excavations, erect all stone, concrete, and timber work, furnish all materials of every character, and pay for all labor employed in the construction of said lock and dam, and give said lock and dam to the United States completed, free of all cost, expense, claims, or charges of any kind whatsoever.

SEC. 2. That the said individual undertaking the construction of said work shall begin the building of said lock and dam within eighteen months from the passage of this act, and the same shall be completed within two years from the date of beginning the construction, the right being reserved to the United States to enter on the construction of said lock and dam, if deemed advisable, at any time before the work is commenced by said contracting party; or if begun and not carried on in strict accordance with the directions of the Secretary of War, then the United States may assume the further construction and completion of said work at its option, the cost of such further construction and completion to be paid by the said contracting individual.

SEC. 3. That the deed to the United States to the land to be purchased and donated to the same, as mentioned in the first section of this act, shall be executed and delivered within twelve months after the passage of this act; and, further, that the Secretary of War shall determine from time to time whether the work is being properly done, and may require an increase in force to be employed by the contractor, so as to force the work to completion within the limit mentioned in the act.

SEC. 4. That in consideration of the construction of said lock and dam free of cost to the United States except as provided in section 1 of this act, the United States hereby grants to the person constructing said lock and dam under the provisions of this act such rights as it possesses to use the water power produced by said dam and to convert the same into electric power or otherwise utilize it for a period of ninety-nine years: *Provided*, That he shall furnish the necessary electric current while his power plant is in operation to move the gates and operate the locks and to light the United States buildings and grounds free of cost to the United States: *Provided further*, That the said person shall operate and maintain the said locks, affording passage to all boats and craft desiring to use the same, but the Secretary of War, in the interest of navigation, may relieve him of this obligation: *And provided further*, That the plans for the necessary works and structures to utilize said water power shall be approved by the Secretary of War, and that nothing shall be done in the use of the water from said dam or otherwise to interfere with or in any way impede or retard the proper and complete navigation of the river at all times, nor in any way to interfere with the use and control of the same by the United States for the purposes of navigation: *And provided further*, That the Secretary of War is hereby authorized to prescribe regulations to govern the use of the said water power and the operations of the plant and force employed in connection therewith; and no claim shall be made against the United States for any failure of water power resulting from any cause whatever.

SEC. 5. That in case of failure on the part of said J. A. Omberg, jr., his heirs and assigns, for a period of twelve months to formally notify the Secretary of War of his intention to proceed with the construction of the lock and dam as herein provided, then it shall be lawful for the Secretary of War to contract with any private corporation, company, firm, or persons for the construction of said lock and dam on the terms and in the manner herein provided: *Provided*, That the Secretary of War may require the contracting party to execute a bond, with proper sureties, before the commencement of the work, in such amount as he may consider necessary, not exceeding $100,000, to insure the commencement, prosecution, and completion of the work herein authorized and compliance with the terms, conditions, and requirements of this act; and in case of failure to comply with the requirements of said bond the said contracting party shall forfeit to the United States the full amount thereof.

SEC. 6. That the right is expressly reserved in the United States to revoke by act of Congress the rights, privileges, and benefits conferred by this act; but in the event of such revocation the United States shall pay to the corporation, company, firm, or persons who may erect said lock and dam under the provisions of this act as full compensation the reasonable value, exclusive of the franchise hereby conferred, of all properties erected and lands purchased by them necessary for the enjoyment of the benefits conferred upon them by the provisions of this act, such value to be determined by mutual agreement between the Secretary of War and the owners of said properties; and in case they can not agree, then by proceedings instituted in the United States circuit court for the condemnation of said property, such proceedings to conform as nearly as may be to the laws of the State of Arkansas in respect of condemning land for the right of way for railroad purposes: *Provided*, That to insure compliance with the terms of the contract or of this act, or to protect the interests of navigation, the Secretary of War shall have power at any time, before or after the completion of the work, to order a suspension of all privileges granted by this act: *And provided further*, That compliance with such order of suspension may be enforced by the injunction of the circuit court of the United States exercising jurisdiction in the district in which the work is situated, and proper proceedings to this end shall be instituted by the Attorney-General upon request of the Secretary of War.

SEC. 7. That nothing in this act shall be construed as in any way interfering with the exclusive jurisdiction over and control by the United States of the White River and the lock and dam therein to be erected for the purpose of navigation, nor as repealing or modifying any of the provisions of law now existing in reference to the protection of navigation.

Mr. MACON. The Rivers and Harbors Committee unani-

mously reported the bill, after a full hearing and due consideration; and the report will show that the committee thinks it is in the interest of the Government that the bill pass.

Mr. MANN. Is this a dam to be built by private parties?

Mr. MACON. It is to be built by an individual, and it is to be under the control of the Government at all times.

Mr. MANN. Is this in connection with locks already constructed by the Government?

Mr. MACON. No, sir; it is an independent matter. The River and Harbor Committee decided to abandon the construction of locks and dams in White River after the completion of Lock No. 3. This is to be constructed above Lock 3.

Mr. MANN. It is customary for these bills with reference to dams to go to the Committee on Interstate and Foreign Commerce. It does not make any difference to me what committee it goes to; but if one committee adopts one proposition in reference to bills going before it it sometimes happens that people manage to get a bill referred to another committee. Now, I know the gentleman would not do that.

Mr. MACON. No, sir; I beg to assure the gentleman that in the construction of this project it is intended to follow the policy adopted by the Committee on Rivers and Harbors on the subject. The Rivers and Harbors Committee decided after the railroad was constructed that paralleled White River up into the mountainous country in Arkansas, that it was not necessary to construct locks and dams farther up the stream. Then this party asked that he be permitted to construct lock and dam No. 4. The Rivers and Harbors Committee had hearings, investigated the matter thoroughly, and decided after due consideration that it was entirely feasible and largely in the interest of the Government that he be permitted to construct it. I do not think the Rivers and Harbors Committee, in doing what it did in the premises, assumed or usurped any of the power of any other committee of the House.

Mr. MANN. It has been the practice in the House to refer to the Committee on Rivers and Harbors a bill, if the dam were to be constructed in connection with river and harbor work.

Mr. MACON. Yes, sir; I think that has been the practice.

Mr. MANN. But where it was a dam across a river, not connected with river and harbor work, the practice has been to refer the bill to the Committee on Interstate and Foreign Commerce.

Mr. MACON. I will say to my good friend that I think this is a river and harbor project. It is carrying out the policy that had formerly been planned by the River and Harbor Committee; but when the railroad was constructed the committee felt that it was not in the interest of the Government to expend $160,000 for the construction of this particular lock and dam, and after the committee decided that it was not proper for the Government to do this work, then it was that Mr. Ormberg asked that he be permitted to construct the lock and dam at his own expense.

Mr. MANN. Very well.

The SPEAKER. Is a second demanded? If not, the question is on suspending the rules and passing the bill.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended, and the bill passed.

LEGISLATIVE APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I desire to submit a conference report on the bill H. R. 16472—the legislative, executive, and judicial appropriation bill—to be printed in the RECORD under the rule.

The SPEAKER. The report and statement will be printed under the rule.

CONFEREES ON AGRICULTURAL APPROPRIATION BILL.

The SPEAKER. The Chair announces as conferees on the agricultural appropriation bill Mr. WADSWORTH, Mr. SCOTT, and Mr. LAMB. The Chair will state that the gentleman from South Carolina [Mr. LEVER] came to the Chair and requested to be excused from service upon the conference committee.

ELECTRIC RAILWAY ON NATIONAL CEMETERY ROAD, VICKSBURG, MISS.

Mr. WILLIAMS. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 14811 as amended by the committee.

The Clerk read as follows:

Be it enacted, etc., That permission is hereby given to George T. Houston and Frank B. Houston, their associates, successors, and assigns, to erect, construct, operate, and maintain an electric railway over and along the national cemetery road at Vicksburg, Miss., from said city of Vicksburg northward to the northern boundary of the Government right of way for said road: *Provided*, That a minimum width of 30 feet of the roadway, over and above that used by the railway tracks, be left all along said road for a driveway, sidewalk, and gutters; that the licensees, their associates, successors, and assigns, shall repair all damage done to the Government roadway by the construction of their line of railway, and shall maintain their railway and said roadway within the tracks and for 2 feet on each side of the tracks in proper state of repair thereafter: *And provided further*, That said electric railway shall be constructed, operated, and maintained according to plans and specifications to be submitted to and approved by the Secretary of War, and under such regulations as may be prescribed by him.

The SPEAKER. Is a second demanded?

Mr. NEEDHAM. I demand a second, and ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Mississippi has twenty minutes, and the gentleman from California [Mr. NEEDHAM] has twenty minutes.

Mr. NEEDHAM. I do not desire that much time. Is this bill reported by a committee?

Mr. WILLIAMS. It is reported unanimously by the Committee on Military Affairs.

Mr. NEEDHAM. Was it referred to the Secretary of War?

Mr. WILLIAMS. Yes.

Mr. NEEDHAM. I wish to say to the gentleman that in the various national parks of the country, for instance, the Yosemite, the Yellowstone, and other national parks, the policy of the Government has been not to permit electric lines to enter them.

Mr. WILLIAMS. This is not within the park at all. It is upon the road from Vicksburg out to the gates of the park. The Government owns the road.

Mr. NEEDHAM. Why is this legislation necessary?

Mr. WILLIAMS. Because the Government owns the road.

Mr. NEEDHAM. And it is not intended that the electric railway shall enter the confines of the park itself?

Mr. WILLIAMS. No.

Mr. HULL. It will be entirely outside?

Mr. WILLIAMS. Entirely outside.

Mr. MANN. Is any control reserved in this bill over the fare to be charged?

Mr. WILLIAMS. Absolute control. I will read to the gentleman the exact language.

And provided further, That said electric railway shall be constructed, operated, and maintained according to plans and specifications to be submitted to and approved by the Secretary of War, and under such regulations as may be prescribed by him.

Mr. MANN. Does the gentleman think that language sufficient to enable the Secretary of War to require a reasonable charge?

Mr. WILLIAMS. I think so. The language seems to be sufficient, and the Secretary thinks so.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF AGRICULTURE.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Department of Agriculture is hereby authorized to sit during the recess of this Congress.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

DONATING GUN CARRIAGE TO RIPLEY, TENN.

Mr. GARRETT. Mr. Speaker, I move to suspend the rules and pass House joint resolution (H. J. Res. 160) authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of War be, and is hereby, authorized to deliver to the mayor of the city of Ripley, Lauderdale County, Tenn., if the same can be done without detriment to the public service, one 10-inch carriage for Rodman gun now at New York Arsenal, Governors Island, New York Harbor, the same to be used for the mounting thereon of a 10-inch columbiad cannon recovered from the ruins of Fort Pillow, Lauderdale County, Tenn., by the said municipal corporation of Ripley and the county of Lauderdale, Tenn., acting through their respective agents and officers, to be used and mounted as a monument in the court-house yard or on the public square in said town of Ripley: *Provided*, That the donation shall be without expense to the United States.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS TUG FORK OF SANDY RIVER.

Mr. GAINES of West Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19312) to authorize the Mingo-Martin Coal Land Company to construct a bridge across Tug Fork of Big Sandy River at or near the mouth of Wolf Creek.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Mingo-Martin Coal Land Company, a corporation organized under the laws of West Virginia, its successors

and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad and foot bridge and approaches thereto across the Tug Fork of Big Sandy River at or near Wolf Creek, in the State of Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

JOSÉ MARTIN CALVO, OF COSTA RICA.

Mr. HULL. Mr. Speaker, I am authorized by the Committee on Military Affairs to move to suspend the rules and pass Senate joint resolution (S. R. 66) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. José Martín Calvo, of Costa Rica.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to permit Mr. José Martín Calvo, of Costa Rica, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the case of the said José Martín Calvo the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

Mr. CLARK of Missouri. Mr. Speaker, I demand a second.

Mr. HULL. I ask unanimous consent that a second be considered as ordered.

There was objection.

Mr. CLARK of Missouri. Mr. Speaker, I want to say to the gentleman I thought there was an agreement sometime ago that this business was to be shut off.

Mr. HULL. I know of no such agreement.

Mr. CLARK of Missouri. My understanding is that the gentleman from Iowa was the one who suggested it.

Mr. HULL. I think the gentleman from Missouri is mistaken. This is simply the ordinary courtesy that has never been denied to a South American republic. The only contest I have ever known was in regard to the admission of Chinese to the Military Academy.

Mr. CLARK of Missouri. Are they shut out?

Mr. HULL. They are all shut out unless Congress by affirmative action gives permission.

Mr. PAYNE. I think what the gentleman from Missouri has in mind is a bill that passed the House the other day that cut off the right of any government to send its students here without the consent of Congress in each case, either cadets to West Point or to the Military Academy.

Mr. CLARK of Missouri. I knew there was some kind of an agreement.

Mr. HULL. They have no absolute rights here unless the Congress gives permission.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS COLDWATER RIVER, MISSISSIPPI.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 20097) to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Coldwater River.

The Clerk read the bill, as follows:

Be it enacted, etc., That the board of supervisors of Coahoma County, Miss., be, and they are hereby, authorized to construct, maintain, and operate a drawbridge and approaches thereto across the Coldwater River at or near the point where said river intersects the dividing line between Coahoma County and Quitman County, in the State of Mississippi, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS THE MONONGAHELA RIVER IN THE STATE OF PENNSYLVANIA.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19850) "to authorize the Monongahela Connecting Railroad Company to construct a bridge across the Monongahela River in the State of Pennsylvania."

The bill was read, as follows:

Be it enacted, etc., That the Monongahela Connecting Railroad Company, a corporation organized under the laws of the State of Pennsylvania, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River at Pittsburg, from a point on the north shore between Hazlewood avenue and the Glenwood highway bridge to a point on the south shore in the township of Baldwin or the township of Lower St. Clair, in Allegheny County, in the State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed, and read a third time, and it was read the third time, and passed.

BRIDGE OVER THE OHIO RIVER.

Mr. GRAHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19566) "to authorize the Coraopolis Bridge Company to construct a bridge over the Ohio River," with the committee amendments.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Coraopolis and Osborne Bridge Company, a corporation organized under the laws of the State of Pennsylvania, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River from a point on Fourth avenue, near Watt street, in the borough of Coraopolis, to a point on Beaver street or road (about five-eighths of a mile southeast of the line of Sewickley Borough), in the borough of Osborne, all in Allegheny County, in the State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS RED RIVER OF THE NORTH.

Mr. STEENERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 20119) to authorize the village of Oslo, Marshall County, Minn., to construct a bridge across the Red River of the North, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the village of Oslo, a municipal corporation organized under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a pontoon bridge and approaches thereto across the Red River of the North at a point in said village to a point opposite in the State of North Dakota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded? [After a pause.] No second having been demanded, the question is on suspending the rules and passing the bill.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

UNIVERSITY PREPARATORY SCHOOL, TERRITORY OF OKLAHOMA.

Mr. McGUIRE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17186) granting to the Territory of Oklahoma, for the use and benefit of the University Preparatory School of the Territory of Oklahoma, section 33, in township No. 26 north of range No. 1 west of the Indian meridian, in Kay County, Okla., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That all of section No. 33, in township No. 26, north of range No. 1 west of the Indian meridian, in Kay County, Okla., same being a portion of the lands reserved to said Territory for public building purposes, be, and the same is hereby, granted to the Territory of Oklahoma for the use and benefit of the University Preparatory School of said Territory of Oklahoma, to be and become the property of the said University Preparatory School for building purposes, but no indemnity shall be allowed for this section: *Provided*, That the board of regents of the said University Preparatory School may set apart any part of said section of land as a campus for said school, and may sell and dispose of and convey the residue of said section of land, either by proper subdivisions or platting the same into town sites as an addition to the said town of Tonkawa, or otherwise, and at public or private sale, as the said board of regents of the said University Preparatory School may deem best, and all money arising from the sale of any of said lands shall be used and expended by the board of regents of said University Preparatory School only for the erection of buildings for the use of said school.

SEC. 2. That the leases to the present tenants thereon, made by the board for leasing school lands of the Territory of Oklahoma, shall remain in full force and effect until their respective expirations, and that the governor of the Territory of Oklahoma shall appoint, on the application of the board of regents of said University Preparatory School, three disinterested freeholders of said county to appraise the value of the improvements on said lands belonging to the lessees thereof, and such improvement shall be appraised at the fair, reasonable value thereof, and the said appraisers shall give ten days' notice of the time when such appraisement shall be made by posting the same in a conspicuous place on each quarter section of said lands, and shall take an oath fairly and impartially to appraise the improvements of the said lessees on said lands at the fair, reasonable value thereof, and shall make report of such appraisement and file the same with the governor of the Territory of Oklahoma with such oath, and the board of regents of said University Preparatory School shall immediately pay

the amount so fixed to the treasurer of the Territory of Oklahoma for the use of such lessees and have immediate possession of said lands: *Provided further*, That if either the board of regents of said University Preparatory School or said lessees shall feel themselves aggrieved by the valuation of such appraisers they may, within thirty days from the filing of such report with the governor of the Territory, appeal to the district court of said county by filing notice with the governor of said Territory and filing a bond to be approved by the governor, conditioned that such person or said board of regents will prosecute such appeal to effect and without unnecessary delay, and pay all costs and judgments that may be awarded against them in said proceeding. And the governor of said Territory shall immediately cause a copy of the application of said board and the appointment and oath and report of said appraisers, together with the bond aforesaid, to be filed with the clerk of the district court of said Kay County, whereupon the question of the amount of damages sustained by such lessees shall be tried de novo by a jury: *And provided further*, That the board of regents of said University Preparatory School are hereby vested with full authority on behalf of said Territory to settle and adjust the difference between said University Preparatory School and the lessees of such lands and make such settlements as the board of regents may deem just and proper: *And provided further*, That when said Territory shall become a State the governor of said State shall be the successor of the governor of said Territory under the provision of this act.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second, and ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Illinois demands a second, and asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Oklahoma [Mr. McGUIRE] is entitled to twenty minutes, and the gentleman from Illinois [Mr. MANN] is entitled to twenty minutes.

Mr. MANN. Mr. Speaker, I demand a second for the purpose of having a brief explanation of this bill.

Mr. McGUIRE. Mr. Speaker, this bill relates to section 33 of lands of Oklahoma reserved by the Federal Government for public buildings for the future State of Oklahoma. This land lies adjacent to the city of Tonkawa. At that city is located the Preparatory University of Oklahoma. The school is badly in need of additional land. When we become a State this land could not be granted to this institution, for the reason that it is reserved here for a specific purpose. This bill is indorsed by the governor of Oklahoma, the Territorial secretary, the chairman of the school land board of Oklahoma, and the Secretary of the Interior, and is reported here by the committee.

Mr. MANN. What does this bill do?

Mr. McGUIRE. It gives to the Preparatory University of Oklahoma for school purposes a section of land adjacent to the land now owned by the institution. It simply donates it for school purposes.

Mr. MANN. This is in addition to the other land which has been donated for school purposes?

Mr. McGUIRE. Yes; this is in addition to the land donated for school purposes in Oklahoma.

Mr. MANN. Does not the admission bill provide very liberally for land for school purposes in the new State?

Mr. McGUIRE. No; the admission bill does not. Formerly the land reserved in Oklahoma was abundant. The two sections for school purposes were sufficient.

Mr. MANN. What is the value of this land?

Mr. McGUIRE. I only give this by way of general information, but I think it is probably twelve or fifteen thousand dollars. The real purpose of it is to give additional land for campus purposes for the institution.

Mr. MANN. Devotes the whole section, does it?

Mr. McGUIRE. Yes.

Mr. MANN. That is a large amount for campus purposes.

Mr. McGUIRE. Yes; it is more than they will need for campus purposes, and that in excess of what is needed for campus purposes will be sold and the proceeds given to the institution.

Mr. MANN. Will this be a State university?

Mr. McGUIRE. This is now a preparatory university. In addition to this there is a university proper. This will be a State preparatory university.

Mr. MANN. Will it be maintained by the State of Oklahoma?

Mr. McGUIRE. Yes.

Mr. MANN. Who maintains it now?

Mr. McGUIRE. The Territory of Oklahoma.

Mr. MANN. Out of the public treasury?

Mr. McGUIRE. Yes; out of the funds of the Territory.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BEALL].

Mr. BEALL of Texas. Mr. Speaker, I desire to ask one or two questions of the gentleman from Oklahoma. I understood the gentleman to say that it would not be possible after the Territory of Oklahoma becomes a State for that State to make this disposition of those lands.

Mr. McGUIRE. That is what I said.

Mr. BEALL of Texas. Is the gentleman sure that that is correct? Why would it not be possible?

Mr. McGUIRE. I feel very confident of it as a proposition of law.

Mr. BEALL of Texas. Why wouldn't it be possible, with this land in the control of the State of Oklahoma, for that State to make whatever disposition it might desire to make with respect to this land?

Mr. McGUIRE. This land was given for a specific purpose, and as long as the Government controls the Territory it can control this; but it is my judgment that if the land is given to the Territory for a specific purpose it must be used for that purpose after we become a State. That is simply my judgment as a matter of law.

Mr. BEALL of Texas. For the information of the House, Mr. Speaker, I desire to say this, that the gentleman from Oklahoma [Mr. McGUIRE] has introduced a number of bills having the same general purpose that this bill has—that is, to divert a section or quarter section of land from the purposes for which it was originally intended and devoting that land to some other and different purpose. And I notice this, Mr. Speaker, that in every one of these bills the quarter section of land that is proposed to be donated to some purpose other than that for which it was originally intended is a very valuable quarter section of land. In this case it is an entire section of land located very near a thriving town, and its value is rapidly increasing. There are several bills here like this proposing to take quarter sections of land now belonging to the school fund of Oklahoma and devoting them to the educational interests of particular towns in that Territory. In some of these instances the quarter sections of land are worth thirty or forty thousand dollars. Now, Mr. Speaker, when this matter was in the hands of the subcommittee, of which the gentleman from Missouri [Mr. KLEPPER] was chairman, there were referred down to the Department three separate and distinct bills, of which this bill was one, and the recommendation or report of the Department upon each one of those bills was to the effect that if Oklahoma was to be admitted to statehood at this session of Congress, then it ought to be left to the people of Oklahoma to determine whether or not they want any juggling with these trust funds. I consider it, Mr. Speaker, a very dangerous precedent. While it may have been established in the past, it is a very dangerous thing for Congress to do after having once donated this land to such purposes——

Mr. MANN. Will the gentleman yield for a question?

Mr. BEALL of Texas. Yes, sir.

Mr. MANN. I understood the gentleman from Oklahoma to state that this land was not included in the land which would belong to the State of Oklahoma—was not included in the land set apart for educational purposes.

Mr. BEALL of Texas. It is land donated by Congress to the public-building fund of the Territory of Oklahoma, and when Oklahoma comes in as a State, in my judgment, Oklahoma will have the right to control not only the building-fund land, but the university land, the land for public school purposes, all the land in the State of Oklahoma, unless specially forbidden to do so. I do not believe that the gentleman from Oklahoma is correct in his contention that when Oklahoma comes in as a State she comes in gagged and tied and bound, without the right and without the power to dispose of her lands as she sees fit to do. In fact, in the act admitting Oklahoma to statehood there is this provision:

> That section 33 and all lands heretofore selected in lieu thereof * * * for charitable and penal institutions and public buildings shall be apportioned and disposed of as the legislature of said State may prescribe.

The Department said that if Oklahoma was to come in as a State, then Oklahoma should be given the right to determine for herself whether these trust funds should be tampered with. Now, Mr. Speaker, here are lands that have been solemnly set apart by Congress for a particular purpose, which purpose has been confirmed by the recent statehood act, and now these bills propose to divert these lands from purposes for which they were originally intended and to dedicate them to different purposes. A few days ago this Territory was admitted to statehood. Within a very few months' time all the machinery of her government will be in operation. If the million and a half people of Oklahoma, after they have secured statehood, then desire to tamper with these trust funds, upon them rests, where it should rest, the responsibility for doing so; but I do not believe that this House now, with the meager information that it has before it, with its membership having no special interest in the matter, ought to take away from the people of Oklahoma the right to do with these lands as they may want to do with them after they have secured the right to statehood. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, we have just passed the bill to create the State of Oklahoma. These are lands which will belong to the new State, set apart heretofore for a particular purpose. If the State of Oklahoma desires to have that land used for some other purpose, let the State signify its desire in the matter. There certainly can be no need of haste in setting apart 640 acres for a campus for a preparatory school in that Territory at present. Let the State express its wish. It may be the State will want to use this land for the purpose for which it was originally designed instead of transferring it for a campus. Of course everyone in the House knows that there is no need of this ground for a campus. If this preparatory school shall make use of the ground, it will be for other purposes. Whether that will be for the purpose of sale in order to raise money, we are not informed, but it seems to me the gentleman from Oklahoma ought to be willing to let the new State express its desire after it has organized, as to whether it wishes this land to be used for one purpose in preference to another purpose. I can understand how the people in charge of the school may want to get the additional land, but that is not our concern. It ought to be left to the new State's officials to determine their wish, and if then they need any action of Congress it is easily procured after the State speaks.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair, two thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. McGUIRE. Mr. Speaker, I am a little afraid that the gentlemen do not understand the purpose of this bill. Not only does the school desire the land and believe it to be an equitable proposition, but the people of Oklahoma fully understand the bill. It has been indorsed by the press of Oklahoma; it has been indorsed by the governor of Oklahoma; it has been indorsed by the school-land board of Oklahoma, and it seems to me that it is a fair and equitable proposition. In addition to that, this donation is for educational purposes, and the amount of land set apart for building purposes in that Territory is immense in quantity. We will not need it for building purposes. That institution is in need of this land at this time for this purpose, and it is indorsed by those who are on the ground and are most conversant with the situation.

Mr. BEALL of Texas. Would the gentleman yield for a question?

Mr. McGUIRE. Yes, sir.

Mr. BEALL of Texas. Near what town is this land—Tonkawa?

Mr. McGUIRE. Tonkawa.

Mr. BEALL of Texas. How large is the town?

Mr. McGUIRE. About 3,000 inhabitants.

Mr. BEALL of Texas. How far is this from the town?

Mr. McGUIRE. The institution?

Mr. BEALL of Texas. Yes.

Mr. McGUIRE. It is adjacent to the city.

Mr. BEALL of Texas. This land is adjacent to a town of about 3,000 people?

Mr. McGUIRE. Yes, sir. As I understand it, a part of it lies adjacent to the town and part adjacent to the holdings of this institution.

Mr. BEALL of Texas. What do you think is a reasonable value of this section of land?

Mr. McGUIRE. The value of this land, I am advised, would be twelve thousand or fifteen thousand dollars, if sold in a body, but if this bill should pass and the land should be platted and sold in smaller quantities for town-lot purposes, it would bring probably three times that much; so you have increased the value of this land for educational purposes if this bill passes.

Mr. BEALL of Texas. In other words, it is located close enough to the town to be platted into lots and sold in that way?

Mr. McGUIRE. It is.

Mr. BEALL of Texas. How much of this land do you want for campus purposes?

Mr. McGUIRE. I do not know just what the regents of the university desire. I have not heard them say. Probably 40 acres, anyway.

Mr. BEALL of Texas. That would leave about 600 acres?

Mr. McGUIRE. About 600 acres.

Mr. BEALL of Texas. That you want to divert from the purpose for which it was intended and use it for a different purpose.

Mr. McGUIRE. I beg the gentleman's pardon. I do not understand.

Mr. BEALL of Texas. That will leave about 600 acres that you intend to sell and use for a purpose different from that originally intended.

Mr. McGUIRE. The gentleman is correct.

Mr. BEALL of Texas. How many bills of this kind have you pending before Congress now diverting lands from one purpose to another?

Mr. McGUIRE. I have introduced two bills that have been reported from the committee that I will press, one for the preparatory university and one for the university proper.

Mr. BEALL of Texas. How many bills that you want pressed?

Mr. McGUIRE. Two.

Mr. BEALL of Texas. Chandler?

Mr. McGUIRE. Chandler and Shawnee.

Mr. BEALL of Texas. And Enid?

Mr. McGUIRE. Enid has not been reported from the committee.

Mr. BEALL of Texas. I mean that have not been reported.

Mr. McGUIRE. I do not think that I have introduced any for Enid. In order that the House may understand the purpose of the gentleman's interrogatories, I will say that there are a number of sections of land adjacent to cities of this kind, and there has been something of a pressure where the cities could not build schools by reason of the fact that they could not vote to exceed 4 per cent under the Federal law, and they have been driven almost to exasperation because in many of the cities the children are out of school. So I introduced a few other bills of this kind for this reason.

Mr. LITTLEFIELD. Is that in Indian Territory?

Mr. McGUIRE. Oklahoma. We are under what is known as the "Harrison Act," and for that reason we can not vote to exceed the 4 per cent, and we have not been able to construct school buildings. That is the reason I introduced other bills of this character, and while I take the position that they are meritorious I am not pressing them at this time.

Mr. JAMES. Will you offer the other two bills at the next session?

Mr. McGUIRE. I do not know.

Mr. JAMES. You are compromising by introducing two at this session?

Mr. McGUIRE. The gentleman can call it anything he desires—compromise or not.

Mr. BEALL of Texas. Let me ask the gentleman another question. If Congress permits the diversion of land dedicated to one purpose to another purpose in the case of Oklahoma, why can not the same thing be done in respect to Arizona and New Mexico?

Mr. McGUIRE. I do not see why it can not. I have not taken the position it can not. It is absolutely in the hands of Congress that it can do with it just as it pleases. That is true. If it is a wise thing, I do not see why it should not be a wise thing for New Mexico and Arizona.

Mr. BEALL of Texas. Then it is likely to occur very frequently in the future?

Mr. McGUIRE. No; I think not.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

Mr. BEALL of Texas. I ask for a division.

The House divided; and there were—ayes 95, noes 47.

Mr. BEALL of Texas. I demand tellers.

Tellers were ordered.

The House again divided; and the tellers reported—ayes 124, noes 58.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

DAMS BETWEEN ST. PAUL AND MINNEAPOLIS, MINN.

Mr. BURTON of Ohio. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill S. 6451 and pass the same.

The bill was read, as follows;

Be it enacted, etc., That a commission is hereby created to examine and report to the Secretary of War, for transmission to Congress, concerning the use of the surplus water which shall not be needed for the purposes of navigation flowing over the dams now under construction by the United States in the Mississippi River between the cities of St. Paul and Minneapolis, Minn.

That such commission shall be composed of one officer of the Corps of Engineers of the United States Army, one officer of the Quartermaster's Department of the United States Army, both of whom shall be designated by the Secretary of War, and one official of the Treasury Department, who shall be an expert in electrical engineering, who shall be designated by the Secretary of the Treasury.

SEC. 2. That this commission shall examine and report upon the following propositions:

First. Whether there will be any surplus water flowing over said dams not needed for the purposes of navigation which might be available for mechanical or commercial power.

Second. Whether such power, or any part thereof, could be economically utilized for furnishing the light and power now needed or which hereafter may be needed in the buildings and property of the United States at St. Paul, Minneapolis, and Fort Snelling, Minn., and, if so, to what extent and what proportion or amount of the available power could be so utilized by the United States or disposed of in any manner to the advantage of the United States.

Third. If it shall appear to said commission feasible and economical for the United States to use or dispose of such power or any part thereof, then said commission shall report a plan or plans, with terms and conditions for such use or disposition, and an estimate of the cost thereof to the United States.

SEC. 3. That the said commission shall meet at such time and place as may be directed by the Secretary of War, and shall transmit said report within two years after the passage of this act.

The SPEAKER pro tempore (Mr. OLMSTED). Is a second demanded?

No second being demanded, in the opinion of the Chair two-thirds having voted in favor thereof, the bill was taken from the Speaker's table and passed.

Mr. BURTON of Ohio. I move that House bill 17138, which is identical in language, lie on the table.

There was no objection.

HARBOR IMPROVEMENTS AT THE EXPENSE OF PERSONS.

Mr. BURTON of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 20266.

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906, be amended so as to read as follows:

"That whenever any person, company, or corporation, municipal or private, shall undertake to secure any land or easement therein, needed in connection with a work of river and harbor improvement duly authorized by Congress, for the purpose of conveying the same to the United States free of cost, or for the purpose of constructing, maintaining, and operating dams for use in connection therewith, and shall be unable for any reason to obtain the same by purchase and acquire a valid title thereto, the Secretary of War may, in his discretion, cause proceedings to be instituted in the name of the United States for the acquirement by condemnation of said land or easement, and it shall be the duty of the Attorney-General of the United States to institute and conduct such proceedings upon the request of the Secretary of War: *Provided*, That all expenses of said proceedings and any award that may be made thereunder shall be paid by the said person, company, or corporation, to secure which payment the Secretary of War may require the said person, company, or corporation to execute a proper bond in such amount as he may deem necessary before said proceedings are commenced."

SEC. 2. That the said act of May 16, 1906, be, and the same is hereby, repealed.

The SPEAKER pro tempore. Is a second demanded?

No second being demanded, in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

IMMUNITY FROM PROSECUTION.

Mr. LITTLEFIELD. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill S. 5769, and pass the same as amended, by striking out all after the enacting clause and inserting in lieu thereof the amendment which I send to the desk.

The Clerk read as follows:

A bill (S. 5769) to declare the true intent and meaning of parts of the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903.

Be it enacted, etc., That under the immunity provisions in the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, in section 6 of the act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and in the act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and in the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903, immunity shall be extended only to a natural person who, as a witness on the part of the Government in any proceeding authorized by any of said statutes, testifies on oath or in obedience to a subpœna produces relevant evidence.

The SPEAKER pro tempore. Is a second demanded?

Mr. MANN. I demand a second.

Mr. LITTLEFIELD. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The gentleman from Maine is entitled to twenty minutes and the gentleman from Illinois to the same.

Mr. LITTLEFIELD. I have just a word only to say. This is a Senate bill.

Mr. MANN. I hope the gentleman will explain it.

Mr. LITTLEFIELD. The Senate bill is a draft made by the Department of Justice for the purpose of establishing a definite standard under which immunity will be granted witnesses. The amendment is the same bill, reported unanimously from the Judiciary Committee on the part of the House, with some changes of phraseology, which in our judgment more adequately accomplishes the result. Our amendment practically defines the circumstances under which immunity would be granted. As, first: That when the witness testifies on the part of the Government on oath; and, second, when he produces evidence under a subpœna duces tecum—that is, documentary evidence, or otherwise, which in our judgment is more accurate and scientific than the provision contained in the Senate bill. The two bills intend to accomplish precisely the same purpose; but we believe ours is the more adequate. It is the unanimous report of the Committee on the Judiciary.

Mr. MANN. If the gentleman will permit, as I understand it, the law as construed by Judge Humphrey—and his construction probably went beyond the construction that would be made by the Supreme Court—anyone who gives any information at all is immune from prosecution. Now, the original interstate-commerce act, as amended by the act of 1893—that is the act as I remember—was intended to provide such an order, that the Commission might obtain information both from railroad companies and from shippers so as to ascertain whether or not the law was being observed or violated. And it is a very common thing with the Commission to obtain information not by calling people as witnesses, but by sending their representatives to the railroad offices and examining the books; and in the rate bill which we expect will become a law it is provided that the inspectors shall have the right to examine the books of the railroad companies. Now, it is perfectly plain, I take it—I should like the gentleman's judgment on that—that we can not forcibly examine the books of the railroad company unless the persons who produce the books for examination are given immunity from prosecution.

Mr. LITTLEFIELD. The gentleman is perfectly right about that.

Mr. MANN. Now, if we pass a law providing that nobody shall have immunity from prosecution unless called as a witness, how are we going to obtain our information before we commence our prosecution?

Mr. LITTLEFIELD. There is no trouble at all, so far as the Interstate Commerce Commission is concerned, or the Department of Commerce and Labor, or the Commissioner of Corporations. Each of them has power to summon witnesses, although no case is pending. They have the power under the statute to compel the attendance of witnesses. Of course, if they make an inquiry, and the party inquired of does not see fit to testify unless he is formally summoned and gives testimony on oath, it would establish a legal standard that would protect him and place the Government in a position where they would know what they were doing. He would have a perfect right to insist on that formality being observed. Now, the Attorney-General is of the opinion that under the existing conditions immunity is granted under a great many circumstances when neither party perhaps expected any such result to follow. I make no criticism whatever upon the decision of the judge in Chicago, but the Attorney-General is very firmly of the opinion that the Department of Justice is bound to be very seriously embarrassed in the enforcement of this legislation unless this definite and specific standard is established by Congress.

Perhaps I ought to say that, in my judgment, the legislation upon which Judge Humphrey largely based his ruling was not the act relating to interstate commerce, under which the Interstate Commerce Commission acts, nor the act creating the Bureau of Corporations, under which the Commissioner of Corporations acts, but probably the resolution appropriating $500,000, which contained a very broad and loosely drawn provision in relation to immunity. I am not authorized to say upon what the judge based his decision; but having read what he did say, it is rather my judgment that he was controlled in his conclusion very largely by the language contained in that appropriation, which was, in my judgment, very much broader than is found in the interstate-commerce act or in the act creating the Department of Commerce and Labor.

Now, I can see no practical difficulty. The Attorney-General sees none. The Interstate Commerce Commission, as I understand it, does not apprehend any, and the Commissioner of Corporations does not apprehend any, provided we have this definite legal standard, so that the Government shall know when it confers immunity, and so that the people who give this

testimony or appear in court or produce written evidence shall know when they are entitled to immunity. Under existing conditions it is a very uncertain and doubtful proposition.

Mr. SOUTHARD. Under what conditions is immunity granted in this bill?

Mr. LITTLEFIELD. This does not grant any immunity. The immunity is granted first in the interstate-commerce act, next in the act creating the Department of Commerce and Labor and the Bureau of Corporations, and, thirdly, in the appropriation of $500,000 for the purpose of enforcing the antitrust laws. Those are the three bases of the legislation undertaking to give immunity. Now, this act simply defines what is the legal standard under which the immunity is granted and to which the party testifying can appeal.

Mr. CRUMPACKER. Will the gentleman allow a question or two?

Mr. LITTLEFIELD. Certainly.

Mr. CRUMPACKER. I gather from the reading of the substitute that the immunity applies only where a witness testifies on behalf of the United States?

Mr. LITTLEFIELD. Yes; that is the intention.

Mr. CRUMPACKER. In obedience to a subpœna or furnishes documentary evidence in pursuance of a subpœna duces tecum. Now, would an investigation by the Chief of the Bureau of Corporations, the issuing of a subpœna by him or a summons by him compelling a witness to come before him and give testimony and furnish records be testimony on behalf of the United States within the meaning of the substitute which the gentleman proposes?

Mr. LITTLEFIELD. The committee believe that it would accomplish that result. I will say frankly to the gentleman that it has been suggested to members of the committee since we reported our bill, and since the Senate passed the bill which is now before us for amendment, that there might be some question about that, and if this amendment is adopted and the matter gets into conference it is proposed to work it out so that the examination by the Commissioner of Corporations will be the basis for the immunity.

Mr. CRUMPACKER. Of course it also includes all kinds of compulsory processes.

Mr. LITTLEFIELD. Yes; it is so intended.

Mr. CRUMPACKER. And it ought to be made broad enough to include that. It is very apt to be the case where we undertake to remedy one evil that we perhaps inadvertently create a much worse one.

Now, in an investigation of the question before the Interstate Commerce Commission the suit by a private individual, in a complaint, for instance, as to illegal or unjust regulations, the United States is not a party, the testimony given there is not for or on behalf of the United States, and yet it is compulsory. It may be that there are provisions in the interstate-commerce law prohibiting the use of any testimony that a witness may give against a witness in a criminal prosecution. If there is not, there ought to be.

Mr. LITTLEFIELD. We do not intend that any person shall have the power to offer immunity to a witness except the Government of the United States or some officer acting in behalf thereof. Now, the hope is, if this bill does not cover that, that we can work it out in conference, so that any witness summoned on behalf of the Government in any criminal prosecution under any of these statutes, or summoned by the Interstate Commerce Commission, although a case may not be pending—that is, an indictment pending—or by the Commissioner of Corporations, summoned by him under authority given him by law, that these witnesses will be entitled to immunity when they testify under compulsion.

Mr. CRUMPACKER. Well, that may be the purpose, and I have no doubt that before the bill becomes a law it will be safeguarded. I hope it will. But I know, as a matter of fact, that the practice of the administration of the Department of Justice is in many instances to authorize post-office inspectors to make arrangements with men under indictment for crime that if they will testify for the Government they shall not be prosecuted. There is no law for it.

Mr. LITTLEFIELD. That is a different proposition from this.

Mr. CRUMPACKER. That is another question, I know; but I know where that practice has been greatly abused.

Mr. LITTLEFIELD. I imagine that may be so. I will say that this amendment is broader than the bill originally drawn by the Department of Justice.

Mr. MANN. Mr. Speaker, if I remember correctly, the first legislation granting immunity was an act passed nearly half a century ago, providing that persons should be immune from prosecution who testified before committees of Congress. Subsequently that was enlarged to provide immunity to those who testified in United States courts in behalf of the Government. After the Interstate Commerce Commission was established, in 1888, it was ascertained that the Commission could not obtain the testimony, because under the law as it then stood, and under the law as it will stand after the rate bill becomes a law, it is made a misdemeanor for railroad officials and for shippers to do certain acts.

In 1893 Congress passed a law providing that persons who testified, who should give information in behalf of the Government, should not be subject to prosecution. The first act was declared unconstitutional by the Supreme Court, and thereupon Congress passed the act increasing the immunity granted from prosecutions. The first act which we passed provided that they should not be prosecuted for what they had testified to, and then we provided that a witness who was called should not be prosecuted for anything relating to the subject-matter. Under that act the Interstate Commerce Commission is now engaged with considerable effect in prosecuting people, both railroad people and shippers, who violated the law. The Department of Justice, smarting under the defeat which it had at Chicago before Judge Humphrey, not willing to confine itself to exercising the prerogative of every defeated litigant in a case in court of "cussing" the court, now not only wants to "cuss" the court, but to change the law. It is a change for the worse. It is a change which will prevent the Interstate Commerce Commission from obtaining testimony to enforce the rate bill which will soon become a law.

Now, the Bureau of Corporations was given certain powers to call witnesses. The Commissioner of Corporations never exercised the power given to him to call witnesses. If he had proceeded under the law that was intended for him to proceed under, he would have had no difficulty about the packers at Chicago, but he thought he knew more than Congress as to how he should proceed, and started upon another method not intended or provided, and the court held—I agree with the President that the court held erroneously, but I do not agree with the President that it is our duty to condemn the judiciary because we do not always agree with their opinions.

But this, now, is to restrict the authority which we have given to this Commission. This bill is taking away the power under which the Interstate Commerce Commission has operated in ferreting out the violations of law, because under this bill no one is immune unless called as a witness. You can not send your inspector to inspect the books if anyone refuses. You have no right to compel a witness to give testimony against himself unless you grant him immunity. While on the one hand we are seeking to increase our power over the books of railroad companies, on the other hand we are taking away our right to do that, and I predict that if this bill becomes a law it will not be three years before the gentleman from Maine [Mr. LITTLEFIELD], either in this body or the one at the other end of the building, is fathering and favoring a measure to give the very power which he is now taking away.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the amendment may be again reported.

The SPEAKER pro tempore (Mr. OLMSTED). Without objection, the amendment will again be reported.

There was no objection; and the Clerk again reported the amendment.

Mr. LITTLEFIELD. Mr. Speaker, only just a word. I feel bound to say to the House that I think my distinguished friend from Illinois [Mr. MANN] is unduly apprehensive about the consequences of this legislation. I do not feel called upon to enter upon a discussion of the conduct of the judge in the recent trials in Chicago. I don't know that it is incumbent upon me to either censure or approve. Perhaps I may say that I think there was some opportunity for that judge to hold as he did under the uncertain condition of the existing law. The amendment that is suggested here follows the line followed by the Attorney-General in his argument, and I have not the slightest question but that this legislation is necessary in order that we may have hereafter an orderly and judicious administration of the law. The Commissioner of Corporations, who is the man principally involved in the circumstances that perhaps give rise to this necessary legislation, I do not understand to be disturbed because any of his functions are to be impaired by this bill. I do not understand that the Interstate Commerce Commission have any feeling of disturbance upon that ground whatever.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. LITTLEFIELD. Certainly.

Mr. CAMPBELL of Kansas. Does the gentleman from Maine [Mr. LITTLEFIELD] entertain any doubt whatever that either the

Chief of the Bureau of Corporations or the agents of the Interstate Commerce Commission may go into an office or the offices of corporations, if no objection is made, and examine books under the authority they now have under the law, without granting immunity to the care takers of those books or to the persons who made the entries in the books?

Mr. LITTLEFIELD. I doubt very much under the existing law whether they would have authority to go in at all if the corporations object. The law confers upon the Commissioner of Corporations authority to issue subpœnas and compel the production of books. I doubt very much, if the people object, whether the Bureau has any such authority at all without compulsory process.

Mr. CAMPBELL of Kansas. I am asking the question upon the assumption that there was no objection. Now, then, if the officers I have named secure those books by a subpœna duces tecum in a proper proceeding, will the immunity extend to any other than the person to whom the subpœna was directed?

Mr. LITTLEFIELD. Certainly not.

Mr. CAMPBELL of Kansas. The corporation will not be granted immunity?

Mr. LITTLEFIELD. Not the slightest in the world.

Mr. CAMPBELL of Kansas. Nor any of its officers or agents?

Mr. LITTLEFIELD. Not the slightest.

Mr. CAMPBELL of Kansas. Except alone the one who brought in the books.

Mr. LITTLEFIELD. And the purpose of this legislation is simply to have a definite legal record, so that the Government may know when it is giving immunity and so that the party who is getting immunity may know when he is entitled to it. It never ought to be left to the infirmity, to put it no stronger, of the human recollection as to whether a man is or is not entitled to immunity, or whether he has or has not made a statement that bars the Government from prosecuting him for the commission of a crime. The Department of Justice insists that unless they can have this definite standard, the administration of the criminal law is substantially and dangerously embarrassed, and may in many instances be absolutely defeated. If the House, under these circumstances, wants to vote down the amendment, the committee, so far as they are concerned, have not the slightest earthly concern in it. It comes from the Judiciary Committee with an absolutely unanimous report, every man on the committee believing that it is necessary in order to have a due administration of the criminal law.

Mr. CAMPBELL of Kansas. I have read very carefully the Senate bill and the amendment offered by the gentleman from Maine [Mr. LITTLEFIELD] as a committee amendment, and I see very little difference between the two. Will the gentleman explain the difference between the two? About the only distinction I see in the two measures is that the Senate bill provides that where one testifies under oath he shall be granted immunity, while the House provision provides that he must testify in a relevant proceeding, having been subœnaed.

Mr. LITTLEFIELD. No. Here is the one great distinction: The Senate bill extends it only to a natural person, who, in obedience to a subpœna, testifies or produces evidence. The House bill extends it to a natural person who, as a witness on the part of the Government, etc. Under the law the Interstate Commerce Commission, upon the application of either party, issues subpœnas, so that with the Senate bill, although they did not so intend it, the defendant might come in and apply for a subpœna, and call whoever it liked as a witness under oath, and give them immunity, and thus defeat the law. Now, the Government ought to have the power to say whether immunity shall or shall not be granted. That is the view of the House committee and that is the great distinction between the two measures.

Mr. CAMPBELL of Kansas. I appreciate the difference in favor of the House committee amendment and am heartily in favor of the House provision.

Mr. LITTLEFIELD. I yield five minutes now to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN. Mr. Speaker, I have been out of the room for a few minutes, and consequently have not heard what has preceded me in this discussion, but I certainly hope that the bill which is now before the House will pass without opposition. I have some doubt as to the relative merits of the two bills—the one that comes from the Senate and the one which is on the House Calendar—but the suggestion of the gentleman from Maine [Mr. LITTLEFIELD] will at least bring the matter into conference and solve the question to the satisfaction of all. The necessity for this legislation is very apparent. The circuit courts of the United States are in direct opposition in their efforts to interpret our immunity statutes, Judge Humphrey, in the celebrated beef-trust case, as it is known, holding to a liberal construction in the interest of the packers that is an innovation upon the law, to say the very least. It is a greater protection to the defendant under the statute than he could have had under the Constitution before the statute. A different view has been taken by at least two other judges of circuit courts since, and it is therefore very proper that Congress should make a legislative interpretation of the intention of Congress in relation to these immunity provisions.

Mr. LITTLEFIELD. I call for the question, Mr. Speaker.

The SPEAKER pro tempore. The question is upon suspending the rules, taking the bill from the Speaker's table, and passing the same as proposed to be amended.

The question was taken; and two thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President of the United States had approved and signed bills and joint resolutions of the following titles:

On June 11:

H. R. 239. An act relating to liability of common carriers in the District of Columbia and Territories and common carriers engaged in commerce between the States and foreign nations to their employees;

H. R. 11543. An act to correct the military record of Benjamin F. Graham;

H. R. 13917. An act to remove the order of dismissal from the military record of Robert W. Liggett;

H. R. 18502. An act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto;

H. J. Res. 118. Joint resolution accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof;

H. J. Res. 170. Joint resolution to supply a deficiency in the appropriation for assistant custodians and janitors of public buildings; and

H. R. 4546. An act ceding to the city of Canon City, Colo., certain lands for park purposes.

H. R. 14397. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1907.

On June 12:

H. R. 1982. An act granting a pension to Ada Collins;

H. R. 5911. An act granting a pension to Edward D. Lockwood, alias George E. McDaniel;

H. R. 6120. An act granting a pension to Harriet M. Smithers;

H. R. 6533. An act granting a pension to Horace Salter;

H. R. 6878. An act granting a pension to Lucy Brown;

H. R. 13824. An act granting a pension to Noah Myers;

H. R. 14678. An act granting a pension to James A. Boggs;

H. R. 16272. An act granting a pension to William D. Willis;

H. R. 16595. An act granting a pension to James R. Hicks;

H. R. 16918. An act granting a pension to Matilda J. Williams;

H. R. 17340. An act granting a pension to Julia Walz;

H. R. 17940. An act granting a pension to Rhetta Florence Tilton;

H. R. 18034. An act granting a pension to Mary A. Montgomery;

H. R. 18052. An act granting a pension to John Lewis Bernard Breighner;

H. R. 18426. An act granting a pension to Elizabeth Hathaway;

H. R. 18460. An act granting a pension to Benjamin F. Tudor;

H. R. 18966. An act granting a pension to John W. Ward;

H. R. 19005. An act granting a pension to Gideon M. Burriss;

H. R. 612. An act granting an increase of pension to George W. Kohler;

H. R. 1034. An act granting an increase of pension to John Logan;

H. R. 1178. An act granting an increase of pension to Herman Buckthal;

H. R. 1247. An act granting an increase of pension to Columbus Botts;

H. R. 1438. An act granting an increase of pension to Oliver T. Smith;
H. R. 1614. An act granting an increase of pension to Jacob H. Lynch;
H. R. 1650. An act granting an increase of pension to Frank B. Watkins;
H. R. 1736. An act granting an increase of pension to Charles A. Walker;
H. R. 1788. An act granting an increase of pension to William C. Christy;
H. R. 2092. An act granting an increase of pension to Franklin M. Hill;
H. R. 2237. An act granting an increase of pension to Martin Pool;
H. R. 2247. An act granting an increase of pension to Anthony Sanspeur;
H. R. 2265. An act granting an increase of pension to Hudson J. Van Scoter;
H. R. 2785. An act granting an increase of pension to Margaret Bonynge;
H. R. 3243. An act granting an increase of pension to John H. Anderson;
H. R. 3351. An act granting an increase of pension to George King;
H. R. 3488. An act granting an increase of pension to Egbert J. Olds;
H. R. 3495. An act granting an increase of pension to Charles F. Tower;
H. R. 3572. An act granting an increase of pension to William L. Riley;
H. R. 3588. An act granting an increase of pension to William H. Riggin;
H. R. 4161. An act granting an increase of pension to Robert Beatty;
H. R. 4241. An act granting an increase of pension to David B. Coleman;
H. R. 4597. An act granting an increase of pension to Martin Ellison;
H. R. 4715. An act granting an increase of pension to John H. Whiting;
H. R. 4956. An act granting an increase of pension to James C. Bryant;
H. R. 5040. An act granting an increase of pension to Joseph Montgomery;
H. R. 5560. An act granting an increase of pension to Henry Chubb;
H. R. 6059. An act granting an increase of pension to Elias Hanes;
H. R. 6205. An act granting an increase of pension to Lucy E. Engler;
H. R. 6208. An act granting an increase of pension to William D. Conner;
H. R. 6422. An act granting an increase of pension to Anthony Van Slyke;
H. R. 6505. An act granting an increase of pension to Mary C. Chapman;
H. R. 6596. An act granting an increase of pension to Alex O. Huffman;
H. R. 6774. An act granting an increase of pension to John Platt;
H. R. 7147. An act granting an increase of pension to Bronson Rothrock;
H. R. 7244. An act granting an increase of pension to Christopher S. Guthrie;
H. R. 7402. An act granting an increase of pension to Edwin M. Todd;
H. R. 7535. An act granting an increase of pension to John L. Moore;
H. R. 7836. An act granting an increase of pension to Alexander G. Patton;
H. R. 8155. An act granting an increase of pension to Henry E. Seelye;
H. R. 8232. An act granting an increase of pension to James M. Jared;
H. R. 8722. An act granting an increase of pension to Arthur M. Lee;
H. R. 8736. An act granting an increase of pension to Lowell M. Maxham;
H. R. 8795. An act granting an increase of pension to Orrin A. A. Gardner;
H. R. 8817. An act granting an increase of pension to Calvin M. Latham;
H. R. 8852. An act granting an increase of pension to Frederick W. Clark;
H. R. 9243. An act granting an increase of pension to Joseph A. Barnard;
H. R. 9531. An act granting an increase of pension to Eliza Rogers;
H. R. 9609. An act granting an increase of pension to Jesse M. Auchmuty;
H. R. 9828. An act granting an increase of pension to John Broughton;
H. R. 9844. An act granting an increase of pension to John J. Erick;
H. R. 9862. An act granting an increase of pension to William B. Warren;
H. R. 10794. An act granting an increase of pension to Jacob Schultz;
H. R. 10828. An act granting an increase of pension to Michael Lennon;
H. R. 10865. An act granting an increase of pension to Alexander Caldwell;
H. R. 11057. An act granting an increase of pension to Lewis J. Post;
H. R. 11152. An act granting an increase of pension to Theodore S. Currier;
H. R. 11161. An act granting an increase of pension to Michael Aaron;
H. R. 11260. An act granting an increase of pension to James H. Van Camp;
H. R. 11457. An act granting an increase of pension to Cyrus Van Matre;
H. R. 11855. An act granting an increase of pension to Mary Ann Shelly;
H. R. 12184. An act granting an increase of pension to Joseph Sprauer;
H. R. 12330. An act granting an increase of pension to Hester A. Van Derslice;
H. R. 12336. An act granting an increase of pension to Margaret A. Montgomery;
H. R. 12418. An act granting an increase of pension to Thomas P. Crandall;
H. R. 12879. An act granting an increase of pension to Catharine Myers;
H. R. 12971. An act granting an increase of pension to Matthew H. Brandon;
H. R. 13069. An act granting an increase of pension to Friend S. Esmond;
H. R. 13149. An act granting an increase of pension to Ida L. Martin;
H. R. 13443. An act granting an increase of pension to James E. Hammontree;
H. R. 13594. An act granting an increase of pension to Jonathan Snook;
H. R. 13993. An act granting an increase of pension to Joseph Watson;
H. R. 14264. An act granting an increase of pension to John H. Eversole;
H. R. 14661. An act granting an increase of pension to John B. Bussell;
H. R. 14702. An act granting an increase of pension to Christian Schlosser;
H. R. 14729. An act granting an increase of pension to David Ford;
H. R. 15056. An act granting an increase of pension to James Ramsey;
H. R. 15104. An act granting an increase of pension to Thomas E. Owens;
H. R. 15126. An act granting an increase of pension to William K. Trabue;
H. R. 15288. An act granting an increase of pension to Benjamin F. Finical;
H. R. 15613. An act granting an increase of pension to William W. Combs;
H. R. 16005. An act granting an increase of pension to Hezekiah J. Reynolds;
H. R. 16073. An act granting an increase of pension to John Ginther;
H. R. 16109. An act granting an increase of pension to Jacob Cline;
H. R. 16252. An act granting an increase of pension to Adam Dixon;
H. R. 16441. An act granting an increase of pension to Joseph J. Goode;
H. R. 16492. An act granting an increase of pension to John M. Logan;
H. R. 16496. An act granting an increase of pension to Thomas Dailey;

H. R. 16525. An act granting an increase of pension to Mary Amanda Nash;

H. R. 16565. An act granting an increase of pension to George H. Gordon, alias Gorton;

H. R. 16662. An act granting an incerase of pension to Van Buren Beam;

H. R. 16682. An act granting an increase of pension to William Hammond;

H. R. 16812. An act granting an increase of pension to Dudley McKibben;

H. R. 16842. An act granting an increase of pension to Thomas H. Thornburgh;

H. R. 16915. An act granting an increase of pension to Orange Bugbee;

H. R. 16977. An act granting an increase of pension to Isabel Newlin;

H. R. 16998. An act granting an increase of pension to Elijah Curtis;

H. R. 17170. An act granting an increase of pension to Jackson D. Turley;

H. R. 17171. An act granting an increase of pension to David H. Parker;

H. R. 17210. An act granting an increase of pension to Daniel M. Vertner;

H. R. 17309. An act granting an increase of pension to John W. Chase;

H. R. 17346. An act granting an increase of pension to Newton S. Davis;

H. R. 17374. An act granting an increase of pension to Isom Wilkerson;

H. R. 17388. An act granting an increase of pension to Patrick McCarthy;

H. R. 17390. An act granting an increase of pension to Mary Sheehan;

H. R. 17445. An act granting an increase of pension to William H. Farrell;

H. R. 17466. An act granting an increase of pension to James P. Hall;

H. R. 17476. An act granting an increase of pension to Henry Ballard;

H. R. 17542. An act granting an increase of pension to John Cain;

H. R. 17590. An act granting an increase of pension to Jacob Woodruff;

H. R. 17637. An act granting an increase of pension to Gardiner K. Haskell;

H. R. 17678. An act granting an incerase of pension to Alexander Moore;

H. R. 17772. An act granting an increase of pension to John W. Henry;

H. R. 17825. An act granting an increase of pension to Bolivar Ward;

H. R. 17872. An act granting an increase of pension to Allen D. Metcalfe;

H. R. 17891. An act granting an increase of pension to Eliza M. Buice;

H. R. 17920. An act granting an increase of pension to Sallie E. Blanding;

H. R. 17922. An act granting an increase of pension to Thomas D. Adams;

H. R. 17934. An act granting an increase of pension to Thomas J. Byrd;

H. R. 17935. An act granting an increase of pension to Andrew C. Woodard;

H. R. 17938. An act granting an increase of pension to Clarissa L. Dowling;

H. R. 17999. An act granting an increase of pension to Samuel Yehl;

H. R. 18038. An act granting an increase of pension to Erastus W. Briggs;

H. R. 18039. An act granting an increase of pension to John W. Stephens;

H. R. 18041. An act granting an increase of pension to William R. Hiner;

H. R. 18073. An act granting an increase of pension to Mary McFarlane;

H. R. 18076. An act granting an increase of pension to Elizabeth Bartley;

H. R. 18105. An act granting an increase of pension to John A. Lyle;

H. R. 18106. An act granting an increase of pension to Mary E. Patterson;

H. R. 18121. An act granting an increase of pension to John W. Jones;

H. R. 18132. An act granting an increase of pension to John W. Blanchard;

H. R. 18184. An act granting an increase of pension to John J. Howells;

H. R. 18239. An act granting an increase of pension to Bryant Brown;

H. R. 18243. An act granting an increase of pension to Jacob S. Rickard;

H. R. 18249. An act granting an increase of pension to Hiram G. Hunt;

H. R. 18262. An act granting an increase of pension to John H. Broadway;

H. R. 18308. An act granting an increase of pension to Clay Riggs;

H. R. 18310. An act granting an increase of pension to Virgil A. Bayley;

H. R. 18319. An act granting an increase of pension to Newton Kinnison;

H. R. 18355. An act granting an increase of pension to Rachel A. Webster;

H. R. 18356. An act granting an increase of pension to William A. Custer;

H. R. 18357. An act granting an increase of pension to William E. Starr;

H. R. 18367. An act granting an increase of pension to John Wilkinson;

H. R. 18378. An act granting an increase of pension to Martha A. Dunlap;

H. R. 18399. An act granting an increase of pension to Pauline Bietry;

H. R. 18400. An act granting an increase of pension to Elmira M. Gause;

H. R. 18402. An act granting an increase of pension to Lucy W. Powell;

H. R. 18447. An act granting an increase of pension to Elijah G. Gould;

H. R. 18449. An act granting an increase of pension to Hannah R. Jacobs;

H. R. 18467. An act granting an increase of pension to Rudolph W. H. Swendt;

H. R. 18469. An act granting an increase of pension to Samuel C. Dean;

H. R. 18486. An act granting an increase of pension to William F. Walker;

H. R. 18505. An act granting an increase of pension to M. Belle May;

H. R. 18509. An act granting an increase of pension to Ellen L. Stone;

H. R. 18510. An act granting an increase of pension to Hugh R. Rutledge;

H. R. 18524. An act granting an increase of pension to Julius Rector;

H. R. 18539. An act granting an increase of pension to Angeline R. Lomax;

H. R. 18542. An act granting an increase of pension to Sarah Ann Day;

H. R. 18551. An act granting an increase of pension to William D. Brown;

H. R. 18560. An act granting an increase of pension to John Hamilton;

H. R. 18572. An act granting an increase of pension to Allamanza M. Harrison;

H. R. 18573. An act granting an increase of pension to John M. Quinton;

H. R. 18605. An act granting an increase of pension to William Lawrence;

H. R. 18627. An act granting an increase of pension to Elizabeth A. Anderson;

H. R. 18628. An act granting an increase of pension to William E. Chambers;

H. R. 18633. An act granting an increase of pension to Jennie F. Belding;

H. R. 18651. An act granting an increase of pension to Elizabeth Thomas;

H. R. 18654. An act granting an increase of pension to Robert D. Gardner;

H. R. 18655. An act granting an increase of pension to Leander Gilbert;

H. R. 18678. An act granting an increase of pension to Evans P. Hoover;

H. R. 18696. An act granting an increase of pension to Louisa C. Gibson;

H. R. 18697. An act granting an increase of pension to Martha L. Beesley;

H. R. 18702. An act granting an increase of pension to Edward B. Prime;
H. R. 18724. An act granting an increase of pension to Alfred Gude;
H. R. 18730. An act granting an increase of pension to William C. Mahaffey;
H. R. 18746. An act granting an increase of pension to Isaac Howard;
H. R. 18747. An act granting an increase of pension to William H. Colegate;
H. R. 18794. An act granting an increase of pension to William C. McRoy;
H. R. 18795. An act granting an increase of pension to James E. Raney;
H. R. 18821. An act granting an increase of pension to Eliza Jane Witherspoon;
H. R. 18822. An act granting an increase of pension to Sophie S. Parker;
H. R. 18862. An act granting an increase of pension to Joseph H. Weaver;
H. R. 18887. An act granting an increase of pension to Alexander W. Carruth;
H. R. 18910. An act granting an increase of pension to Philo E. Davis;
H. R. 18930. An act granting an increase of pension to Eliza J. Mays;
H. R. 18935. An act granting an increase of pension to Minna A. Boswell;
H. R. 18959. An act granting an increase of pension to Albert G. Packer;
H. R. 18976. An act granting an increase of pension to Nelson S. Preston; and
H. R. 19001. An act granting an increase of pension to Elizabeth A. McKay.

On June 12:

H. R. 14184. An act to extend the irrigation act to the State of Texas.

On June 13:

H. J. Res. 172. Joint resolution to supply a deficiency in an appropriation for the postal service;
H. R. 14604. An act forbidding the importation, exportation, or carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and for other purposes;
H. R. 15692. An act granting a pension to Frank M. Dooley;
H. R. 3005. An act granting an increase of pension to Jacob C. Shafer;
H. R. 10395. An act granting an increase of pension to Stephen Cundiff;
H. R. 13828. An act granting an increase of pension to John M. Carroll;
H. R. 16878. An act granting an increase of pension to James B. Adams
H. R. 18116. An act granting an increase of pension to Green Evans;
H. R. 18135. An act granting an increase of pension to Benedict Sutter; and
H. R. 18561. An act granting an increase of pension to Jonathan Skeans.

On June 14:

H. J. Res. 166. Joint resolution providing for payment for dredging the channel and anchorage basin between Ship Island Harbor and Gulfport, Miss., and for other purposes;
H. J. Res. 162. Joint resolution authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan adjoining certain lands in Lake County, Ind.;
H. R. 8410. An act to authorize the Charleston Light and Water Company to construct and maintain a dam across Goose Creek in Berkeley County, in the State of South Carolina; and
H. R. 17455. An act permitting the building of a dam across the Mississippi River at or near the village of Clearwater, Wright County, Minn.

On June 15:

H. R. 4478. An act to amend section 64 of the bankruptcy act; and
H. R. 16946. An act releasing the right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Cal.

On June 16:

H. R. 12707. An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States;
H. R. 17983. An act providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces;
H. R. 17881. An act permitting the building of a dam across the Crow Wing River between the counties of Morrison and Cass, State of Minnesota;
H. R. 19264. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907; and
H. R. 17663. An act to extend the provisions of the act of March 3, 1901, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections 1506 and 1605 for eminent and conspicuous conduct in battle.

On June 18:

H. R. 17982. An act to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone lines across said reservation;
H. R. 19150. An act to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes; and
H. R. 1160. An act granting an increase of pension to Eliza Swords.

On June 19:

H. R. 19642. An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations.

SALE OF CERTAIN PUBLIC LANDS.

Mr. JENKINS. Mr. Speaker, I move to suspend the rules and put upon its passage the bill (S. 4190) to amend an act entitled "An act to amend section 2455 of the Revised Statutes of the United States, approved February 26, 1895," with an amendment.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act of February 26, 1895, entitled "An act to amend section 2455 of the Revised Statutes of the United States," be, and the same is hereby, amended so as to read as follows:

"It shall be lawful for the Commissioner of the General Land Office to order into market and sell, at public auction at the land office of the district in which the land is situated, for not less than $1.25 per acre, any isolated or disconnected tract or parcel of the public domain not exceeding one quarter section which, in his judgment, it would be proper to expose for sale after at least thirty days' notice by the land officers of the district in which such land may be situated: *Provided*, That this act shall not defeat any valid right which has already attached under any pending entry or location."

The SPEAKER pro tempore. Is a second demanded?

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Speaker, I demand a second in order to ask the gentleman a question. I do not know I have any objection to the bill, but I want to ask the gentleman a question. In 1883 there was a law passed by Congress removing from sale all the mineral lands in Alabama, because it was the policy of the people there not to have those lands disposed of for speculation, but they wanted to have them reserved for school purposes. That law is still on the statute books. It is not desired to have this land put where it could be offered for sale. Some of them were valuable lands, where they would be taken up for speculation. Now, I would like to ask the gentleman in charge of the bill whether this bill if it passes will interfere with the operation of the statute in reference to that matter?

Mr. JENKINS. Well, I will say to the gentleman from Alabama that I am not prepared to answer that question. I yield to the chairman of the Committee on Public Lands.

Mr. LACEY. Mr. Speaker, I will say, in answer to the gentleman from Alabama, that a bill has been introduced to authorize a reexamination of those lands and find what portion of them, if any, are not mineral. All mineral lands have been withdrawn, and they were all classified as mineral. That bill was introduced by the gentleman's colleague [Mr. BURNETT] in anticipation of another bill that he had seeking to set apart so much land as is purely mineral for the use of the public schools of the State of Alabama, but that land——

Mr. UNDERWOOD. It is for that reason I wanted to ask about this.

Mr. LACEY. This bill would not affect that land in any way in the present condition of the land. The object of this bill—and it is a departmental bill, prepared by the Department, and sent in and introduced at their request—is to amend existing law as to disposal of these lands. They are little odds and ends here and there, generally islands or small tracts of land in the bend of rivers in the Northwest, and this is simply a method of disposing of those isolated tracts of land. And this is to simplify or modify the disposal of those tracts of land. The amendment suggested by the gentleman from Wisconsin was prepared by the committee and reported subsequently to the report upon the bill, providing that "nothing in this act shall defeat any vested right which is already attached under any pending entry or location." Some of those lands have already been located and the entries have been held up.

Mr. UNDERWOOD. I understand that; but does this propose to sell homestead lands, too?

Mr. LACEY. Less than a quarter section of land. Of course, all of this land could have been taken under the homestead law long ago, but has not been taken.

Mr. UNDERWOOD. If there is more than one quarter section lying contiguously, then this bill does not apply?

Mr. LACEY. It does not. It is known as the "isolated-tract" bill.

Mr. PERKINS. Will the gentleman yield for a question?

Mr. LACEY. Yes.

Mr. PERKINS. The gentleman says that the object of this bill is to simplify the selling of the land. I wish he would explain to the House what changes it makes. Many of us are not familiar with the procedure, and we do not know what this bill amounts to. What is the law, and what will be the law after this bill is passed?

Mr. LACEY. The act of 1895 was passed in order to provide for the disposition of these little isolated tracts of land. The Secretary of the Interior, in his annual report, uses the following language, which perhaps will answer the gentleman more clearly than a more elaborate statement from me:

Prior to February 26, 1895, under section 2455, United States Revised Statutes, small isolated tracts of public land were, in the discretion of the Commissioner of the General Land Office, after thirty days' notice, sold at public auction for not less than $1.25 per acre. The act of February 26, 1895 (28 Stat. L., 687), amended said section 2455 by adding the proviso:

"That lands shall not become so isolated or disconnected until the same shall have been subject to homestead entry for a period of three years after the surrounding land has been entered, filed upon, or sold by the Government: *Provided*, That not more than 160 acres shall be sold to any one person."

The result of this legislation has been to encourage speculation and deprive the Government of considerable revenue, as such isolated tracts are now often entered either as original entries or under soldiers' additional homestead rights to secure title to the land for uses other than agricultural. The simple remedy for these conditions is the repeal of the act of February 26, 1895.

Now, it had to be held open for three years for homestead entries, and in many cases entries were made colorably. The land is not adapted to homestead uses, and some of the lands have water power connected with them, and they will be put up now and sold to the highest bidder at public auction. This provision, in the nature of an amendment, was intended to cover some cases, however, where parties have entries on these lands, and it is not desired to disturb entries heretofore made if the entrymen have any vested right.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

GRANTING CONDEMNED CANNON.

Mr. DENBY. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S. R. 47) granting condemned cannon for a statue to Governor Stevens T. Mason, of Michigan, as amended.

The Clerk read as follows:

Resolved, etc., That the Secretary of War is hereby authorized and directed to deliver to the governor of the State of Michigan six bronze or brass condemned cannon, to be used to make a life-size statue of Stevens T. Mason, late governor of Michigan: *Provided*, That the Government shall be at no expense in connection with this gift.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

NAMES OF SAILING VESSELS.

Mr. GROSVENOR. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17600) granting authority to change the names of certain sailing vessels.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application by the owners, to change the names of the following sailing vessels: Iron bark Abby Palmer, official number 107429; steel ship Balclutha, official number 3882; iron bark Euterpe, official number 136801; iron bark Himalaya, official number 96501; iron bark Coalinga, official number 127343.

The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. Mr. Speaker, I demand a second for the purpose of securing information.

Mr. GROSVENOR. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Are these all American ships?

Mr. GROSVENOR. They are all American ships, and this is the condition: By the law of the country as it stands now, upon the application to the Department of Commerce and Labor the name of a vessel may be changed by order of the Commissioner of Navigation without any act of Congress, unless there are incumbrances upon the vessels. In this particular case these five small vessels have a lot of almost unpronouncable names, and they are also, all of them, more or less encumbered by mortgages. Both the mortgagees and mortgagors have applied to have a change of names, so that they may conform them to the names of the lines to which they belong. All parties are agreed to the proposition, and there is an unanimous report from the committee in favor of the passage of the bill.

Mr. CLARK of Missouri. That is all the change it makes with reference to its status?

Mr. GROSVENOR. That is all. It simply changes their names and retains the lien of the mortgage.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

SCHOOL DISTRICT NO. 57, NEZ PERCES, IDAHO.

Mr. FRENCH. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 15506 as amended by the committee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause patent to issue to school district No. 57, in the county of Nez Perces, State of Idaho, for the use and benefit of said district, for the following-described tract of land within said county, to wit: Commencing on the east line of the right of way of the Lapwai branch of the Northern Pacific Railroad where it crosses the section line between sections 2 and 11, of township 35 north, range 4 west, of the Boise meridian, Idaho, marked by a stone 16 by 10 by 8 inches, set 12 inches in the ground and marked by a cross on top, from which the corner to sections 2, 3, 10, and 11 bears south 89° 54′ W., 3,242 feet distant; thence running south 10° 25′ E. along the east line of said right of way, 13 chains 70 links to the north line of the county road to a cedar post set 3 feet in the ground; thence north 80° E. along the north line of the county road to the east line of the former Fort Lapwai military reserve to a mound of rocks 2 feet high; thence north 26° W. along the east line of said former reserve to the line between sections 2 and 11, marked by a stone 15 by 10 by 10 inches and set 10 inches in the ground and marked with cross on top, from which corner to sections 1, 2, 11, and 12 bears north 89° 54′ E., 26 chains distant; thence south 89° 54′ W., 317 feet to the place of beginning, containing 3¼ acres, more or less, and located on the northwest quarter of the northeast quarter of section 11, township 35 north, of range 4 west, Boise meridian.

Amend the title so as to read: "A bill authorizing the patenting of certain lands to school district No. 57, Nez Perces County, Idaho."

The SPEAKER. Is a second demanded?

No second being demanded, in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PUBLIC HIGHWAY, FORT SHERMAN ABANDONED MILITARY RESERVATION.

Mr. FRENCH. Mr. Speaker, I move to suspend the rules and pass the bill S. 3414.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted to the county of Kootenai, State of Idaho, for a public highway, a strip of land lying on the east side of the abandoned Fort Sherman military reservation, in Idaho, designated by the official plat of survey as lots 1, 2, and 3 of section 12, and lots 1, 2, and 3 of section 13, township 50 north, range 4 west, Boise meridian. The title to said land is hereby vested in the county of Kootenai aforesaid for the purpose as above specified: *Provided*, That if the said county of Kootenai shall, at any time hereafter, abandon the lands above described and cease to use the same for said purposes, said above-described lands shall revert to the Government of the United States.

The SPEAKER. Is a second demanded?

No second being demanded, in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

COINAGE SYSTEM IN THE PHILIPPINE ISLANDS.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill S. 6243.

The bill was read, as follows:

Be it enacted, etc., That, with the approval of the President of the United States, the government of the Philippine Islands is hereby authorized, whenever in its opinion such action is desirable, in order to

carry out the provisions of section 6 of the act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," to change the weight and fineness of the silver coins authorized by said act, and may in its discretion provide a weight and fineness proportionately less for subsidiary coins than for the standard Philippine pesos, and may also in its discretion recoin any of the existing coins of the Philippine Islands at the new weight and fineness when such coins are received into the Treasury or into the gold standard fund of the Philippine Islands: *Provided*, That the weight and fineness of the silver peso to be coined in accordance with the provisions of this section shall not be reduced below 700 parts of pure silver to 300 of alloy.

SEC. 2. That section 8 of an act of Congress approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," as amended by section 10 of an act approved February 6, 1905, is hereby further amended to read as follows:

"SEC. 8. That the treasurer of the Philippine Islands is hereby authorized, in his discretion, to receive at the treasury of the government of the said islands or any of its branches deposits of the standard silver coins of ₱1 authorized by this act to be coined, in sums of not less than ₱20, Philippine currency, and to issue certificates therefor in denominations of not less than ₱2 nor more than ₱500, and coin so deposited shall be retained in the treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and for all public dues in the Philippine Islands, and when so received may be reissued, and when held by any banking association in said islands may be counted as a part of its lawful reserve: *Provided*, That the treasurer of the Philippine Islands, with the approval of the governor-general, may substitute for any part of such silver pesos hereafter deposited, gold coin of the United States legally equivalent in value, and redeem the certificates hereafter issued in either silver pesos or such gold coin of equivalent value at the option of the treasurer: *Provided further*, That the amount of gold coin held in such reserve shall not at any time exceed 60 per cent of the total amount of certificates outstanding."

The SPEAKER. Is a second demanded?

Mr. SLAYDEN. Mr. Speaker, I demand a second.

Mr. COOPER of Wisconsin. I ask unanimous consent that a second may be considered as ordered.

Mr. SLAYDEN. My purpose is to get some information about the bill.

The SPEAKER. Is there objection to a second being considered as ordered? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Mr. Speaker, the necessity for the passage of the bill is owing to the fact that the recent marked increase in the value of silver makes the bullion value of the Philippine peso greater than its face value, thus leading to the melting of the pesos and to their exportation as bullion. The House will remember that the Philippines have a gold standard, the unit of value being the American gold dollar. They also have a silver coinage, limited in volume, and under the control of the Philippine government, the peso being coined at the ratio of 32 to 1. The coinage act for the islands Congress passed three years ago, when silver was worth—that is, the silver in the American dollar—37 cents in gold. Since that time silver has increased in value a little over 45 per cent. When the law establishing the Philippine coinage was enacted by Congress, silver was at its lowest value as compared with gold. This low price of silver was attributable to several causes, among these that the United States had closed its mints against silver; that the Latin Union was coining subsidiary coinage out of its 5-franc pieces, and that Germany had put on the market a great quantity of silver. Thus there was very little demand for the metal except in India and the Orient. Since that time, as I said, there has been a very considerable and also a most unexpected rise in the value of silver. This is due in part to a largely increased demand for it in Manchuria, owing to the result of the recent war between Russia and Japan, which gives to Japan practically the control of the commerce of that country; also to the fact that India is establishing what is called an "ingot reserve" in silver in London. This bill proposes——

Mr. SLAYDEN. I want to ask the gentleman from Wisconsin if this is a unanimous report?

Mr. COOPER of Wisconsin. It is not. There were two members of the Committee on Insular Affairs—the gentleman from Missouri, Judge RUCKER, and the gentleman from North Carolina, Judge PAGE—who said that while they would not agree to report the bill, they did not think that they would oppose it on the floor.

Mr. HULL. What does the bill do?

Mr. COOPER of Wisconsin. I was about to come to that when the gentleman from Texas propounded his question.

Owing to the rise in silver, the silver peso has become worth more as bullion than it is as money at the ratio of 32 to 1 at which it is now coined. The difficulty in the Philippines which has accrued from this is a very serious one. The bullion value being more than the face value, certain persons in the islands took to melting the coin and exporting it as bullion. Thereupon the Philippine Commission passed a law prohibiting this from being done. But of course there is more or less of difficulty in strictly enforcing such a law in an archipelago like the Philippine Islands. As a remedy for all of this trouble, the pending bill proposes to confer upon the Philippine Government power to fix a new ratio and to change the ratio to correspond with the development of events, but only upon the express condition that there shall be no modification or impairing in any way of the existing gold standard of value established by the act of March 2, 1903.

The cost of recoinage, if any be necessary, will be paid by the seigniorage.

The new coin would circulate at par, being redeemable, and also because the Mint would be closed by the Government against its free coinage. The House will see, however, that under present conditions there is the constant danger of the melting and exportation of which I have spoken.

Mr. SCOTT. As a practical detail, how is it proposed to get hold of the coins so that they may be recoined?

Mr. COOPER of Wisconsin. It is proposed by the bill to empower the Philippine government to change the standard of fineness, and thus keep the silver bullion in the peso worth less than 50 cents in gold, as it was when we passed the law three years ago.

Mr. SCOTT. I understand that, but that does not answer my question.

Mr. COOPER of Wisconsin. And also to prohibit the Philippine government from coining at a ratio below 700 parts of silver to 300 of alloy; in other words, seven-tenths fine. The coin is now nine-tenths fine.

Mr. KEIFER. That is our standard to-day.

Mr. COOPER of Wisconsin. That is our standard.

Mr. SCOTT. I think the gentleman does not understand my question. What he has said does not answer it. My question was, How does the Government propose to get hold of the overweight coins that are now in circulation in the Philippines and recoin them, or is it proposed simply to coin other bullion?

Mr. COOPER of Wisconsin. I will say to the gentleman that there are two or more courses open to the Philippine government in the event of the enactment of this bill into law. One would be to coin subsidiary coinage at a reduced rate, and let the pesos take their own course as bullion—go out of the islands, perhaps. Or they could recoin the subsidiary at a reduced rate, and recoin pesos also at a reduced rate, but reduce the subsidiary coinage more than the peso, so as to have a second bank or bulwark, so to speak, against a further increase in the value of silver bullion. They have these two alternatives, either one of which would make the new coinage perfectly safe and under the control of the government. On the other hand, if silver bullion should not rise in value, they might not find it necessary to change the weight or fineness of the coins.

Mr. HINSHAW. Then your bill proposes to cut down the value of the coin about two-tenths of its present face value?

Mr. COOPER of Wisconsin. Yes.

Mr. HINSHAW. It might occur that the peso would become more valuable than its face value.

Mr. COOPER of Wisconsin. Then the government can change it so as to make it a token coinage, just as it has before.

Mr. HINSHAW. Then you would have in circulation a peso of seven-tenths and a peso nine-tenths fine at the same time.

Mr. COOPER of Wisconsin. No; they would not coin one at seven-tenths fine unless the one at the higher ratio was at par.

Mr. HINSHAW. What would become of the nine-tenths fine?

Mr. COOPER of Wisconsin. As the gentleman well knows, under such circumstances the more valuable coin always goes out of circulation.

Mr. HINSHAW. Would it not be better to adopt the system of the United States, where we have a silver dollar worth 45, 50, or 55 cents, as the case may be, and which would be continuously a token coin and never probably go above the value of the gold dollar?

Mr. COOPER of Wisconsin. They would have complete power under this law to keep the bullion value less than the face value.

Mr. PAYNE. Under the law these token coins are redeemable in gold?

Mr. COOPER of Wisconsin. Yes.

Mr. PAYNE. So that they never depreciate in value?

Mr. COOPER of Wisconsin. No.

Mr. PAYNE. And the melting pot would take care of those that are worth more than the face?

Mr. COOPER of Wisconsin. Yes.

Mr. CRUMPACKER. Does not the bill under consideration authorize the Philippine government to change the ratio without any limitation being fixed, excepting that the coin shall be at least seven-tenths fine?

Mr. COOPER of Wisconsin. Yes.

Mr. CRUMPACKER. It does not limit the Philippine Commission in respect to the question of weight, but it does in respect to the question of fineness, and it is expected if a new

coinage is issued the ratio shall be so fixed that there will be no liability of the commercial value of the coin being greater than the coinage value.

Mr. HINSHAW. But the peso with its alloy will be the same size and weight as the old peso.

Mr. CRUMPACKER. That makes no difference unless the old peso be worth more as bullion than coin, because they would be backed up by the 50-cent gold piece.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

RESURVEY OF CERTAIN TOWNSHIPS IN BACA COUNTY, COLO.

Mr. BROOKS of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9343) providing for the resurvey of certain townships of land in the county of Baca, Colo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be made a resurvey of the lands in townships Nos. 31, 32, 33, 34, and 35 south, in each of the ranges Nos. 41, 42, 43, 44, 45, 46, 47, 48, 49, and 50 west of the sixth principal meridian in Baca County, in the State of Colorado; and all rules and regulations of the Interior Department requiring petitions from all settlers of said townships asking for resurvey and agreement to abide by the result of same, so far as these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of any of said lands so occupied: *Provided further*, That before any survey is ordered it shall be made to appear to the Secretary of the Interior that the former official survey of said lands is so inaccurate or obliterated as to make it necessary to survey the land, and only such parts of the land where the survey is so inaccurate or obliterated shall be surveyed.

The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. I demand a second.

Mr. BROOKS of Colorado. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. CLARK of Missouri. What is the necessity for this resurvey?

Mr. BROOKS of Colorado. Mr. Speaker, this is a county which in early days was thought to contain perhaps the least valuable land in that section. Little attention was given to it, and for some reason the original survey was particularly defective. For a long time it was comparatively unsettled. It was a grazing country where there were very few settlers. When the active settlement movement began a few years ago it was found that much of the land was very good and adaptable for cultivation, but in large sections absolutely no Government monuments existed, and to-day the surveyors have to go 25 or 27 miles to the State line between Kansas and Colorado, or between Colorado and New Mexico to get their ties. The condition is one that is retarding the settlement and development of the country very greatly. The evidence has been submitted to the surveyor-general of Colorado, to the General Land Office, and to the Department of the Interior, and everyone is in favor of the resurvey.

Mr. CLARK of Missouri. Is this a unanimous report of the committee?

Mr. BROOKS of Colorado. Absolutely.

Mr. CLARK of Missouri. How big a piece of ground is there there to be surveyed?

Mr. BROOKS of Colorado. A considerable area; some fifty townships, I think.

Mr. CLARK of Missouri. And the Government is to pay the expenses?

Mr. BROOKS of Colorado. Yes; but there is no appropriation carried by this bill. The Government will simply survey so much in any one year as the Interior Department or the Commissioner-General of the Land Office may determine. He will apportion a certain sum out of the general fund of the Department for this purpose.

Mr. CLARK of Missouri. How are the surveys going to be made, by contract or under the supervision of the surveyor-general of Colorado?

Mr. BROOKS of Colorado. In both ways. That is to say, I suppose it will be done as the Commissioner may determine, but usually these surveys are made by contract on public bids under the direction and control of the surveyor-general of the State, subject to the approval of the Commissioner of the General Land Office.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

DEPOSIT BY RECEIVERS OF PUBLIC MONEYS.

Mr. LACEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 11040) to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys.

The Clerk read the bill, as follows:

Be it enacted, etc., That the receivers of public moneys for land districts are hereby authorized, under the direction of the Commissioner of the General Land Office, to deposit to the credit of the Treasurer of the United States all unearned fees and unofficial moneys that have been carried upon the books of their respective offices for a period of five years or more, which sums shall be covered into the Treasury by warrant and carried to the credit of the parties from whom such fees or moneys were received, and into an appropriation account to be denominated "Outstanding liabilities."

SEC. 2. That at the time of making such deposit the receiver shall furnish a list showing the date when the money was paid to him or to his predecessor; the names and residences of the parties; the purposes of the payments and the amounts thereof, which list shall bear the certificate of the register and receiver that the same is correct; that the amounts are due and payable; that diligence has ben exercised to return the same, and that the sums specified have remained unclaimed for a period of five years or more.

SEC. 3. That amounts that appear in a receiver's accounts as "Moneys deposited by unknown parties" shall also be deposited to the credit of the Treasurer of the United States, accompanied by a list showing the amount and, if possible, the date of the receipt of each item; which list shall bear the certificate of the register and receiver that, after careful investigation, the ownership of said moneys could not be determined, and that they have been reported in the unearned fees and unofficial moneys accounts for five years or more.

SEC. 4. That any person or persons who shall have made payment to a receiver, or to his predecessor, and the money shall have been covered into the Treasury pursuant to section 1 or section 3 hereof, shall, on presenting satisfactory evidence of such payment to the proper officer of the Treasury Department, be entitled to have the same returned by the settlement of an account and the issuing of a warrant in his favor according to the practice in other cases of authorized and liquidated claims against the United States: *Provided*, That when such moneys shall remain unclaimed in the Treasury for more than five years the right to recover the same shall be barred.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

WITHDRAWAL FROM ENTRY OF CERTAIN PUBLIC LANDS IN CHOUTEAU COUNTY, MONT.

Mr. DIXON of Montana. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19016) withdrawing from entry certain public lands in Chouteau County, Mont., and leasing the same to the board of trustees of the Montana College of Agriculture and Mechanic Arts.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following-described tract of land situated in Chouteau County, in the State of Montana, to wit, section 22, in township 35 north, range 24 east, Montana meridian, be, and is hereby, set apart and withdrawn from entry or settlement under the land laws of the United States, and is hereby leased, demised, and let unto the board of trustees of the Montana College of Agriculture and Mechanic Arts, situated at Bozeman, Mont., for and during the full period of ten years from and after the approval of this act, for the purpose of maintaining thereon experiments in so-called dry-land farming and other experimental farming operations connected with said institution: *Provided*, That this act shall not be construed to confer any right, legal or equitable, upon the lessee herein named other than herein specifically stated.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS MISSOURI RIVER IN BROADWATER AND GALLATIN COUNTIES, MONT.

Mr. DIXON of Montana. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5989) to authorize the construction of a bridge across the Missouri River in Broadwater and Gallatin counties, Mont., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Chicago, Milwaukee and St. Paul Railway Company, of Montana, its successors or assigns, be, and are hereby, authorized, to construct, maintain, and operate a railroad bridge and approaches thereto across the Missouri River at some convenient and practicable point within the limits of Broadwater County, or between Broadwater and Gallatin counties, in the State of Montana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS MISSOURI RIVER IN LEWIS AND CLARKE COUNTY, MONT.

Mr. DIXON of Montana. Mr. Speaker, I call up from the Speaker's table the bill (S. 6234) to authorize the Chicago, Milwaukee and St. Paul Railway Company, of Montana, to construct a bridge across the Missouri River in Lewis and Clarke County, Mont.

The SPEAKER. The gentleman from Montana calls up from

the Speaker's table the bill S. 6234, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Chicago, Milwaukee and St. Paul Railway Company of Montana, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Missouri River, at some convenient and practicable point in Lewis and Clarke County, between the southern limit of said county and the northern limit of township 11 north, range 2 west, in the State of Montana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The question was taken; and the bill was ordered to be read a third time, read the third time, and passed.

The SPEAKER. Without objection, a similar bill on the House Calendar will lie on the table.

There was no objection, and it was so ordered.

MEDALS FOR CERTAIN PERSONS.

Mr. BONYNGE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16013) providing medals for certain persons, with an amendment thereto, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to procure a bronze medal, with suitable device, to be presented to each of the several officers and enlisted men and families of such as may be dead, who, having volunteered and enlisted under the calls of the President for the war with Spain, served beyond the term of their enlistment to help to suppress the Philippine insurrection, and who subsequently received an honorable discharge from the Army of the United States, or who died prior to such discharge.

SEC. 2. That the sum of $5,000 is hereby appropriated, out of any funds in the Treasury of the United States not otherwise appropriated, for the purpose of carrying this act into effect.

The SPEAKER. Is a second demanded. [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

BATAN ISLAND MILITARY RESERVATION.

Mr. CRUMPACKER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17293) to authorize the leasing of the Batan Island Military Reservation for coal-mining purposes, with amendments thereto, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to lease the coal-mining rights in the Batan Island Military Reservation to any person, firm, company, or corporation organized under the laws of the United States, or any State thereof, or of the Philippine government, which in his opinion shall be deemed responsible for carrying out the provisions of said lease.

SEC. 2. That the term "mining rights" in the first section hereof shall be deemed to include the use of all land included in and all natural products of the said Batan Island Military Reservation which may be necessary for and consistent with the establishment and operation of a coal mine and coaling station, and shall also include the right to take and use water from the Cacraray Military Reservation.

SEC. 3. That the said lease shall be granted after due advertisement and public bidding for same, and shall run for a period not exceeding fifty years. Said lease shall be signed on behalf of the Government of the United States by the Secretary of War thereof, and by such person or firm, or, on behalf of the company or corporation undertaking the establishment and operation of said coal mine, by the chief officer thereof thereunto duly authorized by the stockholders and directors of the same, and shall contain among others the following provisions:

First. That all branches of the Government of the United States and of the government of the Philippine Islands thereof shall be supplied with such coal as they may desire laid on board ship at the harbor of Batan Island, known as Coal Harbor, at a price not to exceed 10 per cent above cost price of said coal, and any such lessee shall by such lease be obligated at all times to have on hand a supply of coal sufficient to meet all orders of the Government of the United States, or of the government of the Philippine Islands, for coal, and all orders of either of said governments for coal shall be filled prior to any order of, or contract with, any other party.

Second. That the necessary wharves for receiving vessels of up to 32 feet draft and for loading coal thereon shall be erected and maintained by the company or corporation operating the said mine.

Third. That the items included in the calculations of the cost of said coal shall consist of all items of expense for labor necessary for producing the coal and for handling and loading the same on board ship, for the proper care and handling of machinery connected therewith, for the proper care and management of the interior workings of a coal mine and all machinery connected with the safe and economical operation thereof, and for the proper upkeep of all exterior buildings, grounds, and machinery incident to the operation of a coal mine and coal-loading station; all items of expense for labor and material connected with the repairs of all machinery, rolling stock, buildings, and apparatus necessary for the safe and economical upkeep of the mine and its appurtenances and of the coal-loading apparatus and docks, but shall not include the cost of new work for the extension of the plant; all items of expense for supplies for the safe and economical extraction of coal, and the maintenance of the offices, buildings, and machinery maintained, erected, or in use on the aforesaid reservation; all items of general expense, such as taxes, insurance, and reasonable depreciation on plant and property, and such others as may be also directly and solely connected with the management of the plant and offices installed on the reservation for the purpose of mining and loading coal, which shall include salaries for persons resident at the plant and necessary for the management and conduct thereof as above set forth.

Fourth. That such lease shall contain such other and further restrictions as the Secretary of War may see fit to impose.

Fifth. That the person, company, or corporation securing the lease shall pay to the Government of the United States a royalty of not less than 7 cents per ton for every ton of coal mined under the provisions of this act over and above that purchased by the Government of the United States or any branch thereof or by the government of the Philippine Islands.

SEC. 4. That all books and records of every nature of the person, firm, company, or corporation operating the said mine shall be subject to examination and inspection by any official or employee of the United States Government designated by the Secretary of War, and that any evasion of this provision shall, at the discretion of the Secretary of War, operate to render null and void any lease granted under the provisions of this act.

SEC. 5. The failure of any lessee under the provisions of this act to carry out the terms of such lease, or the violation of any of the terms of such lease by any such lessee, shall, at the discretion of the Secretary of War, operate to render said lease null and void.

The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. Mr. Speaker, I demand a second; but before doing that, without losing that privilege, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. A few days ago this same bill was knocked out under suspension of the rules, and I would like to know how it comes back here again.

The SPEAKER. The Chair will state to the gentleman in answer to his inquiry that the gentleman from Indiana [Mr. CRUMPACKER] informed the Chair that certain amendments have been agreed upon which he proposed to offer in connection with this bill; but the fact that the House might refuse to suspend the rules on a former occasion or at some other time does not bar a motion to suspend the rules a second time. Perchance there may be amendments offered or the House may be in a different temper.

Mr. CLARK of Missouri. Mr. Speaker, I demand a second.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. I object.

The SPEAKER. The gentleman from Missouri objects. The gentleman from Indiana [Mr. CRUMPACKER] and the gentleman from Missouri [Mr. CLARK] will take their places as tellers.

The House divided; and the tellers reported—ayes 51, noes 51.

So a second was refused.

PORT OF DELIVERY AT SALT LAKE CITY, UTAH.

Mr. HOWELL of Utah. Mr. Speaker, I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 3263) to amend an act entitled "An act to establish a port of delivery at Salt Lake City, Utah," and to suspend the rules and pass the bill, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 2 of an act entitled "An act to establish a port of delivery at Salt Lake City, Utah," approved March 18, 1904, be, and the same is hereby, amended to read as follows:

"SEC. 2. That there shall be appointed a surveyor of customs, to reside at said port, whose salary shall be $1,500 per annum, in lieu of all fees and commissions of every kind whatsoever."

The SPEAKER. Is a second demanded?

Mr. PAYNE. Mr. Speaker, I demand a second.

Mr. HOWELL of Utah. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWELL of Utah. Mr. Speaker, this increases the salary of the surveyor of the port at Salt Lake City.

Mr. PAYNE. Oh, I have no objection to that bill.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

ARMY AND NAVY UNION.

Mr. PARKER. Mr. Speaker, I move to suspend the rules and pass joint resolution 31, relating to the badge of the Army and Navy Union, which I send to the Clerk's desk, with an amendment to the title.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the joint resolution of May 11, 1894, 28 Statutes at Large, page 583, be, and the same is hereby, amended by changing the name and title therein described from "Regular Army and Navy Union of the United States" to "Army and Navy Union of the United States of America," and that the organization so last entitled shall have all the rights and privileges conferred by and described in said joint resolution of May 11, 1894.

The SPEAKER. Has this joint resolution been reported?

Mr. PARKER. Yes, sir; it was reported to-day. We made no amendment to the bill, but simply changed the title.

The SPEAKER. Is there a second demanded?

A second not being demanded, the question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

SUBSIDIARY SILVER COINAGE.

Mr. SOUTHARD. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8444) providing for the recoinage of abraded and uncurrent silver dollars into subsidiary coin.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of increasing the subsidiary coin to meet the constant and growing demand of the country for this kind of money, the Secretary of the Treasury be, and he is hereby, authorized to cause the recoinage of worn, abraded, and uncurrent silver dollars, in amounts not exceeding $5,000,000 in any one year, into the several denominations of subsidiary coin as they are required to supply the needs of the public for such coin.

The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. Mr. Speaker, I demand a second, so as to get an explanation of the bill.

Mr. SOUTHARD. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SOUTHARD. Mr. Speaker, this is a bill the purpose of which is to secure an increased quantity of subsidiary coin. We have what may be designated as "three kinds of coinage." One is the coinage of gold and of silver dollars; the other is subsidiary coinage, or the coinage of fractional silver—halves, quarters, and dimes; and the third kind is known as that of "minor coin"—nickels and cents. For a very long time the country has been in need of an increased quantity of subsidiary coin. From time to time provision has been made for an increase of this coin. In the act of March 14, 1900, there was a provision for the increase of subsidiary coin, and again in the act of March 3, 1903, and still the country suffers from a lack of this kind of money. The whole stock of subsidiary coin as it now exists, my recollection is, is about $113,000,000, and it is estimated that the country could use conveniently a great deal more than we now have in circulation and in the vaults of the Treasury. Almost always the stock of subsidiary coin in the Treasury is small, and during certain seasons of the year there is a great demand for this kind of coin. There is no way now of materially increasing this subsidiary coin. Practically the only subsidiary coin that is now coined is the recoinage of abraded and uncurrent subsidiary coin as it is returned to the Treasury. There are now in the vaults of the Treasury something like three or four million dollars of abraded, uncurrent, worn silver dollars, and it is proposed by the Secretary of the Treasury to increase the amount of subsidiary coin by the coinage of these silver dollars into subsidiary coin—halves, quarters, and dimes as they are needed. The bill provides that there shall be a limitation upon the amount of subsidiary coin which may be coined in any year, and the limit placed upon the amount by the bill is $5,000,000. Now, the Secretary of the Treasury, in his last report, in reference to this subject, uses this language:

> The stock of bullion purchased under the act of July 14, 1890, became wholly exhausted during the past year. The coinage of silver dollars is necessarily discontinued and no subsidiary silver coins are being made, except by the recoinage of abraded and uncurrent coins of the same denomination as they accumulate in the Treasury. It probably will be necessary during the coming year to draw on some other supply of silver to meet the constant demand for these coins, and I recommend that the Secretary of the Treasury be authorized to cause the recoinage of abraded and uncurrent silver dollars, in amounts not exceeding $5,000,000 per year, into the several denominations of subsidiary coins as they are required.
>
> These abraded dollars, unfit for circulation, are accumulating, and some provision for their recoinage should be made. They can not be recoined into dollars without a loss, which the Secretary of the Treasury is not authorized to incur. As the subsidiary coins are of lighter proportionate weight than the dollar pieces the latter may be converted into them without loss to the Treasury or to the circulation. In view of the enormous additions now being made to the country's monetary stock by the coinage of gold, the objection sometimes suggested that the stock of full legal-tender money would be reduced by such conversion seems unimportant.

Mr. KEIFER. May I ask the gentleman a question there? I would like to know by what rule the Treasury Department determines that a dollar is abraded.

Mr. SOUTHARD. So far as the subsidiary silver is concerned, I do not think there is any definite rule. In the manufacture of gold dollars and silver dollars and in the manufacture of coin generally, there are what are called "limits of tolerance," and my understanding is that whenever dollars have become worn and abraded so that they are far from what is known as the "limit of tolerance," they are considered worn and abraded to such an extent that they are uncurrent and unfit for use. Sometimes they are worn in such a way as to be unrecognizable, except by a sort of common consent which seems to exist in the community and permits of their circulation.

Mr. KEIFER. Is the mere depreciation in weight, without any reference to appearance or marking, a test?

Mr. SOUTHARD. I do not understand that they make that a test, not as to silver dollars or fractional silver.

Mr. JAMES. Is that a unanimous report of the committee?

Mr. SOUTHARD. This is not a unanimous report of the committee. There is a minority report filed, signed by four members of the committee—Mr. GAINES of Tennessee, Mr. HARDWICK, Mr. WALLACE, and Mr. HEFLIN. This minority report is founded upon this objection, that the coinage of this much of what is known as the coin of ultimate or final redemption would reduce the stock of full legal-tender money. It is founded upon that proposition.

Mr. JAMES. Is it not true that it would be a curtailment of the legal-tender money?

Mr. SOUTHARD. To that extent, yes. But the answer of the Secretary of the Treasury is that the reduction would be so slight as to be unimportant. Of course, there are two theories with reference to this question of money. Those who believe in the objection made by those who filed the minority report contend for what is known as the quantitive theory of money—that the money in the country bears a sort of fixed and definite relation to the amount of property in the country. That if you increase the amount of money of final redemption, you increase the price of commodities and you increase the value of the property—that is, the nominal value of the property. You decrease the amount of money and you decrease prices. That, in a word, is the contention of those who profess to believe in what is known as the "quantitive theory of money."

There are others who contend that money is a mere tool, a mere instrument of exchange, and that it bears no fixed relation to the amount of property. But in any event, as is pointed out by the Secretary of the Treasury, the amount which will be coined in this instance is so small comparatively as to have no appreciable effect upon the total amount of money of final redemption which we have in the country. Of course the money of limited legal tender will be increased, because the amount of money that can be made out of a dollar in subsidiary coin will be larger than the amount measured in dollars, because one of our silver dollars will make more than $1 in subsidiary coin, inasmuch as the degree of fineness is less in subsidiary coin.

Mr. JAMES. Could you not have avoided the decrease of circulating medium of the country by coining this subsidiary coin out of the bullion?

Mr. SOUTHARD. I have said, and I will say to the gentleman from Kentucky, that we have no bullion out of which to coin this money. We have abraded silver dollars which lie in the Treasury and are unused. They serve no purpose of any kind except to take up space in the vaults of the Treasury, and it is the proposition of the Secretary to coin this money into subsidiary coin and put it into use.

Mr. KEIFER. I would like to ask the gentleman a further question. I understood the distinguished gentleman to state that the degree of fineness of the subsidiary coin was less than that of the silver dollar. I do not think he meant to say that, did he?

Mr. SOUTHARD. I mean that the silver dollar is nine-tenths fine and the subsidiary coin is less than nine-tenths fine.

Mr. KEIFER. My understanding is that two half dollars would not weigh as much as one dollar, but the degree of fineness, the standard of silver, is just the same in 10-cent pieces, 25-cent pieces, and 50-cent pieces as in the dollar, but the weight relatively is less.

Mr. SOUTHARD. I think the gentleman is correct that the weight is less and that the degree of fineness is the same.

Mr. CLARK of Missouri. Where do we get the silver from to coin subsidiary coin now?

Mr. SOUTHARD. There is no subsidiary coin being coined now, or very little. There is the recoinage of abraded subsidiary silver going on as this becomes necessary. I will say that at the assay offices and at the mints, in the parting of the metals, they get a certain amount of silver, but it is a very small amount comparatively. There is no subsidiary coinage going on, and we have no bullion, as pointed out by the Secretary of the Treasury, out of which to make subsidiary coin.

Mr. CLARK of Missouri. Mr. Speaker, I yield as much time as he wants to the gentleman from Mississippi.

Mr. SOUTHARD. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. WILLIAMS. Mr. Speaker, there is a silver fanaticism and an antisilver fanaticism. This bill is an illustration of antisilver fanaticism. There are some people so horribly opposed to the coinage of silver at all that they are not willing even to buy silver bullion for the purpose of coining dimes, quarters, and 50-cent pieces—fractional silver—which is not standard silver at all. This bill does not touch the question of the monetary standards in the slightest degree. This bill purports to recoin "worn, abraded, and uncurrent" silver dollars. Now, so far as I know, there are no uncurrent silver dollars. All the silver dollars of this country are current, either in themselves or in the shape of silver certificates that are doing the work of the coin itself—all except the few left over from month to month, as the accidents of current receipt and disbursement.

One of the great causes of our prosperity is the abundance of money in circulation among the people, either gold or the equivalent of gold in commercial use and debt-paying capacity. Now, instead of buying silver bullion to coin dimes, quarters, and half dollars—and the country is in very urgent need of dimes, quarters, and half dollars—recognizing that need, instead of buying the bullion to coin this fractional currency, gentlemen now propose to encroach upon the field of the standard silver dollars and to subtract from the sum total of our silver-dollar coinage $5,000,000, I believe it is, "not to exceed $5,000,000," in any one year. Now, it will be perfectly easy, of course, for the Treasury Department people, who will be charged with determining this question, to find every year at least 5,000,000 of "worn, abraded, and uncurrent" silver dollars, because they are going to start out to find them, and of course they will find them, and that will subtract just that much from what otherwise would be the money in currency among the people. Now I yield to the gentleman from Ohio.

Mr. SOUTHARD. Do I understand the gentleman to say that against all the coined silver we have silver certificates issued?

Mr. WILLIAMS. No; I did not. I said there were no uncurrent silver dollars except just as there are uncurrent greenbacks and uncurrent gold, accidentally and by normal fiscal operation gathered into the Treasury. There is always at some time a certain amount of greenbacks, a certain amount of gold, and a certain amount of silver lying idle in the Treasury.

Mr. SOUTHARD. May I ask the gentleman another question?

Mr. WILLIAMS. But every dollar of silver, with that exception, which is merely a current affair, every silver dollar—standard silver dollar—is doing its work either in propria persona or in the shape of a silver certificate.

Mr. SOUTHARD. Will the gentleman allow me to ask him this question: If it were to do over again, would the gentleman think it a wise provision to pile up silver in the Treasury against which to issue paper money in circulation as we have it now in circulation, representing the silver dollars in the Treasury of only limited value?

Mr. WILLIAMS. Mr. Chairman, the American silver dollar has a limit of value of 100 cents, and it is circulating at exactly that value to-day and it is doing that money work exactly, and no greenback, no national-bank note, no gold dollar, is doing work over 100 cents monetary work. If it is limited at all, it is limited to 100 cents. It is doing the work of 100 cents; and you want to subtract from what otherwise would be current money among the people $5,000,000 a year and turn it into fractional currency; whereas if this bill is not passed we have got to have that amount of fractional currency, and you will be forced to buy silver bullion with which to coin it and add that much to our volume of currency.

Mr. SOUTHARD. In every practical sense is not the subsidiary dollar doing the work of 100 cents?

Mr. WILLIAMS. Yes; that is true; but the gentleman surely does not want to mislead the House. I know him too well to think that. If we do not pass this bill we have got to have about $5,000,000 a year additional to coin into fractional currency—dimes, quarters, and halves—and that amount will have to be coined from silver bullion purchased in the market for this purpose; and if we do pass this bill that amount will be coined out of the so-called "abraded, worn, and uncurrent" silver. It is a question of addition on the one hand or substitution on the other. In other words, this bill will subtract $5,000,000 a year from what otherwise would be the current money of the country.

Mr. SOUTHARD. Would the gentleman be in favor of buying bullion for the purpose of coining silver dollars?

Mr. WILLIAMS. "The gentleman" is in favor of buying bullion for the purpose of coining dimes, quarters, and halves, and this bill is for the purpose of preventing that from being done. That is the precise question presented here, and no other question. [Applause on the Democratic side.]

Mr. SOUTHARD. In that respect I have no doubt the gentleman agrees perfectly with the smelting trust of the country.

Mr. WILLIAMS. Oh, Mr. Speaker, whenever I go down to buy a suit of clothes, which is not very frequently (the Speaker and I both agreeing in the fact that clothes are not necessaries of life), I suppose I am, to a certain extent, "agreeing with" and encouraging the man who makes the clothes, but that is not my object. I am going to buy clothes because I want clothes, and not for the purpose of benefiting the seller of the clothes. Of course, the man who sells silver and the man who mines silver have an interest in the Government buying silver to make fractional silver currency; but the gentleman from Ohio certainly does not mean to charge that *my* motive on this floor is to help *them*. My motive is to help the people keep at least the amount of money that they otherwise would have without the passage of this bill. [Applause on the Democratic side.]

Mr. CLARK of Missouri. Mr. Speaker, how much more time have I?

The SPEAKER. The gentleman has eleven minutes.

Mr. CLARK of Missouri. Mr. Speaker, the whole sum and substance of this bill is that it takes out of circulation $5,000,000 a year of good legal-tender money.

Mr. LITTLEFIELD. Mr. Speaker, I understood the gentleman from Ohio to say that this uncurrent money was not in circulation; that it was piled up in the Treasury, being entirely unused, not being the basis even of silver certificates. I do not know anything about what the fact is, but do the gentlemen disagree as to what the facts are?

Mr. CLARK of Missouri. I am not responsible for what the gentleman from Ohio says.

Mr. LITTLEFIELD. No; but do you disagree as to what the facts are?

Mr. SOUTHARD. I do not think the gentleman from Missouri will dispute what I have said.

Mr. CLARK of Missouri. I do not know as to that, but I do know that I never saw a silver dollar in my life that was not current silver that people were not willing to take.

Mr. LITTLEFIELD. When you saw it, it was current.

Mr. CLARK of Missouri. Yes.

Mr. LITTLEFIELD. But when it became uncurrent you did not see it, because it would not be in circulation.

Mr. CLARK of Missouri. I know; but who is it that says it is uncurrent?

Mr. LITTLEFIELD. The gentleman from Ohio so states. What I want to find out is whether the gentleman from Missouri and the gentleman from Ohio differ as to the fact. I do not know what the fact is.

Mr. CLARK of Missouri. If you will wait till I make my statement, you will not want any more information. [Laughter.]

Mr. LITTLEFIELD. I will have all there is.

Mr. CLARK of Missouri. The sum and substance of this bill is that it removes from circulation $5,000,000 a year of full legal tenders, and it will only take about seventeen years to get all the silver dollars out of circulation; and that is what they have been working at for a third of a century.

Mr. PRINCE. Will not the effect of this bill be to change the form of the silver coin?

Mr. CLARK of Missouri. Yes; it not only changes the shape of the money, but it changes the character of the money. The silver dollar is full legal tender and fractional coin is not.

Mr. PRINCE. It is, up to a certain amount.

Mr. CLARK of Missouri. A very small amount.

Mr. CAMPBELL of Kansas. Up to $5.

Mr. CLARK of Missouri. Yes; up to $5. You must take into consideration, for the benefit of the gentleman from Maine [Mr. LITTLEFIELD], this further matter: The man who passes upon the question whether this coin is worn, abraded, or uncurrent is the Secretary of the Treasury. Personally, I have a high regard for Mr. Secretary Shaw. I think he is the best story-teller in the United States. [Applause.] But it is a matter of common knowledge that he is unfriendly to silver money, unless he has experienced a very sudden change of heart. An abraded coin is a coin some part of which is worn off. You can't use either gold or silver without abrading it somewhat. You put a brand-new silver dollar in your pocket and go from here to the Treasury with it, and by the time you get there it is an abraded coin to some extent.

If you have an unfriendly person to pass on the question as to what is an abraded coin, you are as certain to have $5,000,000

of worn, abraded, uncurrent silver dollars every twelve months as the sun is to rise in the east to-morrow and to set in the west. It all depends upon the view point.

Mr. MADDEN. I should like to ask the gentleman, if the abraded silver dollars are not current now, and because they are not current are not in circulation, would not their recoinage into subsidiary coins get into circulation the money that is not now in circulation?

Mr. CLARK of Missouri. Now, Mr. Speaker, with all due respect to my friend from Chicago, I don't believe a syllable of that statement. It is owing to who passes on the question as to whether it is current or uncurrent silver or whether it is abraded or unabraded, and somebody who was friendly to it would keep that coin in circulation down there.

Mr. MADDEN. If we agree on the fact that it is not now in circulation and is abraded, wouldn't the recoinage into subsidiary coin put it into circulation?

Mr. CLARK of Missouri. As long as Secretary Shaw or any man like him is Secretary of the Treasury, every time he gets hold of a silver dollar that there is the slightest excuse for declaring uncurrent he would declare it so. If I were Secretary of the Treasury, every dollar that Secretary Shaw has got locked up in the Treasury vaults as uncurrent money would be in circulation this day. [Laughter and applause.]

Mr. LACEY. I would like to ask my friend a question.

Mr. CLARK of Missouri. Yes, certainly.

Mr. LACEY. If this is recoined, it will still be money, will it not?

Mr. CLARK of Missouri. Not as good as the silver dollar is, because the silver dollar is full legal tender.

Mr. LACEY. That is because it is twice as easy to get half a dollar as it is a dollar. [Laughter.]

Mr. CLARK of Missouri. That is owing to circumstances. The real effect of this bill is that it contracts the legal-tender money of the country $5,000,000 a year.

Mr. MADDEN. Does the gentleman think that it takes it out of circulation?

Mr. CLARK of Missouri. If it was a friend of silver who was in the Treasury, it would be in circulation.

Mr. McCLEARY of Minnesota. Is my friend aware that we spend thousands of dollars a year trying to get it into circulation, and in spite of that fact it continually comes back?

Mr. CLARK of Missouri. I have heard that tale, and I do not believe a syllable of it and never did.

Mr. McCLEARY of Minnesota. The gentleman does not believe the appropriation bill which makes the appropriation to get it out?

Mr. CLARK of Missouri. What is the reason it doesn't go out like other money?

Mr. McCLEARY of Minnesota. My friend's mistake lies in the fact that while a silver dollar is unlimited legal tender, in fact, you wouldn't dream of offering more than four of them to a person, and if you did, you would apologize for it.

Mr. CLARK of Missouri. Did you ever see anybody, even in the State of Minnesota, refuse to take every silver dollar that he could lay his hands on? You never did.

Mr. McCLEARY of Minnesota. Yes; every man knows that he wouldn't dream of passing out more than four silver dollars to a person in change.

Mr. CLARK of Missouri. Let me ask my friend, Would you refuse to take five silver dollars as legal tender?

Mr. McCLEARY. If I wanted five silver dollars, I would take them. Let me ask my friend a question. Suppose that you bought something costing a dollar, and you laid down a twenty-dollar gold or silver certificate or a greenback, in your own State, and the merchant tendered you nineteen silver dollars; would you take them?

Mr. CLARK of Missouri. I would take them so quick it would make your head swim. [Laughter.]

Mr. McCLEARY of Minnesota. Suppose you laid down a hundred-dollar bill?

Mr. CLARK of Missouri. I would take that.

Mr. McCLEARY of Minnesota. When my friend goes down to the Sergeant-at-Arms' office and draws his salary, does he want it all except the change in paper?

Mr. CLARK of Missouri. I always take what they hand out and never ask any questions. [Laughter.]

Mr. McCLEARY of Minnesota. Now, laying all fun aside, let me ask my friend in good faith if he was doing business as a merchant and a person bought a dollar's worth of goods and gave him a twenty-dollar bill, would he, as a matter of fact, hand out nineteen silver dollars, or would he hand out three five-dollar bills and four in silver?

Mr. CLARK of Missouri. It would be entirely owing to which I had the most of.

Mr. McCLEARY. As a matter of stern necessity, you could not do any better; but there is no sane person living that would accept them if he could get paper.

Mr. CLARK of Missouri. I will give the gentleman my experience; I never heard of any living man refusing to accept the silver dollar when it was tendered to him, and I do not believe any such man ever lived on the face of the earth.

Mr. McCLEARY of Minnesota. It is legal tender and he couldn't refuse it, but the gentleman never saw in his life—and I ask him to deny it if he dare—a business man who would presume to offer nineteen silver dollars to any person.

Mr. CLARK of Missouri. Why, Mr. Speaker, I have had as many as fifty or sixty silver dollars in my pocket at one time many a time. [Laughter and applause.] And so has the Speaker and so has the gentleman from Minnesota [Mr. McCLEARY], and I will give the gentleman my experience about it. We do not live so very far apart. The gentleman lives a little farther up the river than I do, but out in the western country, anywhere west of the Allegheny Mountains, the people prefer silver dollars to paper dollars. That is absolutely true. No man will deny that proposition.

Mr. McCLEARY of Minnesota. That is true as to a very limited quantity, but they do not hanker after the opportunity of lugging around a pound or two of silver coin when they can have the same value in a more convenient form. The gentleman knows it.

Mr. CLARK of Missouri. Mr. Speaker, the same statement applies to gold as well as to silver. I do not object to subsidiary coin. If the Government has not enough of it, if there is not enough in circulation let the Government coin some more subsidiary coin. But the way to get the stuff to coin it out of is to go and buy the bullion to coin it. And I would not object to this bill so much if I did not know that the Secretary of the Treasury is unfriendly to the silver dollar and that he will recoin up to the maximum limit. And this is as certain as you live, that the whole sum and substance of it is a contraction of the currency to the amount of $5,000,000 a year.

The SPEAKER. The time of the gentleman has expired.

Mr. CLARK of Missouri. By permission of the House, I append the minority report on this bill, which is as follows:

MINORITY REPORT.

The undersigned members of the Committee on Coinage, Weights, and Measures submitted the following as the views of the minority:

Without going into an elaborate discussion of the measure (H. R. 8444) proposing to give the Secretary of the Treasury authority to recoin "worn, abraded, and uncurrent silver dollars" into subsidiary silver coins, the minority submits the following reasons against the passage of the bill:

(1) Even if it is true that the country requires more subsidiary silver coins in order to conveniently transact its business, it seems that the simple, direct plan to pursue in order to get it would be to direct the Secretary to purchase the necessary amount of silver bullion and coin it into subsidiary coins.

(2) It would be very easy also to direct the Secretary to recoin worn and abraded silver dollars, using silver bullion now in the Treasury to do so, or, if necessary, purchasing such small amount of silver bullion as might be necessary to do so.

(3) Or, if we must pursue the plan recommended by the Director of the Mint and proposed by this bill, we insist, for the reason hereinafter stated, that the bill ought to be amended by adding the following proviso to the same:

"*Provided*, That the Secretary of the Treasury is hereby directed to purchase a sufficient amount of silver bullion and have the same coined into silver dollars of the present weight and fineness to an amount that, when coined, shall equal the amount of silver dollars coined into subsidiary coin under the foregoing provisions of the bill."

(4) The reason upon which we base our objection to the bill, unless so amended, is easily stated, and our objection to it is, we think, unanswerable. The bill authorizes the Secretary of the Treasury to have the silver dollars as they become worn, abraded, or "uncurrent" recoined into subsidiary silver coinage, in amounts not to exceed $5,000,000 in any one year. It appears from the "circulation statement" of February 1, 1906, issued by the Treasury Department, that there was on that day in circulation 80,417,545 standard silver dollars, and 11,799,320 of them in the Treasury.

These dollars are full legal-tender money. Under the broad authority of the bill the Secretary is authorized to have them recoined into subsidiary coins, which are not full legal-tender money, whenever they become worn or abraded or, in his judgment, "uncurrent."

Under this authority it will, in our judgment, take just seventeen years for the Secretary to recoin them all, and as $92,000,000 will be subtracted from our stock of full legal-tender money there will be contraction to that extent.

To contraction of this kind we are unalterably opposed.

Nor is it any answer to this objection for the supporters of the bill to assert that in sixteen years the contraction would only amount to $1 per capita. That we concede. It is not the harm that might be done under this particular bill at which we are alarmed, but it is the harm that will surely follow the extension of the principles that underlie it. In all probability it is but the entering wedge for a series of bills that will work serious harm, and will materially contract the currency. Who can tell how long before some proposition may be submitted looking to the retirement of the $466,000,000 of silver certificates and the recoinage of the bullion held in the Treasury against them also? Our estimated circulation per capita is to-day only $31.88, and that, we submit, is small enough. We are opposed to this scheme to reduce it.

(5) We submit in conclusion that we do not believe the business world, or the people anywhere, desire any tinkering of this sort with the present currency system, and certainly none in the direction of con-

traction, and that it is unwise to disturb present conditions by the enactment of the pending bill.

JNO. W. GAINES.
THOS. W. HARDWICK.
ROBT. M. WALLACE.
J. THOS. HEFLIN.

Mr. SOUTHARD. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. McCLEARY].

Mr. McCLEARY of Minnesota. Mr. Speaker, my friend from Mississippi [Mr. WILLIAMS] speaks of reducing the volume of "full legal-tender money." Of course my friend knows that silver certificates are not legal tender at all. No man takes either silver coin or silver certificates because of the fact of their being legal tender. No one takes them because of the compulsive power of the law. He takes them because he knows that when he desires to buy anything——

Mr. WILLIAMS. Mr. Speaker, if the gentleman will permit an interruption for the purpose of setting him right—and I presume he does not want to be wrong—I desire to state that the gentleman from Mississippi does not remember that he said a word about legal tender, one way or the other. What the gentleman from Mississippi said was that if this bill was passed it would amount to a reduction of what otherwise would be the volume current among the people.

Mr. McCLEARY of Minnesota. Then the gentleman is further wrong than I supposed he was, because as a matter of fact it increases the amount of money, nominally in dollars, current among the people. The silver in the silver dollars will make more money, face value, when coined into subsidiary coin than in the form of dollars.

Mr. WILLIAMS. But if the gentleman will allow me, I did not say it would reduce the present volume. I said it would reduce the volume of what otherwise would be current. Now, in other words, if this bill does not pass, we are bound to have about five millions a year of fractional currency coined, and if this bill does not pass we will have to go into the market and buy the bullion and that will amount to an increase of that much. If this bill does pass, instead of our having that increase we will have merely a substitution of that kind of fractional currency for that amount of standard currency.

Mr. McCLEARY of Minnesota. Mr. Speaker, the question involved in the bill now before the House is a very simple one. It is this: Shall we or shall we not coin the silver that has been bought with the people's money into the form that will best serve the people's interest and suit the people's convenience? And there would not be a moment's doubt or a minute's debate on the matter if it were not for the fact that our friends on the other side feel it to be their duty to try to be consistent with certain positions heretofore taken relative to silver.

In the discussion of the question before the House three elemental ideas have been touched upon—namely, the idea of a "standard of value," the idea of "legal tender," and the idea of "current money."

As a matter of historic fact, the silver dollar has not been a standard of value in this country for over seventy years, since the coinage act of 1834, passed during the Administration of Andrew Jackson and with his approval.

As a matter of law, silver dollars are legal tender to any amount, but they are not a business tender except in small amounts, depending on the habits of the people. In this city a merchant will apologize for offering you as many as one silver dollar, and will explain that he has no $1 bills. As we move west, the amount of silver that can be safely offered in making change increases, and on the Pacific coast one does not mind carrying around $6 or $8 in silver.

My friend from Missouri [Mr. CLARK] and I are familiar with the use of the silver dollar. Out in our country we have very few paper dollars. We use the silver dollar, but we use it only to a very limited extent. The limit of the usefulness of the silver dollar is fixed by the burdensomeness of the weight of it.

Of course if somebody submitted to me the proposition of whether or not I would accept a thousand silver dollars if they were tendered to me, if the question were asked that way, without modification, there would be but one answer, and that would be "yes." Wouldn't you take a million silver dollars if they were tendered to you? Why, certainly, but that is not the question. The question is, Would I take them if I could have the choice of a more convenient kind of money. Then the answer would be "no." Inasmuch as in business people have that choice, they do not take them as a matter of fact, but accept a very limited sum—about $4 in the Middle West. The usefulness of the silver dollar as a currency, as I have said, is limited by its burdensomeness.

Mr. JAMES. Is the purpose of this bill, as is hinted, to ultimately retire silver from circulation, because the people do not like to use it?

Mr. McCLEARY of Minnesota. No; it is to put it into form to accommodate the people for the use they want to make of it.

Mr. JAMES. Then why does not the Secretary of the Treasury call for authority to buy sufficient bullion to recoin these abraded dollars and then ask for sufficient authority to buy bullion enough to make the subsidiary coin requested?

Mr. McCLEARY of Minnesota. Because we have far more silver dollars now than is possible to use as silver dollars. That was, in fact, confessed when those in favor of the more extended use of silver asked for and secured authorization for the issuance of the silver certificate in place of the silver dollar. And these "friends of silver" were willing to have these certificates without "legal tender," because they knew if they simply had the thing itself, the silver dollar, the limit of its usefulness would be so small that the purpose they had in mind would not be accomplished.

Mr. JAMES. But you do not contend in seriousness to the House that this bill would increase the circulating medium of the country, do you?

Mr. McCLEARY of Minnesota. I certainly do.

Mr. JAMES. Of money of final redemption?

Mr. McCLEARY of Minnesota. "Money of final redemption," my friend, so far as silver is concerned, is a mere jangle of words.

Mr. JAMES. Why, it meant considerable to you gentlemen in another campaign.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. SOUTHARD. Mr. Speaker, just one word. There is no question that silver dollars become abraded just as fractional money becomes abraded. We are recoining fractional money all the while, and to say that silver dollars do not become abraded and uncurrent is stating what is simply not a fact. I understand that there are several million silver dollars now piled up in the vaults of the Treasury serving no purpose——

Mr. WILLIAMS. The gentleman said several millions. Can he give the exact amount?

Mr. SOUTHARD. I understand three or four millions.

Mr. WILLIAMS. Now, I would like to ask the gentleman a question.

Mr. SOUTHARD. I have very little time.

Mr. WILLIAMS. Is there not fully that much of each other form of money in the United States lying up in the Treasury doing no good? Is not there very much more of the gold over and above the gold reserve?

Mr. SOUTHARD. I can not answer that question, of course, but I understand there is other money in the form of abraded, worn, silver dollars that is uncurrent that ought to be recoined in some shape. Now, one of two things must be done: We must coin these uncurrent silver dollars into subsidiary silver, or we must go into the market and buy silver bullion under some authority, which must be given by Congress, in order to increase our stock of subsidiary silver. Now, which is the common-sense plan? Which ought to be done. What would you do if you were the United States, with this stock of silver on hand, and needed more subsidiary silver, as the country does now, to meet the requirements of the Treasury?

The SPEAKER. The time of the gentleman has expired.

The question was taken.

The SPEAKER. The Chair is in doubt. As many as are in favor of passing the bill will rise and stand until counted. [After counting.] Upon this vote the ayes are 115, the noes are 90; two-thirds not having voted for the bill, the bill is not passed. [Applause on the Democratic side.]

PRINTING IN RECORD.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to have read and inserted in the RECORD the following letter, addressed to the Speaker of the House.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to have read and printed in the RECORD a letter which the Clerk will report.

Mr. WILLIAMS. Mr. Speaker, before the letter is read, will the gentleman give us some idea of its contents?

Mr. TAWNEY. I will state the letter is a letter addressed to the Speaker of the House by the Rev. Henry S. Burrage, chaplain of the Soldiers' Home at Togus, Me., who was formerly a major under General Draper, of Massachusetts, in regard to the action of the House in respect to the abolition of the canteen in the Soldiers' Home.

Mr. WILLIAMS. I have no objection.

The SPEAKER. Is there objection to the printing of the

letter in the RECORD? [After a pause.] The Chair hears none. Does the gentleman from Minnesota desire to have the letter read?

Mr. TAWNEY. I asked unanimous consent to have the letter read and inserted in the RECORD.

The SPEAKER. If there be no objection, the letter will be read.

There was no objection.

The Clerk read as follows:

EASTERN BRANCH, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
Togus, Me., June 15, 1906.

Hon. JOSEPH G. CANNON.

DEAR SIR: As to the canteen amendment I have this to say, that all the officers here who were at Togus before the establishment of the canteen regret the action of the House. They tell me that there has been better order in the Home and much less drunkenness since the establishment of the canteen than was the case formerly. You know that I am a strenuous believer in and advocate of prohibition. I am not in favor of the canteen in the Army or Navy. But I find myself in daily contact with men from 60 to 70, 80, and 90 years of age. A large number of these men have long been accustomed to the use of liquors of one kind or another. They are now at that period of life when it is extremely difficult to change one's habits. Character tends to fixedness. I have known this, but I have had this knowledge greatly increased since my residence here. You can not do much in the way of reforming men after they have come to their three score years and ten. Because of what the officers here say as to the condition of things before the establishment of the canteen, I have come to the conclusion that temperance in the Home is not likely to be promoted by the amendment. I wish the men would not drink. I wish they would not use tobacco. They are not likely to give up the one habit any more than the other.

I fear, therefore, that with the canteen abolished the men who have been accustomed to drink for many years will make their way to the rum holes in Augusta and Gardiner, or will patronize the pocket peddlers who have been accustomed to hang on to the outskirts of the Home about pension time. The canteen, at which only beer is sold, is under restrictions established by the Home. If these are not satisfactory to Congress they can be made so.

I hope I have made my point plain. I am opposed to the canteen in the Army and Navy, because I would not wish to have a son of mine at the formative period of life subjected to canteen influences. The old soldiers here long ago passed that period, and the differences in the circumstances in which they stand and those of the young men in the Army and Navy should be taken into account, it seems to me.

I am, truly, yours,

HENRY S. BURRAGE.

[Applause.]

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent to insert in the RECORD some additional facts in relation to the question to which the letter relates, some additional statisties which I did not put in the RECORD the other day.

The SPEAKER. Is there objection?

Mr. TAWNEY. I have also a letter——

Mr. SULLIVAN of Massachusetts. Mr. Speaker, reserving the right——

The SPEAKER. The gentleman from Minnesota was not through.

Mr. LITTLEFIELD. I will wait.

Mr. TAWNEY. I have another letter, received this morning from an inmate of the National Home at Leavenworth, Kans., addressed to myself, which I ask unanimous consent to insert in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MACON. Mr. Speaker, reserving the right to object, I would like to have the letter read.

Mr. HEFLIN. I object to having it read:

The letter is as follows:

NATIONAL MILITARY HOME, KANSAS, *June 16, 1906.*

Hon. JAMES A. TAWNEY, *Washington, D. C.*

SIR: I see that an amendment to some act, the civil bill, I think, was offered by the Hon. J. D. BOWERSOCK, of Kansas, to do away with our canteen, and that the amendment carried by a big majority, but a small vote. Now, although the honorable Member of Congress from Lawrence, Kans., lives almost within hailing distance of this Home, I have no recollection of his ever being here. One that has the good of the soldiers at his heart so much, and in the Halls of Congress, too, should get better acquainted. Now, I was never intoxicated in my life and do not average one drink of beer in a year and do not think I have taken one in our Home canteen in three years; still I believe it is for the best that the canteen be allowed to run. These men who have all their lives been used to their beer are not going to quit when the Home canteen is closed, but will go where they can get it, and then they will mix whisky of very poor quality with it. Here they get nothing but beer, and they endeavor to get the best article, and the officer in charge will not let them get intoxicated. Here there is no danger of their being robbed, but every pension day lots of gamblers hold up men, and thugs of all kinds congregate in Leavenworth, Kans., 2½ miles north, looking for the pickings, and there are abundant opportunities in the alleys, etc. There is the danger also of car accidents, and scarcely a pension day passes that two or three are not hurt by the cars, and about two per year killed. Now, this amendment will shove men, who never go to the city saloons, out where they can drink to the limit, and there are plenty who do all their drinking at the Home canteen. If they could not get anything to drink elsewhere, then there would be some sense in the amendment. I feel sorry for that Member of Congress from Michigan who is going to make the boys good by legislation. That has been tried for a good many thousand years, and I can see no improvement. He might do as the colonel of a regiment in the Army, who told the adjutant to detail so many men for baptism. Henry Ward Beecher said, when some one objected to the kind of books some one had collected to send to one of the Soldiers' Homes (in the first start of the Homes), and Mr. Beecher told the objectors that none of these books would hurt these men. You tell a man that he can not have any more to drink, and does he go off somewhere and go to praying? Oh, no; he goes where he can get it and fills himself up. It is human nature.

The canteen brings a profit of from $12,000 to $15,000 each year, which goes toward providing amusements. We usually have one good play each week in winter, and a game of baseball once a week in the summer (league games) besides probably as many more plays and concerts in the winter of a cheaper class, but first class of the kind.

It will be a clear gain for the saloons of Leavenworth of at least $1,000 per month, and a couple of hundred to the electric line. These are actual facts, and for your own consideration, so you may know the facts of the case in case the bill should come up for any further consideration in the House.

Yours, respectfully,

A. S. CHURCH,
Late of Company I, One hundred and twentieth Ohio Infantry.

Mr. LITTLEFIELD. Then, Mr. Speaker, I ask unanimous consent to insert in the RECORD, after those two letters, additional statistics showing the facts in relation to the various Homes, and which I did not put into the RECORD the other day, but which I then had in my hand for that purpose.

The SPEAKER. Is there objection?

Mr. SULLIVAN of Massachusetts. Reserving the right to object, I would like to ask a question of the gentleman from Maine and make a brief statement. The other day he stated in the most ponderous fashion that he was not going to argue the question of the canteen, but simply to state facts. Before he got through we found that he was not stating facts, but only statistics compiled by the president of the Anti-Saloon League. [Applause and laughter.] Now, I wish to ask the gentleman from Maine whether the facts which he is going to insert in the RECORD to-day are statistics, merely, compiled by the same gentleman.

Mr. LITTLEFIELD. Well, now, "the gentleman from Maine," in an imponderous way—not quite so ponderous—will state that he wants to put in the RECORD statistics compiled by the same gentleman.

Mr. SULLIVAN of Massachusetts. I have no objection to that, so long as they are called by their proper names. [Laughter.]

Mr. LITTLEFIELD. If the gentleman desires, I would like to have unanimous consent to put in the RECORD the record of the various Homes from which the statistics were compiled, which I think will give absolute foundation for the computation.

The matter referred to is as follows:

[Page 279.]

Report of the Board of Commissioners of the Soldiers' Home.

THE SOLDIERS' HOME,
OFFICE OF THE BOARD OF COMMISSIONERS,
Washington, D. C., July 19, 1904.

SIR: Under the requirements of section 1 of the act of Congress approved March 3, 1883, prescribing regulations for the Soldiers' Home in the District of Columbia, I have the honor to submit the following report of the Board of Commissioners of the Soldiers' Home for the year ended June 30, 1904, and to invite attention to the following table showing the changes that have occurred in the number of beneficiaries during that period:

	Regular.	Temporary.	Total.
On the rolls June 30, 1903	1,382	32	1,414
Admitted since	254	164	418
Readmitted	325	----------	325
Total	1,961	196	2,157
Withdrawn from the Home	422	----------	422
Dropped, dismissed, etc	121	78	199
Died	117	4	121
Transferred to permanent roll	----------	83	83
Total	660	165	820
Leaving on the rolls June 30, 1904	1,301	31	1,332

Temporarily admitted for medical treatment	41
Denied admission	29
Number applying for readmission	337
Granted outdoor relief	25
Denied outdoor relief	40
Inmates present having service in Mexico	30
Inmates on outdoor relief having service in Mexico	114
Total inmates having service in Mexico, of whom 34 had service in the civil war	144
Inmates present having service in the civil war	304
Inmates absent having service in the civil war	73
Total inmates having service in the civil war	377

List of delinquencies committed during the year ending June 30, 1904.

Drunkenness	108
Absence without leave	66
Drunk and disorderly	70
Disobedience of orders	1
Introducing whisky	8
Destroying Home property	1
Assaulting other inmates	4
Using abusive language	2
Insubordination	2
Theft	1
Total number of offenses	263

[Page 159.]

Report of the Board of Commissioners of the Soldiers' Home.

THE SOLDIERS' HOME,
OFFICE OF THE BOARD OF COMMISSIONERS,
Washington, D. C., August 15, 1905.

SIR: Under the requirements of section 1 of the act of Congress approved March 3, 1883, prescribing regulations for the Soldiers' Home in the District of Columbia, I have the honor to submit this report of the board of commissioners of the Soldiers' Home for the year ended June 30, 1905, and to invite attention to the following table showing the changes that have occurred in the number of beneficiaries during that period:

	Regular.	Temporary.	Total.
On the rolls June 30, 1904	1,301	31	1,332
Admitted since	261	174	435
Readmitted	265		265
Total	1,827	205	2,032
Withdrawn from the Home	368		368
Dropped, dismissed, etc	79	82	161
Died	83	1	84
Transferred to permanent roll		85	85
Total	530	168	698
Leaving on the rolls June 30, 1905	1,297	37	1,334

Temporarily admitted for medical treatment	86
Denied admission	28
Number applying for readmission	296
Granted outdoor relief	25
Denied outdoor relief	26
Inmates present having service in Mexico	29
Inmates on outdoor relief having service in Mexico	92
Total inmates having service in Mexico, of whom 28 had service in the civil war	121
Inmates present having service in the civil war	301
Inmates absent having service in the civil war	72
Total inmates having service in the civil war	373

List of deliquencies committed during the year ending June 30, 1905.

Drunkenness	116
Absence without leave	83
Drunk and disorderly	59
Introducing whisky	16
Disobedience of orders	2
Neglect of duty	1
Destroying Home property	1
Assaulting other inmates	7
Using abusive language	3
Disposing of Home clothing	3
Total number of offenses	291

National Home for Regulars, Washington, D. C., 1903.

(No canteen.)

Average number present	1,414
Total cases of discipline	259
Per cent	.183

ITEMS OF ABOVE CASES AND PER CENT.

Bringing liquors into grounds	9
Per cent	.006
Drunkenness and disorderly	166
Per cent	.117
Absent without leave	74
Per cent	.052

National Home for Regulars, Washington, D. C., 1904.

(No canteen.)

Average number present	1,332
Total cases of discipline	263
Per cent	.197

ITEMS OF ABOVE CASES AND PER CENT.

Introducing liquors into grounds	8
Per cent	.006
Drunkenness and disorderly	178
Per cent	.133
Absent without leave	66
Per cent	.049

National Home for Regulars, Washington, D. C., 1905.

(No canteen.)

Average number present	1,334
Total cases of discipline	291
Per cent	.218

ITEMS OF ABOVE CASES AND PER CENT.

Bringing liquors into grounds	16
Per cent	.011
Drunkenness and disorderly	175
Per cent	.131
Absent without leave	83
Per cent	.062

CENTRAL BRANCH (DAYTON, OHIO).

Discipline.

Changes from present to absent	1,823
Changes from absent to present	1,773
Total changes	3,596
Arrests under major charges	694
Arrests under minor charges	1,982
Total charges	2,676

Charges.

Major:	
Penal offenses	303
Bringing intoxicating liquors within the limits of the Branch	334
Drunkenness on duty	3
Absent without leave while under sentence	12
Insubordination to an officer	42
Total	694
Minor:	
Absent without leave	1,273
Drunkenness	647
Disorderly conduct in quarters or on the grounds	9
Lying or falsely accusing	10
Violation of rules	20
Other misconducts	23
Total	1,982
Grand total	2,676

Major:	
Penal offenses	44
Bringing intoxicating liquors within the limits of the Branch	372
Drunkenness on duty	22
Absent without leave while under sentence	144
Insubordination to an officer	98
Total	680
Minor:	
Absent without leave	1,175
Drunkenness	730
Disorderly conduct in quarters or on the grounds	57
Lying or falsely accusing	17
Violations of rules	62
Other misconducts	21
Total	2,062
Grand total	2,724

Discipline.

Changes from present to absent	1,902
Changes from absent to present	1,906
Total changes	3,808
Arrest under major charges	486
Arrest under minor charges	2,119
Total charges	2,605

Charges.

Major:	
Penal offenses	8
Bringing intoxicating liquors within the limits of the Branch	265
Drunkenness on duty	21
Absence without leave while under sentence	120
Insubordination to an officer	72
Total	486
Minor:	
Absence without leave	906
Drunkenness	676
Disorderly conduct in quarters or on the grounds	244
Lying or falsely accusing	8
Violation of rules	240
Other misconduct	45
Total	2,119
Grand total	2,605

Central Branch, Dayton, Ohio, 1903.

Average number present	4,729
Total cases of discipline	2,676
Per cent	.565

ITEMS OF ABOVE CASES AND PER CENT.

Bringing intoxicating liquors within limits of Branch	334
Per cent	.07
Drunkenness on and off duty	650
Per cent	.137
Penal offenses (admitted "drunks") in city courts	303
Per cent	.064
Absent without leave	1,273
Per cent	.269

Central Branch, Dayton, Ohio, 1904.

Average number present	4,658
Total cases of discipline	2,724
Per cent	.584

ITEMS OF ABOVE CASES AND PER CENT.

Bringing intoxicating liquors within limits of Branch	372
Per cent	.079
Drunkenness on and off duty	752
Per cent	.161
Penal offenses (admitted "drunks") in city courts	44
Per cent	.009
Absent without leave	1,175
Per cent	.252

Central Branch, Dayton, Ohio, 1905.

Average number present	4,569
Total cases of discipline	2,605
Per cent	.57

ITEMS OF ABOVE CASES AND PER CENT.

Bringing intoxicating liquors within limits of Branch	265
Per cent	.057
Drunkenness on and off duty	697
Per cent	.152
Penal offenses (admitted "drunks") in city courts	8
Per cent	.001
Absent without leave	906
Per cent	.198

Annual report of Northwestern Branch, National Home for Disabled Volunteer Soldiers, for the year ending June 30, 1903. (Milwaukee, Wis.)

NATIONAL HOME,
Milwaukee County, Wis., July 10, 1903.

SIR: I have the honor to submit the following report of this Branch for the year ending June 30, 1903:

Average present for the year ended June 30, 1903, 2,175.

Charges.

Major:	
Bringing intoxicating liquors into Home grounds	74
Drunkenness on duty	5
Absent without leave while under sentence	17
Total	96
Minor:	
Absent without leave	380
Drunkenness	357
Disorderly conduct	50
Violation of rules	41
Other misconduct	29
	857
	96
Total	953

Annual report of Northwestern Branch, National Home for Disabled Volunteer Soldiers, for the year ending June 30, 1904. (Milwaukee, Wis.)

NATIONAL HOME,
Milwaukee County, Wis., July 16, 1904.

SIR: I have the honor to submit the following report of this Branch for the year ending June 30, 1904:

Average present for the year ended June 30, 1904, 2,181.

Social condition:	
Married, or having living wives, or minor children, or both	868
Single	2,316
Total	3,184

Two thousand nine hundred and twenty-four could read and write, and 260 could neither read nor write. Of the latter 45 per cent were native born and 55 per cent were foreign born. Number of colored members, present and absent, June 30, 1904, 27.

Discipline:	
Changes from present to absent	866
Changes from absent to present	924
Total changes	1,790
Arrest under major charges	87
Arrest under minor charges	1,092
Total charges	1,179

Charges.

Major:	
Bringing intoxicating liquors within the limits of the Home grounds	75
Drunkenness on duty	3
Absence without leave while under sentence	7
Insubordination to an officer	2
Total	87
Minor:	
Absence without leave	518
Drunkenness	405
Disorderly conduct	24
Lying, or falsely accusing	1
Violation of rules	107
Other misconduct	37
Total	1,092
Total offenses	1,179

Annual report of the Northwestern Branch, National Home for Disabled Volunteer Soldiers, for the year ending June 30, 1905. (Milwaukee, Wis.)

NATIONAL HOME,
Milwaukee County, Wis., July 1, 1905.

SIR: I have the honor to submit the following report of this Branch for the year ending June 30, 1905:

Average present for the year ending June 30, 1905, 2,107.

Discipline.

Changes from present to absent	945
Changes from absent to present	1,000
Total changes	1,945
Arrest under major charges	103
Arrest under minor charges	1,002
Total charges	1,105

Charges.

Major:	
Bringing intoxicating liquors within the limits of the Home grounds	101
Insubordination to an officer	2
Total	103
Minor:	
Absence without leave	432
Drunkenness	338
Disorderly conduct in quarters or on the grounds	85
Lying or falsely accusing	1
Violation of rules	123
Other misconduct	23
Total	1,002
Grand total	1,105

Northwestern Branch, Milwaukee, Wis., 1903.

Average number present	2,175
Total cases of discipline	953
Per cent	.438

ITEMS OF ABOVE CASES AND PER CENT.

Bringing intoxicating liquors within Home grounds	74
Per cent	.034
Drunkenness	362
Per cent	.166
Absent without leave	397
Per cent	.182

Northwestern Branch, Milwaukee, Wis., 1904.

Average number present	2,181
Total cases of discipline	1,346
Per cent	.625

ITEMS OF ABOVE CASES AND PER CENT.

Bringing intoxicating liquors within Home grounds	58
Per cent	.026
Drunkenness	813
Per cent	.372
Absent without leave	285
Per cent	.130

Northwestern Branch, Milwaukee, Wis., 1905.

Average number present	2,107
Total cases of discipline	1,105
Per cent	.524

ITEMS OF ABOVE CASES AND PER CENT.

Bringing intoxicating liquors within Home grounds	101
Per cent	.047
Drunkenness	338
Per cent	.112
Absent without leave	432
Per cent	.205

[Page 111.]

Annual report of Southern Branch, National Home for Disabled Volunteer Soldiers, for the year ending June 30, 1903.

SOUTHERN BRANCH, *July 25, 1903.*

SIR: I have the honor to submit the following report of this Branch for the year ending June 30, 1903:

Average number present year ending June 30, 1903, 2,773.

Discipline:	
Changes from present to absent	1,280
Changes from absent to present	1,297
Total changes	2,577
Arrests under major charges	101
Arrests under minor charges	1,586
Total charges	1,687
Charges:	
Absence without leave, more than ten days	58
Assaulting comrades	7
Bringing whisky into camp	42
Drunk	1,077
Fighting in camp	65
Jumping the fence	48
Other minor offenses	390
Total	1,687

[Page 114.]

Annual report of the Southern Branch, National Home for Disabled Volunteer Soldiers, for the year ending June 30, 1904.

ELIZABETH CITY COUNTY, VA., *July 25, 1904.*

SIR: I have the honor to submit the following report of this Branch for the year ending June 30, 1904:

Average number present year ending June 30, 1904 2,670

Charges.

Absence without leave, more than 10 days	285
Assaulting comrades	7
Bringing whisky into Home grounds	58
Drunkenness	738
Drunk and disorderly	75
Fighting on Home grounds	30
Jumping the fence	30
Other minor offenses	141
Total	1,364

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Annual report of the Southern Branch, National Home for Disabled Volunteer Soldiers, for the year ending June 30, 1905.

ELIZABETH CITY COUNTY, VA., *July 27, 1905.*

SIR: I have the honor to submit the following report of this Branch for the year ending June 30, 1905:

Average number present, year ending June 30, 1905 2,616

Charges.

Major:	
Penal offenses	3
Bringing liquor	60
Absent without leave while under sentence	37
Insubordination	4
	104
Minor:	
Absent without leave	353
Drunkenness	625
Disorderly conduct	103
Violation of rules	59
Other misconduct	127
	1,267

Southern Branch, Hampton, Va., 1903.

Average number present	2,773
Total cases of discipline	1,687
Per cent	.608

ITEMS OF ABOVE CASES AND PER CENT.

Bringing in liquor	42
Per cent	.015
Drunkenness	1,077
Per cent	.388
Absent without leave	58
Per cent	.02

Southern Branch, Hampton, Va., 1904.

Average number present	2,670
Total cases of discipline	1,364
Per cent	.51

ITEMS OF ABOVE CASES AND PER CENT.

Bringing in liquor	58
Per cent	.021
Drunkenness	813
Per cent	.304
Absent without leave	285
Per cent	.106

Southern Branch, Hampton, Va., 1905.

Average number present	2,616
Total cases of discipline	1,371
Per cent	.524

ITEMS OF ABOVE CASES AND PER CENT.

Bringing in liquor	60
Per cent	.023
Drunkenness	625
Per cent	.238
Absent without leave	390
Per cent	.148

Marion Branch, Marion, Ind.

Average present for year ending *June 30, 1903*, reported on page 162, Report of Board of Managers of the National Home for Disabled Volunteer Soldiers.

Charges.

Major:	
Penalty—	
Arrested by civil authorities	3
Assault and battery	6
Bringing intoxicating liquor within the limits of the Home	68
Drunkenness while on duty or under sentence	39
Fence jumping and absent without leave while on duty or under sentence	35
Insubordination	11
Total	162
Minor:	
Drunk or repeatedly drunk	127
Drunk, fence jumping, absent without leave	14
Drunk, disorderly, or threatening	85
Fence jumping and absent without leave	133
Violation of Home rules	22
Total	381
Grand total	543

Average present during year ending June 30, 1904 (see page 169) .. 1,714

Charges.

Major:	
Penalty—	
Arrested by civil authorities	42
Assault and battery	14
Bringing intoxicating liquors within the limits of the Branch	119
Drunkenness while on duty or under sentence	36
Fence jumping and absent without leave while on duty or under sentence	35
Insubordination to an officer	19
Total	265
Minor:	
Drunk, or drunk fence jumping, and absent without leave	196
Drunk, or drunk and disorderly, or threatening, or both	44
Fence jumping, absent without leave	53
Violation of Home rules	45
Total	343
Total charges	608

Average present during year ending June 30, 1905 (see page 174) .. 1,682

Charges.

Major:	
Arrested by civil authorities	42
Assault and battery	17
Stealing or attempting to steal	1
Indecent exposure	5
Bringing intoxicants within the Home limits	71
Drunkenness on duty	10
Fence jumping and absence without leave while on duty	8
Insubordination	22
Total	176
Minor:	
Drunk or repeatedly drunk	201
Drunk, fence jumping, absence without leave	31
Drunk, brought to guardhouse on cart	24
Drunk, disorderly, threatening	66
Absence without leave	95
Fence jumping and absence without leave	117
Disorderly conduct	15
Using profane language	5
Violation of Home rules	7
Total	561
Total charges	737

Marion Branch, Marion, Ind., 1903.

Average number present	1,750
Total cases of discipline	543
Per cent	.31

ITEMS OF ABOVE CASES AND PER CENT.

Bringing intoxicating liquors within Home grounds	68
Per cent	.038
Drunkenness	265
Per cent	.151

Marion Branch, Marion, Ind., 1904.

Average number present	1,714
Total cases of discipline	608
Per cent	.354

ITEMS OF ABOVE CASES AND PER CENT.

Bringing intoxicating liquors into Home grounds	119
Per cent	.069
Drunkenness	276
Per cent	.161
Absent without leave	53
Per cent	.03

Marion Branch, Marion, Ind., 1905.

Average number present	1,682
Total cases of discipline	737
Per cent	.438

ITEMS OF ABOVE CASES AND PER CENT.

Bringing intoxicating liquors into Home grounds	71
Per cent	.042
Drunkenness	332
Per cent	.19
Absent without leave	220
Per cent	.13

Mr. SULLIVAN of Massachusetts. In connection with that I would like to ask unanimous consent to insert in the RECORD, alongside of the statistics of the gentleman from Maine [Mr. LITTLEFIELD] a statement made by Mr. Crafts before our committee with reference to the manner in which statistics may be used, in which he repeated the old saying that "While figures do not lie, liars may figure." [Laughter.]

MR. CRAFTS'S OPINION OF STATISTICS.

Mr. CRAFTS. Certainly; but these men are witnesses. They are not talking theory.

Mr. SULLIVAN. Do you say that they are better witnesses than the managers of the Soldiers' Homes themselves?

Mr. CRAFTS. The managers are prejudiced, too.

Mr. SULLIVAN. What is the reason for that? Let me put an exact case. Major Harris, General Henderson, and Mr. Murphy were before the committee the other day. Major Harris made his statement in the presence of the other two men, who are managers. His testimony was that the beer halls in the National Homes were a benefit to the soldier.

That these soldiers were men of advanced years; that their habits were fixed, and that it would cost them great discomfort, if not ill health, to change their habits abruptly at their time of life; and that

it was a charitable and merciful thing to allow them to have beer in the beer hall. Much more so than to send them out to the adjacent districts to be given over to the tender mercies of the rum seller and the keeper of disorderly places, and all that sort of thing. His statement was that if the State Homes were managed as well as the National Homes with the same regulations properly enforced, that he could see no objection to allowing the liquor to the old soldiers in the State Homes; and he saw no objection as a result of his observations to allowing it in the National Homes. That statement had the apparent approval of General Henderson and Mr. Murphy. Unless you can show that these witnesses are prejudiced, that they are in the pay of the liquor trade, or prejudiced in any way in favor of the liquor trade, how can you overweigh that kind of testimony?

Mr. CRAFTS. That is only an opinion. They did not give you the facts to prove it, and you don't know that. While figures can never lie, yet liars can figure.

Mr. SULLIVAN. Do you say that Mr. Murphy and General Henderson and Major Harris would lie?

Mr. CRAFTS. No; but I say that users of statistics can take lies and make them appear as facts.

Mr. LITTLEFIELD. I have no objection to that.

The SPEAKER. Is there objection to the request?

Mr. MANN. Mr. Speaker, I think we ought to have some idea as to the extent of this. The gentleman from Maine states that he wants to put in all the records of the Soldiers' Homes. It may be a dozen volumes like that [indicating] for all I know.

Mr. LITTLEFIELD. I will put in only so much of the record [indicating] of the Soldiers' Homes—extracts upon which computations are based.

The SPEAKER. Is there objection?

Mr. BARTHOLDT. Mr. Speaker, I do not object to this request if coupled with it I may be given permission to insert a statement on the other side of the question.

Mr. LITTLEFIELD. I have not the slightest objection, so far as I am concerned.

The SPEAKER. Does the gentleman from Missouri [Mr. BARTHOLDT] object or not?

Mr. BARTHOLDT. I do not object if I have the same privilege.

The SPEAKER. Then it is in the shape of an amendment. [Laughter.]

Mr. SLAYDEN. I want to ask the gentleman from Missouri [Mr. BARTHOLDT] a question, with his permission. Is the gentleman from Missouri prepared to print in the RECORD statements, arguments, and statistics equally strong as those read a moment ago from the Home of old soldiers in Maine, which go to show that sobriety, decency, good order, and better discipline were maintained in the Army when the canteen was in full effect?

Mr. BARTHOLDT. In answer to the question, if the gentleman will do me the honor to read what I am going to print in the RECORD, he can judge for himself.

The SPEAKER. This proceeding has been by unanimous consent.

Mr. BARTHOLDT. I ask unanimous consent, Mr. Speaker, to be allowed to print a statement in the RECORD.

[Mr. BARTHOLDT addressed the House. See Appendix.]

The SPEAKER. The gentleman couples with the request of the gentleman from Maine the request that he may print remarks on the other side. Is there objection? Also a similar request is made by the gentleman from Massachusetts [Mr. SULLIVAN]. Is there objection to the requests?

There was no objection.

Mr. CLARK of Missouri. Mr. Speaker, I ask leave to print in connection with my remarks the minority report of the Committee on Coinage, Weights, and Measures. It is very short.

The SPEAKER. Is there objection?

There was no objection.

By unanimous consent the bill H. R. 8761, to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes, and the bill H. R. 11016, for the preservation of American antiquities, were ordered to lie on the table, they being similar to Senate bill which had been passed to-day.

LEAVE OF ABSENCE.

By unanimous consent, Mr. DEEMER was granted leave of absence indefinitely, on account of illness.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 20070. An act to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 18442. An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia;

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes;

H. R. 10292. An act granting to the town of Mancos, Colo., the right to enter certain lands;

H. R. 19681. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement;

H. R. 8973. An act to amend section 5200, Revised Statutes of the United States, relating to national banks;

H. R. 16125. An act authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park, and to operate electric cars thereon;

H. R. 4464. An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes;

H. R. 19571. An act to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.;

H. R. 18668. An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington;

H. R. 7771. An act for the relief of Judd O. Hartzell;

H. R. 14968. An act to amend the internal-revenue laws so as to provide for furnishing certified copies of certain records;

H. R. 8428. An act to regulate the construction of dams across navigable waters;

H. R. 14928. An act for the relief of F. V. Walker;

H. R. 4468. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895;

H. R. 11787. An act ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School at Alva, in Oklahoma Territory, passed by the legislative assembly of Oklahoma Territory, and approved the 15th day of March, 1905; and

H. R. 10133. An act to provide for the annual pro rata distribution of the annuities of the Sac and Fox Indians of the Mississippi between the two branches of the tribe and to adjust the existing claims between the two branches as to said annuities.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 4806. An act to regulate the landing, delivery, cure, and sale of sponges;

S. R. 60. Joint resolution providing for the purchase of material and equipment for use in the construction of the Panama Canal;

S. 280. An act to provide a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island;

S. 4250. An act to further enlarge the powers and authority of Public Health and Marine Service, and to impose further duties thereon; and

S. 4184. An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 19264. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907;

H. R. 19816. An act to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River, one at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga.;

H. R. 19815. An act to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River, between Columbus, Ga., and Franklin, Ga.;

H. R. 10106. An act providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii;

H. R. 3997. An act for the relief of John A. Meroney;

H. R. 19432. An act to authorize additional aids to navigation in the Light-House Establishment;

H. R. 19681. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement;

H. R. 19571. An act to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.;

H. R. 8973. An act to amend section 5200, Revised Statutes of the United States, relating to national banks;

H. R. 18668. An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington;

H. R. 7771. An act for the relief of Judd O. Hartzell;

H. R. 14968. An act to amend the internal-revenue laws so as to provide for furnishing certified copies of certain records;

H. R. 8428. An act to regulate the construction of dams across navigable waters;

H. R. 14928. An act for the relief of F. V. Walker;

H. R. 20070. An act to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 4464. An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes;

H. R. 16125. An act authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park, and to operate electric cars thereon;

H. R. 4468. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895;

H. R. 18442. An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia; and

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes.

WITHDRAWAL OF PAPERS.

By unanimous consent Mr. TAWNEY obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of the bill (H. R. 2803) for the relief of De Witt Eastman.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

Mr. ZENOR. Mr. Speaker, I desire to make a privileged motion on the bill H. R. 16785. I move that the House concur in the Senate amendment. The bill is from the Speaker's table.

The SPEAKER. Will it be convenient for the gentleman to be here in the morning? The papers have been filed away.

Mr. ZENOR. Very well.

The motion of the gentleman from New York [Mr. PAYNE] was agreed to.

Accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of harbor of refuge at Harbor Beach, Mich.—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

A letter from the Acting Secretary of the Treasury, transmitting a list of judgments in favor of claimants in Indian depredation cases—to the Committee on Appropriations, and ordered to be printed.

A letter from the Postmaster-General, recommending legislation for the relief of the W. C. Walsh Company—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SPERRY, from the Committee on Alcoholic Liquor Traffic, to which was referred the bill of the House (H. R. 5292) to prevent the sale of intoxicating liquors in buildings and upon premises around or controlled by the United States Government, reported the same with amendment, accompanied by a report (No. 4954); which said bill and report were referred to the House Calendar.

Mr. SULZER, from the Committee on Patents, to which was referred the bill of the House (H. R. 11943) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights, reported the same with amendment, accompanied by a report (No. 4955); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the House joint resolution (H. J. Res. 43) authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans., reported the same without amendment, accompanied by a report (No. 4961); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the concurrent resolution (H. C. Res. 34) for the examination and survey of the harbor at Duluth, Minn., reported the same without amendment, accompanied by a report (No. 4963); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19431) permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota, reported the same with amendment, accompanied by a report (No. 4964); which said bill and report were referred to the House Calendar.

Mr. RANSDELL of Louisiana, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 7083) to repeal section 5, chapter 1482, act of March 3, 1905, reported the same with amendment, accompanied by a report (No. 4965); which said bill and report were referred to the House Calendar.

Mr. FOSTER of Indiana, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16008) to provide for the establishment of judicial divisions in the district of Indiana, designating the places where court shall be held, and for other purposes connected therewith, reported the same with amendment, accompanied by a report (No. 4967); which said bill and report were referred to the House Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 18920) to authorize the Wichita Mountain and Orient Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes, reported the same with amendment, accompanied by a report (No. 4968); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 6395) for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, and other considerations, for lands adjacent thereto, between Le Grand Young and the Government of the United States, and for other purposes, reported the same without amendment, accompanied by a report (No. 4970); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MILLER, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 4197) authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis, reported the same without amendment, accompanied by a report (No. 4956); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 20220) to correct the military record of James Devlin, reported the same without amendment, accompanied by a report (No. 4957); which said bill and report were referred to the Private Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1166) to correct the military record of Peleg T. Griffith, reported the same without amendment, accompanied by a report (No. 4969); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HOPKINS: A bill (H. R. 20287) to authorize George

it was a charitable and merciful thing to allow them to have beer in the beer hall. Much more so than to send them out to the adjacent districts to be given over to the tender mercies of the rum seller and the keeper of disorderly places, and all that sort of thing. His statement was that if the State Homes were managed as well as the National Homes with the same regulations properly enforced, that he could see no objection to allowing the liquor to the old soldiers in the State Homes; and he saw no objection as a result of his observations to allowing it in the National Homes. That statement had the apparent approval of General Henderson and Mr. Murphy. Unless you can show that these witnesses are prejudiced, that they are in the pay of the liquor trade, or prejudiced in any way in favor of the liquor trade, how can you overweigh that kind of testimony?

Mr. CRAFTS. That is only an opinion. They did not give you the facts to prove it, and you don't know that. While figures can never lie, yet liars can figure.

Mr. SULLIVAN. Do you say that Mr. Murphy and General Henderson and Major Harris would lie?

Mr. CRAFTS. No; but I say that users of statistics can take lies and make them appear as facts.

Mr. LITTLEFIELD. I have no objection to that.

The SPEAKER. Is there objection to the request?

Mr. MANN. Mr. Speaker, I think we ought to have some idea as to the extent of this. The gentleman from Maine states that he wants to put in all the records of the Soldiers' Homes. It may be a dozen volumes like that [indicating] for all I know.

Mr. LITTLEFIELD. I will put in only so much of the record [indicating] of the Soldiers' Homes—extracts upon which computations are based.

The SPEAKER. Is there objection?

Mr. BARTHOLDT. Mr. Speaker, I do not object to this request if coupled with it I may be given permission to insert a statement on the other side of the question.

Mr. LITTLEFIELD. I have not the slightest objection, so far as I am concerned.

The SPEAKER. Does the gentleman from Missouri [Mr. BARTHOLDT] object or not?

Mr. BARTHOLDT. I do not object if I have the same privilege.

The SPEAKER. Then it is in the shape of an amendment. [Laughter.]

Mr. SLAYDEN. I want to ask the gentleman from Missouri [Mr. BARTHOLDT] a question, with his permission. Is the gentleman from Missouri prepared to print in the RECORD statements, arguments, and statistics equally strong as those read a moment ago from the Home of old soldiers in Maine, which go to show that sobriety, decency, good order, and better discipline were maintained in the Army when the canteen was in full effect?

Mr. BARTHOLDT. In answer to the question, if the gentleman will do me the honor to read what I am going to print in the RECORD, he can judge for himself.

The SPEAKER. This proceeding has been by unanimous consent.

Mr. BARTHOLDT. I ask unanimous consent, Mr. Speaker, to be allowed to print a statement in the RECORD.

[Mr. BARTHOLDT addressed the House. See Appendix.]

The SPEAKER. The gentleman couples with the request of the gentleman from Maine the request that he may print remarks on the other side. Is there objection? Also a similar request is made by the gentleman from Massachusetts [Mr. SULLIVAN]. Is there objection to the requests?

There was no objection.

Mr. CLARK of Missouri. Mr. Speaker, I ask leave to print in connection with my remarks the minority report of the Committee on Coinage, Weights, and Measures. It is very short.

The SPEAKER. Is there objection?

There was no objection.

By unanimous consent the bill H. R. 8761, to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes, and the bill H. R. 11016, for the preservation of American antiquities, were ordered to lie on the table, they being similar to Senate bill which had been passed to-day.

LEAVE OF ABSENCE.

By unanimous consent, Mr. DEEMER was granted leave of absence indefinitely, on account of illness.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 20070. An act to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 18442. An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia;

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes;

H. R. 10292. An act granting to the town of Mancos, Colo., the right to enter certain lands;

H. R. 19681. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement;

H. R. 8973. An act to amend section 5200, Revised Statutes of the United States, relating to national banks;

H. R. 16125. An act authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park, and to operate electric cars thereon;

H. R. 4464. An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes;

H. R. 19571. An act to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.;

H. R. 18668. An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington;

H. R. 7771. An act for the relief of Judd O. Hartzell;

H. R. 14968. An act to amend the internal-revenue laws so as to provide for furnishing certified copies of certain records;

H. R. 8428. An act to regulate the construction of dams across navigable waters;

H. R. 14928. An act for the relief of F. V. Walker;

H. R. 4468. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895;

H. R. 11787. An act ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School at Alva, in Oklahoma Territory, passed by the legislative assembly of Oklahoma Territory, and approved the 15th day of March, 1905; and

H. R. 10133. An act to provide for the annual pro rata distribution of the annuities of the Sac and Fox Indians of the Mississippi between the two branches of the tribe and to adjust the existing claims between the two branches as to said annuities.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 4806. An act to regulate the landing, delivery, cure, and sale of sponges;

S. R. 60. Joint resolution providing for the purchase of material and equipment for use in the construction of the Panama Canal;

S. 280. An act to provide a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island;

S. 4250. An act to further enlarge the powers and authority of Public Health and Marine Service, and to impose further duties thereon; and

S. 4184. An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 19264. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907;

H. R. 19816. An act to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River, one at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga.;

H. R. 19815. An act to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River, between Columbus, Ga., and Franklin, Ga.;

H. R. 10106. An act providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii;

H. R. 3997. An act for the relief of John A. Meroney;

H. R. 19432. An act to authorize additional aids to navigation in the Light-House Establishment;

H. R. 19681. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement;

H. R. 19571. An act to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.;

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H. R. 20070. An act to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 4464. An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes;

H. R. 16125. An act authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park, and to operate electric cars thereon;

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H. R. 18442. An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia; and

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes.

WITHDRAWAL OF PAPERS.

By unanimous consent Mr. TAWNEY obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of the bill (H. R. 2803) for the relief of De Witt Eastman.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

Mr. ZENOR. Mr. Speaker, I desire to make a privileged motion on the bill H. R. 16785. I move that the House concur in the Senate amendment. The bill is from the Speaker's table.

The SPEAKER. Will it be convenient for the gentleman to be here in the morning? The papers have been filed away.

Mr. ZENOR. Very well.

The motion of the gentleman from New York [Mr. PAYNE] was agreed to.

Accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of harbor of refuge at Harbor Beach, Mich.—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

A letter from the Acting Secretary of the Treasury, transmitting a list of judgments in favor of claimants in Indian depredation cases—to the Committee on Appropriations, and ordered to be printed.

A letter from the Postmaster-General, recommending legislation for the relief of the W. C. Walsh Company—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

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REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

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Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1166) to correct the military record of Peleg T. Griffith, reported the same without amendment, accompanied by a report (No. 4969); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HOPKINS: A bill (H. R. 20287) to authorize George

Hammons, Charles Vaunice, and F. A. Lyons to construct a bridge across Kentucky River at Beattyville, Ky.—to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: A bill (H. R. 20288) to refund certain duties paid on merchandise brought into the Hawaiian Islands from the United States between August 12, 1898, and April 30, 1900, and also to refund all duties in excess of those provided in the act of July 24, 1897, entitled "An act to provide revenue for the Government, and to encourage the industries of the United States," collected by the United States Government on importations into said Hawaiian Islansd from countries other than the United States between August 12, 198, and April 30, 1900, and for other purposes—to the Committee on Ways and Means.

By Mr. JENKINS: A bill (H. R. 20289) to amend an act entled "An act conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark.," approved April 20, 1904—to the Committee on the Judiciary.

By Mr. OTJEN: A bill (H. R. 20290) to amend the river and harbor act of March 3, 1905—to the Committee on Rivers and Harbors.

By Mr. TOWNE: A resolution (H. Res. 597) requesting the Secretary of State to send to the House of Representatives all correspondence relating to Hon. H. N. Allen, late minister to Korea—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 20291) granting an increase of pension to Emma F. Buchanan—to the Committee on Pensions.

By Mr. ANDRUS: A bill (H. R. 20292) granting a pension to Howard William Archer—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 20293) for the relief of Alonzo H. Adams—to the Committee on Claims.

By Mr. BUTLER of Tennessee: A bill (H. R. 20294) granting an increase of pension to Jefferson Wilson—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 20295) granting an increase of pension to Francis K. Richards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20296) for the relief of A. L. Robb—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIS of West Virginia: A bill (H. R. 20297) granting an increase of pension to Sylvester Lipscomb—to the Committee on Invalid Pensions.

By Mr. GILBERT of Indiana: A bill (H. R. 20298) granting an increase of pension to William H. Isbell—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 20299) granting an increase of pension to Lizzie E. Enright—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 20300) granting an increase of pension to B. A. Mills—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 20301) for the relief of Howard F. Esterline—to the Committee on Invalid Pensions.

By Mr. McGAVIN: A bill (H. R. 20302) to grant an extension of certain letters patent to Madison Maginn—to the Committee on Patents.

By Mr. MOUSER: A bill (H. R. 20303) granting an increase of pension to John Crowley—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 20304) granting an increase of pension to Eliza Peterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20305) granting an increase of pension to James E. Pangle—to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 20306) granting an increase of pension to John S. Watson—to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 20307) for the relief of Levi W. Revelle—to the Committee on War Claims.

By Mr. RODENBERG: A bill (H. R. 20308) for the relief of H. B. Massey—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 20309) granting an increase of pension to Daniel McGuire—to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 20310) granting an increase of pension to John Patton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20311) granting an increase of pension to John W. Mooney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20312) granting a pension to James Cave—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20313) granting a pension to Elias G. Friend—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20314) granting an increase of pension to William R. Gray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20315) granting an increase of pension to James H. Rains—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20316) granting an increase of pension to Herman H. Meyerkoly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20317) granting an increase of pension to Phillip Heinrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20318) granting a pension to Sarah F. Fink—to the Committee on Invalid Pensions.

By Mr. WEEMS: A bill (H. R. 20319) granting an increase of pension to Davis Garvin—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 20320) granting an increase of pension to Charles Hussey—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of German descent at Caspers Union, N. Y., for negotiation of arbitration treaties—to the Committee on Foreign Affairs.

Also, petition of International Missionary Union, against harshness of administration of Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. ACHESON: Petition of R. W. Mason, Washington, Pa.; Edw. McDonald, McDonald, Pa.; Wiles Boyd & Co., McDonald, Pa., and Crude Oil Company, Oil City, Pa., for amendment to the pipe-line provision of the rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. AIKEN: Paper to accompany bill for relief of Emma F. Buchanan—to the Committee on Pensions.

By Mr. BONYNGE: Petition of citizens of Colorado against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BROWN: Petition or resolution of residents of Prentice, Wis., against Sunday bill now before Congress—to the Committee on the District of Columbia.

By Mr. BURLEIGH: Petition of Savings Bank Association of Maine, against bill to establish postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Jefferson Wilson—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: Petition of United Commercial Travelers of America, Grand Council of Ohio, against bill H. R. 4549, relative to parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. COLE: Petition of Pennock Brothers, for amendment of section 137 of United States Postal Laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of ladies of McKeesport, Pa., relative to abuses in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. DUNWELL: Petition of New Immigrants' Protective League, favoring the Bartholdt joint resolution, relative to immigration—to the Committee on Immigration and Naturalization.

Also, petition of Wholesale Liquor Dealers' League, relative to certain modifications of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of the New Immigrants' Protective League, for measures to insure a better distribution of immigrants—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Lyman Hawley, of Gardner, Ill., for pure-food bill and Federal inspection of meat-packing products—to the Committee on Agriculture.

Also, petition of National German Alliance of America, for furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

By Mr. GROSVENOR: Petitions, in form of letters and telegrams, protesting against the passage of the eight-hour bill, from the following cities: Rockford, Ill., Chicago, Ill., Providence,

R. I., Moline, Ill., and Cleveland, Ohio—to the Committee on Rules.

By Mr. HOWELL of Utah: Petition of Lake Typographical Union, No. 115, et al., labor associations of Salt Lake City, for passage of the Pearre bill (H. R. 18752)—to the Committee on the Judiciary.

By Mr. KENNEDY of Nebraska: Petition of Nebraska Stock Growers' Association, for action relative to disposition of such public lands in Nebraska as are unfit for agricultural purposes—to the Committee on the Public Lands.

Also, petition of Nebraska Stock Growers' Association, for speedy Government meat inspection—to the Committee on Agriculture.

By Mr. KENNEDY of Ohio: Petition of citizens of Youngstown, Ohio, urging exemption of aliens who come to the United States by reason of religious or political persecution from considerations of Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. KINKAID: Petition of business firms of Nebraska, for immediate action on Government inspection of meat-packing products—to the Committee on Interstate and Foreign Commerce.

By Mr. KLINE: Paper to accompany bill for relief of Howard F. Esterline—to the Committee on Claims.

By Mr. LINDSAY: Petition of Robert S. Waddell, against the powder monopoly—to the Committee on Military Affairs.

Also, petition of General Federated Union of New York, against the antipilotage bill being passed as a rider to ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. LORIMER: Petition of Edwards & Deutch Lithograph Company, against Gardner eight-hour bill—to the Committee on Labor.

By Mr. McCARTHY: Petition of Frank Dowd and J. H. Rothnell, for the pure-food bill and Federal inspection of meat-packing products—to the Committee on Agriculture.

Also, petition of Nebraska Stock Growers' Association, for such action relative to public lands in Nebraska as shall prevent destruction of the cattle industry—to the Committee on the Public Lands.

Also, petition of Nebraska Stock Growers' Association, for careful revision of Beveridge bill, relative to meat inspection—to the Committee on Interstate and Foreign Commerce.

By Mr. McNARY: Petition of citizens of Massachusetts, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. NORRIS: Petition of citizens of Nebraska, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PADGETT: Paper to accompany bill for relief of John M. Defoe—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of citizens of Seventh Massachusetts district, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RYAN: Petition of United German Societies of New York, for the furtherance of arbitration treaties—to the Committee on Foreign Affairs.

Also, petition of Central Federated Union of New York, against the antipilotage bill—to the Committee on the Merchant Marine and Fisheries.

Also, paper to accompany bill for relief of Charles W. Airey—to the Committee on Invalid Pensions.

Also, petition of citizens of United States of German birth, of New York, for furtherance of arbitration treaties—to the Committee on Foreign Affairs.

By Mr. THOMAS of Ohio: Petition of the Sentinel, Jefferson, Ohio, and Lawrence Times, Lawrence, Mich.—to the Committee on Ways and Means.

Also, petition of Grand Council of Order of the United Commercial Travelers of America, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WEBBER: Petition of hundreds of influential citizens of Washington, D. C., for bill H. R. 6016, for prohibiting manufacture and sale of liquor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WEEKS: Petition of Boston Christian Endeavor Union, for appropriate action by the Federal Government relative to abuses of power in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of citizens of Boston and West Newton, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WILEY of Alabama: Paper to accompany bill for relief of Charles Hussey—to the Committee on Pensions.

SENATE.

WEDNESDAY, *June 20, 1906.*

Prayer by Rev. JOHN VAN SCHAICK, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 3263. An act to amend an act entitled "An act to establish a port of delivery at Salt Lake City, Utah;"

S. 3414. An act providing for a public highway on the east side of the Fort Sherman abandoned military reservation, Idaho;

S. 5989. An act to authorize the construction of a bridge across the Missouri River in Broadwater and Gallatin counties, Mont.;

S. 6234. An act to authorize the Chicago, Milwaukee and St. Paul Railway Company, of Montana, to construct a bridge across the Missouri River in Lewis and Clarke County, Mont.;

S. 6243. An act to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands; and

S. 6451. An act to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River flowing over the dams between St. Paul and Minneapolis, Minn.;

The message also announced that the House had passed the following bills and joint resolution with amendments; in which it requested the concurrence of the Senate:

S. 1540. An act to increase the efficiency of the Ordnance Department of the United States Army;

S. 1697. An act confirming to certain claimants thereto portions of lands known as Fort Clinch Reservation, in the State of Florida;

S. 2948. An act to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes;

S. 3044. An act to promote the efficiency of the Revenue-Cutter Service;

S. 4190. An act to repeal an act entitled "An act to amend section 2455 of the Revised Statutes of the United States, approved February 26, 1895;"

S. 5769. An act defining the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903; and

S. R. 47. Joint resolution granting condemned cannon for a statue to Governor Stevens T. Mason, of Michigan.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 18536. An act providing for the subdivision of lands entered under the reclamation act, and for other purposes; and

H. R. 16472. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 9343. An act providing for the resurvey of certain townships of land in the county of Baca, Colo.;

H. R. 10858. An act to establish a naval militia and define its relations to the General Government;

H. R. 11040. An act to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys;

H. R. 13106. An act granting to the Batesville Power Company right to erect and construct canal and power stations at Lock and Dam No. 1, upper White River, Arkansas;

H. R. 14811. An act to authorize George T. Houston and Frank B. Houston to construct and operate an electric railway over the National Cemetery road at Vicksburg, Miss.;

H. R. 15506. An act authorizing the patenting of certain lands to school district No. 57, Nez Perces County, Idaho;

H. R. 16013. An act providing medals for certain persons;

H. R. 17186. An act granting to the Territory of Oklahoma, for the use and benefit of the University Preparatory School of the Territory of Oklahoma, section 33, in township No. 26 north of range No. 1 west of the Indian meridian, in Kay County, Okla.;

H. R. 17600. An act to grant authority to change the names of certain sailing vessels;

H. R. 18596. An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River, Arkansas, and for other purposes;

H. R. 19181. An act to grant a certain parcel of land, part of Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes;

H. R. 19312. An act to authorize the Mingo-Martin Coal Land Company to construct a bridge across Tug Fork of Big Sandy River at or near the mouth of Wolf Creek;

H. R. 19566. An act to authorize the Coraopolis Bridge Company and Osborne Bridge Company to construct a bridge over the Ohio River;

H. R. 19756. An act to amend section 2844 of the Revised Statutes of the United States, and to provide for an authentication of invoices of merchandise shipped to the United States from the Philippine Islands;

H. R. 19814. An act authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers and sailors orphans' homes;

H. R. 19850. An act to authorize the Monongahela Connecting Railroad Company to construct a bridge across the Monongahela River in the State of Pennsylvania;

H. R. 19916. An act withdrawing from entry certain public lands in Chouteau County, Mont., and leasing the same to the board of trustees of the Montana College of Agriculture and Mechanic Arts;

H. R. 20097. An act to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Coldwater River;

H. R. 20119. An act to authorize the village of Oslo, Marshall County, Minn., to construct a bridge across the Red River of the North;

H. R. 20210. An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River;

H. R. 20266. An act to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906;

H. J. Res. 31. Joint resolution recognizing the change of name of the Regular Army and Navy Union of the United States to the Army and Navy Union of the United States of America; and

H. J. Res. 160. Joint resolution authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn.

The message further announced that the House had passed a concurrent resolution providing for the appointment of a joint special committee consisting of four Senators, to be appointed by the Vice-President, and five Members of the House of Representatives, to be appointed by the Speaker, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the statutory revision commission heretofore authorized to revise and codify the laws of the United States; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 10133. An act to provide for the annual pro rata distribution of the annuities of the Sac and Fox Indians of the Mississippi between the two branches of the tribe and to adjust the existing claims between the two branches as to said annuities; and

H. R. 11787. An act ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School, at Alva, in Oklahoma Territory, passed by the legislative assembly of Oklahoma Territory, and approved the 15th day of March, 1905.

PETITIONS.

The VICE-PRESIDENT presented a petition of the National German-American Alliance of Philadelphia, Pa., praying for the enactment of legislation providing for the appointment of a commission to formulate a system for carrying the immigration laws into effect; which was referred to the Committee on Immigration.

He also presented a petition of the German-American Arbitration Conference, of New York City, N. Y., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

BENJAMIN FRANKLIN MEDALS.

Mr. KEAN. I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. 6488) authorizing the striking of 200 additional medals to commemorate the two hundredth anniversary of the birth of Benjamin Franklin, to report it favorably without amendment. It is a short bill, and I will ask for its present consideration. It will lead to no debate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of State to have struck 200 additional medals for the use of the American Philosophical Society, Philadelphia, Pa., to commemorate the two hundredth anniversary of the birth of Benjamin Franklin; but the entire cost of striking the medals shall be borne by the American Philosophical Society.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RULES FOR GRADING LUMBER.

Mr. PLATT. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 67) limiting the gratuitous distribution of the Rules and Specifications for Grading Lumber Adopted by the Various Lumber Manufacturing Associations of the United States to the Senate, the House of Representatives, and the Department of Agriculture, to report it favorably with an amendment to the title, and I ask for its present consideration.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution to protect the copyrighted matter appearing in the Rules and Specifications for Grading Lumber Adopted by the Various Lumber Manufacturing Associations of the United States."

The preamble was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 9343) providing for the resurvey of certain townships of land in the county of Baca, Colo., was read twice by its title, and referred to the Committee on Public Lands.

SUNDRY CIVIL APPROPRIATION BILL—ORDER OF BUSINESS.

Mr. HALE. I report back from the Committee on Appropriations, with amendments, the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, and I submit a report thereon.

I wish to state to the Senate that in the course of its business, in order to secure an adjournment late next week, it is essential that this bill should be passed so that it can go to the House and we can get it into conference on Sunday. In that way the bill will be out of the way, and so far as appropriation bills go there will only be the general deficiency bill, which will reach the Senate upon Tuesday of next week, as it is now arranged in the other branch of Congress.

Senators will see the importance not only of getting this bill forward in the way I have indicated, but the moment that the bill passes all of the time between its passage and next Tuesday or Wednesday will be open to the Senate for conference reports and other matters, and the Committee on Appropriations will be out of the way of the Senate.

I can see no better way of marshaling the business to the end which we all desire than what I have indicated, and I should be very glad to-day, as the bill is substantially already in print before the Senate, to take it up now, or a little later, when the amended print of the bill comes in, and go through with the formal part of the bill, so that immediately after the action of the Senate on the canal bill to-morrow, which has been settled by unanimous consent, the appropriation bill can be completed to-morrow afternoon and go at once to the House for conference.

I hope that Senators see the importance of this arrangement

in view of final adjournment, and particularly that they will consider that when this bill is out of the way the Senate will have three or four uninterrupted days for the consideration of conference reports, which, of course, are important, but which can be then taken up and will not interfere with the appropriation bills.

Mr. President, I will be very glad, as soon as the new print comes in, which I expect will be very shortly, to take up this bill and run it as long as possible this morning. I do not give any formal notice, for that does not add anything, but I shall seek, as soon as the amended bill is here for Senators to follow, to take it up, and I hope Senators who are interested, as they are, in other matters will see the force of getting this bill out of the way.

Mr. GALLINGER. Mr. President, I very fully appreciate the suggestion that the Senator from Maine has made as to the necessity for haste in the matter of considering these great appropriation bills, and so far as I am concerned I certainly shall not in any way interfere with the wish of the Senator, except that I trust if the print comes in before 2 o'clock the Senator will not insist upon taking up the bill before that hour as I have had consent, after the routine morning business, to further consider a bill that is of exceeding importance—in a smaller way, of course, than appropriation bills, but of exceeding importance to the traveling public.

Mr. HALE. That will be entirely satisfactory if I do not meet at 2 o'clock with some Senator who desires to speak upon the canal measure, which comes up at that time.

Mr. KITTREDGE rose.

Mr. HALE. Senators know how practically impossible it is with any measure to take a Senator from the floor who desires to speak. The suggestion made by the Senator from New Hampshire would be entirely agreeable and would give the Senate the opportunity of considering the appropriation bill for the rest of the day.

Mr. GALLINGER. Considering the celerity with which the Senator from Maine disposes of appropriation bills, I think he need have no apprehension that there will be great delay in passing the bill he has in charge at the present time.

Mr. HALE. The Senator from Maine is equally confident with the Senator from New Hampshire that when the bill gets up the Senator from Maine will not delay it. That is very certain. Let us see what the Senator from South Dakota has to say about 2 o'clock.

Mr. KITTREDGE. The Senator from Alabama [Mr. MORGAN] wishes to address the Senate at 2 o'clock on the unfinished business.

Mr. HALE. Now, the Senate sees exactly the trouble I will be in at 2 o'clock. The Senator from South Dakota announces that the veteran Senator from Alabama desires, I suppose, to occupy the day, and I shall meet there more trouble than I meet now with the District railway bill.

What I am seeking is that every Senator, no matter what he has got, will help to get this bill through. But I can see, Mr. President, if nothing is done before 2 o'clock, and the Senator from Alabama having made his arrangements proposes to deliver what will be a great speech and an extended speech, the day is gone.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. HALE. Yes; I am inviting suggestions, because I know the Senate feels as I do—that it is very important in the marshaling of its business that this great bill shall be gotten out of the way and sent to the House, so that we can get into conference upon it. I invite suggestions. I want to be helped out.

Mr. WARREN. I was going to suggest to the Senator from New Hampshire that possibly he would hardly be able to finish the measure which he has in charge by 2 o'clock, and as he has learned that the floor will be taken at 2, possibly it would suit him just as well to lay the District measure over until we finish the consideration of the sundry civil bill.

Mr. GALLINGER. I will say in reply to the Senator from Wyoming that I trust I shall be able to have the consideration of the bill in which I am interested completed by 2 o'clock. I will say, further, that unless the bill is completed pretty soon I shall not press its consideration at all, because if it amounts to anything it must go to the other House and have the concurrence of that body. As we are nearing the day of adjournment, Senators will understand the necessity for prompt action, if any action be taken.

Mr. HALE. Mr. President, I make this suggestion, almost as in extremis: If the Senate will give an evening session for the consideration of the sundry civil appropriation bill, it can all be finished, except that part of it relating to the Panama Canal, which will be settled by the action of the Senate to-morrow.

Mr. WARREN. I hope the Senator will ask for an evening session.

Mr. HALE. I ask, or I will move, that the Senate shall meet at 8 o'clock this evening. I have no doubt we can finish the bill then, with that exception.

Mr. BERRY. Is it understood that nothing except the appropriation bill will be considered this evening?

Mr. HALE. Nothing except this bill. The evening session is to be devoted to the consideration of the sundry civil appropriation bill.

The VICE-PRESIDENT. From what hour?

Mr. HALE. My motion is that when the Senate takes a recess, say at 6 o'clock——

Mr. KEAN and others. Not later than 6.

Mr. HALE. I move that the Senate shall take a recess, not later than 6 o'clock, until 8 o'clock, the evening session to be devoted to the consideration of the sundry civil appropriation bill.

The VICE-PRESIDENT. The Senator from Maine moves that the Senate take a recess, not later than 6 o'clock, until 8 o'clock this evening. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

Mr. HALE. I am very much obliged to the Senate.

EDWARD KING.

Mr. BURROWS. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 5221) for the relief of Edward King, of Niagara Falls, in the State of New York, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Edward King, of Niagara Falls, in the State of New York, $90, said sum being the amount paid to the United States Government for duties on certain horses imported by him at Buffalo, N. Y., and which said horses were afterwards discovered to have been stolen by one William Potts in Canada, and which were, after their importation, returned by Edward King to their rightful owner.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RESURVEY OF LAND IN BACA COUNTY, COLO.

Mr. PATTERSON. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 9343) providing for the resurvey of certain townships of land in the county of Baca, Colo., to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I ask that the message of the House on the agricultural appropriation bill, which is on the table, be taken up.

Mr. BLACKBURN. Let us get through with reports of committees.

Mr. CULBERSON. Mr. President——

Mr. PROCTOR. I will yield for morning business that takes no time, but it is very important to get the agricultural bill into conference.

Mr. CULBERSON. I have a Senate resolution to offer, which I would be glad to have adopted. I do not think it will create any discussion. I hope it will not.

Mr. PROCTOR. I think the Senator will see the importance of action on the appropriation bill.

Mr. CULBERSON. I do; but we shall be in session for a couple of weeks yet, I think.

Mr. GALLINGER. I suggest that the Senator from Vermont has a right, under the rule, to ask that the matter be laid before the Senate.

Mr. CULBERSON. I am not insisting, but I suggest to the Senator from Vermont to yield to morning business, and let us get through with the morning business before taking up the appropriation bill.

Mr. PROCTOR. I am very good-natured this morning, and I will yield moderately. The junior Senator from Nebraska [Mr. BURKETT] was on his feet before I rose. I will yield for a short time for morning business that leads to no discussion.

The VICE-PRESIDENT. Reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. BURKETT, from the Committee on the District of Columbia, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 4670) to provide for the control, administration, and support of the public schools of the District of Columbia;

A bill (S. 4671) to determine and regulate the salaries of officers, teachers, and other employees of the board of education for the public schools of the District of Columbia;

A bill (S. 2069) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia;

A bill (S. 2323) to determine and regulate the salaries of officers, teachers, and other employees of the board of education for the public schools of the District of Columbia;

A bill (S. 2322) to provide for the control, administration, and support of the public schools of the District of Columbia;

A bill (S. 2324) to amend the act relating to the organization of the board of education in the District of Columbia, and for other purposes; and

A bill (S. 2475) to provide for the control, administration, and support of the public schools of the District of Columbia.

Mr. BURKETT. I wish to state that while these bills have been indefinitely postponed, the same matter practically is covered by the school bill which we passed the other day.

Mr. BLACKBURN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 13193) to prohibit the killing of wild birds and wild animals in the District of Columbia, reported it with an amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1148) granting an increase of pension to Marion F. Halbert;

A bill (H. R. 19389) granting an increase of pension to Lewis Marquis;

A bill (H. R. 1836) granting an increase of pension to Hiram B. Thomas;

A bill (H. R. 15945) granting a pension to Cynthia A. Compton;

A bill (H. R. 18769) granting an increase of pension to Louisa Story;

A bill (H. R. 19337) granting an increase of pension to Elizabeth C. Kennedy;

A bill (H. R. 19091) granting an increase of pension to Ernest Langeneck;

A bill (H. R. 19538) granting an increase of pension to Sarah Jane Dougherty;

A bill (H. R. 16411) granting an increase of pension to Newton Moore; and

A bill (H. R. 18543) granting an increase of pension to James M. Follin.

Mr. McCUMBER (for Mr. GEARIN), from the same committee, to whom was referred the bill (H. R. 2212) granting a pension to John B. Johnson, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. TILLMAN introduced a bill (S. 6491) granting an increase of pension to Joseph H. Abbey; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 6492) to correct the military record of James Devlin; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT (for Mr. DEPEW) introduced a bill (S. 6493) to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River, to erect and maintain an inlet pier therefrom, and to construct and maintain filter beds for the purpose of supplying the city of Buffalo with pure water; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WARREN introduced a bill (S. 6494) to provide for the purchase of a site and the erection of a public building thereon at Lander, in the State of Wyoming; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. ALLEE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6495) granting an increase of pension to Joseph B. Lyons; and

A bill (S. 6496) granting an increase of pension to Thomas D. G. Smith.

Mr. CLARK of Wyoming introduced a bill (S. 6497) to authorize officers and employees of Executive Departments to administer oaths when specifically designated for that purpose by the head of the Department with which they are connected; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6498) to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark.," approved April 20, 1904; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. LONG introduced a bill (S. 6499) for the relief of Lurana Harpole; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MARTIN introduced a bill (S. 6500) granting a pension to William S. Sykes; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6501) for the relief of William F. McKimmy, administrator of John McKimmy, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6502) for the relief of George K. Hathaway, administrator of John R. Hathaway, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. WETMORE introduced a bill (S. 6503) granting an increase of pension to Fannie A. Moore; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SIMMONS introduced a bill (S. 6504) for the relief of the estate of Levi T. Oglesby; which was read twice by its title, and referred to the Committee on Claims.

PUBLIC BUILDING AT BUTTE, MONT.

Mr. CLARK of Montana submitted an amendment proposing to appropriate $15,000 for acquiring additional grounds and necessary improvements for the same for the Federal building at Butte, Mont., intended to be proposed by him to the public-buildings bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

COL. FRANCIS A. MACON.

Mr. SIMMONS submitted an amendment authorizing the Secretary of the Treasury to credit in the account of Col. Francis A. Macon, disbursing officer North Carolina Organized Militia, the sum of $1,194.19, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

INTERSTATE LIVE-STOCK INSURANCE COMPANY.

Mr. CULBERSON submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Attorney-General of the United States be, and he is hereby, directed:

1. To send to the Senate full copies of all correspondence between the Department of Justice and the United States attorney for the District of Columbia relating to the Interstate Live-Stock Insurance Company, of the District of Columbia.

2. State what action, if any, was taken by the United States attorney for the District of Columbia in reference to the operation of said Interstate Live-Stock Insurance Company, and if any action was taken by him, state the result thereof. If any legal proceedings were taken against said company by the United States attorney for the District of Columbia, state what they were; and if such proceedings have been discontinued, state the reason for such discontinuance.

CLAIMS OF POSTMASTERS IN TENNESSEE.

Mr. FRAZIER submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to have stated in the Sixth Auditor's Office the salary accounts of former postmasters, named on annexed memorandum schedule, who served at post-offices in Tennessee in terms between July 1, 1864, and July 1, 1874, and who applied to the Postmaster-General prior to January 1, 1887, for payment of increased salary under the act of March 3, 1883, such salary accounts to be stated upon the registered returns of each postmaster for each term of service specified on memorandum schedule hereto attached, and by the method and rule laid down by the Postmaster-General for the statement and payment of salary accounts of former postmasters under the act of March 3, 1883, in his public order of February 16, 1884, directing payment of salaries by commissions and box rents, less the salary paid at time of service; and to enable the Secretary of the Treasury the better to comply with this resolution the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim specified on the memorandum schedule hereto attached;* and the Secretary of the Treasury is hereby directed to report

* For memorandum see Senate resolution No. 154.

to the Senate such stated salary accounts of former postmasters as soon as they can be made ready.

COAL, LIGNITE, AND OIL DEPOSITS.

Mr. LA FOLLETTE. I offer the concurrent resolution which I send to the desk.

The concurrent resolution was read, as follows:

Whereas the Government of the United States owns more than 40,000,000 acres of public land underlaid with coal and lignite deposits and large areas of public land containing oil deposits; and

Whereas the future industrial development of the country, its heat and power and light, are largely dependent upon this supply of coal, lignite, and oil; and

Whereas these public lands are subject to entry and sale and are entered and sold to individuals and are rapidly passing under the control of corporations that are thus acquiring a monopoly of the coal and oil supply; and

Whereas it is in the interest of the coal and oil consumers of the country that the extent and character of these deposits be accurately determined so that the country may know the amount of its fuel supply and may adopt such measures as will conserve it for the benefit of the whole people: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Interior cause to be made a thorough investigation of the coal, lignite, and oil deposits of the United States and report to Congress the nature, extent, and best methods of mining the same so as to operate them with the least amount of waste.

Resolved, That the President be authorized to withdraw from entry and sale all public lands known to be underlaid with coal, lignite, or oil and all such lands which, in the judgment of the Director of the Geological Survey, contain deposits of coal, lignite, or oil, and that all such lands be withheld from entry or sale until such time as Congress shall determine otherwise.

Mr. HANSBROUGH. Mr. President——

Mr. LA FOLLETTE. I simply wish to ask that the resolution may lie upon the table.

The VICE-PRESIDENT. The resolution will be printed and lie on the table.

Mr. LA FOLLETTE. I give notice that I shall call it up as early as possible for action, at which time I will submit some remarks.

Mr. HANSBROUGH. I will ask the Senator from Wisconsin when it is his intention to call up the resolution. Does the Senator intend to call it up to-morrow?

Mr. LA FOLLETTE. I did not hear the Senator.

The VICE-PRESIDENT. The Senator from North Dakota asks when it is the purpose of the Senator from Wisconsin to call up the resolution just submitted.

Mr. LA FOLLETTE. As early as possible.

The VICE-PRESIDENT. No definite date is stated.

Mr. LA FOLLETTE. In the next few days, if I can get the attention of the Senate.

Mr. WARREN. I should like to make a suggestion to the Senator from Wisconsin. As this is a very important matter, I hope before he calls it up and addresses the Senate he will give at least a day's notice.

Mr. LA FOLLETTE. I will do so.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I ask the Chair to lay before the Senate the message from the House of Representatives relative to the agricultural appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to certain amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, agreeing to amendment No. 29 with an amendment, and requesting a conference on the disagreeing votes of the two Houses.

Mr. PROCTOR. Mr. President, I make the ordinary motion that the Senate insist upon its amendments and agree to the conference asked by the House, the conferees to be appointed by the Chair.

Before the motion is put I think I ought to say a word about the principal points of difference upon Senate amendment 29, that the differences may be fully understood by the Senate.

There are two points which seem of most importance. One is that the House in its amendment has stricken out the provision of the Senate amendment that the date should be placed upon the cans. I believe that is a proper provision, but I do not propose to discuss it, as I presume there are other Senators who have given it more attention who will speak upon it. I make this brief preliminary statement because I would like to hear from other Senators upon these matters. I know it will be urged in favor of the House provision striking out the date that it is not of great practical importance; that dealers will hardly stock up a year's supply or more, and that they will in the interest of business sell the oldest first. But I think it is a proper and a wise provision to put the date on the label.

In regard to the other provision, the cost of inspection, it seems to be a radical departure and a very unwise one for the Government to defray this expense. I do not look upon it as a tax that can be put on the cattle grower or upon the consumer. It is a very small one at the most. I look upon it as a proper expense of advertising that should be charged to that account. These packers do a large amount of advertising, and certainly they do none that will yield such a tremendous return as this one of having the Government stamp on their products.

I might cite the oleomargarine law as an illustration. There is a tax of one-quarter of a cent upon renovated butter. The result of that very small tax has been that the production of that article has increased largely—I think nearly double—and that it has yielded an income to the Government of about double the expense of administering it.

There has been a good deal of pressure brought to bear regarding this expense, and multitudes of telegrams have been received. It is plain, in looking them over, to see that they emanate from Chicago, and they are sent to different sections of the country to be forwarded to Congress. Many of them are in almost identical language. Several of them have a mistake in grammar, which is repeated identically in different telegrams. Here is a package of them, in which the sender asks "prompt action in passing meat-inspection bill providing for rigid inspection at Government expense." That identical expression occurs in a large number of the telegrams, and, in fact, in nearly all of them that have been received. Here is another with the same expression, "rigid inspection at Government expense." The same language occurs in this entire package, "rigid inspection at Government expense." Here is another form, perhaps gotten out by one of the other packers. They seem to be adroit packers, not only of meat products, but of men as well. They know how to bring their constituencies into line to have their views represented. This one is probably from another house: "Please urge Secretary of Agriculture and Bureau Animal Industry that Government inspection is thorough." Some words are omitted there. Several others "urge announcement that the Government inspection is thorough and covers domestic and foreign meats." There are still other forms. Here is one that "inspection should be on practical and reasonable lines." This form of expression occurs several times, repeated in the same language, "practical and reasonable lines."

The cost is so inconsiderable that it seems to me entirely impossible that the packers, if they wish, could make any excuse for charging this upon the cattle grower or upon the consumer. I am confident that a charge of 6 cents for cattle and 3 cents for sheep, swine, goats, and calves would cover all the expense. I do not believe in the principle of collecting fees or a tax to be deposited in the Treasury and to be drawn upon to defray the expense, but it seems to me perfectly proper, as in the case of oleomargarine and renovated butter, that the tax or fee should be collected and deposited in the Treasury as other moneys are and that we should appropriate for this inspection entirely independent of whatever proceeds of such tax or fee may be in the Treasury. That is the way it is in the oleomargarine law to which I have referred.

If the Senators will turn to the reprint of the Senate amendment and of the House substitute, which are on their desks, on page 8 of our amendment No. 29, at the fifteenth line, the provision in regard to fees begins:

That the Secretary of Agriculture is authorized and directed to prescribe and fix reasonable fees, etc.

I would suggest that this provision should read:

That the Secretary of Agriculture is authorized and directed to prescribe and fix reasonable fees for the inspection and examination of all cattle, sheep, swine, and goats, not to exceed 10 cents for cattle and 5 cents for calves, sheep, swine, and goats, maintained in accordance with the provisions of this act, and the said fees shall be uniform throughout the United States and shall be collected by the Secretary of the Treasury and shall be deposited in the Treasury; and a schedule of such fees, together with the rules and requirements relating to the collection thereof, shall be set forth in regulations prescribed by the Secretary of Agriculture and approved by the Secretary of the Treasury.

These fees probably might safely be reduced to 5 cents for cattle and 3 cents for smaller animals, but of this the Secretary of Agriculture would be the judge.

This, as I have said, seems to me the greatest piece of advertising that any industry could possibly have. There are other lines of business in this country which will be sure to ask for the same provision, and with just claim. The butter and cheese producers, the maple-sugar manufacturers will want it, and many others. As we have already adopted in other measures the principle of a small tax or fee, it seems to me wise to follow in that line. I look upon the House proposition as a very dangerous precedent.

Mr. BEVERIDGE. Mr. President, in common with other Senators, I have read the House amendment to the Senate amendment No. 29 to the agricultural appropriation bill, and I think, speaking by and large, we may congratulate ourselves on get-

ting a very much better bill than any informed man had a right under the circumstances to expect at this session.

TEETH OF BILL REINSERTED.

The amendment, as the House has returned it to the Senate, puts back nearly all the teeth which the House committee at first took out of the Senate amendment; all, indeed, except two, and even one of those two teeth is put back with a gold filling, as it were. I refer to the $3,000,000 appropriation. Perhaps this for the present year will serve its purpose; it will bite; but it is wrong in principle.

GOOD BILL FOR A BEGINNING.

While in no great reform measure can all that one asks for be expected to be achieved at the first, nevertheless a fairly good bill has been secured with those two exceptions.

Before the conferees are appointed, however, and at the request of the Senator who will be chairman of the conferees on the part of the Senate, I desire to express myself upon those two omissions. Indeed, I desire to do so anyway, because I wish again to be on record upon both of those questions, since they arise almost to the dignity of principles; indeed, I will withdraw the limitation, and say they do rise to the dignity of principles.

LABELS AND COST OF INSPECTION.

The first one is the House amendment to that provision in the Senate amendment which omits the requirement that the date of the inspection be put upon the can or other receptacle in which a food product is sealed up; and the other one is the point to which the Senator from Vermont [Mr. PROCTOR] just now felicitously called attention, the House provision which puts the cost of inspection on the people instead of on the packers.

Before I take those two up—and I shall do so with very great brevity, Mr. President, because I am quite as anxious as anyone that this business shall be concluded—I want to say that one may be permitted to take some pleasure out of the little comedies of legislation; and this House amendment and its history presents one such amusing incident.

I observed the other day that it was asserted with some vehemence by my friend the chairman of the Committee on Agriculture in the other House that the provision for the surveillance of packing houses when closed was in the first House substitute; and yet when the bill comes back to us I find, to my intense gratification, that in the broadest possible terms an additional provision for that very night surveillance is found—that the surveillance of the plant for any and every purpose whatever is put back in the law. So that if it was true that it was in the House substitute before, it is now 100 per cent better in being in there again, and in terms that are quite as broad as in the original Senate amendment. Notwithstanding the assertion that this highly important provision had not been taken out by the House, it is, nevertheless, put back in strong and sweeping language. But if it was not taken out, why has it been put back? But no matter, it is back, and we may rejoice.

Mr. President, with reference to the two omissions which still remain, the two things which the House have not restored, which they took out of the Senate amendment, I desire to express myself briefly. I said a moment ago that each of them rises to the dignity of a principle. The first one was provided in the Senate amendment concerning the dating of the cans or casks or any receptacles in which the packer packs food products. I should like to hear any Senator give a reason why we should not enforce the principle involved, which is that the people have a right to know what they purchase.

PURCHASER SHOULD KNOW THE AGE OF PRODUCT.

It was stated before the House committee that the contents of cans that were five years old were just as healthful and just as good as meat that was but five days old. Possibly that is true, Mr. President; *but will any Senator contend that the consumer, that the purchaser of that can, has not the right to know whether it is five years old or five days old?*

It was stated before the House committee by Mr. Wilson, representing the packers, in explanation of the circumstance of a large amount of cans that looked very old, scratched up, and otherwise defaced being there, that they were brought in that the labels might be melted off, or taken off by hot water, and new labels put on, thus making the cans look as though their contents had been put in yesterday, when, as a matter of fact, the only thing that was done yesterday was to put on the label.

PEOPLE SHOULD KNOW WHAT THEY PURCHASE.

So that it is possible, under the amendment as it comes to us from the House with this provision, *for a can of meat whose contents are five years old to have on it a label which would make the purchaser believe that it was only one day old.* That is a fraud upon the purchaser, and I have not yet heard one valid reason—and I have conversed with many men who are interested in this matter—why the date should not be put on. Have not the people the right to know what they purchase?

GREAT BRITAIN'S RULE.

Two or three days ago we all read about the debate in the British House of Commons, in which one of the members of the House put to the Secretary of War the question whether or not it was possible that the British soldiers were being fed meat the date of inspecting which was not on the tin, and he replied certainly not; that it was a rule of the war office of Great Britain to provide in the contract for food for the soldiers *that the date should be put on the can.*

Mr. President, if the British soldier is protected by a contract for the stamping of the date on the can so as to know the age of the food he consumes, why should not the American citizen, who is purchasing at home, be protected by a law providing for stamping the date on the can? Is it because the packer knows better what the people ought to eat than the people themselves? Do you say to the people who consume this product, "Here, buy this can of meat; it is none of your business whether it is five days, five months, or five years old; pay your money and eat it and ask no questions. We, the packers, know what is best for you?" Is that position defensible in logic or morals? No; the people have the right to know what they buy.

Mr. HANSBROUGH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from North Dakota?

Mr. BEVERIDGE. Yes.

Mr. HANSBROUGH. I desire to ask the Senator from Indiana whether he has any doubt that hereafter, in the case of American meat being sold to any foreign government, that the government purchasing such meat will require that the date shall be stamped on the can—not only the Government of Great Britain, but any other foreign government?

IF STAMPED ABROAD SHOULD BE STAMPED AT HOME.

Mr. BEVERIDGE. I am glad the Senator asked me that question. In reply I would say, certainly; there is no doubt of it. Everybody knows that from this moment on the precaution which the British Government has taken with reference to this entire matter will be taken by every other government with reference to this matter. The inference necessarily follows that if our meats are to be sent abroad, stamped with the date of their inspection, the stamp should be put on with reference to meats sold at home as to the date of their inspection.

Mr. President, I had thought that this particular phase of the controversy was settled. Some amendments were submitted to me at the end of last week, among which was this, that the provision for stamping the date should be restored as it was in the Senate bill. Later on I was informed that there was an objection to stamping the precise date on the can, but that a compromise had been reached by stamping on the can the year in which the inspection had occurred. But even that has been omitted at the last moment from this bill as it comes to us.

So it occurs to me, Mr. President, that the Senate conferees should insist upon the date going upon the can or the package which contains any meat food products. At least, so far as I am concerned, I desire to go on record with reference to that particular thing. We must all face this question before the people: *Shall the people have a right to know what they buy when they place their money upon the counter and purchase a can of food products?* Have they not the right to know what it is their money pays for? *I wish to be on record that the people have the right to know what they buy.*

IS HIDING THE TRUTH ENCOURAGING BUSINESS?

This reason has been suggested to me—and I believe the Senator from Vermont referred to it—that it would be a hardship upon the grocer that when he had stocked up, and the date appears upon the label upon his goods, after they are a few months old the consumer would refuse to purchase them. But, Mr. President, the converse of that proposition means that they are to be sold to the purchaser only by concealing the date of their inspection. Does the Senate, does any Senator, does any Member of the House of Representatives, want to go before the American people supporting such a proposition as that? Shall business be encouraged by concealing the truth, by deceiving the consumer?

But, Mr. President, would the grocery man's business be hurt? Certainly not. The packer would make an arrangement with the grocer, and would only be too glad to do so, that after a certain time, if any of the old goods remained, they might be returned to the packing house and new goods supplied in their place. To any person who has studied this question it appears that these old goods so returned can then be healthfully treated, reinspected, recanned, and resold under a truthful rep-

resentation of the facts—marked "reinspected," and with the date thereof. The clothing dealer must abide the change of styles; kodak films are dated—but, according to the House, the packer alone must not abide the consequences of age upon his product. There is no defense for such a position, Mr. President.

CONCEALMENT IS A FRAUD.

The proposition that we are going to hurt the grocery man, which has no foundation in fact, is the only argument that has been urged in support of the House omission of this provision of the Senate. It is not true, of course, but even if it were, no man has the right to foster trade by fraud, and concealing the date of inspection—*concealing the age of the meat—is a fraud* on the consumer.

WHY SHOULD THE PEOPLE PAY?

Mr. President, the other provision is equally important and equally sound in principle. It may be stated in this question: *Why should the people pay for the packers' inspection, instead of the packers paying for their own inspection?*

I have been impressed by the convincing argument advanced by the senior Senator from Vermont, who said that the packing establishments might well pay for this inspection and charge it to advertising account. Why, Mr. President, it would be worth to the packers not $3,000,000, not $4,000,000, not $5,000,000, but, considering the extent of their business, eight or ten million dollars as a mere advertising proposition, to be able to put upon all of their food products the stamp of the Government's approval. So the argument advanced by the Senator from Vermont, it strikes me, original and novel, is also conclusive.

Does any Senator believe that the packers *under present circumstances* would not be willing to pay not only the cost of the inspection, but 100 per cent more than the cost of inspection, rather than have the stamp of the Government approval taken away from their goods? So, Mr. President, we are not putting upon the packers any burden, but we are granting to the packers a favor when we require them to pay the expense of inspection. *Shall we do more and give them $3,000,000 of the people's money every year in addition to the boon we are granting them in the inspection itself?* Why should the people pay for an inspection for which the packers ought to pay?

It has been suggested that if the packers pay this cost of inspection by a system of fees, they will put it upon the producers—the cattle raisers; but, after a moment's examination of the facts, that supposed argument, like all the other arguments that have been advanced against the provision of the Senate bill, disappears. The highest price that any person has suggested as being adequate to the inspection of one head of cattle is 8 cents; the highest price that anyone has suggested as to hogs is 5 cents. The accepted price is 3 cents for hogs, sheep, and goats, and 5 cents to 8 cents for cattle.

ARGUMENT AN AFFRONT TO INTELLIGENCE.

Now, Mr. President, in the case of a steer weighing 1,400 pounds, could any person distribute the 8 cents, which it would cost to inspect that steer, over those 1,400 pounds so as to enable the packer to say to the cattle raiser: "I have got to pay 8 cents for inspecting this steer; therefore I will reduce the price I pay you one-fourth or one-sixteenth or any other fraction of a cent a pound?" *It is an affront to the intelligence of thoughtful men to make such a suggestion as that.* The farmers who raise cattle are not fools.

On the other hand, the cost can not be put upon the consumer, for the same reason. Take the 8 cents which the packers pay under the fee system for the inspection of a steer weighing 1,400 or 1,600 pounds. That 8 cents can not be distributed over the hundreds of pounds of the product that comes out of that steer so as to justify the packers before the public opinion of the country, which hereafter they must take into account, in raising the price of a steak a quarter of a cent, or a sixteenth of a cent, or any other fraction of a cent a pound. If they did it, it would be a ruthless exercise of power which would arouse an indignation against them, which at the present time, I think, they are not courting.

THE PACKERS WOULD HAVE TO PAY.

So, Mr. President, the reports that were sent broadcast by the packers in trying to arouse the fears of the cattle raisers on the one hand and the fears of the meat consumers upon the other hand, that the packers would pass the price of inspection on to the producers and the consumers, evaporate when we examine the facts. Mr. Wilson, *representing the packers before this House committee*, frankly stated that not the producers and not the consumers, but *the packers themselves must pay the charge of inspection if it were put upon them by the fee system.* It is one of those charges, Mr. President, that comes out of the packers' profits, and that is one of the reasons why they object to paying it.

DIFFICULTY OF A SUFFICIENT APPROPRIATION.

The other reason is perhaps the most critical reason why the appropriation system should not be followed and why the fee system should be followed, and that is the very great difficulty in getting sufficient appropriation to furnish an adequate inspection. The fact that we have made an increase of the present appropriation of 400 per cent merely proves that proposition. At the present time, Mr. President, the appropriation for this purpose is about $750,000. We are partially inspecting perhaps 150 plants. In those 150 plants we are inspecting the carcasses, *but not the meat food products.* Under this amendment not only must the inspection that at present occurs continue, but an immensely increased inspection of all the plants where inspections occur at all must also be added. So that if we do not add a single one to the present plants that are now being inspected, the plants now being furnished inspection would consume all of your $3,000,000 the first year of inspection under this act.

NO FAVORITISM TO PACKING HOUSES.

Very well. But there are already, according to the Secretary of Agriculture, in addition to the 150 establishments now inspected, as many as 100 more establishments that need inspection. These are all that he has thus far heard from; but every day the Secretary of Agriculture is receiving news of other establishments that not only need inspection, but that are asking for inspection.

So that, Mr. President, large as the present appropriation is, generous as it is in comparison with the appropriations that we have had in the past, it will be inadequate in a single year if the Government gives to all the packing establishments already actively engaged in interstate commerce the inspection which they ask and which they deserve to have under the law. All packing establishments ought to be treated upon an equality. The great packing houses of Chicago ought to have no better inspection than the smaller and independent packing houses located in some other section of the country.

WHAT A FEE SYSTEM WOULD DO.

The fee system, Mr. President, which was proposed by the Senate amendment, would always raise enough money to give the amount of inspection which the packing houses ought to have instead of the amount of inspection which the packing houses want. The fee system will put into the Treasury enough money to give all establishments, little and big, independent and trust, equally good inspection, and that is something an appropriation does not do and can not do.

Under the fee system, if there is a large business, there will be a large fund in the Treasury derived from the fees, and there will be a large number of inspectors to be paid from that fund. If the business sinks, the fund sinks, and the number of inspectors will be decreased. But according to the appropriation system you will have, after this year, precisely the difficulty that you have had in the past years, and that is the impossibility of getting an increased appropriation, no matter how much the business grows.

DIFFICULT TO INCREASE APPROPRIATION.

I know that this appropriation is made a permanent appropriation, but everybody who is familiar with practical legislation knows that when the Secretary of Agriculture, or the Administration, or any Senator, or any man in public life comes to Congress and asks for an increased appropriation, they will say, "It was good enough for last year, and we think it is probably good enough for this year."

Well, Mr. President, the meat industry of this country has not reached its climax. This country has not reached the crest of its prosperity. If $3,000,000 were adequate to-day, which I doubt, it will not be adequate to-morrow. There will be an enormous increase in the consumption of meat and meat food products, and yet every one of us knows, as a practical proposition of legislation, that probably the most difficult thing to do is to get an increase of appropriation, and that probably the easiest thing to do is to get a decrease of appropriation.

Do gentlemen think, do Senators imagine, that the beef business of this country is going to pause just where it now is? Mr. President, it will be as much greater to-morrow than it is to-day as it is greater to-day than it was yesterday. Therefore the appropriation system is entirely inadequate.

HOUSE AMENDMENT MAKES THE PEOPLE PAY.

In the amendments submitted to me last Friday there was a provision for an appropriation of two or three million dollars, and then a provision (which was the better provision for the whole measure) that if that proved insufficient, that thereafter the fee system might be employed. That, Mr. President,

would not be as good as adopting the fee system for the whole thing and making the packers pay entirely for their inspection; but it would be much better than the present provision of the House amendment, *which makes the people pay entirely for the packers' inspection.*

FEES IN OTHER CASES.

There is nothing novel in this proposition. National banks pay for their inspection; the immigrant who comes to these shores pays for his inspection; and, as the Senator from Vermont pointed out, the producer of oleomargarine pays for his inspection.

I want to return just a moment and ask Senators to consider this: If it is conceded that the meat industry will grow, as it must be conceded; if it is conceded that where we have now 100 packing establishments we will have in a few years hundreds more, as it must be conceded; if it is conceded, as it must be, that the number of packers will multiply as the years pass; and if it is conceded, as it logically must be, that Congress proposes to keep pace with that business in the increase of its appropriation for inspecting that growing business, will Senators tell me where such appropriations are going to end?

If $3,000,000 a year is necessary now, as is conceded by the House provision, will it not require $5,000,000 in coming years and millions more as the time passes and business grows? Are we to apply that principle to every inspection that is necessary under our Government? If we are, Mr. President, I ask Senators and every man who is responsible to the people to tell me where that drain upon the Treasury will stop.

THE INDUSTRY, NOT THE PEOPLE, SHOULD PAY THE FEES.

The truth about it is, Mr. President, that the scientific way to raise the money to pay the cost of inspection of any industry that ought to have inspection is to make the industry itself pay for that inspection. I see about me members of the Appropriations Committee and other Senators who will be members of the Appropriations Committee because of their special aptitude in those lines—men who are familiar with this question of the drain upon the people's money—and before I close this part of the argument I call their attention to this serious fact: If it is now necessary to take $3,000,000 of the people's money out of the Treasury of the United States to pay the cost of inspection, which the packers themselves ought to pay, will not $5,000,000 and then $10,000,000 and then other and increased millions be required in the future? And if you apply that principle to everything that has inspection in the United States, how much will you be annually appropriating out of the money of the people to pay for inspections that ought to be paid for by the business itself?

Yesterday I was talking to my friend the Senator from North Dakota [Mr. MCCUMBER]. He said, giving an admirable illustration, that in Dakota the man who took a load of wheat to market had to pay the cost of inspecting that wheat, and not the Government. Then why, Mr. President, make an exception of the packer? I have nothing against the packing industry—the packers must stop their evil practices—but I have nothing against the industry. I have nothing against any legitimate industry of this country; *but I see no reason why packers should be singled out and made the recipients of the bounty of the Government.* I see no reason why, to use the language of the Senator from Vermont, they should not only not have to pay for their own inspection, but, in addition to that, should be given an advertisement worth 100 per cent more than the $3,000,000 which the inspection will cost.

GOVERNMENT INSPECTION A GOOD ADVERTISEMENT.

Does any Senator imagine that they would not rather give $6,000,000, under present circumstances, than to have the privilege of stamping the Government's approval upon their goods taken away from them? They want inspection enough to get the Government's indorsement; *and they do not want any more inspection than that.* They want inspection enough to enable them to use the Government's approval in selling their goods. They care about no more. They have been resisting any larger inspection than that. That much inspection is "good for business;" more than that is "bad for business."

Now, Mr. President, I shall not detain the Senate any longer. I am anxious to conclude; I am anxious that this bill shall get into conference, and I am anxious that the entire matter shall speedily be wound up. It would not have taken very long to have wound it up if there had been no resistance to the essential provisions of the Senate bill.

Much has been said about the agitation that has occurred. If any agitation has been caused, *the packers themselves and they alone and no person else is to blame for it.* Had there been a disposition to have accepted practically what has now been accepted, I imagine there would have been no such agitation.

AGITATION HAS NOT HURT BUSINESS.

It has been said, Mr. President, that agitation hurts business; but this agitation, it will be found when the clouds clear away, has not injured business. It will be found that this agitation has put the prosperity of the packing business of this country upon a sound, because upon an honest, basis. It will be found that it has made wrong methods correct and improper practices straight; and in the end it will be found that more than anything that could possibly have occurred it will have restored the confidence of the American people and of all the nations of the world in the products of the American packing house. For, after President Roosevelt signs the bill which this Congress shall send to him upon that subject, every man all over the world will know, having the guaranty of the American Congress therefor, that he can buy with impunity and consume without fear any product which the American packing house places upon the market.

HONEST METHODS MAKE PUBLIC CONFIDENCE.

Mr. President, gentlemen need not be afraid of business being injured. I predict that within a month from the time this bill becomes a law the meat and cattle business of this country will experience a boom beyond the wildest imagination of the most covetous; and that within a year the trade, foreign and domestic, in American meat and American food products will have reached a point higher than ever before in our history. And the best thing about it all will be that that commerce, both foreign and domestic, will continue steadily to mount on the unfailing wings of honest methods and public confidence.

TRUTH DOESN'T HURT BUSINESS.

Mr. President, it does not hurt any business to tell the truth about it and to correct the evils which that truth reveals. *Any business which can be permanently hurt by telling the truth about it ought not only to be hurt, but it ought to be destroyed.* All sound business will thrive upon the facts. It is a mistaken wisdom which makes men think that they can successfully prosper by concealing the truth. The American people are the greatest business people in the world, but it must not be forgotten that they intend to insist that their business shall be conducted by conscience as well as by intelligence and by the rules of right and wrong as well as by the rules of profit and loss.

We want now to make money as much as we ever did, and it is one of our best ambitions; but we intend to insist that every dollar of money we make shall be clean. The American people want no business prosperity that flows from wrong methods and improper practices; the American people will tolerate no prosperity which is poisoned with fraud.

A MORAL REGENERATION OF BUSINESS.

We are in a period of moral regeneration of American business. That regeneration will not injure American business; it will strengthen and increase it. It will expand as well as purify our prosperity; it will make the people richer, and it will make the people happier, because it will give them satisfaction with the money they make. And not every man to-day experiences that pleasure—the pleasure of being satisfied with the money he makes.

We have heard much about the restoration of markets. We have not heard too much on that subject. Markets are a method of civilization. Markets for American products should be the first consideration of American statesmen. But the way to restore markets for our meat and meat food products is to restore confidence in our meat and meat food products.

HOW TO RESTORE CONFIDENCE.

And the way to restore confidence is to enact as nearly as possible, without modification, the amendment upon the subject of meat inspection which passed the Senate.

We have this nearly—not quite, but nearly—in the bill which the House sends to us, as I said in the beginning, a much better bill than any person familiar with the facts under all the circumstances had the right to expect. But, with the two exceptions I have pointed out, it restores the vital features of the Senate measure.

CREDIT DUE TO PRESIDENT ROOSEVELT.

And such improvements over the first House proposition as we now have, such restoration of the Senate provisions as we now have, we owe to the courage, determination, and the absolutely unselfish devotion to the interest of the people of President Roosevelt. From the beginning of the opposition to the Senate bill he has advocated the most rigid and scientific inspection, and it is chiefly to him that we owe the fact that we will get as excellent a bill as we will have.

If the Senate conferees, as pointed out by two of them—the Senator from Vermont, the chairman, and the Senator from North Dakota, another member of the committee—will insist, and if the House conferees will, as I have no doubt they will, agree to put back into the bill the remaining two features which the House has taken out, we shall have accomplished three things in addition to what we have already accomplished: First, the people will know what they are buying when they pay their money for a can of food product; second, the people will be relieved of the cost of the payment of inspection, which the packers ought to pay, for whose benefit it is; and, thirdly, we will have secured for the American people as complete a meat-inspection bill as is now on the statute books of any nation in the world.

Mr. LODGE. Mr. President, this is a very great and very useful measure, one of such importance that I think no apology is required from any Senator for desiring to say a few words in regard to it. Yet I confess it is with some trepidation that I venture to suggest that we can say anything about it here in the Senate, because we are credibly informed that the amendment has been perfected in the House and accepted by the President, so that it may seem audacious even to suggest that this body has still to pass upon it. Nevertheless such is the provision of that much-discussed instrument—the Constitution—and I will take advantage of it to say a few words, because I regard this amendment as of the utmost importance.

Mr. President, I am glad to hear from such good authority as the Senator from Vermont [Mr. PROCTOR] and the Senator from Indiana [Mr. BEVERIDGE] that the amendment as we now receive it from the House is valuable and effective, because there seems to have been a good deal of doubt cast upon its true nature. We were told first that the original substitute proposed by the House Committee on Agriculture was perfectly worthless; that it amounted to nothing as legislation and would have no effect in curing the evils of the packing houses. Then, we were informed that amendments to the substitute had been agreed upon which made it a thoroughly effective and efficient measure. Finally, yesterday, reading what occurred elsewhere I gathered on high authority that these new amendments, so satisfactory to the President and to those who desire effective meat inspection, had simply been put in to sweeten the substitute, that they had no real meaning, and that the measure as offered to the House really did not amount to anything at all.

I hope therefore that we are not being deceived as to the merits of the amendment in its present form; I trust that the opinions expressed by the Senator from Indiana and the Senator from Vermont are correct, and that it is in fact an effective measure to cure what I regard as one of the greatest of existing evils in the daily life of the United States to-day. I should have no doubts of its merits, so far as it goes, were it not for the approval which it seems to receive from its enemies.

Two points, however, have been made by the Senator from Vermont and the Senator from Indiana as to certain serious changes in the Senate amendment. Those two points refer to the labels and as to who shall pay for the inspection. I do not care to discuss them at any length, even if time served; but I desire to say a few words in regard to the matter of dating the labels. It is not the date on the label that we want. It is the date which shows when the Government inspection occurred. When the Government puts its stamp upon an article which is to go out into the whole world, carrying with it the official approval of the United States, the world ought to know just when the United States put that word of approval on it.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. LODGE. Certainly.

Mr. BEVERIDGE. I interrupt the Senator only to say that if I did not state precisely that as being the original provision in the Senate amendment I was in error, because that is precisely what the Senate amendment did provide for and what I referred to—the date of inspection.

Mr. LODGE. Exactly. What we want is the date of inspection.

Mr. BEVERIDGE. That is right.

Mr. LODGE. The packers say that canned articles of food are just as good five years after they are canned as at the moment of canning. If they like them that way, let them eat them that way. Nobody objects. But I contend, and this is the spirit of all our pure-food legislation, that the public has a right to know exactly what it is buying. If canned meat 5 years old is just as good as meat which has been canned five months, it can not hurt the business of these tender creatures who are doing this packing for us to have the fact known. People will be just as ready to buy their excellent 5-year-old cans as they will be to buy those that are 5 months old.

When we passed the oleomargarine bill it was argued that oleomargarine was, as a rule, better than most of the butter sold in the market. I am inclined to think it was, but that did not affect the argument one particle. The buyer is entitled to know what he is buying, especially when the article bears the Government stamp, for the Government must never be made party to a fraud. If a man is buying canned food that is five years old, he is entitled to know it. If it is just as good as the freshly canned food and he wants it, that is all right. But when the Government puts its stamp upon an article, the date ought to go with it. Why do they want to keep it off if the old canned meat is just as good as the new? Because I suppose they would say there is a prejudice against age in meat. I suppose there is. I suppose people prefer to eat something that was canned a few weeks since to something that was canned five years ago.

There is an impression—a mistaken impression, the good and disinterested packers say—that five-year-old cans are not as good as those which have been canned within the year. I suppose it is a prejudice. But that is no reason why people should be sold canned articles on the pretense that they were canned this year, when they were, as a matter of fact, canned five years before. It seems to me the proposition is as simple and as unanswerable as possible, and it does not seem to me that the refusal to allow the date of the Government inspection to go on indicates any overwhelming honesty of purpose on the part of the packers and their friends.

Now, as to the payment of the tax. We make the maker of oleomargine pay the tax for the inspection of his product. We collect from the steamship companies, nominally from the immigrants, a head tax to pay for that inspection service. When we put the Government label on these goods going out from the packing houses, we give them a value which they could obtain in no other way, especially after all that has occurred, and they ought to pay this expense. The inspection tax is a trifle, and it ought to be borne by those who are pecuniarily benefited by it.

I do not, however, agree with the cheerful deduction made by the Senator from Indiana that the tax is so trifling that the cattle raiser and the consumer will not be touched by it. We have seen a trifling advance, caused by some accidental occurrence, which would amount to a fraction of a cent a pound on meat, develop, in the hands of the Chicago packers, into a reduction on a steer of several dollars and an increase in price on the meat of this steer which, by the time it reached the consumer in the hotel or the restaurant, amounted to perhaps 20 or 25 cents on only enough meat to make an ordinary meal. A very slight excuse in the past has enabled those amiable gentlemen to cut the cattle raiser on the one hand and to increase the price to the consumer on the other, and they would find in a mill a pound on the steer a reason to advance meat to the people of the United States 5 or 6 cents a pound and to cut down the price to the cattle raiser a good many dollars per head. I apprehend there is a very real danger there, and yet I do not think that that fact affects the principle. It is right and proper that this tax should be paid by those who direcly benefit by it, and whose business methods have made severe inspection absolutely necessary.

Moreover, Mr. President, there is another very serious danger in the opposite direction, and that is if we leave the inspection service to an annual appropriation, we shall find very soon that it is a convenient place for economy, and that we are going to cut down inspectors and cut off the expense of inspection until it is impossible to make it effective or efficient.

I for one hope, Mr. President—and it is for that purpose I rose—that our conferees will stand with the utmost strength for the views expressed by the Senate on those two points when they embodied this amendment in the bill. That amendment went through the Senate without debate. If it had been accepted in the same spirit by the House, taken into conference by the House, and then and there settled and put into proper shape and form, with such improvements and modifications as it needed, for undoubtedly all legislation can be improved by consultation, this agitation and this debate would never have arisen. The report would never have gone in. There would, no doubt, have been rumors that such a report existed, but the debate, the agitation, and all that was in the report would not have been spread before the public. But the Chicago packers believed that they could defeat this legislation. They saw fit to make an open contest about it. They have got the report published. They have had their debate. They have had it all pulled over in the newspapers, and I wonder now whether they think it has profited them much in the end.

If I may digress for one moment, let me say that I care very little for the attacks which have come from across the water on this subject. Our neighbors and our rivals in trade are not slow to take advantage of anything of this sort, and the British brother particularly, when anything of this sort happens, rolls up his eyes and holds up his hands and says how wicked we are and by inference how good he is. These evils are not confined to the United States. I read in dispatches which I have clipped from newspapers such statements as these:

BAD MEAT IN OTHER LANDS—BRITISH HORROR OVER CHICAGO AND SOME FACTS ABOUT ENGLISH METHODS—DENMARK AND RUSSIA SEND BAD MEAT TO GERMANY.

NEW YORK, *June 15, 1906.*

A London cable to the Times says that in spite of the horror affected by the British public over the Chicago packing-house exposures, the English purveyors of food are quite as much addicted to foul practices as those in America. The dispatch quotes the report of a sanitary inspector in the employ of the borough of Camberwell, the revelations of which, the newspaper publishing them says, shows that the indignation poured out on Chicago might as well be turned to give an impetus to the movement for the removal of horrible abuses at home.

For example, the inspector says it was shown recently that a firm engaged in manufacturing tinned "delicacies," such as potted chicken and tongue, had acquired a large quantity of old tinned meat and had worked it over with other materials in circumstances too loathsome to detail. Thousands of tins of putrefying and poisonous meat were seized from this firm.

The inspector alleges that large quantities of diseased meat are brought from the country and sold in London constantly, and instances a number of cases of meat from cows which had died from fever finding its way to London butchers' shops. The inspector says that even the London slaughterhouse butchers, in spite of the inspectors, manage to slaughter and put on the market the carcasses of tuberculous and other diseased animals, and that all sorts of refuse and dirty scraps are put into London-made sausages.

"Recently," says the inspector, "I found in a jam factory a collection of dried raisins filled with ants and other insects, rotten-apple pulp, orange peel, some filthy macaroni, a lot of blown tins of apricots, and other refuse bought from grocers' shops as unfit for food. It amounted to 9 hundredweight in all, and was being treated and made into jam."

In a confectioner's the inspector found a case of 500 absolutely rotten eggs designed for use in pastry and creams. There was not a good egg in the place. The inspector says a good many London confectioners invariably use rotten eggs in the preparation of their delicacies.

At a time when the whole world is holding America in contempt, it seems worth while to point out that all the conscienceless food purveyors do not live in the United States.

Again, on June 18:

BAD MEAT FROM BRITISH COLONIES—MORE THAN A TON OF TINNED FOODS DESTROYED DAILY FOR FIVE YEARS.

LONDON, *June 18, 1906.*

The report of Doctor Thomas, the medical officer of the borough of Stepney, to the local government board shows that his department during the past five years has destroyed over a ton of rotten tinned foods daily at the Stepney wharves. These, he adds, were not American goods, as practically no canned goods from American concerns are imported through the Stepney wharves, but were colonial meat, fish, and fruit. The medical officer says he found New Zealand raspberries treated with sulphur to preserve them. On their arrival in England, the raspberries were soaked in an aniline bath to restore their color. He considers that diseased meat once canned will easily defy detection and that a strict examination of the carcasses at the time of slaughtering is the only means of protection. Doctor Thomas incidentally asks what becomes of the tongues of the great number of horses slaughtered yearly in London. He says he has never seen a horse's tongue exposed for sale and labeled as horse's tongue. He urges that increased powers be given to the public health departments.

Last night, by mere accident, I read a reprint of an article which originally appeared in the Contemporary Review. I want to read a single paragraph from it. It is called "The parson and his flock."

To judge by what the bishops and the press have been saying lately, commerce is homogeneous. It is rotten all through. House dealing, horse dealing, picture dealing—ask anyone who has had an outsider's experience of these walks of life whether they do not reek of fraud. Adulteration is all but universal. Respectability in the shop-keeping class is a white sheet thrown over practices which infect the air employees have to breathe. Shopmen must lie to live. Shopgirls who answer honestly questions put to them by Government inspectors are turned into the street. How capital treats labor let the London poor declare. Morality, even in the country, is a veneer. Intemperance hardly takes the trouble to walk straight at noonday. The rights of the poor are annexed by the rich with the effrontery of impudence that almost staggers belief. The bishop of Salisbury has just called his laity to account in a letter which reads like a confession of failure. Debt, drink, impurity, gambling, extravagance; shifty, lying customs of trade or business, reciprocal failure of duty of servants and masters—on all these points the bishop feels apparently that the ordinary machinery of the church is powerless to control the conduct of her lay members.

Mr. President, there is a description of English business in an important English review by a serious writer, and I call attention to these things not for the sake of palliating or excusing what has happened here, but because I am a little weary of this continuous talk which I see in virtuous foreign newspapers of how bad we are. When the insurance frauds appeared—and bad enough they were, Heaven knows—you would have supposed that England had never heard of Hooley, had never heard of the noble guinea pigs on the boards of directors, had never heard of the Whittaker Wright case, had never heard of the horse-buying scandals which occurred in this country under our eyes during the South African war. I do not bring up those things here to say to another country, "You are another," or to point out how bad some one else is and how good we are. I bring them up here to show that conditions are bad in other countries, and that what concerns us is not to use this as an excuse, but to make ourselves better and above reproach.

The methods of the people over in England are different from ours. If anything disagreeable occurs there, they smother it up. They set to work to cure it, but they say as little about it as possible. They try to forget it, and they say, "All is right, and see how bad the French and the Germans and the Americans are." Our way is different. We pull everything out into the open. We make it appear not only as bad as it is, but we make it appear usually ten times worse than it is. We drag all the dirty linen out and shout and shout for fear people will not pay attention to it. On the whole, I think ours, unjust as it often is, is the better way, for I think it shows that there still remains among us a capacity for honest public indignation with wrong. I believe that the American people are an honest people, and that the mass of the American business men are honest men; and that is the reason why I feel as strongly as I do about this group of packers in Chicago, who discredit us all and injure our good name everywhere. They are exceptional. We have not heard from the other packers in other parts of the country. We have not heard any protests from the cattle raisers. It has all come from that one group of men.

They began by saying that everything was all right. What did Mr. Neill and Mr. Reynolds know, forsooth? You wanted experts to see that a room was dark. You wanted experts to tell you whether the air was bad. You wanted an expert to tell you whether the floor was dirty. They made light of it and belittled it.

Mr. President, on the 7th of June, when this thing began, I read this dispatch from Chicago:

PACKERS WILL CLEAN UP—CHICAGO BUILDING AND SANITARY INSPECTORS ORDER CHANGES TO COST $1,000,000.

CHICAGO, *June 7, 1906.*

That improvements costing nearly $1,000,000 would be ordered in the stock yards was the statement of Building Inspector Bartzen and Sanitary Inspector Perry L. Hedrick to-day.

State or municipal inspectors in Illinois.

Bartzen said the changes required in the buildings to conform with the city ordinances and correct the violations found by the inspector would cost more than $300,000 and may reach $700,000. Mr. Hedrick said the sanitary improvements, as far as he could estimate at present, would cost at least $300,000.

Mr. Bartzen said further that if any of the buildings at the stock yards were found in a dangerous condition he would close them, but the packers have assured him that they would make all the changes ordered. Superintendent Young, of Swift & Co., is quoted as saying that the packers would go to any expense to make their plants safe for employees and to conform with the building laws.

"All the packers want are suggestions to clean up, and they show a willingness to follow them out," Mr. Hedrick said.

Plumbers are expensive, but $300,000 will go a good way, even in plumbing. Yet that was a place where, according to the packers and their friends, nothing needed to be done. These poor theorists from Washington had gone out there and misrepresented things, for when experts of the packers looked everything was all right, and yet after this agitation began two native experts went there and looked, and behold they said that a million dollars must be spent in the most necessary improvements. On June 16 I find this from Chicago:

PACKERS MUST CLEAN HOUSE—OFFICIAL NOTICE ISSUED BY THE CHICAGO HEALTH DEPARTMENT TO NELSON MORRIS & CO.—DEFINITE STATEMENT OF IMPROVEMENTS REQUIRED.

[Special to the Transcript.]

CHICAGO, *June 16, 1906.*

The city health department has sent its first official written notice to the packing companies at the Union Stock Yards to improve the sanitary conditions of their plants. It was sent to Nelson Morris & Co. by Chief Sanitary Inspector Perry L. Hedrick. The packers were instructed—

To do what?—

that they must within three days discard the filthy tables and benches—

Those were the things that Mr. Neill and Mr. Reynolds imagined, which had no real existence—

provide cleaner rooms and tools, and correct some of the present insanitary conditions. Structural changes in the buildings, including new toilet rooms and more ventilation and light must be made within thirty days. These conditions must be changed at once. The improvements ordered in the various departments are: Rats and vermin must be excluded from the meats by floors and walls of concrete construction, special receptacles must be maintained to receive all the meat which falls upon the floor, all pieces of meat which fall upon the floor must be discarded and must not be used for any food product, leaf lard must not be laid upon the floor, cuspidors containing a disinfectant solution must be placed upon all floors, and no employees must be permitted to spit on the floor. The cuspidors must be regularly and effectively cleaned.

All employees who handle food products must be clean in their personal habits and attire, and must wash their hands before beginning

work throughout the day. All unsanitary toilet rooms must be removed and approved toilet rooms and washing facilities for all employees must be provided with clean towels and plenty of soap. Employees must not be permitted to sit on the tables or workbenches, and seats must be provided for women employees. This notice will be followed with similar notices to other packers whose plants have been inspected and who have been found wanting.

John Brisben Walker, en route to Denver yesterday, was invited by Swift & Co. to inspect their packing plant, Mr. Walker being deemed a radical of fair mind who would put matters exactly as he saw them. Mr. Walker expects to see and hear labor leaders and workingmen, and go to the bottom of the stock-yards business. When this report has been completed Mr. Walker will address it to President Roosevelt.

Those changes were ordered by the local building inspectors on the spot, and they have been made since this agitation began.

Mr. HANSBROUGH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from North Dakota?

Mr. LODGE. I yield to the Senator from North Dakota.

Mr. HANSBROUGH. In connection with what the Senator from Massachusetts has said in respect to the investigation made by Building Commissioner Bartsen, I call attention to the following telegram:

CHICAGO, *June 6, 1906.*

Building Commissioner Bartsen personally went to the hog-killing department of one of the large packing houses to-day, and described the conditions he found there as "filthy and dirty." He characterized the room as a "dirty hole, unfit for the use to which it is put."

In the portion of the plant where cattle are killed and dressed the walls were covered with calcimine scarcely dry—

Showing that after this agitation commenced they began to clean up—

He said there is not a modern building in the entire district devoted to the packing industry. The majority of them, he declared, "are dilapidated, filthy, and unfit for such use as is made of them."

Mr. LODGE. I am obliged to the Senator. That confirms precisely the point I was making. These foul conditions were there. They were there in defiance of decency and law—of local laws—building laws of Chicago and of Illinois, which, I have no doubt, are excellent.

What has been the history of that group of men who run those packing establishments? It has been a history of utter defiance of law and of public opinion. It is only the other day that they were convicted of violating the Elkins law in connection with the Burlington and Quincy road. They barely escaped another charge under the immunity decision. It is less than a year since Sulzberger—if that is the name—was fined $25,000 for a violation of the law. They have been going on for years in that way, with a coarse defiance of public opinion and of the law.

A few years ago I saw in the Evening Star an interview with Mr. Nelson Morris. It is admitting myself to be deplorably ignorant, but at that time I had not the faintest idea who Mr. Nelson Morris was, and I ought, of course, to have known our greatest men. It appeared by this interview that Mr. Morris had a son who had gone to some university and developed a fondness for books, and his father had allowed him to go abroad to study at some foreign university in continuation of the courses which he had been pursuing here. He had now summoned him home, and the newspaper reporter inquired of him why the young man had been called back. "Why," he said, "I let him go abroad for a little while. He had a fancy for books." The tone was exactly as if he had said "I thought he had better go abroad and sow his wild oats." "I allowed him to go abroad. He had a fancy for books, and I let him study a little while, and he wanted to write a book; but he has got something better to do than that. I can hire men to write books, but he has got a big packing business, the like of which is not in the world. He can not waste time in studying and writing books."

It has occurred to me once or twice, Mr. President, that this agitation, which I think even those packers probably regret, was brought on by a man who wrote a book, and it may occur to some of them out there that literature is not so contemptible a thing after all.

Mr. President, what struck me about that interview was not the sordid vulgarity of it. That is common enough perhaps among men of that type. What struck me about it was the contempt which was displayed for everything that we in America have held to be our ideals. Despite the eager race for wealth and money that we have had and that has been natural enough in a new country like ours, despite our devotion to material success, Americans have always held and now hold education in profound respect. They have always, I believe, in all parts of the country without exception held in respect the man who without regard to the heaping up of money has devoted his life to learning or to teaching, to being a clergyman or a physician. They have admired and revered the men who have given themselves to those things which we are fain to believe are of more importance than mere material success, than mere money.

When I read that interview which spoke with a sneer of everything that I had been brought up to believe was honorable and of good repute, and what I believe all other Americans look up to and respect, it revealed to me a condition of mind which I think may be characterized as eminently dangerous to the Republic. Heaping up money in this way, regardless of law, regardless of the employees, regardless of the public health; openly defying public opinion; so far as I know, never doing one thing to make one corner of the earth a little better or a little happier for their presence in it—it is a sorry picture.

Mr. President, it seems to me that men of that sort, who cherish such beliefs, at least, should be made by Congress and by State legislatures to live within the law. Why should they alone be excepted? Why should we leave them out when we tax other men for the purposes of inspection? Why should we leave them out any more than we should leave the Standard Oil out of the rate bill? Why should we except the greatest and most obnoxious combinations now extant in the country from the operation of laws which we propose shall fall upon all alike?

Mr. President, I have no sympathy whatever with the socialistic movements that are going on to take possession of all sorts of business and all so-called "public utilities," whether municipal, State, or national. I believe the movement, if successful, means the destruction of the Government, which we reverence and love and which it has taken us a hundred years to build up.

But I say, Mr. President, and I say it in all seriousness, that those packers in Chicago and those owners of the Standard Oil have done more to advance socialism and anarchism and unrest and agitation than all the socialistic agitators who stand to-day between the oceans.

People do not like to see their food tampered with in order to increase profits already huge, and made the sport of mere insensate greed for money. The people also believe, and believe rightly, that those men should be made to obey the law. I declare now that the one thing more important than who pays the tax is that those men should be put on the same basis as other American citizens who have their goods inspected and sent out to the whole world with the Government stamp upon them. I am not asking that they be persecuted or hunted down. I am asking that they have the justice which they would deny to others, but which we in Congress are bound to give to all Americans alike.

Mr. WARREN. Mr. President, I had been led to believe, through conversation with Members of the other House, Members of this body, and with the Executive, that we had arrived at a reasonable degree of unity as to the meat-inspection amendment to the agricultural appropriation bill finally decided upon in the House. I had supposed that when it came up in the Senate from the conferees the Senate would act as promptly and as unanimously as they did when the matter was first presented here and introduced into the agricultural appropriation bill. And I venture to express the hope that our conferees will agree without delay.

Of course its presentation here at that time without, as I understand, the recommendation of any committee, without many Senators having seen it at all, either in the shape of bill or amendment, was somewhat unusual. I was not here at the time, and I had never seen the bill. I assume that had I been here I should have done as every other Senator did, perhaps, feel that the subject was so important that, although I might not agree with the bill as a whole, rather than take any chances upon defeating the subject-matter, I would let it go to the House, expecting, of course, that there might be some further and more deliberate consideration.

It seems, however, that there are still differences, real or imaginary, and there are suggestions from Senators that the conferees ought to have the sense of the Senate. I do not know whether the chairman proposes to now bring it to a vote or not. But I want to say that I agree with all of my fellow-Senators that the legislation, having been included in the agricultural appropriation bill, should now be completed in some form. I do not care how much the packers are lambasted. I have nothing whatever to say or propose in their interest, and I would not care what fees you collected from them if you collected them and they did not recoup themselves upon the stock grower, as well as perhaps the consumer.

Now, the novel proposition made here, that this inspection is an advertising scheme for the benefit of the live-stock growers, is not only novel, but it is monstrous. It means that you can take some private business enterprise or industry and say that notwithstanding not one soul engaged in that industry has

asked you to do it, you will provide here by Congress that he shall advertise whether he likes or not, and not only that he shall advertise, but you will put in his mouth the words and print the kind of advertisement that you demand and have it promulgated to the world, all at his expense and against his protest.

Senators talk about paternalism and socialism. I do not think I have ever heard a proposition inside of the walls of this Capitol that was, to my mind, so monstrous as this, that you shall invade a private business and provide, first, that a private citizen must advertise; second, what and how he shall advertise, and third, charge him what you please, notwithstanding his protests against that kind of advertising.

Now, suppose to every man engaged in farming or in stock raising we should say, "We want you to advertise, and the way you shall advertise is thus-and-so, and we shall charge you so much for it." He would at once ask: "Is that the freedom of American institutions? Is that the liberty American citizens are supposed to enjoy?"

It is very peculiar in my mind; it seems to me to be strikingly so, that if, as the Senator from Indiana [Mr. BEVERIDGE] says, it will make millions of dollars for the packers and millions of dollars for the stock grower, that in all the years in which those packers have been in business and grown wealthy from poor men, as all of them have, that no one of them should have discovered the secret and availed himself of its benefit. It is passing strange that not a single farmer or stock grower has ever discovered this kind of advertising scheme which leads to the Utopian condition which is marked out by the Senator from Indiana, that he will make all the stock growers rich despite their wishes by his mode of advertising.

Mr. BEVERIDGE. I did not hear the Senator. The Senator referred to me.

Mr. WARREN. I simply alluded to the proposition made by the Senator from Vermont and you that you propose to advertise for the live-stock men and the packers against their will, at their expense, and then you suggest how and in what language they shall advertise.

Mr. BEVERIDGE. No, Mr. President, it is the converse. I do not propose to inspect and advertise for the packers at the people's expense.

Mr. WARREN. Well, Mr. President, we have an agricultural appropriation bill here to which this is attached. You provide there for various inspections all through the United States and through all the different industries, and this is the only one in which you ask that the men engaged in the business shall pay the tax.

Mr. BEVERIDGE. What about national banks?

Mr. WARREN. National banks are not yet connected with the agricultural appropriation bill.

Mr. BEVERIDGE. Oh, that is the Senator's explanation?

Mr. WARREN. Mr. President, we have a right surely, when we assume to legislate for the farmers and the stock growers, to take advice from them as far as we can.

Now, we have this condition, that every live-stock man and every farmer, so far as I know, indorses the proposition made here—that there shall be a rigid inspection in Chicago and elsewhere of meats and meat products. In that he is perfectly with you. He has no interest with the packers, but he asks and they ask unanimously, not sporadically, one here and one there—I have yet to hear from a single stockowner or a single farmer in the United States who is practically interested in the business, and who disposes of his products through the packing houses, and who has been acquainted with this system and business as conducted there—that this inspection expense shall be paid by the Government to the end that the people at large and all the people shall pay for this inspection rather than have the man who is raising the live stock pay for it alone.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which the Secretary will state.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. MORGAN rose.

Mr. PROCTOR. Mr. President, this matter, I suppose, being privileged business it can be taken up after the Senator from Alabama [Mr. MORGAN] has spoken. I would ask, therefore, that it be temporarily laid aside to give him an opportunity to make his remarks.

Mr. MORGAN. The Senator from California [Mr. PERKINS] desires to speak to this question to-day.

The VICE-PRESIDENT. Without objection, the conference report will be laid aside. The Chair will ask the Senator from Alabama to suspend for a few moments.

Mr. MORGAN. Certainly.

ADDITIONAL ASSOCIATE JUSTICE OF ARIZONA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2948) to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes, which was, on page 1, line 11, to strike out all after the word "court," down to and including line 2, page 2, and insert:

Except that in any case where two or more of the five justices shall be disqualified from sitting, the justices qualified shall constitute a quorum, and a majority thereof may affirm or reverse such case, but should a case be tried before only two justices their disagreement would be an affirmance of the case.

Mr. CLARK of Wyoming. I move that the Senate concur in the House amendment.

The motion was agreed to.

EFFICIENCY OF THE REVENUE-CUTTER SERVICE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3044) to promote the efficiency of the Revenue-Cutter Service, which was, to strike out all of section 4 and insert:

SEC. 4. The Secretary of the Treasury is hereby authorized to employ two civilian instructors in the Revenue-Cutter Service, one at a salary of $2,000 per annum and one at a salary of $1,800 per annum.

Mr. NELSON. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

DISPOSAL OF ISOLATED TRACTS OF PUBLIC LAND.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4190) to amend an act entitled "An act to amend section 2455 of the Revised Statutes of the United States," approved February 26, 1895, which were as follows:

Page 1, line 9, after "sell," insert "at public auction at the land office of the district in which the land is situated."

Page 1, line 11, after "domain," strike out "less than" and insert "not exceeding."

Page 2, line 2, strike out all after "That" down to and including "notice," line 4, and insert "this act shall not defeat any vested right which has already attached under any pending entry or location."

Mr. NELSON. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

EFFICIENCY OF THE ORDNANCE DEPARTMENT.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1540) to increase the efficiency of the Ordnance Department of the United States Army, which was, to strike out all after the enacting clause and insert:

That the Ordnance Department shall consist of one chief of ordnance with the rank of brigadier-general; six colonels, nine lieutenant-colonels, nineteen majors, twenty-five captains, twenty-five first lieutenants, and the enlisted men, including ordnance-sergeants, as now authorized by law.

SEC. 2. That details to the Ordnance Department under the provisions of the act of February 2, 1901, may be made from the Army at large from the grade in which the vacancy exists, or from the grade below: *Provided*, That no officer shall be so detailed except upon the recommendation of a board of ordnance officers, and after at least one examination, which shall be open to competition: *And provided further*, That officers so detailed in grades below that of major shall not be again eligible for such detail until after they shall have served for at least one year out of that department.

Mr. WARREN. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

IMMUNITY OF WITNESSES.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5769) defining the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903.

Mr. CLARK of Wyoming. I move that the Senate disagree to the amendment proposed by the House, that the Senate ask a conference with the House on the disagreeing votes of the two Houses, and that the conferees be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. CLARK of Wyoming, Mr. NELSON, and Mr. CULBERSON as the conferees on the part of the Senate.

CODE PREPARED BY THE STATUTORY REVISION COMMISSION.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which, on motion of Mr. FULTON, was referred to the Committee on the Revision of the Laws of the United States:

Resolved by the House of Representatives (the Senate concurring), That a joint special committee be appointed, consisting of four Senators to be appointed by the Vice-President and five Members of the House of Representatives to be appointed by the Speaker, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the Statutory Revision Commission heretofore authorized to revise and codify the laws of the United States; and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary clerical and other assistance; to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be deemed necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

STATUE OF GOVERNOR STEVENS T. MASON.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 47) granting condemned cannon for a statue of Governor Stevens T. Mason, of Michigan, which was, after line 6, to insert the following proviso:

Provided, That the Government shall be at no expense in connection with this gift.

Mr. BURROWS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

FORT CLINCH RESERVATION, FLA.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1697) confirming to certain claimants thereto certain portions of lands known as Fort Clinch Reservation, in the State of Florida, which were, on page 2, line 4, after "United States," to insert "at the date of the patent to Yulee and of the swamp-land selection by Florida hereinafter referred to;" on page 2, line 9, after "Plaza," to insert "bounded by Estrada, White, Marine, and Somuerelos streets;" on page 2, line 9, after "and," to insert "except also;" on page 2, lines 10 and 11, to strike out "confirmed, granted;" on page 3 to strike out lines 2, 3, and 4 and insert "town of Fernandina shall hold the lands hereby confirmed and relinquished to it only on condition that the said town shall keep open and maintain the said military road from said town to Fort Clinch without expense to the United States."

Mr. TALIAFERRO. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 10858. An act to establish a Naval Militia and define its relations to the General Government; which was read twice by its title, and referred to the Committee on Naval Affairs.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 11040. An act to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys;

H. R. 15506. An act authorizing the patenting of certain lands to School No. 57, Nez Perces County, Idaho; and

H. R. 19916. An act withdrawing from entry certain public lands in Chouteau County, Mont., and leasing the same to the board of trustees of the Montana College of Agriculture and Mechanic Arts.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

H. R. 14811. An act to authorize George T. Houston and Frank B. Houston to construct and operate an electric railway over the national cemetery road at Vicksburg, Miss.;

H. R. 16013. An act providing medals for certain persons;

H. R. 19181. An act to grant a certain parcel of land, part of Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes;

H. R. 19814. An act authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State Soldiers and Sailors' Orphans' homes;

H. J. Res. 31. Joint resolution recognizing the change of name of the Regular Army and Navy Union of the United States to the Army and Navy Union of the United States of America; and

H. J. Res. 160. Joint resolution authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn.

H. R. 17186. An act granting to the Territory of Oklahoma, for the use and benefit of the University Preparatory School of the Territory of Oklahoma, section 33, in township No. 26 north, of range No. 1 west, of the Indian meridian, in Kay County, Okla., was read twice by its title, and referred to the Committee on Public Lands;

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 13106. An act granting to the Batesville Power Company the right to erect and construct canal and power stations at Lock and Dam No. 1, upper White River, Arkansas;

H. R. 17600. An act granting authority to change the names of certain sailing vessels;

H. R. 18596. An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River, Arkansas, and for other purposes;

H. R. 19312. An act to authorize the Mingo-Martin Coal Land Company to construct a bridge across Tug Fork of Big Sandy River at or near the mouth of Wolf Creek;

H. R. 19566. An act to authorize the Coraopolis Bridge Company and Osborne Bridge Company to construct a bridge over the Ohio River;

H. R. 19850. An act to authorize the Monongahela Connecting Railroad Company to construct a bridge across the Monongahela River, in the State of Pennsylvania;

H. R. 20097. An act to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Coldwater River;

H. R. 20119. An act to authorize the village of Oslo, Marshall County, Minn., to construct a bridge across the Red River of the North;

H. R. 20210. An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River; and

H. R. 20266. An act to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906.

H. R. 19756. An act to amend section 2844 of the Revised Statutes of the United States, and to provide for an authentication of invoices of merchandise shipped to the United States from the Philippine Islands, was read twice by its title, and referred to the Committee on the Philippines.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On June 18:

S. 3649. An act granting a pension to Sarah Agnes Sullivan;

S. 4811. An act granting a pension to Mae Spaulding;

S. 5056. An act granting a pension to Alexander Plotts;

S. 5442. An act granting a pension to Frances E. Taylor;

S. 5783. An act granting a pension to Florence H. Godfrey;

S. 3261. An act granting an increase of pension to Charles B. Town;

S. 3270. An act granting an increase of pension to William H. Richardson;

S. 3486. An act granting an increase of pension to Edwin D. Wescott;

S. 3487. An act granting an increase of pension to Joseph Fuller;

S. 3553. An act granting an increase of pension to William Oliver;

S. 3629. An act granting an increase of pension to William Hibbs;

S. 3684. An act granting an increase of pension to George W. Hyde;

S. 3697. An act granting an increase of pension to Sarah A. Petherbridge;

S. 3728. An act granting an increase of pension to William H. Winans;

S. 3750. An act granting an increase of pension to Wilbur F. Flint;

S. 3814. An act granting an increase of pension to John Giffen;

S. 3818. An act granting an increase of pension to David B. Johnson;

S. 3904. An act granting an increase of pension to George J. Thomas;

S. 4092. An act granting an increase of pension to John Smith;

S. 4133. An act granting an increase of pension to George Brewster;

S. 4171. An act granting an increase of pension to Joseph Bovee;
S. 4173. An act granting an increase of pension to Catharine E. Smith;
S. 4205. An act granting an increase of pension to George Warner;
S. 4346. An act granting an increase of pension to William E. Holloway;
S. 4372. An act granting an increase of pension to Emily P. Hubbard;
S. 4379. An act granting an increase of pension to Roy E. Knight;
S. 4458. An act granting an increase of pension to Andrew P. Quist;
S. 4492. An act granting an increase of pension to George W. Fletcher;
S. 4497. An act granting an increase of pension to Augustus McDowell;
S. 4585. An act granting an increase of pension to Mary A. Counts;
S. 4719. An act granting an increase of pension to John Joines;
S. 4770. An act granting an increase of pension to Edward Hart;
S. 4784. An act granting an increase of pension to Lemuel Cross;
S. 4790. An act granting an increase of pension to Edward W. Smith;
S. 4879. An act granting an increase of pension to Mary E. Baker;
S. 4887. An act granting an increase of pension to Calvin C. Hussey;
S. 4910. An act granting an increase of pension to William Wright;
S. 4937. An act granting an increase of pension to John Reece;
S. 5022. An act granting an increase of pension to Henry S. Olney;
S. 5032. An act granting an increase of pension to Daisy C. Stuyvesant;
S. 5065. An act granting an increase of pension to Charles Jackson;
S. 5085. An act granting an increase of pension to Ellen Donovan;
S. 5143. An act granting an increase of pension to Eugene V. McKnight;
S. 5152. An act granting an increase of pension to Holaway W. Kinney;
S. 5158. An act granting an increase of pension to Andrew J. Fosdick;
S. 5169. An act granting an increase of pension to James A. Price;
S. 5256. An act granting an increase of pension to John Johnson;
S. 5290. An act granting an increase of pension to James Ramsey;
S. 5326. An act granting an increase of pension to Annie A. West;
S. 5340. An act granting an increase of pension to Laura Hentig;
S. 5501. An act granting an increase of pension to Jacob L. Kline;
S. 5557. An act granting an increase of pension to Henry Clay Sloan;
S. 5559. An act granting an increase of pension to Ann H. Crofton;
S. 5583. An act granting an increase of pension to Foster L. Banister;
S. 5700. An act granting an increase of pension to Stacy B. Warford;
S. 5708. An act granting an increase of pension to Nathalia Boepple;
S. 5728. An act granting an increase of pension to Emery Wyman;
S. 5731. An act granting an increase of pension to James McTwiggan;
S. 5742. An act granting an increase of pension to James A. Bryant;
S. 5758. An act granting an increase of pension to Joshua J. Clark;
S. 5765. An act granting an increase of pension to Theodore F. Montgomery;
S. 5767. An act granting an increase of pension to Thomas D. Welch;
S. 5772. An act granting an increase of pension to Thomas M. Harris;
S. 5775. An act granting an increase of pension to Harvey M. Traver;
S. 5784. An act granting an increase of pension to Mahala F. Campbell;
S. 5785. An act granting an increase of pension to Joseph W. Doughty;
S. 5786. An act granting an increase of pension to Mary J. Ivey;
S. 5790. An act granting an increase of pension to Jehial P. Hammond;
S. 5791. An act granting an increase of pension to Margaret Simpson;
S. 5801. An act granting an increase of pension to Andrew Jackson Paris;
S. 5803. An act granting an increase of pension to William H. Meadows;
S. 5808. An act granting an increase of pension to Washington Brockman;
S. 5809. An act granting an increase of pension to Hannah C. Church;
S. 5834. An act granting an increase of pension to Charles F. Sheldon;
S. 5844. An act granting an increase of pension to John Keys;
S. 5855. An act granting an increase of pension to Blanch Badger;
S. 5902. An act granting an increase of pension to George W. Webster;
S. 5928. An act granting an increase of pension to Patrick Gaffney;
S. 5932. An act granting an increase of pension to Elijah R. Merriman;
S. 5948. An act granting an increase of pension to Samuel B. Rice;
S. 5949. An act granting an increase of pension to George F. White;
S. 5966. An act granting an increase of pension to Christopher C. Davis;
S. 5969. An act granting an increase of pension to Franklin Burdick;
S. 6024. An act granting an increase of pension to Franklin B. Beach;
S. 6034. An act granting an increase of pension to William A. Hopper, alias Cuff Watson;
S. 6039. An act granting an increase of pension to George Gardener;
S. 6063. An act granting an increase of pension to Frances A. Sullivan; and
S. 6240. An act granting an increase of pension to John G. Fonda.

PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. MORGAN. Mr. President, I take the floor this morning with great reluctance for the discussion of this question. The bill before the Senate confines the inquiry that we are now engaged in trying to determine to the single question of a sea-level canal at the Isthmus of Panama. It has surprised me, as I have no doubt it has surprised the Senate and the country, when a lock-canal system has been brought forward so prominently and so urgently in the messages of the President connected with this matter and sent before the Committee on Interoceanic Canals, that no bill has been presented here upon which the Senate could act, and none has been presented in the Committee on Interoceanic Canals upon which any action may be taken for the purpose of giving legal, constitutional support to the demands—I call them demands—the requirements, certainly, of the President of the United States. I am not here for the purpose of criticising him for that course of conduct. It is the first time that I have ever yet heard or known of a debate in this body where the negative or a dissenting report takes actually the affirmative side of the question and urges and presents in the negative report a canal which is not formulated in the shape of a bill.

If a bill was here for the purpose of establishing a lock-level canal with a dam and locks at Gatun, there would be opportunity to amend it if it was not agreeable to the views of the Senate, or to modify it in many ways. But the attitude of the minority of the Committee on Interoceanic Canals is that they "stand pat" on the declaration made in the message of the President of the United States, and contend that unless a majority of that committee and of the Senate of the United States, in cooperation with the House of Representatives, can reverse the action upon that subject, the President insists that

the legislation already exists that justifies him in fixing the type of the canal and all connected with it.

That is not, Mr. President, to say the least of it, a bold and a fair presentation of a question. We are here now to meet it with a report on the part of the majority of the committee, which was ably prepared by the Senator from South Dakota [Mr. KITTREDGE], who introduced the bill, and which fairly and fully sets out the ground upon which the committee felt constrained, many of them against previous convictions of a very settled character, to recommend a sea-level canal.

If the recommendation that the committee gives in favor of the sea-level canal needed to be justified by the array of the vast field of facts of an important character that have been developed in the course of the hearings, which have lasted practically all the winter and all the summer down to the present time and embodying some three or four thousand pages of testimony; if we had to look through that and compare the value of the testimony in favor of each proposition, one witness with another and one fact with another, I would despair of attempting to make any decided impression upon any one who has not studied this whole question thoroughly.

Mr. President, in the multitude of our labors in the Senate I understand perfectly that very few Senators can afford to take the time from their current and necessary business to follow up the facts in a very extensive investigation such as this has been.

I take occasion to say, in respect of the engineers and the persons who have been called upon to testify as to the facts involved in the governmental control and the like of that, before that committee, that a remarkable display has been made of integrity, manhood, firmness, and truthfulness. I am very happy to say that the facts as presented on this record, while they may be in apparent conflict with each other, have no element of weakness, so far as I know, in respect of the character of the men who have stated them.

Is it possible, Mr. President, for me to present an issue in this case, or a point in this case, which is and ought to be the controlling fact in the whole situation? In all questions based on a great number of facts more or less in conflict with each other there is still a pivotal point upon which the question turns. That is true in every controversy of this kind. There is a pivotal point upon which controversy turns, and I wish this morning to devote what I have to say to the development of that pivotal fact and to attempt to show that when it is settled the whole question is settled in respect of the type of canal.

The type of this canal, Mr. President, is as important to the people of the United States as are the boundaries of any State of the Union. It is almost as important as any physical fact that depends upon the climatology of this great Republic. The type of this canal is, above all things else connected with public works, the most important, the most far-reaching in its effects upon the present and all coming generations. So if we can determine the type of the canal by determining some great fact which is pivotal in the case, and having gained that ground, we can go forward with confidence and without embarrassment in the adjustment of all collateral questions that might grow up in what I will term the administration of the canal, according to the system that may be adopted, our success will bless the country for all time to come.

I set out with the proposition that, in any type of canal at Panama, the control of the Chagres River is the great vital factor of safety, without which no canal can be permanently maintained.

I will leave out of consideration the minor questions of the cost of dredging, the time consumed in the passage of ships, the cost of lands that will be submerged, the dangers of collisions between vessels passing each other in the canal channel, the military defense of the canal, or the locks, the silting up of the canal, of either type, from inflowing streams, and other economic questions.

I omit these discussions because they are questions that are common to both types of canal, whether constructed at high or low level. I do not feel justified in treating either type of the canal presented in the reports of the majority or the minority of the Board of Consulting Engineers as a sea-level canal, because both reports recommend a canal with dams and spillways for controlling the waters of the Chagres River. I can not treat either plan as a lock canal, because they both have sea-level sections that extend into the land for several miles, from the Bay of Limon on the north, and the Bay of Panama on the south.

What Congress is left to consider, if anything is left to their consideration, is whether the surface of the section of the canal between Gatun and Miraflores, a distance of about 8 miles, which is not to be less than 40 feet deep, and not less than 200 feet in width at the bottom, shall be at the mean level of the sea, or whether the canal, at its surface, shall be 185 feet above the level of the sea between the points I have mentioned.

It goes without saying that the section of the canal between Gatun and Miraflores can be excavated to a depth of 40 feet below sea level; and so between Gamboa and Miraflores, and so on any part of the line.

If there were no other engineering problem involved, the question of the time and the cost of construction would be simply economic, and could be solved by mathematical processes almost to a certainty.

But the question of the control of the Chagres River recurs, as it has recurred, to tax the highest powers of engineering skill and knowledge, since it was presented in the report of the Lull survey in 1872, of which Menocal was the chief engineer. That was the first instrumental canal survey that was made at Panama. It was made by the order of the Government of the United States. In that survey it was developed that the control of the Chagres River was the real obstacle to the construction of a canal at Panama. The axial line of Lull's survey from Gatun to Miraflores has not been changed as much as a hundred feet from that time to this hour. The struggle to control the Chagres River has cost thousands of lives. It has cost the people of France more than $260,000,000. It has cost Colombia 100,000 lives and a debt of $6,000,000 expended in civil war. It has cost that Republic the secession of Panama, if that is the proper term to use; and it has cost the United States already, in surveys, explorations, and outlays for work and material, more than $100,000,000. The sums that are demanded of our people for accomplishing the control of the Chagres River vary from three hundred to five hundred million dollars, to be determined, it is said, by the type of canal to be constructed.

I put these figures very broadly. I do not put them with the accuracy of quotations from reports, and it is not necessary to do so. I want to get the highest and lowest limits, between which we are obliged to consider our bearings.

The advocates of both types set forth in the majority and minority reports of the Board of Consulting Engineers are centering their controversy upon the still vital question of the control of the Chagres River.

In this silent but tremendous mental conflict of opinion between engineers to whom the United States and several European sovereigns have given the honor of their selection as their best representatives in skill, experience, and ability, in this highest reach of scientific and practical work, the vital question is the control of the Chagres River.

Does this question approach its solution upon the agreements as to undisputed facts that are stated in the reports of the minority and the majority of the Board of Consulting Engineers?

I maintain that these agreements upon undisputed facts as to the control of the Chagres River not only approach a solution of that crucial question, but they settle it. No engineer of that great Board seems to question seriously that a dam based on a rock foundation at Gatun, of proper dimensions and material, constructed after the method of the highest art of the science of engineering, in connection with a sea-level canal cut through the Isthmus and controlled by a sea gate and lock at Miraflores, will safely and certainly control the Chagres River.

There is really no disputation amongst any of these great engineers anywhere or at any time that a dam properly constructed at Gamboa, with a tide lock at Miraflores or at Sosa, nearer the coast, using the canal as a part of the system of drainage, will be absolutely perfect to control the flow of the flood waters of the Chagres River and, of course, its normal flow.

Great engineers do earnestly contend, however, that the Chagres River can be as safely controlled by a dam with locks at Gatun. This proposition is not accepted by the majority of the Board of Consulting Engineers. On the contrary, it is severely contested by that majority and by other great engineers and by a majority of the Senate Committee on Interoceanic Canals.

The Senate can therefore see exactly where the controversy is. They all admit that a dam properly constructed at Gamboa, with a sea-level canal, and a tide lock on the Pacific side at Miraflores, will control the Chagres River. When we come to the other side of the proposition, whether a dam can be constructed at Gatun which will control the Chagres River, there the dispute commences, and it is fierce and unrelenting and sometimes almost bitter in the antagonism of their candid, honest, professional opinions and experience. Where is the use

of the Government of the United States and the Congress of the United States participating in the decision of a disputed question thus heavily controverted by the great engineers of the world, when they all agree that the main proposition, which is to control the flood waters of the Chagres River, can be completely and perfectly effected by a dam at Gamboa and the drainage channel of a sea-level canal across the Isthmus and with a tide lock at Miraflores?

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER (Mr. WHYTE in the chair). Does the Senator from Alabama yield to the Senator from Ohio?

Mr. MORGAN. I do.

Mr. FORAKER. I should like to ask if I properly understand the statement of the Senator to be that every one of the consulting engineers was of the opinion the Senator has just expressed, that by means of a dam at Gamboa the Chagres River could be controlled, and that there was a division and difference of opinion among those same engineers as to the dam at Gatun?

Mr. MORGAN. The provision for a dam and locks at Gatun was severely contested by the conflicting opinions of the European engineers and some of the American engineers. They have expended much time and labor in looking into the question as to the stability of such a dam. As to the stability of a dam properly constructed at Gamboa, and that it, in connection with a sea-level channel across the Isthmus, will control the flood waters and the normal waters of the Chagres River, there is no contest. No man has raised his voice to deny that. The proposition is true that a dam built there will control the entire situation.

Mr. President, I might stop my argument on this question right here, and I do not know but that I had better do so, because the evidence in this case shows the consensus of opinion without interruption in favor of the proposition that there is a way to control the floods of the Chagres River. That way is to build a dam at Gamboa upon solid rock—tough, hard basalt, I believe it is—and to dig the sea-level canal past that location, and with proper regulating works to control the waters impounded behind the dam at Gamboa; and in the highest floods, or the greatest possible coming of successive floods, that water will enter the canal so that it will be harmless; it can run either way to the sea; and there is no probability that the canal thus draining the waters of this great lake at Gamboa, created by this dam, will ever be in such a state of flood or agitation as to disturb the navigation of that canal.

This question is therefore narrowed down to this proposition: Is the certainty and safety, which none deny, of controlling the Chagres River through a sea-level canal, with a dam at Gamboa and a sea gate and tidal lock at Miraflores, to be abandoned for any known cause in favor of the disputed and more uncertain plan of accomplishing such control of the Chagres River by means of an earth dam at Gatun with a head of 85 feet of water, and with three double locks in a flight, each with a lift of more than 28 feet?

Senators who cast their eyes up to that reporters' gallery and notice the steps that come down, three of them, one below the other, will have a fair idea of three locks in flight. If you make the elevation 85 feet above sea level and divide that by 3, 28⅓ feet about, you will have an idea of what it would look like, and you will have perhaps a better idea of what it will actually be than by any words that I could use to express it.

Mr. TALIAFERRO. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Florida?

Mr. MORGAN. Yes.

Mr. TALIAFERRO. Does the Senator know of any great canal in the world that employs locks of that character in flight?

Mr. MORGAN. No; I do not know anything about that personally, but the testimony of the engineers shows that there is no such ship canal in the world, at least, with three double, or twin, locks in a flight. This seems to be a new and perilous experiment.

If there were no Chagres River to control or to feed the canal, a sea-level canal at Panama would be the only alternative. But there is a Chagres River that must be controlled, and that remains the vital question as to any type of canal Congress may adopt. I have repeated this proposition several times, but not oftener than is required by the inevitable logic of the situation.

I have been forced to yield my preference for a lock canal, and to adopt the type of a sea-level canal as the only plan I can afford to vote for, upon the known and undisputed facts that I have no right to disregard.

As far as the opinions of laymen should be influenced by those great engineers, who are honest men, I would cheerfully yield my judgment on questions of technical learning and experience, but when such guides disagree, and I must decide between them on a great matter like this, I am bound to accept their concurrent admissions and concessions of facts as being true, and to follow the line that is least embarrassed with doubts and difficulties, and that, in this case, must necessarily be the type of canal that is the most certain of success in controlling the Chagres River.

The engineer whose statements are relied upon with the greatest confidence by the advocates of the high-level canal with dam and locks at Gatun is Mr. Stevens, of whom it is sufficient praise to say that he is a man above reproach in all respects, and is an engineer of experience in important public works, and is of great skill and energy in his profession. I quote Mr. Stevens with satisfaction as to his estimate of the controlling factor in the successful construction of a ship canal at Panama. He was the first engineer examined by the committee, and I will add that part of his examination antedated the publication of the report of the majority and minority of the Board of Consulting Engineers, and his treatment of the real difficulty we must encounter and solve in this enterprise is so conclusive that the question was put to rest, and no other engineer was called upon to discuss it.

On page 63 of the report of the testimony of the engineer witnesses Mr. Stevens says:

I regard the solution of the engineering difficulties in building the Panama Canal to be the control of the Chagres River.

Senator HOPKINS. Yes.

Mr. STEVENS. There are grave questions to be met, of course.

Senator HOPKINS. But that is the question?

Mr. STEVENS. To my mind, yes.

Senator HOPKINS. And the most feasible way of doing that is by the lock canal, with an 85-foot elevation?

Mr. STEVENS. That is my candid belief.

The first time I went over the canal, you might say—the second time I ever went across the Isthmus—of course I had in mind the proposition that had been advanced, largely by the old Commission of 1901 and 1902.

That is, the first Walker Commission—

I could see the force of the argument very readily about taking care of the Chagres River. I had understood from various writings that Bohio was the lowest point in the valley where the dam could be built. The first thing that occurred to me was: Is it a fact or is it an assumption? And going down through there I noted the narrowness down here at Gatun. I immediately asked some of my assistants why they selected Bohio instead of Gamboa.

"Gamboa" there should be "Gatun," I am sure.

They said the dam at Bohio was better than at Gatun. I found that there were no borings there, and that they did not know anything about it. I commenced to get ready to find out. About that time there came a request of the Consulting Board, which convened here the 1st of September. They cabled down instructions to go on with borings at Gatun—just what I was preparing to do—with the result that we have explained, that in the opinion of everyone, I think, Gatun proved to be the better site.

Again, on page 100, in speaking of the dam at Gatun, in reply to a question of Mr. Gorman, Mr. Stevens says:

Mr. GORMAN. That would leave your summit level at 85 feet?

Mr. STEVENS. Yes, sir; the reason I favor that is because of the point brought out yesterday—the control of the floods of the Chagres.

Now, Mr. President, I think that in reason I have developed the real question in controversy, which is whether a sea-level canal is safer as the method of controlling the floods of the Chagres River than any high-level canal that has yet received the sanction of engineers and other responsible persons charged with the duty of deciding between them.

A great dam for impounding the waters of the Chagres River is equally requisite to either type of a ship canal, and this dam is the prime factor in the work of controlling the flood waters of that river.

The location of that dam on safe foundations is therefore the most important actual work in controlling the floods of the Chagres, and it requires the most careful examination.

All other questions in an important degree, if not in a paramount sense, hinge upon the location of the great dam that alone can control the flood waters of the Chagres River.

After all and above all this is a question of drainage, which includes necessarily the best and safest method of draining off these flood waters when they occur in the watershed of the Chagres River. And this is the pivotal fact to which I have adverted.

I do not include the financial strength of the United States. I assume that it is sufficient to regulate and control the flood tides of the Chagres River in their most frantic development.

I will attempt to demonstrate this in the course of my remarks, and to show that when we have "put a hook in the nose of Behemoth" the spoil of the conquest will be very rich.

The certainty of our being able to impound the waters of the Chagres in flood and in its normal flow by constructing a dam at Gamboa is really an undisputed fact, and, being such, it is the controlling fact in this great engineering problem. I think

that if I should be required to demonstrate this controlling fact, which is conceded by all engineers, the demand would arise from the querulous challenge of the plain truth or from carping criticism.

As the dam at Gamboa must regulate the drainage of the Chagres River, a sea-level canal must be a great factor in supplying a drainage channel for the flood waters of the river that gather from its watershed to the eastward of Gamboa.

These waters would enter the canal at points nearer to the Bay of Panama than to the Bay of Limon, but not far from a central point between both bays. These waters, distributed over a canal surface of 200 feet in width and 49 miles long, do not appear to be a formidable intrusion that would affect navigation or destroy the banks of the canal, even if the regulation of the flow should be imperfect.

In the judgment of all the engineers, the regulation is so easily in reach of ordinary engineering skill that no inquiry is needed to demonstrate its safety and its controllability. There is no real difficulty in this very important work, and I will not consume time in its further description. As to the drainage of flood waters or the waters at normal flow that will or may enter the canal on either side between the mouth of the Obispo and the Bay of Limon, nothing more important than a temporary inconvenience can possibly occur, because of the ease and simplicity of the methods that any ordinary engineer would adopt to prevent any really injurious results.

There is some discussion, but no real controversy, among the engineers as to the safe control of these small and short streams at any stage of their waters.

I had better explain that those small streams that I speak of are below the dam at Gamboa, and come in on either side of the Chagres River. Except when they are in a raging flood, they are absolutely inconsiderable. There is one exception, however, and that I will refer to after a while. It is the stream called the Trinidad River.

The power to regulate and control them easily and safely is so manifest that this part of the discussion is used by the disputants, it seems, only as a makeweight to reenforce more important arguments against each others' contentions. In this great controversy, which should be inspired by a desire to arrive at just conclusions with cordial zeal, there is instead the bitterness of invective and criticism, some evidences of which I will point out in my brief review of the hearings before the committee. I can not dwell on the discussion of the streams that enter the Chagres below Gamboa, because they are unimportant in settling the type of the canal.

In this inquiry, as in others of far greater moment, Congress is left to conjecture, where facts should have been ascertained and were in easy reach of positive demonstration, and the Consulting Board of Engineers were left to grope in the dark in their great and responsible task of advising our Government as to the type of canal that it would be best to adopt at Panama.

Mr. Stevens, on pages 17 and 18 of his testimony, states as follows:

Mr. STEVENS. There was one question, if you will allow me—I assume you want all the light there is——

Senator HOPKINS. Yes.

Senator MORGAN. We do.

Mr. STEVENS. I do myself. I am seeking for light, and any opinion I have so far is only made up from impressions and the data that has gotten in my brain so far. You spoke about taking care of the flood waters by means of the regulating works at the Gatun dam. That is the plan of the minority; but I am not clear as to whether or not that is the place, in case a dam of that size is built, where the regulation could be effected, up here on the Trinidad River, which comes in here from the west. Here is the canal.

Senator GORMAN. How far is that from the dam—about what distance?

Mr. STEVENS. The Trinidad River comes in about 4 miles above the dam. Now, going up that stream, which has very little rise—I have been up there several times with a small launch—going up there about 5 or 6 miles farther there is a depression in the hills between there and the Caribbean Sea. I sent some men up there to take the elevation and make an examination of the country, and it was made very lately, but I know this: *That the top of that pass is only 27 feet above the top of the dam here.* That is through natural ground; and I think, although I have not drilled it, that it is rock. Now, my own opinion is *that before I will permit myself to put in these spill works here I should examine that very closely,* and if it is as I expect to find it I would plan to put my regulating works at the head of that stream. That would be a similar proposition to the old Gigante spillway of the old Commission.

That is in regard to the dam at Bohio.

Senator MORGAN. Yes—the same thing. Now, if you were building a dam at Gatun, could you dam the Chagres at Trinidad—is that the name of the river?

Mr. STEVENS. You would not need any dams on the Trinidad at all. This water would back, you know, to within 27 feet of the top of this pass. You would merely make your cut right through there, and put your regulating works there, and keep them away from the dam.

Senator MORGAN. I am speaking about a diversion of the Chagres for the purpose of building a dam at Gatun.

Mr. STEVENS. Yes, sir.

Senator MORGAN. Could that diversion be made through Trinidad?

Mr. STEVENS. Yes, sir.

Senator MORGAN. And that is 4 miles above the dam at Gatun?

Mr. STEVENS. By the river line it would be probably 8 miles. It is some distance up to Trinidad.

Senator MORGAN. Yes, sir. In any event such a diversion at Trinidad would be a relief to the work of the Gatun dam, even if it did not entirely complete the diversion?

Mr. STEVENS. It would be simply a transference of the regulating works needed for controlling the level of the big lake. Instead of putting it through the dam, you put it through the natural ground.

Senator MORGAN. I never heard of that before, but it looks very nice.

I have been studying this question for years, and Mr. Stevens is the first man to suggest that with the depression at the head of the river, 27 feet high, by putting a dam across the Trinidad River at a proper place below that, between that and the Chagres River, you would turn the Trinidad upon its course and run it through its watershed to the sea, and you would get rid of the waters of the Trinidad, and then, by connecting the Trinidad River with the other three small streams between that and the Obispo, you would run the whole of it right down the valley of the Chagres River and turn the Chagres River away from the sea-level canal on that side.

I refer to this, and I do it with a painful feeling, too, to show that our Government has not made the proper ascertainment of facts to enable this great Commission of Consulting Engineers to decide these questions which I am now discussing and to pass proper judgment upon them. They show that there is not enough in this evidence to-day to justify the Senate of the United States in coming to any decision upon the facts like a jury would as to what are the actual conditions there in that great coastal plain which we call the "valley of the Chagres River." We are going too fast. We have been going too fast all the time, making too much fuss and doing too little work of a sedate, practical, orderly character. We have been too much under the influence of newspaper dominance and public opinion; we have been too much swerved from time to time by criticisms made as to the appointees and their conduct on the Isthmus and elsewhere. We ought to have been sedately studying these facts. If Stevens had been put at that work six months, if you please, before the meeting of the Board of Consulting Engineers, when he was only put there after they had got here and been some time in session—and it was upon their demand sent by cable that these borings should be made—Stevens and all the rest of us would have had more substantial and reliable foundation for the verdict we are to give, because it is a verdict in the highest possible sense that Congress is called on to render.

Will it not surprise the world that this important information, so easy to obtain, was not laid before the Board of Consulting Engineers? The Trinidad River, with a low depression of 27 feet near its head, leading down to the seacosat, seems to be almost a natural outlet for the flood waters of all the streams that enter the left bank of the Chagres River as far as the Obispo. It is obvious that with low dams across them and connecting channels between them, in the valley of the Chagres, all these small streams, four in number, can be led into the Trinidad. A dam of even 40 feet across that stream would throw all these waters back on the head of the Trinidad, where a cut of 27 feet would put them through the swamp into the sea. If this is true, the protection of a sea-level canal from the inflow of these streams would be perfect.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. MORGAN. Certainly.

Mr. TILLMAN. Will the Senator kindly tell us how much of a cut and how long a one it would take to have this river driven back to its source and turned off into the ocean at another point?

Mr. MORGAN. According to Mr. Stevens, it would take a cut 27 feet.

Mr. TILLMAN. I know, but how long?

Mr. MORGAN. Perhaps a quarter of a mile.

Mr. TILLMAN. In other words, it will not take another canal to get rid of that river?

Mr. MORGAN. No.

Mr. TILLMAN. It would be a short outlet, which would relieve us of this water?

Mr. MORGAN. Yes. There is a short ridge running in there.

Mr. HOPKINS. You are now speaking of the Trinidad, are you not?

Mr. MORGAN. Of the Trinidad.

Mr. HOPKINS. Not of the Chagres. The Trinidad is on the Colon side of the Isthmus.

Mr. MORGAN. The topography of such a diversion canal is not known to me, neither is it known to our engineers at Panama. There is the trouble about it. They do not know.

In the effort to create an impression of sudden and rapid progress in canal building, to astonish the world, we find that our want of preparation for the work, and our picturesque display of speed, is exciting derision.

If Congress will forbid a final determination of the type of the canal by the President until the next session and require a further exploration of the Chagres Valley at Gatun, and up to Bohio, with diamond drills, before the final decision is reached, we will be spared the chagrin of additional failures and the wasting of many millions of dollars.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Illinois?

Mr. MORGAN. Certainly.

Mr. HOPKINS. Before the Senator leaves the question of the different rivers, has the Senator in his speech at any point taken into consideration the streams on the right-hand side between Obispo and Gatun?

Mr. MORGAN. I have not in the remarks which I have submitted here, because they are trifling little streams—very short.

Mr. HOPKINS. I think not.

Mr. MORGAN. There is only one—the Gatun; and it has already been diverted by the French and carried out above Colon and emptied into the bay. There is no other stream on the right bank of the Chagres——

Mr. HOPKINS. One of the schemes for disposing of the waters of those rivers is the one suggested by the Senator from South Carolina—to build another canal carrying these waters off into the bay.

Mr. MORGAN. I understand they are so entirely negligible that I doubt if any Senator on this floor can tell the names of them. They are little creeks, as we call them, emptying from the hills that come down sheer almost on the right bank of the Chagres River.

Mr. HOPKINS. If the Senator will allow me, even the majority of the Board of Consulting Engineers regarded those streams of so much importance that, as I remember their report, they propose to divert them from their channels and carry them through a new channel to the sea.

Mr. MORGAN. That is easy enough to do, I suppose.

Mr. HOPKINS. There is where we differ. It is a very serious problem, and we contend it can not be successfully done without great expense.

Mr. MORGAN. There are many questions of minor importance which the Senate is not called upon to decide in determining the type of the canal, for the reason that they have no material effect upon it. We can afford to lay by our controversies about these minor matters until we have first accomplished the settlement of the type of the canal, which is the great controlling question of the destiny not only of the canal itself, but I may say, in a large degree, of the United States of America. We had better lay aside these little catch questions until we have determined the main proposition—the type of the canal.

No decision of the type of canal by Congress is required by the President, unless it should be a ratification of his avowed purpose to locate a lock canal, with its dam and locks, at Gatun. Such a ratification would be accepted by him with condescending approval.

If Congress should prefer to meet its responsibility to the people of this and all succeeding generations by voting for a sea-level canal, such a vote would not engage the respect or the approval of the President.

In view of such official outgivings, it may require some fortitude to consider the subject of a sea-level canal, but, on the other hand, it will surely require the loss of some self-respect to drop the subject where it is.

So far as I am concerned, I prefer, under the rules of the Senate, to discuss the bill before this body and to vote upon it. Congress has frequently been advised to take prompt action in determining the type of canal, and has been admonished by the Government that delay in passing a bill would be an interruption of the work on the canal. Why should such haste be enjoined upon Congress to settle the type of the canal if the President has already established the type and the location and the plan by Executive foreordination?

It is not for me, perhaps, to venture to make such inquiries, but the occasion seems to justify this freedom, and I will proceed to discuss the sea-level canal, which is the canal that the people require and also the President's canal, it being "the ideal canal."

If the President could take the risk of the failure of the dam at Gatun without the contribution of the money of the people to another bankruptcy at Panama, many would be glad to indulge him in such a reckless pleasure; but Panama has too great fatality for reckless adventure to be the chosen theater of American sport with fortune.

Established on the firm basis that a sea-level canal is the safest solution of the problem of the control of the flood of the Chagres River, no other plan of canal can be logically supported. Another plan less safe may be a proper subject of competitive discussion, if it is cheaper than a sea-level canal and if we are really too poor to build a sea-level canal, in justice to our taxpayers.

If such a supposition involves the question of the expenditure of $100,000,000 to meet the higher cost of a sea-level canal, that we are not really able to pay, prudence would require us to drop the subject.

If a sea-level canal is worth $100,000,000 more than a lock canal, and if we are able to own such property, it is the part of wisdom to expend the additional money for the better property. I use these figures only to illustrate an argument.

As to the actual cost of either type of canal, we will be older, if not wiser, before that fact is known.

But it is not probable that the Suez Canal, which is twice the length of the Panama Canal, has cost only one-fourth of the sum that a sea-level canal at Panama will cost us. It is not probable that the cost of the Panama Canal will be even twice as much as the cost of the Suez Canal. So, laying aside all estimates that engineers have made as to the cost of either type of the canal at Panama and taking these reasonable probabilities for our guides, the ascertained facts in respect of the financial condition of the Suez Canal remove all doubt that the Panama Canal, at a cost of $500,000,000, will be a money-making investment for our Government. To get these facts before the Senate and the country in clear and concrete form, I will read the letter of Gen. George W. Davis, already printed as a document by order of the Senate. I regard this as the most important statement of a fiscal and financial character which has been submitted to the Senate in any form, through its committees or otherwise, since this subject has been undergoing investigation:

[Letter from Mr. George W. Davis, giving certain data relating to the Suez Canal.]

WASHINGTON, D. C., *June 14, 1906.*

MY DEAR SENATOR: Replying to your favor of yesterday, I give you the following data respecting the Suez Canal:

The original capital of the company, issued before 1870, was 400,000 shares, at 500 francs each; but these securities do not answer to our definition either of stocks or bonds, as they partake of the character of both. Under the terms of issue there was a condition that the shares could be redeemed in certain proportions at stated periods and that when redeemed they should be no longer an interest-bearing security, but should continue to constitute an asset to the original owner of the shares to the extent that he should participate in all surplus benefits earned by the company; but the interest provided by the statute—5 per cent—stopped when the bond should be called for redemption.

On the 31st of December, 1904, there were 385,460 of these shares still outstanding, and they continued to enjoy participation in the surplus benefits or profits of the company. But the interest on the residue of these bonds had ceased; that is to say, on 14,600 shares. The other outstanding securities of the Suez Canal Company are bond issues, as follows: First, an issue of 400,000 shares, at 85 francs, put out in order to take up unpaid coupons on the original issue, this being really to make good a deficit arising in the earlier years of the operation of the company, when its revenues were small. These bonds were entitled to 5 per cent interest, and the value of those still unredeemed and outstanding is 32,919,310 francs. Of the loan of 1867–68, which was in 300-franc shares, there was still outstanding on the date above specified 53,160,600 francs. In 1871 a still further issue of 100-franc shares was made, of which are yet unpaid 1,678,000 francs. A further loan was made in 1880 at 3 per cent, of which 24,575,770 francs remained unpaid at the end of 1904.

In 1887 there was still a further loan negotiated at 3 per cent, the aggregate of which still remaining unredeemed is 97,362,450 francs. The aggregate of all these issues, stock and bonds, came to the total of 402,296,130 francs, or $80,500,000. This is all of the capital stock of the Suez Canal Company, except that there remains an obligation resting on the company to pay 10 per cent of their surplus profits to the original founders, constituting all those who formed the original company that Mr. De Lesseps exploited. These founders' interests are divided into 100,000, and each now receives about one-half as much annually as the owners of each original share received.

The only reserve of which I can get any trace, maintained by the Suez Canal Company, is one of $5,000,000, which is required by the statute to be maintained, so as to equalize profits and losses and to provide for emergencies. There is another fund of small amount maintained as a pension and retirement fund, disbursed for the benefit of employees of long standing and of recognized merit. But the aggregate of this fund is not a large one.

The last quotation for Suez Canal stock that I have seen is for May, 1906, when it was quoted at the Bourse as 4,515 francs. As the par value of the share is 500 francs, you can readily see that these securities are at 900 per cent premium.

The dividend paid last year on the original shares was a net of 141 francs per share. This included the 25 francs (5 per cent interest) referred to above as having ceased on certain of the shares of the original stock that had been called in and redeemed. The per cent of dividend was therefore about 28. The tonnage passing the Suez Canal last year was 13,000,000 net tons, and the toll rate was 7¼ francs per ton.

About a dollar and fifty cents per ton.

Under the terms of the concession, which extended for ninety-nine years from the date of completion of the canal—1869—all the securities

will have been retired and canceled on maturity, and amortization provisions are arranged to that end.

The Government of England paid almost exactly £4,000,000 for the shares bought by Beaconsfield from the Khedive. The dividend on these shares last year for the benefit of the British Government was £933,000.

The authorities, for the information contained in the above, are: L'Economiste, a French publication with which you are no doubt familiar; the Statist, an English publication devoted to statistical matters; also a recently published work on the Suez Canal, by J. Charles Roux, entitled "L'Isthme et le Canal de Suez," Paris, 1901, and The Stock Exchange Official Intelligence for 1905.

Hoping the above will meet your necessity, I remain, as ever,

Yours, sincerely.

GEO. W. DAVIS.

Hon. JOHN T. MORGAN,
Capitol, Washington, D. C.

The income of the Panama Canal is not conjectural, if it is to be compared with that of the Suez Canal, as stated by General Davis. It is quite as certain as the next estimate of the income of the United States will be for the fiscal year ending in June, 1908. The contributory territory to both these canals is the same as to the area of the commercial field of traffic, but the coastwise trade between our Atlantic and Pacific States will yield an enormous income to the Panama Canal that is not in reach of the Suez Canal. The productive energies of the entire Pacific coast of America and of Australia and the Philippines, and of the great clusters of other islands in the Pacific Ocean, will be so stimulated by the opening of the Panama Canal that the growth of the Suez Canal in tonnage and tolls will be far exceeded.

Our Sault Ste. Marie Canal has a tonnage which is twice that of the Suez Canal, and they are about the same age. Our Soo Canal floats a tonnage that comes almost exclusively from the watershed of the Great Lakes—a mere dot on the map as compared with the area from which the Suez Canal derives its support—yet its tonnage is twice as great as that of the Suez Canal.

Who can permit a doubt to disturb this splendid outlook for the commercial supremacy of the Panama Canal?

I state it with more confidence than any engineer can state the cost of excavating a cubic yard of rock from the bottom of the Culebra cut. If we have such facts within the reach of rational calculation and will consult them we will see that an expenditure of $100,000,000 to get the best canal is not a loss or an extravagance, but is a safe investment.

As to the money for doing this work, it is as certain and as easily obtained and as secure as an investment as the money that will be expended in the next fifty years in building great ships to navigate the oceans.

It will be more safely invested in the Panama Canal than if it were put into such steamships, for they are certain to perish, while the canal is quite as certain to survive all perils, unless an earthquake should destroy it.

Mr. SCOTT. Will the Senator allow me to ask him a question?

Mr. MORGAN. Yes, sir.

Mr. SCOTT. Does the Senator from Alabama think, then, that the passage of the so-called "shipping bill" would be a great advantage to the Panama Canal if we had our shipping restored to the seas?

Mr. MORGAN. A proper shipping bill applied to the new conditions created by the Panama Canal would be very valuable if you could keep out the little speculations for private purposes. There is the difficulty with the shipping bills that I have examined.

Now, having this safe basis of calculation as to the value of the Panama Canal, as compared with its cost, and its earning power, as compared with that of the Suez Canal, we see that the differences between engineers as to the cost of construction through Culebra cut does not reasonably affect the question as to whether we should have the cheapest canal and one that is affected with grave doubts as to its permanency or whether we should have the best canal.

I will not consume the time of the Senate in the discussion of our duty, which is to adopt the best canal.

The President says the sea-level canal is "the ideal canal" in his letter to the Board of Consulting Engineers and in his message to Congress. Does he mean that such a canal is a vain imagination, when he says it is ideal? Does he allude to its ideality to frighten us with its hopelessness on account of its cost? He would not think that a navy as powerful as the British navy was a vain and hopeless ideality. He would seize such a flattering illusion with the eagerness that a little boy would grasp a toy pistol. Why should he tell such a people as comprise his constituency, that they must not aspire to the lofty ideal in constructing a canal, but must spend their money for a cheap and doubtful type of canal? It is in vain that we should attempt to solve such riddles. If the sea level is the ideal canal, the people want it. They want the best their money will pay for, and are not alarmed at high ideals when the facts justify their desire to have the best of everything in the way of public enterprise and commercial success. The Suez Canal is also an ideal canal. Why should Europe and Asia enjoy the benefits of such ideality that swells their coffers as well as their heads, while the Americans who pay for the canal at Panama must content themselves with an enforced inferiority?

The simple truth is that the canal and the railroad at Panama are the best property and surest money-makers in the world. This being true, the cost of the canal need only be compared with its assured income to ascertain whether any expenditure in its construction is within the limit of financial safety. Those who take a timorous view of this matter will never contribute any real strength to this great movement.

I do not disapprove. On the contrary, I applaud the most conservative calculation of the cost in this enterprise, and I have a candid respect for the engineers who look into cost and expenditure with the greatest care; but I insist that their differences as to the cost of the respective plans suggested are swallowed up and lost in the greater fact that the Panama Canal will pay its own cost and expenses and return to us a handsome dividend if we will furnish the money or the credit for putting it in operation.

In the axial lines of both of the proposed canals there is perfect correspondence in every particular, except in the depth of the cuts—through the 8 miles between the stations El Bispo and Miraflores. The width of the canal and the curvatures are the same in this reach through the Culebra and Emperador heights. The depth of the sea-level plan at its bottom, if 40 feet below the level of the sea, and the bottom of the lock canal is 40 feet above that level.

If one canal is defective, the other is equally so. If such defect exists and is not remedied, the fault will rest with Congress in either case; for we have the means to prevent such a flaw if we choose to employ them. I mean that the canal, when completed, will be worth every dollar expended on it and will yield a sure profit on the investment if it is enlarged at heavy expense. The property will bear the increased cost.

No other fact discussed in the wide range of disputation that we are indulging in has any material bearing on the great proposition—that a sea-level canal is the best and safest means for controlling the flood waters of the Chagres River, and that such a canal at the cost of even $500,000,000 is a perfectly safe investment and will be greatly profitable as a financial venture.

The argument is complete, if these propositions are true; and a sea-level canal is not only the ideal of the President, but it is far better as the solid realization of the proud hope of a great people.

The President abandons his great ideal and again returns to the field of disaster and defeat and invites us—no; he commands us—to follow again as a forlorn hope to certain defeat in the lower marshes of the Chagres Valley. But we have no occasion to follow his lead for the alleged saving of a negligible sum in the construction of a canal that is not free from serious doubts. We are able to build it and sacrifice the cost; but this is not necessary.

I mean that the canal, if completed, will be worth every dollar expended on it and will yield a profit on the investment, and we have the money in the Treasury of the United States to build it, if we choose to vote it. We have the money now to widen it to 300 feet in the Culebra cut. It is 200 feet wide there. We have the money to deepen it below 40 feet, if we want to deepen it; and the money that we expend in providing such a channel for the greatest ships the world has, or can produce, will be refunded to us many fold, because that canal can not be ignored whenever it is made safe for the transit of vessels. The world can not ignore it. The owners of the ships and the commercial men of the world and the insurance men of the world will not be satisfied to permit ships to find their way between the Atlantic and the Pacific oceans south of America, through the frozen Straits of Magellan. With the dangers of that navigation they will not be satisfied to waste the enormous amount of time and the expenses of navigation, which amount to even thousands of dollars a day on every vessel on long voyages around the Horn. They will not be willing to do that. Why should we refuse to construct a safe sea-level canal, when we, with the proper liberality of expenditure, can make an investment of this kind that will pay us very handsomely and provide a safe way for those ships to pass from ocean to ocean in a very few hours?

Now, there is the real financial problem. We have the Suez Canal to prove its safety. Above that here is the Sault Ste. Marie to prove it, although the Suez Canal is more nearly the type of canal we are trying to construct. Some one stated the

question in the committee to an engineer, if the falls of the St. Marys River could be disposed of and a canal was still necessary to get through the shallows, do you think that anybody would ever recommend a lock canal across those falls? No, he did not. Why did they recommend a lock canal across those falls? It is because they were obliged to do it. It was the only way to get through. But whenever a sea-level canal is possible—I speak now in respect of one of the great sea-level canals such as the Suez Canal, the Panama Canal, the Kiel Canal—wherever it is possible to dig a sea-level canal in preference to a lock canal, no sane-minded people who have any respect for the income on their property and for the safety of their ships and their commerce would ever fail to adopt a sea-level plan. It is the natural, first suggestion to the mind of any commonplace thinker in the world. Put it to anybody who has reasonable common sense and every time he will adopt a sea-level canal as one free from impediment and obstruction.

So here, Mr. President, the argument grows and grows, not only upon its own merits as an economic and proper feature of commercial intercourse, but when you come to the control of the Charges River you find a safe method in a dam at Gamboa, with its sea-level channel to carry it into both seas whenever there might be, by a possibility, in the course of fifty or seventy-five years, an excessively great flood. You will find then and there and in that place the only power that exists in the world for the mastery of the Chagres River.

Mr. MALLORY. Will the Senator from Alabama permit me to ask him a question?

Mr. MORGAN. Certainly.

Mr. MALLORY. With regard to the Gamboa dam, I understand that the problem of a dam there is similar to the problem of a dam for a lock canal at Gatun. However, I should like to inquire of the Senator if he can state whether it has been ascertained that there is a rock foundation for the dam at Gamboa?

Mr. MORGAN. I will say in regard to the Gamboa dam that according to the expression of every man and every engineer who has ever examined the subject the rock at Gamboa is basalt—a tough, hard rock. It reaches across the Chagres River—that is to say, the Chagres River runs across this rock, and there is on both sides a high ridge of rock, so that you can build a dam at Gamboa as deep as you want to make it, and as high as you want to make it, and as strong as any lock dam was ever built on the top of the earth. There is no impeachment of that proposition at all. It bears no resemblance whatever to the dam at Gatun as to its foundation or in any other respect.

Mr. MALLORY. I understand that there is no rock foundation at Gatun.

Mr. MORGAN. There certainly is not.

Mr. MALLORY. Will the Senator please tell me why, in the plan of the majority, unless I am misinformed, the dam proposed at Gamboa is simply to be an earthen dam?

Mr. MORGAN. Oh, no; that is not proposed.

Mr. MALLORY. That was my impression.

Mr. MORGAN. No; they say they may make it of any type; but there are engineers in the world who will persist in saying that an earth dam is better than a rock dam. If the chief engineer prefers an earth dam, he has the best location for it that could possibly be found.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Florida?

Mr. MORGAN. Certainly.

Mr. TALIAFERRO. Is it not true that all the dams recommended by the majority are to be masonry dams, or earth dams with masonry cores?

Mr. MORGAN. That is true. That is objected to by the minority. They say that it is not necessary to have a rock core or a rock dam at all—that an earth dam is superior to it.

Mr. HOPKINS. I desire to call the Senator's attention to the fact that the dams that are to take care of the rivers Cano, Gigante, and Gigantito are not to be rock dams. There is no evidence in the report that they are to be rock dams.

Mr. MORGAN. Mr. President, so far as those little diverting dams are concerned, I really never have paid any serious attention to them.

Mr. HOPKINS. If the Senator will allow me, I have given a good deal of attention to them and one of them is to be 2,800 feet long and 75 feet high. There is no data upon which they can predicate any judgment at all as to the foundation upon which that dam 2,800 feet long and 75 feet high is to be placed.

Mr. MORGAN. If that dam was not a yard long or a foot high the effect on the canal would be just the same, because in a sea-level canal, when completed, they intend to take in, if at all necessary, all the waters that flow in from these different streams.

Mr. HOPKINS. If the Senator will allow me, they propose to build this dam so high that it will divert the waters of the three rivers I have named and change the course and drive them back upon their sources and make them find new channels to the sea.

Mr. MORGAN. Mr. President, I return to the question I was considering. The matter of controlling this little body of water, these low-grade streams, does not compare with the question of controlling the flood of the Chagres River. I am discussing that question, and I maintain that when we control the flood of the Chagres River we have controlled the pivotal feature in this case, and the balance goes with it.

Mr. HOPKINS. If it does not disturb the Senator, I desire to call his attention to the fact that they provide in the sea-level plan these three dams, the longest of which is 2,800 feet. Another dam is to be 820 feet in length and another dam five hundred and something feet, as I remember. All these dams are to have a height of 70 feet above the sea level.

Mr. MORGAN. There are various plans suggested in the report of the majority of the Board of Consulting Engineers as to how different matters may be disposed of conveniently, none of which are vital.

The Senator from South Dakota [Mr. KITTREDGE] has very kindly referred me to a selection of many, many like it in the report, the testimony of Mr. Noble on the proposition here:

> Senator KITTREDGE. I understand that you think that has been taken care of sufficiently by the majority.
> Mr. NOBLE. It looks so; yes, sir.

Again, Mr. TALIAFERRO puts a question:

> As I understand you, then, all of the streams are provided for by that method? All that empty into the canal are expected to pass through pools or dams, so as to take the coarser silt out before the water empties into the canal basin?
> Mr. NOBLE. I think so.
> Senator KITTREDGE. Do you regard that situation you have just described as a serious objection to the sea-level plan?
> Mr. NOBLE. Only inasmuch as it makes a somewhat larger charge for maintenance.

As I have already said, I do not consider that an impossible or impracticable proposition at all.

Mr. HOPKINS. I have not the evidence before me, but the evidence, as I remember it, does not relate to the river Cano nor to the river Gigantito.

Mr. MORGAN. Well, Mr. President——

Mr. HOPKINS. I have not looked at the evidence since we had it before the committee, but I will say to the Senator if it does not disturb him—if it does I will quit——

Mr. MORGAN. The river Cano is so absolutely inconsequential that although I have been studying this question with care for years, I do not know where the river Cano is, and I think I would know it if it was a matter of the slightest consequence.

Mr. HOPKINS. The point I was making, if the Senator will allow me, was in answer to an inquiry by the Senator from Florida [Mr. TALIAFERRO]. In the majority report, in order to make a sea-level canal they provide for three dams, one of the length I have given—2,800 feet—and another of 800 feet, as I now remember, and another of five hundred feet and something, 70 feet high, without giving any data at all relating to the foundation of those dams. That is the real point that I was calling to the attention of the Senator.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Florida?

Mr. MORGAN. Certainly.

Mr. TALIAFERRO. I wish, with the permission of the Senator from Alabama, to read just a few lines of the testimony of Mr. Noble:

> Senator TALIAFERRO. As I understand you, then, all of the streams are provided for by that method? All that empty into the canal are expected to pass through pools or dams, so as to take the coarser silt out before the water empties into the canal basin?
> Mr. NOBLE. I think so.

All the streams.

Mr. MORGAN. I had just read that to the Senate.

Mr. HOPKINS. Will the Senator——

Mr. MORGAN. Mr. President, I do not like to have my attention diverted——

Mr. HOPKINS. I will not interrupt the Senator——

Mr. MORGAN. By Senators asking me questions of this kind.

Mr. HOPKINS. But I will take another occasion to correct the impression of the Senator from Florida upon that point.

Mr. MORGAN. I am not discussing the slight appendages that may adhere to this question and be of some doubt. I am trying to give the Senate the benefit, if it is a benefit, of my

judgment and conclusion in regard to the great pivotal question that controls this subject, and that is the control of the Chagres River. When we get that under control the balance of this matter sinks into insignificance; it is not worth talking about. Any common engineer can provide to protect a canal dug there after we have control of the Chagres River so that that great and furious stream can not invade it and destroy it. That is what my argument is drifting to, and I do not care about taking up all of the minutiæ of disputation that concerns this subject generally, because if we should enter into that we would find a dispute about everything we have ever considered. Take the disputes about cement, cement purchase, and transportation, labor, commissary, government, and all that is connected more or less intimately with the question of building and control of the canal. What do they amount to? When we have first settled the great controlling question as to the type of canal and have got it, if that decision was in favor of the Gatun dam, as it was formerly in favor of the Bohio dam, I would put up with it and say nothing about it and leave the idea of a sea-level canal, which I have been compelled to approach with the greatest possible reluctance.

In precipitous haste the President urged Congress to adopt the lock-canal project, with a dam at Bohio and with two twin locks in flights at the elevation of 90 feet above sea level, and Congress followed him, with equal precipitancy, to the disaster that has cost the people more than $100,000,000. We did this in the Spooner law. We did not intend such a result, and, in fact, the result was reached through the President's misconstruction of his powers under that law.

I will not now recall the dreary chapter of our history that followed the enactment of the Spooner law and its attempted execution in the effort to construct a lock canal, with its dam at Bohio.

The Isthmian Canal Commission, created by the Spooner law, was appointed and began work to execute the Spooner law with the dam at Bohio.

They had reported to the President on the 16th of December, 1901, that "*no location suitable for a dam exists on the Chagres River below Bohio.*" This report was made after examination by that Commission, composed of Admiral John H. Walker, Hon. Samuel Pasco, Mr. George S. Morrison, Col. Aswald H. Ernest, Lewis M. Haupt, C. E., Alford Noble, C. E., Col. Peter Hains, William H. Burr, and Prof. Emery R. Johnson.

These names are guaranties of high integrity and honor. They made detailed estimates of the cost of the Panama Canal, as follows.

I will not stop to read those estimates, but will insert them in my remarks, and proceed to say that in the passage of the Spooner Act we had that basis and no other basis of Congressional action, and in the passage of that act and adopting the report of the Commission we decided in favor of the lock canal. We also decided that *it should be at Bohio*, and we also decided *that it should not be at Gatun.* So stands the law today, for this Commission had said that there was no location for a dam below Bohio.

I will insert those estimates, as follows:

Summing up the several figures already given, the total estimated cost of completing the Panama Canal is as follows:

Total estimated cost.

	Miles.	Cost.
Colon entrance and harbor	2.39	$8,057,707
Harbor to Bohio locks, including levees	14.42	11,099,839
Bohio locks, including excavation	.35	11,567,275
Lake Bohio	13.61	2,952,154
Obispo gates		295,434
Culebra section	7.91	44,414,460
Pedro Miguel locks, including excavation and dam	.55	9,081,321
Pedro Miguel level	1.33	1,192,286
Miraflores locks, including excavation and spillway	.20	5,781,401
Pacific level	8.53	12,427,971
Bohio dam		6,369,640
Gigante spillway		1,209,419
Peña Blanca outlet		2,448,076
Chagres diversion		1,929,982
Gatun diversion		100,000
Panama Railroad diversion		1,267,500
Total	49.09	120,194,465
Engineering, police, sanitation, and general contingencies, 20 per cent		24,038,893
Aggregate		144,233,358

The total amount of excavation is 94,863,703 cubic yards, exclusive of excavation for the Bohio dam and the Gigante spillway.

The location of the canal is, in general, the same as that proposed by the French company. Its total length, from 36 feet deep in the Atlantic to 36 feet deep in the Pacific, is 49.09 miles. The distance from the inner end of the harbor enlargement at Colon to the shore end of the bay channel at La Boca is 42.3 miles, of which 11 miles is the broad channel of Lake Bohio. The alignment is exceptionally good, the sharpest curve having a radius of 6,232 feet, except one at the entrance to Colon Harbor, which has a radius of 3,280 feet, but where the bottom width is from 500 to 800 feet. The total curvature in the entire length of the canal is 771° 39′, distributed as follows:

Number of curves.	Length.	Radius.	Total curvature.
	Miles.	*Feet.*	° ′
1	0.88	19,629	14 17
1	.48	13,123	11 04
4	4.22	11,483	111 32
15	11.61	9,842	355 50
4	2.44	8,202	90 20
2	1.67	6,562	77 00
1	.73	6,234	35 45
1	.82	3,281	75 51
Total	22.85		771 39

The Spooner law appropriated the money to construct the canal specified in these estimates, as follows:

Appropriations therefor shall from time to time be hereafter made, not to exceed in the aggregate the additional sum of $135,000,000, should the Panama route be adopted.

To which is added in section 5 of that law, $10,000,000 "*appropriated toward the project herein contemplated by either route so selected.*"

This act as clearly identifies the Panama project as being a lock canal with dam and locks at Bohio as it identifies the Nicaragua project and locates it "from a point on the shore of the Caribbean Sea near Greytown, by way of Nicaragua, to a point near Brito on the Pacific Ocean."

To deny one location is to deny the other, and a sincere reading of the law includes both with equal certainty. To find room for a dam at Gatun under this law and under the report on which it is based is quite as consistent with the act as it would be to find, by construction, that a sea-level canal was within the definition of the canal project in Nicaragua.

If the future destiny of the United States in this vast enterprise rests on canons of construction that are so absurd, Congress would at least save its self-respect by abandoning the entire subject to the discretionary action of the President. This has not been done; and for one I will not so declare by my vote in the Senate.

The Bohio location, adopted and enacted in the Spooner law, went suddenly into collapse when Chief Engineer Wallace tested the work of the Commission of 1899–1901 and found that it was untrue. He used diamond drills and reached the untruth of the report of that Commission as to the depth below sea-level of a rock formation for the dam at Bohio and changed it from 128 feet to 168 feet. That was a fatal discovery to Mr. Wallace. It put him to the necessity of finding another location for the dams and locks of a high-level canal that could control the flood waters of the Chagres River. He worked with great energy and skill and failed. He was forced to the alternative of a sea-level canal or else to the abandonment of all hope of any canal at Panama.

He had no desire to work out a plan in which he could find no room for success. He was not playing to the galleries.

He resigned his office of chief engineer because he could not undertake a plan that was impracticable.

Mr. Wallace and the Canal Commission disappeared from the stage of action almost at the same time, and a new Commission came in without the advice and consent of the Senate.

The special powers conferred on the President expired at the close of the Fifty-eighth Congress, but his powers have increased by construction, continually. Among them he has found authority, under the Spooner law, to construct a lock canal, with a dam and locks at Gatun, and informs Congress that this is all the power he needs. In this selection the President has fortified his dangerous choice by the researches and opinions of three engineers of great note, but the facts on which they rest their opinions fail them and destroy the value of their advice. The President created an international commission, without authority from Congress, to consider the vital question of the type of a canal that the American people are endeavoring to construct.

Such appeals to other nations on a subject that is domestic in all its important belongings is without precedent and is un-American. It is so considered by our people, and especially by our great and enlightened engineers. But the President took care to associate with them some Americans who are an honor to our country. I would have preferred a jury of Americans, and would have followed their advice without hesitancy.

The result of their deliberations was in favor of a sea-level canal. This was the natural result of the opinion of the

world—that a sea-level canal for great ships must be preferable to any lock canal, both types being properly constructed. We have no criticisms to make of the findings of the foreign engineers; but I think the President has inflicted upon them an unnecessary and, I hope, an unintended criticism in his sudden declaration that he would construct a lock-level canal with the dam at Gatun. Congress, however, is also included in this Presidential snub, and we share it with the foreigners.

The preparation of facts to be ascertained by explorations and borings was inadequate to enable the foreign engineers to accept the plan submitted to them. The deficiencies are obvious and numerous. They were not disposed to accept theories worked out on paper by an engineer who had never seen Panama—plans worked up in his office far away in New England. That engineer claims to have designed the plan for the dam at Gatun, and that it was modeled on the plan of a dam for a water supply and filtration works near Boston. That structure has not yet been tested, and it may fail. Studies in a laboratory at Boston scarcely meet the requirements of absolute faith when applied to different conditions at Gatun.

This plan was presented to the Board of Consulting Engineers by its inventor, and he gently complains that it was not considered for many days when an engineer of the Board characterized it as an "engineering guess."

This seems to have warmed up the inventor until he is aggressive in attacking the statements of such men as Professor Burr and Mr. Parsons.

I regret, Mr. President, that I have not time to read to the Senate at large the introductory remarks of this distinguished engineer before the committee—his introduction of himself to our favorable consideration—which we gave, so far as his manners and conduct were concerned, with great pleasure; but it seemed to me as if he had come prepared with a case stated, and upon the examination, in the profundity of his knowledge, I think he discovered many things that are not known to anybody else but himself, which are not stated historically, and, perhaps, are not referred to in books on geology, etc. He seemed to think they were necessary as a foundation for his disquisition. I should like for Senators who wish to inform themselves of the real value of this Gatun project to take up the testimony of Mr. Stearns and read it.

Mr. Stearns invented the plan, or copied it from the filtration plant or water-supply plant that he had in the vicinity of Boston. A part of it was made, as he says, the model of that dam, which appears on the map that hangs on the wall there; another part made in cut stone, and so on all around. He seems to have tried every experiment that he knew anything about in order to get the walls to his satisfaction, and he is waiting to see them give way. I think there is no doubt of that.

This gentleman went into the geological conditions and the structure of the earth there and elsewhere, and developed such remarkable and profound studies that he had made of the Isthmus of Panama in his office in Boston, that I became almost awed in his presence. He started with the proposition that the world was made of rock originally, and then he admitted that some water came and washed down gullies in the rock, and those gullies grew wider and wider, and then there was soil, and then trees followed and other things began to grow up.

When he got down to Gatun and to the coastal plain of Panama he discovered that there had been at first an elevation, a considerable elevation of the soil along the coast of Panama, and that after a lapse of time, he did not know exactly when or how, this great elevation was depressed and disappeared into the sea. When it got down there, the waters had cut two great gulches—they are there on this map [indicating]—and they were filled up with drift from the highlands. There the trees grew, and the water commenced to deposit silt and gravel, and then sand, then rock, and the like of that. Finally it was all filled up, and these two great gulches there, one of them 228 feet deep and another one—I will ask the Senator from South Dakota how deep that was?

Mr. KITTREDGE. Two hundred and four and 258 feet were the depths.

Mr. MORGAN. Yes; 204 feet and 258 feet. The deepest one was some 600 feet across the top, and the shallowest was about half a mile across the top.

Mr. HOPKINS. One 800 feet and the other 1,800 feet.

Mr. MORGAN. Yes; pretty nearly half a mile.

Now, according to the arrangement of the rising and subsidence of this coast—I do not think anybody ever dreamed of that but him—these gulches were left there to be filled up down to 258 feet, which was shown by drill holes bored entirely through this blanket of indurated clay of which he speaks. There was still found gravel and water at the bottom of the deepest boring, but no rock was found at the depth of 258 feet. Just above that there was clay and sand. It was like a cheese cake or a sandwich; one layer piled upon the other to a depth of 258 feet, until finally the gulch had been filled up in this manner.

Mr. SCOTT. May I ask the Senator from Alabama a question?

Mr. MORGAN. Certainly.

Mr. SCOTT. Had this learned man looked into the route which I have advocated, so as to be able to tell us the condition of the rock in the mountains there?

Mr. MORGAN. He could not see through the mountain, because, unfortunately, no hole had been bored through; but if he had ever been called upon for an opinion, he would have given one without the slightest hesitancy. There is no doubt about that.

Mr. SCOTT. I thought perhaps he might have done so.

Mr. MORGAN. I want the Senate to read that opinion for this reason: Mr. Stevens was a direct, square, fair man. In giving his statements he would come to a proposition and say: "I do not know about that, but Mr. Stearns will follow me, and he will explain it." Twice he made that reference to Mr. Stearns in answer to a question. Then Mr. Noble is one of the noblest men I have ever known. He said in substance that he had been very much averse to the idea of a dam at Gatun, or at Bohio either, for the matter of that; although he subscribed to the report for the dam at Bohio, he was quite strongly inclined to favor a sea-level canal, but he encountered Professor Stearns and he was rather converted and brought over. We have got to give due respect to the testimony of experts in all these things, but if one is to follow science in this matter exclusively it will not do to rely upon plain common sense, it seems to me.

With these cursory—and I feel that they are almost disconnected—propositions which I have stated, I will return to the proposition and state for the last time that I expect I shall have occasion to state it that the great controlling question in this case, that as to the flood waters of the Chagres River, no device has ever yet been suggested by any man that would control them except a sea-level canal with a dam at Gamboa.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. MORGAN. Certainly.

Mr. FORAKER. Before the Senator takes his seat, I should like for him to tell us, if he is informed about it, what there is on the top of the ground at the place where the Gatun dam is to be constructed—I mean the ground that is to be covered by the water that is to be backed up by the dam, 110 square miles.

Mr. MORGAN. You can get the exact description from Mr. Stevens's statement as to what is on top. He calls it loam and mud.

Mr. FORAKER. I do not mean that. I mean, is there a wood there; trees or jungle or what?

Mr. MORGAN. There are vines, briers, chaparral, grass, and all manner of obstructions of native growth covering the whole body of that land.

Mr. FORAKER. The Senator from Pennsylvania [Mr. KNOX] yesterday, in calling attention to the map that he made use of, said the blue on the map indicated a depth of 45 feet of water. I wanted to know whether that was over an unobstructed surface or whether there was woodland there; and if so, what was its height? I saw it stated somewhere by somebody that the country there is covered all over with trees. Is there anyone who can give any information about it?

Mr. MILLARD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. MORGAN. Certainly.

Mr. MILLARD. I will say to the Senator from Ohio that there is occasionally a tree—in a hundred or a thousand feet. Those trees, as well as the jungle, will all be removed when the canal is constructed, which will make a regular waterway 45 feet deep and from 300 to 1,000 feet wide.

Mr. FORAKER. In other words, would it interfere with the sailing of a ship?

Mr. MILLARD. Not at all.

Mr. MORGAN. I will say to the Senator from Ohio that in the letter from Mr. Hunter, the president of the Manchester Canal, he gives the description the Senator from Ohio [Mr. FORAKER] is asking about. I will ask the Senator from South Dakota [Mr. KITTREDGE] to read it.

Mr. FORAKER. Perhaps that is where I saw the statement to which I was referring. I know I saw it somewhere, and I should like to have it read.

Mr. KITTREDGE. It is as follows:

Members of the committee who have visited the Isthmus will remember the appearance of the landscape which presents itself to a spectator standing on the foothills near Gatun and looking over the immense tract of country which it is proposed to submerge by the waters to be retained by the Gatun dam. With small exceptions the whole area is occupied by dense tropical vegetation. Trees of different species, some of great size, canebrakes, and jungle-like undergrowth clothe the hills and the valleys with an impenetrable covering. It is not proposed that any attempt should be made to clear the site of the lake from this herbaceous obstruction. Such a proposal would be impracticable; it would be in the nature of an attempt to translate the legendary labors of Sisyphus into more costly but equally futile efforts in modern life. It is doubtful whether it will be found possible to clear even the lines of the submerged channels, owing to the extraordinary rapidity of growth in an atmosphere so humid as that of Panama. The flooding of this great area will produce a submerged forest; every tree and shrub will perish, will, as experience has shown, ultimately fall, and the result will be that an unlimited supply of water-logged snags will be provided, which will furnish obstacles of the sort which are viewed with more dread than any other by those responsible for the safe passage of vessels along waterways, as the snags neither float nor sink, but are carried to and fro in the water, and nothing can be done either to determine the whereabouts of the invisible obstructions or to protect shipping from contact with them.

The presence of such unseen obstacles will render it essential for steamers, for the sake of their propellers, to crawl through these lake navigations instead of steaming full speed ahead, as the authors of the minority report appear to imagine.

Should any of the honorable members of the committee think that this account is overdrawn, I beg respectfully to suggest that they will call for particulars of the present condition of the embayment on the Atlantic side, into which the Rio Chagres discharges, and which I, together with two other members of the Board, had an opportunity of viewing when in Panama.

Mr. MORGAN. I will give a further answer to the Senator from Ohio in this way: Panama on the Caribbean side is, perhaps, the most queer and unaccountable country in the world. It is all covered over at intervals of from 50 to 500 yards with hills, like potato hills, that grow up from 50 to 250 feet high, all of them evidently of volcanic origin. They have been thrown up there and have taken their slopes from the weight and compactness of the material. They are not in ridges, though at the same time they are strung along in such a way that there is elevated ground between some of them. Underlying those hills, or intermixed with the soil of those hills and underlying the top surface, the loam surface of the general country, there is what is called a blanket of indurated clay. How far that extends nobody has ascertained. There has been very little inquiry—almost none at all—made into the geology of that country, and I think absolutely none into the chemistry of these composite clays called "rocks." That blanket is represented on the picture that is on the wall yonder by the dark salmon-color base.

It has a good many undulations, sometimes on the upper surface and sometimes down on its bottom surface. It has a great variety of combinations of materials. If you should bore a hole in that material and get out a specimen and examine its chemical analysis and then take another specimen 20 feet away, such a discrepancy would be shown between them that you would not suppose they had come from the same source at all. As to stratification, there are no pretensions to any, any more than there is in a bank of clay. It is not rock at all. With your knife you can cut it like you could a piece of chalk, and although it contains some sand, it will scarcely dull the knife. Some specimens of it you can crumble with your hand; others are harder.

Where did that blanket come from which extends as far down the coast at least as Colon, and, I think, down below the mouth of the Chagres River? Nobody pretends to account for it. It has in general appearance a dark, shady look, but there are differences in the coloring. Mr. Stevens, who evidently is not an educated geologist, says it is tufa. Well, if it is tufa it came out of volcanoes; it came out of the enormous extinct volcanoes that exist on the Culebra ridge and the Emperador ridge. Those volcanic pits are there yet. I have examined a witness, whose testimony appears somewhere in the reports, who said he went down into some of them. The gentleman, I think, is an officer of the Navy. You may pass by one, perhaps within 50 yards of it, without ever discovering it, because the growth is so thick you can not see anything. It is like looking through the wall of the Capitol here—you can not see anything through it.

It will never do to say that that bed of stuff they call "indurated clay"—some call it "rock"—with all these differences in density from place to place will answer the purposes of rock for the foundation of anything, because it has no stratification. It is not held together in long ranges, beds, or quarries by common elements of stratification. Every pound of it is separate from every other pound in its organization. Each part is an independent factor and has its own chemical ingredients. Imagine a gulch cut through there 204 feet deep. Cut down 204 feet into that material and more than half a mile across. You will go 400 yards perhaps, and you will strike another gulch that is 258 feet deep, and down at the bottom of it you will find coarse sand and gravel and water percolating through it and running through it away down below the depth of that blanket. It is this blanket of so-called "indurated clay" that they propose to build this dam upon. In building the dam, when they come to these gulches, what do they do? They do not remove anything except 40 or 50 feet of loam.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from South Dakota?

Mr. MORGAN. Certainly.

Mr. KITTREDGE. It is only 10 or 15 feet that they propose to remove from the surface.

Mr. MORGAN. Yes; that is right at that place.

Mr. HOPKINS. Most of it is indurated clay.

Mr. MORGAN. They remove that much of the surface, and they remove bushes and trees, etc., to get a fair field to work on, and then they commence piling dirt upon it, in the one case half a mile across and 205 feet deep, and in the other case nearly a quarter of a mile across and 258 feet deep. They propose, by piling that yellow bank of dirt that you see there marked on the map upon this stuff and across these gulches, so to compress the material that is contained in them, consisting of sand and gravel and wood and loam and clay, that it will be impervious to water, and will become a solid foundation for the earth dam.

Mr. Stearns says that in the building of these dams there is necessarily a shrinkage. I suppose that after this dam has been built there will be a shrinkage of 3 feet. I think I am right as to that. Well, if that whole dam be let down 3 feet, or even 3 inches, on account of the pressure of water above this gulch filled with the material I have indicated, there is no safety about it. While that settling is going on the water will have something to do with it, because the water will be held at 85 feet, and will it not find its way to its level by penetrating through that mass? Once it makes a hole through it, if it is not bigger than the hole of a crawfish, will not the effect be just like the effect of a crawfish hole in the embankments of the Mississippi River? So when the next high current comes you will find there is a flood working through there. The pressure of water will wash it out, just as it continually is doing every year.

That experience has been repeated a thousand times on the Mississippi River. And yet we are running that same danger under the advice of Professor Stearns, who made his experiment by forcing water through beds of sand and beds of gravel and beds of loam and beds of clay in his study at Boston, never having seen the isthmian canal except for eight days and not knowing to-day what are the ingredients of the soil on the Isthmus at Gatun. I tried to get him to define the indurated clay, but he could not tell what it was or where it came from.

If we have to rely for a foundation for this dam upon this blanket of indurated clay that already has been cut through by the waters of the Chagres River until there is one chasm there 258 feet deep, filled up with this varied material, and another one 204 feet deep and half a mile wide, have we not a right to suppose the same attack, from the same source, by the same river will undermine and sweep away all that we put on the top of it? How does piling material on the top of that blanket of indurated clay make it able to resist the washing effects of the Chagres River?

It makes no difference how firm this stuff may appear to be in your hands, or appear to the eye, it is nevertheless pervious to water when in motion. The water has already carved these big gulches into this material, and will continue to do it. In the gulch that is 258 feet deep it has cut entirely through the blanket, and these borings prove it.

I mentioned, as I was speaking a while ago, that, at all events and under any circumstances, the Senate of the United States ought to insist that the final plan of this canal should not be determined upon, especially if the sea-level is excluded, until there have been some reasonable explorations by borings of that material. Gen. Peter Hains sent to Panama and got me specimens of borings from Culebra Heights clear on down to Gatun. Then they were submitted to the Geological Survey here, and I have the chemical analyses in my possession.

There is no such thing as stratification in that soil. There is a mixture of sand and clay and iron, and things of that kind; but there is no stratification at all. It has not anything like the strength of adobe brick. When you come to apply water to it in a current, it washes it away and carries it off. Why is it that the Government of the United States, handling such a question as this at such a place as this and under such circumstances as these, has never thought to have its geologists go down there and examine its strength, and its chemists to take material from there and ascertain what its crushing strain is and what its

breaking strain is and what its tensile strain is to the square inch or the square foot?

I say the Government has been extremely negligent. We have had working upon the canal a lot of men who were great builders of railroads, and the like of that, but they are not the men to look into the actual scientific conditions there and ascertain the real foundations upon which we are to act.

Mr. President, these doubts have very greatly impressed me. I have nothing to go by but the testimony of the witnesses brought here—Mr. Noble, and Mr. Stearns and Mr. Stevens—and standing on that and guiding myself entirely by the testimony they have given, I come to the conclusion that it would be extra hazardous to cast a vote to build a dam at Gatun. I would rather build it at Bohio than at Gatun. It is easier to do it, and it will have a better foundation. At Bohio they have actual rock foundation at a hundred and sixty-eight feet, instead of a hundred and twenty-eight feet below sea level. We have suffered enough in having this question forced ahead upon the testimony and the advice and the recommendations of men who did not know what they were talking about and did not take pains to find out.

That great commission, with these great men upon it—one of whom was Mr. Noble, George S. Morison was another, Admiral Walker was another—ascertained and reported to the Congress of the United States, in the report I have here, in so many words, as the result of borings at Bohio, that they had found solid rock clear across between the points of the ridges in that valley at a hundred and twenty-eight feet. I did not believe it at the time. Not that I thought they were misrepresenting, but because I knew that they had not used the proper instrumentalities to ascertain the fact. That is to say, they used these water drills, these churn drills, and when you strike a bowlder with one of them, you can not tell whether it is a foot thick or a thousand feet thick. You can not enter it. But they found these bowlders, scattered across at convenient distances, I suppose, and they reported to the Government of the United States that solid rock foundations were found there at a hundred and twenty-eight feet.

While that was an immense departure from any depth for a dam that had ever been built anywhere in the world—a tremendous exaggeration of what we conceived to be our opportunity to build dams—we recklessly adopted it. Mr. Wallace was appointed chief engineer, and he did not believe it. He knew the kind of drills they had used. He used diamond drills. Instead of finding solid rock at a hundred and twenty-eight feet, he went down to a hundred and sixty-eight feet, and when he found it he went into it with his diamond drills and proved it.

Now, the whole of this trouble that we are in to-day has resulted from the fact that we were misled by these Commissioners as to 40 feet in the depth of the rock below sea level at Bohio. I do not say intentionally. I do not believe that. Nevertheless we were misled. But in the haste of action they came off and left the men there to bore the holes, and they were here in Washington when the holes were bored and they got the reports. I saw the borings they brought up. I got their report. The Congress of the United States changed the whole system of canalization upon the basis of that report, and the President changed the location of the canal to Panama. It has been really the Iliad of all our woes and is to-day, and now, when we have escaped from that, do not let us venture in a headstrong and precipitate way to do the same thing at Gatun under circumstances very much more difficult than existed at Bohio. The difference is 258 feet at Gatun and 168 at Bohio, with no rock foundation at Gatun.

Mr. TALIAFERRO. Two hundred and fifty feet at Gatun.

Mr. MORGAN. Two hundred and fifty-eight feet at Gatun. That is the difference between what they call the "rock level," and when they get down 258 feet, instead of going to the rock level, after getting through the blanket, they have found flowing water amongst coarse gravel.

I say there never was more danger in a proposition that was ever advanced to a legislative tribunal in this world than is advanced in the Gatun dam and recommended to the Congress of the United States.

Mr. PERKINS. Mr. President, after several years' consideration and debate Congress decided to build an interoceanic canal at Panama. Now, years after we decided to construct a canal, and after examinations and reports by engineers and commissions from the time of De Lesseps to the present day, the result of which is a strong preponderance of evidence in behalf of a certain type of canal, we are endeavoring to determine what kind of a canal we shall build. Every Senator on this floor desires to vote right, to vote for the canal which will be constructed in the shortest period of time, one which will be substantial and reliable, and afford the best means of transportation from ocean to ocean. We have heard the opinions, and the testimony is very voluminous, of scientific men and of engineers. Many who reported in previous years have changed their minds. Even our scientific friends change their minds about as often as the wind changes down in the Gulf of Mexico in the month of August, which is every few hours. Having the same common object in view, to do that which is for the best interest of commerce, and to the honor of our country, some of us have given a cursory reading to the testimony, and must draw our own conclusions. Certainly every one of us prefers a sea-level canal if it be practicable to build it and to build it within a reasonable time, as much as we prefer to walk on the level ground rather than to walk upstairs step by step, as much as we prefer to travel in a steamer rather than to swim in the water. The question, therefore, is what is the practical thing, the most expedient thing for us to do in our official capacity representing the people of the country.

Throughout the whole course of canal history the one fact that stands out with vivid distinctness is the element of delay. The Mexicans call it "mañana"—to-morrow, next month, next year—and it has been procrastinated from time to time. Young, in his Night Thoughts, tells us "Procrastination is the thief of time." It was so under French management. I am sorry to say that we appear to be entering upon the same course. Through delay over $250,000,000 of the money of the French people was frittered away with practically no results, except to show that the original plan of De Lesseps was impracticable, for the reason that there was not money enough available in one of the richest countries on earth to dig a tide-level canal. Out of this was developed the feasibility of constructing a lock canal at a comparatively reasonable cost and in a reasonable time. If we are wise we shall accept the lesson taught us by the experience of France, avoid the lamentable mistake made by the enthusiastic French engineers, and adopt a plan of canal that is, I think, universally accepted as practicable, safe, and capable of execution within a period which will not cause the patience of a willing people to become exhausted. Only in this way, I believe, can we avoid another and a greater scandal than that under which the French canal scheme is so deeply buried.

Mr. SCOTT. May I ask the Senator from California a question?

Mr. PERKINS. With pleasure.

Mr. SCOTT. The Senator in making this speech to us, who are seeking light, I take it is making it from the experience of a man who knows the sea, of a man who knows what it is to navigate a vessel. Upon that theory he is giving us his personal experience, we may say, with respect to what he believes to be the proper and best type.

Mr. PERKINS. It is said that a wise man learns from the experience of others. One who is not so wise ought to learn something from his own experience. I have had some practical knowledge in building dams, in digging ditches, etc., but they have resulted in a financial way similar to the experience of the French people in constructing the Panama sea-level canal. So the few remarks I am making are more to define my own position and why I have come to this conclusion. I was in favor of a sea-level canal, but after investigating it somewhat I have come to the conclusion which I am endeavoring now to present. Undoubtedly my distinguished friend the Senator from South Dakota [Mr. KITTREDGE], and the Senator from Nebraska [Mr. MILLARD], and other members of the committee who have devoted months to a study of this question, are better equipped and have a greater fund of knowledge to impart to us relative to this than it is possible for us to have who have given it only a cursory examination.

It would not be profitable to recapitulate the investigations and examinations made under French auspices to determine the type of canal practicable at Panama within a reasonable time and at a reasonable cost. The Technical Commission, of which W. Henry Hunter, engineer of the Manchester Canal, was a member, and who has been quoted here in favor of a sea-level canal, made an exhaustive examination and a full report, from which there was no dissent. The principles governing the Commission in its treatment of the problems were as follows:

(1) Every solution must be rejected a priori which, in itself and apart from any consideration of time and expense, does not present absolute guaranty of certain success; (2) in preparing the plans of the several structures required by so important and complicated a work, such types only should be adopted as have been proven to be satisfactory by experience, barring out all innovations which might lead to failure; (3) in the examination of all questions the special conditions under which the work is to be executed should be taken into account.

Considering the problems presented, therefore, in accordance with these same rules, the Commission found that the problem

of caring for the Chagres River and its overflow waters was of transcendent importance. In the case of a sea-level canal, this problem, it was found, could not be solved within the limits of safety which the Commission had laid down. The Commission said:

To turn the stream completely from its course and to direct it to the Pacific slope * * * would be a colossal undertaking, requiring an amount of labor which would render it impracticable. It therefore becomes necessary to make of the river and of the canal two neighbors whose character and wants are to be harmonized. * * * An artificial bed established at a higher elevation than the canal would prove a work very difficult to execute, but also to be a danger, a permanent menace to the canal itself. We can consequently state that the principal obstacle to the execution of a canal without locks results less from the difficulties entailed by the execution of the deep cut at the summit than from those which spring from the proximity of the Chagres in the region to be crossed before reaching that summit. *It will not, perhaps, be too much to maintain that herein lies an obstacle insurmountable to a conception of that kind. * * * We can only learn from the unfortunate past that material proof has been furnished that a canal without locks to unite the two oceans is an undertaking, the realization of which can not be thought of, certainly for a long time to come.*

How Mr. Hunter, who signed this report, can make his later opinion tally with it is a labor which I will leave him to perform. I am unable to do so for him or to reconcile the opinion he then advanced with the letter which was placed on our desks a few weeks ago. He has since been quoted here as an advocate of a sea-level canal, and in a letter which has been printed for the information of the Senate he refers to the problem of the Chagres River and its overflow as a matter of no consequence whatever—a point which he formerly considered of absolutely vital importance. And yet we have no authentic report that the clouds have not yielded the moisture with as much prolificness as they did prior to the time he made that report. Our information is that there are 120 inches of rainfall on an average on the Caribbean side of the Isthmus of Panama, while on the summit it averages 90 inches per annum and on the Pacific slope about 75 inches.

Here is what Mr. Hunter says in his latest communication:

Much necessary apprehension has been expressed both as to the effect and as to the probable cost of the works required for the regulation of the side streams which will flow into the sea-level canal. The works will be very simple in their design and very direct in their operation. No elaborate systems of masonry construction, for the purpose of converting the streams into cascades, will be required or need be contemplated. It will suffice if the streams, when not diverted altogether, whether higher or lower in level (as compared with the level of water in the canal), are in each case allowed to fall directly into a pool to be formed at the foot of each, from which pool the water will flow over a weir into the canal, the short channel from the weir being laid out on such lines and at such depths as will reduce velocity to the point required to eliminate appreciable current.

Therefore I think his testimony, as my legal friends would say in presenting it to the jury, would amount to nothing as far as his opinion is concerned, and the letter which I read with much interest, and which has been placed upon our desks——

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from South Dakota?

Mr. PERKINS. With pleasure.

Mr. KITTREDGE. Is it not a fact that Mr. Hunter, in declaring for the type of canal suggested by the Senator, was limited by the French company to the construction of a canal within a given time and within a given cost?

Mr. PERKINS. I think if I send for a physician and ask him to examine me to determine whether I have any symptoms of rheumatism, and he finds some other disease, he would be false to his profession if he did not give me a correct diagnosis of the case, such as his professional ability would warrant him in giving. So I say about Mr. Hunter——

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Illinois?

Mr. PERKINS. With pleasure.

Mr. HOPKINS. Mr. Hunter himself does not say that the point made by the Senator from South Dakota is the one which changed his mind.

Mr. PERKINS. We will leave that to Mr. Hunter, for his opinion as to the canal has very little weight with me.

Mr. FORAKER. May I ask the Senator from Illinois whether Mr. Hunter does anywhere state what was the cause of his change of opinion?

Mr. HOPKINS. My remembrance now is that he has not given a substantial, reasonable explanation for his change of opinion, but——

Mr. FORAKER. Does the Senator know whether an inquiry was made of him as to that?

Mr. HOPKINS. I will say to the Senator that Mr. Hunter never appeared before our committee, and that the communication which has been read here is one, as I remember, that was never given to our committee, but to one member, who entered into a private correspondence with him.

Mr. FORAKER. It seems to be in the nature of a letter.

Mr. HOPKINS. Yes; not to the committee, but to a member of it.

Mr. PERKINS. I submit that this remarkable change of opinion demands a fuller explanation than the reader of Mr. Hunter's letter can make for himself.

Chief Engineer Stevens, in his testimony before the Senate committee, most vividly brought out the strength of the opinion of the technical commission and the weakness of Mr. Hunter's later views. I desire to say in passing that while I have never met Mr. Stevens, I know he stands high in his profession. I know he is a patriotic, true American. I know he is placed in charge as chief engineer of this greatest undertaking of the present generation; and who is there who has a greater interest, who is more desirous of making a success of the work in which he is engaged than is the chief engineer of this great enterprise? Therefore, I give more weight to him, not because he is an American, and yet I feel very kindly toward my own, but I certainly give more weight to him as an engineer than I do to Mr. Hunter, our British friend across the water, who came here for a consideration and is not actuated or animated by any patriotic motives. Mr. Stevens says:

Now, you can put this picture on the plates of your minds: You would have practically, under this present majority report of a sea-level canal, a little, narrow, tortuous strip, the sewer of the country, down at the bottom of everything, with torrential mountain streams pouring down there into it with a fall of from 15 to 130 feet. You have got a current there which, from the best scientific authority we can get, figures out 3 miles an hour. This is a channel 150 feet wide nearly the entire way, only 150 feet wide at the bottom, with sharp curvature, and less than twice the width of the vessel that will have to navigate it, with from 2 to 4 feet of water under their keels, going against a current of nearly 3 miles an hour, which would require them to run at least 7 miles an hour to keep steerageway with their own steam. I do not think there is a shipowner or a ship company on earth that would put a ship through that canal.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Ohio?

Mr. PERKINS. With pleasure.

Mr. FORAKER. The Senator's comment on the current reminds me of a little information I should like to get from somebody on that point. I have not yet heard anybody tell which way this current is to run, north or south, or whether it is to run constantly in the same direction, or whether the tides affect it, and part of the time it will run one way and part of the time another. Can the Senator give us any information on that point?

Mr. PERKINS. I am told that the water in the canal seeks its level, and part of it runs east and part of it runs to the west.

Mr. FORAKER. I know; but where does it come from?

Mr. PERKINS. It comes from the Chagres River, or this lake.

Mr. FORAKER. Does not the water flow in from both sides? The canal connects the two oceans, and I supposed there would be a current all the way through at one time in one direction and at another in another, accordingly as the tides run. But nobody has yet been able to give me any information on that point. I have made the inquiry several times.

Mr. PERKINS. A sea-level canal——

Mr. FORAKER. If the Senator will allow me to interrupt him just a little further——

Mr. PERKINS. Certainly.

Mr. FORAKER. I do not know how an engineer can compute what the current will be, how rapidly it is running, until it is first determined which way it is going to run.

Mr. PERKINS. In a lock canal there is supposed to be still water. In the sea-level canal the tide——

Mr. FORAKER. I am talking of the sea-level canal, of course.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Minnesota?

Mr. PERKINS. With pleasure.

Mr. NELSON. In a sea-level canal would it be any more than what we call "tidal currents" resulting from the ebb and flow of the tide? And how could that be as much as 3 miles an hour?

Mr. PERKINS. The Senator must remember that there are pouring into the canal some thirteen streams——

Mr. HOPKINS. Seventeen.

Mr. PERKINS. With so many thousands of inches of water coming from these mountain streams, and with the rainfall——

Mr. FORAKER. The testimony, so far as I have read it, shows that a good part of the time there is not very much water coming from these streams. There is an appreciable

amount and an amount that affects the current only when they are having the torrential rains, making torrential floods.

Mr. HOPKINS. This covers between eight and nine months of the year. Of course, during the dry season it is a minimum. The flow then is very light.

Mr. FORAKER. So I understand.

Mr. HOPKINS. But eight or nine months in the year they have these tremendous rains, when the rivers flow with tremendous current down into the canal. It is provided, even with the Gamboa dam, that during this season 15,000 cubic inches per second will pass into the canal where it is about a hundred and thirty feet above——

Mr. FORAKER. But during the dry season there will be a current 40 feet in depth——

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from South Dakota?

Mr. PERKINS. We are all in search of light, and the more information we can receive upon this subject, the more intelligently we can vote to-morrow. No one interrupts me at all. I yield to the Senator from South Dakota.

Mr. KITTREDGE. This matter of currents is apparently not well understood. As a matter of fact the currents caused by the introduction of the waters from the streams tributary to the Chagres River is negligible. It does not exceed one mile to one mile and a half per hour, except in times of great floods, and then for a period of not exceeding sixty hours, judging by the history of floods, it may reach two miles and six-tenths per hour. That current, according to the statements of shipmasters and pilots, whose evidence appears in the RECORD as a part of the remarks submitted by me two or three weeks ago, is not regarded by any one of them as any obstacle to easy transportation in the canal.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Illinois?

Mr. PERKINS. With pleasure.

Mr. HOPKINS. If the Senator will allow me, I desire to put in opposition to the statement made by the Senator from South Dakota that of the chief engineer of the Suez Canal, who says that that canal is less tortuous than the proposed sea-level canal, and it is difficult to navigate the larger ships which go through the canal, and the larger ships are only 500 feet in length, a little over half the size of the larger ships that are proposed to be navigated through this canal. So, upon the basis of the evidence offered by the chief engineer of the Suez Canal, it would be utterly impossible to navigate one of the larger ships, even on the slower current, as expressed by the Senator from South Dakota.

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Florida?

Mr. PERKINS. Certainly.

Mr. MALLORY. I should like to ask the Senator from California if he is certain that in Mr. Stevens's remarks the current referred to is the current caused by the influx of water from the tributary streams or whether it is the tidal current that may flow though there by reason of the higher tide on the Pacific.

Mr. PERKINS. I think it means the tide on the Pacific. I stopped in the middle of the quotation. I will quote further from Mr. Stevens.

Mr. MALLORY. What I wanted to say in this connection is that it strikes me if that is the current he is referring to it will not run in the same direction all the time, that it will vary in its direction according to whether there is a rising tide or a falling tide, and that ought to be largely controlled by the lock at the Pacific end of the canal.

Mr. PERKINS. But let us suppose that we have constructed a "little, narrow, tortuous strip, the sewer of the country, down at the bottom of everything." We shall not even then have a canal without locks. A lock at the Pacific end is absolutely necessary, on account of the high tides of Panama Bay, and if a high-tide level is adopted there will have to be a lock at each end, so where would be the advantage over a canal at a higher elevation? And the curious fact is developed from this study of level that any level except that of Pacific high tide would compel the *lowering of vessels into the canal for one-half the time*. This is a point which has been brought out very clearly by Hon. William Ham Hall, of San Francisco, Cal., member of the American Society of Civil Engineers, who is eminently qualified to deal with the subject through his education, training, and experience.

I wish to say, in passing, that when I was governor I had the honor of appointing Mr. Hall State engineer of California. He was a stanch Democrat. He could not see any good in any Republican, but I saw good in him as an engineer, and I selected him by reason of his eminent qualifications. He performed the duties with so much ability that my Democratic successor reappointed him after he had served during my administration. I wish to quote what Mr. Hall said, and I want to reiterate that he is a master of his profession, a man of the highest character and integrity, who went to Panama himself for the French company when they were trying to reorganize, and made a report to his principals in Paris.

On this subject, Mr. Hall writes:

> Thus far all the sea-level projects have been for the mean sea or, say, mean-tide plane. The extreme tide movement is about 2 feet at the Atlantic and 20 feet at the Pacific end. Suppose there were 20 feet of tide at the Atlantic as well as the Pacific terminus, would you cut for a mean-tide level then? Think a moment. A lock would be an absolute necessity at each end. For about half the time your water plane would be below sea level at both ends, or for more than half the time at one end or the other.

I think Mr. Hall has answered the question propounded by the Senator from Ohio [Mr. FORAKER], that this sea-level canal would be half the time running one way and half the time the other.

> With respect to the waters you sought to join, for half the time *your canal would be down in a hole*. It would cost much money for the extra excavation to put it there. Would it seem rational to do so? Would you feel justified in so doing? The locks could as well perform the function of raising all the entering vessels to the high-tide plane. The reverse of this would apply to the exits. Only a small proportion of vessels could be passed through without lockage, even if the canal plane were at mean sea level. Remember, you could have a superabundance of water for lockage to and from the high-tide plane in the canal to any plane the tide happened to be at in the sea, or the reverse.
>
> I hope the thoughtful engineer, even though he has been inclined to the sea-level idea of the Panama Canal, will agree with me in this, that if there were 20 feet, say, of tidal movement in both seas, instead of in one only, it would be an absurdity to put the canal water plane at any lower than about ordinarily high full tide. If, then, it would be absurd to stick the canal down in a hole with respect to the water as it would be half of the time at both ends, how are we to look upon the proposal to put it in a hole with respect to the water plane half the time at one end? It would not be polite to speak of this latter proposition as any part of an absurdity, though logically it would seem to be half of an absurdity. We might, however, refer to it as a strange oversight.

It is clearly seen that with a mean-tide level there will be developed the absurdity of lowering vessels into the canal at the Pacific end about half the time. Mr. Hall continues:

> That, it seems to me, would be a wasteful engineering error—to cut a waterway from sea to sea, through a summit 333 feet in elevation, to a plane actually lower than nature, for nearly half the time at one end of it, will present the vessels to be taken into it—to make a cutting into which nearly one-fourth of all the vessel entrances would have to be effected by lowering them, and nearly a fourth of the exits by raising them. And for what? To save one lock and one lockage near the Atlantic end; for, remember, there must be a lock near the Pacific end on account of the tidal movement, and that lock could as well raise and deliver all vessels to the high-tide plane as raise *or lower* them to the mean-tide plane.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Montana?

Mr. PERKINS. With pleasure.

Mr. CARTER. In the statement the Senator has just quoted it is set forth that the sea-level canal would be constructed only for the purpose of avoiding the construction of one lock. Is it not the fact that three locks are contemplated in the lock plan of canal?

Mr. PERKINS. Yes, Mr. President, there are three locks of 28½ feet each, raised 85 feet; but he says there should be two locks there, one a spare lock and then one on the Caribbean Sea, as I understand it.

Mr. CARTER. In the sea-level plan you contemplate a tide lock on the Pacific?

Mr. PERKINS. That is an absolute necessity.

Mr. CARTER. And a tide lock on the Caribbean Sea?

Mr. PERKINS. That I am not so sure about.

Mr. TALIAFERRO. Mr. President——

Mr. CARTER. Another question and then I will be through. What will be the lift, or the drop, as the case may be, in the tide lock on the Pacific?

Mr. PERKINS. I will say to the Senator from Montana that, as he perhaps is aware, it is not alone the rise and fall of the tide naturally, but the contour of Panama Bay is such that the tide rises from 20 to as high as 23 feet, and for that reason the steamships now operating on the Pacific coast are unable to come into the wharf and they anchor out and do their lighterage in Panama.

Mr. CARTER. So the lock canal, as contemplated by the minority report, involves a lift of only 60 feet in excess of what the sea-level canal would require on the Pacific coast?

Mr. PERKINS. I so understand it.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Ohio?

Mr. PERKINS. With pleasure.

Mr. FORAKER. I am only seeking for information. I do not have any such understanding. I understand that the lock, or rather a gate, in the sea-level canal to control the inflow of the tide does not lift the ship at all; that half the time it stands open. I have seen the statement in the testimony of the engineers that it is merely to regulate the inflow of the tide from the sea.

Mr. PERKINS. There is a rise and fall of 20 feet, we will say, at mean tide, and if the ship comes in from the Pacific coast it must be lowered 20 feet, if the water is below that in the canal. If it is going out it must wait until the water is raised 20 feet inside before it can pass out into Panama Bay.

Mr. FORAKER. Is there to be a lock there as well as a gate?

Mr. PERKINS. A lock is contemplated, and necessarily so, the report of this engineer says.

Mr. CARTER. I presume that a vessel, for instance, coming through the canal from the north and facing a solid body of water in the ocean held by a gate 25 feet higher than the water in the canal would of necessity have to go through a lock in order to avoid being submerged, or wait, as the Senator from West Virginia [Mr. SCOTT] suggests to me, until the mean tide has been reached.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from South Dakota?

Mr. PERKINS. Certainly.

Mr. KITTREDGE. If the Senator from California had read the reports of the engineers regarding this tidal lock, or remembered them, he would not have permitted the inaccurate statements to have gone unchallenged. The tide on the Pacific varies from 11 to 21 feet, and it does not mean that you are confronted by a wall of 20 or 30 feet of water or anything of the sort. Many of the engineers tell us that a tidal lock is absolutely unnecessary at the Pacific coast. The tidal lock was mentioned and put in the report simply in an excess of caution to operate as a gate or break, whatever you may call it, and also in case of necessity to enable boats to pass in and out.

Mr. HOPKINS. Will the Senator from California yield a moment before the Senator from South Dakota takes his seat? I confess I have not understood the testimony as the Senator has expressed it. What engineer has said that it is unnecessary to have a tidal lock on the Pacific side?

Mr. KITTREDGE. I am unable to give the name of the engineer; but that testimony appeared before our committee, and is in the record as a part of the proceedings before the Committee on Interoceanic Canals.

Mr. HOPKINS. Some of the engineers have said that that lock could be opened a part of the time; but that is denied by the American engineers and, in my judgment, by the best engineering testimony that we had before us.

Mr. PERKINS. Mr. President——

Mr. HOPKINS. It has been suggested by some of the foreign engineers that it could be open a part of the time, but the American engineers have contended that in the canals abroad where they supposed they could be open it has been found for safe navigation that they should be closed.

Mr. KITTREDGE. If the Senator will yield further——

Mr. PERKINS. Certainly.

Mr. KITTREDGE. The engineers of whom the Senator from Illinois has just spoken all agree that for at least half the time the gates stand wide open.

Mr. HOPKINS. I beg the Senator's pardon. I do not understand the evidence that way.

Mr. PERKINS. Mr. President, here is the CONGRESSIONAL RECORD giving an account of the Coast and Geodetic Survey's report, which shows that the average mean tide at Panama is 16 feet. What I am giving is not what I say, but is a quotation from what William Ham Hall says, a man of the highest standing in his profession as a civil engineer and a member of the American Society of Technical Engineers. His testimony has never been impeached; neither has he ever contradicted himself, as Mr. Engineer Hunter has done.

Mr. FORAKER. Mr. President, I want to call the Senator's attention to the fact that Mr. Hunter has come into this matter, in discussing what his testimony is, in a way that ought to protect him from any reflections upon him that are not really necessary. I find that the President of the United States requested the Government of Great Britain to nominate some engineer, and that the President, when the Government of Great Britain had nominated Mr. Hunter, appointed him and requested him to come here and render this service. It does not seem to have been a matter about which there was any higgling or dickering or bargaining with a view to have a consideration named, but that he did it like men very frequently engage in work of world-wide importance.

While it is said here that he was at one time in favor of a lock canal and is now in favor of a sea-level, and while it does not appear that there is any explanation given for that change of mind, or apparent change of mind, yet, from reading what I have after Mr. Hunter, he appears to me, at any rate—and I am sure I have no bias about it—in an entirely creditable way. He seems to be a man who is seeking to give us the benefit of his judgment. He may be mistaken about it, but I think, under all the circumstances, he ought to be spared here in our discussion from anything like a reflection upon him, because it is impossible for him to defend himself.

Mr. PERKINS. I fully agree with my friend from Ohio. I have been particularly careful not to reflect upon him. I simply have read an extract from his first report and also from the letter that was placed upon our desks. I said I was unable to reconcile the difference; I will leave it to him to do. If that is not the most charitable criticism one can make of another, I do not know what is.

Mr. FORAKER. The remark I referred to more particularly was the one made by the Senator earlier in the course of his remarks, when he said he would prefer a man who was acting from patriotic and public-spirited impulses rather than a man who had come here for a consideration.

Mr. PERKINS. I think I still entertain that view; but I do not mean——

Mr. FORAKER. But I think the Senator might spare Mr. Hunter from reflections of that kind, when he will remember that Mr. Hunter is not in a situation to defend himself. I do not know the man; I never saw him; I have no interest in him.

Mr. PERKINS. My dear Senator, that certainly is not reflecting upon him. I simply thought his letter left something to him to explain, and undoubtedly he will do so to our satisfaction, and that I preferred an American to a foreigner. Of course I presume that is one of my mental infirmities, for which I crave the charity of my friends.

Mr. FORAKER. The Senator said it was entirely agreeable to him to be interrupted, and——

Mr. PERKINS. I like to have interruptions.

Mr. FORAKER. I should like to interrupt him further. What I want to call attention to is that I do not think there is anything in this record which justifies us in concluding that Mr. Hunter is here simply for the compensation that he might be able to realize from it, but he is appointed in a way that is of the highest credit to him.

Mr. PERKINS. I think so.

Mr. FORAKER. Therefore, in reading after him, I think he has shown himself to have given this subject a great deal of careful study. He may have reached wrong conclusions, but I think he is entitled to most respectful consideration in every way.

Mr. PERKINS. I fully concur in what my friend from Ohio has said. No one has more respect and admiration for him, and I will impute to him none but the purest motives. Certainly only by inference have I reflected upon him.

However, the American engineer, Mr. Hall, says:

> I must confess at the outset, therefore, that the proposal to buy the advantage of floating ships from the Atlantic into the canal without lockage at all, at the expense of arranging to lower them into it almost half the time from the Pacific, does not appeal to me as being sound, especially when the cost will be the deepening of the canal 6 to 9 feet for its entire length, and the saving will be only one lock for about a 7 to 10 foot lift. (A foot of these latter figures is on account of the tide at Colon.)

Mr. Hall says further:

> The 6 to 9 feet of excavation would necessarily be the most expensive 6 to 9 feet in depth of the entire cutting. Aside from its being the deepest below water level, and probably the most expensive per cubic yard, it, of course, would lower the whole cutting, slopes and all, that much, and would extend the slopes out farther and make more excavation on them than any 6 to 9 feet above it. I venture to say that its cost would be materially more than the cost of a pair of locks with a 10-foot lift. But aside from any showing on the basis of comparative estimates which might be made on this question, as a broad economic problem it would surely be wasteful to cut a waterway through a land summit to a depth such that vessels would at times have to be lowered into it from the waters it was intended to join. Though a great nation foots the bills and though the national aim is above considering the rate of return to be obtained, still it is the honorable province of the engineer not to lead his client into the violation of broad economic laws by the indulging of mere sentiment.

If the engineering absurdity of a mean-tide level is not adopted, there remains the full-tide level, and this level must be that of full tide at Panama. This would carry through to the Atlantic end of the canal a water surface 7 feet or more

above the range of high tide of the Atlantic. Another lock would therefore be necessary at the Colon end, making a full lock canal, though at tide level. But if we must have two locks at tide level there will be just as great interference with commerce as there would be if there were locks lifting vessels 40 or 60 feet instead of 10. There would be obviously no advantage whatever over a high-level canal, while the cost of excavating down to the tide level would double the cost of the work and, perhaps, more than double the time within which it could be executed. Everyone is, I think, familiar with the figures of cost worked out by Frederick P. Stearns, chief engineer of the Massachusetts metropolitan water and sewage board. The cost of a lock canal, completed in nine years, he gives as $219,000,000; of a sea-level canal, which will take twice as long to build, $410,000,000. The difference in the interest alone on the money borrowed at 2 per cent for construction work is enormous, the saving being $60,000,000 to the time of completion alone. And when we have spent this enormous amount of money, have consumed so many precious years, and have added so many millions of dollars to our interest account, we still have a lock canal, with all the disadvantages which are urged against a canal with locks.

It seems to me, therefore, that the sane and safe plan is that of a high-level canal. Under the sea-level plan we have to lift or lower ships by locks. Why, then, do we not lift or lower them 40, 50, or 60 feet, as the case may be, instead of 10, if by so doing we can have just as efficient a canal, save $200,000,000, nine or ten years, and cut down our canal-interest payments $60,000,000? From every point of view this seems the only wise course to pursue, and I think that until recently that was the general opinion. The recent earthquake in California caused some who held it to modify their views, on the ground that such a disturbance at Panama would be likely to ruin the engineering works incident to a high-level canal. But this very earthquake has demonstrated the absolute safety of such construction as is proposed, and in support of this assertion I will read an editorial from that unimpeachable engineering authority, the Scientific American. In the issue of June 9, 1906, appears the following:

The San Francisco earthquake is responsible for the Senate Committee on the Panama Canal having cast its vote, by a narrow margin of one, in favor of a sea-level canal. To those of us who have followed closely the course of the lengthy hearing before this committee it was evident that there was a growing conviction that the lock canal was the better type to build, and it looked for a while as though there might be a nearly unanimous vote to this effect. The disaster of April 18, however, was bound to awaken solicitude as to the fate of locks and dams at Panama in case a similar disturbance should visit the Isthmus after the canal was built, and the Senate committee, by a vote of six to five, has committed itself to the sea-level canal, its decision being largely due to the imaginary dangers of earthquake.

We say "imaginary," for, as a matter of fact, and we wish to say this with all emphasis, the San Francisco earthquake, so far from shaking our faith in massive monolithic structures of the character that will be used for a lock canal at Panama, has triumphantly vindicated such structures, and proved that they can go through the severest earthquake practically unharmed.

For it so happens that there exist in the line of the main earthquake fault several large earth or cement structures of the same character or built of the class of materials as it is supposed would be imperiled if the lock canal were subjected to earthquake shock. These structures form part of the extensive scheme of works by which San Francisco is supplied with water, and they include several large dams for the impounding of water. The most important of these, Pilarcitos dam, is a mound of earth 120 feet in height and similar in construction to, though much lighter in its total mass and ability to resist destruction, than the Gatun dam at Panama. Another important dam is that by which San Andreas Lake is formed—

This is in California, within some 40 or 50 miles of San Francisco—

and this is a structure of earth and clay, approximately 100 feet in height above the natural surface of the ground. A third dam, which came directly in the line of the earthquake fault, was that at Crystal Spring. This is a concrete structure of unusually massive proportions, which extends to a height of 115 feet above the ground.

Now, it is evident that the conditions were such that the passage of the main line of disturbance through the valley in which these structures have been erected afforded a colossal testing laboratory, in which the strength both of earth and concrete structures of great size was put to a full-sized test. What concrete and earth endured at these places under one of the severest earthquake shocks on record they may be depended upon to endure again, and the lessons taught on that early morning of April 18 are good for all time and any place. The best description of the effect of the earthquake in this region is that given by Mr. Charles Derleth, associate professor of structural engineering at the University of California, whose observations are recorded in a recent article in the Engineering News. The Pilarcitos reservoir he found to be thoroughly intact and full of water, and its great earthen dam was not injuriously affected. Although the main fault line of the earthquake runs through Crystal Spring Lake, it appears to have in no way affected the imperviousness of its bottom, since the reservoir, two weeks after the earthquake, was found to be full of water. The fault line passes directly through the older dam, which separates the lake into halves, yet the dam was not seriously affected. Again, it was found that though the line of disturbance touches the eastern edge of the San Andreas earth and clay dam, which is nearly 100 feet in height, and there is evidence that it was subjected to a most severe shock, it retains the water just as well as it did before the earthquake, and this in spite of the fact that there are cracks running through the ground against which the dam abuts. So, again, the concrete dam at Crystal Spring, 115 feet in height, shows not the slightest crack, although it was subjected to a series of thrusts and pulls in vertical planes along its axis.

It is impossible to resist the force of the argument that if these earthen dams in California could pass uninjured through the severe shock and wrenching to which they were subjected, the much more massive Gatun dam, built in a region where shocks are infrequent and of comparatively moderate intensity, might be considered to be practically earthquake proof. So, again, it may fairly well be argued that if a dam of simple concrete 115 feet in height, endured the ordeal of the earthquake without developing a single crack, the 75-foot walls of the Gatun locks, built as they will be, not of simple concrete, but of concrete stiffened, toughened, and thoroughly tied together with steel rods, and with a special eye to resisting earthquake stresses, will present no element of danger to the permanence of the canal.

There is no doubt whatever as to the feasibility of building a canal at Panama of either type proposed. The difference between the two plans resolves itself into a simple question of time and money. Have we so much of both to spare that we need take no heed of the future? Have we forgotten the experience of the French people, who sunk in the enterprise more money than it would cost to build a lock canal and after years of weary delay refused to contribute more? Are we to become heirs to the scandals which surrounded the French undertaking, begun under as favorable auspices as has our own; and is postponement and delay again to disgust the world with the whole scheme, with an American reproduction of the French fiasco at the end?

A canal with locks can be built in eight or nine years if work is conducted on business principles and removed from the influence of politics. Divide the canal route into sections and give each section to the lowest responsible bidder, and you will have results—not otherwise. If the canal is to be built at all it must be built by business men and under business methods, such methods as have built the great railroads of our country, such methods as have developed the mines of our country, such methods as have reclaimed the swamps and the valleys and made them bloom like a green bay tree. We must bring to our aid business principles and conduct this work on business lines, uninfluenced by political or other considerations. If the canal is to be built at all it must be built on those lines. Under the efficient management of men experienced in great undertakings of this kind a canal can be constructed that will be more efficient in all respects than such a sea-level canal as is contemplated. It could be deepened to 50 feet and widened to 300 at a small fraction of the cost of excavating 85 feet of earth along the entire course and then obtaining not only a canal with locks, but a canal of insufficient width and a depth at the limit of safety, which width and depth could not be increased without enormous expense and at the cost of suspension of traffic. To construct a sea-level canal of the dimensions to safely provide for commerce would require the expenditure of fully $600,000,000, for practically twice as much work would have to be performed, and we should then have only a lock canal whose capacity would be limited by the work of the lock itself. This proposed narrow canal of 150 feet in width at the bottom is wholly inadequate for the purposes of commerce. We should have only a lock canal whose capacity would be limited by the work of the lock itself.

I have been asked, in passing, what I know about lock canals. Mr. President, in this country we have one of the greatest lock canals in the world, and the same principles upon which that is conducted this Panama Canal would be conducted. Last year there passed through the Soo Canal, which connects, as you know, Lake Superior with Lake Huron, 44,000,000 tons of freight in vessels. In one day alone, I am informed, over forty vessels passed through that canal. So, if we construct this lock canal, its facilities will be such that it will give transportation to all vessels that desire to pass through it, while a sea-level canal has many disadvantages for vessels while en route through the canal. No more vessels could go through in a day than the number that the lock could handle, and in consequence a lock of similar capacity on the Atlantic end would not interfere in the least with the efficiency of the canal. Therefore should we expend even four times as much money and time on a sea-level canal as we propose to spend on a lock canal, we should in the end have a waterway in no way more efficient than one constructed on a higher level. A sea-level system of the dimensions proposed would not be so efficient as the proposed lock canal on account of deficient width. It is so narrow—150 feet bottom width—that large vessels would find it extremely difficult of navigation unless all should move in the same direction at the same time. All of this is avoided in the high-level canal through the lake system which is one of its features, and navigation in both directions would never be impeded. There can be not the slightest doubt that this lake system would make a high-level canal more efficient than a "little, narrow, tortuous strip, down at the bottom of everything," for navigation would be far less obstructed, and the

extra lock of the high-level system would be of no disadvantage whatever, for one lock, either at sea level or high level, determines the efficiency of the canal as far as entrances and exits are concerned. To make a sea-level canal as efficient as the high-level system it would be necessary to at least increase the width of the waterway, and this means not only scores of millions of dollars, but years on years of time, and in the end we should have simply a lock canal, whose capacity to handle commerce is governed by the capacity of the lock to handle ships.

It seems to me, therefore, Mr. President, that the question resolves itself simply to this: Are we willing to wait eighteen or twenty years for a canal which will be in no respect better than that which we can have in eight or nine years? Are we willing to pay $400,000,000 for something which is no better than we can get for about half that sum? Are we willing to abandon all business principles in this connection, as did the French, and sow the seed which will later ripen into a harvest of scandals as nauseous and as fatal to national reputation as were those growing out of the defunct Panama Canal companies' work on the Isthmus and at home? Are we willing to bring into this great project the element of delay, which will as surely kill it as it did the French scheme? If we wish to declare the doom of the Panama Canal, we can do so no better than by voting that the canal shall be dug to sea level. If we so vote, we shall in my opinion, as I understand this question, be recreant to our duty if we do not refuse to appropriate a dollar for the scheme. The sea-level proposition means, in my opinion, that there will be no Panama Canal constructed by the United States; certainly not in this generation. If we are in earnest in this matter, let us look at it in a business way and secure results. The canal is proposed for the benefit of commerce. Then let that be built which is most efficient and consumes least time and money, for commerce is waiting upon it. We have made a declaration to the world that we will build this canal. Let us do it, and those of us who are participating here to-day may see the realization of our hopes in the completion of this great work. An extra ten years would bring about changes and complications that might change the entire complexion of affairs. We can see ahead eight or nine years with sufficient clearness to shape our course. We can hardly do so twenty years away. The only thing that we are certain of is that, should we wait twenty years and should we then by chance find that a canal had been built, we should find that it was a lock canal after all, which could not handle traffic any better than the lock canal that was killed and which, had it been built, would have been passing ships between the Atlanic and Pacific for twelve years.

I believe, Mr. President, that the best interests of this country demand the construction of the lock canal. I believe the recommendations of those who have given thought and consideration to the construction of the canal should be considered, and that the Senate should vote in favor of the construction of a lock canal.

Mr. PROCTOR obtained the floor.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from South Dakota?

Mr. PROCTOR. Certainly.

Mr. KITTREDGE. Upon the subject of currents, which the Senator from California mentioned, I venture to read just a sentence from the report made by the Board of Consulting Engineers upon that subject.

Mr. HOPKINS. From what page?

Mr. KITTREDGE. Page 176. It is as follows:

In the Suez section the velocity of the current very often exceeds 0.60 meter (1.96 feet) per second (2,160 meters per hour, or 1.1 knots), and reaches at times 1.35 meters (4.42 feet) per second (4,860 meters per hour, or 2.6 knots).

In the latter case the ships do not steer very well with the current running in. However, the navigation is never interrupted on account of the current.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from California?

Mr. PROCTOR. Certainly.

Mr. PERKINS. I want to say, in answer to my friend from South Dakota [Mr. KITTREDGE], that there is no comparison whatever between the Panama Canal and the Suez Canal. A few minutes ago I looked up the curvatures of the Suez Canal as compared with those of the Panama Canal. The Suez Canal is 104 miles long, and it has only fifteen curves, with a total curvature of 467 degrees. The Panama Canal is 49 miles long and has nineteen curves, of 597 degrees. The total curvature of the Suez Canal is about 13 per cent of the route, while that of the Panama Canal is 39 per cent of the whole canal, and in some of the narrow cuts it is as high as 47 per cent. Then, there are other differences in favor of navigating in the Suez Canal as compared with the Panama Canal. On each side of the Suez Canal is sand, while the Panama Canal two-thirds of the way is hard rock, besides being narrower.

Mr. PROCTOR. Mr. President, in considering the isthmian canal question, I have tried to commence my investigations at the beginning. I regret to say that I have not had time to bring down my researches to within three hundred years and over of the present time; but I am glad to give the results so far as I have gone.

The earliest mention I have found of a canal across the Isthmus is in a book entitled "The Discouveries of the World," composed by the noble and remarkable Capt. Antonio Galvano, in which he speaks of the visit of one Saavedra, "cosen unto Cortes," in 1529. On page 179, under the heading "Discouveries of the Spanyards," is the following paragraph:

Saavedra perceiuing that the time and weather was then somewhat better for his purpose, made saile towards the firme lande and (isthmus of the) citie of Panama (it being not more than 17 or 18 leagues across), where he might unlade the cloues and marchandise which he had, that so in cartes it might be carried (across the plains) fower leagues to the riuer of Chagre, which they say is naulgable, running out into the North Sea not far from Nombre de Dios, where the ships ride which come out of Spaine, by which way all kinde of goods might be brought unto them in shorter time and with lesse danger then to saile about the Cape of Bona Speranca. For from Maluco unto Panama they saile continually betweene the Tropickes and the line, but they neuer found winde to serue that course, and therefore they came backe againe to Maluco very sad, because Saavedra died by the way, who, if he had liued, meant to haue opened the land of Castillia de Oro and New Spaine from sea to sea, which might have beene done in fower places, namely, from the Guife of San Michael to Vraba, which is 25 leagues, or from Panama to Nombre de Dios, being 17 leagues distance, or through Xaquator, a riuer of Nicaragua, which springeth out of a lake three or fower leagues from the South Sea and falleth into the North Sea, whereupon doe saile great barks and crayers. The other place is from Tecoantepec through a riuer to Verdadera Cruz, in the Bay of the Honduras, which also might be opened in a streight. Which if it were done then they might saile from the Canaries unto the Malucos under the climate of the zodiake in lesse time and with much lesse danger then to saile about the Cape de Bona Speranca or by the streight of Magelan or by the Northwest. And yet if there might be found a streight there to saile into the sea of China, as it hath beene sought (it would doe much good).

In 1551, the year following the appearance of Galvano's book, the Spanish historian, Lopez Gomara, thoroughly convinced of the immediate importance of the project, addressed a special plea to his master Philip, urging him to undertake the work for the further glory of Spain. Three routes he declared to be feasible for this purpose—Tehuantepec, Nicaragua, and Panama.

It is true—

He wrote—

that mountains bar the passes—but if there are mountains, there are also arms—take but the resolve, and the means to do it will not be lacking; the Indies toward which the passage will be opened will furnish them. To a king of Spain, with the riches of the Indies at his doorway, when the end to be obtained is the commerce in its products, the barely possible becomes easy.

Philip appointed two Flemish engineers to have surveys of the routes; but partly because of their unfavorable report, and partly because of reasons of state connected with the mining monopoly, the King, by advice of the council for the Indies, disapproved the plan, and went so far as to forbid any of his subjects to propose it again on pain of death.

The next mention I find of the canal project is in Acosta's History of the Indies (see Hakluyt, vol. 60, p. 135). Joseph de Acosta, a Jesuit, left Spain in 1570 to go to Peru to do missionary work, and it was on his way there that he crossed the Isthmus of Panama. He says:

They say that hee that first discovered this sea ["South Sea"—as it was then called] was called Blasco Nunez de Balboa, the which he did by that part which we now call Tierra Firme, where it growes narrow, and the two seas approach so neere the one to the other that there is but seaven leagues of distance, for although they make the way eighteene from Nombre de Dios to Panama, yet is it with turning to seeke the comoditie of the way, but drawing a direct line the one sea shall not be found more distant from the other. Some have discoursed and propounded to cut through this passage of seaven leagues, and to joyne one sea to the other, to make the passage from Peru more commodious and easie, for that these eighteene leagues of land betwixt Nombre de Dios and Panama is more painefull and chargeable then 2,300 by sea, whereupon some would say it were a meanes to drown the land, one sea being lower then another. As in times past we finde it written, that for the same consideration they gave over the enterprize to win the Red Sea into Nile, in the time of King Sesostris, and since, in the empire of the Ottomans. But for my part, I hold such discourses and propositions for vaine, although this inconvenient should not happen, the which I will not hold for assured.

I call this to the especial attention of the Senator from Nebraska [Mr. MILLARD] and the Senator from South Dakota [Mr. KITTREDGE]:

I beleeve there is no humaine power able to beat and brake downe those strong and impenetrable mountaines, which God hath placed betwixt the two seas, and hath made them most hard rockes to withstand the furie of two seas. And although it were possible to men, yet, in my opinion, they should fear punishment from heaven in seeking to correct the workes which the Creator by His great providence hath ordained and disposed in the framing of this universall world.

Although not the first to make mention of it, the fertile mind of the great explorer Champlain passed upon this suggestion of an interoceanic canal, and in the Narrative of his Voyage to the West Indies and Mexico in the years 1599–1602 (see Hakluyt, vol. 23, p. 41) I find the following remarkable passage:

One may judge that if the 4 leagues of land which there are from Panama to this river were cut through one might pass from the south sea to the ocean on the other side, and thus shorten the route by more than 1,500 leagues; and from Panama to the Straits of Magellan would be an island, and from Panama to the New-found-lands would be another island, so that the whole of America would be in two islands.

I am glad to submit these quaint extracts to be printed, especially the one from Champlain, the first white man to visit the lake which bears his name and to set foot on Vermont soil, in 1609, eleven years before the landing of the Pilgrims.

The shot from his arquebus at the war party of Iroquois was the first sound of firearms to wake the echoes of the Adirondack and Green Mountains. It was the opening gun on Lake Champlain, destined for the succeeding one hundred and fifty years to be the scene of many conflicts by land and water.

I will say that Champlain was a Frenchman who lived in the southwest corner of France, next to Spain. He engaged when quite young to go as an assistant with an uncle who had contracted to send supplies for the Spanish Government to their colonies in this country. In his travels through the West Indies and Mexico he was intrusted with responsibility, and made such a reputation that he was sought for by the French Government when he returned and was put in charge of the mission to Canada.

Leaving Spain in 1598, Champlain spent three years in the West Indies and Mexico, crossing the Isthmus from Porto Bello to Panama and viewing the Pacific Ocean from Panama Harbor. He kept records of all his travels, fully illustrated by his own hands, and these quaint and interesting narratives have been preserved through the publications of the Hakluyt Society, of London.

Among the great pioneers on this continent he had no superior—in my view no equal—in general ability. Poorly supported by his home government, burdened by tremendous responsibilities, in the face of seemingly insurmountable obstacles, he was at once a constructive statesman of a high order, a soldier, sailor, explorer, author, diplomat, and executive, and withal a Christian gentleman.

Mr. President, if there is nothing more to be said upon the canal question, I think that ought to be a fitting close to it, and I would ask that the——

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from South Dakota?

Mr. PROCTOR. I do.

Mr. KITTREDGE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 3743. An act to confirm the right of way of railroads now constructed and in operation in the Territories of Oklahoma and Arizona;

S. 4954. An act authorizing Capt. Ejnar Mikkelsen to act as master of an American vessel;

S. 5512. An act defining the qualifications of jurors for service in the United States district court in Porto Rico;

S. 6333. An act authorizing the Secretary of War to acquire for fortification purposes certain tracts of land on Deer Island, in Boston Harbor, Massachusetts;

S. 6462. An act granting lands to the State of Wisconsin for forestry purposes; and

S. R. 52. Joint resolution authorizing the Secretary of War to donate to the board of trustees of Vincennes University, Vincennes, Ind., such obsolete arms and other military equipments now in possession of said university, to be used in military instruction.

The message also announced that the House had passed a joint resolution (H. J. Res. 21) authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of the Chesapeake and Delaware bays; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution authorizing the Secretary of War to cause an examination and survey to be made of the harbor at Duluth, Minn., etc.; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1442) to increase the efficiency of the militia and promote rifle practice; and it was thereupon signed by the Vice-President.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 21. Joint resolution authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of the Chesapeake and Delaware bays; was read twice by its title, and referred to the Committee on Commerce.

SURVEY OF HARBOR AT DULUTH, MINN.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which, on motion of Mr. NELSON, was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the harbor at Duluth, Minn., including the entrance thereto, with a view to determining what modifications of the present plan, if any, are desirable.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I ask that the Senate resume consideration of the action of the House on the agricultural appropriation bill.

There being no objection, the Senate resumed consideration of the action of the House of Representatives disagreeing to certain amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, agreeing to amendment No. 29 with an amendment, and requesting a conference on the disagreeing votes of the two Houses.

Mr. McCUMBER. Just before taking up the consideration of the canal bill, the Senator from Wyoming [Mr. WARREN] was addressing the Senate upon this subject, and I assume that he did not finish his address at that time. I do not wish to take his place, although I desire to make some remarks upon the matter.

Mr. WARREN. I am willing that the Senator from North Dakota shall proceed.

Mr. McCUMBER. I will be very brief, occupying only a very few minutes.

Mr. President, when this amendment came before the Senate and was adopted without any discussion, my belief is that very few of the Senators had taken the trouble even to read it over. They had not been apprised, at least, of the fact that it would become a part of this appropriation bill. While it was being read I simply listened, but there were features in it which at that time necessarily challenged one's attention, and features of a legal nature. The amendment provided, as I understand, for the inspection of canned meat of all kinds, without reference to where it was to be used. I know there is a provision whose intendment is that it shall apply only, of course, to interstate commerce and those products which are to become articles of interstate commerce. But I am afraid that they are so blended together that there is danger of a court holding that the amendment may be unconstitutional as dealing with matters which are purely of State cognizance—that is, those over which we have no control by reason of the provision in the Constitution relating to interstate commerce.

We can not exercise police power in the States. There is no question about that. Very well. If we limit the law absolutely to products which are to go into interstate commerce, then there can be no question in my mind of our authority to inspect for that very purpose—that is, the purpose of determining what shall enter into interstate commerce. There is but one rule to guide us in matters of this kind. If it is a question simply of police control, then Congress has no power over it. If it is a question simply of commerce, then Congress has control over it so far as it is interstate commerce.

Many of the beeves and calves and sheep and hogs which are to be inspected undoubtedly will be used in the State of Illinois or in the city of Chicago alone. Over those we could not attempt to exercise any control, provided the question was brought up where that right was questioned by the packers. So I hope the conferees will carefully look into that provision of the bill.

Mr. President, I received very shortly after this amendment passed the Senate telegrams from my State which indicated that they came, not as the first thought and first impulse of the shippers of my State, but came as the result of the im-

portunities of the great packing houses in the city of Chicago and elsewhere. The very fact that they were stereotyped in form indicated that very clearly. All of the first ones that came were in the form of a request that we ask the Secretary of Agriculture to publish the fact that the inspection both for domestic and foreign purposes was complete and thorough. I could not give an affirmative response to that request, for the reason that I was not certain that it had been thorough, and I simply submitted the question to the Secretary of Agriculture to determine whether or not it had been thorough. If it had not been, I was certain that he would not, for the benefit of the packers or for the benefit of the raisers of cattle, certify to anything not absolutely true.

Mr. President, I believe that the raisers of cattle in my State agree with me upon this one stand: They do not want the packers, even for their benefit, to sell over the country meats that are unfit. They do not wish to take advantage of any fraud that may be perpetrated by the packers throughout the country. They wish honest inspection, and they wish honest meats sold throughout the United States, and they want the same to go to foreign countries.

The second set of telegrams that have come here show also the stamp of the great packing houses. The Senator from Vermont has read some of them. Here is one:

We strongly urge your support for passage of meat bill requiring rigid inspection at Government expense.

So far as the first part of the telegram is concerned, I believe it represents the deliberate judgment of the raisers of cattle in my State. So far as the other portion is concerned, I do not believe it represents their candid and deliberate judgment, but that it comes, as I have stated, from the interests at Chicago. I believe in the first part of the telegram, because I think the cattle raisers, in common with the public throughout, demand and insist that this disgraceful operation, if I can follow what has been given in the reports, shall absolutely cease, and they do not wish to benefit by any fraudulent practices. The other portion, I say, does not, in my mind, represent their deliberate judgment, and therefore I wish to go into that subject for a little while.

Why should the raisers of cattle be so solicitous about saving the packers the sum, we will say, of $3,000,000 a year, provided that is the sum necessary for proper inspection? What interest is it on their part to make the public pay for advertising for the packers in Chicago or anywhere else? Is this not an advertisement? What better advertisement can any corporation producing any commodity have than the stamp of the United States that it is pure and perfect? The moment we passed our other law upon meat inspection our meats, which had been challenged in every market in Europe, found a demand in every one of those markets, and the great wealth that has come to the packers of this country has come through the fact that they have had Government inspection on all the exports of meat. The Government stamp upon meat means the same as the Government stamp upon the silver dollar. It counts for what it says it is in every market of the world. It means that the goods with that stamp upon them will go into any market across the ocean and that they will be purchased upon what that stamp signifies.

The assumption is that the producer of stock or else the consumer will have to pay the inspection fee, if it is paid in the first place by the packer. Why? Because if the packer is compelled to pay $3,000,000 a year for the purpose of inspection, it will necessarily follow, according to their argument, that the packer will make it up upon somebody, and he will probably make it up on the producer of the cattle or the consumer. He will make it up whether we vote for this provision or not. It makes no difference, because it is absolutely in the packer's power to determine what he will pay for stock at the stock yards. It is absolutely in his power to-day to determine what prices he will fix to the consumer for the meat consumed.

How has this become so? Thirty years ago I used to visit the stock yards in the city of Chicago. I used to observe the method of bidding. A man might have his stock in the yard for one or two or three days. The first bids might be light, but there was absolutely competition, and before he left he got practically what his property was worth. So, at that time, the small packer, with competition, had to go into the market and sell his meats as low as anyone else would sell them. Gradually this great demand on the part of the American people to get things cheaper, to produce things more economically, led to, first, two of these great concerns combining. That cut off just so much competition; and we found, as the years went by, every new combination cut off so much more of our competition, until finally the result was that one great combination cut off entirely all competition in the stock yards; and the man who goes there to-day will find that if Armour makes a bid the Swift Company makes no bid, or at least will go no higher.

In the selling now the same rule applies. First one great corporation and then another went out of existence or was combined with the greater one, until this great octopus controls enough of the business so that it is necessary for the American public to go to it for its meats.

Now, what is the result? The result is simply this: There is but one commercial principle that governs in the buying of cattle and the selling of the meat products. What is it? It is this: If you place your purchasing price so low in the market in the purchase of an article as to make it absolutely impossible for the producer to produce it at any profit, you destroy the source of your supply. The other is, if you raise your price of meats so high that the public can not afford to buy them, but must take other things in the place of meat, you destroy the field of consumption. So the rule is this: Just give enough so that the farmer or stockman can live and sell his products; just hold your prices at such a figure that the public will be compelled to buy, without driving them into other lines of consumption. There is right where we are, and I say that is the condition which meets the stock raiser in our State, and the only remedy on earth that will remove this condition is to destroy in some way the great combination. We are going to injure, we are going to cripple it to a great extent in the enforcement of the new railway law or the enforcement of the old one, because the public now is getting in favor of that.

Now, on what principle are we to protect this industry? Is it an infant industry which needs the protection of the Government of the United States? That infant industry has grown so powerful that it holds the public by the throat to-day, and we are helpless in its great grasp. So, Mr. President, there is no occasion that I can see for our cattlemen to ask that the public, who are paying to-day 50 per cent more than they ought to for their meats, considering the prices at which cattle are being purchased, shall have this extra burden placed upon them. I have had a little experience in dealing with these great corporations and trusts.

The same thing is true in the great elevator trusts in our country. I remember possibly fifteen years ago when we were dissatisfied in our section of the country with the grades we were receiving at the terminals. The farmers got together. They built a good elevator and commenced buying grain. They gave better grades. They carried it on for less than a week when the old-line elevators raised the price 2 or 3 cents above what the farmers' elevator was paying. They still went on. The old-line elevators raised another 2 or 3 cents a bushel, and they held the prices there until the farmers' elevator was broken, because they could not do business at a loss. How did the old-line elevators recoup? They immediately went to those places where there was no competition whatever, in the other elevators along their line, and by dropping the price to the producer a half or three-quarters or a cent a bushel the trust made $1 where they lost 1 cent in dealing with the farmers' elevator.

This is the condition of the public in reference to the great meat trust of the country. The trust can make up their loss. They have such complete control that they can go into the fields where there is little competition and by raising the purchasing prices a little they are able to drive out any small concern, unless it goes into the field with a capital practically as great as that of the combination itself.

Mr. President, we can not meet these conditions by simply buying off the great packing establishments of the country. We can not bribe them with a fee of $3,000,000 a year to pay better prices to the producers of cattle; and I for one am not willing to go into the question of bribery, even to make our own people greater profits in the sale of their cattle. I do not believe they would get one cent better price for it.

Now, Mr. President, about the dates upon the cans. The canning industry is very ancient. I read a great number of years ago that in the excavations in the old country they had found in the ruins of Pompeii canned vegetables that were still in a state of preservation. I read only the other day in the press, and it was given out as authentic, that they had discovered the heart of Rameses II, some 4,000 years old, which had been carefully canned and pickled all of these years.

Yet, Mr. President, while it is possible to keep things in a certain condition for a number of years, we all know chemical changes are gradually taking place. The Senator from Vermont [Mr. PROCTOR] would recognize immediately the difference between an hermetically sealed can of maple sirup of a year ago and that of this spring. Although no air touches it, chemical changes bring about results which are to the detriment of it.

That is true of all canned goods. It is absolutely true of

meat, as well as any other character of goods. I have stood here year in and year out in favor of compelling the dealer in food products to deal honestly with the consumer and the public. I stand upon that same proposition to-day—to compel at least the year to be placed, and I think the month ought to be placed, upon every can of these products that go from the canneries. I gave here but a short time ago the fact of thousands upon thousands of cans of veal that were sold and marketed as spring chicken. If the mark of 1890 had been placed on the meat when it was canned, although it was veal, we never would have bought it for spring chicken at least.

What right have the packers to deceive the public with reference to the age of their meats? I do not know that they will gain anything by the provision, or that they will lose anything by it, because naturally they will ship out and sell the oldest and keep that out continually, but we will know whether we are buying meat that is 6 months old or 6 years old. If there has been no change in five years, we can just as well say that there will be no change in fifty years, but no sensible man will subscribe to that doctrine. If the meats are old and spoiled, or if they have undergone a chemical change, we who are using them ought to know it.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

RECESS.

Mr. NELSON. I desire to call the attention of the Senator from Illinois to the fact that it was agreed to-day, on motion and by unanimous consent, to take a recess at 6 o'clock.

The VICE-PRESIDENT. The motion was that the Senate should take a recess not later than 6 o'clock until 8 o'clock.

Mr. KEAN. It is now one minute of 6.

The VICE-PRESIDENT. The Senator's motion is in order.

Mr. CULLOM. If there will be no time to transact any business after we get into executive session, I will not make the motion.

The VICE-PRESIDENT. The Chair will be obliged to declare a recess at 6 o'clock.

Mr. BEVERIDGE. I desire to ask the Chair whether the agreement for to-night is simply for the purpose of considering the sundry civil appropriation bill?

The VICE-PRESIDENT. It is simply to consider the sundry civil appropriation bill.

Mr. WARREN. Only that bill?

The VICE-PRESIDENT. Only that bill. The hour of 6 o'clock having arrived, the Senate will take a recess until 8 o'clock this evening.

Mr. BEVERIDGE. Mr. President——

Mr. WARREN. I wish to say that I was cut off in my remarks this morning by the expiration of the morning hour. I assumed when the Senator from North Dakota rose that he wished to introduce telegrams in answer to some observations that I made just before I closed. It was a very interesting speech made by the Senator, and I am glad that he has used the time. I wish to say, however, that I will ask a little time to continue my remarks when this question comes up again. I think, one side having so far used the time, there should be a little evidence offered on the other side.

The Senate thereupon (at 6 o'clock p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. PERKINS. In the temporary absence of the acting chairman of the committee, I ask that the formal reading of the bill be dispensed with, and that the amendments of the committee be considered as they are reached in the reading.

The VICE-PRESIDENT. The Senator from California asks that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Without objection it is so ordered. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was in the items "Under the Treasury Department," on page 2, after line 21, to insert:

Cheyenne, Wyo., public building: For completing approaches, subdividing and finishing the attic story, and increasing the business facilities of the building, $15,000.

The amendment was agreed to.

The next amendment was, on page 9, line 1, to increase the appropriation for repairs and preservation of custom-houses, court-houses, and post-offices, marine hospitals and quarantine stations, buildings and wharf at Sitka, Alaska, etc., from $420,000 to $440,000.

The amendment was agreed to.

The next amendment was, on page 9, line 13, to increase the appropriation for heating, hoisting, plumbing, and ventilating apparatus, and repairs to the same, for all public buildings, including quarantine stations and marine hospitals, under the control of the Treasury Department, etc., from $365,000 to $390,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 13, to insert:

Buildings for the Departments of State, Justice, and Commerce and Labor: To enable the Secretary of the Treasury, in his discretion, to acquire, by purchase, condemnation, or otherwise, the whole of squares No. 226, 227, 228, 229, and 230, in the city of Washington, and toward the erection of one or two buildings thereon, $3,000,000. That part of C street, Ohio avenue, D street, and E street lying between the squares named herein is hereby made a part of the site authorized by this act. That should the Secretary of the Treasury decide to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, such proceedings shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (U. S. Stat. L., vol. 26, ch. 837). That a commission, to be composed of the Secretary of State, the Secretary of the Treasury, the Attorney-General, the Secretary of Commerce and Labor, and the Superintendent of the Capitol Building and Grounds, which is hereby created, shall report to Congress preliminary plans and an estimate of cost for one or two buildings to be erected on said site, for the use of the Departments of State, Justice, and Commerce and Labor, and for other governmental purposes, said preliminary plans and estimate of cost to be paid for out of the appropriation herein made.

The amendment was agreed to.

The next amendment was, under the subhead of "Revenue-Cutter Service," on page 15, line 9, after the word "surgeons," to insert "two civilian instructors, one at $1,800 and one at $1,500;" so as to read:

For expenses of the Revenue-Cutter Service: For pay and allowances of captains, lieutenants, engineer in chief, chief engineers, assistant engineers, and constructor, Revenue-Cutter Service, cadets, commissioned surgeon; two contract surgeons, two civilian instructors, one at $1,800, and one at $1,500, and pilots employed, and rations for the same, etc.

The amendment was agreed to.

The next amendment was, on page 18, line 3, after the word "dollars," to insert: "and the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for such construction at a cost not to exceed $250,000, the limit fixed by said act;" so as to make the clause read:

Toward the construction of a steam vessel specially fitted for and adapted to service at sea in bad weather, for the purpose of blowing up or otherwise destroying or towing into port wrecks, derelicts, and other floating dangers to navigation, said vessel to be operated and maintained by the Revenue-Cutter Service under such regulations as the Secretary of the Treasury may prescribe, as authorized by the act of Congress approved May 12, 1906, to be immediately available, $100,000; and the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for such construction at a cost not to exceed $250,000, the limit fixed by said act.

The amendment was agreed to.

The next amendment was, under the subhead of "Interstate Commerce Commission," on page 23, line 1, after the word "to," to strike out "properly carry out the objects of" and insert "give effect to;" so as to read:

For all other necessary expenditures, to enable the Commission to give effect to the act to regulate commerce, and all acts and amendments supplementary thereto, including the joint resolution "instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies in coal and oil, and report on the same from time to time," approved March 7, 1906, etc.

The amendment was agreed to.

The next amendment was, under the subhead of "Miscellaneous objects, Treasury Department," on page 25, line 22, before the word "silver," to strike out "fractional;" so as to read:

Transportation of silver coin: For transportation of silver coin, including fractional silver coin by registered mail or otherwise, etc.

The amendment was agreed to.

The next amendment was, on page 27, line 2, before the word "counters," to strike out "three" and insert "four;" and in the same line, after the word "watchmen," to strike out "one laborer" and insert "two laborers;" so as to make the clause read:

Distinctive paper for United States securities: For distinctive paper for United States securities, including expenses of transportation, salaries of register, assistant register, four counters, five watchmen, two laborers, and of officer detailed from the Treasury as superintendent, $308,900.

The amendment was agreed to.

The next amendment was, on page 28, after line 19, to insert:

General inspector of supplies for public buildings: For one general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the

Senate, $3,000; and for actual necessary expenses, not exceeding $2,000; in all, $5,000.

The amendment was agreed to.

The next amendment was, on page 30, line 15, to increase the appropriation for the purchase of fuel, steam, light, and water for public buildings from $1,200,000 to $1,240,000.

The amendment was agreed to.

The next amendment was, on page 32, line 23, to reduce the appropriation for pay, allowances, and commutation of quarters for commissioned medical officers and pharmacists in the Public Health and Marine-Hospital Service from $375,000 to $350,000

The amendment was agreed to.

The next amendment was, on page 33, line 2, to increase the appropriation for pay of all other employees in the Public Health and Marine-Hospital Service from $250,000 to $275,000.

The amendment was agreed to.

The next amendment was, on page 36, line 6, after the date "1907," to insert "And the Secretary of the Treasury is hereby authorized and directed to expend, from the appropriation of $100,000 provided for in section 5 of said act, such an amount as may be necessary to construct a road from the hospital station at Kalawao to the landing site at Waikolu, Molokai; and he is further authorized to construct a landing stage on the landing site at Waikolu, including the necessary appliances for landing supplies;" so as to make the clause read:

Leprosy hospital, Hawaii: The unexpended balance of the $50,000 appropriated by the act of March 3, 1905, for maintenance of the leprosy hospital, Hawaii, for the fiscal year 1906, is hereby reappropriated and made available for the same objects for the fiscal year 1907. And the Secretary of the Treasury is hereby authorized and directed to expend, etc.

The amendment was agreed to.

The next amendment was, under the subhead "Light-houses, beacons, and fog signals," on page 37, after line 8, to insert:

Stonington Breakwater, Connecticut: For erection of a suitable dwelling for the keeper of the light station at Stonington Breakwater, Connecticut, $6,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 11, to insert:

For the following, damaged or destroyed by the earthquake in California, namely:

Cape Mendicino light station, California: For rebuilding of keeper's dwelling, $5,400.

Point Arena light station, California: For rebuilding of light station, $98,900.

Southampton Shoal light station, California: For extraordinary repairs, $17,640.

Bonita Point light station, California: For rebuilding of double dwelling for assistant light keepers, $6,000.

Point Pinos light station, California: For rebuilding of light station, $19,500.

The amendment was agreed to.

The next amendment was, on page 38, after line 2, to insert:

For the following, authorized by the act to authorize additional aids to navigation in the Light-House Establishment, approved June —, 1906, namely:

Nantucket Shoals, Massachusetts: for a light vessel to be placed off Nantucket Shoals, Massachusetts, $115,000.

Ambrose channel, New York Bay: For a light vessel for the sea entrance of the channel, $115,000.

For a light-house on Staten Island, New York, and raising West Bank light, $100,000.

For two lens lanterns and structures for range on the bend, $12,000.

For moving North Hook beacon light, $6,000.

For a tank light vessel, $15,000.

For a stone beacon with gas illuminant on Craven Shoal, $20,000.

For thirteen gas buoys in Ambrose channel and eleven gas buoys in the Gedney and Main Ship channel, $43,200.

For temporary structure to maintain West Bank light while light is being raised and temporary structure for North Hook beacon light while it is being moved, $10,000.

Harbor of refuge, Delaware Bay: For additional amount for establishing a light and fog-signal station on the new breakwater, harbor of refuge, Delaware Bay, $20,000.

Pungoteague Creek, Virginia: For a light station at Pungoteague Creek, Virginia, $8,000.

Light vessel, Brunswick, Ga.: For additional amount for light vessel to be placed off the outer bar of Brunswick, Ga., $25,000.

Southwest Pass light station, Louisiana: For dwellings for three light-house keepers at Southwest Pass light station, Louisiana, $12,000.

Harbor of refuge, Milwaukee, Wis.: For a light and fog-signal station on the south end of the breakwater, harbor of refuge, Milwaukee, Wis., $100,000.

Niagara River, New York: For four range lights, Strawberry Island Cut and channel leading thereto, Niagara River, New York, $13,000.

Isle aux Peches, Michigan: For two range lights, Isle aux Peches, Lake St. Clair, Michigan, $18,000.

Rock of Ages, Lake Superior: For a light and fog-signal station on Rock of Ages, Lake Superior, $100,000.

Makapuu Point, Oahu, Hawaii: For a light station at Makapuu Point, at the Island of Oahu, Territory of Hawaii, $60,000.

Humboldt Bay, California: For a fog signal at the entrance to the harbor at Humboldt Bay, California, $15,000.

Twelfth light-house district: For a steam tender for the use of the light-house engineer of the twelfth light-house district, $150,000.

Columbia River, Oregon: For a light vessel for use off the mouth of the Columbia River, Oregon, $130,000.

Swiftsure Bank: For a steel steam light vessel, equipped with the latest improved light and fog signals, to be anchored upon Swiftsure Bank, off the entrance to Juan de Fuca Strait, at a point at or near 13 miles north, 74° west, magnetic, from Cape Flattery, Washington, $150,000.

Mr. MALLORY. I should like to ask the acting chairman whether these new lights and light vessels have been passed on by the Committee on Commerce, commencing at Nantucket Shoals, Massachusetts, page 38?

Mr. HALE. What is the inquiry?

Mr. MALLORY. I should like to inquire if the light-ship on Nantucket Shoals, light vessel at Ambrose channel, light-house on Staten Island, two-lens lanterns and structures for range on the bend there, and so on, have been before the Committee on Commerce?

Mr. HALE. They have all been approved by the committee.

Mr. MALLORY. All have been approved by the Committee on Commerce?

Mr. HALE. Every one of them.

The amendment was agreed to.

Mr. PERKINS. By permission of the acting chairman, I wish to present a committee amendment. I will state that it was authorized in House bill 19432, and is now a law.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 40, after the amendment just agreed to, after line 21, insert:

A light and fog-signal station, Hinchinbrook, Hinchinbrook Island, Prince William Sound, Alaska, at a cost not to exceed $125,000.

Mr. NELSON. The amendment should read:

A light and fog-signal station, Hinchinbrook Entrance, Prince William Sound, Alaska, at a cost not to exceed $125,000.

Mr. PERKINS. Let the amendment be so modified.

The VICE-PRESIDENT. The question is on agreeing to the amendment as so modified.

The amendment as modified was agreed to.

The reading was resumed. The next amendment was, under the subhead "Light-House Establishment," on page 41, line 10, to increase the appropriation for the supplies of light-houses from $525,000 to $560,000.

The amendment was agreed to.

The next amendment was, on page 41, line 24, to increase the appropriation for repairs of light-houses from $740,000 to $800,000.

The amendment was agreed to.

The next amendment was, on page 42, line 13, to increase the appropriation for expenses of light vessels from $600,000 to $625,000.

The amendment was agreed to.

The next amendment was, on page 42, line 20, to increase the appropriation for expenses of buoyage from $550,000 to $600,000.

The amendment was agreed to.

The next amendment was, on page 43, line 5, to increase the appropriation for expenses of fog signals from $210,000 to $225,000.

The amendment was agreed to.

The next amendment was, under the head of "Coast and Geodetic Survey," on page 46, line 23, before the word "thousand," to strike out "seventy" and insert "eighty-five;" and in the same line, after the word "dollars," to insert the following additional proviso:

Provided further, That not more than $15,000 of this amount may be expended in carrying out the provisions of public act No. 181, approved May 25, 1906.

So as to make the clause read:

For field expenses: For surveys and necessary resurveys of the Atlantic and Gulf coasts of the United States, including the coasts of outlying islands under the jurisdiction of the United States: *Provided*, That not more than $25,000 of this amount shall be expended on the coasts of the before-mentioned outlying islands, $85,000: *Provided further*, That not more than $15,000 of this amount may be expended, etc.

Mr. HALE. There is a matter of date there. It should be May 26 instead of May 25.

The SECRETARY. In the proposed amendment, line 1, page 47, after the word "May," strike out "twenty-fifth" and insert "twenty-sixth."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 48, after line 9, to insert:

For any special surveys that may be required by the Light-House Board or other proper authority, and contingent expenses incident thereto, to be immediately available and to continue available until expended, $12,000.

The amendment was agreed to.

The next amendment was, on page 49, line 5, to increase the total appropriation for field expenses, Coast and Geodetic Survey, from $252,900 to $279,900.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries," on page 54, line 18, before the word "hundred," to

strike out "one thousand eight" and insert "two thousand one;" in line 20, after the word "dollars," to insert "property clerk, $1,600;" on page 55, line 6, before the word "hundred," to strike out "thirty-three thousand six" and insert "thirty-five thousand five;" so as to make the clause read:

Office of Commissioner: For Commissioner, $5,000; deputy commissioner, $3,000; chief clerk, $2,400; accountant, $2,100; stenographer to Commissioner, $1,600; property clerk, $1,600; librarian, $1,200; one clerk of class 4, two clerks of class 3, clerk to Commissioner, $1,600; one clerk of class 1; one clerk, $1,000; two clerks, at $900 each; engineer, $1,080; three firemen, at $600 each; two watchmen, at $720 each; five janitors and messengers, at $600 each; janitress, $480; messenger, $240; in all, $35,540.

The amendment was agreed to.

The next amendment was, on page 55, line 8, after the word "dollars," to insert "assistant architect, $1,600;" in line 10, after the word "dollars," to insert "draftsman, $900;" and in line 12, before the word "hundred," to strike out "four thousand one" and insert "six thousand six;" so as to make the clause read:

Office of architect and engineer: Architect and engineer, $2,200; assistant architect, $1,600; draftsman, $1,200; draftsman, $900; clerk, $720; in all, $6,620.

The amendment was agreed to.

The next amendment was, on page 64, line 19, before the word "thousand," to strike out "fifty" and insert "sixty;" so as to make the clause read:

Propagation of food-fishes: For maintenance, equipment, and operations of the fish-cultural stations of the Bureau, the general propagation of food-fishes and their distribution, including the movement, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, and temporary labor, $260,000.

The amendment was agreed to.

The next amendment was, on page 64, line 25, before the word "thousand," to strike out "fifty-two" and insert "fifty-five;" so as to make the clause read:

Maintenance of vessels: For maintenance of the vessels and launches, including the purchase and repair of boats, apparatus, machinery, and other facilities required for use with the same, hire of vessels, and all other necessary expenses in connection therewith, $55,000.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of the Interior," on page 70, after line 9, to insert:

For equipping the Senate post-office with steel counter, letter boxes, and cabinets, and for metal furniture, $3,000.

The amendment was agreed to.

The next amendment was, on page 70, after line 12, to insert:

Toward the construction of the fireproof building for committee rooms and offices for the United States Senate provided for in the sundry civil act approved April 28, 1904, including not exceeding $500 for the purchase of necessary technical and other books, $950,000.

The amendment was agreed to.

The next amendment was, under the subhead "Surveying the public lands," on page 78, line 2, after the word "surveys," to insert "office examination of surveying returns;" and in line 6, after the words "United States," to insert:

Authority is hereby given for the survey of townships 28 north, ranges 37 and 38 east; 27 north, ranges 38, 39, and 40 east; 29 north, range 40 east, and fractional range 41 east; 26 north, ranges 38, 39, and 40 east, and 30 north, range 40 east, and fractional range 41 east, Valley County, Mont.; also for the survey of the unsurveyed townships lying between the Big Muddy River in Valley County, Mont., and the Dakota line; and the regulations governing public surveys requiring settlers' applications and their examination in the field are hereby waived.

So as to read:

And of the sum hereby appropriated there may be expended such an amount as the Commissioner of the General Land Office may deem necessary for examination of public surveys in the several surveying districts, by such competent surveyors as the Secretary of the Interior may select, or by such competent surveyors as he may authorize the surveyor-general to select, at such compensation, not exceeding $6 per day, except in the district of Alaska, where a compensation not exceeding $10 per day may be allowed one such surveyor and such per diem allowance, in lieu of subsistence, not exceeding $3, while engaged in field examinations, as he may prescribe, said per diem allowance to be also made to such clerks who are competent surveyors who may be detailed to make field examinations, in order to test the accuracy of the work in the field, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and for examinations of surveys heretofore made and reported to be defective or fraudulent, and inspecting mineral deposits, coal fields, and timber districts, and for making by such competent surveyors fragmentary surveys, office examination of surveying returns, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States. Authority is hereby given for the survey of townships 28 north, ranges 37 and 38 east; 27 north, ranges 38, 39, and 40 east; 29 north, range 40 east, and fractional range 41 east; 26 north, ranges 38, 39, and 40 east, and 30 north, range 40 east, and fractional range 41 east, Valley County, Mont.; also for the survey of the unsurveyed townships lying between the Big Muddy River in Valley County, Mont., and the Dakota line; and the regulations governing public surveys requiring settlers' applications and their examination in the field are hereby waived.

The amendment was agreed to.

The next amendment was, under the subhead "United States Geological Survey," on page 82, line 1, after the word "United States," to insert "gauging streams, and determining the water supply;" so as to read:

For general expenses of the Geological Survey: For the Geological Survey and the classification of the public lands and examination of the geological structure, mineral resources, and the products of the national domain, to continue the preparation of a geological map of the United States, gauging streams, and determining the water supply, and for surveying forest reserves, including the pay of necessary clerical and scientific force and other employees in the field and in the office at Washington, D. C., etc.

The amendment was agreed to.

The next amendment was, on page 83, line 3, to increase the appropriation for the preparation of the report of the mineral resources of the United States, etc., from $50,000 to $75,000.

The amendment was agreed to.

The next amendment was, on page 83, after line 17, to insert:

For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $200,000.

The amendment was agreed to.

The next amendment was, on page 83, line 23, before the word "investigation," to strike out "continuation of the;" and in line 24, after the word "to," to insert "and for the use of;" so as to make the clause read:

For the investigation of the structural materials belonging to and for the use of the United States such as stone, clays, cements, etc., under the supervision of the Director of the United States Geological Survey, to be immediately available, $100,000.

The amendment was agreed to.

The next amendment was, on page 84, line 8, after the word "dollars," to insert the following provisos:

Provided, That in examinations, hereby authorized, of fuel materials for the use of the Government of the United States, or for the purpose of increasing the general efficiency or available supply of the fuel resources in the United States, the Director of the Geological Survey may have the necessary materials collected from any part of the United States where they represent extensive deposits; and it shall be the duty of the Director of the Geological Survey to have examined, without charge, the fuels required for use by the Government of the United States, and to give these examinations preference over other work: *Provided further*, That in publishing the results of these investigations the materials examined shall not be credited to any private party or corporation, but shall be collected and described as representing such extensive deposits.

The amendment was agreed to.

The next amendment was, on page 85, line 1, to increase the appropriation for continuation of the survey of the public lands that have been or may hereafter be designated as forest reserves from $100,000 to $125,000.

The amendment was agreed to.

The next amendment was, on page 85, line 14, to increase the total appropriation for the maintenance of the United States Geological Survey from $1,138,320 to $1,538,320.

The amendment was agreed to.

The next amendment was, on page 86, line 12, after the word "while," to insert "he has been and shall be;" so as to make the clause read:

The Secretary of the Interior may, in his discretion, authorize payment to the chief disbursing clerk of the United States Geological Survey from the reclamation fund, while he has been and shall be acting as disbursing officer of said fund, of a sum not exceeding $500 per annum, in addition to the compensation now received by that officer, in consideration of the additional duties devolving upon him in connection with the Reclamation Service.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of the Interior," on page 88, after line 5, to insert:

Ruin of Casa Grande, Arizona: For protection of Casa Grande Ruin, in Pinal County, near Florence, Ariz., and for excavation on the reservation, to be expended under the supervision of the Secretary of the Interior, $3,000.

The amendment was agreed to.

The next amendment was, on page 88, line 21, after the word "Eskimos," to insert "Aleuts," so as to read:

Education in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the education and support of the Eskimos, Aleuts, Indians, and other natives of Alaska, etc.

The amendment was agreed to.

The next amendment was, on page 89, after line 10, to insert:

To enable the Secretary of the Interior to return twenty-two pupils heretofore in the United States Indian school, Carlisle, Pa., to their respective homes in Alaska, $3,705, or as much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 89, after line 15, to insert:

Removal of Lemhi Indians to Fort Hall Reservation, Idaho: The sum of $5,000 appropriated by the act of February 23, 1889, for the removal of the Lemhi Indians to the Fort Hall Reservation, which amount was carried to the surplus fund of the Treasury on June 29,

1895, is hereby reappropriated and made available for said removal during the fiscal year 1907.

The amendment was agreed to.

The next amendment was, on page 90, line 4, before the word "thousand," to strike out "nine" and insert "fifteen;" and in the same line, after the word "dollars," to insert "of which $5,000, or as much thereof as may be necessary, may be used by the Secretary of the Interior at his discretion in placing a herd of not exceeding 300 reindeer on the island of Unalaska;" so as to make the clause read:

Reindeer for Alaska: For the support of reindeer stations in Alaska, and for the instruction of Alaskan natives in the care and management of the reindeer, $15,000, of which $5,000, or as much thereof as may be necessary, may be used by the Secretary of the Interior at his discretion in placing a herd of not exceeding 300 reindeer on the island of Unalaska; and all reindeer owned by the United States in Alaska shall as soon as practicable be turned over to the missions in Alaska, to be held and used by them under such conditions as the Secretary of the Interior shall prescribe.

The amendment was agreed to.

The next amendment was, on page 93, line 2, to increase the appropriation for repairs to buildings of the Columbia Institution for the Deaf and Dumb from $4,000 to $5,000.

The amendment was agreed to.

The next amendment was, under the head of "Under the War Department," on page 102, after line 9, to insert:

For the traveling expenses of the President of the United States, his attendants and invited guests traveling with him, to be disbursed at the discretion of the President, $25,000.

Mr. McLAURIN. Mr. President, has this amendment been considered by any committee? Is not this new legislation? Is there any law which authorizes the payment of the traveling expenses of the President?

Mr. HALE. The amendment was submitted to the Committee on Appropriations, considered by that committee, and reported as a part of the bill.

Mr. McLAURIN. I make the point of order that it is new legislation upon an appropriation bill, and that it ought not to be inserted here. There is no law authorizing the paying of the traveling expenses of the President of the United States, and I do not think that under the rules an appropriation of this kind can be made. It is an appropriation without being authorized by any law.

Mr. HALE. The committee reported the amendment on the ground that it is not legislation, but simply conforming to the provisions of the interstate-commerce rate bill and providing for the necessary traveling expenses of the President. It is only incidental. So it is not subject to the point of order.

Mr. McLAURIN. Mr. President, there is no law authorizing the payment of the traveling expenses of the President of the United States, and this amendment is open to objection because it is a new law upon an appropriation bill.

The VICE-PRESIDENT. The Chair will state that the debate which is now proceeding is out of order. The Chair is prepared to rule on the point of order.

Mr. HALE. Let us have the ruling of the Chair.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is not well taken, and he overrules the point of order.

Mr. McLAURIN. I appeal to the Senate from that decision, Mr. President, and I should like to have the yeas and nays on the appeal.

Mr. HALE. If the Senator does that, the bill goes over, of course.

Mr. CLAY. Of course, the consideration of the bill can not proceed any further if the Senator insists on calling the roll.

Mr. McLAURIN. Mr. President, in my judgment, this is such an outrageous appropriation that I do not think, under any circumstances, it ought to go into this bill.

Mr. HALE. Let the item be passed for the present, Mr. President.

Mr. McLAURIN. That is all very well, then. I am willing to do that.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 102, line 20, to increase the appropriation for lighting the Executive Mansion and public grounds from $18,800 to $20,000.

The amendment was agreed to.

The next amendment was, on page 102, line 22, before the word "dollars," to strike out "fifteen" and insert "twenty;" so as to make the proviso read:

Provided, That for each 5-foot burner not connected with a meter in the lamps on the public grounds not more than $20 shall be paid per lamp for gas, including lighting, cleaning, and keeping the lamps in repair, under any expenditure provided for in this act; and said lamps shall burn every night, on the average from fifteen minutes after sunset to forty-five minutes before sunrise; and authority is hereby given to substitute other illuminating material for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose.

The amendment was agreed to.

The next amendment was, on page 103, line 7, before the word "hundred," to strike out "three thousand six" and insert "four thousand two;" in line 11, before the word "dollars," to strike out "four thousand eight hundred" and insert "six thousand;" and in line 15, before the word "dollars," to strike out "twenty" and insert "twenty-five;" so as to make the provisos read:

Provided further, That $4,200 of the foregoing sum shall be paid from the revenues of the District of Columbia and the remainder from the Treasury of the United States: *And provided further*, That not more than $6,000 of said appropriation may be expended for lighting, extinguishing, cleaning, repairing, and painting park lamps of a higher candlepower than those provided for above and not less than 60 candlepower, which lamps shall cost not to exceed $25 per lamp per annum and shall otherwise be subject to the restrictions of this paragraph.

The amendment was agreed to.

The next amendment was, on page 103, line 20, before the word "dollars," to strike out "eighty" and insert "eighty-five;" and in line 23, before the word "dollars," to strike out "four hundred and eighty" and insert "five hundred and ten;" so as to make the clause read:

For lighting six arc electric lights in Executive Mansion grounds within the iron fence, at not exceeding $85 per light per annum, which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said grounds, $510.

The amendment was agreed to.

The next amendment was, on page 103, line 25, before the word "dollars," to strike out "eighty" and insert "eighty-five;" and on page 104, line 3, before the word "dollars," to strike out "four hundred and eighty" and insert "five hundred and ten;" so as to make the clause read:

For lighting six arc electric lights at the propagating gardens, at not exceeding $85 per light per annum, which sum shall cover the entire cost of lighting and maintaining in good order each of said arc electric lights, $510.

The amendment was agreed to.

The next amendment was, on page 104, line 9, before the word "dollars," to strike out "eighty" and insert "eighty-five;" and in line 12, before the word "dollars," to strike out "two hundred and forty" and insert "five hundred and five;" so as to make the clause read:

For lighting arc electric lights in public grounds as follows: For seven in grounds south of the Executive Mansion, thirty-two in Lafayette, Franklin, Judiciary, and Lincoln parks, and fourteen in grounds south of Executive Mansion and in Monument Park, at not exceeding $85 per light per annum, which sum shall cover the entire cost of lighting and maintaining in good order each of said arc electric lights; in all, $4,505, one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 104, line 16, before the word "dollars," to strike out "eighty" and insert "eighty-five;" and in line 22, before the word "dollars," to strike out "one hundred and sixty" and insert "two hundred and ninety-five;" so as to make the clause read:

For lighting twenty-seven arc lights in Potomac Park driveway, at not exceeding $85 per light per annum, which sum shall cover the entire cost of installing, lighting, and maintaining in good order each electric light on said driveway, and authority for laying single-duct conduits through public grounds and making connections for said lights is hereby granted, $2,295, one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 106, after line 3, to insert:

Grant memorial: For continuing work for the erection of the memorial to Gen. Ulysses S. Grant, $40,000: *Provided*, That the memorial may be located in the unoccupied portion of the Botanic Garden grounds between First and Second streets NW., as recommended by the Grant Memorial Commission: *Provided further*, That such portion of the funds heretofore appropriated for said memorial and now available may be used in constructing extra foundation for the memorial if the character of the soil on the site selected shows such extra foundation to be necessary.

The amendment was agreed to.

The next amendment was, on page 106, after line 14, to insert:

Statue of Gen. George B. McClelland: For expenses attending the unveiling of the statue of Gen. George B. McClelland, $2,500.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, War Department," on page 123, line 10, to increase the appropriation for the construction and enlargement of buildings at military posts from $750,000 to $900,000.

The amendment was agreed to.

The next amendment was, on page 125, line 4, after the word "cents," to insert the following proviso:

Provided, That appropriations heretofore made by the act of April 28, 1904, for Fort Crockett Reservation, Galveston, Tex., for construction of a sea-wall embankment and fill in front of said property, and the appropriation herein authorized shall be available for embankment and fill and other improvements on both the Fort Crockett Reservation and the land lying between Thirty-ninth and Forty-fifth streets, in the city of Galveston, Tex., that has been conveyed to the United States.

The amendment was agreed to.

The next amendment was, on page 130, after line 16, to insert:

Support and medical treatment of destitute patients: For the support and medical treatment of ninety-five medical and surgical patients who are destitute, in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States, $19,000.

The amendment was agreed to.

The next amendment was, on page 130, after line 24, to insert:

Garfield Memorial Hospital: For maintenance to enable it to provide medical and surgical treatment to persons unable to pay therefor, under a contract to be made with the board of charities of the District of Columbia, one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States, $19,000.

The amendment was agreed to.

The next amendment was, on page 139, after line 18, to insert:

For shop building, $15,000.

The amendment was agreed to.

The next amendment was, on page 139, line 22, to increase the total appropriation for current expenses of the Pacific Branch, National Home for Disabled Volunteer Soldiers, at Santa Monica, Cal., from $353,200 to $368,200.

The amendment was agreed to.

The next amendment was, on page 144, line 6, to increase the total appropriation for the maintenance of the National Homes for Disabled Volunteer Soldiers from $4,202,944 to $4,217,944.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of Justice," on page 151, after line 24, to insert:

Counsel for Mission Indians: To enable the Attorney-General to employ a special attorney for the Mission Indians of southern California, upon the recommendation of the Secretary of the Interior, $1,000.

The amendment was agreed to.

The next amendment was, on page 152, line 9, after the word "elsewhere," to insert "to be selected and their compensation fixed by the Attorney-General, to be expended under his direction, so much of the provisions of the act of March 2, 1901, providing for the Spanish Treaty Claims Commission, as are in conflict herewith notwithstanding;" so as to make the clause read:

Defense of suits before Spanish Treaty Claims Commission: For salaries and expenses in defense of claims before the Spanish Treaty Claims Commission, including salaries of Assistant Attorney-General in charge as fixed by law, and of assistant attorneys and necessary employees in Washington, D. C., or elsewhere, to be selected and their compensation fixed by the Attorney-General, to be expended under his direction, so much of the provisions of the act of March 2, 1901, providing for the Spanish Treaty Claims Commission, as are in conflict herewith notwithstanding, $92,000.

The amendment was agreed to.

The next amendment was, on page 153, after line 12, to strike out:

To systematize the preparation of law indexes, etc., and to provide trained law clerks therefor: To enable the Librarian of Congress to direct the Law Librarian to prepare a new index to the Statutes at Large; in accordance with a plan previously approved by the Judiciary Committees of both houses of Congress, and to perpare such other indexes, digests, and compilations of law as may be required for Congress and other official use, $5,840 to pay for five additional assistants in the Law Library: One at $1,800, one at $1,200, one at $900 and two at $720 each, and for the Law Librarian $500, the said sum to be paid to the Law Librarian, notwithstanding section 1765 of the Revised Statutes.

Mr. SPOONER. I ask that that amendment be passed over.

Mr. KEAN. What amendment is it?

Mr. SPOONER. The amendment on page 153, beginning in line 13, relative to the preparation of law indexes, etc.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Judicial," on page 154, line 21, after the word "otherwise," to insert:

And the annual salaries of the United States marshals for the district of Idaho and the southern district of California are hereby fixed at $4,000, respectively.

The amendment was agreed to.

The next amendment was, on page 155, line 10, after the word "dollars," to insert:

And the annual salaries of the United States district attorneys for the district of Idaho and the southern district of California are hereby fixed at $4,000, respectively.

The amendment was agreed to.

The reading of the bill was continued to the end of line 9, on page 156.

Mr. HALE. On page 156, I move to strike out the proviso beginning in line 4 and extending to line 9, in order to put it in conference.

The VICE-PRESIDENT. The Senator from Maine proposes an amendment, which will be stated.

The SECRETARY. On page 156, in line 4, after the words "Revised Statutes," it is proposed to strike out the proviso as follows:

And provided further, That section 2 of the act of June 30, 1902, being chapter 1335 as found in Statutes at Large of the United States, volume 32, part 1, page 549, shall be, and the same is hereby, repealed.

Mr. PENROSE. I sincerely hope the Senate conferees will support this amendment. The effect of the provision of the House would be to transfer the custody of the United States records from Scranton to Harrisburg. Scranton is much the larger place; it is the residence of the judge, and it is the proper place to continue as the place of custody for those records.

Mr. HALE. The Senate conferees always support the amendments of the Senate.

Mr. PENROSE. Yes.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Maine [Mr. HALE].

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 12, on page 156.

Mr. KEAN. May I ask a question with respect to the item on page 156, line 10?

For fees of United States district attorney for the District of Columbia, $23,800.

Does that mean that the district attorney for the District of Columbia gets $23,000?

Mr. HALE. Oh, no. That matter was all thrashed out in the House. It includes all the expenses of his office.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 157, after the word "dollars," in line 1, to insert the following proviso:

Provided, That the Attorney-General shall hereafter, under rules and regulations prescribed by him, require the clerks of the United States circuit and district courts, clerks of the Territorial courts, clerks of the United States courts for the Indian Territory, and the clerks of the United States courts in Alaska to report and account for all moneys received by them on account of or as security for fees and costs, and to report and account for all amounts collected or received by them on behalf of the United States on account of judgments, fines, forfeitures, penalties, and costs. The Attorney-General shall also hereafter require such clerks to report and account for any other moneys received by them in their official capacity, whether on behalf of the United States or otherwise, and the Attorney-General shall hereafter prescribe such docket or dockets or other books as he may deem proper to be kept and used by such clerks in recording, reporting, and accounting for moneys mentioned above in this paragraph, and in recording all fees and emoluments earned by them, which dockets or other books shall be kept and used by said clerks in accordance with rules and regulations prescribed by the Attorney-General.

The amendment was agreed to.

The next amendment was, on page 158, line 9, after the word "act," to insert "of March 3, 1901, and of joint resolution of March 3, 1905;" so as to read:

On and after December 15, 1906, no sums of money shall be payable under and by virtue of the act of Congress of June 4, 1897, providing for the revision and codification of the criminal and penal laws of the United States and the subsequent acts of Congress of March 3, 1899, and March 3, 1901, enlarging the duties of the commissioners appointed under said act, but the said commission so created shall, on or before said December 15, 1906, complete the duties imposed upon them thereby and shall present their final report thereon to the Attorney-General in accordance with the provisions of said act of March 3, 1901, and of joint resolution of March 3, 1905, before said date, etc.

Mr. HALE. On page 158, line 8, I move to strike out the words "Attorney-General" and insert "Congress;" so as to read:

And shall present their final report thereon to the Congress in accordance with the provisions, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed, and continued to the end of line 13, on page 160.

Mr. HALE. I offer the amendment I send to the desk, which by inadvertence was not printed in the bill.

The VICE-PRESIDENT. The Senator from Maine proposes an amendment, which will be stated by the Secretary.

The SECRETARY. On page 160, after line 13, it is proposed to insert:

For compensation and expenses of a special master, to be appointed by the United States district judge presiding in the United States circuit court for the ninth circuit, in the western district of Washington, to take testimony in the case of United States against George Edward Adams, on such notice to the defendant or his counsel as the court may prescribe, and to find therefrom the extent and amount of the embezzlement of gold dust from the United States assay office at Seattle, Wash., and the names of depositors to whom said gold dust belonged, together with the amount and value of gold dust so embezzled belonging to each such depositor, such special master to have the full powers and status of a master in chancery, and the provisions of sections 5392 and 5393 of the Revised Statutes of the United States to apply to all proceedings had before him, the findings of said special master to be final and binding upon the depositors whose gold dust shall be found to have been embezzled, and upon the United States in so far as concerns the matter of settlement with said depositors, a sum not exceeding $12,000: *Provided*, That nothing herein contained shall be construed as admitting or implying any liability on the part of the United States for gold dust embezzled by said Adams.

Mr. CULBERSON. I will ask the Senator in charge of the bill if this amendment is the one reported favorably by the Committee on the Judiciary?

Mr. HALE. Yes; it is the same amendment. It was left out by inadvertence.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 164, line 15, to increase the appropriation for subsistence, including supplies for prisoners, warden, deputy warden, etc., at the United States penitentiary at Atlanta, Ga., from $30,000 to $33,500.

The amendment was agreed to.

The next amendment was, on page 164, line 23, to increase the appropriation for clothing and transportation, including such clothing as can be made at the penitentiary, etc., at the United States penitentiary at Atlanta, Ga., from $15,000 to $17,500.

The amendment was agreed to.

The next amendment was, on page 167, line 1, to increase the total appropriation for the maintenance of the United States penitentiary at Atlanta, Ga., from $126,220 to $132,220.

The amendment was agreed to.

The next amendment was, on page 168, after line 6, to insert:

DEPARTMENT OF STATE.

For the purchase of land and the entire contribution of the United States toward the erection of a building to be used as permanent quarters in the city of Washington by the International Bureau of the American Republics and the Columbus Memorial Library, $200,000, to be expended upon the order of the Secretary of State.

Mr. CLAY. I should like to have the attention of the Senator from Maine to this item:

For the purchase of land and the entire contribution of the United States toward the erection of a building to be used as permanent quarters in the city of Washington by the International Bureau of the American Republics.

I will ask the Senator whether the Government has been furnishing quarters for the Bureau of American Republics.

Mr. HALE. Yes; the United States furnishes rented buildings, but this is a proposition to have a larger building which will accommodate all the American Republics in the business that they have here, with an auditorium, and it was considered by the State Department as being a very essential thing. The committee considered it. This building, when completed, will take the place of the rented quarters that are now furnished.

Mr. CULLOM. Will the Senator from Maine allow me to make a brief statement?

Mr. HALE. Certainly.

Mr. CULLOM. I understand from the Secretary of State also that one of the South American Republics has already paid in a considerable sum of money for the purpose of the erection of this building. It has been in the Treasury now for some time.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Committee on Appropriations.

The amendment to the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Under legislative," on page 169, after line 5, to insert:

Charters and constitutions: For the purchase from Prof. Francis N. Thorpe of the manuscript for a new edition of charters, constitutions, and organic laws of all the States, Territories, and colonies now or heretofore forming the United States, and any acts of Congress relating thereto, prepared by him, $10,000: *Provided*, That he shall prepare a complete index of the work and do all proof reading in connection with the preparation, printing, and publication thereof; and the Public Printer shall print and bind 6,000 copies of the work, of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

Mr. CULBERSON. Mr. President, this appears to be a legal work. I should like to ask the Senator from Maine, who is in charge of the bill, if the manuscript was examined by the Judiciary Committee or any other committee of Congress with reference to its adaptability and its precision and its accuracy before the item was introduced?

Mr. HALE. All of that has been examined and approved by the Committee on the Library. It is only a question of the second edition. The Committee on Appropriations had considered the question on the first edition. The item is inserted here, I may say properly, upon a letter of the chairman of the Committee on Appropriations of the House, saying that they intended to insert it in the bill there. Upon that, with the knowledge the committee had upon the subject, the provision is put in for the second edition of the work. It is a valuable work. There is no doubt about that.

Mr. CULBERSON. It is recommended by the Committee on the Library?

Mr. HALE. By the Committee on the Library.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Public Printing and Binding" on page 170, line 12, after the word "employees," to strike out "for the purchase and installation of, and instruction in, cost, audit, and inventory systems;" so as to read:

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the Congressional Record, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments; for salaries, compensation, or wages of all necessary clerks and employees; for rents, fuel, gas, electric current, gas and electric fixtures, and ice, etc.

Mr. GALLINGER. I understand that the junior Senator from Ohio [Mr. DICK] wishes to make an inquiry concerning this item.

Mr. DICK entered the Chamber.

Mr. GALLINGER. The Senator from Ohio is now present.

Mr. DICK. I desire to ask the chairman of the committee the reason, if any, which the committee had for striking out parts of lines 12 and 13, on page 170, "for the purchase and installation of, and instruction in, cost, audit, and inventory systems?"

Mr. HALE. I am glad the Senator asked the question. It is a new thing entirely; the committee has no knowledge concerning it, and the language was struck out in order that in conference we may get information as to what it covers.

Mr. DICK. A very brief interview with a representative from the Printing Office is the only information I have to give the Senate with reference to this matter.

It is the purpose of the Public Printer to install a system in the Printing Office for the careful inventory of all of its property and for fixing the exact cost of every feature of the business done in this great establishment, the ultimate purpose being to curtail what has appeared to be very great extravagance in the management of the Printing Office of the General Government; and it was thought that if by some system of bookkeeping this whole method can be demonstrated, a great saving in the end to the Government would be accomplished.

Mr. HALE. I can assure the Senator that if it is shown in conference that the amendment covers a proper reform in that direction there will be no difficulty in reinserting it; but the committee of conference ought to have full information upon it.

Mr. DICK. Very good.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Committee on Appropriations.

The amendment was agreed to. The reading of the bill was resumed and continued to the end of line 18, on page 171.

Mr. HALE. In line 4, page 171, there is a transposition of appropriation. Insert, after the words "five million," the words "one hundred thousand."

The SECRETARY. On page 171, line 4, after the words "five million," insert "one hundred thousand;" so as to read:

And for all the necessary materials needed in the prosecution of the work, $5,100,000.

The amendment was agreed to.

Mr. HALE. And in line 9 strike out the sum and insert "two million ninety-three thousand five hundred dollars."

The SECRETARY. Strike out, in lines 9 and 10, the words "one million nine hundred and ninety-three thousand five hundred" and insert "two million ninety-three thousand five hundred dollars."

Mr. HALE. That is all right.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 173, line 16, after the date "1895," to insert "and in pursuance of the pro-

visions of public resolution No. 13 of the present session;" so as to make the clause read:

For the Department of Agriculture, including not to exceed $25,000 for the Weather Bureau, and including the Annual Report of the Secretary of Agriculture, as required by the act approved January 12, 1895, and in pursuance of the provisions of public resolution No. 13 of the present session, $300,000.

The amendment was agreed to.

The next amendment was, on page 173, line 18, after the word "including," to strike out "the Bureau of the Census and;" and in line 19, after the word "Survey," to insert "and $135,000 for the Census Office;" so as to make the clause read:

For the Department of Commerce and Labor, including the Coast and Geodetic Survey, and $135,000 for the Census Office, $500,000.

The amendment was agreed to.

The next amendment was, under the head of "The isthmian canal," on page 175, line 7, after the date "1902," to strike out:

Provided, That no part of the sums herein appropriated shall be used for the construction of a canal of the so-called sea-level type.

Mr. HALE. Two or three matters have been passed over, and I ask that the amendment on page 175, beginning in line 7 and including lines 8 and 9, be passed over for the action of the Senate to-morrow.

The VICE-PRESIDENT. It will be passed over in the absence of objection.

The reading of the bill was resumed and continued to the end of line 23, on page 179.

Mr. HALE. In line 19, page 179, I move to strike out the words "Secretary of the Treasury" and insert "Attorney-General." It is done at the request of the Secretary of the Treasury.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 182, after line 3, to strike out section 7 in the following words:

SEC. 7. From and after July 1, 1906, all of the expenses of the supreme court of the District of Columbia and of the court of appeals, District of Columbia, the office of the United States marshal for said District, and the office of the district attorney for said District, including the salaries of the judges of the supreme court, the salaries of the judges and clerk and assistant clerk of the court of appeals, the salaries of the district attorney and his assistants, all fees of witnesses, fees of jurors, pay of bailiffs and criers, and all the miscellaneous expenses of said courts, and all other lawful expenses of said courts and their officers, shall be paid one half from the revenues of the District of Columbia and the other half from the revenues of the United States: *Provided further*, That one-half of the fees collected and deposited by the marshal after June 30, 1906, for services rendered by him and his deputies shall be deposited to the credit of the District of Columbia and the other half to the credit of the United States, and the excess of the earnings of the clerk of the supreme court of the District of Columbia, and the fees of the clerk of the said court of appeals shall be deposited in like manner: *Provided further*, That if a balance shall be found due the clerk of the supreme court of the District of Columbia under section 182 of the Code of the District of Columbia, such balance shall be payable one-half from the revenues of the District of Columbia and one-half from the revenues of the United States: *Provided further*, That estimates for all expenditures hereunder shall, for the fiscal year 1908 and annually thereafter, be submitted through the Commissioners of the District.

The amendment was agreed to.

The next amendment was, on page 183, line 9, to change the number of the section from "8" to "7."

The amendment was agreed to.

The next amendment was, on page 183, line 14, to change the number of the section from "9" to "8."

The amendment was agreed to.

The next amendment was, on page 183, after line 20, to insert as a new section the following:

JAMESTOWN EXPOSITION.

SEC. 9. That there shall be exhibited at the Jamestown Exposition by the Government of the United States from its Executive Departments, the Smithsonian Institution, the National Museum, and the Library of Congress, such articles and materials as illustrate the functions and administrative facilities of the Government and such articles and material of an historical nature as will serve to impart a knowledge of our colonial and national history; and such Government exhibits shall include the Life-Saving Service, the Revenue-Cutter Service, the Army, the Navy, the Light-House Service, the wireless telegraph service, the Bureau of Fisheries, and an appropriate exhibit of the products and resources of the district of Alaska, the Territory of Hawaii, the Philippine Islands, and the island of Porto Rico. And the Bureau of the American Republics is hereby invited to make an exhibit illustrative of the resources and international relations of the American Republics, and space in the United States Government building shall be provided for that purpose. And the Jamestown Tercentennial Commission, created by an act of Congress of March 3, 1905, providing for an international naval, marine, and military celebration on the waters of Hampton Roads, in the State of Virginia, composed of the Secretaries of the Treasury, War, and Navy, shall, in addition to the authority and duties conferred and imposed by the said act, be authorized and empowered, and it shall be their duty to provide for the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, and return of the said Government exhibits; and to this end they shall have power and authority to create and appoint such boards, commissions, agents, and employees as they may deem desirable, and to vest in such boards, commissions, agents, and employees such power and authority as they may deem necessary or expedient. In addition to the articles and materials which the said Jamestown Tercentennial Commission may select for exhibition as aforesaid, the President of the United States may in his discretion designate other and additional articles and materials.

The officers and employees of the Government who may be appointed as aforesaid by the said Jamestown Tercentennial Commission to carry out the provisions of this section, and any officers and employees of the Government who may be detailed to assist them, including officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, while necessarily absent from their homes engaged upon the said business. Officers of the Army and Navy shall receive said allowance in lieu of the subsistence and mileage now allowed by law; and the Secretary of War and the Secretary of the Navy may, in their discretion, detail retired Army or Navy officers for such duty. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed for duty in connection with the said Jamestown Tercentennial Exposition. And to carry out the provisions of this section the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be expended in accordance with the general law and such rules and regulations as the said Jamestown Tercentennial Commission may prescribe.

That the Secretary of the Treasury shall cause to be erected on the site of the said exposition the following buildings: A building for the United States Government exhibit provided for in section 1 of this act, with such annex as may be necessary for the Territorial and insular exhibit; a building for the exhibit of the United States Life-Saving Service; a fisheries building, including an aquarium, and a building for the Geological Survey; all of which buildings shall not exceed in the aggregate a cost of $250,000, which amount shall be apportioned among them by the said Jamestown Tercentennial Commission; also a building for use as a place of rendezvous for the sailors and soldiers of the United States Navy and Army and of the foreign navies and armies participating in the celebration, at a cost not exceeding $75,000; also a building for use as a place of rendezvous for the commissioned naval and Army officers participating in said celebration, at a cost not exceeding $50,000. Included in the said several sums representing the cost of the said several buildings shall be the preparation of the grounds therefor and the lighting thereof. All of said buildings shall be erected, as far as practicable, on the colonial style of architecture from plans prepared by the Supervising Architect of the Treasury, to be approved by the Secretary of the Treasury; and the Secretary of the Treasury is hereby directed to contract for said buildings in the same manner and under the same regulations as for other public buildings of the United States. And to carry out the objects of this section, the several sums of money in this section above enumerated, aggregating $375,000, are hereby appropriated, out of any money in the Treasury not otherwise appropriated. At the close of the exposition the Secretary of the Treasury is authorized and directed to dispose of said buildings or the materials composing the same, and of the piers which are provided for in this act, or the materials thereof, giving preference to the Jamestown Exposition Company to the extent that it shall have the option to purchase the same at an appraised value to be ascertained in such manner as the Secretary of the Treasury may determine.

That to the end that free and ready communication between the ships and the shore may be had, and in order to furnish ample and safe harbor for the small craft necessary to convey the soldiers and exposition visitors from the grounds to the fleet, there shall be constructed from plans to be furnished by the Jamestown Exposition Company and approved by the Secretary of War, two piers extending from the exposition grounds into the waters of Hampton Roads, the ends of said piers to be surmounted with towers for the exhibit, if practicable, of the Light-House Service and wireless telegraph service. Said piers shall be connected by an arch sufficiently high to permit small craft to enter under it into a basin or harbor, which shall be dredged to a sufficient depth to accommodate boats drawing not more than 10 feet of water at mean low tide. And the Secretary of War is directed to contract for the construction of said piers and basin in the same manner and under the same regulations as for public structures of the United States, but the contract price shall not exceed the sum of $400,000, or as much thereof as may be necessary, which sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated: *Provided*, That before the appropriation made by this section shall become available, the Jamestown Exposition Company shall file with the Secretary of the Treasury an agreement that it will, at its own expense, operate and manage said piers and basin during the period of the exposition, and that it will, at its own expense, illumine the same so as to make it a feature of especial attractiveness when viewed from the harbor where the naval fleets will be assembled: *Provided further*, That all small craft attached to any naval vessel of this or any foreign country, whose fleet is in the waters of Hampton Roads to participate in the celebration, shall have access to and use of said basin and piers for the purpose of communication with the exposition grounds without any charge therefor and under such rules and regulations as the Secretary of the Navy shall prescribe: *Provided further*, That the same right of access and use of said basin and piers during the exposition shall be, and is hereby, reserved to the United States, but nothing herein contained shall be construed to impose upon the United States any obligation to maintain or keep in repair such piers or basin or approaches thereto.

That for the transportation of United States troops participating in the said Jamestown Tercentennial Exposition and the extraordinary expense incident to such participation, the sum of $100,000 is hereby appropriated, or as much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to be expended in the discretion of the Secretary of War.

That in aid of the said Jamestown Tercentennial Exposition the sum of $250,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which sum shall be paid to the Jamestown Exposition Company upon satisfactory evidence being furnished the Secretary of the Treasury that the said company has expended the sum of $500,000 on account of said exposition. Said $250,000 shall be paid by the Secretary of the Treasury upon vouchers and satisfactory evidence that it has been expended for the purposes of the exposition other than salaries.

That for the erection of a permanent landing pier at Jamestown Island on the frontage owned by the Association for the Preservation

of Virginia Antiquities, the precise location to be agreed upon by the Secretary of War and said association and to be donated by said association to the United States, the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated, out of any sum of money in the Treasury not otherwise appropriated. The Secretary of War is directed to contract for the construction of said pier in the same manner and under the same requirements as for public structures of the United States: *Provided, however,* That if in the judgment of said Secretary of War any pier which is already constructed upon land adjacent to the land owned by said Association for the Preservation of Virginia Antiquities is suitable for the purpose of landing to view this historic spot and to land material for the construction of the monument to be erected thereon, and the same can be purchased within the appropriation here made, he is hereby authorized to expend the sum hereby appropriated for the purchase of said pier and of a sufficient and proper amount of land adjacent thereto to give free access to the grounds owned by such Association for the Preservation of Virginia Antiquities and the monument to be erected thereon under the provisions of an act approved March 3, 1905. For the policing during the exposition period of the grounds owned by the Association for the Preservation of Virginia Antiquities, upon Jamestown Island, and for erecting thereon suitable retiring rooms and rest stations for the visiting public, and for providing drinking water at suitable places thereon, and for such benches and other accommodations as visitors to such island will need, the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated. The moneys appropriated by this section shall be expended by and under the direction of the Secretary of War, and shall not be expended by him until such provisions are made with such association as will insure the free access, not only to the landing pier, but to every part of the grounds of said association, of all visitors who may come during the period of the said exposition, and will insure free access always to that part of the grounds upon which said monument is located.

That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition upon which there shall be a tariff or customs duty shall be admitted free of the payment of such duty, customs, fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided,* That all such articles, when sold or withdrawn for consumption or use in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal, and on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale or withdrawal: *Provided further,* That nothing in this section contained shall be construed as an invitation, express or implied, from the Government of the United States to any foreign government, state, municipality, corporation, partnership, or individual to import any such articles for the purpose of exhibition at the said exposition.

That medals with appropriate devices, emblems, and inscriptions commemorative of said Jamestown Tercentennial Exposition and of the awards to be made to the exhibitors thereat and to successful contestants in aquatic and other contests shall be prepared for the Jamestown Exposition Company by the Secretary of the Treasury at some mint of the United States, subject to the provisions of the fifty-second section of the coinage act of 1893, upon the payment by the Jamestown Exposition Company of a sum equal to the cost thereof; and authority may be given by the Secretary of the Treasury to the holder of a medal properly awarded to him to have duplicates thereof made at any of the mints of the United States from gold, silver, or bronze upon the payment by him for the same of a sum equal to the cost thereof.

That in aid of the Negro Development and Exposition Company of the United States of America to enable it to make an exhibit of the progress of the negro race in this country at the said exposition, the sum of $100,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated. This sum shall be expended by the Jamestown Tercentennial Commission under rules and regulations prescribed by it and for such objects as shall be approved by both the said Negro Development and Exposition Company of the United States of America and the said Commission: *Provided, however,* That a reasonable proportion of said appropriation shall be expended for a building within which to make such exhibit.

That except to the extent and in the manner by this act provided and authorized the United States Government shall not be liable on any account whatever in connection with the said exposition, and nothing in this act shall be construed so as to create any liability upon the part of the United States Government, direct or indirect, for any debt or obligation incurred, or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support of or in liquidation of any debts or obligations created by said United States Government Board, or any other board, commission, or any person or persons whomsoever, acting or claiming to act by authority of this act in excess of the appropriations provided for by this act.

That the United States Government shall not in any manner or under any circumstances be liable for any of the acts, doings, or representations of the Jamestown Exposition Company, its officers, agents, servants, employees, or any of them, or for service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them, or for any subscription to the capital stock, or for any stock certificates, boads, mortgages, or obligations of any kind issued by said corporation, or for any debts, liabilities, or expenses of any kind or nature whatsoever incurred by the said Jamestown Exposition Company in connection with the holding of the said exposition.

That all moneys appropriated by this act which the Jamestown Tercentennial Commission is authorized to expend shall be drawn out of the Treasury in such manner and under such regulations as such Commission may determine, subject to the approval of the Secretary of the Treasury; and at the close of the exposition period, and after the work of such Commission is completed, such Commission shall make a complete report of their actions hereunder and a complete statement of all expenditures for each of the purposes herein specified to the President of the United States for transmission to Congress.

The amendment was agreed to.

Mr. HALE. I offer the following committee amendment.

The SECRETARY. On page 2, after line 21, insert:

Cedar Rapids, Iowa—Rent of buildings: For rent of temporary quarters for the accommodation of certain Government officials, and all expenses incident thereto, including necessary moving expenses, $10,000.

The amendment was agreed to.

Mr. CULLOM. I offer the following amendment.

The SECRETARY. On page 180, after line 9, insert:

And the salary of the appraiser of merchandise for the port of Chicago is hereby fixed at $4,500.

The amendment was agreed to.

Mr. WARREN. I ask the Secretary to turn to page 72, line 7, "Salaries and commissions of registers and receivers." With the permission of the Senator in charge of the bill, I offer an amendment at that point.

The SECRETARY. On page 72, line 7, insert after the word "hundred" the words "and seventy-three;" so as to read "five hundred and seventy-three thousand dollars."

Mr. HALE. That is right.

The amendment was agreed to.

Mr. GALLINGER. I offer an amendment to the bill.

The SECRETARY. After line 14, page 69, insert the side head "Census Office" and the following:

The Director of the Census is hereby authorized and directed to publish, in a permanent form, by counties and minor civil divisions, the names of the heads of families returned at the First Census of the United States in 1790; and the Director of the Census is authorized, in his discretion, to sell said publications, the proceeds thereof to be covered into the Treasury of the United States, to be deposited to the credit of miscellaneous receipts on account of "Proceeds of sales of Government property."

The amendment was agreed to.

Mr. GALLINGER. In connection with the amendment I should like to have inserted in the RECORD an extract from the report of the Director of the Census and a letter from the Director of the Census.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From the report of the Director of the Census for 1904.]

PROPRIETY OF PUBLISHING THE RETURNS OF THE FIRST CENSUS.

In this connection I ask your attention to a request frequently made by the patriotic organizations of the country and by individuals, that the Government shall compile and publish the names of the heads of families in the original thirteen States, or returned at the census of 1790. Unfortunately the First Census schedules for Delaware, Georgia, Kentucky, New Jersey, Tennessee, and Virginia were burned at the time of the capture of Washington by the British, or have since been lost or destroyed; but the schedules still in existence—comprising Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Vermont—contain much information, ready access to which would be welcomed by students. This information would increase the general knowledge of the origin and distribution of the early population of the country. The population of the United States in 1790, excluding slaves, was returned as 3,231,533, of which number 824,713 resided in the States and Territories for which the schedules are missing, leaving 2,406,820 as the population enumerated on the schedules now in possession of the Bureau. I estimate that this population represents 401,134 heads of families, and that the desired information could be printed in 2,507 pages, at a cost, for printing and binding an edition of 5,000 in two volumes, of $32,570. I doubt if the Government can make a more substantial and welcome contribution to its own history for a like sum of money; and I recommend that Congress be asked to make a specific appropriation for this publication, much of which is certain to return to the Treasury from the sale of these volumes. If they are sold to the public at a price corresponding somewhat with their cost, it will insure their distribution only to those who will prize them, and avoid the waste which so frequently attends the distribution of public documents.

CENSUS OFFICE, OFFICE OF THE DIRECTOR,
Washington, D. C., April 25, 1906.

Hon. CHESTER I. LONG, *United States Senate.*

DEAR SENATOR LONG: In response to your verbal suggestion to-day, I beg to say that the proposition covered by Senator GALLINGER'S joint resolution "to provide for the publication of the names of the heads of families returned at the First Census of the United States" appeals to me as most commendable. This census is the only record of American families as they existed in 1790, and is especially valuable from a historical and genealogical standpoint. The constant requests made upon this office for genealogical information obtainable only from this census indicates that its publication would meet a widespread and increasing want. The constant use to which these volumes have been subjected for this purpose during the century has reduced many of them to a very dilapidated condition, and at no distant date will result in their destruction.

The interest shown in the proposition, particularly among the members of the patriotic societies of the country, is shown by the fact that the Daughters of the American Revolution, at their recent congress in the city of Washington, unanimously passed a resolution, a copy of which I am inclosing, indorsing the publication of these records.

The subject was referred to at some length in the Annual Report of the Director of the Census for 1904, and as a fuller expression of my views, I am inclosing herewith that portion of this report in which the proposed publication was earnestly advocated.

This extract from the report of the Director indicates that the cost of the proposed publication, in two volumes, will be approximately $32,000. The printing will be the only cost connected with the publication, as the records can be copied at convenient intervals, by the regular clerical force of this office.

I beg leave to call your attention to the fact that a resolution sim-

ilar to Senator GALLINGER'S was introduced in the House of Representatives by Mr. CALDER, of New York, and that the Census Committee of the House, at its meeting on Friday last, authorized a favorable report on the resolution, and struck out the last provision of the resolution authorizing that 1,000 copies should be printed for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Director of the Census. This amendment was made upon my suggestion, in view of the fact that no publications of the Census Office are included in the Congressional allotments for printing. In every case the size of the edition of census publications is left by the law to the discretion of the Director of the Census, the result of which has been a much greater economy in the printing of the Office than would have been possible under the allotment system, and an entire avoidance of wasteful distribution, of which so much complaint has recently been made. In order that you may fully understand the attitude of the Census Office upon this question, I inclose herewith a copy of a memorandum on the subject, prepared for my use by the chief clerk of this Office.

In my judgment the joint resolution will be still further improved if, in lieu of the provision stricken out by the House committee, the following amendment is inserted: "And the Director of the Census is authorized, in his discretion, to sell said publication, the proceeds thereof to be covered into the Treasury of the United States, to be deposited to the credit of 'Miscellaneous receipts on account of proceeds of sales of Government property.'" The adoption of this amendment will still further safeguard the distribution of the publication, and it is my belief that the sale of the volumes will return to the Treasury a very considerable part of the cost of printing. Under these conditions I can see no objection to attaching Senator GALLINGER'S resolution, with the proposed amendment, to the census bill now pending in the Senate.

Very respectfully, S. N. D. NORTH, *Director.*

Mr. GALLINGER. I beg to offer another amendment. In advance I will say it is subject to a point of order, which I trust may not be made against it. It is a matter that is very familiar to the Senate, and I feel that there is an urgent necessity for the insertion of the amendment in the bill in the hope that it may become law.

The SECRETARY. After line 18, on page 106, insert:

The Washington Railway and Electric Company, the Capital Traction Company, the City and Suburban Railway of Washington, and the Anacostia and Potomac River Railroad Company are hereby authorized to construct temporary surface tracks on the Union Station plaza and along such streets as may be designated by the Commissioners of the District of Columbia to connect with existing tracks at the intersection of C street and Delaware avenue or North Capitol street, and at First and G streets NW., and to operate cars on such temporary surface tracks by overhead trolley pending the construction of the permanent underground electric system, for which, so far as Union Station changes and extensions are concerned, there is no authority in law: *Provided*, That the temporary tracks, poles, and other appurtenances necessary to the operation of the overhead-trolley lines herein authorized shall be removed immediately after the operative completion of the permanent tracks hereinbefore referred to.

Mr. HANSBROUGH. I suppose that is intended to take the place of the bill which has been under discussion in the Senate. I ask the Senator from New Hampshire if that is correct?

Mr. GALLINGER. I will say that if this should become a law, beyond question the bill that has been under debate will be abandoned for the present session.

Mr. HANSBROUGH. The bill which has been under discussion will be abandoned?

Mr. GALLINGER. It will be abandoned if this becomes a law, for the reason, and for the only reason, that I feel it is extremely doubtful, even if the Senate should pass the bill which has been discussed within a day or two, that it could get consideration in another body.

Mr. HANSBROUGH. I think the Senator is right about that. It is not my purpose to delay the bill which has been under consideration here, and I myself had prepared an amendment very much like the amendment the Senator has just offered. It provides, as I understand it, for merely temporary tracks and temporary overhead trolley lines.

Mr. GALLINGER. Yes. The bill which has been under discussion has been delayed since last December, hence the necessity for this amendment.

Mr. HANSBROUGH. I think the Senator from New Hampshire has had something himself to do with the delay.

The amendment was agreed to.

Mr. PERKINS. By permission of the acting chairman in charge of the bill, and on behalf of the committee, I desire to offer an amendment to the bill.

Mr. HALE. It is a committee amendment.

Mr. PERKINS. It is a committee amendment.

The SECRETARY. On page 75, after line 13, insert:

Reproducing plats of surveys, General Land Office: To enable the Commissioner of the General Land Office to reproduce by photolithography 4,855 copies, more or less, of the official plats of the United States surveys, constituting a part of the records of the office of the United States surveyor-general at San Francisco, Cal., which were destroyed by earthquake and fire April 18, 1906, $14,565, or so much thereof as may be necessary.

Mr. HALE. I think that is already provided for in one of the deficiency bills, but if not, it ought to be, and therefore I do not object to the amendment.

The amendment was agreed to.

Mr. NELSON. I move to strike out the proviso on page 144, commencing in line 7, in the following words:

Provided, That this appropriation shall be available only under the condition that no bar or canteen shall be maintained at said Homes for the sale of beer, wine, or other intoxicating liquors.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 144, line 7, after the word "dollars," strike out the following proviso:

Provided, That this appropriation shall be available only under the condition that no bar or canteen shall be maintained at said Homes for the sale of beer, wine, or other intoxicating liquors.

Mr. NELSON. If the committee has no objection to the amendment, I do not want to take any time on this matter.

Mr. HALE. I am very sorry the Senator has projected this matter here. It will take a very long debate. The committee was practically decisive, I will not say unanimous, that as the House had taken this matter in hand and had passed this provision the Senate should not antagonize it. The Senate has been beset by Members from the House who were outvoted asking us to raise the issue. When it had been settled in the House the committee decided not to raise that issue. I am very sorry the Senator has done it. It will lead to a very long debate.

Mr. NELSON. I can not withdraw the amendment.

Mr. HALE. Then it is utterly impossible to-night to take a vote upon it. I shall ask, when we get through with the bill, that it be reported to the Senate and all the amendments which are not in question concurred in, and I shall ask that certain amendments, including this one, shall be reserved. I hope the Senator, before the debate is closed, will see how much he is delaying the bill by this amendment.

Mr. NELSON. I want the Senator from Maine to understand that I am not doing it for the purpose of delay. I am doing it in the interest of the old soldiers. I am, to a certain extent, an old soldier myself, and it is because I feel for the old men in our Soldiers' Homes that I am in favor of this amendment. I do not move the amendment for the purpose of delaying the bill. If the Senator does not care to hear me on it to-night, I will let it go over until to-morrow morning.

Mr. HALE. It will have to go over, because there is not a voting quorum here now.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

Mr. NELSON. Without prejudice.

The VICE-PRESIDENT. Without prejudice.

Mr. CLARK of Wyoming. With the consent of the acting chairman, I propose an amendment.

The SECRETARY. On page 154, after line 3, insert:

That the consolidated index to the United States Statutes at Large from March 4, 1789, to March 3, 1903, prepared under authority of Senate resolution of June 19, 1902, be printed, bound, and distributed in the manner now provided by law for the printing, binding, and distribution of the United States Statutes at Large and the Revised Statutes.

The amendment was agreed to.

Mr. LODGE. I offer an amendment to go in on page 20, after the word "building," in line 15.

The SECRETARY. On page 20, after line 15, insert a new paragraph, as follows:

International catalogue of scientific literature: For the cooperation of the United States in the work of the international catalogue of scientific literature, including the preparation of a classified index catalogue of American scientific publications, for incorporation in the international catalogue, the expense of clerk hire, the purchase of necessary books and periodicals, and other necessary incidental expenses, $5,000, the same to be expended under the direction of the Secretary of the Smithsonian Institution.

The amendment was agreed to.

Mr. FULTON. I offer an amendment which I send to the desk.

The SECRETARY. On page 157, line 22, strike out the word "December" and insert the word "October;" so as to read:

On and after October 15, 1906, no sums of money shall be payable under and by virtue of the act of Congress of June 4, 1897, providing for the revision and codification of the criminal and penal laws of the United States, etc.

Mr. HALE. That is only a matter of time. There is no objection to the amendment.

The amendment was agreed to.

Mr. FULTON. On page 158, line 6, I move to strike out the word "December" and insert the word "October;" so as to read:

And the subsequent acts of Congress of March 3, 1899, and March 3, 1901, enlarging the duties of the commissioners appointed under said act, but the said commission so created shall, on or before said October 15, 1906, complete the duties imposed upon them thereby and shall present their final report thereon to the Attorney-General in accordance with the provisions of said act, etc.

The amendment was agreed to.

Mr. PATTERSON. Mr. President, my colleague [Mr. TELLER], before he went home, introduced an amendment which was printed, and I ask that it be inserted at the bottom of page 89.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the foot of page 89 insert:

That section 4 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906, be, and the same is hereby, amended by adding the following proviso at the end of the section——

Mr. HALE. The Senator from Colorado [Mr. TELLER] presented that matter in the committee. I told him we were not prepared to go into that question, and that if the amendment was submitted I must make a point of order against it.

Mr. PATTERSON. I hope the Senator from Maine will not insist upon a point of order. I realize, of course, that it is subject to a point of order, but it is to remedy what those who have intelligent knowledge of the subject know is a very grave injustice in the settlement of the affairs of the Five Civilized Tribes.

The only thing the amendment proposes to do is to allow the Secretary of the Interior to examine the rolls of the Five Civilized Tribes and transfer to the rolls of citizens by blood those whose names should be there, as appears from the enrollment records. It is that and nothing more. It is a matter that is absolutely of record, about which and to accomplish which no extraneous evidence or evidence de hors the record may be introduced. It is simply to give to a class of people who are entitled to have it, under solemn act of Congress, the lands and other benefits the acts pertaining to the Five Civilized Tribes contemplated that they should have.

I do hope that the Senator from Maine, who is usually so generous, will not make the point of order. Certainly he must recognize that the Senate has been kind in interposing no points of order to many, many provisions that are in this bill and that were subject to points of order; and I think that he might omit to make the point when the only thing that is sought to be accomplished is that which, if justice is done to helpless people, must be done in this way.

I appeal to the Senator from Maine to allow this provision to be added to the bill.

Mr. HALE. Mr. President, I do not think the conferees ought to be embarrassed by introducing this subject and putting it in as an amendment. I think the Senator himself sees the force of the objection. I realize what he has said that the Senate has been very indulgent about this bill.

Mr. PATTERSON. Let me say to the Senator from Maine that, as I understand it, the members of the Committee on Indian Affairs of the Senate recognize the justice of this provision. It would have been in the bill in substance had it not been for the intense opposition of a member of the conference on the part of the House.

Mr. HALE. Now, I appeal to the Senator. Suppose he were in my place. Does he think that this subject which has been thrashed out in long debate and in conference upon another bill ought to be presented and put into this bill, and thereby raise the question with another set of conferees?

Mr. PATTERSON. It has never been presented in this form. It has never been presented in a manner in which everything that is objectionable has been eliminated. The objections that were made when we had it up before, I will say to the Senator from Maine, were that it admitted testimony dehors the record for the purpose of establishing the citizenship. Now everything of that kind is eliminated, and it is simply a duty now that by the amendment is devolved upon the Secretary of the Interior to make these transfers as they should be made under the law from that which appears on the rolls themselves. The Senator can trust the Secretary of the Interior. I hope he can.

Mr. HALE. I wish that Senators would take some responsibility themselves. I have every day measures submitted to me that I know to be subject to a point of order. Sometimes they are submitted by my constituents. I decline to present them because they are subject to a point of order. I wish Senators, who have a grave responsibility about these things, when they are besieged to offer amendments to appropriation bills that they know are subject to a point of order, would decline to present them. It ought not to be pushed in in this way and an appeal be made to the Senator in charge of the bill to give away the rights of the Senate and the committee. Senators themselves ought to exercise some judgment and ought to be able to say no.

I can not accept this amendment because it is subject to a point of order. If an appropriation bill is to be a matter of solicitation and every Senator is to offer every amendment he is asked to offer, although he knows it is subject to a point of order, and then he is to make a personal appeal to the Senator in charge of the bill, we are not getting the right form of legislation. I am no more responsible for this bill than the rest of the Senate, and the Senator ought not to make an appeal to me as he does.

Mr. PATTERSON. Mr. President, I do not want to seem to be unduly insistent in view of the very gentlemanly way in which the Senator from Maine seeks to assert his opposition. I want to say to the Senator from Maine that I can at least speak for one Senator who has time and time again, from the motives that he suggested should move Senators, refused to move amendments to appropriation bills for the very reason he states.

I want to ask the Senator from Maine whether a lecture—and I use the term in the most inoffensive manner possible—comes with good grace, after a bill has been read to the Senate and accepted, that if matters subject to a point of order were eliminated from it it would be at least one-third less in bulk? Surely the Senator from Maine has been unable to act with that Jacksonian firmness which he sometimes exhibits, and which I am glad he is now exhibiting in connection with another conference committee in regard to the construction of the great vessel. If he would exhibit the firmness that he talks of, and that would be so admirable if it could always be exhibited not only by him, but by all the Senators, as a matter of course, I would not have a word to say.

But I say to the Senator this is a matter in which I have taken a personal interest, and I have offered the amendment because I am convinced that the plainest kind of ordinary justice requires that some relief of this kind should be given. Were it not for that fact, if I had not given the matter very considerable investigation, if I was not convinced of the positive justice of the proposition, and if it did anything more than devolve upon the Secretary of the Interior authority to confirm this right from the records in his own office, I would yield in a moment.

Mr. HALE. Let me ask the Senator if the Committee on Indian Affairs is in favor of this amendment?

Mr. PATTERSON. So I understand, Mr. President. I have talked with the chairman of that committee, not upon this particular amendment, but I have talked——

Mr. HALE. If the Committee on Indian Affairs is in favor of this proposition, I will not make the point of order.

Mr. LONG. Mr. President——

Mr. PATTERSON. I do not want to be understood as saying that the Committee on Indian Affairs is in favor of it, because I have not talked with all the members. I talked with the chairman of the committee, and the chairman I know is in favor of it. I understood from him that the Senate conferees were in favor of a proposition substantially what this is, only that this is less objectionable than the one they discussed.

Mr. CLARK of Wyoming. Will the Senator allow me?

Mr. PATTERSON. Certainly.

Mr. CLARK of Wyoming. Let the amendment be read for information.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. At the foot of page 89 insert:

That section 4 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906, be, and the same is hereby, amended by adding the following proviso at the end of the section:

"*And provided further*, That the Secretary of the Interior be, and he is hereby, authorized and directed to reexamine the enrollment records of the Five Civilized Tribes for the purpose of ascertaining whether said enrollment records show that persons who, at the time their enrollment was made, were of Indian blood on the side of either parent, and to make such transfer of the names of such persons from one roll to another as they are entitled to on account of the facts appearing by such enrollment records."

Mr. SPOONER. What is meant by the words "enrollment records?"

Mr. PATTERSON. I suppose it means the enrollment records associated with the applications.

Mr. SPOONER. That they should be taken into consideration in passing on the subject?

Mr. PATTERSON. It means that the Secretary of the Interior——

Mr. SPOONER. Is this the same question that was being discussed the other day in the Senate on the conference report?

Mr. PATTERSON. Yes.

Mr. SPOONER. I do not know but the language ought to be guarded a little more than that.

Mr. PATTERSON. That might be done, I think, in the committee of conference.

Mr. HALE. The Committee on Indian Affairs are evidently against this matter. If the members of that committee do not

make any point of order, it having been in that committee, I certainly shall not make the point of order. Something ought to be done by other committees that deal with these subjects and consider and deliberate upon them. If no member of the committee makes the point of order on the amendment, I shall not make it.

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Kansas?

Mr. HALE. Certainly.

Mr. LONG. The chairman of the Committee on Indian Affairs, the junior Senator from Minnesota [Mr. CLAPP], is absent, and so I ask that this amendment may go over.

Mr. HALE. I can not agree to that, Mr. President. I repeat, if no member of the Committee on Indian Affairs makes the point of order on the amendment I shall not make it, and the Senate may adopt it.

Mr. PATTERSON. Let me say to the Senator from Kansas [Mr. LONG] that if the chairman of the Committee on Indian Affairs, when he appears here to-morrow, objects, and if the Senator from Kansas objects to-morrow, I will agree that the amendment may go out.

Mr. HALE. I shall not agree that the amendment go over.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Colorado [Mr. PATTERSON].

The amendment was rejected.

Mr. MALLORY. I offer the amendment which I send to the desk, to come in on page 92, at the end of line 14.

The VICE-PRESIDENT. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. On page 92, at the end of line 14, it is proposed to insert the following proviso:

Provided, That all of the appropriations herein made for the Government Hospital for the Insane shall be disbursed under the direct supervision of the Secretary of the Interior by the disbursing officer of the Department of the Interior on vouchers properly certified by the superintendent of the hospital and approved by the Secretary of the Interior.

Mr. HALE. Let the Senator from Florida confine his amendment to the proposition that these appropriations shall be disbursed under the control of the Secretary of the Interior. I do not want to recognize any disbursing officer.

Mr. MALLORY. I call the Senator's attention to the fact that in the Report of the Secretary of the Interior for the year 1905 he makes the direct recommendation, and the amendment, I think, is the language of the recommendation.

Mr. HALE. If the Senator will strike out the words I have indicated, I shall not object; otherwise I shall have to make the point of order against the amendment.

Mr. MALLORY. I have not before me the copy of the amendment.

The VICE-PRESIDENT. The modification of the amendment suggested by the Senator from Maine [Mr. HALE] will be stated.

The SECRETARY. It is proposed to strike out the words "by the disbursing officer of the Department of the Interior;" so that as modified the amendment will read:

Provided, That all of the appropriations herein made for the Government Hospital for the Insane shall be disbursed under the direct supervision of the Secretary of the Interior on vouchers properly certified by the superintendent of the hospital and approved by the Secretary of the Interior.

Mr. HALE. I have no objection to the amendment as modified. I think it is right.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. MALLORY. I have another amendment which I desire to offer.

The VICE-PRESIDENT. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. On page 91, after the word "patients," at the end of line 7, it is proposed to insert:

Provided, That none of the moneys herein appropriated shall be used to purchase or maintain more than one horse and vehicle or one automobile for the use of the superintendent.

Mr. HALE. I think that is right, Mr. President.

The amendment was agreed to.

Mr. CARTER. I offer the amendment which I send to the desk.

The SECRETARY. On page 123, after the word "dollars," on line 10, it is proposed to insert:

Of which sum $1,000 may be used under direction of the Secretary of War for examination, survey, and plans for adequate water supply for Fort William Henry Harrison, in the State of Montana.

Mr. HALE. Only a thousand dollars?

Mr. CARTER. Yes; for an examination.

Mr. HALE. Well, I do not object to it.

The amendment was agreed to.

Mr. CARTER. On page 127, after line 24, I move to insert as a separate paragraph the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 24, on page 127, it is proposed to insert:

For the survey and construction of a wagon road from the West Gallatin River, by the most direct and practicable route, to Mammoth Hot Springs, in the Yellowstone National Park, $15,000, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. HANSBROUGH. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. At what point does the Senator desire to have the amendment inserted?

Mr. HANSBROUGH. I think somewhere in the vicinity of the amendment in relation to the Jamestown Exposition.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert, on page 88, after line 10, the following:

For the management, improvement, and protection of Sullys Hill Park, in the State of North Dakota, to be expended under the supervision of the Secretary of the Interior, $2,500.

Mr. HANSBROUGH. Just a word, Mr. President. The Secretary of the Interior has recommended this.

Mr. HALE. That is a park I never heard of.

Mr. HANSBROUGH. That is one of the reasons why I offer the amendment. I want a great many people to hear of it. The Secretary of the Interior recommends the appropriation for the improvement of this park.

The amendment was agreed to.

Mr. HALE. Now, Mr. President, I am going to ask that the bill be reported to the Senate, and then I shall ask that certain amendments be reserved.

Mr. SPOONER. Before the bill is reported to the Senate, I want to ask attention to page 133. The Senator from Maine is a man of fine literary sense and taste, and I wish to read the language here, which seems to need a little improvement.

Mr. HALE. On what page?

Mr. SPOONER. On page 133, beginning with line 11:

For hospital, namely: Pay of assistant surgeons, matrons, druggists, hospital clerks and stewards, ward masters, nurses, cooks, waiters, readers, hospital carriage drivers, hearse drivers, gravediggers, funeral escort, and for such other services as may be necessary for the care of the sick.

Mr. HALE. The Senator might add "and the dead," if he thinks that will cover it.

Mr. SPOONER. I think that would answer, or "the burial of the dead."

Mr. HALE. There is no objection to that.

The VICE-PRESIDENT. What is the amendment proposed by the Senator from Wisconsin?

Mr. SPOONER. After the word "sick," in line 15, page 133, I move to insert the words "and the burial of the dead."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 133, line 15, after the word "sick," it is proposed to insert the words "and the burial of the dead."

The amendment was agreed to.

Mr. CULBERSON. Mr. President, before adjournment I wish to call the attention of the Senator from Maine to pages 154 and 155, where amendments occur in italics on those pages. I ask the Senator if those amendments do not change existing law? I recall that separate bills for this purpose were introduced in the Senate; that they were referred to the Committee on the Judiciary, and were considered by that committee without final action, if I mistake not.

Mr. HALE. Does the Senator refer to the amendments fixing the salaries of district attorneys and marshals in the States of Idaho and California?

Mr. CULBERSON. Yes. I recall that, generally speaking, it was the opinion of the committee that these matters ought to be taken up in some general way by a general bill readjusting the salaries wherever they should be readjusted, and not confining the action to Idaho and California.

Mr. SPOONER. That suggestion was made; but I think afterwards it was agreed that in order to equalize these two cases pending the general adjustment, which the committee was not prepared at that time to report upon, these two should be favorably reported, and I think they were.

Mr. HALE. The Committee on Appropriations were told that the Committee on the Judiciary had unanimously agreed, under the conditions suggested by the Senator from Wisconsin, upon these propositions, and therefore the Committee on Appropriations recommended their insertion in the bill.

Mr. CULBERSON. Without taking further time, I reserve the point of order on those amendments until I can examine the matter.

Mr. NELSON. I wish to say that the Committee on the Judiciary reported favorably on the subject.

Mr. HALE. Mr. President, those amendments may be reserved.

Mr. HANSBROUGH. Mr. President, I want to reserve the right to move to reconsider the vote, or to again bring up the amendment offered by the Senator from New Hampshire [Mr. GALLINGER] a while ago, in regard to permitting the street railways to lay their tracks to the Union Station. I have examined the amendment more carefully than I could by listening to it when it was read at the desk, and I am not at all pleased with its phraseology. That may be my fault. I simply want to reserve that amendment when the bill gets into the Senate. Meantime I will offer an amendment, which I shall propose to-morrow.

Mr. HALE. I ask that all amendments may be offered to-night.

Mr. HANSBROUGH. Then I will offer it as an amendment to the amendment offered by the Senator from New Hampshire.

Mr. GALLINGER. Let it be read, Mr. President.

The VICE-PRESIDENT. The proposed amendment will be stated.

The SECRETARY. In lieu of the amendment adopted on motion of Mr. GALLINGER, it is proposed to insert——

The VICE-PRESIDENT. The amendment in the present stage of the bill is not in order.

Mr. GALLINGER. I should like to have it read for information.

The VICE-PRESIDENT. The proposed amendment will be read for the information of the Senate.

The Secretary read as follows:

That the existing street railway companies in the District of Columbia, under rules and regulations to be prescribed by the Commissioners of the District of Columbia, be, and they are hereby, authorized to lay temporary tracks to and from the new Union Station, connecting with their permanent tracks, and to operate their cars over such temporary tracks by overhead electrical trolley power until such time as the said street railway companies, or any of them, shall receive authority from Congress to extend their existing lines to and in front of the said Union Station and put in permanent conduits for the purpose of operating their system or systems by the underground trolley.

Mr. HALE. I shall ask that that amendment be reserved. Of course when that amendment comes up in the Senate, amendments can be offered to it, and the Senator can offer his amendment at that time.

Mr. HANSBROUGH. That is satisfactory to me.

The VICE-PRESIDENT. It will be in order to offer the amendment when the bill reaches the Senate.

Mr. HALE. I ask that the bill be reported to the Senate.

Mr. MALLORY. I have an amendment that I will ask to have read, and I will offer it when the bill gets into the Senate. It is to the amendment adopted at the instance of the Senator from New Hampshire [Mr. GALLINGER].

Mr. HALE. Let it be printed, Mr. President.

Mr. GALLINGER. I should like to have it read.

The VICE-PRESIDENT. At the request of the Senator from New Hampshire, the proposed amendment will be read.

The SECRETARY. It is proposed to insert the following proviso:

Provided, That the existing transfer arrangements between said Washington Railway and Electric Company and other passenger transportation corporations shall not be terminated except by authority of Congress.

Mr. HALE. I am satisfied, in view of all the controversies that have arisen, that I shall have to make the point of order against the amendment when it reaches the Senate, but for the present I reserve the right.

Mr. GALLINGER. Mr. President, I rise to say that I will save the Senator the trouble of doing that, if I can have the privilege of withdrawing the amendment that I offered; and then the traveling public can walk in Washington after the Union Station is completed.

Mr. HALE. I understand the Senator withdraws his amendment?

Mr. GALLINGER. I do. I withdraw my amendment, and I shall make the point of order against all other amendments relating to that matter.

Mr. HALE. Now, Mr. President, I am going to ask that the bill be reported to the Senate, and when the Chair asks the question——

The VICE-PRESIDENT. Without objection, the vote by which the amendment proposed by the Senator from New Hampshire was adopted will be regarded as reconsidered. The Senator from New Hampshire withdraws his amendment.

Mr. HALE. That is right. Now, Mr. President, let the bill be reported to the Senate. Then I will reserve certain amendments.

The VICE-PRESIDENT. The Chair is inclined to think that, as a number of amendments pending in Committee of the Whole have been passed over, the bill can not now be reported to the Senate.

Mr. HALE. The same effect is reached, Mr. President, if the bill be reported to the Senate with such amendments reserved. When they are reserved in Committee of the Whole the right of every Senator is maintained when the bill gets into the Senate as to those amendments and any proposition that he may make upon them.

The VICE-PRESIDENT. The amendments must be first agreed to as in Committee of the Whole. After the amendments go into the Senate they are still open to amendment, but they can not be taken into the Senate at this stage, as it is obvious to the Chair that they must be first agreed to as in Committee of the Whole.

Mr. HALE. I do not think it is very essential. It is evident, though I am very sorry it is so, that we can not finish the bill to-night. However, the Senate is as much interested as I am.

The VICE-PRESIDENT. If the amendments are agreed to as in Committee of the Whole, they can be reserved for separate consideration in the Senate.

Mr. LODGE. Mr. President, of course, if the bill is reported to the Senate, it can only be reported with the amendments that have been made as in Committee of the Whole. Amendments that have been passed over have not been made or dealt with and fall when the bill is reported to the Senate.

Mr. HALE. Undoubtedly.

Mr. LODGE. But those amendments that have been passed over can all be offered as new amendments in the Senate.

The VICE-PRESIDENT. Then, would not this be the parliamentary status——

Mr. LODGE. The fact that an amendment has been passed over does not deprive us of the privilege of going into the Senate if they are to be offered there as new amendments.

Mr. HANSBROUGH. But, Mr. President, is not this the case: Would it not be necessary to withdraw the amendments?

Mr. LODGE. Yes; they ought to be withdrawn.

The VICE-PRESIDENT. They must be withdrawn; otherwise a part of the bill would be in the Senate and a part of the amendments would be in Committee of the Whole.

Mr. LODGE. That is what I meant to imply—that they must be disposed of in some manner.

The VICE-PRESIDENT. They can be withdrawn and offered in the Senate.

Mr. LODGE. It is not necessary to vote them down or vote them in, but they must be in some way disposed of.

The VICE-PRESIDENT. They must either be voted down, voted in, or withdrawn.

Mr. HALE. The controversies which we do not settle to-night—and the Lord only knows when we will settle them—must be settled hereafter. I do not see any way, unless these different amendments are acted upon, and then I will reserve them after the bill is reported to the Senate; but I not am very urgent about that, because——

The VICE-PRESIDENT. The amendments that have been passed over could be agreed to in Committee of the Whole and then reserved for separate votes when the bill comes into the Senate.

Mr. HALE. Yes; but perhaps some of the amendments are so important that the Senate would not be willing to agree to them even nominally; and, therefore, I shall ask—I have done all I could do to get the bill through to-day, but I can see plainly that it will not get through perhaps this week.

Mr. NELSON. Mr. President, to report the bill to the Senate without acting on amendments would be equivalent to the Committee of the Whole reporting to the Senate that they had considered the bill and made some progress with it, but have not disposed of it. Therefore, the bill would not be out of the Committee of the Whole until we had disposed of those amendments. But, Mr. President, so far as I am concerned, while I am interested in one amendment, I am quite content, if that will solve the difficulty, to withdraw it for the time being, with the understanding that I will offer it again when the bill gets into the Senate. However, I understand there are reserved two other amendments—the one to which the Senator from Mississippi [Mr. MCLAURIN] objects, and the canal amendment. There may be some others, but I recall those two.

The VICE-PRESIDENT. The Senator from Minnesota withdraws the amendment.

Mr. NELSON. No; I will not withdraw it, unless it will help to solve the difficulty.

Mr. LODGE. The amendment, Mr. President, the Senator from Mississippi [Mr. MCLAURIN] objected to had been agreed to. It is the point of order on which the Senator from Mississippi took an appeal that goes over.

Mr. MCLAURIN. If the Senator from Massachusetts will allow me, I do not understand that that amendment has been agreed to. It was permitted to go over and not agreed to, because I especially objected to it.

Mr. LODGE. Mr. President, what went over was this: The point of order was made; it was overruled by the Chair, and the Senator from Mississippi took an appeal.

Mr. SPOONER. It was not agreed to.

Mr. LODGE. And the question before the Senate is on the appeal.

Mr. MCLAURIN. The amendment was not agreed to.

The VICE-PRESIDENT. The amendment was not agreed to. The point of order was made against it.

Mr. LODGE. That is unimportant.

The VICE-PRESIDENT. What is the further wish of the Senator from Maine?

Mr. HALE. I do not see that there is anything further I can do, Mr. President. I have done the best I could to get the bill through to-night, and the Senate was very kind in having this evening session.

Mr. MCLAURIN. Mr. President——

Mr. NELSON. Will the Senator from Mississippi allow me to make a suggestion?

Mr. MCLAURIN. Certainly.

Mr. NELSON. I will withdraw my amendment for the time being and offer it in the Senate to-morrow. I understand the Senator who has the bill in charge does not intend to go any further than to have it reported to the Senate this evening. Am I correct in that?

Mr. HALE. What I hoped, Mr. President, was that everything would be disposed of except the amendment in relation to the Panama Canal, which, of course, could not be disposed of to-night, as the Senate has agreed to take that matter up and decide it to-morrow. But I can not control the Senate; and if the Senator from Mississippi insists upon his amendment to strike out the provision in regard to the President's traveling expenses or to oppose that provision which was put in by the committee, of course I can not have a vote upon it to-night.

Mr. MCLAURIN. In answer to what was suggested by the Senator from Minnesota, I want to suggest, inasmuch as he proposes to withdraw his amendment, that the Senator who has charge of the bill withdraw the amendment on which I made the point of order and offer it to-morrow in the Senate. I do not know what disposition the Senate will make of the amendment. I have an idea what the disposition will be; but I have some observations that I desire to make before that amendment is to be acted upon, and I prefer for myself that that be done to-morrow.

Mr. HALE. Then, Mr. President, I do not conceive that anything can be gained by spending any more time on the bill this evening; but I shall continue to ask the Senate at every possible moment to take the bill up and consider and complete it, without repeating the reasons which I gave this morning, in order that it may go into conference. But if the Senate does not desire that, the Committee on Appropriations is discharged from its responsibility.

Mr. SPOONER. I should like to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wisconsin?

Mr. HALE. Certainly.

Mr. SPOONER. The Senator does not expect to adopt the canal amendment to-night?

Mr. HALE. No; I do not.

Mr. SPOONER. How could the bill go into the Senate with the canal amendment unacted upon in Committee of the Whole?

Mr. HALE. What I hoped was that it would go into the Senate, and when the Chair asked the usual question, "whether any amendments are reserved," that that amendment would be reserved.

Mr. SPOONER. Does the Senator mean that the Senate, in Committee of the Whole, shall adopt the amendment?

Mr. HALE. Adopt the amendment or not—either way. But I can see that that is not a feasible thing, and there is nothing to be gained by spending any more time on the bill to-night.

Mr. MCLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Mississippi?

Mr. HALE. Yes.

Mr. MCLAURIN. I wish to say, Mr. President, in response to the suggestion that was made in reference to the appeal that I took to the Senate from the ruling of the Chair, that I will not insist upon the appeal to-morrow, not that I am convinced that I was incorrect, but for other reasons I will not insist upon the appeal. I will, however, oppose the amendment that has been reported, as I stated a while ago, and I propose to submit some observations on it when it comes to the Senate.

Mr. HALE. The Senator suggests that he proposes to debate that amendment, and I do not see that anything is to be gained by obliging him to commence the debate to-night. Good progress has been made with the bill, and I shall ask the Senate at the first possible moment to continue the consideration of it. I can see plainly that nothing can be done to-morrow, because to-morrow is already confiscated by the rule of the Senate for the Panama Canal. If, however, we should get through with that in time to-morrow afternoon, I shall ask the Senate to take this bill up and complete it; and, if necessary, I shall ask for a session to-morrow evening. Under those conditions, Mr. President, I move that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 21, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 20, 1906.*

The House met at 11 o'clock a. m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.:

We bless Thee, our Father in heaven, for every fraud unearthed, for every injustice brought to light, for every act of dishonesty and perfidy uncovered throughout the world, and we most fervently pray that speedy retribution shall follow the wrongdoer, both for his sake and for the sake of humanity, and we rejoice with exceeding great joy that for every fraud there are a thousand genuine acts, for every injustice a thousand deeds of justice and kindness, for every deed of dishonesty a thousand acts of honesty; that there is more good than evil in the world; that the trend of civilization is upward, not downward—forward, not backward; that God reigns, and the star of love is in the ascendency; that the tides of brotherhood are strengthening and widening day by day; and with an optimism born of faith in Thee and in humanity we look forward to the coming of Thy kingdom in all its sweetness and fullness and the reign of Thy love in every heart; for Thine is the kingdom, and the power, and the glory for ever and ever. Amen.

The Journal of yesterday's proceedings was read and approved.

LEGISLATIVE APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I call up the conference report on the bill H. R. 16472—legislative, executive, and judicial appropriation bill—and I ask unanimous consent that the reading of the report be omitted.

The SPEAKER. The gentleman asks unanimous consent that the statement be read in lieu of the report.

Mr. LITTAUER. Mr. Speaker, I ask unanimous consent that the reading of the statement be omitted. It is a long tabulation of what has taken place on the many amendments. It is printed in the RECORD to-day.

Mr. UNDERWOOD. I shall have to object to that unless we have an explanation.

Mr. LITTAUER. It is printed in the RECORD.

The SPEAKER. Is there unanimous consent that the statement be read in lieu of the report?

Mr. UNDERWOOD. I have no objection to that.

The SPEAKER. The Chair understands the gentleman wishes that one or the other be read.

Mr. UNDERWOOD. I merely ask that one or the other be read.

Mr. LITTAUER. I ask unanimous consent that the statement may be read.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16472) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 27, 49,

50, 52, 53, 54, 60, 61, 65, 66, 67, 74, 76, 77, 78, 79, 83, 84, 85, 86, 87, 96, 97, 120, 127, 128, 129, 130, 131, 132, 135, 138, 139, 141, 149, 152, 154, 155, 179, 191, 192, 197, 200, 201, 202, 204, 205, 208, 209, 210, 211, 220, 221, 227, 228, 237, 247, and 250.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 28, 29, 30, 31, 32, 33, 34, 36, 38, 39, 40, 41, 42, 43, 45, 47, 48, 51, 56, 57, 58, 59, 63, 64, 69, 73, 75, 81, 82, 88, 90, 92, 93, 94, 95, 98, 99, 100, 101, 102, 103, 104, 105, 106, 111, 112, 113, 114, 115, 116, 117, 118, 119, 125, 133, 134, 136, 137, 144, 145, 146, 147, 151, 153, 157, 158, 159, 161, 162, 163, 164, 165, 166, 167, 169, 175, 176, 177, 178, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 193, 194, 195, 196, 199, 206, 212, 213, 214, 215, 216, 217, 218, 219, 222, 223, 224, 226, 229, 230, 231, 232, 233, 234, 235, 236, 238, 239, 240, 242, 243, 244, 245, and 251; and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: On page 5 of the bill, in lines 20 and 21, strike out the words "Relations with Cuba" and insert in lieu thereof "Cuban relations;" and in lines 22 and 23 strike out the words "improvement of the;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-one;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-seven thousand eight hundred dollars;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-five;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "sixty-nine privates, at one thousand and fifty dollars each;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-seven thousand six hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagrement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and insert on page 32 of the bill, after line 14, as a separate paragraph, the following:

"For plans and estimates for a newspaper stack, to be procured by the Joint Committee on the Library if said committee shall decide such stack to be necessary, two thousand five hundred dollars."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "hereafter;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and eight thousand nine hundred and seventy dollars;" and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ten thousand four hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: On page 44 of the bill, in lines 12, 13, and 14, strike out the words "two superintendents of technical divisions, at two thousand seven hundred and fifty dollars each" and insert in lieu thereof the following: "superintendent of computing division, two thousand seven hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: On page 44 of the bill, in line 16, after the word "dollars," insert the words "chief of inspection division, two thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-three thousand four hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "One stenographer and typewriter, one thousand four hundred dollars; one typewriter copyist, one thousand dollars;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and forty-two thousand five hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty;" and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and thirty-one thousand three hundred and thirty dollars;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty thousand dollars;" and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and sixty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert "rent of office and quarters in Juneau;" and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and sixty-four thousand three hundred and eighty-six dollars;" and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Two chiefs of division, at two thousand dollars each;" and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the words inserted by said amendment insert the words "three clerks;" and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-nine thousand three hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: After the word "For" in said amendment insert the word "two;" and the Senate agree to the same.

Amendment numbered 140: That the House recede from its disagreement to the amendment of the Senate numbered 140,

and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and one thousand three hundred dollars;" and the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: On page 99 of the bill, in line 25, strike out the word "four" and insert in lieu thereof the word "six;" and the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two thousand dollars;" and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixteen;" and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "eighteen" and insert in lieu thereof the word "sixteen;" and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and fifty-three thousand eight hundred and seventy dollars;" and the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lines 8 and 9 of said amendment strike out the words "sixty-one thousand five hundred dollars" and in lieu thereof insert the following: "namely: twelve clerks, qualified as draftsmen, at one thousand two hundred dollars per annum each; fifty copyists, at nine hundred dollars per annum each; and one messenger, at six hundred dollars per annum; in all, sixty thousand dollars;" and the Senate agree to the same.

Amendment numbered 168: That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty-five;" and the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one million seven hundred and sixty-nine thousand seven hundred and fifty dollars;" and the Senate agree to the same.

Amendments numbered 171–174: That the House recede from its disagreement to the amendments of the Senate numbered 171, 172, 173, and 174, and agree to the same with an amendment as follows: Strike out all of the amended paragraph and insert in lieu thereof the following:

"For photolithographing or otherwise producing plates and illustrations for the Official Gazette, for work to be done at the Government Printing Office in producing the Official Gazette, including the letterpress, the weekly, monthly, bimonthly, and annual indexes therefor, exclusive of expired patents, in all, one hundred and thirty thousand dollars."

And the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For rent for storage for Patent Office model exhibit, ten thousand dollars or so much thereof as may be necessary; and the Secretary of the Interior shall dispose of a part or all of the models of said exhibit, either by sale, gift, or otherwise;" and the Senate agree to the same.

Amendment numbered 198: That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and twenty-six thousand six hundred and ten dollars;" and the Senate agree to the same.

Amendment numbered 203: That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-one thousand nine hundred and ninety dollars;" and the Senate agree to the same.

Amendment numbered 207: That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: Before the words inserted by said amendment insert the words "not more than;" and the Senate agree to the same.

Amendment numbered 225: That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven hundred and seventeen thousand and twenty dollars;" and the Senate agree to the same.

Amendment numbered 241: That the House recede from its disagreement to the amendment of the Senate numbered 241, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "expended," insert the words "during the fiscal year nineteen hundred and seven;" and the Senate agree to the same.

Amendment numbered 246: That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: On page 161 of the bill, after the word "service," at the end of line 16, insert the following: ", and the heads of Departments shall cause this provision to be enforced;" and the Senate agree to the same.

Amendment numbered 248: That the House recede from its disagreement to the amendment of the Senate numbered 248, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "preceding," in line 5; and the Senate agree to the same.

Amendment numbered 249: That the House recede from its disagreement to the amendment of the Senate numbered 249, and agree to the same with an amendment as follows: At the end of said amendment, after the word "originate," insert ", in which case such special or additional estimate shall be accompanied by a full statement of its imperative necessity and reasons for its omission in the annual estimates;" and the Senate agree to the same.

LUCIUS N. LITTAUER,
L. F. LIVINGSTON,
Managers on the part of the House.

S. M. CULLOM,
F. E. WARREN,
H. M. TELLER,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 16472) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1907, submit the following written statement in explanation of the effect of the action agreed upon on the amendments of the Senate and recommended in the accompanying conference report:

On amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34, all of which relate to the Senate: Provides for the officials and employees of that body at the rates of compensation proposed in the amendments and also for the amounts stipulated in said amendments for contingent expenses, except that twenty-one clerks to committees at $1,800 each are provided for instead of twenty-two as originally proposed in the bill and twenty as proposed by an amendment of the Senate, and twenty-five clerks to Senators who are not chairmen of committees at $1,800 each instead of twenty-four such clerks as proposed by the Senate.

On amendments Nos. 35, 36, and 37: Provides for sixty-nine privates of the Capitol police force at $1,050 each instead of $1,020 each as proposed by the House.

On amendments Nos. 38, 39, and 40: Makes verbal corrections in the text of the bill relating to the House of Representatives.

On amendments Nos. 41, 42, 43, 44, and 45, relating to the Library of Congress: Provides for a chief classifier at $2,000 in lieu of an assistant at $1,800, as proposed by the Senate, in the catalogue and shelf division; appropriates $20,000, as proposed by the Senate, instead of $40,000, as proposed by the House, for furniture; and appropriates specifically $2,400 to enable the Joint Committee on the Library to procure plans and estimates for a newspaper stack.

On amendment No. 46: Reenacts, as proposed by the Senate, the provision authorizing details from the Executive Departments to the Office of the President.

On amendments Nos. 47, 48, 49, 50, 51, 52, 53, 54, and 55: Makes a verbal correction in the text of the bill, and with reference to the Department of State provides for an additional assistant solicitor of the Department at $3,000, and for one additional clerk at $1,600, as proposed by the Senate; strikes

out the increase proposed by the Senate of $150 in the salaries of eight chiefs of bureaus; the increase of force of one clerk at $1,800, one clerk at $1,400, one clerk at $1,200; and provides for one telephone switch-board operator at $720, as proposed by the House, instead of two telephone operators at $600 each, as proposed by the Senate.

On amendments Nos. 56, 57, and 58: Provides for an examiner at $2,000, as proposed by the Senate, in the office of the Secretary of the Treasury and makes verbal corrections in the text of the bill.

On amendments Nos. 59, 60, 61, and 62: Provides for an additional clerk at $1,800, as proposed by the Senate, in the force temporarily employed in the miscellaneous division, and strikes out the increase proposed by the Senate of $200 in the salary of one clerk therein.

On amendments Nos. 63 and 64: Provides, as proposed by the Senate, in the division of printing and stationery of the Treasury, for one foreman of bindery at $6 per day, four binders at $4 per day each, and two sewers and folders at $2.50 per day each.

On amendments Nos. 65, 66, and 67: Strikes out the increase proposed by the Senate of $200 in the salary of one clerk in the offices of disbursing clerks of the Treasury.

On amendments Nos. 68, 69, 70, and 71: Provides for a superintendent of division at $2,750 and for a chief of inspection division at $2,500 instead of two superintendents of technical divisions at $2,750 each, and increases the salary of the chief of accounts division from $2,000 to $2,500, as proposed by the Senate, in the Office of the Supervising Architect.

On amendments Nos. 72 and 73: Provides for a stenographer and typewriter at $1,400 instead of a typewriter copyist at $1,000 in the Office of the Comptroller of the Treasury.

On amendment No. 74: Strikes out the appropriation of $5,000 proposed by the Senate for restoring worn-out and defaced rolls and vouchers in the Office of the Auditor for the War Department.

On amendments Nos. 75, 76, 77, 78, 79, and 80: Provides for one additional clerk at $1,600 in the Office of the Auditor for the Navy Department, and strikes out the increase in salaries of two clerks in said office proposed by the Senate.

On amendments Nos. 81 and 82: Provides for one additional clerk at $1,800 in the Office of the Auditor for the Interior Department.

On amendments Nos. 83, 84, and 85: Strikes out the increases in salaries of twenty skilled laborers from $720 to $840 each in the Office of the Auditor for the Post-Office Department proposed by the Senate.

On amendments Nos. 86, 87, 88, 89, 90, and 91, relating to the Office of the Treasurer: Provides for two additional pressmen at $1,400 each, three feeders at $660 each, as proposed by the Senate, for forty separators at $660 each instead of twenty-eight, as proposed by the House, and forty-six, as proposed by the Senate, and strikes out the change in title, proposed by the Senate, of twenty clerks to expert counters.

On amendments Nos. 92, 93, 94, 95, 96, and 97, relating to the Bureau of Engraving and Printing: Provides, as proposed by Senate, an increase of six watchmen at $720 each, five charwomen at $300 each, and eight laborers at $540 each, and strikes out the provisions proposed by the Senate extending in any way the authority for other employments in the Bureau of a clerical, executive, or administrative force additional to those provided for in this act.

On amendment No. 98: Appropriates $65,000, as proposed by the Senate, instead of $40,000, as proposed by the House, for freight on bullion and coin between mints and assay offices.

On amendment No. 99: Appropriates $35,000, as proposed by the Senate, instead of $30,000, as proposed by the House, for stationery for the Treasury Department.

On amendment No. 100: Appropriates $600, as proposed by the Senate, for material for binding records in the Treasury Department.

On amendment No. 101: Appropriates $2,050,000, as proposed by the Senate, instead of $2,200,000, as proposed by the House, for collectors of internal revenue, deputy collectors, surveyors, and clerks.

On amendment No. 102: Appropriates $2,250,000, as proposed by the Senate, instead of $2,200,000, as proposed by the House, for revenue agents, gaugers, and storekeepers in the internal-revenue service.

On amendment No. 103: Appropriates $12,000, as proposed by the Senate, instead of $9,000, as proposed by the House, for paper for checks and drafts.

On amendments Nos. 104, 105, and 106, relating to the mint at Denver, Colo.: Increases the salary of the cashier $250 and of the bookkeeper $200, as proposed by the Senate.

On amendments Nos. 107, 108, and 109, relating to the mint at San Francisco, Cal.: Appropriates $165,000 instead of $150,000, as proposed by the House, and $175,000, as proposed by the Senate, for wages of workmen and adjusters, and limits the amount thereof that may be used for clerks and employees to $40,000, and appropriates $45,000 instead of $40,000, as proposed by the House, and $50,000, as proposed by the Senate, for contingent expenses.

On amendments Nos. 110 and 111: Appropriates $5,000, as proposed by the Senate, instead of $2,000, as proposed by the House, for contingent expenses of the district of Alaska, including $2,000 for clerk hire and necessary amount for rent of offices and quarters in Juneau.

On amendment No. 112: Appropriates $2,000, as proposed by the Senate, instead of $1,000, as proposed by the House, for contingent expenses of Oklahoma.

On amendment No. 113: Inserts the provision proposed by the Senate requiring the Sergeant-at-Arms of the House of Representatives to disburse the salary and traveling expenses of the Commissioner from Porto Rico.

On amendments Nos. 114 and 115: Appropriates $250, as proposed by the Senate, for compensation of chief of division in the War Department for services as superintendent of building.

On amendments Nos. 116, 117, and 118, relating to the Office of Quartermaster-General: Appropriates, as proposed by the Senate, for an advisory architect at $4,000, and strikes out the position of electrical and mechanical engineer at $1,600.

On amendments Nos. 119, 120, and 121, relating to the Office of the Surgeon-General of the Army: Provides for three clerks at $900 each, as proposed by the Senate, and strikes out the position of skilled laborer at $900.

On amendments Nos. 122 and 123, relating to the Office of Chief of Engineers: Provides for two chiefs of division at $2,000 each and for two clerks at $1,800 each, instead of two expert clerks at $2,000 each and two clerks at $1,900 each, as proposed by the Senate.

On amendment No. 125: Strikes out the provision proposed by the House requiring the superintendent of the State, War, and Navy building to act as superintendent of buildings rented for the War and Navy Departments.

On amendment No. 126: Appropriates, as proposed by the Senate, $3,000 for two new boilers for the State, War, and Navy building.

On amendments Nos. 127 and 128: Appropriates for one telephone switchboard operator at $720, as proposed by the House, instead of two telephone operators at $600 each in the office of the Secretary of the Navy.

On amendments Nos. 129, 130, and 131: Strikes out the provision of the Senate for one mistress of charwomen at $300 instead of a charwoman at $240 in the building rented for the use of the Navy Department.

On amendment No. 132: Strikes out the provision proposed by the Senate continuing available during the fiscal year 1908 the appropriation for publication of copies of the Official Records of the Union and Confederate Navies.

On amendments Nos. 133, 134, and 135: Provides for two additional clerks at $1,800 each in the Bureau of Navigation of the Navy Department and makes a verbal correction in the text of the bill.

On amendments Nos. 136, 137, 138, 139, and 140: Increases the compensation of one nautical expert from $1,200 to $1,300 as proposed by the Senate, in the Hydrographic Office and strikes out the provision proposed by the Senate increasing the salary of one engraver therein from $900 to $1,000.

On amendments Nos. 141 and 142: Provides for one assistant astronomer in the Naval Observatory at $2,400, as proposed by the House, instead of $2,200 as proposed by the Senate, and increases the salary of one assistant from $1,200 to $1,400, as proposed by the Senate.

On amendment No. 143: Appropriates $2,000, instead of $1,500 as proposed by the House and $2,500 as proposed by the Senate, for a new steam boiler for the Naval Observatory.

On amendments Nos. 144, 145, 146, and 147, relating to the Bureau of Supplies and Accounts: Provides, as proposed by the Senate, for one clerk at $1,800 and one clerk at $1,600 instead of two stenographers at $1,400 each.

On amendments Nos. 148, 149, 150, 151, 152, 153, 154, 155, and 156, relating to the office of the Secretary of the Interior: Provides for sixteen additional members of the board of pension appeals at $2,000 each instead of twelve as proposed by the House and eighteen as proposed by the Senate; leaves in the bill the provision as proposed by the House requiring that said employment shall cease at the end of the fiscal year 1907; inserts the provision proposed by the Senate that vacancies occur-

ring in said force shall not be filled; provides for a clerk in charge of documents at $2,100, as proposed by the Senate; strikes out proposed increase in the salary of the custodian of $150; provides for two additional clerks at $1,600 each and strikes out the provision proposed by the Senate for one clerk at $1,400 instead of one clerk at $1,200.

On amendments Nos. 157, 158, and 159: Increases the salary of two chiefs of division in the General Land Office from $2,000 each to $2,400 each, as proposed by the Senate.

On amendment No. 160: Provides for 12 clerks, qualified as draftsmen, at $1,200 each, and 50 copyists, at $900 each, and 1 messenger, at $600, to be selected and employed by the Secretary of the Interior for reproducing the official records of the land offices in San Francisco.

On amendments Nos. 161 and 162: Provides, as proposed by the Senate, that 500 copies of the United States maps shall be delivered to the Commissioner of the General Land Office.

On amendment No. 163: Appropriates $1,250, as proposed by the Senate, instead of $1,000, as proposed by the House, for separate State and Territorial maps.

On amendments Nos. 164, 165, 166, and 167: Provides for two additional clerks at $1,800 each and for two additional clerks at $1,200 each in the Indian Office, as proposed by the Senate.

On amendments Nos. 168, 169, and 170 relating to the Pension Office: Provides for thirty-five medical examiners at $1,800 each instead of thirty-two, as proposed by the House, and thirty-eight, as proposed by the Senate, and for eighteen assistant chiefs of division at $1,800 each instead of ten, as proposed by the House.

On amendments Nos. 171, 172, 173, 174, and 175: Appropriates $130,000, as proposed by the House, instead of $145,000, as proposed by the Senate, for photo-lithographing or otherwise producing plates and illustrations for the Patent Office Gazette, and requires all of said work to be done at the Government Printing Office.

On amendment No. 176: Appropriates $105,000, as proposed by the Senate, instead of $90,000, as proposed by the House, for contingent expenses for the Interior Department.

On amendments Nos. 177 and 178: Appropriates $10,000, as proposed by the Senate, instead of $20,000, as proposed by the House, for confidential agents to be appointed by the Secretary of the Interior to make investigations and examinations in special cases, and strikes out the provision proposed by the House, limiting such service to cases of protecting public lands from illegal and fraudulent entry or appropriation.

On amendment No. 179: Appropriates $60,000, as proposed by the House, instead of $68,000, as proposed by the Senate, for stationery for the Interior Department.

On amendment No. 180: Appropriates $10,000 instead of $19,500, as proposed by the Senate, for rent for storage for Patent Office model exhibit, and directs the Secretary of the Interior to dispose of a part or all of the models of said exhibits either by sale, gift, or otherwise.

On amendment No. 181: Appropriates $10,000, as proposed by the Senate, for rent of temporary office for the General Land Office and for other expenses in reproducing records of the office of the surveyor-general of California at San Francisco.

On amendments Nos. 182, 183, 184, 185, 186, 187, 188, 189, and 190, relating to the offices of surveyors-general, compared with the bill as it passed the House, the following changes proposed by the Senate are made: For contingent expenses, surveyor-general of California, from $1,500 to $4,000; for clerks in office of surveyor-general of Colorado, from $16,500 to $17,225; for clerks in office of surveyor-general of Idaho, from $9,000 to $10,500, and reduces the amount for contingent expenses of his office from $1,500 to $1,000; increases amount for contingent expenses for the surveyor-general of Nevada from $500 to $1,000, and increases the amount for clerks in the office of the surveyor-general of Wyoming from $8,900 to $11,700.

On amendments Nos. 191 and 192, relating to the office of the Postmaster-General: Strike out the provision proposed by the Senate for two clerks at $1,800 each, instead of two stenographers at $1,600 each.

On amendment No. 193: Insert the stipulation proposed by the Senate that a clerk at $840, proposed to be provided for in the Office of the Third Assistant Postmaster-General, is now a classified laborer.

On amendments Nos. 194 and 195: Makes verbal corrections in the text of the bill.

On amendments Nos. 196, 197, and 198, relating to the Office of the Attorney-General: Increases the salary of the superintendent of building from $250 to $500, as proposed by the Senate, and strikes out the increase of $100 proposed by the Senate in the salary of the attorney in charge of pardons.

Amendments Nos. 199, 200, 201, 202, and 203, relating to the office of the solicitor of the Department of Commerce and Labor: Increases the salary of the chief clerk and law clerk from $2,000 to $2,250 as proposed by the Senate, and strikes out the provisions proposed by the Senate increasing the salaries of two clerks at $1,200 each to $1,400 and $1,600, respectively.

On amendments Nos. 204 and 205: Appropriates for a chief of appointment division at $2,250 as proposed by the House instead of $2,000 as proposed by the Senate in the office of the Secretary of Commerce and Labor.

On amendments Nos. 206 and 207: Appropriates $50,000 as proposed by the Senate instead of $30,000 as proposed by the House for special agents for the office of the Secretary of Commerce and Labor to investigate trade conditions abroad and requiring that not more than $20,000 thereof shall be used in the investigation of markets for cotton products.

On amendment No. 208: Strikes out the provision proposed by the Senate providing for payment of fees and mileage of witnesses out of the appropriation for special attorneys, special examiners, and special agents under the Bureau of Corporations.

On amendments Nos. 209, 210, and 211: Strikes out the provision proposed by the Senate increasing the salary of one clerk in the Bureau of Manufactures from $1,200 to $1,400.

On amendments Nos. 212, 213, 214, and 215, relating to the Bureau of Labor: Strikes out the provisions proposed by the Senate for a chief statistician at $3,000 instead of chief clerk at $2,500, and for two additional special agents at $1,800 each instead of two special agents at $1,400 each.

On amendment No. 216: Appropriates $65,140 instead of $64,090 as proposed by the Senate for subsistence and traveling expenses of special agents in the Bureau of Labor.

On amendments Nos. 217, 218, 219, 220, 221, 222, 223, 224, and 225, relating to the Census Office: Provides as proposed by the Senate for nine clerks at $1,400 each instead of two clerks at $1,000 each and ten clerks at $900 each; for eleven skilled laborers at $720 each instead of eleven unskilled laborers at $720 each; for twenty-four instead of thirty-two charwomen at $240 each; and strikes out the provision proposed by the Senate for an additional skilled laborer at $1,000 instead of a skilled laborer at $900.

On amendment No. 226: Appropriates $15,000, as proposed by the Senate, instead of $12,000, as proposed by the House, for furniture and other articles for the Census Office.

On amendments Nos. 227 and 228: Strikes out the provision of the Senate increasing the salary of the Supervising Inspector-General of the Steamboat-Inspection Service from $3,500 to $4,000.

On amendments Nos. 229, 230, and 231, relating to the Bureau of Immigration: Provides for an additional clerk at $1,400, instead of a copyist at $900, as proposed by the Senate.

On amendments Nos. 232, 233, 234, 235, 236, and 237, relating to the Bureau of Standards: Appropriates $15,000, as proposed by the Senate, instead of $12,500, as proposed by the House, for miscellaneous expenses, and $3,000, as proposed by the Senate, instead of $4,000, as proposed by the House, for roads and walks and care of grounds, and strikes out the provision making the appropriation immediately available.

On amendment No. 238: Appropriates $60,000, as proposed by the Senate, instead of $50,000, as proposed by the House, for contingent expenses of the Department of Commerce and Labor.

On amendments Nos. 239 and 240: Appropriates $800, as proposed by the Senate, instead of $500, as proposed by the House, for necessary expenditures in the clerk's office of the court of appeals, District of Columbia.

On amendment No. 241: Appropriates $9,000, as proposed by the Senate, instead of $9,500, as proposed by the House, for books for libraries of circuit courts of appeals, and makes $2,500 thereof available for the library of the eighth circuit.

On amendments Nos. 242, 243, 244, and 245, relating to the Court of Claims: Provides for an additional clerk at $1,400 instead of a clerk at $1,200, and for a chief messenger at $1,000 instead of a messenger at $840.

On amendment No. 246: "SEC. 3. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated, otherwise than temporarily, for performing such service, and the heads of Departments shall cause this provision to be enforced."

On amendments Nos. 247 and 248: Strikes out of the bill the provision proposed by the Senate requiring estimates for the Indian Service and the Indian appropriation bill hereafter to conform to the Indian appropriation act for 1906 in order of arrangement.

On amendment No. 249: Inserts the provision proposed by the Senate requiring that heads of Executive Departments

shall include in their annual estimates all estimates of appropriations, required for the public service, and provides that special or additional estimates shall be submitted only under certain conditions and with accompanying explanations.

On amendment No. 250: Leaves in the bill section 5, as proposed by the House, prohibiting transfers of employees from one Department to another unless such employee shall have served for a term of three years in the Department from which he desires to be transferred.

On amendment No. 251: Excepts from the operation of section 6, as proposed by the Senate, officers and employees who have been detailed from outside of the District of Columbia to Departments in Washington by express provisions of law.

The bill as finally agreed upon carries $29,741,019.30, being $430,826 more than as it passed the House, $74,540 less than as it passed the Senate, $604,267.24 more than the appropriations for the current year, and $143,451.75 less than was submitted in the estimates for the fiscal year 1907.

LUCIUS N. LITTAUER,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. LITTAUER. Mr. Speaker, I move the adoption of the conference report.

The motion was agreed to.

On motion of Mr. LITTAUER, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

STATEHOOD.

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent for a reprint of 3,000 copies of the statehood law. I am informed that the supply is entirely exhausted.

The SPEAKER. The gentleman from Michigan asks to have 3,000 copies of the statehood law printed in pamphlet form. Is there objection? [After a pause.] The Chair hears none.

SUBDIVISION OF LANDS ENTERED UNDER THE RECLAMATION ACT.

Mr. MONDELL. Mr. Speaker, I call up the conference report on the bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes.

The SPEAKER. The gentleman calls up the conference report.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The following are the report and statement:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18536) entitled "An act providing for the subdivision of lands entered under the reclamation act, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment on page 1, line 9, striking out "ten" and inserting "twenty."

That the House recede from its disagreement to amendments of the Senate as follows:

Amendment on page 1, line 3, after the word "Interior," inserting "by reason of market conditions and the special fitness of the soil and climate for the growth of fruit and garden produce."

Amendment on page 1, line 4, striking out "reasonably required" and inserting "sufficient."

Amendment on page 2, line 6, after "fund," inserting "*Provided*, That an entryman may elect to enter under said reclamation act a lesser area than the minimum limit in any State or Territory."

On page 2, line 9, after "acquire," inserting "by relinquishment."

Amendment inserting a new section designated as section 5.

And agree to the same.

That the House recede from its disagreement to the amendment of the Senate inserting a new section designated as section 4, with an amendment as follows: Strike out all after the period following the words "Secretary of the Interior" in said amendment and insert the following: "Providing that the limitation on the size of town sites contained in the act of April sixteenth, one thousand nine hundred and six, entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June seventeenth, one thousand nine hundred and two, and for other purposes," shall not apply to the town sites named in this section; and whenever, in the opinion of the Secretary of the Interior, it shall be advisable for the public interest he may withdraw and dispose of town sites in excess of one hundred and sixty acres under the provisions of the aforesaid act approved April sixteenth, one thousand nine hundred and six, and reclamation funds shall be available for the payment of all expenses incurred in executing the provisions of this act and the aforesaid act of April sixteenth, one thousand nine hundred and six, and the proceeds of all sales of town sites shall be covered into the reclamation fund."

F. W. MONDELL,
W. A. REEDER,
W. R. SMITH,
Managers on the part of the House.

LEVI ANKENY,
THOS. H. CARTER,
FRED T. DUBOIS,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The House conferees on H. R. 18536 submit the following statement to accompany the conference report thereon:

The amendment of the Senate on page 1, line 9, from which the Senate recedes, increased the minimum area of entries under the reclamation act from 10 to 20 acres. As agreed to, the minimum entry is 10 acres, as provided in the House bill.

The Senate amendment, to which the House conferees agree, inserting in section 1 the words "by reason of market conditions and special fitness of soil and climate for the growth of fruit and garden produce" and the word "sufficient" instead of the words "reasonably required" are in the nature of directions to the Secretary of the Interior as to conditions which he should inquire into and take into consideration in determinng upon the establishment of a minimum area per entry under the reclamation act.

The amendment in the form of a proviso to section 1, as follows: "That an entryman may elect to enter under said reclamation act a lesser area than the minimum limit in any State or Territory," authorizes the entryman to elect to enter a still smaller area than the limit fixed in the bill, and is intended to make possible the entry of small lots which may be surveyed under the subdivision surveys provided for in the bill.

The amendment inserting in the second section, after the word "acquires," the words "by relinquishment," modifies the provision of the House bill which authorizes second entries where lands included in unperfected entries were acquired by the Government under the reclamation act by confining such second entries to cases where the lands were acquired by the Government by relinquishment.

The amendment numbered section 4 is in the identical language of a bill which passed the House and in substance the same as a bill which passed the Senate, and provides that the occupants of certain lots in the town sites of Rupert and Heyburn, in Idaho, who have permanent buildings shall have the first right to purchase, at a price fixed by the Secretary of the Interior. It also provides that the present area of said town sites may be disposed of without regard to the limit of 160 acres, contained in the act of April 16, 1906; and also that where, in the opinion of the Secretary, it shall be advisable for the public interest, he may create town sites in excess of 160 acres under the provisions of the above-mentioned act.

The amendment, section 5, is intended to meet a condition which exists within the boundaries of certain lands withdrawn under the provisions of the reclamation act, and which may occur in the future elsewhere, whereby entrymen under the desert-land laws are unable to comply with the provisions of the law owing to conditions growing out of such withdrawals, and, while relieving such entrymen from the danger of losing their lands in case contemplated projects are not carried out, brings them under the provisions of the reclamation act if the project is constructed and developed.

F. W. MONDELL,
W. A. REEDER,
W. R. SMITH,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. UNDERWOOD. I would like to ask the gentleman a question or two about this report. I could not understand entirely from the reading of the report what it was. Does this open up or yield any operation of the homestead law as to residence?

Mr. MONDELL. It does not. This bill reduces the minimum area under the reclamation law from 40 to 10 acres. If, in the opinion of the Secretary, 10 acres will support a family, the entryman can take a minimum of 10 acres instead of 40.

Mr. UNDERWOOD. Is that all that it is?

Mr. MONDELL. No; it also contains a provision of the bill which passed the House that affects certain town sites in Idaho. It also has a provision with regard to relinquishments: That where the Government acquires land needed for storage reservoirs and such works by relinquishment, under the reclamation act, the entryman who relinquishes may take a second entry. It makes it easier for the Government to obtain the relinquishments and gives the entryman another right to entry.

Mr. UNDERWOOD. If the man relinquishes the right to a homestead under the reclamation act, he can enter another.

Mr. MONDELL. He can; there or elsewhere.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to.

PRESERVATION OF NIAGARA FALLS.

The SPEAKER. The Chair announces as conferee on the bill (H. R. 18028) for the preservation of Niagara Falls the appointment of Mr. BANKHEAD in place of the late Representative Lester.

CONNECTING CHESAPEAKE AND DELAWARE BAYS.

Mr. BURTON of Delaware. Mr. Speaker, I am directed by the Committee on Railways and Canals to move to suspend the rules and pass as amended House joint resolution (H. J. Res. 21) authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of the Chesapeake and Delaware bays.

The joint resolution was read, as follows:

Resolved, etc., That the President of the United States is hereby authorized to appoint a commission, consisting of an officer or retired officer of the Engineer Corps of the United States Army, an officer of the United States Navy, and one person from civil life, to examine and appraise the value of the works and franchises of the Chesapeake and Delaware Canal, connecting the waters of the Chesapeake and Delaware bays, with reference to the desirability of purchasing said canal by the United States and the construction over the route of the said canal of a free and open waterway having a depth and capacity sufficient to accommodate the largest vessel afloat at mean low water. Said commission, to the extent that the same can be done from the surveys heretofore made under the direction of the War Department and within the limits of the appropriation herein made, shall also examine and investigate the feasibility, for the purpose of such a waterway, of the route known as the "Sassafras route." The said commission shall make a report of its work, together with its conclusions upon the probable cost and commercial advantages and military and naval uses of each of said routes, to the Secretary of War, who shall transmit the same to Congress at its next session. The sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said commission, including such clerical assistance as may be deemed necessary by said commission, and such reasonable compensation for the services of the members of said commission as the President in his discretion may see fit to allow.

The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. I demand a second.

The SPEAKER. Is there objection to considering a second as ordered?

There was no objection.

The SPEAKER. The gentleman from Delaware is entitled to twenty minutes and the gentleman from Missouri is entitled to twenty minutes.

Mr. CLARK of Missouri. I should like to have the gentleman explain briefly what this bill is, and about how much this is to cost.

Mr. BURTON of Delaware. Mr. Speaker, this is a joint resolution reported by the Committee on Railways and Canals by unanimous vote, authorizing the President of the United States to appoint a commission to make an examination and report on the basis of surveys that have already been made and are now of record in the War Department, and the sum of $10,000, or so much thereof as may be necessary, is appropriated for the use of that commission.

Mr. CLARK of Missouri. That is right.

Mr. GARRETT. I did not catch the reading of the resolution. Does it provide what officers shall be appointed to make this examination?

Mr. BURTON of Delaware. It provides for one officer from the Engineer Corps of the Army, one from the Navy, and one civilian engineer. These three are to constitute the commission.

Mr. GARRETT. Will the Army and Navy officers receive any salary in addition to what they are receiving at present?

Mr. BURTON of Delaware. I think not.

Mr. GARRETT. And the appropriation is $10,000, or so much thereof as may be necessary?

Mr. BURTON of Delaware. Yes.

The first survey for a canal to connect the waters of the Delaware Bay with those of the Chesapeake was made by Augustus Herman in the year 1670 for Lord Baltimore, and another was made by Joshua Gilpin in the year 1804.

This survey was probably made after the State of Maryland granted a charter to the Chesapeake and Delaware Canal Company in the year 1799.

Whether the route of the present canal was the only one surveyed by the early work or not I am unable to say, but since that date a number of other routes have been surveyed by the Government, looking to the construction of a waterway between the two bays as a part of a system of coast defense. These were known, respectively, as the "Sassafras," the "Chaptunk River," and the "Southeast" route, which contemplate a construction by way of the waters of the Broadkiln, on the Delaware Bay near the new harbor of refuge, with those of the Nanticoke River, on the Maryland or Chesapeake.

It will be seen that the United States Government has from its beginning seen and from time to time talked of and surveyed and examined into this matter, because whenever the possibility of war occurred the urgent necessity for such a connection became apparent. Speaking from memory, I think it was President Madison who recommended in one of his messages to the Congress that such a waterway be constructed. In all probability he was led to see the need of such a thing by the war of 1812.

The work of construction of the present Delaware and Chesapeake Canal was begun on the 15th day of April, 1824, under the direction of Silas E. Weir, whose services terminated with his life on the 14th day of May, 1828. He was succeeded by Robert M. Lewis, under whose supervision the work was completed.

The water was turned into the canal on the 4th day of July, 1829. The opening up of the national enterprise was the occasion of a grand celebration on the 17th of October in the same year.

The length of the canal is 13⅝ miles.
Width at water line, 66 feet.
Depth of water, 10 feet.
Width at bottom, 36 feet.
Length of locks, 100 feet.
Width of locks, 22 feet.

The total cost of this work was $2,250,000, of which amount $450,000 was paid by the United States Government, $100,000 by the State of Pennsylvania, $50,000 by the State of Maryland, and $25,000 by the State of Delaware. The remainder of the cost was contributed by the citizens of the three States above named.

The total number of vessels passed through the canal since its opening is about 710,000. The total tonnage of merchandise about 46,000,000 tons.

The distance from Philadelphia to Baltimore by way of the Capes of Delaware and Virginia is about 425 miles. The distance by way of the Delaware and Chesapeake Canal is but about 108 or 110 miles.

By way of the canal a steamer can cover the distance in from twelve to fifteen hours, and is always sure of making about the time given.

By way of the capes it would require from forty to forty-eight hours, and to make that time would have to have favorable weather.

The one route is attended with little or no danger, while the other is subject to all the dangers and delays incident to navigating the Atlantic coast and the lower bays.

To transfer a naval fleet from one bay to the other by way of the canal it would take less than a day, without any danger of exposure to a hostile navy.

To transfer the same fleet by way of the capes it would take at best two whole days, with the probability of encountering the enemy, who would naturally be on the alert for such a movement for concentration.

The cities of Philadelphia, Pa., Wilmington and Camden, N. J., at the one side to protect, and the cities of Baltimore and Washington, the capital of the nation, and the Naval Academy on the other, it certainly does look as if this great nation should prepare for an emergency which might arise at any time.

The advantages of such a waterway to the commerce of the country is beyond my ability to estimate, but that its commercial value would be enormous no one would dare deny.

Its value as a part of our coast defense would be greater than four additional battle ships, while its cost would be but little more than one.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. MUDD. I call the attention of the Chair to the fact that there is a committee amendment.

The SPEAKER. The Chair is informed by the Clerk that the joint resolution has been reported as amended.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the joint resolution passed.

TRAVELING EXPENSES OF THE PRESIDENT.

Mr. TAWNEY. Mr. Speaker, by direction of the Committee on Appropriations, I submit the following privileged report, and move to suspend the rules and pass the bill.

The SPEAKER. The gentleman from Minnesota submits the following report by direction of the Committee on Appropriations, and moves to suspend the rules and pass the bill. The Clerk will read.

The Clerk read as follows:

A bill (proposed in lieu of H. R. 20123) to provide for the traveling expenses of the President of the United States.

Be it enacted, etc., That hereafter there may be expended for or on account of the traveling expenses of the President of the United States such sum as Congress may from time to time appropriate, not exceeding $25,000 per annum, such sum when appropriated to be expended in the discretion of the President and accounted for on his certificate solely.

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes authorized by this act for the fiscal year 1907, the sum of $25,000.

The SPEAKER. Is a second demanded?

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. TAWNEY. I ask unanimous consent that a second may be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Minnesota has twenty minutes, and the gentleman from Alabama [Mr. UNDERWOOD] has twenty minutes.

Mr. TAWNEY. Mr. Speaker, the subject-matter of this bill is the appropriation of $25,000 to defray the traveling expenses of the President. The matter was fully discussed a few days ago, when the sundry civil appropriation was under consideration in Committee of the Whole. It differs from the provision carried in that bill, which provision went out of that bill on a point of order made by the gentleman from Mississippi [Mr. WILLIAMS] in this: It does not provide specifically, as that provision did, for the payment of the traveling expenses of those who may accompany the President as his guests. The appropriation is for defraying the traveling expenses of the President, and the amount is to be expended in his discretion and upon his own certificate.

I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, before the gentleman from Minnesota takes his seat, I should like to ask him a question. I have only heard the bill read from the desk. It has just been reported to the House and I could not clearly understand it. I should like to ask the gentleman from Minnesota as to whether this bill is applicable to the present President of the United States?

Mr. TAWNEY. It applies to the traveling expenses of the President of the United States, rather than to the President—to defray his traveling expenses.

Mr. UNDERWOOD. The object of my question was to find out whether the bill applies to Presidents to be elected in the future, or to the President now holding office.

Mr. TAWNEY. It appropriates money to defray the traveling expenses of the President during the next fiscal year.

Mr. WATSON. Is it to be permanent law?

Mr. TAWNEY. I will say, Mr. Speaker, that the first part of the bill makes the authorization for the appropriation permanent law, that hereafter the traveling expenses of the President shall be paid; and the last paragraph of the bill appropriates $25,000 to defray the traveling expenses of the President during the next fiscal year.

Mr. WATSON. So that hereafter an appropriation for that purpose on the sundry civil bill can not be ruled out on a point of order.

Mr. TAWNEY. Hereafter an appropriation for that purpose carried in any appropriation bill will be in order under the rules of the House.

Mr. JAMES. I would like to ask the gentleman from Minnesota, Under the Constitution of the United States what official duty has the President to perform which will require him to travel over the United States or leave the capital?

Mr. TAWNEY. I do not know; he may have official duties. But whether he has or not, I think we should provide for the payment of the expense thus incurred.

Mr. JAMES. Is it not true that there is no official duty required of him under the Constitution of the country that would require him to leave the capital to perform that duty?

Mr. TAWNEY. I do not know that the Constitution requires him to travel; the demands of the people may.

Mr. JAMES. If the gentleman is unable to inform the House of any official duty that it would require him to perform, how can you insist upon an appropriation of money to pay his expenses to do something that you admit you can not assign any reason why he should perform?

Mr. TAWNEY. If the gentleman from Kentucky will permit me, I will say that as Commander in Chief of the Army and Navy I think he might have occasion to travel all over the United States. Mr. Speaker, I reserve the balance of my time.

Mr. CRUMPACKER. Will the gentleman answer a question?

Mr. TAWNEY. If I can.

Mr. CRUMPACKER. In view of the fact that a future Congress in a spasm of economy might possibly pare down this appropriation a little, does not the gentleman think it might be well to make it permanent?

Mr. TAWNEY. No; I do not. I am opposed to permanent appropriations for any purpose.

Mr. MANN. Especially after yesterday. [Laughter.]

Mr. UNDERWOOD. Mr. Speaker, the first objection that I see to the present proposition is one that was stated by the gentleman from Mississippi [Mr. WILLIAMS] when he made his point of order against a similar proposition then carried by the sundry civil bill, and that was that the Constitution of the United States prohibits the Congress from increasing the salary or increasing the emoluments of the President of the United States during his term of office, or decreasing it. It has been read in the House before, but in order that it may be again shown in the RECORD I read from the Constitution of the United States, Article XI, section 6, which provides:

The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

Now, Mr. Speaker, I know that it is not of much avail to make a constitutional argument to our friends who sit on the other side of the middle aisle. But when the Constitution directly and clearly prohibits the expenditure of money, I think it is time for the whole Congress, not merely the Democratic side of the Congress, to wake up to the constitutional provision.

Mr. HAMILTON. How does the gentleman define the word "emoluments?"

Mr. UNDERWOOD. If emolument is not an advantage that is given to a man who holds the office of the President of the United States, I know of no other way to define it. If it is an advantage, and that is a correct definition of the word "emolument," then it seems to me clearly when we appropriate $25,000 to allow the President of the United States to travel at Government expense when no other citizen in the United States is in the same way allowed to travel at Government expense—it seems to me it is clearly an emolument that is given to the President of the United States and directly in opposition to the provisions of the Constitution.

Now, I do not see any good reason, I do not believe the people of the United States will find any good reason, for this appropriation of $25,000.

The only excuse that is given is that heretofore the railroads of the United States have given the President of the United States free transportation, and we are about to pass a rate bill and about to conclude in terms a provision in that bill that the President of the United States shall not ride on railroad passes any longer; and because we are going to prohibit him from riding on free passes, Congress must come along and give him an emolument in the shape of $25,000 to carry him free.

Mr. TAWNEY. Will the gentleman permit me a question?

Mr. UNDERWOOD. Yes.

Mr. TAWNEY. In what respect does the gentleman distinguish the appropriation for traveling expenses for the President of the United States in and about the city of Washington and an appropriation for his traveling expenses outside of the city of Washington?

Mr. UNDERWOOD. I do not understand.

Mr. TAWNEY. In what respect, in regard to the question of emolument, is there any distinction between an appropriation of $25,000 to defray his traveling expenses in the District of Columbia and $25,000 to defray his traveling expenses outside the District of Columbia?

Mr. UNDERWOOD. I did not know there was any appropriation for his traveling expenses in the District of Columbia.

Mr. TAWNEY. We provide for horses and carriages for the President in the District of Columbia.

Mr. UNDERWOOD. I will state what I think is clearly the constitutional distinction. It is this: There is no doubt in my mind that when the Government of the United States provided

for a residence for the President that was an emolument as contemplated in the Constitution of the United States. When it appropriates for the maintenance of that residence it provides for an emolument just as much as for his traveling expenses. But here is the distinction. The Constitution does not say that you shall not pass a bill to provide for emoluments for a future President of the United States. That is why I asked the gentleman before I took the floor as to whether this bill provided for the present President of the United States, or for some future President. I do not think there is any question about the constitutionality of an act if it is applied to take effect for a President to be elected at a future time.

But the object of the Constitution was clearly to prevent the President of the United States from using his high office to increase his emoluments or his salary, and at the same time, when it provided that his salary or emoluments should not be decreased, it was intended to protect the President against that power in the hands of the Congress of the United States.

Mr. SMITH of Iowa. Mr. Speaker, I would like to ask the gentleman a question. If it was an emolument to furnish a new home for the President, was it not also an emolument to improve it to the extent of $680,000?

Mr. UNDERWOOD. No; I do not think so. I think there is a clear distinction. I think it was an emolument to the President when we furnished him a home originally, but when we furnished him a home at Government expense, that contemplated that the Government should maintain that home, and every reasonable man knows that to maintain it you have got to spend money to keep a roof on it and you have got to spend money to furnish it; and if it is right to spend a dollar, then we have the constitutional authority to spend $100,000. There is no distinction in that line whatever, but clearly that emolument was given to the President of the United States in the beginning of the Government. It is not a constitutional question now, nor would this law be a constitutional question if it was passed to-day, but not to take effect until another President of the United States was elected. But, in my judgment, to-day to pass it is clearly in contravention of the Constitution of the United States, and every man who has any respect left in him whatever for the integrity of that document ought to vote against the passage of this bill. [Applause on the Democratic side.]

In this connection I desire to place in the RECORD the definition of the word "emolument," taken from the Standard Dictionary. It is as follows:

Emolument.—The remuneration connected with any office, occupation, or service, whether as salary, fee, or perquisite.

I do not see any reason why we should give the President of the United States free transportation throughout the United States. His official duties do not require him to travel about. The President of the United States when I first came to Congress, and when many or most of the Members on the other side of this Chamber who sit on this floor to-day first came to this House, received $25,000 a year as a contingent expense for the maintenance of the cost at the White House. And that was all. That was sufficient to maintain and run the White House for Grover Cleveland. It was sufficient to maintain and run the White House for William McKinley, but to-day I understand the contingent appropriation for the maintenance and running of the White House has been increased to $70,000 a year. Nearly $50,000 has been the increase for Mr. Roosevelt's running his establishment, until to-day practically every part of the expense that the President of the United States is put to to maintain the establishment at the White House is to buy the food and provisions that go on his table. That is all, and he has $50,000 salary, and out of that he is just as competent and just as able to pay his way about the United States as a number of Congressmen at $5,000 a year.

Mr. JAMES. Mr. Speaker, the gentleman from Minnesota suggests that one official duty, perhaps, the President might have to perform would be in commanding the Army or the Navy. I desire to ask the gentleman from Alabama this question: Has any President of the United States, from Washington down to Roosevelt, ever had to leave the capital of his country to command either the Army or the Navy?

Mr. UNDERWOOD. No; I will state that he has not, and more than that, if the President had to leave the capital to command the Army he would go as the head of the Army, and he would be maintained in the same way that the commanding general of the Army is.

Mr. JAMES. And I would like to find out another thing from the gentleman from Minnesota [Mr. TAWNEY], and that is what impending war he sees that would require the President of the United States in the field to lead the Army that he now thinks that possibly the President might have to use this $25,000 for traveling expenses?

Mr. COCKRAN. Mr. Speaker, I would like to ask the gentleman from Alabama [Mr. UNDERWOOD] a question. Does the gentleman contend that when the President of the United States moves from one part of the country to another discussing public questions before his fellow-citizens, he is engaged in his own amusement or in the public service?

Mr. UNDERWOOD. Well, he may be engaged in both. The gentleman would have to consult the President on that proposition.

Mr. COCKRAN. No; but interpreting and judging his course by its public features and by its effect on the public mind is it not a fact that Mr. Roosevelt's speeches within the last two or three years have been more fruitful in actual legislation, as in the railway rate bill, than any other single force that can be mentioned?

Mr. UNDERWOOD. No; I do not think so. The gentleman and I differ on that. I think the first cause that brought about the agitation on the railway rate bill was the action of the Democratic party in the two conventions that called attention to the matter before the President had taken any position in the matter.

Mr. COCKRAN. Mr. Speaker, I agree with the gentleman as to the source of the first suggestion, but the force that gave effective direction to that Democratic idea I think the gentleman and I will agree came from the President of the United States.

Mr. UNDERWOOD. Oh, I think the President of the United States deserves a great deal of credit.

Mr. COCKRAN. And I think the gentleman will agree that the constitutional evolution of this country for the last fifty years is the adoption of wholesome Democratic ideas by skillful Republican politicians. [Laughter.] The gentleman and I will not differ either, I am sure, in the view that while it may be painful for Democratic leaders to find their thunder stolen by the greater skill of their adversary, they are nevertheless inclined to rejoice in the result, since it has produced good legislation for the people.

Mr. UNDERWOOD. I agree with the gentleman.

Mr. COCKRAN. I ask the gentleman, bearing all these facts in mind, whether Mr. Roosevelt's recent activities throughout this country, outside his strictly official duties, as, for instance, his discussions of important questions from public platforms, were in the nature of laborious enterprises rather than schemes of amusement?

Mr. UNDERWOOD. Oh, I think that sometimes the President's trips about the United States were of advantage to the country; but sometimes the President takes a trip with his family to his summer home—sometimes his trip is for a private purpose, sometimes for a public purpose—but the utterance of a President of the United States has a world's audience no matter where he makes it, and it is just as effective made in the city of Washington as in San Francisco or Chicago.

Mr. COCKRAN. I do not believe the gentleman and I will differ as to the fact that the President's utterances are promoted both in their frequency and efficiency by his circulation among the people.

Mr. UNDERWOOD. Oh, I think that is good, but I am not willing to violate the Constitution of the United States as——

Mr. COCKRAN. I submit to the gentleman that he can not violate the Constitution of the United States if he tries. There happens to be in the Constitution the means of asserting itself against even the gentleman or the House of Representatives.

Mr. UNDERWOOD. I will call the attention of the gentleman from New York that he and I, in taking the oath at the desk when sworn in as Members, swore we would protect the Constitution of the United States, and I propose to try to do it here. [Applause on the Democratic side.]

Mr. COCKRAN. I am quite sure nobody would suspect the gentleman of an attempt to violate it, nor would he suspect that any of his neighbors is capable of such an attempt; but where there is a division of opinion as to the constitutionality of a law, it is hardly a reason for objecting to its enactment, since the Constitution can protect itself.

Mr. UNDERWOOD. Well, the Constitution may take care of itself, but I think it is the duty of a Member of Congress also to take care of the Constitution and observe his oath of office.

Mr. COCKRAN. The point I want to submit to the gentleman and our side here, and to the entire House of Representatives, is this: In the operation of our constitutional system the President has become the chief leader of public thought and exponent of public opinion—quite as much a source of valuable suggestion for the enactment of laws as a mere executive charged with enforcing the laws, and since the circulation of the President throughout the country aids practically and decisively in

promoting salutary legislation, by giving effective direction to public opinion, should not his expenses incurred in rendering such important public service be borne out of the public Treasury?

Mr. UNDERWOOD. Well, I do not think so. I do not agree with the gentleman about that.

Mr. JAMES. The gentleman might suggest in addition that the next time the President speaks it might be on something that would not redound to the good of the people.

Mr. COCKRAN. Let the people judge all his suggestions, but why tax him for making them?

Mr. UNDERWOOD. I think every public man in the United States, Cabinet officers, Senators, and Members of the House, give their time liberally and freely to the people of the United States in great discussions, and there is no reason in the world why this House should make an exception of the President. We are going to deny free passes to every man in this House. I believe we are, and I know we will if the conferees on the rate bill carry out what I believe to be the will and the sentiment of this House.

Mr. COCKRAN. Would the gentleman deny mileage to Members?

Mr. UNDERWOOD. No; I do not.

Mr. RUCKER. That is fixed by law.

Mr. COCKRAN. Then, if the President travel for the public benefit, is it fair to tax him for the service he renders by compelling him to pay expenses that would be ruinous if paid out of his own pocket?

Mr. UNDERWOOD. The distinction between the President and a Member of Congress is the Member of Congress's home is a long distance away from the capital, and he is expected to go home and return each year. The President of the United States is expected to reside in the capital of the United States during his term of office.

Mr. COCKRAN. Where does the gentleman find in the Constitution authority for saying that the President must be confined to any particular spot in the territory of the United States?

Mr. UNDERWOOD. The Constitution of the United States contemplates——

Mr. COCKRAN. Where?

Mr. UNDERWOOD. The very fact that Congress has provided a home, furnished and maintained for the President at the capital of the United States, shows the law contemplates he shall reside here.

Mr. COCKRAN. I would like to ask the gentleman if he understands that the Constitution limits the usefulness of the President, so that even if it were clearly advantageous to the country that he should travel from one end of it to the other, there is a constitutional disability on his part to evacuate, so to speak, or to emerge from the city of Washington?

Mr. UNDERWOOD. The gentleman from New York [Mr. COCKRAN] did not understand me in that way. I have never contended that the President could not go where he wants to, but I say the duties of his office require him to be here, and if he desires to go somewhere else there is no reason why he should not do it.

Mr. JAMES. And his duty under the Constitution is to communicate with both Houses of Congress, suggesting needed legislation and not by stump speeches throughout the country.

Mr. COCKRAN. I will ask the gentleman if he does not agree with me that, if the expenses of the President of the United States on such journeys are not paid by the United States, one of two results must practically follow—either he must abandon these progresses around the country or he must accept free transportation from the railroads?

Mr. UNDERWOOD. No; I do not agree with the gentleman at all.

Mr. COCKRAN. I say, practically.

Mr. UNDERWOOD. Not practically. I say that when the President of the United States has every dollar, except for the food that goes on his table, paid for the maintenance of the White House, and he gets $50,000 a year with which merely to clothe and feed his family, with no other expense, if he wants to travel about the United States and to see the people of the United States, he can better afford to do it on that salary than the Congressmen of the United States or the Senators or the Cabinet officers can on their salary.

Mr. COCKRAN. I will ask the gentleman this: Does he not make a distinction between the President of the United States traveling for his amusement—going shooting, for instance—and the President of the United States traveling through the country for the purpose of meeting the people and giving an account of his stewardship?

Mr. UNDERWOOD. I will say to the gentleman from New York that where the President goes out to meet the people, in the sense that he puts it, he goes on invitation, and I have no doubt in the world that, wherever those invitations are given and the President goes out to accept one, the people of that community who have invited him will be glad to furnish him with special trains and all other conveniences at their expense and not at his.

Mr. COCKRAN. Then the gentleman's proposition is, that instead of the President taking an allowance from the Treasury of the United States for the purpose of paying these legitimate expenses, they should be paid by a special levy made upon each community that he may visit?

Mr. UNDERWOOD. It is not a levy made. It is a special contribution.

The SPEAKER. The time of the gentleman from Alabama [Mr. UNDERWOOD] has expired.

Mr. TAWNEY. Mr. Speaker, I yield five minutes to my colleague on the committee [Mr. SMITH of Iowa].

Mr. SMITH of Iowa. Mr. Speaker, some days ago I had occasion in the Committee of the Whole House on the state of the Union, considering the sundry civil bill, to in a measure discuss the question now before the House. But I wish to call attention to some matters I did not refer to at that time.

The Constitution of the United States does provide, as stated by the gentleman from Alabama [Mr. UNDERWOOD] that the President shall at stated times receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them. The Constitution does not provide, you will mark, that his emoluments shall not increase during his term. It prohibits emoluments aside from his compensation whether fixed before or during his term. It says that his compensation shall be fixed, and that he shall not receive within the period for which he shall have been elected any other emolument from the United States or any of them.

Let us bear in mind that the Constitution does not provide that his emoluments shall not be increased, but he shall not receive any emoluments during his term except his compensation as fixed by law. Bearing this in mind, I wish to call the attention of the House to a few authorities upon this subject. In the State of California it is provided by the constitution that the salary of county officers shall not be increased or diminished during their terms. In Kirkwood *v.* Soto (87 Cal., 394) the supreme court of that State said that a statute providing for the payment of traveling expenses of the county superintendent was not an increase of his salary within the meaning of the constitution of that State. And in the same case the court declared that the constitutional provision that the compensation of judges should not be increased or diminished during their term was not violated by the enactment of a statute for paying the traveling expenses of the judges.

This question was again considered in Agard *v.* Shaffer (141 Cal.), when the court said the distinction is between "incidental expenses of the office" and "compensation for service to be rendered." In Wheelock *v.* People (84 Ill., 551) it was held that the constitutional provision prohibiting the increase or diminution of compensation does not mean that the compensation shall in every instance include all expenses of the office. The same was followed in Cullom *v.* Dolloff (94 Ill., 330).

In Wyoming, under the law, the county treasurer was also the county assessor ex officio and authorized to appoint deputy assessors, to be paid out of the county funds. The constitution of Wyoming prohibited increasing or decreasing the emolument of a county officer during his term, and it was held that taking away from this county officer the power to appoint deputy assessors, at compensation to be paid by the county, was not a decrease of his emoluments within the meaning of the constitution. In Town against Dickey (116 Ill., 527) it is said: "The 'emoluments' is peculiarly appropriate to office, denoting in its most"——

The SPEAKER. The time of the gentleman has expired.

Mr. TAWNEY. I yield one minute more.

Mr. SMITH of Iowa (continuing). "Denoting in its most ordinary signification the *profit* which is annexed to the possession of office, as salary, fees, and perquisites."

This bill does not appropriate money for the President. It appropriates money for the traveling expenses of the President, from which he can derive no possible profit. This proposed bill recognizes the fact that while the President is not under a legal obligation to travel, is yet under a duty to travel and meet the people of the country; and the people want him to travel, want him to meet them and want to meet him, and they are prepared to pay his expenses for so doing. [Applause.]

Mr. TAWNEY. I yield five minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, it affords me very great satisfaction to support this proposal from the Committee on Appropriations. And I hold it a very auspicious sign that this suggestion comes from the majority of this House. For many years the Democratic party has advocated certain policies, but, for some reason or other, it has failed to get them incorporated into our political system. Within the last two or three years, however, a force has developed inside the Republican organization which has made it a wonderfully efficient instrument for securing the enactment of Democratic ideas into law. By circulating throughout this country and placing before its people certain views upon public questions, the President has already created a public opinion through which an important feature of the Democratic platform has been practically embodied in our laws; and I think it is almost inevitable that the same force, within the course of the next few years, will make many Democratic ideas dominant features of our legislation.

Now, Mr. Speaker, I would much prefer that this enactment of Democratic doctrine into law had been accomplished by Democrats. They have always had the wholesome disposition, but some way or other they lacked the effective force. But since the President has seen fit to embrace publicly some cardinal principles of Democratic faith, and the result of his adhesion is that a railroad rate bill is already on its way to the statute books, it is fair to assume that through the same force the "stand-patter" will find himself upset within the next few years. Now, I do not think we on this side should do anything which is likely to arrest or delay the march of this effective force to the accomplishment of these salutary purposes. Mr. Roosevelt's speeches in different parts of this country, I don't think anyone will deny, have been the strongest force in developing public opinion in favor of the railroad rate bill [applause], and——

Mr. JAMES. Will the gentleman allow me to ask him a question?

Mr. COCKRAN. Yes.

Mr. JAMES. Was the public sentiment wrought up throughout the country on the rate bill by the people who heard the speeches of the President or by the people who read the speeches of the President?

Mr. COCKRAN. Both, Mr. Speaker.

Mr. JAMES. Could he not have made that just as effective by messages to Congress, the constitutional manner of advising the House and Senate upon needed legislation, or by having his party in national convention declare for rate legislation, advocated by the Democratic party for ten years before he became its champion, as to have gone over the country making speeches?

Mr. COCKRAN. I do not know what other thing might have been as good or better than the thing which has actually happened. I do know Mr. Roosevelt's advocacy of wholesome measures has been during the last two or three years the most salutary influence in our public life, and I will not cast a vote to impair its efficiency or refuse a vote that will operate to promote its efficiency. [Applause.] Doubtless the gentleman is correct. Nothing has ever come to pass in this world so good that some other thing might not have been better. Mr. Roosevelt might have persuaded his party in convention to adopt resolutions in favor of the policies which he has supported so vigorously before the people, but I doubt if declarations by his party would have been half as effective as his leadership has proved itself here upon this floor.

Mr. UNDERWOOD rose.

Mr. COCKRAN. Now, I have not the time——

The SPEAKER. The gentleman declines to yield.

Mr. COCKRAN. If I had more than five minutes I would gladly yield. I wish to add for the information of this side of the House, that if this were a proposal to increase the emoluments of the President, I would agree entirely with the gentleman from Alabama. It would clearly be a violation of a constitutional prohibition, and however valuable in promoting desirable legislation this custom of Presidential progresses throughout the country has shown itself to be, I agree with him that we can not ride even to reform or improvement in the law over our own violated oaths. But the suggestion that this proposal involves any question of emolument seems to me extravagant and preposterous. An emolument is something of which the President himself must enjoy the benefit. If any part of this appropriation—any unexpended balance at the end of the year—could under any circumstances go into his own pocket, that would be an emolument, and I agree that it would be unconstitutional. But here is a proposal to pay from the Public Treasury certain expenses of the President incurred by him in the performance of certain functions which are certainly public in their character. Nobody will pretend those functions are inconsistent or incompatible with the character of his office, and no one denies that in themselves they have proved of decisive benefit to the legislation of the country, and therefore to the welfare of the people. All that remains for this House to decide is whether it will provide the means by which this salutary influence can be continued, or whether it will refuse the necessary appropriation and thus destroy its effectiveness.

Mr. UNDERWOOD. I yielded to the gentleman.

Mr. COCKRAN. I will yield to you if I have the time.

Mr. UNDERWOOD. The Standard Dictionary gives this as a definition——

Mr. COCKRAN. Oh, I will answer a question, but I will not yield for a statement. The gentleman from Alabama can give this definition in his own time.

The SPEAKER. The gentleman declines to yield.

Mr. COCKRAN. I have but five minutes. I repeat here for the information of the House that in my judgment this proposal involves no question of emolument whatever. The gentleman from Alabama holds a different opinion and he is a very capable lawyer. But if I be wrong in my opinion, and the gentleman be right, the enactment of this law can do no harm. The Constitution of the United States, as I have said, will always assert itself.

Mr. UNDERWOOD. I yielded to the gentleman——

Mr. COCKRAN. But the gentleman has abundant time, and I have but five minutes.

The SPEAKER. The gentleman declines to yield.

Mr. COCKRAN. I trust the gentleman from Alabama will allow me just to complete this statement. As no one questions the value of these Presidential journeys through the country—as all admit, especially upon this side, that they are salutary influences—upon the gentleman's own statement, the only question for the House to decide is whether the expenses of them shall be paid out of the Treasury, whether they shall be advanced by railroads, with the inevitable result of establishing a claim upon Presidential forbearance and thus becoming a potential source of corruption, or whether they shall be met by voluntary subscription—by eleemosynary enterprises for popular instruction—in different localities. Of these three proposals, I believe the one recommended by the committee is the only one consistent with the dignity and the interests of the country. Therefore I favor the passage of the appropriation. [Applause.]

Mr. TAWNEY. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, I desire only to take the time of the House in order that it may be apparent that some of us on this side of the aisle do not agree with the gentleman from Alabama [Mr. UNDERWOOD] in his position. Speaking for myself, I have not the slightest doubt but what this bill is legal. I have been somewhat of a stickler for the Constitution in the House, but I have not the slightest doubt that this provision is in no sense an emolument and in no sense increases the compensation of the President. I believe that the law defining the duties of the President makes it proper that he should leave Washington and travel among the people. It calls upon him to give to the Congress of the United States his views on the state of the Union.

Mr. JAMES. Will the gentleman yield for a question?

Mr. SHERLEY. I will yield in a moment, if I have the time. I maintain that no President can as well be informed as to the conditions of the country and as to the views of the people by any other method as by traveling among them, meeting them, and learning directly from them their view point. I think the present President not only did good by his speeches, but I think his traveling did him a tremendous amount of good. I believe that the trip of the President to the South gave him a better appreciation of the people of the South, made him understand the actual conditions that confront us, and made him a better President for the whole people of the United States. [Applause.]

I know that he can not travel as an individual, because the time of the President of the United States is too important. He must have facilities to work as he travels. He must have a special train. He must have special facilities, and that expense ought not to be asked of the President of the United States out of his private purse, and it ought to be furnished by the nation at large. [Applause.]

Mr. TAWNEY. I now yield three minutes to the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I am glad to join with my colleagues, the gentleman from New York [Mr. COCKRAN] and the gentleman from Kentucky [Mr. SHERLEY], in support of this provision for $25,000 to pay the traveling expenses of the President of the United States. I agree with them

that this can not be a party question in any sense of the word, and the vote upon this question ought not to be cast upon party lines. I do not think this is an emolument for the President. It is not an increase of his salary. It is an expense which attaches to the office of President, and unless gentlemen can upon constitutional grounds strike out the items for the maintenance of the White House itself—the $4,000 for improvements, $35,000 for repairs to the White House, $6,000 for fuel, $9,000 for conservatory and greenhouses, $3,000 for repairs of greenhouses, $18,800 for lighting the Executive Mansion and grounds, $20,000 for the contingent fund, $11,000 for the protection of the President, and $66,000 for his clerk hire—then they can not strike this item out.

I do not think we ought to belittle the office of the President by refusing these appropriations and confining him to any log cabin. We propose to keep up the White House, we propose to keep up the dignity of the office, and we propose, so far as we can accomplish that object, to allow the President of the United States to go out over the United States and discuss questions and get in touch with every section of the country. It is a wise movement, a patriotic movement, and it ought not to be rejected unless the gentlemen who object are able to prove conclusively, beyond the possibility of doubt, that there is no warrant in the Constitution for doing it. I respectfully submit that they have failed to make out a case, and that this House ought with unanimity to adopt this provision. [Applause.]

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were—ayes 175, noes 66.

Mr. UNDERWOOD. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 176, nays 66, answered "present" 12, not voting 125, as follows:

YEAS—176.

Adams	Dawson	Hunt	Payne
Alexander	Denby	Jenkins	Pollard
Allen, Me.	Dickson, Ill.	Jones, Wash.	Prince
Allen, N. J.	Dixon, Mont.	Kahn	Pujo
Andrus	Draper	Kelfer	Ransdell, La.
Barchfeld	Dunwell	Kellher	Reeder
Barthoidt	Ellis	Kennedy, Nebr.	Reynolds
Bede	Esch	Kinkaid	Rives
Bennett, Ky.	Fassett	Klepper	Roberts
Birdsall	Fitzgerald	Kline	Rodenberg
Bonynge	Fordney	Knapp	Ruppert
Boutell	Foss	Knowland	Ryan
Brick	Foster, Ind.	Lacey	Samuel
Brooks, Colo.	French	Lafean	Schneebeli
Broussard	Fulkerson	Landis, Frederick	Scott
Brownlow	Fuller	Law	Scroggy
Buckman	Gaines, W. Va.	Lilley, Conn.	Shartel
Burton, Del.	Gardner, Mass.	Lindsay	Sherley
Burton, Ohio	Gardner, Mich.	Littauer	Smith, Ill.
Butler, Pa.	Gardner, N. J.	McCarthy	Smith, Iowa
Calder	Gillett, Mass.	McGavin	Smith, Samuel W.
Campbell, Kans.	Glass	McKinlay, Cal.	Smith, Pa.
Campbell, Ohio	Goebel	McKinney	Sperry
Capron	Goulden	McLachlan	Stafford
Cassel	Graff	McMorran	Steenerson
Chaney	Granger	McNary	Sterling
Chapman	Grosvenor	Madden	Sullivan, Mass.
Clark, Fla.	Hale	Marshall	Sulloway
Cockran	Hamilton	Martin	Tawney
Cocks	Hayes	Meyer	Taylor, Ohio
Cole	Hedge	Michalek	Thomas, Ohio
Conner	Henry, Conn.	Miller	Tirrell
Cooper, Pa.	Hepburn	Mondell	Tyndall
Cooper, Wis.	Hermann	Moon, Pa.	Volstead
Cousins	Higgins	Mouser	Wachter
Cromer	Hinshaw	Mudd	Waldo
Crumpacker	Hoar	Murdock	Wanger
Currier	Hogg	Murphy	Watson
Curtis	Holliday	Needham	Webber
Cushman	Howell, Utah	Nevin	Weems
Dalzell	Hubbard	Norris	Wiley, N. J.
Davey, La.	Huff	Olmsted	Wood, N. J.
Davis, Minn.	Hull	Otjen	Woodyard
Dawes	Humphrey, Wash.	Overstreet	Young

NAYS—66.

Adamson	Garner	Lee	Sheppard
Aiken	Garrett	Livingston	Sims
Bankhead	Gill	Lloyd	Slayden
Beall, Tex.	Gillespie	McLain	Smith, Tex.
Brundidge	Hay	Macon	Southall
Burgess	Heflin	Maynard	Spight
Burleson	Henry, Tex.	Moon, Tenn.	Thomas, N. C.
Burnett	Hill, Miss.	Moore	Towne
Butler, Tenn.	Hopkins	Padgett	Townsend
Candler	Houston	Patterson, S. C.	Trimble
Clark, Mo.	Howard	Rainey	Underwood
De Armond	Humphreys, Miss.	Rhinock	Wallace
Dixon, Ind.	James	Richardson, Ala.	Watkins
Ellerbe	Johnson	Richardson, Ky.	Williams
Finley	Jones, Va.	Rixey	Zenor
Flood	Kitchin, Wm. W.	Rucker	
Floyd	Lamar	Russell	

ANSWERED "PRESENT"—12.

Gaines, Tenn.	Gregg	McCleary, Minn.	Pou
Gilbert, Ky.	Kitchin, Claude	Mann	Southard
Graham	Lever	Patterson, N. C.	Weeks

NOT VOTING—125.

Acheson	Driscoll	Lewis	Sibley
Ames	Dwight	Lilley, Pa.	Slemp
Babcock	Edwards	Little	Small
Bannon	Field	Littlefield	Smith, Cal.
Bartlett	Flack	Longworth	Smith, Ky.
Bates	Fletcher	Lorimer	Smith, Md.
Beidler	Foster, Vt.	Loud	Smith, Wm. Alden
Bell, Ga.	Fowler	Loudenslager	Smyser
Bennet, N. Y.	Garber	Lovering	Snapp
Bingham	Gilbert, Ind.	McCall	Southwick
Bishop	Gillett, Cal.	McCreary, Pa.	Sparkman
Blackburn	Goldfogle	McDermott	Stanley
Bowers	Greene	McKinley, Ill.	Stephens, Tex.
Bowersock	Griggs	Mahon	Stevens, Minn.
Bowie	Gronna	Minor	Sullivan, N. Y.
Bradley	Gudger	Morrell	Sulzer
Brantley	Hardwick	Olcott	Talbott
Broocks, Tex.	Haskins	Page	Taylor, Ala.
Brown	Haugen	Palmer	Van Duzer
Burke, Pa.	Hearst	Parker	Van Winkle
Burke, S. Dak.	Hill, Conn.	Parsons	Vreeland
Burleigh	Hitt	Patterson, Tenn.	Wadsworth
Byrd	Howell, N. J.	Pearre	Webb
Calderhead	Hughes	Perkins	Weisse
Clayton	Kennedy, Ohio	Powers	Welborn
Dale	Ketcham	Randell, Tex.	Wharton
Darragh	Knopf	Reid	Wiley, Ala.
Davidson	Lamb	Rhodes	Wilson
Davis, W. Va.	Landis, Chas. B.	Robertson, La.	Wood, Mo.
Deemer	Lawrence	Robinson, Ark.	
Dovener	Le Fevre	Shackleford	
Dresser	Legare	Sherman	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. MANN with Mr. BARTLETT.

For the session:

Mr. SOUTHARD with Mr. HARDWICK.

Mr. DALE with Mr. BOWIE.

Mr. MORRELL with Mr. SULLIVAN of New York.

Until further notice:

Mr. MAHON with Mr. WEISSE.

Mr. MCKINLEY of Illinois with Mr. REID.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. HASKINS with Mr. LEVER.

Mr. WELBORN with Mr. GUDGER.

Mr. WEEKS with Mr. STANLEY.

Mr. LE FEVRE with Mr. CLAUDE KITCHIN.

Mr. HITT with Mr. LEGARE.

Mr. DOVENER with Mr. SPARKMAN.

Mr. FOSTER of Vermont with Mr. POU.

Mr. DAVIDSON with Mr. GRIGGS.

Mr. BISHOP with Mr. CLAYTON.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. GRAHAM with Mr. PAGE.

Mr. VREELAND with Mr. GREGG.

Mr. LONGWORTH with Mr. STEPHENS of Texas.

Mr. LAWRENCE with Mr. WEBB.

Mr. EDWARDS with Mr. BROOCKS of Texas.

For the day:

Mr. MINOR with Mr. SULZER.

Mr. BABCOCK with Mr. BOWERS.

Mr. KENNEDY of Ohio with Mr. LAMB.

Mr. MCCLEARY of Minnesota with Mr. BRANTLEY.

Mr. MCCALL with Mr. ROBERTSON of Louisiana.

Mr. OLCOTT with Mr. GARBER.

Mr. ACHESON with Mr. BELL of Georgia.

Mr. BINGHAM with Mr. BYRD.

Mr. BURKE of Pennsylvania with Mr. GOLDFOGLE.

Mr. BROWN with Mr. FIELD.

Mr. KETCHAM with Mr. HEARST.

Mr. BURLEIGH with Mr. MCDERMOTT.

Mr. HOWELL of New Jersey with Mr. PATTERSON of Tennessee.

Mr. HUGHES with Mr. RANDELL of Texas.

Mr. CHARLES B. LANDIS with Mr. TAYLOR of Alabama.

Mr. LOUDENSLAGER with Mr. SMITH of Kentucky.

Mr. MCCREARY of Pennsylvania with Mr. SHACKLEFORD.

Mr. WILSON with Mr. WOOD of Missouri.

Mr. WM. ALDEN SMITH with Mr. ROBINSON of Arkansas.

Mr. LOVERING with Mr. SMALL.

For the vote:

Mr. SHERMAN with Mr. TALBOTT.

Mr. DEEMER with Mr. LITTLE.

Mr. BRADLEY with Mr. LEWIS.

Mr. BANNON with Mr. WILEY of Alabama.

Mr. RHODES with Mr. SMITH of Maryland.

Mr. GAINES of Tennessee. Mr. Speaker, I desire to withdraw my vote in the affirmative and to be recorded as present.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. GAINES of Tennessee, and he answered "Present."

The result of the vote was announced as above recorded.

CANAL THROUGH SILETZ INDIAN RESERVATION, OREG.

Mr. HERMANN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12080) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, with amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the right of way is hereby granted, as hereinafter set forth, to the Siletz Power and Manufacturing Company, a corporation organized and existing under the laws of the State of Oregon, and its successors and assigns, for the construction, operation, and maintenance of a water ditch or canal through the lands of the United States in the Siletz Indian Reservation, in Oregon, beginning at a point on the right bank of the Siletz River, in lot 13 of section 9, township 10 south, range 10 west of Willamette meridian; running thence in a northeasterly direction through said section and terminating at a point on the right bank of the Siletz River, in lot 30 of section 4, township 10 south, range 10 west of Willamette meridian: *Provided*, That no rights hereunder shall attach until the Secretary of the Interior shall have determined to his satisfaction that the interests of the Indians and the public will be promoted thereby.

SEC. 2. That the right of way hereby granted shall be 50 feet in width on each side of the central line of such water ditch or canal.

SEC. 3. That before the grant of such right of way shall become effective, a map showing the definite location of such water ditch or canal must be filed with and approved by the Secretary of the Interior, and the company shall make payment to the Secretary of the Interior for the benefit of the allottees of full compensation for such right of way through their allotments, including all damage to their improvements and lands, and for damage to lands reserved for agency purposes, which compensation shall be determined and paid under the direction of the Secretary of the Interior in such manner as he may prescribe: *Provided further*, That the Siletz Power and Manufacturing Company, its successors or assigns, where not otherwise provided, shall, at its own expense, construct and maintain sufficient and suitable bridges across the water ditch or canal the right of way for which is hereby granted at the crossing of public roads, and be designated by the county court of the county in which they may be, failing in which the rights herein granted shall be forfeited.

SEC. 4. That the rights herein granted shall be forfeited by said corporation unless the water ditch or canal shall be constructed through the said lands within three years from the passage of this act.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

DAM ACROSS MISSISSIPPI RIVER, MINNESOTA.

Mr. BUCKMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19431) permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota, with amendments thereto, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to The St. Cloud Electric Power Company, a Minnesota corporation, its successors or assigns, to construct and maintain across the Mississippi River a dam, canal, and works necessarily incident thereto for water power and supply purposes, and a lock for navigation purposes, which lock shall be operated and kept in repair, as may be required by the Secretary of War, by the said company at its own expense, at any point between section 7, township 123, range 27, in the county of Stearns and State of Minnesota, and section 25, township 35, range 31, and sections 30 and 31, in township 35, range 30 west, in Sherburne County, Minn.: *Provided*, That the plans for the construction of such dam and appurtenant works, including a lock, shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: *And provided further*, That the said The St. Cloud Electric Power Company, its successors and assigns, shall not deviate from such plans after such approval, either before or after the completion of said structure, unless the modification of such plans shall have previously been submitted to and received the approval of the Chief of Engineers and the Secretary of War: *And provided further*, That there shall be placed and maintained in connection with said dam a sluiceway, so arranged as to permit logs, timber, and lumber to pass around, through, and over said dam without unreasonable delay or hindrance and without toll or charges: *And provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith any further suitable lock for navigation purposes and may at any time, without compensation, control the said dam so far as shall be necessary for purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation, and that the Secretary of War may at any time require and enforce at the expense of the owners such modifications and changes in the construction of said dam as he may deem advisable in the interest of navigation: *And provided further*, That in consideration of the conveyance to the United States of America by said corporation, or its successors or assigns, of such suitable tract or tracts of land as may be approved or selected by the Chief of Engineers and the Secretary of War for lock or other purposes for such navigation as aforesaid, the right shall become and the same is hereby vested in the said The St. Cloud Electric Power Company, its successors and assigns, to flow and inundate with water any islands in the Mississippi River situate above said proposed site and situated southerly of the municipal limits of St. Cloud, Stearns County, Minn., which may belong to the United States of America and which have not been subjected to any entry under the homestead laws or other disposition at the time of the passage of this act, such right of flowage to be enjoyed without any compensation to be paid to the United States of America save and except the value of said lands so to be conveyed for lock or other purposes.

SEC. 2. That suitable fishways, to be approved by the United States Fish Commissioner, shall be constructed and maintained at said dam by said corporation, its successors or assigns.

SEC. 3. That in case any litigation arises from the building of said dam or locks or from the obstruction of said river by said dam or appurtenant works, cases may be tried in the proper courts as now provided for that purpose in the State of Minnesota or in the courts of the United States.

SEC. 4. That the right to amend, alter, or repeal this act is hereby expressly reserved, and the same shall become null and void unless the construction of the dam hereby authorized is commenced within one year after the passage of this act and completed within three years thereafter.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

GRANTING LANDS TO WISCONSIN FOR FORESTRY PURPOSES.

Mr. McCARTHY. Mr. Speaker, I move that the Committee on Public Lands be discharged from the further consideration of the bill (S. 6462) granting lands to the State of Wisconsin for forestry purposes, and that the rules be suspended and the bill be passed.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to cause patents to issue to the State of Wisconsin for not more than 20,000 acres of such unappropriated, unoccupied, nonmineral public lands of the United States north of the township line between townships 33 and 34 north, fourth principal meridian, as may be selected by and within said State for forestry purposes. The lands hereby granted, except as herein provided, shall be used as a forest reserve only, and should the State of Wisconsin abandon the use of said lands for such purpose, alienate or attempt to alienate or use the same or any part thereof for purposes other than that for which granted, except upon consent of the Secretary of the Interior, as hereinafter provided, the same shall revert to the United States. If it shall be made to appear to the satisfaction of the Secretary that any tract or tracts of the land hereby granted are better suited for agricultural than for forestry purposes, or by reason of their isolation are not available for forest reserve purposes, he may by order consent to the sale of such tract or tracts by the State of Wisconsin upon condition that the proceeds of such sale shall be used by the said State in the reforestation of the permanent forest reserves established by said State, and that in event the lands hereby granted shall revert to the United States the said State will account for all such moneys and will pay over to the United States all sums derived from the sales of these lands and not actually used in reforestation.

The SPEAKER. Is a second demanded?

Mr. MONDELL. Mr. Speaker, I demand a second.

Mr. McCARTHY. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Nebraska is entitled to twenty minutes and the gentleman from Wyoming to twenty minutes.

Mr. McCARTHY. Mr. Speaker, a bill precisely like this came before the Committee on Public Lands and was considered. The object of the bill is to grant 20,000 acres of land to the State of Wisconsin for forestry purposes. The State has gone into the proposition on a large and scientific scale on its own behalf and has a forest reserve of its own of about 300,000 acres, in which is included this 20,000 acres of Government land. I reserve the balance of my time.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman a question or two. How much land is given Wisconsin?

Mr. McCARTHY. Not to exceed 20,000 acres.

Mr. CLARK of Missouri. Well, is this a unanimous report from the committee?

Mr. McCARTHY. I think the report is unanimous; I would not say the members of the committee are all in favor of it.

Mr. CLARK of Missouri. The Department recommends it?

Mr. McCARTHY. The Department recommends it, and no member of the committee has filed a minority report.

Mr. CLARK of Missouri. What is the land good for?

Mr. McCARTHY. It is not good for anything at present.

Mr. CLARK of Missouri. What does Wisconsin want with it, then?

Mr. McCARTHY. Wisconsin proposes to put it within her forest reserves. It is only partly covered with forests, but it will grow trees if it is properly cared for. Wisconsin has had a forest reserve of its own of 300,000 acres, and this 20,000 acres is scattered about in isolated tracts——

Mr. CLARK of Missouri. Does this in any way prevent Wisconsin hereafter alienating and selling it?

Mr. McCARTHY. Yes, sir; this bill provides that in the event the State of Wisconsin fails to use it for forestry purposes only, that it shall revert to the United States.

Mr. JENKINS. I might say to the gentleman the bill has passed the Senate.

Mr. McCARTHY. The bill has passed the Senate; this is a Senate bill.

Mr. MONDELL. Mr. Speaker, I am opposed to the passage of this bill, or at least I think the matter should be pretty carefully considered before it is passed, owing to the fact that it proposes to give public lands belonging to the United States to the State of Wisconsin for a specific purpose, a good purpose, no doubt, but if I understand the attitude of the Committee on Public Lands of this House correctly, the attitude of that committee for some years past has been against any grants of land to any of the States for any purposes save for the support of common schools. I do not recall a bill having been reported from the committee for the last three Congresses that proposed a grant of land to any State for any other purpose. Now, there are a number of bills before the committee and have been for years past proposing grants of land for various purposes, bills proposing grants of land for the support of Soldiers' Homes, a bill proposing a grant of twenty or thirty thousand acres of land to the State of North Dakota for the same purpose for which the grant is made in this bill, and yet I have understood that it has been the policy of that committee—I think I am correct in that statement—that no grant should be favorably reported except for common school purposes, and then only where some peculiar condition existed that warranted such grant.

Mr. Speaker, this is a grant of 20,000 acres of land to the State of Wisconsin not for a forest reserve, but for forestry purposes. These lands are not in large compact areas, otherwise a forest reserve would be created under the Forestry Service of the United States, but the grant is of isolated scattered tracts of land which may be sold by the State, and the proceeds may be used for forestry purposes or such other purposes as the legislature of the State of Wisconsin might deem it wise to use the fund thus obtained. Now, I think that we should thoroughly understand what the bill does, and if it is to be the policy of Congress to make grants to the States for forestry purposes, for the support of Soldiers' Homes, and I know of no purpose that would appeal to patriotic Americans more than that, then bills providing for such grants now before the committee should be reported favorably.

The last meeting of the committee was held at a time when the House was in session—the first meeting it ever held under those circumstances since I have been a member of it—and favorably reported this bill and others, including a bill taking a million dollars from the reclamation fund, of which the State of my friend from Nebraska is a beneficiary, for the drainage of the Dismal Swamp. If this bill should be passed, if it is the opinion of Congress that we should enter upon the policy of making grants to the States for various purposes, let us understand it, and let us enter upon this legislation understandingly and fully appreciating the fact that if it be wise and proper to grant to the State of Wisconsin certain tracts of land, which she may dispose of and use for forestry or other purposes, then it is equally right and proper that we should make similar grants to other States for the same or other equally or more meritorious purposes.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. MONDELL. I will.

Mr. MANN. Is this land to be used with other lands for a forestry reserve?

Mr. MONDELL. Well, I do not understand that there is any considerable compact area of public lands in the State of Wisconsin that could be used for forest reserve. If there were, and it were fit for forest-reserve purposes, a forest reserve would undoubtedly be created by the present forestry administration, which is enthusiastically in favor of all the reserves possible.

Mr. MANN. Of what benefit is this land to the General Government? Was it originally pine land?

Mr. MONDELL. The gentleman might ask that same question in regard to the remaining lands in Missouri or Minnesota or the Dakotas or elsewhere. These lands are now subject to entry under the land laws. They can be sold, they can be homesteaded, or they can be disposed of one way or another.

Mr. MANN. Does not the gentleman believe that there is a large amount of land in forest States, owned by the General Government, of no value as it stands, which might possibly be turned over to the States if the States would make forest reserves upon the land and have forests or trees grown upon the ground?

Mr. MONDELL. I have tried to make it clear that I am in favor of an enlightened forestry policy, State and national, but I want to call the gentleman's attention to the fact that this bill does not propose that the State of Wisconsin shall establish a forest reserve on every 40 and 80 acre tract of Government land here and there over this territory covered by the bill. It would be impracticable to do that, and the State will not do it. It is practically a grant of 20,000 acres of isolated tracts, none of them large. The report does not indicate the size of the largest area of unoccupied public land in the State of Wisconsin, but I assume there is no area of any considerable size.

Mr. MANN. There must be certainly an area of a very large size in Wisconsin which might possibly be turned by the State into a forest reserve.

Mr. MONDELL. Well, I am speaking of public lands. There are no large compact areas of public land in Wisconsin, and the bill recognizes that condition and provides that these areas may be sold. It simply provides that the proceeds may be used for this purpose. Now, I do not insist that it may not be proper to give the State of Missouri all of her remaining public land for some purpose, the State of Arkansas all of her public lands, the State of Minnesota all of her public lands; but if we are going to inaugurate that policy, a policy we followed to a considerable extent for a long time until the Committee on the Public Lands of this House several years ago declared a different one, which it has followed consistently, and so far as I know this is the first case in which the committee has departed from this established policy of not granting land to the States for any purpose except for the support of common schools. There have been several bills reported at one time or another from the committee granting lands to the Southern States for school purposes. No other bills proposing land grants to States have been reported by the committee for years, if I recollect rightly. I think the House should at least understand that this is the inauguration of a new policy, and that we are now providing for the transfer of public lands from the United States to the States to be used by the States practically as they see fit.

Mr. MANN. Does not the gentleman think that it might be well to inaugurate the policy of trying to grow trees instead of trying to demolish all the trees in the country?

Mr. MONDELL. Well, if the House wants to grant the State of North Dakota 50,000 acres on which to grow trees, where they really need tree very badly, and the State of Wisconsin also 20,000, where trees grow naturally, but where they do not need the care and attention that they need in North Dakota, well and good.

Mr. MANN. Well, if North Dakota will agree to do it, I will agree to vote for it.

Mr. MONDELL. That is the only question. I reserve the balance of my time.

Mr. McCARTHY. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. ADAMS].

Mr. ADAMS. Mr. Speaker, I think the point made by the gentleman from Illinois [Mr. MANN] is a good one, and that is, even if this bill does provide for a departure and a new policy, if it is a good thing in itself, the objection that it is new is hardly valid.

Now, what are the facts? In the State of Wisconsin there are 50,000 or 60,000 acres of land belonging to the Federal Government. These lands are open to entry. They are not valuable. If they had been, somebody would have bought them. The State of Wisconsin took up the same policy with reference to forestry which has been so intelligently taken up by the Federal Government. It has embarked in this business of forestry in a scientific way, and we have placed in our forest reserves in the State of Wisconsin 300,000 acres of land already and we have appointed a forestry commission, and the secretary of that commission is a gentleman who is recommended by the head of the forestry work of the United States; a gentleman of exact knowledge, of great accomplishment, and fitted for his work.

Now, all that we do in this bill is to come to Congress and present to the Senate a bill transferring from the Federal Government to the State of Wisconsin these semiworthless lands, which are capable of producing trees, conserving the moisture along the lines of the Chippewa and St. Croix rivers, which flow down to the Mississippi.

Now, then, the Senate has considered that bill. It has the backing of both Senators from the State of Wisconsin. More than that, it has the backing of the Public Lands Committee of the Senate, and has come over here backed by a unanimous vote from the Senate. Now, what do we have embodied in this measure as it comes to us? It is this: To take the semiworthless lands of the Federal Government, which it maintains at its own cost, and turn them over to the State of Wisconsin, where they will be held for forestry purposes only, under the strict limitation of this bill, and let the State of Wisconsin bear all the expense that is needed to make them a part of the great forest reserves of that State.

Mr. MONDELL. The gentleman does not contend that all

of this 20,000 acres of land will be used, actually used, for forestry purposes?

Mr. ADAMS. That is just precisely what the gentleman does contend, and no other disposition can be made except with the consent of the Federal Government. It is a contract entered into by the United States Government and the State of Wisconsin, that the State of Wisconsin shall take the semiworthless land and use it for forestry purposes, and if for any reason it desires to use it for any other purpose, it must get the consent of the Federal Government to make such other disposition.

Mr. MONDELL. But there is a provision for the disposition of this land.

Mr. McCARTHY. Mr. Speaker, I would suggest that the gentleman from Wyoming is somewhat careless if he desires the Members of this body to believe that this is absolutely new legislation. I do not know, and I do not care, why he did not happen to be at the last meeting of the Public Lands Committee. It is a little too bad that he was not there so as to run the thing; but I remember, and he remembers, if he will search the cells of his recollection, that during the Fifty-eighth Congress we established an exact precedent for this business when we donated to the State of Minnesota 20,000 acres of public land for forestry purposes. Do you deny that? Then this is not new legislation. You have established a precedent heretofore, and, as stated by the gentleman from Wisconsin, I do not know of any better use that can be made of this worthless land than to give it to the State of Wisconsin.

I am reliably informed by gentlemen from the State of Wisconsin that if we want to take the 300,000 acres that she has already thrown into forest reserves, that we can take it with the greatest of pleasure, and she will take this 20,000 acres. This is an isolated tract, but it is surrounded by land owned by the State of Wisconsin, lands that have been given to the State of Wisconsin by gentlemen not moved by patriotic purposes entirely, but who desired to escape the payment of taxes on those lands, because they were not worth paying the tax on. But they will grow trees. The soil and the climate are right. It is not an experiment, as you would have to try in Wyoming and North Dakota or the arid regions. It is possible to make a reasonable success in Wisconsin; and I submit that inasmuch as we have already established a precedent for this I know of no reason why there should be occasion to suggest that we are departing upon a new policy.

This measure has been recommended by the Secretary of the Interior; and it is nothing new for the Committee on the Public Lands to lap up suggestions from that Department, the same as a cat laps milk. We have been doing everything that they suggested for us to do, and it is a bad time just now, in my opinion, to depart from our usual course of procedure. [Applause.]

Mr. GAINES of Tennessee. Mr. Speaker, I should like to ask the gentleman a question before he sits down, please.

Mr. McCARTHY. Yes.

Mr. GAINES of Tennessee. Why do you want this forest reserve? How does it better your people? I really would like to know something about it.

Mr. McCARTHY. Northern Wisconsin is a natural timber country. It has been denuded of its timber.

Mr. GAINES of Tennessee. I wondered why it was that you wanted a reserve there when you have so much timbered country.

Mr. McCARTHY. It has been denuded of its timber.

Mr. GAINES of Tennessee. Who has taken it off?

Mr. JENKINS. The settlers.

Mr. McCARTHY. I suppose the settlers.

Mr. GAINES of Tennessee. And immense lumber concerns have taken it off.

Mr. McCARTHY. Yes.

Mr. GAINES of Tennessee. And you want to keep the remainder of the timber there?

Mr. McCARTHY. Yes. The State has 300,000 acres now, and is asking for these 20,000 acres, consisting of isolated tracts scattered all over the 300,000 acres.

Mr. GAINES of Tennessee. Don't you think the Government should reserve all the timbered lands possible?

Mr. McCARTHY. Yes.

Mr. GAINES of Tennessee. They are being cut into lumber and the lumber sent to foreign countries.

Mr. McCARTHY. Yes.

Mr. GAINES of Tennessee. I am told that it is a fact that our timber is being cut, sawed up, and the lumber sent to foreign lands; and I suppose after a while we will be sending there for lumber if this is not stopped in some way or other. I am going to vote for your bill.

Mr. McCARTHY. Thank you.

Mr. MONDELL. Mr. Speaker, the gentleman from Nebraska, who takes much interest in this question, very properly suggests that I am not altogether correct in my statement that this is somewhat of a new departure.

Mr. Speaker, it is true that—in the last Congress, I think it was—the Committee on the Public Lands did provide for the setting aside of a certain tract of land in a compact body in the State of Minnesota for a forest reserve, a very different thing from what is proposed to be done in this bill, and that was the only time in years that the committee has reported a bill granting any lands to any State for any purpose except for public school purposes.

Mr. McCARTHY. In view of the fact that the State of Wisconsin owns land adjacent to these isolated tracts, and when it is all thrown in it will make one compact body, I desire to ask what difference there is between this and the Minnesota case?

Mr. MONDELL. Mr. Speaker, there is nothing of record—and I have investigated this matter somewhat—to indicate that the State of Wisconsin has any lands adjacent to the lands which she wishes to select under this; and, as a matter of fact, I understand that in the entire State of Wisconsin the largest amount of public land in any one county is 8,000 acres, undoubtedly scattered in a great many tracts. With that exception, there is not in the entire State more than 2,000 acres of public land in a single county, and probably nowhere more than a few acres in a compact body.

Now, I do not insist that it may not be wise to grant to the States tracts of lands for specific purposes, but I doubt very much whether this grant to the State of Wisconsin will, as a matter of fact, help very much in the conservation of the forest growth of that State. It is a grant to the State which will be used, let us hope, to good advantage. While the gentleman from Nebraska is so insistent that this is good legislation, he must recollect that the committee has refused to report favorably legislation of a similar character applying to other States of the country, legislation in which I have no interest except as a member of the committee and a Member of the House. I think I am correct in saying that this is a departure from the usual rule which has prevailed in the Public Lands Committee, and I simply desire to have the House understand that it is.

Mr. GAINES of Tennessee. Mr. Speaker, does not the gentleman believe that we should encourage what is known as "forestry reserve?"

Mr. MONDELL. Oh, the gentleman does believe in forest reserves and in forest reservations and in the Federal activities along that line, and I am glad to know that the State of Wisconsin is doing something in that line after all these years, after having for so long tolerated a reckless waste of her forest resources; but this bill can not establish a forest reserve by any possibility. It is land granted to the State for forestry purposes, it is true, but can not result in a compact forest reserve, and all I have to say is, that if we propose to grant to the States public land for forestry and other purposes, we should understand exactly what it is we are doing.

Mr. McCARTHY. I now yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, if it be true that this is a new departure, it is a wise departure. We have been cutting off the timber of the country for years without reflecting what those will do who come after us a hundred years or more. It is impossible for private property owners, under our methods of land taxation, to retain land idle to raise pine trees on. It is perfectly feasible and proper for the State of Wisconsin, a great white pine country, to raise up a new generation of white pine trees. We are out of white pine in the country now practically, and if the Government, by giving this land to the State of Wisconsin, can obtain this growth of new timber, which, when it comes to maturity, will be of great value to the world without expense, I suggest to my friend from Wyoming that it is a better bargain to do that than it is to irrigate arid lands of Wyoming and the West at the expense of the Government, and if Wyoming were willing to take the arid lands and irrigate them at her expense, I should say give them to her. Now, we propose to give to the State of Wisconsin a few acres of land of no value to anyone on earth in order that the State may make, not merely two blades of grass grow where only one grows now, but millions of trees where none grow to-day. [Applause.]

Mr. McCARTHY. Mr. Speaker, how does the time stand?

The SPEAKER. The gentleman has four minutes remaining and the gentleman from Wyoming six minutes.

Mr. McCARTHY. I yield two minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I desire to accentuate what I have already said. I think it is a wise policy, and if we have never done so before, we are not too late now, to adopt this forestry system, not only to be ruled by the Federal Government, but we should encourage State forest reserves when we cede lands to the States. Why? Because the States reserve the magnificent timber that are on these lands. As it is now the timber is being taken off by the great combinations and manufacturers for the purpose of making it into lumber, and then to a great extent shipping it out of the United States. If I had time I would draw a bill compelling every man who cuts down a tree on public lands to set out two young ones of the same kind instead. The time will come when we will not only want the timber we now have, when the people of this country, upon their farms, North and South, will have to grow timber to fence their lands and make their fires and make the lumber to build their houses. I am for State forestry reserve, I am for Federal forestry reserve, and I heartily indorse this bill. [Applause.]

Mr. MONDELL. Mr. Speaker, I do not understand that forests will grow any more rapidly in Wisconsin after the title has passed to the State of Wisconsin than forests will grow on the same land while the title remains in the United States Government. The gentleman from Illinois [Mr. MANN] seems to think that forests will grow much more rapidly after the land has been transferred to the State. This is not a matter of forestry at all. I leave it to the House on the statement I have made.

Mr. STAFFORD. I want to ask the gentleman if the State is not better able to determine what should be its policy toward internal development than the National Government? It has determined that certain land in the State is more suitable for forestry purposes than for agricultural. Why should we not accept the opinion of the State and donate these 20,000 acres for the purpose of making one united tract?

Mr. MONDELL. The land can not be united in one tract.

Mr. STAFFORD. The State has donated thousands of acres for the purpose, and it wants these small tracts scattered through the reserve to make one uniform whole.

Mr. MONDELL. This is not a matter of forest preservation. It is a proposition to donate lands to the State for forestry purposes. If the plan is adopted, if it is a good one, it certainly is as wise to donate lands in North Dakota for that purpose as to Wisconsin.

Mr. STAFFORD. But you can't grow trees in North Dakota?

Mr. MONDELL. These lands can not be a forest reserve. This is a proposition to grant the State of Wisconsin 20,000 acres of public lands for its own uses and purposes.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

A similar House bill (H. R. 2209) was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3044) to promote the efficiency of the Revenue-Cutter Service.

Also to Senate bill (S. 2948) to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes.

Also to Senate bill (S. 4190) to amend an act entitled "An act to amend section 2455 of the Revised Statutes of the United States," approved February 26, 1895.

Also to Senate bill (S. 1540) to increase the efficiency of the Ordnance Department of the United States.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 5221. An act for the relief of Edward King, of Niagara Falls, in the State of New York.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 5769) to declare the true intent and meaning of parts of the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARK of Wyoming, Mr. NELSON, and Mr. CULBERSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolution and bill of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6488. An act authorizing the striking of 200 additional medals to commemorate the two hundredth anniversary of the birth of Benjamin Franklin; and

S. R. 67. Joint resolution to protect the copyrighted matter appearing in the "Rules and specifications for grading lumber adopted by the various lumber manufacturing associations of the United States.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 9343. An act providing for the resurvey of certain townships of land in the county of Baca, Colo.

RELIEF OF RECEIVERS OF PUBLIC MONEYS.

Mr. VOLSTEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 11044) authorizing and directing the Secretary of the Treasury, in certain contingencies, to refund to receivers of public moneys acting as special disbursing agents amounts paid by them out of their private funds, with amendments thereto, being in the nature of typographical errors, the letters "t" and "b" having been omitted in the words "hereafter be," which bill as amended I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any unexpended balances of appropriations for contingent expenses of land offices, for the expenses of hearings in land entries and the expenses of depositing public moneys, such sums as may have been or may hereafter be disbursed by receivers of public moneys, acting as special disbursing agents at United States land offices, before the receipt of Government funds: *Provided*, That no payment shall be made under this act in excess of the amount appropriated by the Congress for the particular purpose in each instance and for the fiscal year in which such disbursements were made: *Provided*, That all such disbursements shall have been or shall hereafter be made in pursuance of law in carrying out departmental regulations or to meet authorizations by the Commissioner of the General Land Office: *Provided further*, That the accounts containing such items shall have been duly approved by the Commissioner of the General Land Office.

The SPEAKER. Is a second demanded?

Mr. PERKINS. Mr. Speaker, I demand a second.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Minnesota [Mr. VOLSTEAD] is entitled to twenty minutes and the gentleman from New York [Mr. PERKINS] to twenty minutes.

Mr. PERKINS. Mr. Speaker, I would like to have an explanation of this bill.

Mr. VOLSTEAD. Mr. Speaker, the object of this bill is to allow the Treasury to refund to certain receivers of public funds money paid by such receivers out of their own money. The law provides for an appropriation for the expenses of contests and other hearings in the local land offices, and also for the payment of the expense of transmitting certain moneys from the receivers of such local land offices to the public depositories. For the purpose of making these payments the General Land Office apportions to each local land office a certain amount. When that is exhausted in the local land office there is no way of making these payments except from the private means of the receivers. They have, in many instances, made small payments; for instance, for the registration of mail in transmitting the Government's money and for the fees of witnesses who are attending contests and other hearings. The Comptroller holds that money thus paid by the receivers can not be audited and repaid to them and the receivers actually lose all money that they pay out of their own pockets for the benefit of the Government, though the payment is at the direction of the General Land Office. This bill is to remedy that difficulty.

Mr. PERKINS. Is this a bill recommended by the General Land Office?

Mr. VOLSTEAD. This is a bill drawn by the Department for this relief. It does not make any appropriation.

Mr. PERKINS. It is drawn by the Department itself?

Mr. VOLSTEAD. Yes.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

SPANISH TREATY CLAIMS COMMISSION.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that the bill (H. R. 15912) to amend the act creating the Spanish Treaty Claims Commission, approved March 2, 1901, be recommitted to the Committee on the Judiciary.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill indicated be recommitted to the Committee on the Judiciary. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

SURVEY OF HARBOR AT DULUTH, MINN.

Mr. BEDE. Mr. Speaker, I move to suspend the rules and pass the House concurrent resolution No. 34, which I send to the desk and ask to have read.

The Clerk read as follows:

House concurrent resolution No. 34.

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the harbor at Duluth, Minn., including the entrance thereto, with a view to determining what modifications of the present plan, if any, are desirable.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded, the question is on suspending the rules and passing the concurrent resolution.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the concurrent resolution was passed.

DONATION OF OBSOLETE ARMS, ETC., TO VINCENNES UNIVERSITY, VINCENNES, IND.

Mr. CHANEY. Mr. Speaker, I move to take from the Speaker's table Senate joint resolution 52, authorizing the Secretary of War to donate to the board of trustees of Vincennes University, Vincennes, Ind., such obsolete arms and other military equipments now in possession of said university, to be used in military instruction, that the rules be suspended and that the resolution be passed.

The Clerk read the resolution, as follows:

Senate joint resolution No. 52.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to donate to the board of trustees of the Vincennes University, at Vincennes, Ind., such obsolete arms and other military equipments now in possession of said university, to be used in military instruction.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded, the question is on taking the joint resolution from the Speaker's table, suspending the rules, and passing the same.

The question was taken; and two-thirds having voted in favor thereof the rules were suspended and the joint resolution was passed.

SALE OF CERTAIN LANDS TO CITY OF MENA, ARK.

Mr. MACON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 18529) to authorize the sale of certain lands to the city of Mena, in the county of Polk, in the State or Arkansas, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell to the city of Mena, in the county of Polk, in the State of Arkansas, at and for the sum of $2.50 per acre, the following described lands, to wit: The fractional northwest quarter of the northwest quarter of section 6, township No. 2 south, range 30 west of the fifth principal meridian. And upon the payment of said sum the said Secretary is authorized to issue patent for said lands to said city.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill.

The question was taken; and two-thirds voting in favor thereof, the rules were suspended and the bill was passed.

CREATING THE MESA VERDE NATIONAL PARK.

Mr. HOGG. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 5998) creating the Mesa Verde National Park, with amendments thereto, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That there is hereby reserved from settlement, entry, sale, or other disposal, and set apart as a public reservation, all those certain tracts, pieces, and parcels of land lying and being situate in the State of Colorado, and within the boundaries particularly described as follows: Beginning at the northwest corner of section 27, township 35 north, range 16 west, New Mexico principal meridian; thence easterly along the section lines to the southwest corner of the southeast quarter of section 20, township 35 north, range 15 west; thence northerly to the northwest corner of the southeast quarter of said section; thence easterly to the northeast corner of the southeast quarter of said section; thence northerly to the northwest corner of section 21, said township; thence easterly to the northeast corner of the northwest quarter of said section; thence northerly to the northwest corner of the southeast quarter of section 16, said township; thence easterly to the northeast corner of the southeast quarter of section 15, said township; thence southerly to the southeast corner of said section; thence easterly to the southwest corner of section 13, said township; thence northerly to the northwest corner of the southwest quarter of said section; thence easterly to the northeast corner of the southwest quarter of said section; thence northerly to the northwest corner of the northeast quarter of said section; thence easterly to the northeast corner of said section; thence northerly to the northwest corner of the southwest quarter of section 7, township 35 north, range 14 west; thence easterly to the northeast corner of the southwest quarter of said section; thence northerly to the northwest corner of the southeast quarter of section 6, said township; thence easterly to the northeast corner of the southwest quarter of section 4, said township; thence southerly to the northwest corner of the southeast quarter of section 9, said township; thence easterly to the northeast corner of the southeast quarter of said section; thence southerly to the northwest corner of section 22, said township; thence easterly to the northeast corner of the northwest quarter of said section; thence southerly to the northwest corner of the southeast quarter of said section; thence easterly to the northeast corner of the southeast quarter of said section; thence southerly to the northwest quarter of section 26, said township; thence easterly to the northeast corner of the northwest quarter of said section; thence southerly to the southeast corner of the southwest quarter of section 35, said township; thence easterly to the northeast corner of section 2, township 34 north, range 14 west; thence southerly along the section line between sections 1 and 2 and between sections 11 and 12 to the northern boundary of the southern Ute Indian Reservation; thence westerly along the northern boundary of said reservation to the center of section 9, township 34 north, range 16 west; thence northerly along the quarter-section lines to the northwest corner of the southeast quarter of section 28, township 35 north, range 16 west; thence easterly to the northeast corner of the southeast quarter of said section; thence northerly to the northwest corner of section 27, said township, the place of beginning.

SEC. 2. That said public park shall be known as the Mesa Verde National Park, and shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to prescribe such rules and regulations and establish such service as he may deem necessary for the care and management of the same. Such regulations shall provide specifically for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man within said park: *Provided*, That all prehistoric ruins that are situated within 5 miles of the boundaries of said park, as herein described, on Indian lands and not on lands alienated by patent from the ownership of the United States, are hereby placed under the custodianship of the Secretary of the Interior, and shall be administered by the same service that is established for the custodianship of the park.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to permit examinations, excavations, and other gathering of objects of interest within said park by any person or persons whom he may deem properly qualified to conduct such examinations, excavations, or gatherings, subject to such rules and regulations as he may prescribe: *Provided always*, That the examinations, excavations, and gatherings are undertaken only for the benefit of some reputable museum, university, college, or other recognized scientific or educational institution, with a view to increasing the knowledge of such objects and aiding the general advancement of archæological science.

SEC. 4. That any person or persons who may otherwise in any manner willfully remove, disturb, destroy, or molest any of the ruins, mounds, buildings, graves, relics, or other evidences of an ancient civilization or other property from said park shall be deemed guilty of a misdemeanor, and upon conviction before any court having jurisdiction of such offenses shall be fined not more than $1,000 or imprisoned not more than twelve months, or such person or persons may be fined and imprisoned, at the discretion of the judge, and shall be required to restore the property disturbed, if possible.

The SPEAKER pro tempore (Mr. WATSON). Is a second demanded? [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill.

The question was taken; and two-thirds voting in favor thereof, the rules were suspended and the bill was passed.

DEEDS, ETC., IN GUAM, SAMOA, AND THE CANAL ZONE.

Mr. BIRDSALL. Mr. Speaker, I move to suspend the rules and pass the following bill.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 19607) for the acknowledgment of deeds and other instruments in Guam, Samoa, and the Canal Zone to affect lands in the District of Columbia and other Territories.

Be it enacted, etc., That deeds and other instruments affecting land situate in the District of Columbia or any Territory of the United States may be acknowledged in the islands of Guam and Samoa or in the Canal Zone before any notary public or judge, appointed therein by proper authority, or by any officer therein who has ex officio the powers of a notary public: *Provided*, That the certificate by such notary in Guam, Samoa, or the Canal Zone, as the case may be, shall be accompanied by the certificate of the governor or acting governor of such place to the effect that the notary taking said acknowledgment was in fact the officer he purported to be; and any deeds or other instruments affecting lands so situate, so acknowledged since the 1st day of January, 1905, and accompanied by such certificate shall have the same effect as such deeds or other instruments hereafter so acknowledged and certified.

The SPEAKER pro tempore. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CONEY ISLAND CHANNEL.

Mr. LAW. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19680) directing the Secretary of War to cause an examination and survey to be made of Coney Island channel.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Coney Island channel, New York, with a view to estimating the cost of securing a channel 20 feet deep and 600 feet wide at low tide, extending from deep water southwest of Nortons Point eastwardly to deep water off Rockaway Inlet and across the bar lying west of Rockaway Inlet to deep water in Jamaica Bay.

The SPEAKER pro tempore. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. LAW. Mr. Speaker, I wish to take this occasion to call to the attention of the House a project now under serious consideration for the extension and improvement of the commercial facilities of the port of New York, of which the measure now before the House is a most important part. The plan which is now in the course of development contemplates joint action on the part of the Federal Government and the great metropolis which will be most directly affected. Early in the session, with a view to securing cooperation on the part of the Federal Government, I introduced several joint resolutions and bills providing for surveys and preliminary examinations by the War Department of that portion of the waters surrounding the city of New York known as "Jamaica Bay."

A sudden and absolute need of increased water front and dockage facilities in and about the port of New York has arisen, caused by the marvelous growth of that city during the past few years and the tremendous increase in the commerce of its port. According to the official reports of the census taken in the year 1890, the present city of New York then had a population of 2,507,414. The census taken in the year 1900 shows a net increase of population during the ten years from 1890 to 1900 of 929,788. In ten years time this city added to its population more residents than were in 1900 to be found in any other city of the United States save Chicago and Philadelphia. The reports of the New York State census taken in 1905 show a total population for the city of New York in that year of 4,013,781, or a net increase of 576,579 over the population of 1900. Again in five years this city has added to its population more residents than in the year 1900 were to be found in any other city of the United States save Chicago and Philadelphia.

Mr. Speaker, the increase in the commerce of the port of New York has kept pace with its tremendous strides in population. The reports of the Bureau of Statistics of the Department of Commerce and Labor show the value of the exports and imports at the port of New York in the year 1890 to have been $865,478,484. The same reports show the value of the port's commerce in the year 1900 to have been $1,056,071,753. We have here an increase in the year 1900 over the year 1890 of $190,593,269. The same reports show an increase in the year 1905 over the year 1900 of $148,283,508. While I do not regard the percentage of increase of commerce at the port of New York, as compared with the percentage of increase at the other principal ports of the United States, as of great significance in considering the need of greater available water front, I may say that the greatest increase, as compared with other ports, has been during the five years from 1900 to 1905. The commerce at the port of New York shows an increase in the year 1905 over the year 1900 of 14 per cent, as against an increase of 2 per cent at Boston, a loss of 5 per cent at Philadelphia, a loss of 16 per cent at Baltimore, an increase of 38 per cent at New Orleans, and an increase of 9 per cent at San Francisco.

Mr. Speaker, the section of the city of New York that has experienced the greatest rate of increase in population during the years I have mentioned is the Borough of Brooklyn. The Federal census reports record an increase of 40 per cent in the population of Brooklyn during the ten years from 1890 to 1900, and an increase of only 29 per cent in the Borough of Manhattan. The increase in population in Brooklyn during the five years from 1900 to 1905 was 17 per cent, as against 15 per cent in Manhattan.

This borough, Mr. Speaker, with a present population of nearly one and a half millions, larger than any city of the United States of which it is not a part, save Chicago and possibly Philadelphia, has, during the past several years, been growing by such leaps and bounds as surpasses the experience of any town in the Western Hemisphere, with the possible exception of Chicago. During the ten years from 1890 to 1900 the increase in the population of the Borough of Brooklyn was 360,239. In the year 1900 there were only six cities in the United States, not including the city of New York, that had as many residents as were added to the population of Brooklyn during these years.

During the five years from 1900 to 1905 the increase in the population of Brooklyn was 192,104. Again in the year 1900 there were only eighteen cities in the United States, not including the city of New York, that had as many residents as were added to the population of Brooklyn during these five years.

Sections that were farm lands five years ago are now laid out in streets, and solid blocks of houses line these streets. The latest quarterly statement of the bureau of buildings of this Borough of Brooklyn shows that during the three months ending March 31 of the present year plans for 1,655 buildings were filed, at an estimated cost of $11,426,642.

Mr. Speaker, this enormous increase in the population of the city of New York, particularly in the Borough of Brooklyn, and the tremendous increase in the commerce of the port has created a pressing demand for increased available water-front and dockage facilities. The necessity for immediate steps in this direction was first brought forcibly to the attention of the city authorities in December last, by Hon. Edward M. Grout, the then comptroller of the city of New York, who, in a communication addressed to the commissioners of the sinking fund of the city, urged the imperative need of more water front available for dockage facilities, and called attention to the possibilities in this direction of that great arm of the sea indenting the southern shores of the boroughs of Brooklyn and Queens known as "Jamaica Bay." He pointed out the astonishing growth of those wards of Brooklyn and Queens bordering on this bay, and invited attention to the fact that these wards embrace those portions of the city most remote from the East River, where Brooklyn's commerce is now generally distributed, and that if Jamaica Bay could be opened and made safe for general commerce, it would constitute the commercial back door of that great borough. Mr. Grout recommended that the city of New York should at once take up, formulate, and execute a comprehensive scheme for the full development of the unimproved lands surrounding a large portion of the bay by acquiring or perfecting title to the unimproved shore lands and by reclaiming and filling in the salt marshes, shallow parts and hummock of the bay, and bulkheading the islands and shores throughout their entire extent.

Mr. Speaker, if this plan is followed out, and the channels opened in such a way as to best develop the locality for its future needs and opportunities, at least 120,000 feet of bulkhead around the mainland will be produced.

Acting upon the recommendation of Mr. Grout and the board of estimate and apportionment, the board of aldermen of the city of New York, on April 10 last, passed an ordinance providing for an issue of corporate stock in the sum of $25,000 to provide means for the necessary expenses of a commission of engineers to be appointed by the mayor, to prepare and submit to the board of aldermen a report upon the general improvement and development of Jamaica Bay, together with plans and estimates in connection therewith. Such commission of engineers has since been appointed by the mayor, and they have actively entered upon the discharge of their important duties.

But, Mr. Speaker, the efforts of the city of New York can avail little without cooperation on the part of the Federal Government. The city will, without doubt, be prepared to expend large sums of money in the work of improving and bulkheading the shore lines in accordance with such plans as may be recommended by its commission of engineers, but it is essential that the Federal Government shall do its part in extending and improving the natural channels of Jamaica Bay.

Extensive surveys and preliminary examinations by the War Department should be authorized by Congress at once, so that the commission of engineers representing the city may have the benefit in their work of a contemporaneous and cooperative investigation of the subject on the part of the Federal Government. It was with this purpose in view that I introduced in the House the several joint resolutions and bills, the most important of which is now before you for consideration, providing for such surveys and preliminary examinations. Their favorable consideration by the Committee on Rivers and Harbors has been strongly recommended and urged by the most representative citizens of the city of New York, including its mayor and the president of the Borough of Brooklyn. The have been the subject of urgent indorsement on the part of all the influential civic organizations of Brooklyn. The intelligent popular demand for the cooperation of the Federal Government in the enterprise I have outlined has been strongly and ably reflected in the editorial pages of the press.

Mr. Speaker, at this point in my remarks I wish to submit an editorial on the subject of the improvement of Jamaica Bay, appearing in the columns of the Brooklyn Eagle in its issue of April 9, 1906:

THE IMPROVEMENT OF JAMAICA BAY.

On Friday last the Rivers and Harbors Committee of the House of Representatives gave a hearing to the six Brooklyn Congressmen, to Congressman COCKS, of Long Island, and to a delegation from the Brooklyn League, all of whom appeared before the committee to urge appropriations for the improvement of Jamaica Bay. The hearing was directly in the interests of three bills introduced by Representative LAW, of the Fourth district. The object of those bills is to secure money for the surveying of certain channels in Jamaica Bay preparatory to their deepening, charting, buoying, and lighting.

Mr. BURTON, chairman of the Rivers and Harbors Committee, was evi-

dently impressed by the arguments submitted, but stated that he did not see his way clear at this stage of the session to put the Jamaica Bay proposition in the class of emergency work. In other words, he did not consider it urgent enough to justify his committee submitting a favorable report upon the bills introduced by Mr. LAW. In that conclusion we think Mr. BURTON errs, and we hope that by a closer study of the entire plan and, best of all, by personal examination, he and his associates may be convinced that the improvement of the bay is really an emergency project and can rightfully be rated as such by the committee.

It is a reflection upon the rights which this community presents and for which it should command attention that the Government has not long ago examined this subject. The value of the commerce concerned in the improvement of Jamaica Bay is not less than $25,000,000 a year. That sum represents what has been achieved under the most discouraging conditions imaginable; conditions entailing delays and disasters that have retarded progress by imposing a demoralizing tax on both time and capital. Manufacturers are solidly behind the bills introduced by Congressman LAW. Freight and lighterage corporations are behind them. Shipowners are behind them. All the various interests concerned in making the waters of the bay an absolutely safe highway for steamboat excursions, fishing, yachting, and all other forms of marine recreation and profit, are united in support of them. The advantage that would accrue to commerce in general by the improvement of Jamaica Bay is suggested by the record of what has been accomplished under the unfavorable circumstances prevailing now.

The geographical relation of Jamaica Bay to the development of Greater New York is apparent from even a casual study of the map. The bay measures 6 miles east and west by 4 miles north and south. It is connected with the ocean by Rockaway Inlet. It affords a splendidly sheltered harbor, and it should be so intersected with deep water channels that every important point in the great territory surrounding it could be reached by large freight and passenger carrying craft. The duty of the Federal Government to provide such channels is obvious. The need of them is urgent, and the concession of them will be insisted upon until this or some subsequent Congress yields the point.

Mr. Speaker, I believe there is no point in navigable waters that presents a more meritorious demand for improvement by the Federal Government than does this bay. It possesses all the essential geographical features of a perfect harbor. It has a shore line of more than 20 miles in length, and is connected with the Atlantic Ocean by Rockaway Inlet, which is 11 miles east of the Narrows at the entrance to New York Harbor. It is in the collection district of the port of New York. It is intersected with an abundance of natural channels, extending from the inlet toward the shores across the bay. A considerable portion of these channels are wide enough and deep enough to accommodate the commerce that will be there attracted. Let these channels be straightened and extended; let the narrow bar at the inlet be removed, and this entire bay will be opened to general commerce.

Mr. Speaker, the city of New York is not asking the Federal Government to embark in a speculative enterprise. In its present dangerous and unimproved condition the value of the commerce of Jamaica Bay is not less than $25,000,000 a year. Over its waters during four months of the year 100,000 passengers are daily carried to and from the great summer resort known as "Rockaway Beach." Through its channels are shipped annually large quantities of road and house building material, coal, general supplies, oysters and clams, and large quantities of fertilizers, oils, boneblack, hides, iron, and tin. On its shores and islands are several large shipbuilding plants, with marine railways and machine shops.

Mr. Speaker, I submit the following statement of the commercial statistics of Jamaica Bay, gathered from answers in response to inquiries sent to manufacturers, shippers, dealers, and merchants doing business in the bay:

COMMERCIAL STATISTICS OF JAMAICA BAY.

The following steamboats operated in Jamaica Bay, some as passenger lines and some as excursion boats—are largely patronized by persons of moderate means seeking a day's outing at the seashore at small expense, and whose pleasure is greatly curtailed when the steamboats run aground and remain so for hours at a time, as is the case every summer. The rates of fare charged by the steamboats are generally less than one-half of those charged by the railroad company:

	Capacity.
Sirius	2,150
Taurus	1,650
Cepheus	1,800
Cetus	1,800
Cygnus	1,800
Perseus	1,800
Pergasus	1,800
Grand Republic	3,700
Dreamland	3,300
Richmond	1,000
Sylvester	1,000
Rosedale	1,000
Mattawan	1,000

These steamers carry almost their full capacity every day, from the 30th of May to October 1.

The following towboats and steam lighters work on the bay: Nonpareil, S. E. Bouker, Robert Palmer, Charles Runyon, H. B. Rawson, Golden Rule, Golden Ray, E. Frank Coe, Islander, Fanny McKane, Mabel & Ray, Stanwood, T. A. Briggs, Thomas A. Johnson, Dandy, Edna V. Carew, Atlantic, Guiding Star, S. L'Hommedieu, Golden Age, Golden Rod, McKeever Bros., Rover, Two Brothers, Rhoda Green, Mutual, Alfred J. Murray, Charles Kuper, Columbia, M. Holland.

The oyster and clam industry of Jamaica Bay amounts to $10,000,000

BELLE HARBOR.

Building stone, 1,000 tons, amounting to	2,000
Broken stone, 5,000 tons, amounting to	10,000
Building sand, 1,000 tons, amounting to	2,000
Coal, 500 tons, amounting to	2,000
Ice, 200 tons, amounting to	800
Brick, 250 tons, amounting to	2,500
Lime, 200 tons, amounting to	1,600
Cement, 150 tons, amounting to	1,800
Lumber, 1,000 tons, amounting to	20,000
	42,700

ROCKAWAY PARK.

Broken stone, 3,000 tons, amounting to	6,000
Building stone, 2,000 tons, amounting to	4,000
Coal, 3,800 tons, amounting to	15,200
Ice, 300 tons, amounting to	1,200
Brick, 750 tons, amounting to	7,500
Lime, 300 tons, amounting to	2,400
Cement, 100 tons, amounting to	1,200
Lumber, 250 tons, amounting to	5,000
	42,500

ROCKAWAY BEACH.

Coal, 20,000 tons, amounting to	$80,000
Broken stone, 6,000 tons, amounting to	12,000
Building sand, 1,500 tons, amounting to	3,000
Brick, 2,000 tons, amounting to	20,000
Lime, 1,500 tons, amounting to	12,000
Cement, 500 tons, amounting to	6,000
Lumber, 5,000 tons, amounting to	100,000
Ice, 5,000 tons, amounting to	20,000
	253,000

ARVERNE, EDGEMERE, AND FAR ROCKAWAY.

Broken stone, 5,000 tons, amounting to	10,000
Building sand, 500 tons, amounting to	1,000
Brick, 2,000 tons, amounting to	20,000
Lime, 100 tons, amounting to	800
Cement, 100 tons, amounting to	1,200
Lumber, 2,000 tons, amounting to	40,000
Ice, 1,000 tons, amounting to	4,000
	77,000

INWOOD AND HOOK CREEK.

Building stone, 1,000 tons, amounting to	2,000
Broken stone, 5,000 tons, amounting to	10,000
Building sand, 100 tons, amounting to	2,000
Coal, 500 tons, amounting to	2,000
Ice, 200 tons, amounting to	800
Brick, 250 tons, amounting to	2,500
Lime, 200 tons, amounting to	1,600
Cement, 150 tons, amounting to	1,800
Lumber, 1,000 tons, amounting to	20,000
	42,700

BARREN ISLAND.

There is shipped from Barren Island per year:

Fertilizer, 1,000,000 tons, amounting to	4,000,000
Grease, 25,000 tons, amounting to	750,000
Oils, 50,000 tons, amounting to	2,500,000
Bone black, 5,000 tons, amounting to	300,000
Hides, 500 tons, amounting to	25,000
Iron, 1,500 tons, amounting to	18,000
Tin, 500 tons, amounting to	12,000
	7,605,000

In addition there is received at Barren Island the following:

Ice, 1,000 tons, amounting to	4,000
Timber, 1,500 tons, amounting to	30,000
Brick, 1,000 tons, amounting to	10,000
Lime, 500 tons, amounting to	4,000
Cement, 500 tons, amounting to	6,000
Coal, 1,500 tons, amounting to	60,000
	114,000

MILL CREEK.

There is received on Mill Creek 4,000 tons of ore, amounting to	1,000,000
There is shipped from Mill Creek 3,800 tons of solder, tin, and lead, amounting to	1,250,000
	2,250,000

CANARSIE.

[Quotation from the Annual Report of the Chief of Engineers for 1904, Appendix E, p. 1027.]

Oysters and clams, 450,000 tons, amounting to	2,000,000

Lumber, coal, ice, and brick also make up a large part of the commerce. The amount was not reported.

SHEEPSHEAD BAY.

The letter from the Secretary of War to the House of Representatives of the Fifty-eighth Congress, second session, Document No. 427, on page 7, shows the following:

Brick, 25,000 tons, amounting to	$250,000
Lumber, 15,000 tons, amounting to	300,000
Coal and fuel, 10,000 tons, amounting to	40,000
Ice, 20,000 tons, amounting to	80,000
Stone, 30,000 tons, amounting to	120,000
	790,000
Total	23,216,900

Mr. Speaker, I have tried in my remarks here to-day to convey some adequate idea of the importance and urgency of this plan for the improvement of Jamaica Bay, in which the great city of New York is so deeply and vitally interested and is taking so active a part. I am aware that there will be no general river and harbor bill passed by Congress at the present session. I am aware that Congress is averse to taking up new projects at the present session. I nevertheless hope that the importance and urgency of the bill now before you for consideration, which provides for a preliminary survey by the War Department with a view to opening Coney Island channel and Jamaica Bay to general commerce, may result in its passage here to-day.

CANE RIVER, LOUISIANA.

Mr. WATKINS. Mr. Speaker, in the absence of Mr. RANSDELL of Louisiana, who asked me to take charge of this bill, I move to suspend the rules and pass the bill H. R. 7083.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7083) to repeal section 5, chapter 1482, act of March 3, 1905.

Be it enacted, etc., That section 5 of chapter 1482, act of March 3, 1905, being "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," said section 5 reading, "SEC. 5. That Cane River, in Natchitoches Parish, La., is hereby declared to be not a navigable water of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waters," be, and the same is hereby, repealed: *Provided*, That this repeal shall not be held to furnish any ground for any claim against the United States by reason of construction of bridges, or preparation for the construction thereof, across said stream, or arising from any action taken in reliance upon the said section 5 above referred to.

The SPEAKER pro tempore. Is a second demanded?

Mr. MANN. Mr. Speaker, I ask for a second simply to have an explanation of this bill. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. WATKINS. I will state to the gentleman that at the last session of Congress there was a clause put in the river and harbor bill condemning the Cane River, Natchitoches Parish, as being nonnavigable. Since that time the engineer in charge, Captain Hoffman, has made a report to the River and Harbor Committee that it was a navigable stream, and not being satisfied with his report, the River and Harbor Committee obtained the services of three United States engineers and under the instruction and direction of General Mackenzie they were sent down and made a unanimous report that it was a navigable stream. The committee is unanimous in declaring now it is navigable. No appropriation is asked for it.

Mr. MANN. What led the Committee on Rivers and Harbors at the last session of Congress to declare this was not a navigable stream?

Mr. WATKINS. They stated in their report the Member of Congress at that time, Mr. Brazeale, had made a statement to them which they supposed was correct, and no doubt Mr. Brazeale thought, on account of very strong recommendations that he had from planters on that river to have it closed, because they wanted permanent bridges built, that it was a nonnavigable stream, and it was on that recommendation they passed the act.

Mr. MANN. Have there been any permanent bridges built across it?

Mr. WATKINS. There have not; but there is an ordinance providing that if at this session of Congress the stream is not declared navigable there will be bridges built across it, and on account of that the committee have taken the precaution to add that if any expense has been incurred or will be incurred on the part of the Government this act does not become operative.

Mr. MANN. It seems to me very great negligence on the part of somebody. One year we declare a river is not navigable, and the next year we declare it is navigable. Now, the committee that has jurisdiction of the subject did not have its attention called to the question at all——

Mr. WATKINS. They have deliberated for six months, and on account of their investigation they——

Mr. MANN. In fact, they did not make any investigation before.

Mr. WATKINS. Perhaps not; but they have now.

Mr. JONES of Washington. Mr. Speaker, I would like to state that the engineer in charge also recommended at the last session of Congress that the stream was nonnavigable, and it was largely upon the recommendation of the War Department that the Committee on Rivers and Hrbors took the steps it did.

Mr. WATKINS. I will state in that connection, however, that since that time he has stated, on personal inspection and after examination, that he finds he made an error in his first recommendation.

Mr. MANN. Is not the purpose of this now, after having this river declared nonnavigable, to have it declared navigable in order to get an appropriation for its improvement?

Mr. WATKINS. It is not; and the Committee on Rivers have ascertained upon examination that on account of the width and depth of the channel it will be impracticable to have appropriations made for the purpose of improving the navigation. But if it is allowed to remain in the condition in which it is, that it is, in fact, a navigable stream.

Mr. MANN. Is this declaration that it was nonnavigable put in the general act?

Mr. WATKINS. Yes, sir; in section known as section 5 of that act. It was put among other smaller streams declared to be navigable, and for which appropriations were made; and this was the only instance I have ever known in which a stream was declared nonnavigable on which steamboats have been running during every season for the last fifty years.

Mr. MANN. Mr. Speaker, I do not intend to oppose the bill, but I wish to say in this connection that the Committee on Interstate and Foreign Commerce is the committee that, under the rules of the House, heretofore, at least, has had jurisdiction over these streams. We passed recently a general dam bill in the House, which passed the Senate a few days ago, was signed by the Speaker of the House yesterday, and I suppose it is now on its way to the President. That bill was agreed upon both by the Committee on Rivers and Harbors and by the Committee on Interstate and Foreign Commerce, the latter committee presenting it to the House with the idea that hereafter the Committee on Interstate and Foreign Commerce would relinquish its jurisdiction over these streams, both as to dams and also probably as to the navigability of these streams, and turn that jurisdiction over to the Committee on Rivers and Harbors.

Mr. JONES of Washington. Will the gentleman yield to me?

Mr. WATKINS. Certainly.

Mr. MANN. I will yield to you.

Mr. JONES of Washington. I simply want to say, in answer to the suggestion, that possibly the Committee on Rivers and Harbors has been a little derelict in its duties with reference to this matter; that I hardly think that is correct, because the committee took every step that was possible to take, and the methods usually taken by committees, to advise itself with reference to whether or not this stream should be declared nonnavigable. The Member of Congress from that district came before our committee and urged the proposition very strongly, and brought petitions setting out that the stream was nonnavigable. The bill, as was customary, and as I think is customary with the Committee on Interstate and Foreign Commerce, was referred to the War Department for report. It sent in a report based upon the report of the local engineer, stating that the stream was nonnavigable. Under the circumstances the committee had nothing else to do but to declare it nonnavigable. It has since been found that the local engineer erred in making his report. These are the facts in reference to the action by the committee. The committee tried to get all the information possible and took the natural steps, the steps that are usually taken, in order to secure information with reference to a matter of this kind, and the error was based upon the misleading report of the War Department, and that was probably based upon the report of the local engineer, who afterwards appeared not to have had any personal knowledge of the matter, but took the representation of those who were probably interested in having the stream declared nonnavigable. The committee was fully justified in taking the action it did, and can not justly be held responsible for any error that may have been made.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

RAILROAD RIGHTS OF WAY THROUGH PUBLIC LAND.

Mr. LACEY. Mr. Speaker, I move to suspend the rules and pass the following Senate bill.

The Clerk read as follows:

A bill (S. 3743) to confirm the right of way of railroads now constructed and in operation in the Territories of Oklahoma and Arizona.

Be it enacted, etc., That where, under the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," or under special acts of Congress, or under the laws of the Territories of Oklahoma and Arizona, railroads have been constructed and are now in operation in Oklahoma or Arizona which may pass through any of the lands heretofore reserved for said Territories, such lands shall be disposed of subject to such railroad right or easement, but only to the extent of the right of way conferred by the said act of March 3, 1875, for such railroad purposes.

The SPEAKER. Is a second demanded?

No second being demanded, in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CONDEMNED CANNON FOR STATUE OF GEN. HENRY LEAVENWORTH.

Mr. CURTIS. Mr. Speaker, I move to suspend the rules and pass the following House joint resolution.

The Clerk read as follows:

House joint resolution (H. J. Res. 43) authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to deliver to the Gen. Henry Leavenworth Monument Committee, of Leavenworth, Kans., if the same can be done without detriment to the public service, such condemned bronze cannon as he may deem proper, not to exceed 5,000 pounds in weight, to be used in the erection of a life-size statue to the memory of the late Gen. Henry Leavenworth, at Leavenworth, Kans.

The SPEAKER. Is a second demanded?

No second being demanded, in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended, and the joint resolution was passed.

BRIDGE ACROSS YAZOO RIVER, MISSISSIPPI.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 11030) to authorize the counties of Yazoo and Holmes to construct a bridge across Yazoo River, Mississippi.

Be it enacted, etc., That the counties of Yazoo and Holmes, two of the counties of the State of Mississippi, duly created and organized under and by virtue of the laws of the said State, are hereby authorized and empowered to erect, construct, and maintain a bridge, by and through its proper officers, over the Yazoo River, in section 34, township 15, range 3 west, in said counties, State of Mississippi: *Provided*, That the plans and location of the said bridge are approved by the Secretary of War before the construction of the bridge is commenced. Said bridge shall be constructed to provide for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, under such rules and regulations as may be laid down by the proper officers of said counties under the laws of the said State of Mississippi.

SEC. 2. That the bridge shall be a lawful structure, and shall be known and recognized as a post route, and shall enjoy the rights and privileges of other post-roads of the United States, and no charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States. Equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal, telegraph, and telephone purposes; and any changes in the said bridge which the Secretary of War may require in the interest of navigation shall be made by the person or corporation owning or operating the same at their own expense.

SEC. 3. That this act shall be null and void if actual construction of said bridge herein authorized shall not be commenced in two years and completed within three years from the date of approval hereof.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded?

No second being demanded, in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BUREAU OF INSULAR AFFAIRS.

Mr. HULL. Mr. Speaker, I move to suspend the rules and pass, with the amendment recommended by the committee, the bill I send to the Clerk's desk.

The Clerk read as follows:

A bill (S. 4109) to increase the efficiency of the Bureau of Insular Affairs of the War Department.

Be it enacted, etc., That the Chief of the Bureau of Insular Affairs of the War Department shall hereafter be appointed by the President for the period of four years, unless sooner relieved, with the advice and consent of the Senate, and while holding that office he shall have the rank, pay, and allowances of a brigadier-general.

The SPEAKER. Is a second demanded?

Mr. CRUMPACKER. I demand a second, in order to know more about this bill.

Mr. HULL. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL. This is a very simple bill, which passed the Senate in the earlier days of the session. The Committee on Military Affairs unanimously recommend its passage, with the amendment providing for four years of detail instead of a permanent office. All the other bureaus of the War Department are presided over by brigadier-generals, or those higher in office. The Bureau of Insular Affairs was small when it commenced. The law provided that the officer presiding over that Bureau should be a colonel—that is, while so serving he should have the rank, pay, and allowances of a colonel. This Bureau has grown largely. The gentleman who started in at the head of the Bureau, under the direction of the two Secretaries of War, Root and Taft, has so discharged his duties that they are anxious that this increase of rank, pay, and allowance should be given him. As the bill passed the Senate, it made the officer in charge a brigadier-general. As recommended by the House committee, it simply gives him the rank, pay, and allowance of a brigadier-general while so serving, and only provides for detail for four years at a time.

Mr. CRUMPACKER. Is that the bill that is before the House for consideration now?

Mr. HULL. Yes.

Mr. CRUMPACKER. Not that he is given the rank of a brigadier-general, but simply the pay and allowances?

Mr. HULL. No; he is given the rank, pay, and allowance while so serving; just the same, let me say to the gentleman, as with the officer in charge of public buildings and grounds. He may be a first lieutenant, but when the President designates him to serve as Superintendent of Buildings and Grounds, he has the rank, pay, and allowances of a colonel while he serves, and to give an Army officer the pay and allowances without the rank would not be in accordance with the absolute universal custom in these matters.

Mr. CRUMPACKER. What is the pay and allowance of a brigadier-general? How much will the Chief of the Bureau of Insular Affairs receive under the operations of this bill?

Mr. HULL. Mr. Speaker, he now receives $4,500 a year salary as colonel, because he has had twenty years' service. If this is passed, he will receive $5,500 a year.

Mr. CRUMPACKER. That is, the present incumbent, you mean?

Mr. HULL. I mean any man who is detailed under the present law.

Mr. CRUMPACKER. But suppose a lieutenant is detailed as Chief of the Bureau of Insular Affairs; he would not get the longevity pay.

Mr. HULL. Oh, no; but he would get $4,500 a year under the present law, or $5,500 if this bill shall pass.

Mr. CRUMPACKER. Perhaps I do not understand the importance or the necessity of putting in the hands of regular Army officers a service that is purely and entirely administrative. I do not understand why a clerk in the War Department should be called a "lieutenant" or a chief clerk should be called a "first lieutenant," because he does not perform any military duty. The Chief of the Bureau of Insular Affairs does not perform military duty in any sense. His duties are altogether civil, ministerial, administrative, and I do not really understand why it should be necessary to designate the Chief of that Bureau as a brigadier-general. Now, I understand that one may be appointed from civil life into that service.

Mr. HULL. If so, his salary would not be affected by any law now on the statute books. A civilian could not be appointed unless there is a change of law.

Mr. CRUMPACKER. But if one from civil life should be appointed Chief of the Bureau of Insular Affairs, he then would receive the pay, rank, and allowances of a brigadier-general.

Mr. HULL. The bill now provides for a detail of an Army officer. You would have to change the whole law.

Now, I want to say to my friend that if he would take the position that this ought not to be a bureau in the War Department, but that it should be put under some civil branch of the Government, I might not controvert his position. But he does not propose that. The law now provides for the detail of an Army officer, and that while so serving he shall have the rank, pay, and allowances of a colonel.

Mr. CRUMPACKER. What rank has a janitor or a messenger in the Army?

Mr. HULL. None at all. Neither has any civilian clerk.

Mr. CRUMPACKER. Is he not a private or a corporal?

Mr. HULL. No, sir; neither is the chief clerk nor any other member of the clerical force in the Army. They belong to the civil service.

Mr. CRUMPACKER. What I am objecting to is to putting a service that is altogether civil under the control of officers of the Regular Army.

Mr. HULL. Let me suggest to the gentleman that the Chief

of the Record and Pension Division originally had no military service to perform. He is a man who dealt entirely with clerical duties, and continued to do so until we changed the law and gave him the position practically of adjutant-general. Yet that man has so simplified the business in his department of the War Department and has so commended himself to Congress by his efficiency and the large saving he has made that he has been three times promoted by act of Congress, each time by an almost unanimous vote.

Mr. CRUMPACKER. I understand that.

Mr. HULL. When we acquired these foreign possessions, they were by law put under the War Department. An accomplished officer of the Department, Capt. Clarence Edwards, was detailed in charge of the bureau. He has devoted his time to the work. He has by law been made a colonel while so acting, and now it is proposed by the Department simply to give him the same rank that every other bureau of the War Department has, except the one that Congress has made of a higher rank than brigadier-general.

On the suggestion of the gentleman from Massachusetts [Mr. WEEKS] I will just add to that statement that the minute any man is detailed to have charge of a bureau in the Navy Department he becomes a rear-admiral by the detail, as chief of the bureau.

Mr. GAINES of West Virginia. I was about to ask the gentleman from Iowa who holds this position and who would at this time be the beneficiary, as it were, of this increase?

Mr. HULL. Col. Clarence Edwards.

Mr. GAINES of West Virginia. The gentleman had already stated that it was Col. Clarence Edwards. I only asked the question in order that I might say that, in my opinion, knowing him well, and knowing something of the service that he has rendered, no recognition could be too high for Col. Clarence Edwards.

Mr. CRUMPACKER. Then why not make him a major-general?

Mr. HULL. Because this bill is putting him on an equality with the rest. To do as suggested is not fair to others. Mr. Speaker, I reserve the balance of my time.

Mr. CRUMPACKER. Mr. Speaker, I simply desire to say that I have no disposition to disparage the ability of Col. Clarence Edwards or to depreciate the character of his services. We are not legislating for Colonel Edwards or any other individual; we are making a law that is to stand for all time, and whoever in the future may be detailed and designated or appointed Chief of the Bureau of Insular Affairs will go there with the rank and pay and allowance of a brigadier-general. It may be a lieutenant in the Regular Army. I supposed that this service was purely and entirely ministerial, and that the service being under civil control it should properly carry with it a civil rather than a military designation. We have, I understand, a shortage, we have an insufficient number of officers in the Regular Army. I understand that we have fewer officers than our organization requires, and yet we are detailing Regular Army officers to perform ministerial duties, and by act of Congress promoting them out of the order that the promotion would naturally and logically come. I have no doubt there are young men, commissioned officers in the Army, that would be glad to be detailed as Chief of the Bureau of Insular Affairs even with the rank and pay they receive in the line.

I know that several years ago the Committee on Insular Affairs reported a bill giving the Chief of the Bureau of Insular Affairs the rank and pay of a colonel. Col. Clarence Edwards, it is said, is an efficient man, and I am sure he is. There are hundreds and hundreds of efficient men in the Regular Army. They are all cultured, skilled gentlemen in the line of their profession. There is no better class of men on the face of the earth, but occasionally one may be fortunate enough to be detailed to a position of this kind, and he is promoted way beyond what his deserts may be, not individually, but in relation to his fellow-officers.

What I am objecting to is giving to this office the position and rank and pay of brigadier-general. If the bill were confined to the present incumbent and limited to him, I would not say a word, because I know he is an efficient man and a capable officer. The administration of that bureau is not peculiarly difficult. I do not believe it requires any greater ability than the administration of many other bureaus. I do not believe it is good policy now to exalt that particular bureau so much as this resolution proposes to do. It will only be two or three years probably until the incumbent is given the rank and pay of a major-general, and probably he will be put on the retired list as a lieutenant-general if he is especially accommodating and affable to Members of Congress.

Mr. HULL. How does this exalt that bureau of the War Department when it puts it on an equality with all the other bureaus?

Mr. CRUMPACKER. They may be all too high. Are they all brigadier-generals?

Mr. HULL. All brigadier-generals and all the chiefs of the bureaus of the Navy Department are rear-admirals.

Mr. CRUMPACKER. I think there ought to be a reorganization of the civil administration of the War Department.

Mr. HULL. But first let us make them all equal.

Mr. CRUMPACKER. I think the Department had better be reorganized and put on a civil basis.

Mr. LACEY. I would like to ask the gentleman from Indiana a question. Is it not true that Colonel Edwards has to deal with Spaniards, and is it not true than anything lower than the brigadier-general does not go with the Spaniard at all; he looks upon rank as being absolutely essential?

Mr. CRUMPACKER. Well, that is the only good argument I have heard in favor of the bill, and I make no further opposition to it. [Laughter.]

Mr. HULL. I yield the remainder of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, if there is no opposition I do not want to say a word, but the bill ought to pass. I wish to say that our party of American tourists which went to the Philippine Islands to study the conditions there came in contact with Colonel Edwards, and we learned all about that which he had gone through in the organization and perfection of the bureau of the War Department relating to these islands. I want to testify, and in that I would be supported by every gentleman who was with us were he present, that on every hand was evidence of the high qualifications and fitness of Colonel Edwards for the place.

Now, there is nothing involved in this question except whether we will take the important bureau of the War Department and put it on an equality with the other bureaus of the same Department of similar importance, and in doing so fortunately we confer this slight advance on a worthy and most capable officer. [Applause.]

The SPEAKER pro tempore (Mr. WATSON). The question is on the motion of the gentleman from Iowa to suspend the rules and pass the bill.

The question was taken; and the Speaker pro tempore announced that two-thirds had voted in favor thereof.

Mr. RUCKER. Mr. Speaker, I demand a division.

The House proceeded to divide; when Mr. RUCKER withdrew his demand for a division.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

CHECKING OF BAGGAGE BY COMMON CARRIERS.

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 20017) to regulate the checking of baggage by common carriers, with an amendment thereto, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That any common carrier engaged in interstate commerce shall hereafter check baggage presented to it to its destination where the presentation of such baggage is accompanied by the presentation of transportation in any form to the destination of said baggage; that said common carrier shall, upon the presentation of such transportation, check said baggage to its destination, whether over connecting common carriers or whether over common carriers which may be reached by transfer or otherwise in any city or town where the route of one common carrier terminates and another common carrier begins, provided the cost of such transfer from depot to depot is tendered. Any refusal of any common carrier to check baggage as herein provided shall be deemed a misdemeanor, and shall be punishable, upon conviction, by a fine of not more than $1,000 for each infraction thereof.

The SPEAKER. Is a second demanded. [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill.

The question was taken; and two-thirds voting in favor thereof, the rules were suspended and the bill was passed.

QUALIFICATIONS OF JURORS IN PORTO RICO.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5512) defining the qualifications of jurors for service in the United States district courts in Porto Rico, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the qualifications of jurors as fixed by the local laws of Porto Rico shall not apply to jurors selected to serve in the district court of the United States for Porto Rico, but that the qualifications required of jurors in said court shall be that each shall be of the age of 21 years and not over 65 years, a resident of Porto Rico for not less than one year, and having a sufficient knowledge of the English language to enable him to duly serve as a juror: *Provided*, That the exemption from jury duty allowed by the local law shall be respected by the court when insisted upon by veniremen: *And provided further*, That the juries for said court shall always be selected and

drawn in accordance with the laws of Congress regulating the same in the United States courts.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill.

The question was taken; and, two-thirds voting in favor thereof, the rules were suspended and the bill was passed.

CAPT. EJNAR MIKKELSEN.

Mr. GROSVENOR. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4954) authorizing Capt. Ejnar Mikkelsen to act as master of an American vessel, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That Capt. Ejnar Mikkelsen is hereby authorized to act as master of any vessel of the United States purchased by him while on an expedition in her to the Beaufort Sea, any act of Congress to the contrary notwithstanding.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill.

The question was taken; and, two-thirds voting in favor thereof, the rules were suspended and the bill was passed.

FORTIFICATIONS ON DEER ISLAND, IN BOSTON HARBOR.

Mr. SULLIVAN of Massachusettts. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6333) authorizing the Secretary of War to acquire for fortification purposes certain tracts of land on Deer Island, in Boston Harbor, Massachusetts, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to acquire, for fortification purposes, from the city of Boston, two certain tracts of land on Deer Island, in Boston Harbor, Massachusetts, containing together about 100 acres above mean low-water mark, the said tracts being marked on the ground by certain monuments, and to pay for the same not to exceed the sum of $250,000 from funds heretofore appropriated for purchase of sites for fortifications and seacoast defenses: *Provided*, That the city of Boston shall build a masonry wall, which shall be approved by the Secretary of War, at least 10 feet in height above the ground level, extending across said Deer Island, to separate the portion of said island hereby authorized to be acquired from the remaining portion of said island; and shall remove the piggery from the portion of the island hereby authorized to be acquired, and discontinue interments in the cemetery within said area, and shall permit the United States Government to connect its water mains with the city's water supply mains on said island, and furnish water to the Government at current rates: *Provided further*, That before making payment for the said land the Secretary of War may require the city of Boston to execute such valid agreement or obligation as he may consider necessary to insure full compliance with all the requirements of the foregoing proviso.

SEC. 2. That the United States shall be liable for any damage to the property of the city of Boston or to the works of the North Metropolitan Sewerage System located on said island that may be caused by the firing of guns in time of peace from batteries erected within the area that may be acquired as aforesaid; and the Secretary of War is authorized and directed, whenever any such damage occurs, to ascertain and determine what would be a reasonable and proper compensation to pay the city of Boston and shall certify the same to Congress for consideration.

The SPEAKER. Is a second demanded?

Mr. KEIFER. Mr. Speaker, I demand a second.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none; and the gentleman from Massachusetts is entitled to twenty minutes, and the gentleman from Ohio to twenty minutes.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, this is an act which authorizes the Secretary of War to acquire certain land on Deer Island in the harbor of the city of Boston for fortification purposes. It does not carry any appropriation, but authorizes him to expend $250,000 from funds heretofore appropriated for fortification purposes for the acquisition of this land. There are about 100 acres of land upon which the United States Government proposes to erect a barracks. It is a proposition which has for a long time received the attention of the War Department, which regards it as absolutely essential for the completion of the fortifications of that harbor. The only question before them was how to acquire the land. They could have taken it by condemnation, but they chose rather to negotiate for its purchase, and the mayor of the city of Boston for the last month or so has been negotiating with the Secretary of War, and after much difficulty they have arrived at an agreement, which you are asked by this bill to consummate. The agreement is to pay $250,000. The city of Boston is to build a 10-foot wall across the island and remove a piggery, and these works will cost the city $75,000, so that it will receive net $175,000. In the opinion of the Secretary of War, the land, if taken by right of eminent domain, would cost the United States Government a half million of dollars, and it is regarded by the Secretary as a great saving of money to acquire it by purchase.

The only provision in the bill to which anyone can possibly object is that in section 2, which provides damages for the city of Boston caused by the firing of heavy guns in times of peace. The Secretary and the city authorities in Boston have arrived at an agreement upon that proposition, and it is this: That if damages do result they are to be ascertained and determined by the Secretary of War and certified to Congress for its consideration. The city of Boston will have no representation upon that board which will fix those damages. The adjudication will be solely in the hands of the War Department, and that adjudication will be certified to Congress, and Congress then may or may not appropriate the money. So it would seem that the interests of the United States Government are protected to the fullest extent.

Mr. CRUMPACKER. The bill fixes a liability on the part of the Government for damages, does it not?

Mr. SULLIVAN of Massachusetts. Yes.

Mr. CRUMPACKER. And whatever method may be now provided for their ascertainment might later on be changed. The gentleman of course would expect the War Department to ascertain the damages according to established methods, and the Government would pay whatever damages may be inflicted upon private property in the use of this ground?

Mr. SULLIVAN of Massachusetts. No.

Mr. CRUMPACKER. Why not?

Mr. SULLIVAN of Massachusetts. The Government will not pay any damages to private property under the terms of the bill. The only ones entitled to collect damages are the municipality of Boston and the North Metropolitan Sewerage System, which, I may explain, is a system the expenses of which are paid for partly by the State of Massachusetts and partly by the city of Boston.

Mr. CRUMPACKER. Now, what property, aside from the sewerage system, does the municipality own in that vicinity that might possibly be damaged?

Mr. SULLIVAN of Massachusetts. There is a penal institution for men and one for women, and there is a pumping station for the sewerage system, and there is a large sewage pipe which runs under the bay and on the grounds on Deer Island, which is discharged ultimately into the sea at some distance.

Mr. CRUMPACKER. There are a hundred acres of land it is proposed to acquire, are there?

Mr. SULLIVAN of Massachusetts. Yes.

Mr. CRUMPACKER. And the price is $2,500 an acre?

Mr. SULLIVAN of Massachusetts. Yes.

Mr. KEIFER. I would like to ask the gentleman whether any committee of either House of Congress has ever made any formal report on that; and if so, where it can be found?

Mr. SULLIVAN of Massachusetts. Yes; the Committee on Appropriations, of which the gentleman is a member, considered the matter for the last two days, and made a report which would have been unanimous except for the gentleman from Ohio, who was the only opponent.

Mr. KEIFER. That is all.

Mr. SULLIVAN of Massachusetts. I reserve the balance of my time, Mr. Speaker.

Mr. KEIFER. Now, Mr. Speaker, I think the question I put to the gentleman from Massachusetts [Mr. SULLIVAN] and which the House ought now to understand as his answer thereto, shows that without this measure ever having been before a subcommittee of either House of Congress, without any subcommittee or committee of either House of Congress ever taking any testimony or making any formal investigation, this matter is brought here. It is true that on statements somewhat like those we have heard here this afternoon a majority, at least, of the Committee on Appropriations authorized the gentleman to do what he has just done, to wit, to move to suspend the rules and pass this bill. And it comes here in that way. Now, let us see what it is. It is an extraordinary measure in the fact that there is no evidence anywhere going to show the absolute necessity for this grant for the purposes of fortification at this time.

Mr. MADDEN. Will the gentleman yield?

Mr. KEIFER. Wait until I get through with my statement and then you can ask all the questions you please. The distinguished gentleman from Massachusetts says in advocacy of the passage of this measure that it makes no appropriation at all. This statement is misleading. The bill undertakes to provide for the application of $250,000 of a former appropriation to buy about 100 acres of land somewhere on Deer Island, in the harbor of Boston. That $250,000 is required immediately. That sum might be better used, according to the statement made this morning by the Secretary of War, to buy and improve a fortification site at Cape Henry, at the mouth of the Chesapeake

Bay, which he told us, what all agree is true, was the key to all of this region of our country in case we should have a war. If we had this $250,000 to buy a site and place modern guns there, it would close the Chesapeake Bay and the Potomac, protect Norfolk, Boston, Annapolis, and the city of Washington from any war fleet without expending a single other dollar at any of the places on that bay or river. So that argument does not go.

But the gentleman says that the Government has retained in this measure the right to determine the amount of damage to the city of Boston and the North Metropolitan Sewerage System. First, Mr. Speaker, that is clearly not true, as shown by the reading of the bill. Clearly the gentleman heard the Secretary of War say this morning, in effect, in answer to my question, saying that that was not the bill at all. That was a method we might try, of course, but we bind ourselves by the opening paragraph of section 2 of this bill to pay all damages to the city of Boston and the North Metropolitan Sewer System that may accrue at any time. We pledge ourselves to pay all damages for the occupation of the land we propose to buy; we say that the Secretary of War may make a report to Congress as to the damages, but, as the Secretary of War said this morning, that was not an exclusive method by which damages might be ascertained, and hence that part of the gentleman's statement is absolutely without foundation. Now, we have a law, Mr. Speaker, a long time on the statute books, which requires the Secretary of War and other public officers, in the acquisition of public lands for public purposes, to acquire a perfect title, free from conditions, so that the Government may use it as it pleases. I will cite it later. Here, all through, we are getting an imperfect title. We get, according to section 1 of the bill, a sort of title or right of occupancy for fortification only, and then there are a number of reservations, especially as to the rights of the sewerage system on the same land. We have got a piggery there; what that means I do not know.

Mr. SOUTHARD. Will the gentleman yield for a question——

Mr. KEIFER. We have got also there, so far as I know, a cemetery, which we may have to maintain——

The SPEAKER. Does the gentleman yield to his colleague?

Mr. KEIFER. Yes, sir.

Mr. SOUTHARD. Is there any estimate as to the amount of damages that will likely accrue?

Mr. KEIFER. There is no estimate, and we are to determine it by whatever may happen from now to doomsday. We are pledging ourselves to an eternal payment of damages to the city of Boston and to the North Metropolitan Sewerage System of that city, or the State, for I understand the State of Massachusetts has some indirect interest in that system.

We dredge and probably take care of the harbor of Boston rightfully, I suppose. Boston has land there that it could give us for fortifications, but it wants us to buy it at an enormous price—with a piggery and a cemetery on it—and with rights reserved in it, and then we are required as a condition to pay damages for evermore in case we use it for the special and only purpose for which we acquire it. Gentlemen act as though that was not here in the bill, but it is here. Such legislation will overthrow a policy as to acquiring land for Government purposes well settled long ago and a wise one. Let me read the first part of section 2 of the bill:

> That the United States shall be liable for any damage to the property of the city of Boston or to the works of the North Metropolitan Sewerage System located on said island.

Now, I understand that something over a million dollars has been expended in one sort of public improvement or another on the island outside of this great valuable sewerage system. And if it should turn out that when we commence firing guns on that island these buildings were found unsafe, were injured or rendered unfit for the use for which the city now uses them, and the sewerage system was destroyed, or something of that kind, we might have to pay over a million of dollars damage, or, at least, we would have to repudiate if we did not do that. It is said that if we acquired this land by condemnation, we might have to pay twice as much as $250,000. We have no assurance that that is true. But that might be a very cheap way out of this matter if we must acquire this land now at all. We do not know in the first place whether we want the particular tract of about 100 acres in that locality.

There is no emergency requiring that, and we do not want it as bad as we want other things in other places. Now, Mr. Chairman, it is said that in the acquisition by condemnation proceedings we would still be liable for damages. That was the theory that the gentleman advanced this morning, but the Secretary of War, after being examined—and he is a good lawyer, and was a good judge—reached the conclusion that I now state to you, to wit, that when we condemn property for a particular use of one individual, we, in the condemnation proceedings, acquire a title that is good against any claim of damages to the adjacent property of the one from whom we condemn it. That is good law in every part of this country, as far as I know, and the Secretary of War is with me as to that.

Mr. SULLIVAN of Massachusetts. May I inquire, in order to complete the Secretary's statement, in justice you ought to say that he said in his opinion that the jury in condemnation proceedings in fixing the amount of damages would have a right to take into consideration the damages likely to arise by reason of the acquirement.

Mr. KEIFER. That would be the result everywhere.

Mr. SULLIVAN of Massachusetts. So that the damages would be paid for in any event.

Mr. KEIFER. Mr. Speaker, I have some matters that I desire to look at, and if I have any time left, I want to reserve it.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, lest the impression might prevail that no testimony was taken in connection with this investigation, I wish to say that the Secretary of War was before the committee and was questioned as to the advisability of making this purchase and paying the price which is provided in the bill. He said that undoubtedly the price proposed to be paid was a reasonable one, and that the conditions under which the purchase proposed to be made were reasonable; that if he undertook under the authority which he now has to secure this land by condemnation a jury which might be impaneled to hear the case would have the right to determine what the possible damages might be for all time to come, and that it would in all likelihood capitalize that supposed damage and fix the price accordingly, and that he believed further that there was no possibility, to say nothing of the probability, of any damage of any consequence occurring for which the United States would be liable if the land was purchased under the terms of the bill now under consideration.

The only thing that is owned by the city of Boston on the island is the prison, and this prison is located some distance from the proposed fortification. We have the word of the Secretary of War to the effect that if the guns were fired, as would be the case if the fortification was constructed, it would be altogether likely that no damage would occur except perhaps the breaking of glass in some of the windows of the prison, and that that damage would be inconsequential.

Mr. KEIFER. There are other buildings there besides that.

Mr. MADDEN. There are no buildings, as I understand it, except the prison. Is that true?

Mr. SULLIVAN of Massachusetts. The prison buildings and the pumping station controlling the sewage.

Mr. MADDEN. Now, as to the question of damaging the sewer.

Mr. SULLIVAN of Massachusetts. Right there, if I may interject. The Secretary of War stated that the guns fired would be subcaliber guns, and that in no likelihood there would be any damage, and if there were any damage it would be inconsequential.

Mr. MADDEN. As to the question of the sewer, there can be no possible damage inflicted upon the sewer, unless by some chance some of the glass should be broken in the windows in the pumping station which controls the movement of the sewage; and this would amount to nothing of importance. There is no private property anywhere within 4 miles of the proposed fortification. I think I am right in that.

Mr. CRUMPACKER. Will the gentleman explain about that piggery?

Mr. MADDEN. The city of Boston has a lot of offal, accumulated on account of the prison, and they have a number of pigs to clean this up, as I understand it; and they are to be moved to some other quarter of the island. There is no danger of any damage being done to the hogs, as I believe.

Now, Mr. Speaker, I submit that every member of the Committee on Appropriations, except the gentleman from Ohio, believed, and believes now, that the proposition contained in the bill called up by the gentleman from Massachusetts is reasonable.

Mr. HAMILTON. I desire to submit an inquiry. Are those hogs slaughtered for human consumption?

Mr. MADDEN. We did not go into the question of whether they were slaughtered or inspected. [Laughter.] That there is any damage at all there, damage that should be paid for by the United States, I do not believe, and that the Government is assuming any responsibility for the payment of any damage nobody believes.

Mr. SOUTHARD. Does the War Department ask for this land, or does the community want to sell it?

Mr. MADDEN. The War Department is asking for the land, as I understand it, and they have been in negotiation with the authorities of the city of Boston, and have reached an agreement which is embodied in the bill now under consideration; and the only condition upon which this bill proposes that the Federal Government assume responsibility for damages is that such damage as may occur because of the firing of cannon shall be estimated by the Secretary of War and submitted to the Congress for its consideration. There is no liability assumed which is obligatory upon the Government, but the matter is left entirely to Congress to adjudicate. [Cries of "Vote!"]

Mr. KEIFER. Is the gentleman from Massachusetts through?

Mr. SULLIVAN of Massachusetts. I reserve the balance of my time.

Mr. KEIFER. I do not care to take any further time than is necessary to have the House fairly understand this question. If we are to enter upon a policy, for the first time in the history of this country, of acquiring property with defective title, having upon it cemeteries and piggeries and prisons and other things, and we are expected to occupy it and control it thus encumbered, then we are in a situation to do it at the present time. The gentleman from Illinois [Mr. MADDEN] says that everybody on the committee was in favor of this peculiar thing but myself. He pays me a rather high compliment; but I understand that there were others who had the same ideas as the Secretary of War and I had as to the character of the bill. I expressed my objection to the bill when it was being considered in the committee. Only a few weeks or months ago the mayor of the city of Boston was offering this land, as I understand from the gentleman from Massachusetts, to the United States for $75,000 with certain strings to it not half as bad as those attached by the present bill. If we desire to acquire this property before it becomes necessary for fortification purposes, we ought to consider first whether we do not need other fortification sites more than we do this one.

Mr. HAMILTON. What new necessity has arisen for further fortifications at Boston?

Mr. KEIFER. I think the present necessity grows out of the desire of the city of Boston to get rid of the piggery at $250,000. [Laughter.] I think that is the size of it, all around. This negotiation has been going on for a good long time, and it has been urged and pressed, and yet we have not had full time for the consideration of this bill. No report has been made showing the necessity for the about 100 acres on this island at the high price asked for it—$2,500 an acre—with limitations on the title and conditions as to its use as expressed in the bill.

Mr. KELIHER. Mr. Speaker, will the gentleman kindly state whether or not the proposition was first made by the city of Boston to the War Department, or was the initiative in the matter taken by the War Department?

Mr. KEIFER. I am not able to say from whom the initiative came, but I have gathered from the talk that we have had that the mayor of Boston has been here several times negotiating about this matter, and at one time he was willing to take $75,000 for the tract; but he said to the Secretary of War a little later that the common council of the city of Boston would not agree to that, but that they would take $250,000, with these restrictions in the matter, and these provisions for paying damages in case any resulted. Gentlemen try to minimize the clause here that requires us to pay damages, and say they think there would be little or no damage. Why are they so anxious to put the requirement to pay damages in the bill if none were likely to result from the use of the land by the Government? My belief, from what I have been able to gather, is that the damages would be vastly larger than any jury would award for the value of this land in a condemnation proceeding. It might turn out that they would say that this sewerage system could not operate there alongside of fortifications; that it was so nearly adjacent to the fortifications and guns that the buildings might be shattered and their public works damaged, and that therefore they must be moved away, in which case the Government would be called on to pay for the whole system. So as to other property on the island. I do not believe in getting the piggery, and then having a pig in a poke besides.

Mr. KELIHER. Will the gentleman yield?

Mr. KEIFER. Certainly.

Mr. KELIHER. Is it not a fact that the engineers of the War Department have carefully considered this scheme for years and declared that it is absolutely necessary to obtain this ground to make the fortifications in Boston Harbor what they should be, and is it not a further fact that the National Government has sought this location from the city government of Boston and that the city has displayed no particular desire to dispose of it to the National Government?

Mr. KEIFER. I am not able to answer that question, except that there has been no evidence brought before the committee so far as I know that anything of the kind has happened. I do understand from the Secretary of War that it is a place where they can put guns, and they might want to fire them, but gentlemen from Massachusetts have just said they think they never will have occasion to fire them, and hence there will be no damage. If that is so, we do not want the land.

Mr. KELIHER. If the gentleman from Ohio wants to be fair and wants to discuss this proposition upon its merits, he must admit——

Mr. KEIFER. Mr. Speaker, if the gentleman can not put a question that will indicate that he wants to be fair, I do not yield to him.

Mr. KELIHER. All right.

Mr. GILBERT of Kentucky. May I ask the gentleman a question?

Mr. KEIFER. Certainly.

Mr. GILBERT of Kentucky. I want to know whether the Secretary of War approves of the bill and the manner in which this proposition is presented.

Mr. KEIFER. I do not so understand him. He called attention to section 355 of the Revised Statutes, which requires a perfect title to lands that are acquired, and that is the section to which I desire to call special attention. With all the talk we have had, I think we have had no testimony that would enable us to determine the several important questions. One is the present necessity of this site for the fortification, over other places, and the other is whether this is a proper way to acquire a site on the island, if we want to acquire one now, in Boston Harbor. I need not say that Boston ought to be grateful for the protection of her harbor. We are keeping it in order so that vessels can sail in and out of there, and I have no objection to that; but she ought not to strike a hard bargain with us for a piece of land, and then ask the Government to be forever bound to pay damages if it is used for the purposes it is acquired for.

I wish to read from section 355 of the Revised Statutes, edition of 1878, as I now have it before me:

> No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy-yard, custom-house, light-house, or other public building, of any kind whatever, until the written opinion of the Attorney-General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given.

All these wise provisions of our law are to be overridden by the passage of this bill.

Mr. HEPBURN. Mr. Speaker, I should like to ask the gentleman a question.

Mr. KEIFER. Yes.

Mr. HEPBURN. Have you not ignored entirely the idea that this is classic ground—Boston classic ground—that it gives us control of Pull-and-be-damned Point, and of Sherley Gut channel, together with the Piggery and the mouths of their sewers? [Laughter.]

Mr. KEIFER. I am very much obliged to the gentleman from Iowa, and I have no doubt that what he suggests by the question is exactly the truth. [Laughter.]

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I will yield two minutes to the gentleman from Massachusetts [Mr. KELIHER].

Mr. KELIHER. Mr. Speaker, the gentleman from Ohio insists that he is in doubt as to what the attitude of the Secretary of War is on this proposition. I desire to say for his information that the two Senators from my State, Senator LODGE and Senator CRANE, with my colleague Mr. WEEKS and my colleague Mr. SULLIVAN, and the mayor of the city of Boston, discussed this matter with the Secretary of War. Its terms were gone over very carefully and the Secretary left us with the understanding that he was to submit this proposition, which he has, and it comes before the House as agreed upon by the city of Boston and War Department. If the gentleman from Ohio wants to be fair, and if he is doubtful as to the attitude of the Secretary of War, let me tell him that these facts which I state are absolutely correct.

Mr. KEIFER. I had an interview with the Secretary of War this morning, and so I am a little later in obtaining information than the gentleman from Massachusetts.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I could not interrupt the gentleman from Ohio each time he made a misstatement, because that would destroy the continuity of his remarks, and as he would not then be able to proceed for more

than thirty seconds at one time I could not be cruel enough to do it. [Laughter.] Therefore I waited until he concluded his speech. It is very evident to me, and it must be to the House, that the cemetery and the piggery and the sewer have weighed so heavily on the gentleman's mind that his imagination has become superheated and he is not capable of seeing clearly the merits of this bill. I would not say that the gentleman has deliberately misstated the facts, nor would I criticise him personally, but only in his official capacity as a member of the committee.

The committee met yesterday, and there was some doubt in the minds of the committee on the proposition. At their request it was postponed until to-day, and I called up the Secretary of War on the telephone and asked him if he would not send a letter to the committee stating his views. He replied that he would prefer to come here. He came on his own suggestion and not mine, to advocate this bill before the committee. There is no man who heard his statement this morning, unless he is oblique in his mental processes, who could be capable of stating that the Secretary of War does not advocate this bill and has not advocated it from the beginning. It is not a proposition of the city of Boston, it is a proposition which proceeded from the Secretary of War in the beginning. He has fathered it, he stands sponsor for it. Boston is not making a good bargain with the United States; it is giving the land for half its value. So far as I am concerned, I do not think it is a good bargain for the city of Boston. Boston will be obliged in the near future to seek other land for her penal institutions, which will cost much more than she will get from the United States on this proposition.

The Secretary of War called a meeting and the Massachusetts delegation was there, the mayor of Boston and a representative of the Merchants Association of Boston were also there; the whole matter was discussed, and as a result Senator LODGE took the bill in charge in the other branch of Congress.

I wish to say here that the Secretary of War drew this bill himself and gave it to Senator LODGE, and that bill has passed the Senate.

Mr. KEIFER. Let me ask the gentleman, did not the Secretary of War this morning say to the committee that the bill was not drawn in the language that he supposed it was?

Mr. SULLIVAN of Massachusetts. He did not.

Mr. KEIFER. He said the language relating to the damages was entirely different from what he supposed, and that he thought that the Government had a right to determine the damages.

Mr. SULLIVAN of Massachusetts. I will say, so that there may be no misunderstanding, that I made a suggestion to the Secretary of War on the question of damages for the purpose of elevating the claims from the status of claims which would go to the Committee on Claims, so as to empower the Appropriations Committee to pass upon them, and he accepted that suggestion and put it in the bill, but that does not change the fact that he drew the bill and is sponsor for it and fathered it before the Appropriations Committee this morning.

Mr. LILLEY of Connecticut. Do I understand the city of Boston owns this land?

Mr. SULLIVAN of Massachusetts. Yes.

Mr. LILLEY of Connecticut. And they are asking the Government to pay $25,000 an acre for it?

Mr. SULLIVAN of Massachusetts. Two thousand five hundred dollars an acre.

Mr. LILLEY of Connecticut. There are 100 acres of it?

Mr. SULLIVAN of Massachusetts. Yes.

Mr. LILLEY of Connecticut. Making $250,000.

Mr. SULLIVAN of Massachusetts. Two hundred and fifty thousand dollars; $2,500 an acre, and 100 acres. That may be a high price for land in the district of the gentleman from Ohio, but it is not in Boston.

Mr. LILLEY of Connecticut. What evidence have we that it is a fair price?

Mr. SULLIVAN of Massachusetts. The Secretary of War admitted to the committee this morning that if it went to a jury under condemnation proceedings the Government would pay $500,000 instead of $250,000.

Mr. LILLEY of Connecticut. But the Government does not buy the land; it simply gets the privilege of fortifying it.

Mr. SULLIVAN of Massachusetts. That is not so; the Government gets absolutely a clear title to the land and erects fortifications upon it.

Mr. LILLEY of Connecticut. And can do with it what it chooses to?

Mr. SULLIVAN of Massachusetts. Absolutely, in the way of fortification or anything else.

Mr. LILLEY of Connecticut. But does it have a warranty deed free of all incumbrances, and can it do anything with it it chooses?

Mr. SULLIVAN of Massachusetts. I have not seen the deed which will be drawn, but I assume that the Government will get a fee simple absolutely. I have not heard it stated otherwise. This bill of course had to be drawn so as to state the purpose for which the land is required, but I have not any doubt that the Government could use it for any purpose.

Mr. LILLEY of Connecticut. Mr. Speaker, it seems to me a high price for land on Deer Island.

Mr. SULLIVAN of Massachusetts. That is only because the gentleman is not familiar with Deer Island.

Mr. LILLEY of Connecticut. I am familiar with it.

Mr. SULLIVAN of Massachusetts. Then I trust the gentleman will never become more familiar with it than he is now, because there are only penal institutions there; but it is valuable land and it is worth half a million dollars, and the Secretary of War has admitted that.

Mr. LILLEY of Connecticut. Have we any evidence of that fact?

Mr. SULLIVAN of Massachusetts. Does the gentleman doubt the statement of the Secretary of War?

Mr. LILLEY of Connecticut. I doubt whether he knows anything about the value of land on Deer Island.

Mr. SULLIVAN of Massachusetts. The Secretary of War has had it under consideration for six months.

Mr. LILLEY of Connecticut. That would not make him a competent judge of the value of land on Deer Island.

Mr. SULLIVAN of Massachusetts. Does the gentleman suppose for a moment that the Secretary of War has not sent men to inquire the value of this land? If he does suppose that, he impeaches the good judgment of the Secretary, which I am not willing to do.

Mr. LILLEY of Connecticut. Is there any evidence to show that he has done that? Does he say that he has done it?

Mr. SULLIVAN of Massachusetts. I am not willing to assume that the Secretary of War was foolish enough to act without receiving evidence on that proposition, and it would certainly have been an unwise thing for him to do if he did act without information on the subject.

Mr. LILLEY of Connecticut. If any Member of this House ever saw Deer Island I am sure he would think that it was an expensive piece of land at $250 an acre.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I yield one minute to the gentleman from Massachusetts [Mr. WEEKS].

Mr. WEEKS. Mr. Speaker, I submit that the gentleman from Ohio [Mr. KEIFER] has done neither himself nor this question justice in the discussion which he has given it, and incidentally I want to state that the geography of the gentleman from Iowa [Mr. HEPBURN] is faulty in that Pull-and-be-Damned Creek is in New Hampshire and not in Massachusetts. I was present during the negotiations for the purchase of this property. The Secretary of War has been negotiating with the city of Boston for nearly a year for its purchase. There were two real estate experts present who informed me and informed the Secretary of War and the mayor of the city of Boston that this property was easily worth $500,000. Negotiations were completed on the basis of $250,000, the only additional consideration being that if any damages are done to city property in time of peace, which means the penal institution buildings which are located there, those damages shall be adjudicated and paid for, the Secretary of War having the controlling voice in that adjudication. There is not any question about the necessity for this purchase. It is carrying out the great scheme for the defense of the port of Boston, and the purchase of this particular piece of land is necessary to complete the line of defenses. A clear title will be given to the Government when the purchase is completed.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. KEIFER) there were—ayes 180, noes 31.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

ELECTION AND TERM OF OFFICE OF MEMBERS OF CONGRESS.

Mr. NORRIS. Mr. Speaker, I move to suspend the rules and pass House joint resolution (H. J. Res. 120) proposing an amendment to the Constitution of the United States providing for the election and term of office of Members of Congress, which I send to the desk and ask to have read.

The Clerk read as follows:

House joint resolution No. 120.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitu-

tion of the United States be proposed to the several States, the same to be valid and to become a part of said Constitution when ratified by the legislatures of three-fourths of said States, namely:

"ARTICLE XVI.

"SECTION 1. *Senators.*—Senators shall be elected by the people of the several States for a term of six years. A plurality of the votes cast for candidates for Senators shall elect, and the qualifications to vote for Senators shall be the same as for Members of the House of Representatives. When vacancies happen by resignation or otherwise in the representation of any State in the Senate, the same shall be filled for the unexpired term thereof, in the same manner as is herein provided for the election of Senators: *Provided*, That the executive thereof shall make temporary appointment until the next general or special election held in accordance with the statutes or constitution of such State: *And provided further*, That this amendment shall not be construed as vacating the office of any Senator who has been elected prior to its adoption.

"SEC. 2. *Members of the House of Representatives.*—The term of office of Members of the House of Representatives shall be four years."

The SPEAKER. Is a second demanded?

Mr. RUCKER. Mr. Speaker, I demand a second.

Mr. NORRIS. Mr. Speaker. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Nebraska is entitled to twenty minutes and the gentleman from Missouri to twenty minutes.

Mr. NORRIS. Mr. Speaker, this joint resolution provides for two things. To begin with, I might say that it is a provision for an amendment to the Constitution of the United States. The first section provides for an amendment providing for the election of Senators by direct vote of the people. The second section provides that the term of office of Members of the House of Representatives shall be four years. In the limited time at my disposal, I do not care to go into a full discussion of those two propositions. The first one has been discussed upon many occasions throughout the country and upon the floor of this House. No less than four or five times an amendment providing for the election of Senators by a direct vote of the people has been passed here by a practically unanimous vote.

Mr. LACEY. Mr. Speaker, I would like to ask the gentleman a question. What demand has there been of the committee or in the House or anywhere for an increase in the length of service of the term of a Member of Congress from two to four years?

Mr. NORRIS. I propose to devote most of my time to that.

Mr. LACEY. We have voted on the other proposition, but this is a new matter. I have voted several times for the first proposition. This is a new matter that I understand no one has asked for.

Mr. NORRIS. Mr. Speaker, I believe the suggestion made by the gentleman from Iowa is perhaps a good one. I presume upon that first proposition we have all discussed, and heard it discussed to our hearts content. I was about to say, when the gentleman from Iowa interrupted me, that the first time that proposition passed the House was on January 16, 1893; the second time May 11, 1898; the third time April 13, 1900, and the fourth time February 13, 1902.

I was about to remark, inasmuch as it has been passed so often and discussed so fully and so fully understood, I would pass on to the other proposition.

Mr. MURDOCK. Just a minute before you go into that. Do you realize it is not possible under the suspension of the rules for this House to vote for one of those propositions and against the other?

Mr. NORRIS. I do. I think we all realize that.

Mr. RUCKER. I want to ask the gentleman in that connection, if he will yield to me to offer an amendment to strike out section 2.

Mr. NORRIS. Mr. Speaker, on the question of amendment I want to say I would be very glad indeed if this could come before the House, so that there might be a full and complete discussion with the power to amend in any way that might be deemed wise and judicious by the House, but you will all realize that under the circumstances it is impossible on account of other things that the House has been considering and will consider for us to give to this the full discussion that I believe myself it ought to have. Now, it comes to us from the committee of which I am a member and of which the gentleman who is now interrupting me is also a member——

Mr. RUCKER. Mr. Speaker——

Mr. NORRIS. But it is not within my power, as I understand it, to permit or agree to an amendment to be offered here, as much as I would be glad to do so. There are some amendments that I would like——

Mr. RUCKER. Mr. Speaker——

Mr. NORRIS. I will yield to the gentleman in a minute. There are some amendments I would like to favor myself. This bill as it comes now is not as it was originally introduced by me before that committee, but it is the judgment of the committee, after full consideration, that it should be put in this form, and it comes before us in this form. Now I yield to the gentleman from Missouri.

Mr. RUCKER. I want to ask the gentleman from Nebraska if he would yield for me to ask unanimous consent for a separate vote on the second proposition?

Mr. NORRIS. Well, if we can have an agreement for a full discussion on both of these propositions, I would be very glad to do that; but it must follow that we can not have the same discussion here that we had in the committee, where we have had it up for consideration a great many times. I want to discuss the merits of the proposition if the gentleman will let me alone, and get to this proposition of the election of the Members of Congress for four years.

Inasmuch as the proposition to elect Senators by direct vote has so often received favorable consideration in the House and has been so fully discussed both on the floor of the House and throughout the country, and the sentiment of the House as well as of the people in general having become crystalized on the subject and almost unanimous in favor of its adoption, I do not deem it necessary to go into a lengthy discussion of this branch of the subject or to recapitulate the reasons which moved the committee to recommend its adoption.

The second proposition contained in the proposed amendment to the Constitution, extending the term of office of Members of the House of Representatives from two years to four years, is practically a new question, although the injustice both to the Member and to the country in general on account of this short term has long been recognized.

Under the existing provision Members of the House of Representatives are elected in November, but do not actually begin their official duties until a year from the following December. Their term of office has practically half expired before they take the oath. Before they are fairly started in the work for which they were elected they are plunged into a campaign for renomination. Their attention and energy are diverted from their official duties in the capital city to the local political contests in their respective districts. This is an injustice to the Member and is likewise unfair to the people he represents.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield for a question?

Mr. NORRIS. I will, if the gentleman will make it short.

Mr. FITZGERALD. Could not Congress obviate all these injustices by passing a law changing the time of the meeting of Congress rather than fritter its time away trying to amend the Constitution?

Mr. NORRIS. No reason in the world, except, I will say, I do not believe they could. They could pass a law making a different time for the convening of Congress. That they could do under the present Constitution, but they have never been able to agree upon a time to do that on account of the term of office expiring, as it does, on the 4th of March. No one has ever been able to name a different date for the convening of Congress to which sufficient valid objection can not be offered to prevent its adoption.

A longer service than two years is required in the House before a Member can expect to have any voice in the actual solving of national legislative problems or in the shaping of the Government's policies. It is a recognized and well-known fact that the Congressional district which changes its Representative every two years has practically no voice in national legislation.

In a country like ours, controlled by political parties, each standing for different and sometimes antagonistic policies of government, it is but just and fair that sufficient time be given for the party successful before the people to properly inaugurate and fairly test the policies and principles for which that party stood in the election. Two years is not sufficient time for any party to inaugurate the policies so approved by the people and give them sufficient trial to fairly and justly test their effectiveness and wisdom. Under our present system a party placed in power as a result of a campaign and election on some plain issue will often find itself dethroned and cast out before it has had time to enact into law, much less given a fair trial, the principles and policies approved by the people at the election.

It is a recognized truth that the necessary expense connected with a membership in the House of Representatives is frequently prohibitive to many able Members whose wise counsel our country can not well afford to lose. Many of the most able and efficient Members are continually withdrawing from the work, for the sole reason that they can not afford, for pecuniary reasons, to remain. It has become quite generally understood that a poor man can not afford to retain a seat in the House of Representatives. The greatest item of expense connected with

the retention of a membership in the House is the cost connected with the nominating primaries and conventions, the campaigns, and the elections. The extension of the term of office to four years would materially lessen such expenses, and would thereby enable men in moderate circumstances to live within the limits of the salary.

The national election at which Members of the House of Representatives are chosen always has a depressing and unhealthy effect upon all branches of business, and there is always during such campaigns and elections an uncertainty in business affairs throughout the country and a hesitancy on the part of business men in the extension and enlargement of their investments. This condition can but result in detriment and injury to the prosperity of the entire country.

Mr. YOUNG. Is not the logic of that whole thing we should adopt a monarchy and not have any election?

Mr. NORRIS. No; I think if the gentleman wants to be reasonable and wants to be just, and I think he wants to be, he would not make any such assertion or intimate that any such thing follows. An uncertainty in the future policy of our Government, to be determined at an election, always retards our commercial advancement and affects the prosperity of our entire people. The possibility also that a policy once adopted may be cast aside within two years is likewise detrimental to our advancement. The proposed change would tend to give stability and take away the uncertainty now existing.

There is a sentiment throughout the entire country that we have too many elections. The people are not free from the unpleasantness of one political controversy before they are thrust into another. They have become tired of and disgusted with the continual political quarrel and strife.

The people are tired of this continuous drama, and as a result are inclined to give no attention to the primaries and the conventions—the very foundation of our political system—the forum wherein the country's interests can best be guarded and protected.

With an election every two years the political grafter who thrives on partisan strife and on the nervous uncertainty controlling candidates for office is able to live from one election to another by the boodle secured at his unholy business. The adoption of the proposed amendment would render it less possible for this creature to ply his trade.

Mr. JONES of Washington. Are there any of those fellows out in Nebraska?

Mr. NORRIS. There are a good many of that quality out on the Pacific coast, I will say to the gentleman from Washington. I have heard of some of them even living in his State, where such things might be found to exist. Now, Mr. Speaker, when it is said that this is a matter that is a new proposition, I will say I do not believe it has been brought before us in an official way, but it is something that has come face to face with every Member of this House. It is apparent to all of us that we can not perform our duty in justice to ourselves or to our people and have an election every two years as well as we could if the term was four years. It is perfectly proper, as we all know, that men who come here should be able to give their entire attention to public affairs, but as a practical truth, if they stay here, it is necessary for them to pay more or less attention—generally more—to political matters that go on at home in which they have a personal interest, while their attention ought to be attracted and given to public questions in which the entire people have an interest. Now, I know, Mr. Speaker, it was said the framers of the Constitution intended that this House should be close to the people. I agree with that sentiment and the adoption of this amendment will not take away that idea from the Constitution.

Men of great ability and honor often refuse to become candidates for the House of Representatives because they know that before they become familiar with the duties of their office they will be compelled to again enter the arena of political controversy to retain it. It was no doubt the idea of the framers of our Constitution that Members of the House of Representatives should be close to the people and be required to frequently give an account of their stewardship. A change in the term of office from two to four years would be no violation of this principle, but would better enable Members to devote their energies and abilities to the actual service of the country and their constituents. Four years is not so long that there could be any valid objection from that source. The history of many of our States where the terms of office have been lengthened from two years to four years gives ample proof for this assertion. It is likewise true that the experience of States where some of the officials are elected for a term of four years and some for a term of but two years shows that the officials serving a four-year term are more efficient than officials serving a two-year term.

There is nothing sacred, that I know of, in the two-year term. If a short term makes Congress better, then we ought to change the tenure to one year. Then we would enjoy the distinction of going out of office before we got in, or at least within a month or two of it.

Now, Mr. Speaker, I reserve the balance of my time. How much time have I remaining?

The SPEAKER. The gentleman has seven minutes remaining.

Mr. GILBERT of Kentucky. Will the gentleman consent to a question? You seem to assume in your argument that there are a multitude of good reasons why a United States Senator should be elected by a popular vote. I have been reading a good many things in my life, but I have never seen any sensible, tangible reason why that fundamental principle of the Government should be departed from. Now, will you please state to the House some good reason why that fundamental doctrine should be abandoned?

Mr. NORRIS. I would say to the gentleman that at the beginning I was diverted from the course of giving some reasons by the gentleman from Iowa, who suggested that this part of the question relating to Representatives was a new one, and I went on to that argument. There are a great many reasons, and if I had the time I could give them to the gentleman from now until to-morrow morning, and the gentleman has heard them and he has read them. But he has made up his mind so fully, I presume, against my theory of the election of Senators by the people that he would vote against it anyway, no matter what I might say, and I desire to reserve some of my time to answer what may be offered on the other side.

Mr. GILBERT of Kentucky. Could you suggest a single amendment to the Federal Constitution that would disturb and disrupt the Government in as many different particulars as that amendment would?

Mr. NORRIS. I think I could give a good many, but I will not do it now, because I have not the time.

Mr. ADAMSON rose.

Mr. NORRIS. I will yield to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. I wish to call to your attention and ask you if States that desired popular expression as to the choice of Senators can not arrange to do so at the primary elections in the parties in the State?

Mr. NORRIS. I think so, and a great many of them have, and that is another great argument why the people want this changed.

Mr. MURDOCK. Do not the people of Nebraska to-day, and not the legislature, elect the Senators?

Mr. NORRIS. Practically; and if that be true, why not make it true in reality instead of just a fiction?

Mr. HINSHAW. The people of Nebraska come as near electing their Senators by direct vote as it is possible under the existing system, perhaps, but the people of Nebraska choose their Senators in a State convention made up of delegates from counties, elected in conventions usually and not in primaries, and it is to get nearer to the sentiment of the people themselves, so that they can express themselves in primaries and directly at the polls that this idea ought to prevail, as far as the election of Senators is concerned.

Mr. NORRIS. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] is recognized.

Mr. RUCKER. Mr. Speaker, the first section of the pending resolution has been frequently before this House for action. A similar resolution has passed the House at least twice, in the last four terms, by a very large vote each time. I, like the gentleman from Nebraska, shall waste no time in discussing the proposition of electing Senators by popular vote, because I take it this House is substantially unanimously in favor of it. This resolution is almost identical with the one that passed a year or two ago, introduced by my colleague from Missouri [Mr. LLOYD]. Indeed this resolution, excepting the second section, is a substantial copy of the Lloyd resolution. But this resolution, Mr. Speaker, involves and injects into the controversy a new issue, one that has never before been presented to Congress, so far as I am advised; one, too, I want to say, that has back of it no public sentiment or demand whatever. No person, no legislature, no public opinion, no constituents are asking us to prolong our term of office. On the contrary, our constituents are sometimes glad of the opportunity afforded them by the Constitution, as it now stands, to shorten our political and official careers. Therefore, Mr. Speaker, I ask unani-

mous consent that the House be permitted to vote on the two propositions separately.

The SPEAKER. The gentleman from Missouri asks unanimous consent for a division of the question. Is there objection?

Mr. CAPRON and Mr. GILBERT of Kentucky. I object.

The SPEAKER. The gentleman from Rhode Island and the gentleman from Kentucky object.

Mr. RUCKER. I am very sorry gentlemen do object, because it embarrasses gentlemen who heartily favor one proposition, but who do not favor the other. It seems to me there can be no good reason why gentlemen would not willingly declare themselves and express their judgment upon these questions separately.

Mr. GILBERT of Kentucky. The objection, so far as I am concerned, is based upon the fact that I am opposed to both amendments.

Mr. CLARK of Missouri. Why not let them be voted upon separately?

Mr. GILBERT of Kentucky. By putting them together increases the chance of defeating them.

Mr. RUCKER. No one desires to defeat the proposition to elect Senators by popular vote, and therefore I wish the gentleman from Kentucky would withdraw his objection; and I wish the gentleman from Rhode Island would withdraw his objection also.

Mr. Speaker, I regret very much that my good friend from Rhode Island objects to this request for unanimous consent; and I hope that he will yet withdraw the objection.

Mr. CAPRON. I would like to do any possible thing that would accommodate my friend personally; but here is a matter of constitutional objections, and I can not yield, because I think they ought to go together.

Mr. RUCKER. Give the House a chance to vote its judgment upon these important measures.

Mr. CAPRON. I believe there are other things that we ought to be doing that are of more importance than to consider these two propositions.

Mr. RUCKER. Mr. Speaker, if the gentleman insists, we shall be obliged to vote on the two questions together, and this will imperil, if not defeat, the will of the House in the proposition contained in section 1.

Mr. Speaker, I now yield five minutes to my colleague from Texas [Mr. GILLESPIE].

Mr. GILLESPIE. Mr. Speaker, I do not care to occupy the time of the House for five minutes. I merely want to state my position on this bill. I favor the first proposition of this bill—that is, to elect United States Senators by a direct vote of the people. There is a demand for that from all over this country. The legislatures of most of the States have adopted resolutions calling for this amendment to the Constitution of the United States. It is true many of these States, through their party primaries, are accomplishing this result in that way; but I would put it beyond the power of any political manipulators to deprive the people of any State of the right to vote directly for their United States Senators.

Mr. Speaker, there is no demand whatever for the second proposition in this bill—that is, that the terms of office of Members of Congress should be increased to four years. I am opposed to it, even if I thought there was a demand for it. I would say to the people of the United States, "Hold the whip hand over your Member of Congress. If he indicates by his service in Congress he is a worthy man, you can keep him there; but if the least suspicion crops out that you are deceived in your Member of Congress, keep it in your power to make a change at the first and shortest time possible." That is all I care to say, Mr. Speaker, on the proposition. [Loud applause.]

Mr. RUCKER. Mr. Speaker, I yield five minutes to my colleague from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, on numerous occasions since I have been a Member of this House, and every time I have had the opportunity, I have voted for an amendment to the Constitution providing for the election of United States Senators by the people. I would gladly vote for such an amendment now. We are not privileged, however, to vote for that amendment or against that amendment alone, but coupled with it is a new and strange proposition, to amend the Constitution so as to double the length of the term of Members of the House of Representatives. I am opposed to that, and when it is necessary for me to vote against both propositions in order to vote against one, or to vote for both propositions in order to vote for one, I have no hesitancy in the world in saying that I shall cast my vote against the double proposition as it stands; not because I am opposed to the election of Senators by the people, but, although I am in favor of that, I shall vote against this pending proposition, because to vote "aye" is to vote for a proposition to amend the Constitution so as to double the length of the term of Representatives in Congress. How anyone who is a student of current events, still less how anyone who has experience or observation in this House, can be of the opinion that it is advantageous to the country, that it is for the welfare of the people, to elect Representatives for four years instead of two years is beyond my comprehension.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. DE ARMOND. Yes; for a question.

Mr. CAMPBELL of Kansas. I have so high a regard for the gentleman from Missouri——

Mr. DE ARMOND. That is all right. Just put the question.

Mr. CAMPBELL of Kansas. That I want to ask him for his opinion on this proposition: The President is elected for four years——

Mr. DE ARMOND. Oh, I do not care anything about that.

Mr. CAMPBELL of Kansas. And I want to ask the gentleman——

Mr. DE ARMOND. I will have to go on——

Mr. CAMPBELL of Kansas. Why he should not support the policy of the Administration by electing Members of the House for the same period as the term of the President? The question is new, and I should like to have the judgment of the gentleman from Missouri upon it.

Mr. DE ARMOND. It is very evident that the gentleman from Kansas has not thought of it before, even to the extent of being able to ask his question in an ordinarily intelligent way. The fact that the President is elected for four years would afford just as good an argument, or a better argument, for electing Senators for four years only. What argument it affords for electing Members of the House of Representatives for four years is beyond my comprehension, and I have thought about it. Therefore I conclude that it is not yet within the grasp of the gentleman from Kansas, who confesses he has not thought about it. Now, the object of representative government is to keep the government, as nearly as possible, as long as possible, and as effectually as possible, within the control of the people. Can that better be done by electing the House of Representatives for four years than by electing it for two years? Of course, every individual Member, viewing the matter simply from his own individual standpoint, would prefer an election for four years to an election for two, or an election for ten years rather than an election for four years; but the real question that we ought to consider here, the one that I am trying to consider, and the one upon which I propose to vote, is not what may be best or most agreeable to us individually or collectively, but what is best and safest and soundest and most American for our fellow-citizens, the people.

I think it is in the nature of a shame to couple these two propositions. The one proposition has received, time and time again, the approval of the House of Representatives, but it gets no consideration from the Senate, and now it is to be weighted down by the other proposition. It can not be done in good judgment if it is done in good faith. The great Nebraskan, once upon a time, when he was a Member of this House, brought this proposition before it, not hampered and curbed and loaded with an odious proposition, but single and alone, so that the man who was in favor of bringing the Government closer to the people, by permitting them directly to elect their own members of the United States Senate, might express himself in that way by voting "aye" upon the proposition. But now we have it, through the wisdom of the committee, through the perverseness of the committee, through the honesty but bad judgment of the committee, or through deceptive purposes and hypocrisy—I know not how or why—we have the propositions so coupled that the one is to be weighted and loaded down by the other. I regret that the condition is what it is, but such being the condition, I have no trouble at all for myself in voting "no." Give us the one proposition, plain and distinct, and it will go through this House by an overwhelming majority, practically without opposition. Give us the other single and distinct, and I believe it will be voted down overwhelmingly. Coupled together, I for one am against the hybrid. [Applause on the Democratic side.]

Mr. RUCKER. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore (Mr. CAMPBELL of Ohio). The gentleman has six minutes.

Mr. RUCKER. I yield to my colleague from Missouri [Mr. TYNDALL].

Mr. TYNDALL. Mr. Speaker, since the American ship of state landed at Plymouth Rock conditions have changed somewhat, but we have been getting along nicely under the present system of representation in this country. I admit, Mr. Speaker, as we all know and admit, that as conditions change in this country it is necessary for us to change our tactics and our

customs. I have been petitioned, as doubtless other Members of the House have been petitioned, by the people of this country relative to the first section of this resolution, and that is to elect Senators by direct vote of the people. And, Mr. Speaker, I am in favor of that. I believe that the American Congress should stand as close to the American people as possible.

I say, Mr. Speaker, we have been petitioned to vote for and inaugurate the first section of this resolution. I for one have not been petitioned. I have heard nothing from my constituents relative to the second section of the resolution. My people have not petitioned me to inaugurate myself into another term as a Representative, and I do not know as other gentlemen have been requested to do so by their constituents. I believe, Mr. Speaker, that the people ought to have a lick at us every two years. I do not hesitate to say that it might be best to have a lick at us a little oftener than that. [Laughter and applause.] I will say that it might not be a bad thing if this Congress were cleaned out oftener than it really is. [Laughter and applause.] We ought to stand as near the people as possible.

What is it that Congressmen want? Do they desire to be farther removed from the people? Are Congressmen afraid to stand in reach of the people? I say turn the voters loose, let them at us as often as possible. If we are no good, if we are not worthy of our hire, if we can not give an account of our stewardship, then let us disembark from the ship of state and take to our little red boat and float off up that river whose waters are at all times said to be savory. Now, Mr. Speaker, it might be a good thing for Congressmen to be elected for four years, but of that I have serious doubts, and we should at least wait till the people say something about it and demand a chance to vote on a constitutional amendment to that effect. One thing I do know, and that is, the people would like to get in a little closer touch with the Senate of the United States. The Senate is too far away. It is out of striking distance of the people. I say now and here let the people at the Senate. Turn the voter loose. The common people are at this day demanding through petitions and memorials to let them get nearer instead of farther from the American Congress, and I say open the door and let them in. Mr. Speaker, this is a Government of the people, by the people, and for the people. This House has twice passed a resolution to submit to the people a right to vote on a constitutional amendment by which Senators could be elected by the direct vote of the people, and as many times the Senate has turned it down. You see, the Senate is now too far from the common people. It stands off there at a safe distance and in easy circumstances, and almost bids defiance, turns a deaf ear to petitions and memorials of the voter. We must not forget that ours is a democratic form of government and that we are servants of the people and not the people our servants. I think I see some danger in our hedging in a little too much on the rights of the people and centering too much power in the three great branches of our Government and the different Departments thereof. Sir, I don't think the immortal Lincoln ever uttered a truer or more important expression than that "he was not afraid to trust the American people." That expression should be engraven in our hands. Mr. Speaker, I will therefore not take any steps to increase the term of a Congressman to four years till I hear from home.

Mr. RUCKER. Mr. Speaker, I now yield two minutes to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Speaker, it is almost an idle waste of time, for I have no time to discuss the real questions involved. We have lived one hundred and three years under this Constitution since there was any amendment to it, except the three that were made in the storm and stress of war; two of those amendments are practically ignored in the country, and the other partially so, showing that these heated changes of the Constitution make no impression on the people of the country.

Nobody is asking for this extension of the election of Congressmen. No State, or very few States, will consent to the change of the Constitution in regard to the election of Senators. Nobody believes that during the lifetime of any man now living the Senate of the United States will ever be brought to the condition of agreeing to that constitutional amendment, and then the necessary number of States, through the instrumentality of our machinery, which is provided, will not vote for such a change in the Constitution. That is not all of it. This matter of selection of United States Senators was one of the compromises of the Constitution. There would not likely have been any Constitution; there would not have probably been any Government such as this without it, and for over one hundred years we have stood by it. Now, the proposition is to get the House of Representatives, under a debate of twenty minutes on a side, to undo that fundamental proposition in our governmental structure and go off into an experiment of that character. I do not believe, Mr. Speaker, that it is a wise expenditure of effort. [Applause.]

Mr. RUCKER. Mr. Speaker, I now yield a minute and a half to the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN].

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I merely wish to state that the overwhelming majority of this side of the House would be very glad to favor the first proposition of the resolution, the election of Senators by the people, and it is to be regretted very much that the gentleman saw fit to make his motion in such a manner that we could not vote for that. We have voted for it repeatedly in the past and passed it overwhelmingly. It is in accordance with our national platform declaration. It is unfortunate that united to it is this other proposition to extend the terms of the Members of the House, which it seems will defeat the Senatorial proposition.

I favor the first because it is giving to the people a better control over a branch of the Government. I oppose the second proposition because it is taking from the people a part of the control they now have over their Representatives. The tendency of all governments in developing is to deprive the people of power. We ought to take advantage of every opportunity, we who serve the people, to give back to the people the most direct control over their Government. The gentleman says in his report that this is practically a new proposition—extending the length of term of the Members of the House. I agree with him that it is practically a new proposition, and it is one which the people have not asked us to pass. I believe the people would be and should be jealous of extending our terms. If one serves them properly and they like him they can reelect him. Let the people in the States suggest this amendment if they desire our terms to be extended. [Applause.]

Mr. RUCKER. Mr. Speaker, I yield the balance of my time to the gentleman from Florida [Mr. LAMAR].

The SPEAKER pro tempore. The gentleman from Florida is recognized for half a minute.

Mr. LAMAR. Mr. Speaker, I am very much in favor of the election of Senators by a direct vote of the people. I would be very much opposed to extending the term of Representatives longer than two years. Unable to vote upon the first without voting for the second proposition, I shall vote against both. In the State of Florida we have practically accomplished the first by a direct nomination of Senators in a primary vote by political parties. [Applause.]

Mr. NORRIS. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. COCKRAN.]

Mr. COCKRAN. Mr. Speaker, it is with profound regret that I find myself compelled to dissent, even partially, from a view placed before the House by the distinguished gentleman from Missouri, Judge DE ARMOND. To some extent I sympathize with the position that he has taken. I am very sorry both of these proposals are linked together, although I favor each. The linking of two proposals wholly distinct, each of which is favored by some who oppose the other, furnishes every person who is opposed to one in his heart that he believes to be popular a good excuse for voting against it, while professing ardent desire for its passage, and thus escape from an obvious duty without the necessity of taking a perilous position before his constituency. I do not say this with reference to anybody here, though it might apply possibly to gentlemen in another place.

I believe Senators should be elected by the people. I think such a method of selecting them a natural evolution of our political system. But that proposal is entirely distinct from the one extending the term of a Representative to four years, and in my judgment both should have been submitted separately to this House. Under this procedure the opponents of each suggestion will be united, and the adoption of both is seriously imperiled.

Mr. Speaker, it is to the proposal to extend the term of Representatives in Congress that I desire to address myself. I sympathize most keenly with everyone who wishes to make vigorous the control of the people over their Representatives and over every branch of the Government. It is precisely for that reason that I believe in extending this term. This is the popular branch of our political system. Popular control of the Government can be made effective only by making this House efficient. This House is the one branch of our Government that according to all testimony is steadily declining in power, and its decline is obviously a decrease in the direct influence of the people over legislation. To what must this decline of the House be attributed? To two causes—a defect, a fatal weakness in its structure as established by the Constitution, and almost inconceivable folly in the method of organization established by itself.

Sir, it is no exaggeration to say that the House is organized for disorder and incapacity. Look at it. This vast barnlike Chamber of itself is enough to make impracticable anything like intelligible debate. The distances between Members in different parts of this Hall are such that conversation is seldom regarded as an interruption. In the resulting din and confusion it is impossible to follow, or even understand the proceedings. I sit in a part of the House now where for all that I can hear of the debates I might as well be out of the Chamber. To learn what the House is doing I must leave my seat, and this is forbidden by the rules. To participate in the proceedings of the House I must therefore violate its rules. I can be attentive to my duties only by becoming disorderly in my behavior. Under the rules I am out of order now, for I am speaking from another Member's seat. If I attempted to speak from my own, I would be inaudible in a large part of the Hall.

Surely, sir, it is not extravagant to say that the House seems to have embraced diligently every opportunity of reducing itself to incapacity by keeping itself in disorder. Against the absurdities of its own organization a complete remedy, of course, is always in its own hands. But the gravest cause of its incapacity is in the term of its Members, and this can be remedied only by a constitutional amendment.

The Congress does not convene till the month of December preceding the choice of its successor. From the very moment he takes his oath of office before this desk each Member is plunged into the throes of a struggle for reelection. How can he perform his duties impartially and fearlessly while three-fourths of his attention must be distracted by the exigencies of his own position? You may say that the honest and efficient Member will neglect his personal interests and devote himself exclusively to his representative duties. Well, Mr. Speaker, what duty can be higher than seeing that his district is well represented? [Laughter.] And he must think himself the very best Representative his district could find or else he could not justify himself in coming here.

The House is reduced to this position: In the first—the longer and more important—session every Member is striving for renomination and reelection from the very hour he is sworn in until the adjournment, and in the second session he has either been beaten, in which case his interest in legislation is sensibly reduced, if not wholly extinguished, or else he has been reelected, in which case his sense of security is apt to be too great for efficiency. [Applause and laughter.] His whole service, except under very exceptional conditions, is confined to two sessions. In the first everything tends to make him incapable, and in the second to make him indifferent. [Laughter.] We declare at every stage that the House is declining in influence. Yet we lose no chance to push it farther along the downward slope. To me the wonder is not that the House has declined in consequence, but that any of its consequence survives.

We organize ourselves with rules which are conceived apparently in distrust of our own honesty. Every experience of this House proves that when it is left to the control of its own majority it evolves legislation of the very highest excellence; yet we surrender ourselves to three gentlemen (wiser perhaps than any other three, but not so wise as the whole 400 who compose our membership), and to this narrow minority we intrust the entire control and direction of our proceedings, holding to ourselves at most merely a right to approve or to veto their proposals. And this upon the ground openly stated that if left to ourselves we would perpetrate enormities or follies. All this would be impossible in a House whose Members had such a term of office that they could become acquainted with each other and by knowledge of their different capacities and qualities learn to cooperate effectively for wholesome legislation. Why has the Senate grown at the expense of this House, although the framers of the Constitution intended that we should be the dominant feature of our political system? Because the Senate is a continuous body! Every member holds for six years. They find themselves bound together by a hundred influences growing out of extended association, and however they may differ on other matters they stand always unitedly for the dignity and the power of their Chamber. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RUCKER. Mr. Speaker, I now renew the request I made a few moments ago, and ask unanimous consent that the House may vote on these two propositions separately.

Mr. CAPRON. And, Mr. Speaker, I renew the objection that I made to that request.

Mr. LLOYD. Mr. Speaker, I have had the honor to introduce in several Congresses a joint resolution providing for the submission of a Constitutional amendment for the election of Senators by direct vote of the people. On the first day of this session of Congress I introduced such a resolution. It was an exact copy of the resolution adopted by this House in the Fifty-seventh Congress, and similar to resolutions passed in several other Congresses. The people of Missouri, from which I come, have through the State legislature repeatedly memoralized Congress to pass such a resolution. This demand comes from all our people without regard to party, and the memorial to Congress has been passed, both when the legislature has been Democratic and when it has been Republican. Every political organization, so far as I know, that has made any declaration at all on the subject, has announced itself in favor of the election of Senators by direct vote of the people.

The representatives of all parties have voted for such legislation in this body, and I have no doubt that a vote on that proposition would now hardly receive a dissenting vote. It is unfortunate that a measure so universally indorsed should be coupled with an entirely new proposition which the people have not considered nor decided upon. I very much doubt whether the people would change the length of term of a Member of this House. It appears to me that if the term was not satisfactory there would somewhere have been a demand for legislation. Certainly, whether the people favor the longer term or are opposed to it, this House—and the people, when the matter is submitted to the States—should have the right to vote separately on these propositions.

I greatly regret that no opportunity is given to give expression on each proposition, and that a just and meritorious measure, indorsed by nearly everyone, both in and out of Congress, should be so greatly handicapped or destined to defeat at the inception as this seems to be.

I believe in bringing government as near to the people as possible, and the election of Senators by direct vote would be a long step in that direction.

The SPEAKER pro tempore. The question is on suspending the rules and passing the joint resolution.

Mr. JAMES. Mr. Speaker, is a motion in order to divide this question?

The SPEAKER pro tempore. It is not.

The question was taken; and on a division (demanded by Mr. NORRIS) there were—ayes 89, noes 86.

So (two-thirds not voting in favor thereof) the motion to suspend the rules and pass the joint resolution was rejected.

AMENDING SECTION 5136, REVISED STATUTES OF THE UNITED STATES.

Mr. PRINCE. Mr. Speaker, by direction of the Committee on Banking and Currency, I move to suspend the rules and pass the bill H. R. 8124 as amended.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 8124) to amend section 5136 of the Revised Statutes of the United States, permitting national banking associations to make loans on farm lands as security, and limiting the amount of such loans.

Be it enacted, etc., That the seventh subdivision of section 5136 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"Seventh. To exercise by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of banking; by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; by loaning money upon notes, bonds, or other evidences of debt, secured by mortgages or other instruments of security on unencumbered farm lands situated in the State, Territory, or District where such association is located, worth, exclusive of buildings, on a conservative market valuation, double the amount of the loan thereon: *Provided*, That any such loan on farm-lands security shall not be for a longer term than twelve months: *Provided, however*, That not more than 25 per cent of the total capital and surplus of such association shall at any time be invested in such farm-lands securities: *Provided further*, That applications for loans upon notes, bonds, or other evidences of debt secured by mortgages or other instruments of security on unencumbered farm lands shall be made in writing and approved in writing by a majority of the board of directors; and by obtaining, issuing, and circulating notes according to the provisions of this title. But no association shall transact any business except such as is incidental and necessarily preliminary to its organization until it has been authorized by the Comptroller of the Currency to commence the business of banking."

The SPEAKER pro tempore. Is a second demanded?

Mr. GILLESPIE. Mr. Speaker, I demand a second.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois is entitled to twenty minutes and the gentleman from Texas is entitled to twenty minutes.

Mr. PRINCE. Mr. Speaker and gentlemen of the House, this is a bill introduced by Mr. LEWIS, one of the Members from the State of Georgia. The purpose of it is to amend the national banking act of 1864, so as to allow the loan of money on

unencumbered farm lands situated in the State, Territory, or District where such association is located, worth, exclusive of buildings, on a conservative market valuation, double the amount of the loan thereon: *Provided*, That any such loan on farm lands security shall not be for a longer term than twelve months: *Provided, however*, That not more than 25 per cent of the total capital and surplus of such association shall at any time be invested in such farm lands securities: *Provided further*, That applications for loans upon notes, bonds, or other evidences of debt secured by mortgages or other instruments of security on unencumbered farm land shall be made in writing and approved in writing by a majority of the board of directors. Those are the amendments suggested in this bill to the present national banking law. The purpose of it is to loan money on farm lands under the provisions as suggested in the bill. The committee that had this matter in charge gave it careful consideration and practically unanimously favored the measure. There is one minority view on the question. The House should know fully how the committee stood upon that question, so that they can intelligently vote for or against the measure. This measure has been carefully considered and recommended by the National Bankers' Association that met here recently in the city of Washington. There seems to be a demand for this class of legislation, both on the part of the country banks and on the part of the farmers who deal with the country banks in different parts of the country. I have heard, as a Member, no objection coming to the Committee on Banking and Currency against this proposed measure. I reserve the balance of my time.

Mr. YOUNG. Will the gentleman permit a question? There was so much confusion on the floor we could not hear the bill read or the first part of the gentleman's speech. Do I understand that this bill permits national banks to loan 25 per cent of their capital on real-estate security?

Mr. PRINCE. No, sir. I would say this, that not more than 25 per cent of the total capital and surplus of such association shall at any time be invested in such farm-land securities in the State, Territory, or District where such association is located, worth, exclusive of buildings, on a conservative market valuation, double the amount of the loan thereon. Does that answer the gentleman?

Mr. YOUNG. Then it does permit 25 per cent of the capital and surplus to be loaned within the State by a national bank?

Mr. PRINCE. Yes.

Mr. YOUNG. Does the gentleman think that is a good asset to pay depositors in case of a run when it is as large an amount as that?

Mr. PRINCE. I do. Speaking from Illinois, I know of no security under the sun that is better than a loan on Illinois dirt, and I think that can be safely said in all parts of our country to-day where, especially before the loan can be made, application must be made in writing and approved in writing by a majority of the board of directors.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. PRINCE. I do.

Mr. CAMPBELL of Kansas. Did the gentleman from Illinois or the committee take into account the effect that this measure would have upon commercial paper—that is, upon the business paper of the community where there is no real-estate security to place back of it?

Mr. PRINCE. Yes, sir; in answer to that I will say——

Mr. CAMPBELL of Kansas. Would not the effect be that the money of the banks would seek investment in real estate security and be withdrawn from the use of the commercial interests of the community?

Mr. PRINCE. In answer to that, Mr. Speaker, the bill, as originally drawn, had the words "real estate" in it. Gentlemen upon the Committee of Banking and Currency, representing all parts of our country, the commercial interests as well as the agricultural interests of the country, struck out the words "real estate" and limited it to farm lands, meaning thereby that the real estate in the cities could not be used as security for obtaining money from the national banks. They further made the provision that such loan on farm lands security should not be for a longer time that twelve months. So that the opportunity of the money becoming liquid and flowing and getting into circulation would be carried by that provision. Going even further, they made a provision that this application should be made in writing, and the approval of it should be in writing by a majority of the board of directors. It was gone over carefully and thoroughly, and all of the provisions that they thought might in anywise affect the interests were guarded as best they could, as shown by the committee's amended bill.

Mr. MADDEN. Will the gentleman yield?

Mr. PRINCE. I will yield to my colleague.

Mr. MADDEN. Does the gentleman believe that, if a stringency in the money market should arise, demanding the banks to make available all of the assets of the banks to meet emergencies, mortgages on farm lands or other lands could be immediately turned into cash?

Mr. PRINCE. In answer to my colleague from Illinois, I would say we considered that, and it is my opinion, speaking from what I heard in the committee, that there is no better security, no security that could be more promptly liquidated, than good farm land, payable within twelve months.

Mr. HINSHAW. Will the gentleman permit me a question?

Mr. PRINCE. Yes, sir.

Mr. HINSHAW. There is no provision in this bill, is there, for the restriction of the amount of the loan, as compared with the value of the real estate?

Mr. PRINCE. Yes. I reserve the balance of my time, Mr. Speaker, if there are no further questions.

Mr. GILLESPIE. Mr. Speaker, I yield ten minutes to the gentleman from Connecticut [Mr. HILL].

Mr. HILL of Connecticut. Mr. Speaker, I would be very sorry indeed to see this bill come in here at any time. I am far more sorry to esee it come in at the present time. This country has just suffered a loss of $300,000,000 at San Francisco which must be met by the abstraction of commercial funds from its resources within the next year or two. This bill means now making it possible to withdraw from commercial use about $350,000,000 more in the next twelve months. Not that I say that it will be done, but the law authorizes such a withdrawal from funds which now, by law, are absolutely devoted to commercial uses, the transaction of business, and manufacturing enterprises.

Mr. PRINCE. Will the gentleman yield for a question?

Mr. HILL of Connecticut. Certainly.

Mr. PRINCE. I would like to ask my former colleague on the committee, if, as matter of fact, they are not now doing it by indirection in violation of the law?

Mr. HILL of Connecticut. I do not think it is being done to any great extent. I think it may be done to some extent, but I do not know of any reason why this Congress should validate a wrong act, for it is wrong in principle, essentially.

But there is no question about this fact, gentlemen. We are rapidly approaching the season of the crop requirements of this country, and if we judge by last year's experience, when interest rates went to 25 per cent and higher, we shall need all of the commercial funds there now are in the transaction of the regular commercial business of the country, without withdrawals of any for real estate speculation, for whether we intend it or not that would be the ultimate result of this legislation.

In addition to last year's experience, San Francisco will require a very large sum of money to make good the losses there.

Now, we have national bank capitalization, surplus, and undivided profits which amount to fourteen hundred millions of dollars, devoted exclusively to business transactions in this country. This bill steps in and authorizes 25 per cent of that to be eliminated from that use and locked up in real estate security. Whether it will be done or not, I do not know. It authorizes it to be done, and it is a dangerous thing to do at any time, and far more dangerous to-day than it has been in the experience of any man now sitting on this floor. If this bill were to pass at all, it should be amended in several very important particulars. What is the value of farm lands? Who makes the value under the terms of this bill? Does it mean raw prairie or improved farms? It ought to have specified, not that it is a farm, but it should be land under cultivation and improved. Who is going to determine the value—the man who owns it or the man who makes the loan? Perhaps it may be the same man in both cases. Should not the assessed valuation for purposes of taxation or some other fixed basis of valuation be prescribed if deposits payable on demand in national banks are to be loaned out in this way?

Now, then, another proposition. Twenty-five per cent of the capital and surplus. Why, you gentleman have just passed a bill within forty-eight hours limiting loans on Government bonds and other negotiable securities to 30 per cent of the capital, and yet you turn around and now propose to authorize the lending of 25 per cent of the capital and surplus—and that might mean all the capital, and more too—on unimproved farm lands.

Mr. PUJO. Will the gentleman allow me to ask him a question?

Mr. HILL of Connecticut. I yield to the gentleman.

Mr. PUJO. Is it not the understanding of the gentleman that this authorization to loan 30 per cent of the capital and surplus was not as a whole, but that it is as to one individual?

Mr. HILL of Connecticut. I understand. But the gentleman knows just as well as I do that this bill is infinitely broader than the bill which you have just passed, in that you authorize as a foundation for loans, to the extent of one quarter of the whole capital and surplus, unimproved farm lands, whereas you have just made a limit on negotiable securities to a firm or corporation of 30 per cent of the capital. If I had been here I would have offered an amendment limiting it to 20 per cent. I believe in conservatism in banking; and, gentlemen, this proposition which is submitted here is in violation of the experience of all ages, from the beginning of banking in the world down to now, and certainly from the time of John Law, in France, down to this minute.

Now, I do not question the statements made here as to the value of farms all over this country. Why limit it to farms? Is not property on Pennsylvania avenue here in Washington, on Lake street in Chicago, on Wall street in New York, just as good security as any farming lands of the South or West?

Mr. KAHN. And does not fluctuate as much.

Mr. HILL of Connecticut. And does not fluctuate as much. Why limit it to farm lands, when San Francisco, in ashes today, wants to borrow on unquestionable value of real estate on Market street?

Mr. GAINES of West Virginia. Just as property in West Virginia coal mines is negotiable anywhere.

Mr. MARSHALL. Does the gentleman think that if this bill should become law that the total amount of real estate loans would be increased yearly or by the amount which he has mentioned?

Mr. HILL of Connecticut. I will make this reply to the gentleman: The bill is very specious. It provides that all loans shall be for not to exceed one year. The gentleman, like myself, is a banker. He knows that that does not cover renewals. He knows that a national bank can hold real estate for five years before selling it. He knows that the loan as specified in this bill differs absolutely from the fee simple title which the bank would have in case it had to foreclose its mortgage; and while I was cautious, and limited it to $350,000,000, I say to you, gentlemen, as a banker, that under the terms of this bill it is possible to put five times that amount into real estate loans in this country, or $1,750,000,000. It is a dangerous proposition any way you can fix it.

Mr. MARSHALL. Is it not a fact that the real estate loans are supplied from some source?

Mr. HILL of Connecticut. Oh, yes.

Mr. MARSHALL. And is it not a fact that the part of them that will be supplied by the national banks will not materially increase the total, and because of that there will be no material amount of money taken away from commercial use?

Mr. HILL of Connecticut. I feel an embarrassment in speaking on this proposition. It is a question that does not particularly affect us in New England. In New England we have four times the loanable capital in savings banks and trust companies that we have in national banks, and you could not make a law of this kind that would materially affect us in New England. I am speaking to you, gentlemen, on the general good of the country. From time immemorial the commercial money of the country has been segregated and kept apart from the real estate funds of the country. It is dangerous to mix them up. It is dangerous to the country banks.

Mr. PRINCE. Is not the gentleman fully familiar with the fact that in the first national-bank act they had power to loan on real estate?

Mr. HILL of Connecticut. How long did that last? One year. It was repealed at the end of twelve months.

Mr. PRINCE. Without the slightest argument in Congress.

Mr. HILL of Connecticut. No argument was necessary, because they found it was dangerous.

Mr. PRINCE. There is not the slightest evidence in the debates showing the reason why.

Mr. HILL of Connecticut. The gentleman is taking my time. I am willing to rest absolutely on the fact that it was in the law when it was enacted, and that the Congress was compelled to repeal it when it revised the law one year later. It is not there now, and no national bank to-day can hold real estate except for a banking house for a longer period than five years, and it can acquire none except in the collection of a debt previously incurred. Now, I say, it is dangerous to the country banks.

I want to say one word to the Members here from the larger cities. You gentlemen representing banks in the larger cities must remember that to a great extent the reserve city banks are responsible for the carrying of the country banks through commercial crises. It may not be a pleasant thing to say, but it is true; and I want to say to you, gentlemen in the country, with the 1,755 small banks of under $50,000 each, look out for your reserves if any proposition of this kind goes through. The reserve city banks will not accept real estate security in satisfaction of depleted reserves, so that it is dangerous not only for the cities, but dangerous for the country as well. [Applause.]

Mr. GRAHAM. It is too slow an asset.

Mr. GILLESPIE. I yield five minutes to the gentleman from New York [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, I wish to give a little information to the House in answer to a remark made by the gentleman from Illinois in presenting this bill, as to the possibility of turning into money real estate assets with sufficient rapidity to be consistent with the safety of a national bank, and I shall not advance any views of my own, but shall give to the House the actual experience of the State which I represent.

This bill provides that loans may be made up to 50 per cent of the valuation of farms. Anybody would have said, and everybody did say, that farms in western New York, an old portion of the country thoroughly settled, free from speculation, were worth $100 an acre, and in 1890 you could have sold them by hundreds for $100 an acre. Loans were made upon those farms to the amount of millions by the great savings banks of western New York, to the amount of $20,000,000 in the city of Rochester, where I myself live. Fortunately the national banks, the banks of discount, were not allowed to make real estate loans, but they were taken by the savings banks, and every director of a savings bank said, "Our best assets are loans at $50 an acre on farm lands in western New York."

Well, Mr. Speaker, what happened? The long depression came. The price of wheat went down to the lowest figure ever known. The agitation about the currency came, political troubles came, and the savings banks of the city of Rochester alone were obliged to take farm lands right in western New York, right in the valley of the Genesee, to the amount of millions of dollars. If they had been banks of discount, obliged to furnish their customers the money to meet the needs of a commercial community, they would have gone into liquidation, but there is no such demand made upon a savings bank. The funds left with it are left for permanent deposit. Their solvency was recognized, but it took those banks over ten long years before they could sell, at prices that would make them whole, the lands foreclosed on farm loans in western New York. They held them, prices finally rose, the price of land that would not have sold in 1895 for $50 rose to $60, $75, and $80, and now, ultimately, our savings banks have been enabled to liquidate their losses, to turn that real estate into money, and have practically cleared up their real estate accounts.

Mr. HILL of Connecticut. I would like to ask the gentleman if it isn't true in some States of the Union after court decrees have been made on mortgage losses the period of redemption runs from six months to three years?

Mr. PERKINS. Yes; especially in the Western States.

Mr. HILL of Connecticut. That could hardly be called an available asset?

Mr. PERKINS. It could not, and I want to say that the actual experience of banks in the best part of the United States, in parts free from real estate speculation, shows that if national banks had been allowed to invest in these securities and had done so, one-half of the national banks in western New York would have been closed. [Applause.]

Mr. GILLESPIE. Mr. Speaker, I desire to say that I am opposed to this bill, and was opposed to it from the beginning. Now, it is argued here that because the National Bankers' Association indorsed this proposition that this House ought to pass it. Our national bankers, a great many of them, are getting off on wild-cat schemes. The National Bankers' Association also indorsed the proposed ship subsidy. That association is getting to be a regular political machine.

Mr. Speaker, this proposition, to my mind, is in opposition to the purposes of the national bank, which is a commercial institution for the temporary resting place of the funds of the community, to be used to meet emergencies as they arise and not for investing funds on long-time loans such as real estate securities must necessarily be.

A twelve months' mortgage to a farmer is of no advantage. His loan must be from one to five years to be of much benefit to him as a farmer. His land is his capital, and if it is tied up by a mortgage he needs plenty of time to pay it off. He does not want a short three, four, six, or twelve months' loan,

because it is of no advantage to him, especially where he has to secure it by mortgaging his land.

The majority say in their report that this is for the benefit of the farmer. I submit to this House that no farmers' organization has ever demanded this legislation; no farmer, so far as I know, has ever demanded this legislation. It is only demanded or recommended by our National Bankers' Association, and it is for the purpose of getting the little banks in the agricultural section to aid the great city banks of this country in their scheme of getting every financial institution in this country within control of the national banking system of the United States. You see they have cut out the loans on city real estate. It is just a little inducement thrown out to the country bankers over the country, and the scheme is to destroy every State financial institution. That is a part of their programme; they want the trust and savings bank feature engrafted upon the national banking system. This is an inducement to the small banks all over the country to get them in line with their main programme, which is finally to drive out of business all State or local financial institutions and force them all to come under the national system.

Mr. Speaker, I believe this bill is vicious and not in the interest of the farmer, who is only used as a buffer. The reason given in the beginning of our national banking system for not allowing banks to loan upon real estate was that it was not the purpose of those favoring this system that the banks should become large landholders. This danger, Mr. Speaker, is greater to-day than it was then, for national banks are more numerous now than then. This bill ought to be defeated. [Applause.]

Mr. PRINCE. I now yield two minutes to the gentleman from Pennsylvania [Mr. SIBLEY].

Mr. SIBLEY. Mr. Speaker, all through the country, owing to the restrictions placed on national banks, the people are forming trust companies, because there is denied to the bank the right to loan upon what ought to be considered the best security in the world—real estate. The gentleman from Connecticut said it would ruin the country banks. I do not believe it has one element of danger in it. The national bank in rural districts would loan upon its local real estate, upon the farm, we will say, at 5 or 6 per cent, and would hypothecate these mortgages with a trust company or a great life insurance company, negotiating them at the rate of 4 or 4½ per cent, guaranteeing payment of these loans or mortgages at maturity. When you deny the right to loan upon country real estate you are discrediting the value of the property in that local community. I have heard no argument against this that, in my judgment, should appeal to this House to vote against the bill. I am aware that I do not know as much about banking as my friend from Connecticut, but I have had a little bit of experience in that direction.

Mr. HILL of Connecticut. The gentleman has not been troubled so much as I have to keep his bank account straight. [Laughter.]

Mr. SIBLEY. Oh, I have been on both sides of the bank counter in my day. But I can not understand why a stock certificate, which may be a watered stock, which may have a fictitious value, should be considered a better security than the absolute real estate at a fair valuation.

Mr. MADDEN. Mr. Speaker, I would like to ask the gentleman a question. The gentleman says the banks would turn the mortgages over to the trust companies. Will he tell the House that the national banks are organizing the trust companies and owning them and when they turn the mortgages over to the trust companies they are simply operating a subterfuge on the public?

Mr. SIBLEY. Absolutely, Mr. Speaker, they are doing it, because under the present banking law they can not loan on real estate, and therefore trust companies are springing up in every town of five or ten or fifteen thousand people throughout the length and breadth of our Federal domain, and except there be some revision of our national-banking laws as affecting country banks they will be driven out of existence by the trust companies.

Mr. PRINCE. Mr. Speaker, I yield three minutes to the gentleman from Louisiana [Mr. PUJO].

Mr. PUJO. Mr. Speaker, I consider this one of the fairest bills that has ever been brought before this House for consideration and favorable disposition. The complaint now is that the farming classes of this country are driven to the Shylocks, to the men that make loans at 25 and 30 and 50 per cent, who take trust deeds and cut-throat mortgages; and now when a committee of this House gives the membership of the House an opportunity to allow the farming interests of the United States to borrow money to an extent not exceeding 50 per cent of the value of their real property, there is a cry that it will be an injury to the farming classes. Mr. Speaker, the circulation throughout the United States to-day exceeds $500,000,000. Bonds to an equal amount are deposited to secure that circulation. Those bonds bear, at the lowest rate of interest, 2 per cent. The agricultural lands of the United States, and the people owning these agricultural lands, help to pay the interest on these bonds, and yet they are precluded and prohibited from going to a national bank and borrowing money from it by giving a mortgage upon their property. Why is this discrimination?

In 1863 the Congress of the United States authorized national banks to lend money upon real estate. It is true that that act was subsequently repealed in 1864, no doubt owing to the fluctuations in the value of real estate because of the war. Since 1864 up to the present time, while there may have been no petitions presented to Congress, yet there is hardly a Member of this House who does not know and who has not heard of complaints that have been made by farmers of his section because they could not go to national banks and borrow money by giving a mortgage on their farms. The capital stock of the national banks exceeds $800,000,000. If this bill is passed, it will bring in, you might say, an available asset for the purpose of lending money exceeding $200,000,000.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PRINCE. Mr. Speaker, I yield three minutes to my colleague on the committee, the gentleman from Kansas [Mr. CALDERHEAD].

Mr. CALDERHEAD. Mr. Speaker, I have agreed with my friend, the gentleman from Connecticut [Mr. HILL], so long about the theories of banking and currency that it is a little bit of a surprise to myself to differ with him now. He is so anxious to make the currency of the country entirely available for commercial paper that he overlooks the practical uses of it in the widely distributed interior of the country. I think it is true that the original act authorizing national banks permitted them to loan upon real estate, and that that clause was repealed within two years. I think he ought to remember that in the whole of that two years there were only 316 national banks established. The country had so little confidence in the banking system at the time that it became necessary to restrict the powers and operations of the national banks as much as possible to induce the country to begin the establishment of banks for the purpose of providing currency.

Mr. HILL of Connecticut. The gentleman will also remember that when that change was made they forbid a national bank holding real estate for more than five years. Now, why did they do that?

Mr. CALDERHEAD. I think it was for the purpose of preventing the banks from speculating in real estate, for one thing.

Mr. HILL of Connecticut. Why, certainly.

Mr. CALDERHEAD. I think that is probably the reason. There were a good many other reasons that influenced the Congress to limit the power at the time they were attempting to induce the country to accept the national banking system.

Mr. HILL of Connecticut. Mr. Speaker, I would like to ask the gentleman another question. I have just as much confidence in the judgment of the gentleman from Kansas [Mr. CALDERHEAD], after several years' experience with him on the committee, as I have in the judgment of any other Member of the House. Does he not admit that this is a proposition to radically change in twenty minutes, to an extent of 25 per cent of the capital stock and the surplus, the entire character of the present national banking system?

Mr. CALDERHEAD. No; I do not admit that.

Mr. GROSVENOR. And will not the gentleman also admit that this bill has been introduced in three different Congresses previously and reported favorably three times?

Mr. CALDERHEAD. Oh, this bill has been reported three times to the House and once passed the House. The thing that I desire to reply to particularly to the gentleman from Connecticut [Mr. HILL] is this, that it does not withdraw from the currency of the country the amount of money that he says, and that banks that are engaged in the business that his bank is engaged in will not invest money upon one-year loans upon farms. It is true, as he says, that in New England they desire to confine the banks strictly to commercial banking. But he overlooks the fact that the business of the interior of the country is producing the raw material upon which his country uses its capital in manufacturing.

There are nearly 1,800 small banks of $25,000 capital in agricultural districts competing for business with State banks, who can make the loans we authorize. And, notwithstanding what gentlemen may say, these small land loans for one year are all quick assets. The value of the security is determined by the directors of the local bank, and they must sign their approval

of the loan in writing. The large banks find it to their advantage to confine their business to commercial banking. The small banks are at their mercy unless they can make the loans the agricultural business of their patrons demand, or they must go out of competition with their neighbor State banks, who have this privilege. No small bank will become a mortgage land bank for the purpose of failing. The money loaned in this way will not be tied up, but will immediately enter the channels of business. Remember that the reserves of banks are always tied up and do not enter commercial business, but are a constant limitation on the loans proposed in this bill as well as on commercial business.

The CHAIRMAN. The gentleman's time has expired.

The SPEAKER pro tempore. The time of the gentleman has expired. [Applause.]

Mr. PRINCE. Mr. Speaker, I now yield the balance of my time to the gentleman from Minnesota [Mr. MCCLEARY].

Mr. CALDERHEAD. Before that time is taken I desire to extend a few remarks in the RECORD on this subject.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. PRINCE. As I figure, there are four minutes left me; I may be mistaken.

The SPEAKER pro tempore. The gentleman has three minutes remaining.

Mr. MCCLEARY of Minnesota. Mr. Speaker, some six or seven years ago, when my friends HILL and CALDERHEAD and PRINCE and I were all on the Committee on Banking and Currency, this question of allowing the smaller national banks to make loans on real estate under proper safeguards came up. I took occasion at that time to write to every small bank in the United States whose name I could get hold of. I sent out more than 2,500 letters, not only to small national banks, but also to small State banks in the country, submitting to them a series of questions on the matters involved. I got back over 2,000 replies. Nine-tenths of all those replies were favorable to the main proposition. Some of these replies came from men who had been in the banking business for fifty years and had passed through all sorts of crises. Their judgment was that the most stable and most easily convertible security they had in time of trouble was that based upon well-selected real estate.

I confess that I approached the inquiry with my prejudices all against the proposition. I had thought of a national bank as essentially a commercial bank. A commercial bank receives deposits subject to check. Being in no sense a savings bank, the purely commercial bank should not pay interest on deposits. Its loans should all be on commercial paper redeemable at short intervals, so that it will always have maturing assets with which to pay current demands upon it. Such was and is my view of the purely commercial bank.

But as the answers to my inquiry came piling in, my views as to the small banks in the country towns began to change. It occurred to me that perhaps the judgment of men who had successfully managed banks more years than I had lived was worthy of my careful consideration. It occurred to me that perhaps their experience in piloting their institutions successfully through sunshine and through storm for many years was worth as much as my theory on the subject.

These level-headed men put it to me in this way: In the cities, with their multitudinous demands, each kind of bank can find its field of service, the commercial banks furnishing the means for production and exchange, while the savings banks furnish the means for providing the instruments of production and exchange. But in the smaller towns and villages "the bank" must serve the purposes of both commercial bank and savings bank. It must receive the deposits of the merchant and the small manufacturer subject to check, and the depostis of the farmer and the workingman, who desire to make time deposits drawing interest.

On the deposit side they all act as savings banks as well as commercial banks, They desire now to have the privilege of rendering the savings bank service, to a limited degree, in the matter of loans also. That is the purpose of the pending bill. And having in mind the exceedingly valuable body of expert testimony comprised in the letters to which I have referred, I favor the purpose of this bill. Had I not been transferred from the Committee on Banking and Currency to the Committee on Appropriations shortly after I had made the investigation referred to, I would probably have pushed some such bill as this at that time. In my judgment, the kind of amendment to the national-bank act proposed in the pending bill would render these banks more useful to the farming communities in which they are located and whose interests they are intended to serve.

Mr. HILL of Connecticut. May I ask the gentleman a question? As a conservative man, do you not think if your bill should pass it should include not only loans, but renewals thereof? Do you not think it should prescribe how the valuation should be fixed on the property on which the loan is to be made? Do you not think it should have some limitation upon the 10 per cent capital and the whole surplus when you have within a day or two fixed a much smaller limit on loans made on other securities? Is there any special charm about the improved farm land that does not obtain in regard to improved city property or Government bonds or other securities where title passes by delivery of the property?

Mr. MCCLEARY of Minnesota. My friend's catechism is rather long.

Mr. HILL of Connecticut. The bill needs amending——

Mr. MCCLEARY of Minnesota. My friend——

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired. The gentleman from Texas has one minute.

Mr. GILLESPIE. I do not care to use it.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds have not voted in favor of the bill——

Mr. PRINCE. Mr. Speaker, let us have a division and find out.

The SPEAKER pro tempore. The gentleman from Illinois asks for a division.

The House divided; and there were—ayes 91, noes 66.

Mr. MACON. Mr. Speaker, I ask for the yeas and nays. [Cries of "No!"]

Mr. PRINCE. No, Mr. Speaker; I hope the gentleman will not insist on that.

Mr. MACON. Mr. Speaker, I withdraw the request for the yeas and nays. If the gentleman who represents the bill does not want to vote for it, of course I do not. As a Representative here, I have the right to ask.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6488. An act authorizing the striking of 200 additional medals to commemorate the two-hundredth anniversary of the birth of Benjamin Franklin—to the Committee on the Library.

S. R. 67. Joint resolution to protect the copyrighted matter appearing in the "Rules and Specifications for Grading Lumber Adopted by the Various Lumber Manufacturing Associations of the United States"—to the Committee on Patents.

S. 5136. An act to amend the act creating the Spanish Treaty Claims Commission, approved March 2, 1901—to the Committee on the Judiciary.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1442. An act to increase the efficiency of the militia and promote rifle practice.

PURE-FOOD BILL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] submits a privileged report, which the Clerk will report.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this order, and daily thereafter after the disposal of business on the Speaker's table, if there be any, and consideration of such conference reports as may be called up, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 88, "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," and after general debate, which shall continue not over six hours and which shall be confined to a discussion of the bill, the amendment in the nature of a substitute, reported by the Committee on Interstate and Foreign Commerce, shall be considered under the five-minute rule; and after the consideration of the said amendment in the nature of a substitute, both in general debate and for amendment, shall have continued not more than twelve hours, the committee shall rise and report the bill to the House with the substitute amendment and with such amendments to the said substitute as may have been agreed to; and thereupon the vote shall be taken on the substitute, the amendments thereto, and on the bill to the final passage without intervening motion or appeal: *Provided*, That at any time the committee may rise informally to enable conference reports, Senate amendments to general appropriation bills, or business on the Speaker's table to be considered in the House.

Mr. DALZELL. Mr. Speaker, the rule just reported has relation to the pure-food bill, and it provides for its consideration immediately after the adoption of the resolution, and for twelve

hours thereafter, subject, of course, in the meantime, to the consideration of conference reports, House bills with Senate amendments on the Speaker's table, and privileged matters in general. Six hours are to be devoted to general debate, which is to be confined to the subject-matter of the bill. The remaining six hours, if the committee desires that length of time, are to be consumed in the discussion of the bill under the five-minute rule. The bill is open to amendment, and at the end of twelve hours is to be reported to the House without intervening motion. As I have already intimated, an arrangement is made for the consideration from time to time, as the necessity may arise, of conference reports and other privileged matters.

I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, it goes without saying that the minority members of the Committee on Rules opposed calling the previous question upon this resolution in this manner, and we shall protest against it by casting our votes against it.

Now, Mr. Speaker, in order that there may be more time for discussion of the merits of this very important bill, the gentleman from Missouri [Mr. DE ARMOND] and myself, constituting the minority members of the Committee on Rules—the tolerated members of the Committee on Rules, if the Speaker will permit the expression—have agreed not to consume any of the time in discussing the rule itself or the demand for the previous question, but to let that time go to the discussion of the merits of the proposition.

Mr. DALZELL. Mr. Speaker, I ask for the previous question.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] demands the previous question.

Mr. WILLIAMS. Mr. Speaker, in order to save the time of the House, I call for the yeas and nays upon the adoption of the previous question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 72, answered "present" 14, not voting 165, as follows:

YEAS—143.

Allen, N. J.	Fordney	Knowland	Rodenberg
Barchfeld	Foss	Lacey	Samuel
Bartholdt	Foster, Ind.	Lafean	Schneebeli
Bennet, N. Y.	French	Landis, Frederick	Scott
Birdsall	Fulkerson	Law	Sherman
Bonynge	Fuller	Lilley, Conn.	Smith, Cal.
Boutell	Gaines, W. Va.	Littauer	Smith, Ill.
Brick	Gardner, Mich.	McCall	Smith, Iowa
Burton, Del.	Gardner, N. J.	McCarthy	Smith, Samuel W.
Butler, Pa.	Gilbert, Ind.	McCleary, Minn.	Smith, Pa.
Calder	Gillett, Cal.	McKinney	Smyser
Calderhead	Goebel	McMorran	Snapp
Campbell, Kans.	Graff	Madden	Southwick
Campbell, Ohio	Grosvenor	Marshall	Sperry
Capron	Hale	Martin	Stafford
Cassel	Hamilton	Miller	Steenerson
Chaney	Haugen	Minor	Stevens, Minn.
Chapman	Hayes	Mondell	Sulloway
Cocks	Hedge	Moon, Tenn.	Tawney
Cole	Henry, Conn.	Morrell	Taylor, Ohio
Conner	Hepburn	Mouser	Thomas, Ohio
Cooper, Wis.	Higgins	Mudd	Townsend
Cousins	Hinshaw	Murdock	Tyndall
Cromer	Hoar	Needham	Volstead
Crumpacker	Howell, N. J.	Norris	Waldo
Currier	Howell, Utah	Olmsted	Wanger
Curtis	Hubbard	Otjen	Watson
Cushman	Huff	Parsons	Webber
Dalzell	Hull	Payne	Weems
Dawes	Jenkins	Perkins	Wharton
Dawson	Jones, Wash.	Pollard	Wiley, N. J.
Denby	Kahn	Prince	Wilson
Driscoll	Keifer	Reeder	Wood, N. J.
Ellis	Kennedy, Nebr.	Reynolds	Woodyard
Esch	Klepper	Rives	Young
Fassett	Knapp	Roberts	

NAYS—72.

Adamson	Gill	Kitchin, Wm. W.	Russell
Beall, Tex.	Gillespie	Lamar	Ryan
Brundidge	Goldfogle	Lee	Sheppard
Burgess	Goulden	Lindsay	Sherley
Burleson	Granger	Livingston	Sims
Burnett	Hay	Lloyd	Slayden
Candler	Hellin	McNary	Small
Clark, Fla.	Henry, Tex.	Macon	Smith, Md.
Clark, Mo.	Hill, Miss.	Meyer	Smith, Tex.
Cockran	Hopkins	Moore	Spight
De Armond	Houston	Padgett	Sullivan, Mass.
Dixon, Ind.	Howard	Patterson, S. C.	Talbott
Ellerbe	Humphreys, Miss.	Rainey	Taylor, Ala.
Finley	Hunt	Ransdell, La.	Thomas, N. C.
Fitzgerald	James	Richardson, Ala.	Wallace
Floyd	Johnson	Richardson, Ky.	Wiley, Ala.
Garner	Jones, Va.	Rucker	Williams
Garrett	Keliher	Ruppert	Zenor

ANSWERED "PRESENT"—14.

Broussard	Gregg	Mann	Southard
Gaines, Tenn.	Kitchin, Claude	Murphy	Weeks
Glass	Kline	Pujo	
Graham	Lever	Robertson, La.	

NOT VOTING—150.

Acheson	Darragh	Kennedy, Ohio	Pou
Adams	Davey, La.	Ketcham	Powers
Aiken	Davidson	Kinkaid	Randell, Tex.
Alexander	Davis, Minn.	Knopf	Reid
Allen, Me.	Davis, W. Va.	Lamb	Rhinock
Ames	Deemer	Landis, Chas. B.	Rhodes
Andrus	Dickson, Ill.	Lawrence	Rixey
Babcock	Dixon, Mont.	Le Fevre	Robinson, Ark.
Bankhead	Dovener	Legare	Scroggy
Bannon	Draper	Lewis	Shackleford
Bartlett	Dresser	Lilley, Pa.	Shartel
Bates	Dunwell	Little	Sibley
Bede	Dwight	Littlefield	Slemp
Beidler	Edwards	Longworth	Smith, Ky.
Bell, Ga.	Field	Lorimer	Smith, Wm. Alden
Bennett, Ky.	Flack	Loud	Southall
Bingham	Fletcher	Loudenslager	Sparkman
Bishop	Flood	Lovering	Stanley
Blackburn	Foster, Vt.	McCreary, Pa.	Stephens, Tex.
Bowers	Fowler	McDermott	Sterling
Bowersock	Garber	McGavin	Sullivan, N. Y.
Bowie	Gardner, Mass.	McKinlay, Cal.	Sulzer
Bradley	Gilbert, Ky.	McKinley, Ill.	Tirrell
Brantley	Gillett, Mass.	McLachlan	Towne
Broocks, Tex.	Greene	McLain	Trimble
Brooks, Colo.	Griggs	Mahon	Underwood
Brown	Gronna	Maynard	Van Duzer
Brownlow	Gudger	Michalek	Van Winkle
Buckman	Hardwick	Moon, Pa.	Vreeland
Burke, Pa.	Haskins	Nevin	Wachter
Burke, S. Dak.	Hearst	Olcott	Wadsworth
Burleigh	Hermann	Overstreet	Watkins
Burton, Ohio	Hill, Conn.	Page	Webb
Butler, Tenn.	Hitt	Palmer	Weisse
Byrd	Hogg	Parker	Welborn
Clayton	Holliday	Patterson, N. C.	Wood, Mo.
Cooper, Pa.	Hughes	Patterson, Tenn.	
Dale	Humphrey, Wash.	Pearre	

So the previous question was ordered.

The following additional pairs were announced:

Until further notice:

Mr. SLEMP with Mr. GLASS.

Mr. DEEMER with Mr. KLINE.

For the balance of the day:

Mr. BEIDLER with Mr. BROUSSARD.

Mr. BOWERSOCK with Mr. PUJO.

Mr. ANDRUS with Mr. WATKINS.

Mr. BRADLEY with Mr. LEWIS.

Mr. LORIMER with Mr. ROBERTSON of Louisiana.

Mr. ALEXANDER with Mr. AIKEN.

Mr. WACHTER with Mr. UNDERWOOD.

Mr. NEVIN with Mr. SOUTHALL.

Mr. PALMER with Mr. MAYNARD.

Mr. MOON of Pennsylvania with Mr. MCLAIN.

Mr. FLETCHER with Mr. FLOOD.

Mr. DICKSON of Illinois with Mr. DAVIS of West Virginia.

Mr. COOPER of Pennsylvania with Mr. DAVEY of Louisiana.

Mr. BENNETT of Kentucky with Mr. BUTLER of Tennessee.

Mr. BEDE with Mr. RHINOCK.

Mr. BATES with Mr. BANKHEAD.

Mr. ADAMS with Mr. TRIMBLE.

Mr. DUNWELL with Mr. TOWNE.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

Mr. PAYNE. I move that the House do now adjourn.

The SPEAKER. One moment. Pending that, the Chair will lay before the House the following personal requests:

Mr. STEENERSON asks for a reprint of the bill H. R. 10502 and the report thereon.

Mr. FRENCH asks unanimous consent to file minority views on the bill (S. 3687) relating to use of reclamation funds for drainage of land in North Dakota.

Without objection, the requests will be granted.

There was no objection.

The motion to adjourn was then agreed to.

Accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the finding filed by the court in the case of Harriet L. Young, administrator of estate of Solomon Young against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2732) for the protection of wild animals in the Grand Canyon Forest Reserve, reported the same without amendment, accompanied by a report (No. 4973); which said bill and report were referred to the House Calendar.

Mr. HINSHAW, from the Committee on Patents, to which was referred the House joint resolution (H. J. Res. 174) limiting the gratuitous distribution of the "Rules and Specifications for Grading Lumber Adopted by the Various Lumber Manufacturing Associations of the United States" to the Senate, the House of Representatives, and the Department of Agriculture, reported the same with amendment, accompanied by a report (No. 4978); which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 19575) granting 10 per centum of the gross receipts from forest re- for Grading Lumber Adopted by the Various Lumber Manufac- the same without amendment, accompanied by a report (No. 4979), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5028) to remove the charge of desertion from the military record of Thomas F. Callan, alias Thomas Cowan, reported the same without amendment, accompanied by a report (No. 4972); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6268) granting a pension to Helen G. Hibbard, reported the same without amendment, accompanied by a report (No. 4975); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6301) granting an increase of pension to William C. Long, reported the same without amendment, accompanied by a report (No. 4976); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6365) granting a pension to Edward S. Bragg, reported the same without amendment, accompanied by a report (No. 4977); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CALDERHEAD: A joint resolution (H. J. Res. 177) authorizing the Secretary of War to furnish a bronze cannon, with its carriage, limber, and all accessories, to Junction City Post, No. 132, Grand Army of the Republic, Department of Kansas—to the Committee on Military Affairs.

By Mr. GARDNER of Michigan: A resolution (H. Res. 599) to pay Nellie M. Wakefield for services as assistant to the docket clerk—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENNETT of Kentucky: A bill (H. R. 20322) granting an increase of pension to Jackson Polly—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: A bill (H. R. 20323) granting an increase of pension to Michael Weber—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 20324) granting an increase of pension to Nehemiah Brooks—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 20325) granting an increase of pension to George Brown—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 20326) granting an increase of pension to Jacob Snyder—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 20327) granting a pension to Elizabeth A. Downie—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 20328) to correct the military record of Walter Perrine—to the Committee on Military Affairs.

By Mr. HERMANN: A bill (H. R. 20329) to reimburse S. R. Green, late postmaster at Oregon City, Oreg., for moneys lost by burglary—to the Committee on Claims.

Also, a bill (H. R. 20330) for the relief of S. R. Green—to the Committee on Claims.

By Mr. KINKAID: A bill (H. R. 20331) granting an increase of pension to Richard H. Shapland—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 20332) granting an increase of pension to Charles N. Phelps—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 20333) for the relief of William G. Blackwell—to the Committee on Military Affairs.

By Mr. OVERSTREET: A bill (H. R. 20334) for the relief of John R. Heaston—to the Committee on Claims.

By Mr. SMITH of Illinois: A bill (H. R. 20335) granting a pension to W. W. Hopper—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 20296) for the relief of A. L. Robb—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 20301) for the relief of Howard F. Esterline—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Petition of Mid-Continent Oil Producers' Association, against the pipe-line amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Jackson Polly—to the Committee on Invalid Pensions.

Also, petition of James E. Hurst et al., for law granting soldiers a service pension—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mary T. Scott—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: Petition of Dr. J. T. Little, for the original-package bill (H. R. 13655)—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. C. Miller, for bill H. R. 13655 (Littlefield original-package bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Louis Freedman, against the Dillingham-Gardner bill, relative to tax on immigrants—to the Committee on Immigration and Naturalization.

Also, petition of Mid-Continent Oil Producers' Association, against the pipe-line amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CROMER: Paper to accompany bill for relief of John R. Heaston—to the Committee on Claims.

By Mr. FULLER: Petition of Mid-Continent Oil Producers' Association, against the pipe-line clause in rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petition of J. D. Fraser, for bill H. R. 13655 (Littlefield original-package bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mid-Continent Oil Producers' Association, against pipe-line clause of the rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Petition, by letters, protesting against the passage of the eight-hour bill, from the following cities: Tacoma, Wash., and Lancaster, Ohio—to the Committee on Rules.

By Mr. HOPKINS: Paper to accompany bill for relief of Mary Shearer—to the Committee on Invalid Pensions.

By Mr. HUFF: Petition of Mr. Ritts, of Butler, Pa., against

the pipe-line amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of Mid-Continent Oil Producers' Association, against the pipe-line clause of the rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of American citizens of German birth in mass meeting at Cooper Union Hall, New York City, for furtherance of arbitration treaties—to the Committee on Foreign Affairs.

Also, petition of New York State commission to the Jamestown Ter-Centennial Exposition, for liberal appropriation for the Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. NORRIS: Petition of citizens of Nebraska, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. REYNOLDS: Paper to accompany bill for relief of Adam Leonard—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Joseph Snowden—to the Committee on Invalid Pensions.

By Mr. RUPPERT: Petition of National German-American Alliance and representatives from many German organizations, held at Cooper Union, New York City, for arbitration treaties, etc.—to the Committee on Foreign Affairs.

Also, petition of New York State commission, for national aid to the Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of Central Federated Union, of New York, against the Littlefield pilotage bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of 3,000 citizens assembled at Cooper Union Hall, New York City, for appointment of an immigration commission—to the Committee on Immigration and Naturalization.

By Mr. STERLING: Paper to accompany bill for relief of J. W. Mareau—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: Petition of German societies of New York City, for furtherance of arbitration treaties—to the Committee on Foreign Affairs.

By Mr. VAN WINKLE: Petition of Union 8 of Cigar Makers' International Union, Hoboken, N. J., for bill H. R. 18752—to the Committee on the Judiciary.

SENATE.

THURSDAY, *June 21, 1906.*

Prayer by Rev. JOHN VAN SCHAICK, Jr., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HOPKINS, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PANAMA CANAL.

Mr. HOPKINS. I submit an amendment intended to be proposed to the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction. I ask that the amendment be printed, so that it will be back by 3 o'clock.

The VICE-PRESIDENT. The amendment will be printed.

APPROPRIATION FOR POSTAL SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, recommending that the balance of the appropriation made under the act of May 3, 1906, to meet emergencies in the postal service in the State of California occasioned by earthquake and fire, available until June 30, 1906, be made available for the next fiscal year, as it is not believed that this special service can be discontinued at the close of the present fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

INTRODUCTION OF REINDEER IN ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 14th instant, the report of Dr. Sheldon Jackson upon "The Introduction of Domestic Reindeer into the District of Alaska" for 1905; which, on motion of Mr. NELSON, was, with the accompanying maps and illustrations, referred to the Committee on Territories, and ordered to be printed.

NEW GOVERNMENT PRINTING OFFICE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Public Printer submitting an estimate of appropriation for erecting iron shutters on the Jackson alley side of the new Government Printing Office, $12,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 6146) to authorize the Black River Bridge Company to construct a bridge across the west or smaller division of the Ohio River from Wheeling Island, West Virginia, to the Ohio shore.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 118. An act to amend sections 713 and 714 of "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and for other purposes;

H. R. 13543. An act for the protection and regulation of the fisheries of Alaska;

H. R. 15513. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;" and

H. R. 16290. An act to postpone until 1937 the maturity of $250,000 of 4 per cent United States bonds held in trust for the benefit of the American Printing House for the Blind.

The message further announced that the House insists upon its amendments to the bill (S. 5769) defining the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903; disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JENKINS, Mr. LITTLEFIELD, and Mr. DE ARMOND managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

H. R. 5998. An act creating the Mesa Verde National Park;

H. R. 7083. An act to repeal section 5, chapter 1482, act of March 3, 1905;

H. R. 11030. An act to authorize the counties of Yazoo and Holmes to construct a bridge across Yazoo River, Mississippi.

H. R. 11044. An act authorizing and directing the Secretary of the Treasury, in certain contingencies, to refund to receivers of public moneys acting as special disbursing agents amounts paid by them out of their private funds;

H. R. 12080. An act granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon;

H. R. 18529. An act to authorize the sale of certain lands to the city of Mena, in the county of Polk, in the State of Arkansas;

H. R. 19431. An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota;

H. R. 19607. An act for the acknowledgment of deeds and other instruments in Guam, Samoa, and the Canal Zone to affect lands in the District of Columbia and other Territories;

H. R. 19680. An act directing the Secretary of War to cause an examination and survey to be made of Coney Island channel;

H. R. 20017. An act to regulate the checking of baggage by common carriers;

H. R. 20321. An act to provide for the traveling expenses of the President of the United States; and

H. J. Res. 43. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the National German-American Alliance of Philadelphia, Pa., remonstrating against the adoption of a certain amendment to the sundry civil appropriation bill excluding alcoholic beverages from Soldiers' Homes; which was ordered to lie on the table.

He also presented a resolution adopted by Hartranft Post, No. 3, Department of Oklahoma, Grand Army of the Republic, of Guthrie, Okla., expressing to the Senate of the United States their deep sense of gratitude for the privilege of statehood

conferred upon that Territory; which was referred to the Committee on Territories.

Mr. DICK presented petitions of sundry citizens of Tiffin and Burton, in the State of Ohio, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Northfield, Wooster, New London, Delaware, Norwood, Alliance, Washington, and Bellefontaine, all in the State of Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Massillon, West Alexandria, Cleveland, and Cincinnati, all in the State of Ohio, remonstrating against the passage of the so-called "parcels-post bill;" which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Safety Lodge, Brotherhood of Locomotive Firemen, of Toledo, Ohio, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which was referred to the conference committee on the railroad rate bill.

He also presented memorials of sundry citizens of Wapakeneta, Marietta, Lima, and St. Marys, all in the State of Ohio, and of Gulfport, Miss., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" relative to pipe lines; which were referred to the conference committee on the railroad rate bill.

He also presented petitions of the Woman's Christian Temperance Unions of Cleveland, Marietta, Lowellville, and Mount Vernon, all in the State of Ohio, praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Westerville, Harrisville, Washington, Alliance, Orrville, Cincinnati, New Washington, Chardon, Warren, Norwalk, Caldwell, Ada, Zanesville, Uhrichsville, Cleveland, Warsaw, Wellington, Cambridge, Shelby, Columbus, Sherwood, Amanda, Milford Center, Centerburg, Ohio City, Toronto, Chillicothe, Gallipolis, Crooksville, West Liberty, Dayton, Huntsville, New Carlisle, all in the State of Ohio, praying for the enactment of legislation to amend the postal laws relative to newspaper subscriptions; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Springfield, Fruitdale, Cleveland, Strasburg, Cincinnati, Good Hope, New Straitville, Palestine, Bushs Mill, Miamisburg, and Canton; of State Council, of Canton; Magnetic Council, No. 231, of Bellbrook; Coshocton Council, No. 65, of Coshoction; St. Paris Council, No. 224, of St. Paris; Price Hill Council, No. 210, of Cincinnati; Continental Council, No. 253, of Port William; O. W. Holmes Council, No. 41, of Canton; Washington Council, No. 12, of Canton; Butler Council, No. 93, of Hamilton; Flag of Our Union Council, No. 160, of Ravenna, and New Moorefield Council, No. 107, of New Moorefield, all of the Junior Order United American Mechanics, and of the State Council of Ohio, Daughters of America, of Cincinnati, all in the State of Ohio, and of Robert P. McRae, of St. Albans, W. Va., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. BURNHAM presented the memorial of J. H. Robbins, of Dover, N. H., and the memorial of Edwin G. Eastman, of Concord, N. H., remonstrating against the repeal of the present anti-canteen law; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BLACKBURN. By direction of the Committee on the District of Columbia, I report back the bill (S. 3602) to prohibit the killing of wild birds and wild animals in the District of Columbia. I report it back adversely, with a written report, and ask its indefinite postponement, an identical bill, or substantially the same bill, having been reported favorably and sent to the Calendar.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

Mr. FOSTER, from the Committee on Commerce, to whom was referred the bill (H. R. 17600) to grant authority to change the names of certain sailing vessels, reported it without amendment.

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 13106) granting to the Batesville Power Company right to erect and construct canal and power stations at lock and dam No. 1, upper White River, Arkansas;

A bill (H. R. 18596) to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River, Arkansas, and for other purposes;

A bill (H. R. 19566) to authorize the Coraopolis and Osborne Bridge Company to construct a bridge over the Ohio River;

A bill (H. R. 19850) to authorize the Monongahela Connecting Railroad Company to construct a bridge across the Monongahela River in the State of Pennsylvania; and

A bill (H. R. 20097) to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Coldwater River.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 6492) to correct the military record of James Devlin, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1217) granting an increase of pension to Spillard F. Horrall;

A bill (H. R. 7254) granting an increase of pension to Isum Gwin;

A bill (H. R. 19033) granting an increase of pension to Moses S. Rockwood;

A bill (H. R. 13318) granting an increase of pension to Odom Butler; and

A bill (H. R. 17015) granting an increase of pension to Osbert D. Dickey.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 6082) for the relief of Stephen A. West, reported it with an amendment.

Mr. MILLARD, from the Committee on Interoceanic Canals, to whom was referred the amendment submitted by himself on the 15th instant, proposing to pay George R. Butlin, J. B. Haynes, and Ernst H. Djureen $500 each for services in the preparation of an analytical index to testimony taken before the Senate Committee on Interoceanic Canals, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. BULKELEY, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 2295) to grant an honorable discharge to Nathan P. Randall; and

A bill (S. 1204) to award a medal of honor to Maj. John O. Skinner, surgeon, United States Army, retired.

Mr. HOPKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 19519) to extend the privileges of the seventh section of the act approved June 10, 1880, to the subport of Superior, Wis., reported it without amendment.

Mr. HEMENWAY, from the Committee on Military Affairs, to whom was referred the bill (S. 265) to correct the record of discharge of Amos Dahuff, reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 544) to provide for the erection of a public building in the city of Great Falls, Mont., reported it with amendments.

MISSISSIPPI RIVER BRIDGE AT ST. LOUIS.

Mr. STONE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 20210) to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River, to report it with an amendment, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Commerce was to insert a new section, as follows:

SEC. 2. That for the purpose of carrying into effect the objects of this act the city of St. Louis may receive, purchase, and also acquire by lawful appropriation and condemnation in the States of Illinois and Missouri, upon making proper compensation, to be ascertained according to the laws of the State within which the same is located, real and personal property and rights of property, and may make any and every use of the same necessary and proper for the construction, maintenance, and operation of said bridge and approaches consistent with the laws of the United States and of said States, respectively.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RED RIVER BRIDGE AT OSLO, MINN.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 20119) to authorize the village of Oslo, Marshall County, Minn., to construct a bridge across the Red River of the North, to report it favorably without amendment.

Mr. NELSON. I ask for the present consideration of the bill just reported by the Senator from Arkansas.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHESAPEAKE AND DELAWARE BAYS.

Mr. GALLINGER. I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. J. Res. 21) authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of the Chesapeake and Delaware bays, to report it favorably without amendment, and I ask for its present consideration.

The Secretary proceeded to read the joint resolution.

Mr. HALE. Was the joint resolution just reported?

The VICE-PRESIDENT. It has just been reported by the Senator from New Hampshire [Mr. GALLINGER], who requested unanimous consent for its present consideration. It is being read for the information of the Senate.

Mr. HALE. It is a very grave question whether the Government ought to commit itself to any more of these schemes. I shall ask that it go over until I can examine it.

The VICE-PRESIDENT. The joint resolution will go to the Calendar.

Mr. GALLINGER. It has been partly read. I suggest that it be read through.

The VICE-PRESIDENT. Without objection, the Secretary will complete the reading.

The Secretary resumed and concluded the reading of the joint resolution.

Mr. HALE. Let it go over.

The VICE-PRESIDENT. It will go to the Calendar.

PARK AT CRAWFORD, NEBR.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 19181) to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes, to report it favorably without amendment. The bill is a very short one, is of an important local nature, and I ask that it may have immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WORKS OF RIVER AND HARBOR IMPROVEMENT.

Mr. MALLORY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 20266) to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906, to report it favorably with an amendment. I call the attention of the Senator from Iowa [Mr. DOLLIVER] to the bill.

Mr. DOLLIVER. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Florida.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Commerce was, on page 2, line 2, after the word "operating," the first word in the line, to insert "locks, dry docks, or other works, to be conveyed to the United States free of cost, and of constructing, maintaining, and operating;" so as to make the bill read:

Be it enacted, etc., That an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906, be amended so as to read as follows:

"That whenever any person, company, or corporation, municipal or private, shall undertake to secure any land or easement therein, needed in connection with a work of river and harbor improvement duly authorized by Congress, for the purpose of conveying the same to the United States free of cost, or for the purpose of constructing, maintaining, and operating locks, dry docks, or other works to be conveyed to the United States free of cost, and of constructing, maintaining, and operating dams for use in connection therewith, and shall be unable for any reason to obtain the same by purchase and acquire a valid title thereto, the Secretary of War may, in his discretion, cause proceedings to be instituted in the name of the United States for the acquirement by condemnation of said land or easement, and it shall be the duty of the Attorney-General of the United States to institute and conduct such proceedings upon the request of the Secretary of War: *Provided*, That all expenses of said proceedings and any award that may be made thereunder shall be paid by the said person, company, or corporation, to secure which payment the Secretary of War may require the said person, company, or corporation to execute a proper bond in such amount as he may deem necessary before said proceedings are commenced."

SEC. 2. That the said act of May 16, 1906, be, and the same is hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LAKE ERIE AND NIAGARA RIVER TUNNEL.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6493) to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River, to erect and maintain an inlet pier therefrom, and to construct and maintain filter beds for the purpose of supplying the city of Buffalo with pure water, to report it favorably with an amendment, and I submit a report thereon. I call the attention of the Senator from New York [Mr. PLATT] to the bill.

Mr. PLATT. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Minnesota.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Commerce was, on page 1, line 12, after the word "light," to strike out the period and insert a colon, and then strike out "also to construct and maintain filter beds between the new channel in Black Rock Harbor and Bird Island pier, and extending from the northerly line of Hudson street produced, along the line of the new channel not more than 3,300 feet;" so as to make the bill read:

Be it enacted, etc., That it shall be lawful for the city of Buffalo, in the State of New York, to construct and maintain a tunnel under Lake Erie, Niagara River, Black Rock Harbor, and the United States lands known as Fort Porter, extending from a point 1,000 feet, more or less, southeasterly of the Horseshoe Reef light 11,000 feet to the present pumping station of the city of Buffalo, and to erect and maintain an inlet pier therefrom, said inlet pier to be located not more than 1,100 feet southeasterly of the present Horseshoe Reef light: *Provided*, That the top of the said tunnel shall be located at least 40 feet below mean lake level, and that the city of Buffalo shall maintain a light from sunset to sunrise on the inlet pier at its own expense.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD SIDINGS IN THE DISTRICT OF COLUMBIA.

Mr. ALLEE. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 19682) authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes, to report it favorably with amendments, and I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill.

Mr. HALE rose.

Mr. HEMENWAY. I hope the Senator from Maine will not object.

Mr. HALE. After this I shall feel constrained to call for the regular order. To-day has been devoted by the order of the Senate to the consideration of the canal bill, which is to come up as soon as the routine morning business is concluded, and a vote is to be taken at 3 o'clock. There are half a dozen Senators who want to speak, and their time is now being taken up by these bills.

After this, Mr. President, I shall object to the consideration of anything, and call for the regular order.

The VICE-PRESIDENT. Is there objection to the consideration of the bill just read?

There being no objection, the bill was considered as in Committee of the Whole.

The first amendment of the Committee on the District of Columbia was, on page 1, line 7, after the word "property," to insert "owners on the west side of Sixth street;" so as to read:

That from and after the passage of this act so much of Sixth street in Center Eckington, excepting that part lying between the north and south building lines of V street, shall be completely vacated and abandoned for public use and shall revert to the abutting property owners on the west side of Sixth street, and the Commissioners of the District

of Columbia are hereby authorized to permit the extension and construction of two railroad sidings across V street, between Fifth street and the Baltimore and Ohio Railroad right of way.

The amendment was agreed to.

The next amendment was to add a new section at the end of the bill, as follows:

SEC. 4. This act may at any time be amended or repealed, and no party shall be entitled to damages or to compensation of any kind in case the sidings or structures authorized by this act are required to be discontinued or removed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ALLEE, from the Committee on the District of Columbia, to whom was referred the bill (S. 6391) authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

LANDS IN CHOUTEAU COUNTY, MONT.

Mr. CARTER. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 19916) withdrawing from entry certain public lands in Chouteau County, Mont., and leasing the same to the board of trustees of the Montana College of Agriculture and Mechanic Arts, and I ask unanimous consent for the present consideration of the bill.

Mr. HALE. I have just announced that, in the interest of the Senators who desire to speak on the canal bill, I shall object to the consideration of any further bills. I had already made that announcement.

Mr. CARTER. Very well.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. BULKELEY introduced a bill (S. 6505) granting an increase of pension to Theodore Morgan Benton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BENSON introduced a bill (S. 6506) granting an increase of pension to Henry Z. Bowman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 6507) to provide for the disposal of certain lands within the abandoned military reservation of St. Michael to persons claiming the same and having improvements thereon for the purposes of trade; which was read twice by its title and referred to the Committee on Public Lands.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6508) granting an increase of pension to John M. Johnson; and

A bill (S. 6509) granting a pension to Sarah Virginia Richardson.

Mr. BURROWS (for Mr. ALGER) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6510) granting an increase of pension to Sarah R. Williams; and

A bill (S. 6511) granting an increase of pension to Rudolph Papst.

WITHDRAWAL OF PAPERS—APPALACHIAN FOREST RESERVE.

On motion of Mr. SIMMONS, it was

Ordered, That the originals of the illustrations accompanying Senate Document No. 84, Fifty-seventh Congress, first session, relating to the proposed Appalachian Forest Reserve, be taken from the files of the Senate and delivered to the Department of Agriculture.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14171) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum named in the last line of said amendment insert "one hundred and sixty-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred thousand dollars;" and the Senate agree to the same.

GEO. C. PERKINS,
F. E. WARREN,
JNO. W. DANIEL,
Managers on the part of the Senate.

WALTER I. SMITH,
J. WARREN KEIFER,
JOHN J. FITZGERALD,
Managers on the part of the House.

The report was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 7083. An act to repeal section 5, chapter 1482, act of March 3, 1905;

H. R. 11030. An act to authorize the counties of Yazoo and Holmes to construct a bridge across Yazoo River, Mississippi;

H. R. 12080. An act granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon;

H. R. 19431. An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota; and

H. R. 19680. An act directing the Secretary of War to cause an examination and survey to be made of Coney Island channel.

H. R. 11044. An act authorizing and directing the Secretary of the Treasury, in certain contingencies, to refund to receivers of public moneys acting as special disbursing agents amounts paid by them out of their private funds; was read twice by its title, and referred to the Committee on Public Lands.

H. R. 19607. An act for the acknowledgment of deeds and other instruments in Guam, Samoa, and the Canal Zone to affect lands in the District of Columbia and other Territories; was read twice by its title, and referred to the Committee on the Judiciary.

H. R. 20017. An act to regulate the checking of baggage by common carriers; was read twice by its title, and referred to the Committee on Interstate Commerce.

H. J. Res. 43. Joint resolution authorizing the Secretary of war to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans.; was read twice by its title, and referred to the Committee on Military Affairs.

BYRON K. MAY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

In compliance with the resolution of the Senate (the House of Representatives concurring) of June 14, I return herewith Senate bill No. 1510, entitled "An act granting an increase of pension to Byron K. May."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *June 18, 1906.*

Mr. McCUMBER. The President having returned, pursuant to the concurrent resolution of the Senate, the bill (S. 1510) granting an increase of pension to Byron K. May, I move that the bill be laid upon the table. The claimant under the bill died after it reached the hands of the President.

The VICE-PRESIDENT. Without objection, it is so ordered.

If there be no further concurrent or other resolutions, the morning business is closed.

PANAMA CANAL.

Mr. HALE. I call for the regular order.

The VICE-PRESIDENT. The morning business is closed, and the Chair lays before the Senate the unfinished business under the unanimous-consent agreement.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE. If it is agreeable to the Senate, I wish to submit some remarks at a quarter past 2, closing the debate.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. CULLOM. Mr. President, I desire to address the Senate very briefly on the pending bill to determine the type of the Panama Canal.

The country is to be congratulated on the fact that, after a century of waiting, Congress has determined that a canal shall be constructed under American control across the Isthmus, and we are now considering the last general legislation that will be necessary to insure the completion of the canal.

The people of the country are not so much concerned over the type of the canal as they are over the fact that they want an American canal constructed across the Isthmus in the shortest possible time.

EFFORTS TO SECURE A CANAL.

There has never been, Mr. President, within my knowledge, a question which was discussed so long in Congress without definite result as the question of an isthmian canal.

It was a live question when I entered the House in 1865, and all during my term of service there has scarcely been a session when there has not been more or less discussion over an isthmian canal.

We have spent millions in investigating routes and years of time in the removal of treaty obligations which stood for half a century as an effectual barrier against the construction of any canal across the Isthmus. It has only been within the past five years that any real progress toward securing a canal has been made.

Senators remember very well the long discussion which we had over the abrogation of the Clayton-Bulwer treaty, and the ratification of the first and second Hay-Pauncefote treaties, providing for a neutral canal, to be constructed at the expense of the United States and to be under our sole management and control. We were all in favor of the Nicaraguan route at one time, but, fortunately or unfortunately, as the future will determine, we secured an option on the Panama route, and then the discussion was reopened and long continued as to which route should be selected.

I desire to say that I had the honor of making a brief speech in favor of the Nicaragua route before it was known that we could possibly secure the other, and since that time I have been in favor of the Panama route.

THE SPOONER ACT.

The Spooner Act was passed, the route was determined, we determined that we would have a canal, work was actually commenced on the Isthmus, and I assumed, of course, that the Spooner Act settled it that we were to have a lock canal. But that question was agitated; it was submitted to a board of consulting engineers, who, unfortunately, could not agree; there was criticism, and the President preferred that Congress should have an opportunity to express itself on the question whether the canal should be a lock or a sea-level canal, and if Congress prefers to remain silent he has determined to construct a lock canal, as he has a right to do under the Spooner Act.

THE SPOONER ACT CONTEMPLATED A LOCK CANAL.

When the Spooner Act was passed I think it was almost the unanimous opinion in Congress that a lock canal was to be constructed. It is true that there was some talk of building first a lock canal and gradually converting it into one at sea level, but, so far as I now remember, it was not suggested that we build a sea-level canal in the first instance. From the report of the Board of Engineers we know now that it would cost more than $200,000,000 to convert a lock canal into one at sea level, and if we are to construct a sea-level canal at all, we should do it now. But it is also plain to me, from the reports of the Board of Consulting Engineers, that a lock canal is practicable; that it will meet every requirement of commerce; that it is equal in every respect, and in many respects superior, to the so-called "sea-level canal," and there seems to me no reason why we should go to the enormous expense of constructing the sea-level canal recommended.

THE LOCK CANAL.

I am in favor of the so-called "lock canal." I have studied carefully the majority and minority reports of the Board of Consulting Engineers, and also the report of the Commission, and I do not think there is any question but that the lock canal, with a summit level at elevation of 85 feet, is preferable to the sea-level canal recommended by the majority of the Board. The truth is, both canals are lock canals, and it is impossible to have a canal at sea level across the Isthmus without one or more locks. This is true, as is well known, on account of the 20-foot tide.

THE IDEAL SEA-LEVEL CANAL.

At first I was much impressed, as I suppose other Senators have been, with the idea of a sea-level canal. My idea of a sea-level canal was a broad, straight waterway connecting the Atlantic and the Pacific at sea level throughout, through which the commerce of the world could pass without interruption, costing practically nothing for mere operation. If such a canal could be constructed, it would be, as has been stated, the ideal canal; but such a canal is impossible, not only on account of the tide, but on account of the enormous cost, too great for even this Government, with its unlimited resources, to undertake. The sea-level canal recommended is far different, having one great lock a thousand feet long, narrow, curved, costing more to maintain, when interest charges are taken into consideration, than the lock canal.

BOTH CANALS ARE PRACTICABLE.

I was much pleased in reading the reports of the Board of Consulting Engineers and of the Commission to find that they all substantially conceded that either type of a canal can be constructed, so whichever type Congress may select, we are sure to have a canal, and money spent on either type will not be wasted.

REASONS FOR PREFERRING THE LOCK CANAL.

Mr. President, I base my preference for the lock canal, with an 85-foot summit level, on the reasons set forth in the minority report of the Board of Consulting Engineers, on the report and recommendation of the Commission, on the recommendation of the chief engineer, Mr. Stevens, on the recommendation of the Secretary of War, and finally on the recommendation of the President, under whose Administration this great work has been commenced, and who has done more than any of his predecessors to bring about the construction of an isthmian canal.

WEIGHT OF EVIDENCE IN FAVOR OF LOCK CANAL.

I think the weight of evidence before the Senate is in favor of the lock canal.

Mr. Noble, Mr. Abbott, Mr. Stearns, Mr. Ripley, Mr. Randolph, of the Board of Consulting Engineers, than whom there are no abler engineers in this or any other country, join in an admirable report recommending the lock canal. The Isthmian Canal Commission, consisting of Messrs. Shonts, Magoon, Hains, Ernst, and Harrodd, recommend the lock canal. Mr. Stevens, who has proved himself to be entitled to the first rank among practical engineers, and who is more familiar with the work and with conditions on the Isthmus connected with the work than any other engineer, approved the adoption of the lock canal and strongly recommended to the Commission that it give its official voice in favor of such a type.

On the other hand, we have the recommendation of the majority of the Board of Consulting Engineers, consisting of Messrs. Davis, Parsons, Burr, Hunter, Guerard, Tinchuzer, Welcker, and Quellennec, and Mr. Endicott, of the Commission, recommending the sea-level type.

The engineers of this country who are familiar with the practical working of lock canals are in favor of the lock canal; the foreign engineers are in favor of the sea-level type. The President says that the foreign engineers are more familiar with the Suez Canal, a sea-level canal, which explains this preference.

I would place great faith in the mere recommendation of our own great engineers, and when their recommendation is supported by the able minority report before the Senate, it is sufficient to convince me that we should adopt the lock canal.

TIME AND COST.

It being admitted that both canals can be constructed and that both are practicable, I attach more importance to the question of time and expense than to any other consideration.

TIME.

First, as to the question of time. It is admitted, I believe, that the lock canal can be constructed in eight and one half or nine years. The majority of the Board claim that the sea-level canal can be constructed in from twelve to thirteen years. Mr. Stevens thinks it will take eighteen or twenty years, and the President says that it will take twice as long to construct a sea-level as a lock canal. Others claim it will take twenty-five years or more. There is much difference of opinion as to the time, but certain it is that it will take years longer—an indefinite length of time longer—to make the enormous excavation at the Culebra cut, where at one point an excavation must be made so that the sea-level canal when constructed would have an embankment on each side of nearly 600 feet, to construct the sea-level canal.

We have waited for a canal for more than fifty years—at least since we entered into the Clayton-Bulwer treaty in 1850—and I want a canal constructed, so that the present generation,

who will bear the cost of it, will enjoy some of its benefits. The question of time to me is a very serious consideration.

We know how long it will take to construct a lock canal. We do not know with any degree of definiteness how long it will take to construct a sea-level canal, except that it will take years longer. That element alone is of sufficient importance to induce us to favor the lock type.

COST.

Then there is the question of cost. The lock canal will cost less than $140,000,000. It is admitted by all that the sea-level canal will cost to exceed a hundred million dollars more, and the Isthmian Canal Commission and Mr. Stevens claim that it will cost $132,000,000 more to construct the sea-level than the lock canal. It is admitted by everyone that it will cost vastly more to build a sea-level canal of sufficient width in order that vessels of the largest size may pass each other at all points with safety.

A hundred and thirty-two million dollars is an enormous difference. It is an enormous amount of money; and I do not think there is a country or government in the world excepting our own that would hesitate one minute in selecting the type of a canal, it being admitted that both types are practicable, by which this enormous amount of money can be saved.

THE CANAL WILL BE A PAYING ENTERPRISE.

No one can tell now whether the canal when constructed will become a paying enterprise from a commercial standpoint. It is to our credit that the question of profit has not entered into the construction of this great waterway. We want the canal, and the people want it, even if it will not pay annually for its own maintenance. But, in my judgment, the canal will pay. We can not probably expect, at least for years to come, that it will be patronized by the world to the extent that the Suez Canal has been patronized. De Lesseps, than whom there was no better judge, was willing to spend millions for the construction of the Panama Canal, feeling sure that it would be a great paying investment. The Suez Canal, I am informed, has paid to its stockholders in one year, over and above all the expenses of operation, many millions of dollars. The lock canal can accommodate about as much commerce as can the sea-level canal, and whichever type is selected, I am sure, will not prove a failure from a financial standpoint.

At the same time, if we can save over a hundred million dollars on the initial cost, we should do so.

COST OF MAINTENANCE.

The cost of maintaining the sea-level canal will be less than the cost of maintaining the lock canal, owing, of course, to the increased number of locks; but when we take into consideration the interest charge on the increased cost of the sea-level canal, we are informed by the Commission that the cost of operation and maintenance, including fixed charges, will be less by some $2,000,000 per annum for the lock than for the sea-level canal.

COMPARISON OF TWO TYPES.

Now, as to the description of the two types of canal, in my judgment, there is no question but that the lock canal recommended by the minority of the Board is superior to that type of sea-level canal recommended by the majority. It is not the ideal sea-level canal. Such a canal, of course, would be superior to any canal that could be devised.

As to width and depth, the lock canal proposed is much superior to the sea-level canal.

WIDTH AND DEPTH.

In my judgment, the width proposed in the sea-level canal is inadequate.

The lock canal will be 1,000 feet wide for 19 miles of its length, or over 38 per cent. It will be over 500 feet wide for over 10 miles of its length. It will be less than 300 feet wide for only one-eighth of its length, and for more than two-thirds of its length it will be 500 feet wide or more, and it will be nowhere less than 200 feet wide. There will be one or two lakes provided where vessels can turn and retrace their course, if desirable.

Now, compare this with the sea-level canal. The sea-level canal for nearly one-half its length will be only 150 feet wide and for nearly five-sixths of its length it will not exceed 200 feet. It will be necessary to have regular stopping places where vessels of large dimensions can pass each other, as for a majority of the distance the canal will not be of sufficient width for large vessels to pass even at reduced rates of speed.

This is a most important feature. The tendency is toward larger and speedier vessels, and the comparatively great width of the lock canal will prove of the greatest advantage.

The report of the Commission sets forth very clearly the advantage of this increased width in the lock canal.

The following appears, in substance, from the report (p. 83):

PASSING OF VESSELS.

In the sea-level canal it will be necessary for one of two ships of medium or large size about to meet to make fast to mooring piles while the other passes at reduced speed. The broad channels afforded by the lock canal with summit level at elevation of 85 feet will enable ships to pass through them at much greater speed and with much greater safety than in the narrow channels of the sea-level canal, and as there will be only a small proportion of channel less than 300 feet wide in the lock canal very little loss of time will occur at meeting points; but in the sea-level canal, with its narrow channel all the way across the Isthmus, the time lost at meeting points will be considerable, even with moderate traffic, and will increase with great rapidity as traffic increases. With ships approaching in dimensions those contemplated by the act of Congress—the Spooner Act—the transit across the Isthmus even with a small traffic would require more time in the proposed sea-level canal than in the lock canal.

There is another great objection to the sea-level canal, as recommended by the Board. Their plan contemplates a canal with numerous curves.

The Commission has stated that in the narrow channels of the sea-level canal night navigation will be more hazardous than day, and ships will probably move at lower speed than assumed for the calculation of time of transit. Unless ships arrive very early in the day they will not be able to pass through the canal by daylight on the day of arrival, but will have to submit to the delays of night navigation or tie up until next day. Taking, for example, a tonnage of 20,000,000, the annual loss on the basis of earnings of one-half mill per ton mile would not be less than $1,500,000, which, capitalized at 3 per cent, shows that an expenditure of $50,000,000 would be justified to avoid such a delay. The Commission concludes by stating (p. 84):

> By the adoption of the summit-level canal instead of a sea-level canal, the time of transit is shortened, not only without additional cost, but with a large saving.

The lock canal is also superior in the matter of depth, an important feature for larger vessels.

So in the general description of the canal—in curvature, in width, and in depth—the lock canal has very much the advantage of the sea-level type.

SAFETY.

There has been considerable discussion of the relative safety of the two types of canal. It is self-evident that the more gates and locks there are the more danger there is for accidents. The sea-level canal has one lock, the lock canal has several, and of course there is a possibility of accident every time the vessel enters the lock, but the possibility is a very small one. We have had more experience with locks than any other country. Our canal at Sault Ste. Marie has three times the traffic of the great Suez Canal. The latter is a sea-level canal and the former a lock canal. The lock canal at the Soo has given the utmost satisfaction, and few, if any, accidents have occurred.

Then, again, the plans proposed for the lock canal provides for duplicate locks, reducing the probability of delay of traffic, by reason of accident to the lock, to the very minimum.

The result of an accident by which a vessel should be sunk in the sea-level canal is much greater than in the lock canal here proposed. Owing to the narrow channel of the sea-level canal, if a great vessel should sink, it would entirely obstruct the passage. At but a very few points on the lock canal would this result occur. Such an accident is not improbable. At one time a vessel sunk in the Suez Canal, which delayed traffic for nine days, causing a loss of hundreds of thousands of dollars not only to the canal itself, but to the commerce passing through it.

In either type of the canal a vessel might be sunk, but there is much less probability of its delaying traffic in the lock canal than there is in the sea-level canal.

DESTRUCTION DURING WAR.

I think it is probably conceded that during war the lock canal could be more easily destroyed by an enemy. I do not place much stress on this objection. Either type of canal is susceptible of destruction by a hostile fleet, but, in my judgment, neither would ever be destroyed in time of war. The Hay-Pauncefote treaty contemplated that this shall be a neutral canal, open alike in time of peace as in time of war to the commerce of the world. Elaborate rules of neutrality are laid down; and I do not think there is any nation that would destroy the canal dedicated by us, as it has been, to the free commerce of the world. But if the United States should be at war, we would take as much care to protect the canal as we would our own coast. If thought to be in danger, we would protect its approaches as well as throughout its entire

length. If an enemy should overcome us, and desired to do so, they could as easily destroy the sea-level as the lock canal.

RÉSUMÉ OF REASON IN FAVOR OF LOCK CANAL.

For the reasons I have given, Mr. President, I am strongly of the opinion that Congress should either pass a law selecting the lock canal, or should leave it in the hands of the President, who has advised us that if we do not express to the contrary he will proceed, under the Spooner Act, to construct a lock canal. To sum up the reasons in favor of the lock canal: We know how long it will take to construct it. We know it will not exceed nine years. With the sea-level canal, it is indefinite. It may take eighteen, it may take twenty-five years. If we select the lock canal, the present generation will enjoy its benefits. The canal is to be for all time, but if we select the sea-level type, only future generations will enjoy its benefits. The lock canal will cost from one hundred to one hundred and thirty-two million dollars less than the sea-level canal, an enormous amount for even this nation. Both canals are thoroughly practicable, and one will accommodate as much of the commerce of the world as the other. The lock canal is wider and deeper and has less curvature than the sea-level canal—important considerations, as I have attempted to show. It will provide a quicker passage for large vessels; and taking into consideration its cost, it will cost far less to operate and maintain it; and in time of war it can be as easily defended as can the sea-level canal.

maintain it; and in time of war it can be as easily defended as can the sea-level canal.

Mr. KITTREDGE. Mr. President, I understand that the Senator from Wisconsin [Mr. SPOONER] desires to address the Senate on the unfinished business.

Mr. HALE. Mr. President, if no Senator is ready to go on with the debate on the canal bill, I should like, by unanimous consent, to run the sundry civil appropriation bill until the debate is resumed on the canal bill. Of course I do not want to interfere, but I can use up the time very profitaby to the Senate if no Senator is ready to speak on the canal bill.

Mr. HOPKINS. I will say to the Senator from Maine that an arrangement was made that the Senator from Wisconsin [Mr. SPOONER] should address the Senate on the canal bill this morning. I do not see him in the Senate at the present time, and, of course, I do not want any arrangement made that will prevent his having an opportunity to speak.

Mr. HALE. If I get the appropriation bill up by unanimous consent, I shall withdraw it, of course, if any Senator is ready to speak on the canal bill.

Mr. MILLARD. Mr. President, will the Senator from Maine allow me a moment?

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Nebraska?

Mr. HALE. Certainly.

Mr. MILLARD. I merely want, Mr. President, to make a correction, which I think should be made, of a statement appearing in the RECORD of yesterday, on page 9106, in the portion of the letter of Mr. Hunter which was read by the Senator from South Dakota [Mr. KITTREDGE]. I should like to have the Secretary read the paper which I send to the desk.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

In the item of $5,005,000 of cost of the lock canal, found upon page 95 of the report of the Board of Consulting Engineers, is included an amount for clearing the wide channel of trees, brush, etc.

At the head of that statement is found a reference to a detailed statement of the estimated cost of building a lock canal at 85 feet level, cited as Appendix T, which is to be found upon page 425 of the aforementioned report, and from which the following extract is made:

Excavation from Gatun locks (mile 7.74) to Obispo (mile 31.25), making channel 45 feet deep and not less than 500 feet wide for 23.51 miles, of which 15.92 miles is not less than 1,000 feet wide.

Earth excavation in the dry, 600,000 cubic yards, at 40 cents	$240,000
Indurated clay excavation at Gatun, 130,000 cubic yards, at 70 cents	91,000
Earth excavation (dredging), 12,960,000 cubic yards, at 25 cents	3,240,000
Rock excavation in the dry, 1,160,000 cubic yards, at $1.15	1,334,000
	4,905,000
Cutting trees in Gatun Lake	100,000
Total	5,005,000

Mr. MILLARD. That statement is verified by the testimony of the chief engineer on page 255, volume 1, of the printed testimony. I simply call the attention of Senators to the fact that Mr. Hunter is mistaken in the statement that there is no provision made for clearing out the trees, the brush, and the jungle there is in the Gatun Lake. I also wish to say that this morning I had an interview with the chief engineer, who tells me that ample provision is made for such work and that the channel at Gatun will be a thousand feet wide.

Mr. FORAKER. Will the Senator state again from whom he got the information he just gave?

Mr. MILLARD. A portion of it I took from the report of the Board of Consulting Engineers. What I stated last was from the chief engineer, who stated it to me this morning.

Mr. FORAKER. And his statement is that there is a proper provision made in the estimates for clearing off of a channel a thousand feet wide for a certain distance and of a different width for another distance through this lake?

Mr. MILLARD. Yes, sir; provision is made in the estimates for clearing a channel a thousand feet wide.

Mr. FORAKER. What is the amount of that estimated cost?

Mr. MILLARD. The entire appropriation is a little over $5,000,000, but the appropriation for the particular work of clearing away the roadway is $100,000. That will be found in the printed testimony.

Mr. FORAKER. Did the engineer in that conversation give you any idea of the character of the growth that covers this land that is to be submerged?

Mr. MILLARD. It is a growth that is natural to that country. There are only a few trees scattered over the country; but there is a growth that is natural to that region, which is probably from 10 to 40 feet high. You might call it a jungle, except where the river is.

BUREAU OF INSULAR AFFAIRS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4109) to increase the efficiency of the Bureau of Insular Affairs of the War Department, which was, in line 4, after the word "President," to insert "for the period of four years, unless sooner relieved."

Mr. LODGE. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

COMMITTEE SERVICE.

Mr. CLAY. I desire to tender my resignation as a member of the Committee on Commerce.

The VICE-PRESIDENT. The junior Senator from Georgia asks to be excused from further service on the Committee on Commerce. Without objection, it is so ordered.

Mr. SIMMONS. Mr. President, I desire to tender my resignation as a member of the Committee on Public Buildings and Grounds.

The VICE-PRESIDENT. The Senator from North Carolina asks to be excused from further service on the Committee on Public Buildings and Grounds. Without objection, he is excused.

Mr. BLACKBURN. Mr. President, I ask that the Senate authorize the assignment of the Senators named in the list which I send to the desk to the various vacancies on committees there indicated.

The VICE-PRESIDENT. The Senator from Kentucky submits a resolution, which will be read.

The Secretary read as follows:

Resolved, That the following appointments be made to fill vacancies in the committees of the Senate: Mr. CLAY on Appropriations, Mr. TALIAFERRO on Finance, Mr. SIMMONS on Commerce, and Mr. OVERMAN on Public Buildings and Grounds.

The resolution was considered by unanimous consent, and agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On June 19:

S. 280. An act to provide a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island;

S. 2270. An act for the relief of Nicola Masino, of the District of Columbia;

S. 4250. An act to further protect the public health and make more effective the national quarantine;

S. 4376. An act to relinquish all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland, formerly belonging to John C. Rives, deceased; and

S. 5811. An act to amend section 3646 of the Revised Statutes of the United States, as amended by act of February 16, 1885, as amended by act of March 23, 1906.

On June 20:

S. 2624. An act granting an honorable discharge to Henry G. Thomas, deceased, Company C, Second Kentucky Cavalry;

S. 4806. An act to regulate the landing, delivery, cure, and sale of sponges;
S. 1976. An act granting a pension to William N. Dickey;
S. 2294. An act granting a pension to Michael Reynolds;
S. 3735. An act granting a pension to Phebe W. Drake;
S. 6264. An act granting a pension to Cornelius Sullivan;
S. 257. An act granting an increase of pension to Caleb T. Bowen;
S. 1254. An act granting an increase of pension to Orlando H. Langley;
S. 1422. An act granting an increase of pension to George L. Wakefield;
S. 1936. An act granting an increase of pension to Lorenzo W. Smith;
S. 2501. An act granting an increase of pension to Jessie E. Foster;
S. 2566. An act granting an increase of pension to George H. Rodebeaver;
S. 2853. An act granting an increase of pension to Bridget Quinn;
S. 3122. An act granting an increase of pension to Erastus C. Clark;
S. 3168. An act granting an increase of pension to Obadiah Derr;
S. 4047. An act granting an increase of pension to William Morehead;
S. 4318. An act granting an increase of pension to Henry S. Bennett;
S. 4375. An act granting an increase of pension to David McCredie;
S. 4390. An act granting an increase of pension to Rebecca A. Alexander;
S. 4391. An act granting an increase of pension to Abner R. Barnes;
S. 4459. An act granting an increase of pension to Edwin K. Lamson;
S. 4550. An act granting an increase of pension to Henry Moody;
S. 4651. An act granting an increase of pension to Rufus M. Ashley;
S. 4741. An act granting an increase of pension to Andrew J. Workman;
S. 4961. An act granting an increase of pension to William Ickes;
S. 5038. An act granting an increase of pension to James Richards;
S. 5148. An act granting an increase of pension to Mildred McCorkle;
S. 5155. An act granting an increase of pension to Charles H. Van Dusen;
S. 5195. An act granting an increase of pension to Sidney H. Cook;
S. 5262. An act granting an increase of pension to Frank N. Nichols;
S. 5353. An act granting an increase of pension to Thomas W. Carter;
S. 5447. An act granting an increase of pension to Oliver H. Hibben;
S. 5543. An act granting an increase of pension to William A. Humrich;
S. 5598. An act granting an increase of pension to Almond Greeley;
S. 5860. An act granting an increase of pension to James N. Davis;
S. 5810. An act granting an increase of pension to Thomas McGowan;
S. 5870. An act granting an increase of pension to Samuel H. Morrison;
S. 5877. An act granting an increase of pension to Charles O'Bryan;
S. 5898. An act granting an increase of pension to Louisa A. Clark;
S. 5952. An act granting an increase of pension to Hyacinth Dotey;
S. 6006. An act granting an increase of pension to William H. Crouch;
S. 6041. An act granting an increase of pension to James N. Brown;
S. 6065. An act granting an increase of pension to Ellen M. Dyer;
S. 6138. An act granting an increase of pension to Eliza P. Norton;
S. 6141. An act granting an increase of pension to Ransom C. Russell;
S. 6154. An act granting an increase of pension to Edwin Freeman;
S. 6155. An act granting an increase of pension to Samuel H. Davis;
S. 6164. An act granting an increase of pension to Julius S. Cuendet;
S. 6168. An act granting an increase of pension to Calvin Lambert;
S. 6187. An act granting an increase of pension to Martha Jane Bolt;
S. 6188. An act granting an increase of pension to Sarah Young;
S. 6192. An act granting an increase of pension to John Coker;
S. 6222. An act granting an increase of pension to John A. Alden;
S. 6272. An act granting an increase of pension to Harvey Gamble; and
S. 4184. An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii.

On June 21:

S. 59. An act providing for the establishment of a uniform building line on streets in the District of Columbia less than 90 feet in width;
S. 4170. An act to amend an act approved March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes;" and
S. 4268. An act changing the name of Douglas street to Clifton street.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. Mr. President, I ask unanimous consent that the regular order of business be temporarily laid aside, and that the sundry civil appropriation bill be laid before the Senate.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the unfinished business be temporarily laid aside and that the sundry civil appropriation bill be laid before the Senate. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

Mr. HALE. Mr. President, when any Senator desires to go on with the unfinished business, I shall, of course, withdraw the appropriation bill.

The reading of the bill had been completed and certain amendments had been passed over. I wish to call up the amendments on pages 154 and 155, and I ask that the committee amendments be agreed to, if there be no further objection to them.

The VICE-PRESIDENT. Is there objection to agreeing to the amendments? The Chair hears none.

Mr. MALLORY. What are the amendments?

Mr. HALE. I can state them. The first is the amendment on page 154, beginning in line 21, and the second is on page 155, beginning in line 10, both in relation to the marshals and district attorneys in southern California and Idaho. The amendments were reported by the Committee on the Judiciary. They went over last night.

The VICE-PRESIDENT. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. HALE. Now, Mr. President, I wish to call up the amendment on pages 153 and 154, to which I ask the attention of the Senator from Wisconsin. It was at his request that this amendment was passed over.

Mr. SPOONER. Is that the amendment in regard to the preparation of law indexes?

Mr. HALE. Yes.

Mr. SPOONER. I hope the Senate will not agree to the amendment of the committee. The preparation of the indexes which are provided for by that clause of the bill involves a very small expenditure of money. I have looked into the matter with a good deal of care, and I think it very important that the work should be done, and done under the auspices under which I am sure it will be done if the provision is left in the bill; that is, under the auspices of men in the Library who are lawyers and well educated. It is a matter which will make it of very great value. It is not a code. As I understand, it is proposed to have it in the Library, so that if a Senator wants to know

the statute law upon a particular subject he can obtain the information, and obtain it accurately in a very few moments. There is nothing of a job in it. The Senator will understand that the well-educated lawyer is a man admirably adapted for that sort of work, and that work ought not to be done by laymen. There are different methods of indexing statutes.

Mr. HALE. If the Senator will allow me, I will say that the committee had very little information in regard to the matter, and struck it out on the suggestion that the House itself had not completed its consideration. I am not sure but what the House has since then, under a suspension of the rules, voted for a proposition that covers the matter. The main object of the Senate amendment was that information might be gotten in conference or by action on the part of the House. That is why the committee struck out the provision.

Mr. SPOONER. The matter was very carefully examined by Mr. LITTLEFIELD, who went into it, I am informed, very thoroughly. I myself have felt very greatly, and I suppose other Senators have also, the need of an accurate and thoroughly well-prepared index of the statutes. The amendment involves a small sum. There is no committal by Congress to any publication of it hereafter. It will be made in the Library; it will be kept there; it will cover all phases of every class of subjects dealt with by our statutes, and it will be of very great value to Senators and Members of the other House.

There are other provisions in the bill, one of which, I notice, involves an appropriation of $10,000 for a work which does not approximate in importance, no matter how well it may be done, this matter. I refer to the republication of the organic acts, etc. There has already been one edition. It will only be necessary to add to it, perhaps, the organic act for Oklahoma, and I hope not soon, although it is possible it may turn out otherwise, that of Arizona, embracing New Mexico. It is provided in this bill that $10,000 shall be paid for a republication of that work, which is historical only——

Mr. HALE. If the Senator from Wisconsin, who is a member of the Judiciary Committee, having this more in charge than the Committee on Appropriations, is entirely certain in his own mind that the amendment is right, and that it is according to the action of the House, and that nothing since has been done, I am willing that the amendment shall be disagreed to. I think perhaps it would be safer to agree to it, and then in conference I will say to the Senator, unless more information comes, I should be in favor of the Senate receding. I leave that to the Senator himself.

Mr. SPOONER. If I were not thoroughly impressed with the idea that it was an important work which ought to be done, and that it will be well done, I would not support it. The only evidence I have is that the House agreed to it, which I find in this bill. I know nothing about any subsequent action of the House. I know it was looked into by Mr. LITTLEFIELD, who is a very careful man. I know the House embodied it in this bill, which represents the judgment of the House upon it; and I think it is wise legislation.

Mr. HALE. It is a question, not of the work being well done, but whether this provision does cover what the Senator wants and what the House wants and what Mr. LITTLEFIELD wants. Of course, if the Senator is confident of that, and the amendment is disagreed to, then it will not be open at all in conference.

Mr. SPOONER. Let the House provision be agreed to with an amendment, so as to have it open in conference.

Mr. HALE. That is a good suggestion.

Mr. SPOONER. I move to amend, then, in line 24, page 153, by striking out the words "seven hundred and twenty dollars" and inserting "six hundred dollars."

The VICE-PRESIDENT. The Senator from Wisconsin proposes an amendment to the amendment, which will be stated by the Secretary.

The SECRETARY. It is proposed to strike out in line 24, on page 153, "seven hundred and twenty" and insert "six hundred," so as to read "six hundred dollars."

Mr. SPOONER. That will leave it open in conference?

Mr. HALE. Yes; that leaves it open.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment to strike out the clause as amended.

The amendment was rejected.

Mr. HALE. The next amendment is on page 102. I have been waiting for the Senator from Mississippi [Mr. MCLAURIN]. I see he is in his seat, and I call up the amendment. Let the Secretary state it.

The SECRETARY. On page 102, after line 9, the committee propose to insert the following:

For the traveling expenses of the President of the United States, his attendants and invited guests traveling with him, to be disbursed at the discretion of the President, $25,000.

Mr. MCLAURIN. Mr. President, to keep the record straight, I withdraw the appeal I took from the decision of the Chair yesterday evening. I wish to thank the Senator from Maine for waiting until my return to the Chamber. I had been out to make a call upon a sick Senator, and I did not expect this bill to be taken up to-day, because I believed from the reading of the unanimous-consent agreement for taking a vote on the canal bill that that bill was to be considered immediately after the routine morning business.

Mr. President, this amount is a small sum for the United States Government, so far as that is concerned. It would hardly be felt by the Government. It is not on that account that I object to the amendment. But I object to it because of the principle contained in it. I do not believe that in principle it is right. I do not believe it is in conformity with our idea of government; at least the idea of government which was entertained by the founders of the Government.

That feature which more attracts me to the country than anything else is the form of government which recognizes the equality of all the people of the country before the law. When the President of the United States is elected he is elected to perform the functions of an office created under the Constitution. I do not believe he is a different man from what he was before. It does not make a man a better man because he is selected to be President of the United States. True it is, if a man who has the elements of manhood in him is elevated to a responsible position, the very responsibility is calculated to develop those elements of manhood in him. But it does not make him a better man than he was before, and he is not selected for the purpose of giving him a dignified position or for the purpose of making him better than the remainder of the people of the country, or for the purpose of giving him any distinction or any title. But he is elected because according to the form of our Government it is necessary that some man shall be selected out of all the voters of the country to discharge the functions of this important office.

The same thing may be said with reference to the Senators and Representatives and the judicial officers of the United States. I have no patience with the idea of paying men for dignity and speaking about the dignity of the position. The dignity of a man is in the man himself, and the position of the man who labors either with his brain or with his hands, who either does mental or manual labor, is as dignified as that of a man in any other position. The man who delves in the mine to bring up the ore that is used, the man who follows the plow to make the corn and the wheat and the other produce which go to support the life of the people of the country are in as dignified a position as anybody else. That is what our Government recognizes; that is what our form of government means; and the simplicity of the form of government attracts me more than anything else about the Government, together with that part of the system of government which recognizes the equality of every man before the law.

I have no objection to a man using his wealth in any way he pleases, if he has acquired it honestly. If a man upon an equal footing with everybody else goes out and by mental effort or manual effort or in any other way acquires wealth, I have no objection to his utilizing it in any way he sees proper. But I do object to taxing the people of the country, even the most infinitesimal tax, for the purpose of making a class distinction.

Dignity is innate. I like that dignity which is innate; that which is developed by energy, exercse, exertion; that which comes from within, and that which does not come from without. All the powers of office that you can bestow upon a man, all the influence of wealth that he can acquire, can not give him dignity if he has no innate dignity.

Now, what is the proposition here? It is that the President shall be given $25,000 for his traveling expenses. Is there anything in the Constitution that ever contemplated anything of the kind? Why should he be given any amount of money for his traveling expenses? I am willing—not only am I willing, but I am desirous—that the President shall be paid a salary commensurate with the responsibilities and the duties that devolve upon him as an officer and in the position to which he has been elevated, but I am not willing that the United States shall establish a principle that because a man is in high position he is better than the man in low position. Where will this thing end? If the President, because he is in the highest position in this country, must have this distinction, and this discrimination

must be made in his favor, then the man who is next highest to him ought to have the next discrimination, and the man who is next highest to that man ought to have the next discrimination in his favor. And so by this kind of legislation you commence at the bottom and you take the man who says "gee" and "haw," the man who delves in the mines, the man who works for his living with his mind and muscle, and you go one step above, on, on, on, until you get the whole load upon him.

> Honor and shame from no condition rise;
> Act well your part, there all the honor lies.

It is said that the President must have $25,000 to pay the traveling expenses of whom? Of himself? No, no; not that alone; but the traveling expenses of the President and his attendants and invited guests. Who are to be his attendants? I suppose, I do not know, but I just take it upon construction, that it is intended to mean those of the Secret Service who go along with the President for the purpose of protecting him against real or imaginary harm. I do not believe the President of the United States is in any danger of harm from anybody. True it is that three Presidents have been assassinated, but a great many other men have been assassinated who were not Presidents.

But if it be necessary to take along the attendants, who are to be the invited guests? Is this to be an electioneering tour that the President is to take over the country, and to take along the newspaper men who will give out to the press that which the President desires shall be given out and who will conceal that which he desires shall be concealed?

I wish to say here, lest it slip my memory at some other time, that I have no reference to the present incumbent of the White House. I would have these remarks apply to every President alike, of whatever party, of whatever political conviction, and whatever views he may have which, as has been said, it is intended by this kind of gallivanting over the country to disseminate and impress upon the people of the country. I would just as soon that the $25,000 should go to the present incumbent of the White House as to any other man who may occupy it. He would be just as much entitled to it as any other man who may occupy the Presidential chair. There ought to be no such discrimination in favor of any man as to permit him to take newspaper correspondents such as he desires to take along with him and to exclude such as would not give out such information as he desired to be given out.

Is this intended to permit him to carry along newspaper correspondents? I have seen it advocated, upon the principle that the President is expected to disseminate certain views; that he is a leader of opinion and of thought in the country, and that his thought, whatever it may be, must be, by the country paying his expenses, impressed upon the body politic of the country by his going out among the people and discussing with them and impressing upon them his peculiar views and tenets upon any question.

One man has gone so far as to say that the President never would have been able to have raised the public mind to that tension which would have enabled the passage of the rate bill had it not been for the fact that he gallivanted about over the country and impressed his views upon the people of the country. Mr. President, a long time ago, when the present occupant of the White House was in full accord with the party that was fighting that sort of legislation, there was all over this country Democratic speakers, led by William J. Bryan, one of the greatest men ever produced in this country, advocating the doctrine of railroad rate regulation—advocating legislation which would prevent discriminations and differentials in rates; and the President finding the country ripe for that, recommended it to Congress, and then the people had some hopes of it being enacted into law, because the President, being at the head of his party and he calling upon his party to enact legislation, the country expected it to be done. It was not because it was necessary for him to go over the country to impress his views upon the people of the country, but the people of the country were behind this sentiment, this principle, and this doctrine before it ever occurred to the President to send his famous message to Congress in 1904.

As I was saying a while ago, if newspaper correspondents are to be permitted to go with the President on these junketing trips, I want it to be by an amendment to this amendment, which will permit every correspondent of every newspaper in all this country, without distinction of party politics, to go along in that crowd and see what the President is doing, and report it impartially to the people, and let both sides of it be reported.

Mr. SPOONER. If the Senator will permit me, he could eliminate the objection to which he is now speaking by offering an amendment prohibiting any newspaper correspondent from traveling with the President.

Mr. McLAURIN. No, sir; I think the whole amendment ought to be eliminated. But if any newspaper man is to go, I am in favor of all of them going, if they desire to go. I should like to have the whole newspaper profession go on one of these trips and let them see what is going on and let them have some voice in the education of the people as to the opinions the President is intending to disseminate.

I have here a newspaper article which I wish to read. I do not know whether this is exactly the place in what I have to say where I want to read it, but I wish to put it in the RECORD. It is upon this idea of the President being not only the President of the United States, the Executive officer, but the legislative officer and the judicial officer of the country. Before I get away from what I was saying just now—the Senator from Wisconsin spoke about eliminating the objection by not allowing newspaper men to accompany the President. If this amendment is to go through, I want some other people to be put in there. I think the Vice-President ought to be permitted to go over this country and let his views be known to the people, because there might come another calamity of assassination of the President, and the Vice-President would become President, and his views likewise should be before the people of the country.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. McLAURIN. With pleasure.

Mr. McCUMBER. The Senator from Mississippi being an excellent lawyer, I want, while he is on his feet, to call his attention to a provision in the Constitution, and ask him as a lawyer whether or not the amendment is not absolutely against the constitutional prohibition. I call his attention to section 1 of Aricle II of the Constitution, which provides:

> The President shall, at stated times, receive for his services a compensation—
>
> Not salary, but compensation—
>
> which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

And then I desire to call the Senator's attention to the reading of this amendment:

> For the traveling expenses of the President of the United States, his attendants and invited guests traveling with him, to be disbursed at the discretion of the President, $25,000.

Is not this $25,000 to be paid to the President? Is it not in effect additional compensation, and even if it be not considered as compensation, does it not come clearly under the definition of emoluments of office? And are we not going straight up against the prohibition of the Constitution, which was inserted for the very purpose of preventing Congress from taking away from the President during his incumbency in office any of his emoluments or any of his compensation because of disfavor, and also to prevent our adding to it during his period of incumbency because of any favor? I ask that as a legal proposition.

Mr. HALE. Will the Senator from Mississippi let me say a word?

Mr. McLAURIN. With pleasure.

Mr. HALE. The committee which put this provision onto the bill as an amendment took consideration of the question presented by the Senator from North Dakota. Undoubtedly, if the amendment is adopted, it will have to take its chance first with the Comptroller. Whether the Comptroller of the Treasury will pass these payments, which he must if they are to meet the approval of the Department, or will arrest them upon the ground that this sum is an emolument and is forbidden by the Constitution, I can not say, and no other Senator can say. It is like other things which, in the discretion of Congress, are done, but finally, when it comes to the crucible of the law officers or of the courts or of the Comptroller, the provision has to take its chance. Notwithstanding that, the committee, in its discretion, reported this amendment, which must take its chance.

Of course any Senator who thinks it is an emolument can not conscientiously vote for it, but will vote against it. But it is not a point to be raised to throw the amendment out, that in the end it may be determined to be unconstitutional. It is for Senators in their own minds to decide whether they will vote for it.

Mr. McCUMBER. Will the Senator from Mississippi permit me one word further?

Mr. McLAURIN. With pleasure.

Mr. McCUMBER. The Senator from Maine, I think, meets the whole question upon that point when he says that no Senator can conscientiously vote for this amendment unless he believes that it is not an emolument. I believe no Senator who takes

an oath to support the Constitution of the United States will vote for a proposition which he believes to be unconstitutional. I believe, further, that we can practically satisfy any Senator present that this is an emolument. It has been decided over and over again in like cases that everything of that character is an emolument of office and that it is an increase of the salary or compensation. If that be true, then certainly we have no right to adopt this amendment.

There is another proposition, of course, which is whether or not a point of order will lie against the amendment. I expect to raise a point of order when I get the floor at some future time, and upon a different proposition, as I understand, than that which formed the basis of the point of order which was raised by the Senator from Mississippi [Mr. McLAURIN].

Mr. McLAURIN. Mr. President, the constitutionality of every question when it is raised must first be passed upon by every Senator for himself. He owes it to the country as well as to his constituents, and he owes it to himself, if there is any constitutional question in it, to satisfy himself whether that is a valid objection, whether the provision proposed to be adopted impinges the Constitution or not.

Now, that responsibility can not be shifted to the Comptroller or anybody else. It must be decided by the legislative body. It is one of the principles of construction, when judicial tribunals are called upon to construe a statute and when its constitutionality is questioned, that the Congress is presumed to have carefully considered the question and to have decided that it is constitutional; and that has great weight with the court.

I did not raise the constitutional question on this matter. The Constitution seems not to be considered when legislation is objectionable, and when legislation is desired those who desire it generally treat the Constitution as an antiquated document. I remember discussing some years ago a constitutional question and some Senators treating the Constitution with derision, as if the Constitution had anything to do with any legislation of Congress.

I therefore did not raise the constitutional question; but I hold that whatever it is, the simplicity of our form of Government is being invaded whenever we undertake to make any distinction in favor of any class or any man, it does not make any difference how high his position. I do not believe, as I have said before in this desultory talk that I am making, that there ought to be any discrimination before the law between the highest official in the land and the humblest private citizen. It does not make any difference who he is, the law is made for him, the law is executed for him. Those who have the distinction of being called out from the great mass of the American people to execute the laws ought not to have any discrimination made in their favor, but they ought to be called upon to obey the law, just as the humblest citizen in the country is called upon to obey it.

There has been too much disposition here to allow the will of the President to override the will of Congress and to allow the President to think for Congress. Here Senators when they begin to discuss questions say the President will be satisfied with this or the President will not be satisfied with it; that this amendment meets the opinion or the approval of the President, and therefore he asks that the Senate adopt it, or that it is disapproved by the President and therefore he asks that the Senate do not adopt it.

It were better for each department of the Government to confine its attention to its own business, the executive to that which is executive and administrative, the legislative to that which is legislative, and the judicial to that which is judicial. It were better, if the President desires to make any communication to Congress or to give his views on any question pending before Congress, on any question which he thinks ought to be legislated about, that he should do so by message, as was contemplated by the Constitution when it was framed by the makers of the Constitution.

Here is a little article that strikes me as being very sensible and very forcible. I find it in the Washington Post of yesterday morning, June 20:

CONGRESSIONAL INDEPENDENCE.

Every intelligent reader of this paper will bear us out in the declaration that it is not a partisan, but an onlooker in Vienna and an independent commentator on current events, political and general; and yet we have opinions, and they are as dear to us as are those of the stalwartest Republican or the Bourbonest Democrat to him.

Under our system the only lawgiver in this nation is the Congress, and if there is one thing that ought to preserve its political chastity and legislative integrity, though the heavens fall, it is the Congress. It is first in the Constitution; it was the firstborn of the matchless statecraft of the fathers; to it was given the purse.

As a lawgiver the President's position is that of a negative quantity—at least that is what the Constitution says about it—and he can only advise or partially veto. That is all he has got to do with legislation.

We hold to the paradox it is better to do the wrong thing the right way than to do the right thing the wrong way—that is to say, it is better that Congress pass a bad law as the result of its own free and independent deliberation than to enact a good law at the dictation of the Executive. A vicious law can be repealed; a wound of the independence of Congress makes an ulcer, and it might easily grow to be a cancer.

To speak the plain truth, Congress is flat on its back right now with more ulcers than Lazarus had sores. It has done things it did not want to do, and has left undone things it wanted to do. It has been completely overshadowed in the Government. And was it for this that the Long Parliament fought a king for seven years in the old country?

It would do Congress a power of good to study the history of the proposed legislation of the British Parliament, known as "Mr. Fox's India bill," which was defeated by the "King's friends." Over here we call them "cuckoos."

This paper is the friend of the President and it is the friend of Congress; it is also and likewise the friend of its country.

I am the friend of the President. I am the friend also of this Government. I am the friend of this country. It is my country, and I love the country as a patriot ought to love his country. It is for that reason I do not desire to see any encroachment made upon our form of government, which has for its basic principle the equality of every man before the law, and also the proposition that there shall be no class discrimination in legislation in this country—that the humblest man in the country, as he walks the street, is the equal before the laws of his country of any other man how high soever his position may be.

The office of President of the United States is a great office, I agree. But however great it is, it is made for the purpose of executing the laws in obedience to the Constitution and statutes of the United States and not for the purpose of dignifying any man or exalting any particular man. When a man occupies that position, he ought to occupy it as the servant of the people, put there to execute the laws of the people. It is enough distinction coming to a man that he is selected by all of the American people to occupy that position.

Mr. President, there are some fifteen or sixteen million voters in the electorate of this country. Out of that number I suppose there might be found ten or twelve million, many of whom would be equal to the position, who would be glad to occupy the position and pay their own traveling expenses, wherever they desired to go over the country. He would not desire to go with a retinue following him. He would not desire to go with his invited guests, whether they be a few selected out of the many newspaper correspondents of the country to publish only what he desires to publish and to conceal that which he desires to be censored; but he would be willing to go and pay his own expenses, without any retinue of that kind following him.

The present Executive, whom I like very much, and who is a genial man, has been a rather expensive luxury to this country, in addition to the salary he has received. I believe there has been put upon the Mansion since he has occupied it something like $400,000. He has a yacht at his disposal. He has carriages and horses, and they are kept up by the Government. He has coachmen also. It seems to me that this discrimination in his favor ought to be sufficient.

Mr. HALE. What does the Senator say?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Maine?

Mr. McLAURIN. Certainly.

Mr. HALE. Does the Senator from Mississippi say that the Government furnishes the President's coachman?

Mr. McLAURIN. I did not catch what the Senator said.

Mr. HALE. Neither did I catch what the Senator said. I thought he stated it as a proposition that the President already had his coachman furnished by the Government.

Mr. McLAURIN. Let me read here to the Senator from Maine and to the Senate on page 101 of the bill:

Executive Mansion: For ordinary care, repair, and refurnishing of Executive Mansion, and for purchase, maintenance, and driving of horses and vehicles for official purposes, to be expended by contract or otherwise, as the President may determine, $35,000.

For extraordinary repairs of the Executive Mansion, to be expended by contract or otherwise, as the President may determine, $35,000.

For fuel for the Executive Mansion, greenhouses, and stable, $6,000.

For care and maintenance of conservatory and greenhouses, $9,000.

For repairs to greenhouses, Executive Mansion, $3,000.

There are $35,000 here for the "purchase, maintenance, and driving of horses and vehicles for official purposes."

Mr. HALE. Yes; that Executive Office is the same as every departmental office. No Secretary of any Department, no Assistant Secretary, and no bureau officer has any business to use for his family and his private purposes any public carriage.

Mr. McLAURIN. Will the Senator allow me to ask him if they do not do it?

Mr. HALE. I do not know of anybody who does. If I did know, I certainly would help to make a fuss about it. They have no right to do it.

Mr. McLAURIN. Does not the President use a carriage that is provided by the Government and horses for himself?

Mr. HALE. Not for his private use any more than the Secretary——

Mr. McLAURIN. But what does the Senator call "private use?"

Mr. HALE. Anything that is outside of official business. It is the same with the President as it is with the Secretary. Every Department has a carriage and a horse, and the Secretary uses it for official purposes if he visits another Department or if he comes to Congress. Congress allows him that and appropriates for it. But when it comes to the family use and for social purposes, for visiting or for anything that is not official, any official—I do not care who he is—who transcends the principle that is involved in all these appropriations is wholly and entirely wrong. I do not think that a Cabinet minister in Washington ever uses or pretends to use for visiting or for any social function the official carriage or wagon that is used for official purposes.

Mr. McLAURIN. What about the President?

Mr. HALE. And I have no doubt the President does not. I am very sure he does not.

Mr. McLAURIN. Does the Senator know of the President's having any carriage horses or carriage in this city that is not purchased by the Government?

Mr. HALE. I have not looked into that; but I have no doubt whatever that the President's horses that draw his carriages that take his family and his visitors about Washington, into the country or anywhere, are purchased by him, kept by him, and the coachman employed, hired, and paid for by him. I should be very much surprised if I found that anything else was the fact.

Mr. McLAURIN. Will the Senator allow me to ask him if it is not a fact that there is kept what is known as the "President's yacht," *The Sylph*, and that the President uses that for his own private purposes?

Mr. HALE. That is another question, Mr. President.

Mr. McLAURIN. It is on the same principle.

Mr. HALE. No; it is not on the same principle.

Mr. McLAURIN. It is the same principle.

Mr. HALE. It is not the same principle. Congress legislates and in terms takes into hand the question of carriages every year in the appropriation bills.

Now, the question whether the President takes a Government vessel and goes on a cruise in a ship owned by the Government, run by the Government, crews paid for by the Government, whether the President gets on board, goes down the river, or goes along the coast, is another question. Congress has never taken that up.

Mr. McLAURIN. Will the Senator answer me the question whether it is a fact that he does that? I am not objecting to that. I raise no question about that. I am objecting to this appropriation. I asked the Senator whether the carriage horses and carriages that are kept by the President are purchased by the President with his private funds, and the Senator does not seem to know whether the President uses the Government carriages and carriage horses or not. I want to know if the Senator knows whether the President uses the yacht that is spoken of as the President's yacht for his private purposes.

Mr. HALE. No; I do not know.

Mr. McLAURIN. The Senator is the chairman of the committee that has control of naval affairs.

Mr. HALE. I know at least that it is not the President's yacht.

Mr. McLAURIN. I understand that.

Mr. HALE. It is not in any way the President's yacht. It is not used for the President's purposes alone.

Mr. McLAURIN. But is it not called the President's yacht?

Mr. HALE. The Senator may call it so.

Mr. McLAURIN. Is it not called so in public? I have not called it anything; but is not that what it is called in the press?

Mr. HALE. That may be. A great many things are called in the press.

Mr. TILLMAN. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from South Carolina?

Mr. McLAURIN. When the Senator from Maine gets through I will yield to the Senator from South Carolina.

Mr. HALE. That the President sometimes gets on board of—I think it is the *Mayflower*—a Government vessel, takes an outing, goes down to the sea and goes along the coast, or gets on board the *Dolphin* and does that, I have no doubt. In my day every President that I have known has done that, and nobody objects. It does not add——

Mr. FORAKER. If the Senator from Mississippi will allow me, I should like to ask whether anybody objects to that. Is not the President the chief of the Army and the Navy?

Mr. McLAURIN. I will yield to the Senator from South Carolina, and then I will yield to the Senator from Ohio. When the Senator from Maine is through I agreed to yield to the Senator from South Carolina.

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from South Carolina?

Mr. McLAURIN. When the Senator from Maine shall have concluded, I will.

Mr. TILLMAN. I wish to ask the Senator from Maine a question, with the permission of the Senator from Mississippi.

Mr. McLAURIN. I have no objection if the Senator from Maine has none.

The VICE-PRESIDENT. The Senator from Mississippi yields.

Mr. TILLMAN. Are not the President's official duties so continuous, in a manner, are not his mind and his time so fully occupied with his official work or with work which he considers it necessary to perform, that he never has a moment of his own except for the recreation or the exercise necessary to health? Practically, I mean, of course.

Mr. HALE. Undoubtedly.

Mr. TILLMAN. Then if he uses the stables and the horses provided by the Government is it a proper and legitimate thing for him to do? And if it is necessary for us to consider the question as to whether he pays for those horses or not, I think the Senator from Maine, after having disputed the proposition advanced by the Senator from Mississippi, owes it to himself and to the Senate to make the inquiry. He can send a telegram or he can get a message to the White House and ascertain just what is the fact in the matter of the use of the horses, stables, and coachman, etc., provided for at the bottom of page 101:

> Executive Mansion: For ordinary care, repair, and refurnishing of Executive Mansion, and for purchase, maintenance, and driving of horses and vehicles for official purposes, to be expended by contract or otherwise, as the President may determine, $35,000.

I think the Senator from Maine could very easily discover whether or not there are other horses, whether there is another stable, whether there is a private coachman or not. I do not think it makes much difference whether there is or whether there is not; but having disputed the proposition of the Senator from Mississippi, I think he owes it to us to find out.

Mr. HALE. I do not care about getting any information. I have no doubt about it myself. If the Senator has any doubt, he can do that. I have no doubt that the President's private horses and carriages, equipage, and everything that is connected with his family visitors and his friends and social duties are bought and paid for and maintained by the President himself. I have no doubt whatever about that.

Now, when you come to the matter of going on board a yacht—the *Mayflower* or the *Dolphin*—the President is a busy man, and he is the better competent to do his whole duty, to perform his engrossing duties, because once in a while he takes an outing. I do not know of anybody who is inclined to complain because the President does that. So I am not at all troubled about anything of this kind. I do not think the President is exceeding in these things the law or the natural privileges of the place.

Mr. McLAURIN. I now yield to the Senator from Ohio.

Mr. FORAKER. I should not have interrupted as I did. I beg the Senator's pardon. I was not aware that other Senators had asked the privilege of interrupting. I only wanted to ask a question, and I did ask it, out of order, probably; but I have no doubt it is in the RECORD. However, I can repeat it to the Senator.

The question I asked was simply whether or not Senators were remembering that the President is Commander in Chief of both the Army and the Navy. I suppose if, in his judgment, it is necessary to go aboard a ship and sail about somewhere, there is nobody to question his right to do it, unless it be some gross abuse of it, which I do not understand anybody charges. Certainly there has been no ground for it under the present Administration.

I will say to the Senator I do not feel called upon to make answer to what he has been talking about; but, as I understand it, charges similar to those he has been calling attention to might have been made against any President we have had. They are all provided for by Congress—that is to say, we make appropriations for all the different purposes that are named.

They may be a little bit larger, but I imagine not very much larger than they have been heretofore. They are certainly no larger than the natural growth of the necessities would seem to require.

Mr. McLAURIN. I suggest that——

Mr. SCOTT. Mr. President, I rise for a question.

The VICE-PRESIDENT. The Senator from West Virginia will state his question.

Mr. SCOTT. I understand the Senator from South Dakota [Mr. KITTREDGE] has given notice that at fifteen minutes after 2 he will proceed to close the debate on the canal bill. There are several of us who would like to say just a few words on that subject before the Senator from South Dakota makes his final speech, and if the debate on this bill runs a little longer I would suggest that we would all be cut out.

Mr. McLAURIN. I want, before that is done, if the Senator from West Virginia will not raise any objection to it, to put the record straight. The Senator from Ohio has his predicate wrong. I never made any charge against the President. He speaks about the charges I have made or charges similar to these being made. I made no charge against the President. I merely stated that when Congress provided carriages and vehicles and coachmen and yachts for the President, I made no objection to it, but I thought that was sufficient, and it ought not to go to the extent of making an appropriation to pay the traveling expenses of the President and his guests. That was all I said. Then the Senator from Maine interrupted to ask me a question, if there was any coachman provided by the Government for the President.

Mr. HALE. Mr. President——

Mr. McLAURIN. If I am mistaken about that, I want to be corrected. I would not make a misstatement in reference to the facts.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Maine?

Mr. McLAURIN. Certainly.

Mr. HALE. Let me appeal to the Senator. We are taking up this time by the grace of Senators in charge of the Panama Canal bill, and several Senators wish to have the opportunity of a two or three minutes' talk on that bill. I ask that the Senate resume the consideration of the unfinished business.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. McLAURIN. Mr. President, I just want to put myself right in the RECORD, and to say that I was not making any charge against the President.

Mr. HALE. This will come up as soon as the canal bill is disposed of. I shall then ask the Senate to resume the consideration of the appropriation bill.

PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. SCOTT. Mr. President, for a great many years I have been thoroughly of the opinion that the building of a canal across the Isthmus should be a sea-level canal. I have given the subject careful consideration. From information I have been able to obtain from those better posted, and the fact that we are compelled to vote upon the type of canal hastily and without giving some of us an opportunity to examine the hearings taken before the committee, and desiring above all things that we may have a canal and that, should I live out my allotted time, I may be permitted to see it in operation across the Isthmus of Panama, I am inclined to favor the proposition of a lock canal. I feel this way because it can be built so much quicker and so much cheaper; and we are told by so eminent an engineer as Mr. Stevens, a gentleman in whose ability and honesty of purpose I have every confidence, that this canal can later be made into a sea-level canal of the kind I have always felt we should have—of 400 or 500 feet in width. Therefore, Mr. President, when I vote this afternoon on the canal question I shall register my vote for a lock canal. But at the same time, if a sea-level canal could be built in a reasonable length of time of the proper width and dimensions, I should certainly adhere to the conviction I have held for years—in favor of that type of canal.

Mr. FORAKER. Mr. President, I do not care to discuss this question beyond saying something similar to that which has just been said by the Senator from West Virginia.

I remember, when the proposition was before the Senate some time ago as to whether we should adopt the Panama or the Nicaragua route, I was greatly influenced in favor of the Panama route, as no doubt many other Senators were by the fact stated at page 11, according to the print I have before me, of Report 783, part 2, Fifty-seventh Congress, first session, where the Interoceanic Canal Committee, or a majority at least of its members——

Mr. KITTREDGE. A minority.

Mr. FORAKER. Yes; it was a minority report. I was looking to see. A minority of the members of that committee set forth the advantages of the Panama route as contrasted with the Nicaragua route, and then, after they had enumerated nine specific advantages, they added the following:

> In addition to these facts stated by the Commission are the two following, not referred to by them, but which have become of controlling importance, viz:
>
> 10. It is recognized that a sea-level canal is the ideal. The Panama Canal may be either constructed as a sea-level canal or may be subsequently converted into one. On the other hand, no sea-level canal will ever be possible on the Nicaragua route.

The proposition thus stated by the minority members of the committee at that time was discussed very elaborately in the Senate, and I remember that it had a controlling influence with other Senators than myself in voting to adopt the Panama instead of the Nicaragua route.

That report was signed by Senators Hanna, Pritchard, MILLARD, and KITTREDGE. From that time I supposed it was in everybody's mind that a sea-level canal was the ideal canal, and that at the proper time, if not at the beginning, we would construct a sea-level canal.

It was never determined, I believe, that we should construct a sea-level canal at the beginning or that we should construct one at all, but that we should construct a canal on the Panama route, and we would locate it there in preference to any other route, because we might, if we saw fit to do so, make of it a sea-level or, in other words, an ideal canal.

Now, like the Senator from West Virginia, I had remained of the idea ever since until within the last two or three months, when this discusison was commenced, that it was the part of wisdom to build a sea-level canal, and I supposed that would be the result of the investigations that were being made by the committee. I did not have time, because occupied with other work, to follow the hearings before that committee and read the testimony as it was taken and printed from day to day for the benefit of the committee and for the benefit of Senators.

I was therefore somewhat unprepared when, a few days ago, it was insisted that we should settle this matter at this time by voting upon it. I then made a request that there might be further time than was proposed to be given us in order that we might investigate this subject and read the testimony to obtain further information. With quite a number of other duties pressing upon me, I have not yet been able to read all of that testimony, but I have read enough of it to find that there is a positive difference of opinion among the ablest engineers of the country, not only as to whether we should prefer and build at this time a sea-level canal or a lock canal, but a wide difference of opinion among those engineers as to what kind of a lock canal we should build if we determine to build a lock canal.

The minority of the Committee on Interoceanic Canals have reported in favor of a lock canal at an 85-foot level. There was testimony before that committee—and it seemed to me to be in many respects very persuasive testimony—in favor of the proposition that if we build a lock canal it should be at a 60-foot level. A great many things were said in favor of the 60-foot-level lock canal that seemed to me to give it an advantage over the 85-foot lock canal. So it is, as a result of reading after those learned engineers who have been on the ground and who have made investigations, and who have given us the benefit of what they learned by means of these investigations—as a result of reading that there is still to my mind a good deal of doubt as to what is the wisest and best thing to do.

But we are to vote, and every Senator must speak for himself in a few minutes. There is no time to investigate further, and I propose, although with some misgiving as to whether that is the wisest thing to do, to follow what has been indicated as the preference of those who have the greatest responsibility with respect to this canal. The President, the Secretary of War, the House of Representatives, the engineer in charge, Mr. Stevens, who, so far as I can judge, reading after him, is a very able engineer and a very fair-minded man, all concur that they want a lock canal, and are so insistent upon that as the result of their investigations that, in view of their responsibility, I do not feel, under the circumstances, like voting for a different kind of canal as to which, if they were to go on with the construction of it, would be proceeded with on their part with a great deal of misgiving as to its wisdom.

Now, it is not necessary for me to stop and point out what the troubles are. I am satisfied, however, that the dam at Gatun

will be a safe dam, but I am not satisfied as to the safety of the locks, or that the ground under the dam will be safe as against percolations or erosions, or whatever it is proper to call them, of the water that will be brought to bear upon it; in other words, the gulches in the indurated clay, as pointed out on these maps which hang on the walls, are shown by the testimony to be filled with a different kind of material from that which is found elsewhere where the dam will be situated, and are already shown to have water in them. What the result of this will be I do not know, but as the men who have the responsibility and who have investigated the subject prefer to take that responsibility rather than any other, I am compelled, aside from all question of relative cost, to leave it to them to determine.

I might point out a number of difficulties, but I want to say further only that I have reached this conclusion not because I think the sea-level canal would be a failure if it were constructed in accordance with the report of the majority. As I understand, it is proposed to be 150 feet in width at the bottom where it passes through the dirt, and where it passes through rock it is to be 200 feet wide at the bottom, so that its narrowest part is not where the rock is, as has been all the while repeated here, but where it would not do so much harm if a ship trying to pass another should meet with the accident of running against the side of the canal. We have been told how a ship would be crushed by going against the rocks.

I do not know of anything else that it is necessary to comment upon. I have no fear, so far as I am concerned, as to the success of a sea-level canal on account of the tidal lock. That does not present any such difficulty as was suggested here yesterday; at least it does not convey any such difficulty to my mind. The tidal lock would be situated differently from the locks at the Gatun dam. If there should be any accident in connection with those locks, there would certainly be a very disastrous result, but not necessarily any disaster whatever if there should be an accident of an ordinary kind in connection with the tidal lock.

But, as I have intimated before in reference to this matter, I did not take the floor for the purpose of discussing it. I only took the floor to express the doubt I have and the regret I have that I can not vote as I propose to vote with greater satisfaction to myself.

Mr. KITTREDGE. Mr. President, the advocates of the lock canal express the opinion that the period of nine years to construct the lock canal is too great and that eighteen to twenty or twenty-five years will be required to build the one at sea level. The minority of the Board of Consulting Engineers estimate the time as nine years and fifteen years, respectively. Mr. Burr, in his testimony before the committee, stated that by working two shifts of men, instead of one, the time of construction for the sea-level canal would be reduced to less than ten years. Mr. Parsons, who was the engineer for the New York subway, a work which cost thirty-five millions, and was finished in less time than he had estimated as necessary, stated to the committee that in his opinion the sea-level canal would be finished in eleven years. Mr. Hunter, a member of the Board, and chief engineer of the Manchester Ship Canal, in a letter recently presented to the Senate, states that after a careful consideration of all the facts and conditions and the arguments of the minority of the Board, that he is confident that the Culebra excavation, the work that measures the time for completion of the whole undertaking, can be finished in ten years, and that the time estimated by the minority of the Board for the completion of this plan is far too short.

He points out that the Gatun and other dams can never be accepted as safe and secure unless cut-offs of some kind are carried down through the silt and alluvium, upon which it is proposed to base them, so as to absolutely stop the subsurface flow.

Mr. HOPKINS. Before the Senator gets to the Gatun dam and the question of the length of time—he has quoted the evidence of Professor Burr and others—I wish to ask if in their testimony they make any statement as to the number of cubic yards that can be excavated per shovel?

Mr. KITTREDGE. Mr. President, they do; and I will cover that point a little later on.

Mr. HOPKINS. Very well.

Mr. KITTREDGE. I will take your own engineers.

Mr. HOPKINS. I want to make a suggestion when the Senator reaches that point.

Mr. KITTREDGE. Mr. Hunter also expresses the belief that the magnitude as to quantity of masonry in the proposed six locks at three sites and as to the time of completing them has been underestimated; that with a proper allowance of time for curing these defects and to complete the lock canal, construction must be extended for several years. This is the opinion of the greatest canal engineer in England, thoroughly practical in every sense, and whose achievements stand as monuments of his ability and genius.

Mr. John F. Wallace is another whose opinions concerning these questions are important. He was the chief engineer of the Panama Canal for thirteen months, having left the position of chief engineer of one of the great railroad systems of the United States, and has held many responsible engineering positions with several great systems, in the discharge of which duties he had the direction of expenditures of from $10,000,000 to $30,000,000 annually. He is also a past president of the American Society of Civil Engineers.

As above stated, having been the chief engineer of the canal when a reorganization of the Commission for the construction of the canal was effected, he was retained in the position he had then held for nearly a year and was also made a member of the Commission itself. His duties were thus much extended and enlarged by order of the President. Mr. Wallace has had larger experience in the work of steam-shovel railway excavation and transportation than any engineer in the world, and is an authority on the kind of construction operations that will very largely predominate at Panama. On page 569 of the engineers' testimony he says, in effect, that he can not find any basis for the opinion that the difference in time required for constructing the two types of canal could possibly exceed three years, qualifying this statement in this way:

> But, considering that the work on the sea-level canal is plain, ordinary, everyday work of digging and hauling away what is dug, I do not believe that very much additional time would be required for the sea-level canal.

He also calls attention to the fact that the time may very well be much shortened by working at night as well as by day, the latter having been the basis of his original figures. Again, on page 608, he says:

> I doubt very much whether six large locks, with an immense amount of concrete and structure that has got to be put in by labor more or less skilled and put in in forms, and depending upon material coming there just in right quantities and at the right time—I doubt very much whether the central excavation could not be taken out at Culebra for a sea-level canal as soon as the six immense locks could be constructed. It is an open question in my mind. I think the minority have underestimated the time it will take to construct these locks.

And further on Mr. Wallace repeats and reiterates his opinions as above given.

To summarize, it comes to about this: That eight of the engineers of the Consulting Board and the former chief engineer express the opinion that the maximum time for constructing the sea-level canal will be from twelve to thirteen years, allowing for the 20 per cent additional time, as I explained in my former remarks in the Senate. Several of them, including those who have had most experience in construction work of the kind presented, place the time at eleven, ten, and even nine years. If there are any men in the world better qualified to make estimates of time to build the canal, I do not know where to find them.

The minority of the Board expresses the belief that it will take at least six years longer to excavate the sea-level canal than the lock plan they recommend.

In the hearing before the committee Mr. Noble repeats this opinion, but Mr. Stearns does not appear to have touched upon this subject in his testimony. General Abbott addressed a letter to the committee on the general question, but does not refer to the time of construction. Mr. Stevens, the present chief engineer, in the hearings before the committee makes no comment upon the estimate of time required to accomplish the work on either plan; but in his letter to the Commission, dated January 26, 1906, and which is printed in connection with the two reports, he says:

> I also believe that the difference in time required for construction as between the two types will be very much greater than reported, and I would not care to set a less time than eighteen or twenty years for the building of the sea-level canal, while I am firmly of the belief that the time as shown in the minority report for the construction of the high or 85-foot summit level is ample.

In this connection it is interesting to note the testimony which Mr. Shonts and Mr. Stevens recently gave before the committee of the House upon this question. On the 23d day of April Mr. Shonts addressed a letter to the Secretary of War, in which, among other things, he says:

> Chief Engineer Stevens during the month of March, without making any special effort, but following the general policy of work herein outlined, removed 240,000 cubic yards of material, with an average of 10.7 steam shovels working. The reports up to the 15th of this month indicate a still greater degree of efficiency in excavation. He believes that by July or August he will have forty shovels installed, and will be in a position to remove approximately 1,000,000 cubic yards per month. The actual cost for material handled during March, figuring in contractor's expenses, was 53½ cents a cubic yard.

It is not a difficult mathematical proposition to figure out the

length of time, according to this statement, that would be required to construct the sea-level canal. He states that with forty shovels operating in July or August he can remove 1,000,000 cubic yards per month. In a year, therefore, he will excavate 12,000,000 cubic yards. There are to be excavated in the great Culebra cut only 110,000,000 cubic yards, requiring, therefore, according to his statement, not eighteen, twenty, or twenty-five years, but a little more than nine years to make that excavation; and all concede that the time to construct the sea-level canal is measured by the excavation of this cut. It is to be observed that his estimate is based upon the use of only forty shovels, and it is conceded that at least eighty shovels may be profitably employed in this cut. If the latter figures were employed, it requires no argument to demonstrate that the work can be completed in a still shorter period.

Mr. Shonts is supported in this statement. On page 113 of the testimony given by Mr. Stevens before the House committee, he says:

> In March we got rid of 250,000 yards of stuff. * * *

On page 96 he says:

> At Culebra cut the work we have been doing, under Mr. Wallace and under myself, has been done with the old equipment, which is out of date, which is too small, which is not economical to use; and it would have been poor business judgment to go ahead and make yardage and take out that cut with that equipment. In that sense of the word there has been no great loss of time, and the only use I have made of that equipment, both engines and cars, has been simply in preparing for the new equipment, getting in new tracks and new yards, and things of that kind. In other words, the only modern equipment we have had since I have been there has been the shovels. No cars; no engines; nothing of the sort, all of which are now arriving.

So, then, it appears that, nothwithstanding all these handicaps, Mr. Stevens dug out and carried away from Culebra cut 240,000 cubic yards of earth and rock, besides, according to his statement, drilling and blasting ahead for 361,000 cubic yards of additional rock work.

The statements of Mr. Randolph, of the minority of the Board of Consulting Engineers, whom the Senator from Illinois [Mr. HOPKINS], no doubt, well knows, as he was the chief engineer of the Chicago Drainage Canal, upon this subject are interesting. Mr. Randolph has had an extensive and valuable experience in conducting large engineering works where numbers of steam shovels have been used, notably in the Chicago Drainage Canal. Respecting the sea-level canal as planned by the majority, he said:

> I regard the plan as entirely feasible and practicable, and I believe that it can be carried out within the estimate of cost. If a sea-level canal is to be built, this is the practicable route.

I read from page 137 of the report of the Board of Consulting Engineers.

On page 405 of the report of the Board, Mr. Randolph submits an estimate of the plan required to make the Culebra excavation, stated at 106,000,000 yards. He assumes that each shovel will work only nineteen day of ten hours each, and remove only 500 cubic yards per day, whereas the maximum capacity of these shovels is 3,000 cubic yards per day when permitted to work without interruption. But with these figures as a basis, he declares that 93 steam shovels would do the work in ten years, and 117 in eight years. These, be it remembered, are figures of one of the minority engineers.

In this connection, I repeat the statement made by me in the remarks I submitted to this body some time ago. Every structure and every feature connected with the sea-level canal has met the approval of all the engineers of the Consulting Board, minority as well as majority. There are no doubts respecting this type of canal. The doubt begins when it is proposed to construct a lock canal.

In this connection it may be interesting to read just a word from the testimony of General Hains, of the Isthmian Canal Commission, so highly praised by some of the Senators speaking for the lock canal. I read from page 727 of the testimony of engineers before the Committee on Interoceanic Canals:

> Senator MORGAN. General, if the country between Gamboa and Pedro Miguel was as open and as easy of being cut through by digging or by dredging as the country between Bohio and Gamboa, would you prefer a lock canal across between Gamboa and Pedro Miguel to a sea-level canal through that same area?
>
> General HAINS (after a pause). I do not know that I could answer your question offhand; but I am rather inclined to think, Senator, that I would prefer a sea-level canal under those circumstances.

Then his objection to a sea-level canal, Mr. President, is not based on any feature except the excavation of 57,000,000 cubic yards from the Culebra cut—for that is the exact figure agreed upon by all the members of the engineering board—and because of that excavation he asks and the minority of the Committee on Interoceanic Canals asks, this body to recommend and advise the construction of a lock canal. He would have this Government balk at the job of excavating 57,000,000 yards of material, covering a distance of only 8 miles and a fraction, and 85 feet lower than the lock canal.

Mr. Hunter estimates that each shovel will work twenty days in a month, and gives an average daily output of 800 yards, while Mr. Wallace estimates that the daily output would be 1,000 yards per day and twenty days per month. In this connection it should not be forgotten that the steam shovels have a capacity in favorable material of 3,000 cubic yards per day, which Mr. Stevens confirms.

I contend that the data at hand and the most competent engineers in the world, men of the most extensive practical experience, fully warrant the opinion expressed by the majority, that the time required for the completion of the sea-level canal is but slightly, if any, longer than would be required in the building of the lock canal with its six enormous locks and fully five miles of dams.

It has been stated here, Mr. President, that "a great many vessels are unable to enter Suez because the width and depth are not sufficiently great."

Let us see about this. The battle ship *Mikara*, with 76 feet beam, and the cruiser *Good Hope*, of 78 feet beam, have passed through that canal—and I refer to the report of the Board, page 177, and the engineering testimony, page 824. It should be remembered, Mr. President, that in the Suez Canal the maximum depth is 31 feet and the bottom width is only 108 feet, as against 150 feet bottom width in the proposed sea-level canal at Panama, and 40 feet draft of water.

Lloyd's Register of Shipping gives the beam of all existing vessels by name. There are but four vessels in existence with a beam greater than 78 feet, which is the beam of the *Good Hope*, and they are the British battle ships *Agamemnon* and *Lord Nelson*, and the Russian battle ships *Pavd* and *Perasvanni*. There is not a commercial vessel afloat with beam of over 77.7 feet, and only two are building that will have a beam of 88 feet.

Attention is here called to the notable event of the passage of a huge craft through the Suez Canal—the great dry dock *Dewey*, 500 feet long, and 150 feet broad—a huge iron box, not a ship, but a monster, without any power of its own, towed through the Suez Canal without accident or mishap, and without interrupting traffic an hour. That statement is based upon the report of the Navy Department.

The minority say that the Suez Canal has 13 miles in curves, and the Panama sea level would have 19, or 6 miles more than the other. Also, that the Suez Canal has at times a current of 2½ miles an hour, in which "large vessels do not steer well," and they ask "How would such vessels get on under such circumstances in a curvature four and one-half times that in Suez?" If the Senators who had used the testimony had quoted their authority a little further they would have done better. The testimony and the report read "However, the navigation is never interrupted on account of the current." (See p. 176 of Report of the Board of Consulting Engineers.) It would seem that the minority supposes that if a canal 50 miles long has over 13 miles in curvature, the navigation of it by large vessels would be attended with insuperable or very great difficulty; and yet every vessel of the tens of thousands that have already passed Suez, including hundreds of our 10,000-ton ships, have had to turn several curves of shorter radius by 1,000 to 2,000 feet than any proposed in Panama. One of these has a curve 50 per cent sharper—that is, a radius only half as long.

The Kiel Canal has 23⅞ miles in curvature out of 58, and yet the great battle ships of Germany are passing it daily.

At Manchester there is one curve of 3,300 feet radius, with bottom in the curve of 135 feet, against Panama of 8,200 feet radius and 200 feet bottom width, and yet vessels 470 feet long and 25 feet draft are daily passing these curves with the greatest ease.

Great stress is laid by the minority upon the awful things that would happen to vessels navigating the Panama Canal in the portion where tributary streams bring in their quota of water and create currents varying from 1 mile to 2.64 miles per hour; and in another place the minority of the committee says "the Consulting Board concede that the amount of water to be led into the canal during the wet season will make a current between Obispo and the shores of Limon Bay varying from a mile an hour to 2.64 miles, according to the rainfall and flood."

The Board of Engineers has made no such admission or concession. They have said that sluices are provided for in the Gamboa dam capable of discharging 15,000 second-feet of water, the average annual flow of which will not reach 5,000 second-feet. The Board also says that if 15,000 feet should be discharged, and the tributary streams below were all at maximum flood at the same time, the current developed would never exceed 2.64 miles an hour, and as no flood has been known to last

more than about sixty hours, the time during which such a maximum current could exist would not exceed a half dozen days in any year, for there has never been a year since observations began in 1882 when the rivers were in flood more than twice, and then for but two or three days at a time.

The majority demonstrates that never for more than a week or so each year will the current exceed 1 mile an hour, and this is all predicated on the assumption that all the flow from the Chagres at Gamboa will seek exit to the Atlantic, whereas, in fact, a very considerable part, estimated at one-third, will flow toward the Pacific. It is extremely doubtful if it will ever reach 1½ miles an hour.

Now, to what purpose is all of this? To discredit the sea-level plan. But the minority have apparently forgotten that Mr. Noble, who is twice referred to by the minority of the committee as the "dean of American engineers," told the committee that, in his belief, the plan of the majority for controlling the Chagres floods and the flow of the tributary streams was adequate and satisfactory.

A comparison with Suez is altogether favorable to Panama. It is not half as long. It will be about one-third deeper. It will be nearly 40 per cent wider in its narrowest part. It will have nearly one-third greater area in cross section. It will have much less abrupt curvature. It will be much easier to navigate by large vessels. It will have currents of no greater velocity than exists in Suez and which does not retard navigation. It will require no more, if as much, dredging to maintain; and, finally, it will be a better canal in every way; but if a canal of the small dimensions of Suez as it is now existed at Panama, it would be a much better canal than the one desired by the minority—a high-level multilock one.

It would accommodate 99 per cent of all the vessels that now are afloat, and so far meet the requirements of the United States that the canal problem would be deemed to be solved, if a transit like Suez now existed at the Isthmus of Panama.

But it does not exist at Panama, and this nation has undertaken to construct one of capacity adequate to accommodate not 90, but 100 per cent of all vessels in existence and in expectation.

The sea-level canal proposed by the Board of Consulting Engineers will do this, and no plan yet proposed providing high lift locks *will* do it.

It was claimed during this discussion that De Lesseps began the construction of the canal at Panama on the sea-level plan and failed because a sea level was not the better canal at that place.

The first effort to raise funds failed, and then De Lesseps had an examination made by certain engineers of his own selection, and they reported that a sea-level canal could be constructed at a cost of $166,800,000. It should be borne in mind, however, that the canal then proposed was practically of the dimensions of the Suez Canal, which had been then recently constructed—26 feet draft and 72 feet bottom width.

The next attempt to raise money for the project was successful. Monsieur De Lesseps at once commenced work, and the Isthmus was soon teeming with life and activity, but no surveys had been made or matured plans proposed, and no data existed to show what would be the magnitude of the undertaking.

Had De Lesseps spent two years' time and two or three million dollars in surveys, studies, and preparation, a vast sum would have been saved and the work really and substantially advanced. Meanwhile the press, especially that of France, was subsidized to aid the financial schemes of the promoters, and vast sums were spent in the propaganda in bribing and corrupting those who had the power to retard the work or to levy blackmail.

Yet the work went on and the laboring force and equipment were rapidly expanded, so that in 1887 some 17,000 men were employed.

The total amount of money raised—$246,000,000—was quite sufficient had it been properly expended to have completed a sea-level canal of dimensions equal in respect to width and depth of channel to those of Suez; but it has been estimated that the actual expenditures on the Isthmus, outside of useless machinery bought and shipped to Panama from France, did not exceed at the time of the collapse $50,000,000 or $60,000,000, although, when attempting to sell the enterprise to the United States, it was claimed that over $100,000,000 had been spent on the Isthmus.

By 1887 it became evident even to sanguine De Lesseps that his ability to raise money was fast disappearing. Grasping at straws, he reluctantly accepted an alternative of introducing temporary locks of small size, to be made wholly of metal, these to be later removed and a sea-level canal to result. He announced that this programme could and would be carried to completion, and that the canal in five years from 1887 would be passing vessels and earning a revenue out of the surplus with which he would finish the sea-level canal a few years later. Apparently De Lesseps believed this, and work was immediately begun in excavating the lock pits.

But the French investors had lost all faith in the enterprise. The last efforts to raise money, by the issue of lottery bonds, failed, and in 1889 the bankruptcy of the French company was announced.

It has been asserted by a member of the minority of the canal committee that this collapse was due to the fact that an attempt had been made to achieve the impossible—a sea-level canal. This is a wholly unjustified opinion for which no proof can be cited. The result would have been exactly the same had the lock plan been adopted originally instead of later.

The two and only causes of failure were, first, the beginning of construction work without any adequate studies or preparations, and, second, because approximately four-fifths of the capital raised was dissipated, squandered, and lost, principally in France. The type of canal attempted to be made had nothing to do with the collapse. The outcome beggared and ruined a great many of the French people and resulted in the criminal conviction and incarceration of many of the leading spirits in the swindle. De Lesseps himself died a few years later, a convicted criminal. I make no hazard in repeating that had proper measures been taken in advance, and honesty and intelligence characterized the effort, both on the Isthmus and in France, a sea-level canal 26 feet deep and 75 feet bottom width would have been open to the shipping of the world and in general use by the year 1895.

From 1889 to 1894 no work was done at Panama save to care for property. In 1889 a commission to study the situation was convened by the receiver of the old company, and it reported in 1890, a date when the criminal prosecution of the promoters, directors, and contractors of the defunct company was being carried on in the French courts for frauds and embezzlements of all kinds and bribing the national legislature. It was seen to be useless to attempt to complete the canal on any plan that would involve the expenditure of a large sum, for the public was disgusted with the very name "Panama." It was, however, hoped that in time this feeling would pass away and the stench of the past be forgotten. A scheme involving the minimum of expenditure in time and money was proposed as an alternative—a lock canal—but the French public and the world's investors would have nothing to do with it, and so the work languished until 1894, when a feeble reorganization was effected, composed largely of the old promoters and contractors, some of whom, to escape conviction for fraud and embezzlement, subscribed to the capital stock of the new company, which resumed work feebly in the year stated with a capital of some $11,000,000.

The policy was to continue work in a small way, with the hope that the past would be forgotten by degrees and that later funds could be raised to complete a canal of small dimensions, but this hope proved elusive. There was a little work done on the Culebra and Empire summits, but the limited capital was rapidly vanishing. It was evident that another collapse was impending. L. N. B. Wyse again appeared on the scene with a scheme for a lock canal and M. P. Bunau-Varilla, who claims to have been the author of the provisional lock plan proposed to De Lesseps, wrote a book—indeed, two books—to show how easy it would be to make a provisional lock canal and later to transform it to one at sea level.

The company next resorted to a commission or committee of scientists to galvanize the enterprise into life and to convince the public that the scheme was realizable on a commercial basis and that profits to investors were in sight.

This committee consisted of six Frenchmen, two Germans, two Americans, one Belgian, one Englishman, one Russian, and one Colombian. They were in session over two years and reported in 1898, but result was nil so far as concerned resuscitation of the scheme. Another body of engineers appointed by the French company, four Frenchmen and one American, indorsed the report of the earlier committee for a small, inadequate, and entirely unsatisfactory lock canal. That these three commissions did not know very well that their project was but a makeshift it is impossible to believe; at all events the French and European public knew it and would have nothing to do with a plan that proposed to hoist the world's commerce and navies over a hill 100 feet high when they also knew that the Suez shares were selling at four or five times their face value, and that the profits of this sea-level route were increasing year by year.

The French company, which had set two or three thousand men at work in 1894, reduced this force steadily, so that by

1900, after all three reports of the commissions and committees had proved ineffective, they had reduced the number of men to about a thousand.

About this time an effort was made to Americanize the "enterprise," as they called it, to recharter the company under the laws of New Jersey, the French company to transfer to the other all property, rights, and interests; for it was painfully evident to the French promoters of the Panama Canal that never in the world could a dollar be raised for a private company if the United States should take up Nicaragua, which then seemed probable. The old Panama bonds were then selling for but two or three dollars per share, as reported on the Bourse. This last spasm also fell flat, for the capitalists of the United States would not subscribe for a dollar of the new stock, and the result was abortive.

About this time the Walker Commission reported that the executed work at Panama and Panama Railroad stock was worth $40,000,000. Here was a ray of hope, and it was seized upon with eagerness. The final result is well known.

But all this does not signify that the route is an impracticable one or that the property is not worth what we paid for it—the contrary is the case. Perhaps by waiting a few years we could have had the unfinished work for nothing, for the company was on the verge of collapse. But the course pursued by the Government was a wise one, for it removed many troublesome questions and enabled us to secure at Panama the ideal canal—one at sea level—and which would have been opened ten years ago had the French people gone about it in the right way and excluded fraud, bribing, and graft.

The attempts to patch up a provisional makeshift failed, as was inevitable, for Panama is no place to build a lock canal. There, and there only, in America can the ideal canal be realized—one at sea level—dividing the continents and joining the oceans at one uniform level.

It is probable, indeed almost certain, that considering the disastrous, tragic ending of the French attempt, it was beyond the power and capacity of any corporation to raise the necessary capital to complete this task. But it is quite within the ability of this nation to show to the world a finished interoceanic transit route in ten or eleven years—a canal of type, dimensions, and capacity to afford convenient passage for the largest existing ships as well as those that may be reasonably anticipated and that will endure for all time and remain throughout the ages as a monument to American energy, perseverence, brains, and integrity.

Mr. President, I yield the floor, so that the junior Senator from Ohio [Mr. DICK] may occupy the remaining five minutes.

Mr. DICK. Mr. President, Senators will remember that when in a former Congress we changed from the Nicaraguan to the Panama route, one of the determining factors in the controversy was that at Panama we might do what was impossible at Nicaragua, namely, construct a sea-level canal. In my judgment when that determination was made the action was not more important than what we shall determine now in our vote to settle the type of canal we shall build. We can understand with this great diversity of testimony, expert and otherwise, how honest men may honestly differ as to which is the better. But having changed my vote from support of the Nicaraguan route to that of the Panama route, I have failed thus far to find reasons which compel me to recede from my position in favor of a sea-level canal across the Isthmus of Panama, or to change my judgment and convictions.

We are called upon to determine on short notice and after very limited debate the type of canal which the United States shall construct. This enterprise is undoubtedly the greatest project ever undertaken by any government, involving as it does the expenditure of hundreds of millions of dollars.

It is generally admitted that we must spend at least two hundred million dollars and years of time in the construction of the canal, whether it be a lock or a sea-level canal, and in my judgment the people of the United States care less whether it shall cost a few millions more or take a few more years of time, than that when completed it shall be an entire success.

It is a tremendous undertaking, and while it may prove as profitable an investment as the Suez Canal, yet, on the other hand, the traffic which passes through it may prove disappointing and the enterprise may never return interest on the investment. We have, however, engaged in the task, and can not draw back. The cost is so stupendous that no aggregation of private capital would undertake the work. We can not permit any foreign government to engage in the project, and the United States can not now retrace its steps, but must prosecute the work to a successful end.

What object should be kept in view in realizing this dream of centuries—a ship canal across the Isthmus of Panama? Should we construct the best kind of a canal, one which will be adequate to meet all probable demands, or shall we be content with the cheapest canal which can be constructed in the briefest time?

It is difficult for me to bring myself to look at this question in the way in which it is considered by the chairman of the Committee on Interoceanic Canals. In his remarks recently delivered in this Chamber, he said (p. 8703):

> In my view of the subject we are expected by the people to provide for a practical canal at the least possible cost, to be constructed in the shortest possible time.

We can not agree that the people have given any such mandate in this matter. What they want is not a canal sufficient for the needs of to-day or to-morrow, but a canal sufficient to meet all future demands which may reasonably be expected.

We are building this canal, not for to-day, but for the centuries, and the element of time, as well as the element of expense, while matters to be considered, it is true, nevertheless weigh little compared with the success of the project, which may be determined by the character or type of canal.

The statute under which the site of the canal was acquired and the work has so far been prosecuted, provides that the canal "shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use and such as may be reasonably expected." There has been no intimation, so far as known, that the public is demanding any less to-day in the capacity of the proposed canal than it demanded at the time that act was passed, and so, we repeat, the people have never said, and in all probability never will say, that time and cost are the sole elements to be considered in deciding upon the type of the canal which is to connect the Atlantic and Pacific oceans.

The problems connected with the construction of this canal are essentially such as must be solved through the aid of expert evidence. What is the most feasible kind of canal to be constructed, a sea-level or a lock canal; and if the latter, how many locks shall there be, and what shall be the height of the various levels, are questions that can be answered only with the assistance of the highest engineering skill known in the world. From the time that Ferdinand De Lesseps, the great Frenchman who constructed the Suez Canal, turned his energy and ability to piercing the Isthmus of Panama, a great many engineers and engineering boards have wrestled with the problems involved in the construction of a ship canal between the Atlantic and the Pacific. As to the type of canal to be finally selected for the United States, there can be no question at all that, other things being equal, a sea-level canal is preferable to a lock canal. When private capital was engaged in this enterprise, the question of time and the question of cost was of much more relative importance than it is now, since the United States has engaged in the enterprise. The limitations imposed upon the French company engaged in the work called forth a report favoring a lock canal. The superior advantages, however, of a sea-level canal have been fully recognized by every person who has paid any attention to the subject. It is admitted by the President himself in his remarks to the Board of Consulting Engineers, when he received them at Oyster Bay, September 11, 1905. In the course of his remarks on that occasion he said:

> There are two or three considerations which I trust you will steadily keep before your minds in coming to a conclusion as to the proper type of canal. I hope that ultimately it will be proved feasible to build a sea-level canal. Such a canal would undoubtedly be best in the end, if feasible, and I believe that one of the chief advantages of the Panama route is that ultimately a sea-level canal will be a possibility.
>
> If to build a sea-level canal will but slightly increase the risk and will take but little longer than a multilock, high-level canal, then of course it is preferable; but if to adopt the plan of a sea-level canal means to incur great hazard and to insure indefinite delay, then it is not preferable. If the advantages and disadvantages are closely balanced, I expect you to say so. I desire also to know whether, if you recommend a high-level, multilock canal, it will be possible after it is completed to turn it into or to substitute for it in time a sea-level canal without interrupting traffic upon it.

This Board of Consulting Engineers, which the President called to his assistance, consisted of nine citizens of the United States and one engineer nominated, respectively, by the British, German, and French Governments, the Government of the Netherlands, and the consulting engineer of the Suez Canal. All these gentlemen were men of high standing and skilled engineers. To them was given the task of considering the various plans proposed for the construction of the canal and to report their conclusions after having considered and decided the questions presented to them. After making a careful study of all of the problems involved in the undertaking, this Board presented two reports, a majority report signed by eight members of the

Board, recommending that the sea-level type be adopted for the Panama Canal, and a minority report signed by five members, recommending a lock canal at an elevation of 85 feet above sea level. The Board found that at Panama alone is a sea-level canal in open cutting feasible, and expressed no doubt of the practicability of such a canal.

The canal recommended by the Board has a depth of 40 feet, with a bottom width of 150 feet in earth, with side slopes adjusted to the nature of the ground, so as to give a surface width of from 302 feet to 437 feet. In rock the section is to be altered so as to have a bottom width of 200 feet and a surface width of 208 feet. At the Pacific end the canal is to be protected by a tidal lock located between Ancon and Sosa hills. It is also stated that this width will be sufficient to permit steamers to maintain a speed of 6 to 8 knots per hour, and to allow two ordinary merchant steamers to pass each other on the line of the canal without stopping.

Outside of the considerations of time and cost, two important elements must be kept constantly in mind in determining the type of this canal. It is not only to be a commercial highway, uniting the two oceans, over which it is hoped will pass a never-ending stream of merchant ships, but, what is of greater importance, the canal is to be part of the military and naval defense of the United States. It will double the efficiency of our Navy by permitting our battle ships and cruisers to move quickly from our Atlantic coast line to our Pacific coast line, and vice versa, without rounding Cape Horn.

These two considerations make it absolutely imperative that that type of canal be adopted, other things being equal, which will be the safest and the least liable to accident and interruption of traffic.

Year after year we are constructing larger ships both for commerce and for war purposes, and the canal should be large enough and adequate enough and practical enough to admit of the transportation of all these ships without hindrance and without danger. The size of battle ships has been constantly increasing, until they have reached the dimensions of the *Dreadnaught* class, a marine monster which Germany, Japan, the United States, and possibly other nations may equal. The engineers report it would be almost impracticable to lock a ship of this class up and down in the proposed lock canal. Of what value would the canal be to this country if in time of great national peril it would be impracticable to send our largest battle ships through it? The Atlantic liners are steadily increasing in size, and there is promise that before many years we shall see them 900 feet long and 90 feet in beam. It would be equally impracticable to send such vessels through a lock canal. The American people will not be satisfied with that type of canal. What they demand is the very best canal which money and brains and brawn can produce, and they will not be satisfied with any temporary expedient.

I can not forget, either, Mr. President, that in most of these discussions and in nearly all of the testimony, it is generally admitted that the sea-level canal is the ideal canal, and nearly everyone who has discussed the matter has admitted that the lock canal is but an intermediate construction, which, at some future time may be developed into a sea-level canal. We had better, Mr. President, take the time now and pay the expense necessary to construct that which shall be durable and permanent, and which shall answer the necessities and requirements for all time in the future.

A sea-level canal possesses the incomparable advantage of being a final and completed enterprise. Nearly every supporter of a lock canal regards such construction as a half-way measure, as merely the beginning of what is in time to be changed to a sea-level canal. The President frankly avowed that position in the remarks quoted above. The Board reported that it was practicable from an engineering standpoint to change any lock canal to a sea-level canal, but that it would be impracticable from a financial standpoint until the capacity of the canal was taxed by the increase of traffic, which would be remote, and declared that if a sea-level canal is to be constructed in the near future it should be built at once.

One of the main considerations to be kept in mind is the absolute necessity of securing safe and uninterrupted navigation across the Isthmus when the canal shall be ready for traffic. No one will deny that a sea-level canal is superior to a lock canal in this respect. The sea-level canal will require only one lock, which will be needed at the Pacific end because the tide there rises as high as 20 feet as against an ebb and flow at Colon of only 2½ feet. The engineers tell us, however, that this lock will only be required one-half of the time, so that the destruction of that lock at most would disable the canal only one-half the time. The absolute necessity of guaranteeing safe and uninterrupted passage through the canal when opened to commerce convinced the Board of Consulting Engineers that a sea-level canal was imperative. Accidents which have occurred in the past few years in the lock of the Soo Canal and in the Manchester Ship Canal, and which escaped very serious results only by the narrowest of margins, give warning that a lock canal at Panama might by some such accident be destroyed beyond possibility of repair within several years. In view of the conflict of expert opinion on the possibility of danger arising from this source, the only prudent plan to follow is to adopt a canal type which obviates that danger entirely.

We are told that the channel of a lock canal will be wider than the channel of a sea-level canal, and therefore boats can make better time through the former. In the many miles of lake navigation which the lock-canal advocates hold up to us as proving beyond question the superiority of that type of canal, a channel must be excavated, and it will have the disadvantage of being a submerged channel, such as exists in Lake St. Clair and the Detroit River, in the Great Lakes.

Such channels must be marked by lines of buoys or otherwise, and will retard the speed of vessels as much as will the channel of the sea-level canal. The Board gives the assurance that vessels can make the passage through a sea-level canal in several hours better time than through a lock canal. It is even more apparent that more vessels can pass through a sea-level canal within a given time than can pass through an 85-foot level canal with three locks, or lifts, at both ends.

The cost of maintenance is admittedly much less in the case of a sea-level canal, and the possibility of disabling it in time of war or of an interruption to traffic at any time is so incomparably less that these considerations alone should decide the issue for that type of a canal unless the elements of time and cost preponderate strongly in favor of a lock canal.

We have neither the time nor inclination to enter upon a discussion of the complicated engineering problems involved. They have been presented ably and exhaustively in this Chamber. It is a case where experts differ, but there are a few points which are clear even to a lay mind. The type of canal which presents the fewest engineering problems, which will be the simplest in construction and at the same time will be the cheapest to maintain, the easiest to defend, and the most invulnerable to accident, the type which can handle the greatest traffic, will be permanent and lasting, is the sea-level canal. It will cost more and require a longer time to construct it, it is said. Will not this greater cost and longer time be counterbalanced by the superior qualities of a sea-level canal? Of course there is impatience to see the canal completed as soon as possible. I can understand that the men connected with the construction work, the executive officers in control, and even the legislative department charged with the duty of providing means to build the canal are anxious to see the work completed within their official life; but that is a minor consideration and of no consequence compared to the responsibility and duty of Congress to legislate for the best canal possible. I am satisfied that this difference in time and cost of construction explains the strong sentiment in favor of a lock canal. It is equally apparent that this difference has been greatly overestimated. As the Board well says:

> The time required for the construction of a ship canal across the Isthmus is one of the main elements of the whole subject. If the execution of the work in accordance with any one plan could be completed within a reasonable time while the execution of the work under another plan of equal merit could be realized within a less time, it is clear that the latter plan should be adopted. If, however, there are two plans, both feasible and each involving an amount of work which can be accomplished within a reasonable period, it is clear that the execution of that plan requiring the longer period may be justifiable if the advantages thereby gained are sufficient or more than sufficient to compensate for the delay. If the work required under the less desirable plan can be finished within ten or eleven years, while that under the more desirable plan would require but two years longer, the small delay in the passage of the first vessel through the waterway might easily be neglected in comparison with the advantages secured under the better plan.

The time of construction and the cost under any plan is largely conjectural. The report of the Board gives strong assurance to the faith that a sea-level canal will not require more than two or three years longer time than the lock canal, and that the actual difference in cost will not exceed fifty to seventy-five million dollars. It is even possible, in view of the delays which may arise in constructing the locks called for by that type of canal, that a sea-level canal can be finished sooner than the other type.

In the opinion of many competent witnesses, the quickest way to construct a canal is to let it out to private contractors. It is notorious that Government work is much more expensive than private work, even when the two are identical in character. There is plenty of evidence from the Isthmus that laborers and foremen and engineers engaged on the canal work are not, as a rule, working as hard as they would be if working for private

employers. There is little question that American contractors can build a sea-level canal in less time and for less cost than the Government can construct a lock canal.

Why not construct a canal which, when completed, will eliminate all possible competition in transportation of freight across the Isthmus? The Mexican Government is spending some $50,000,000 in terminal facilities for its short transcontinental railroad across the Isthmus of Tehauntepec. If we build a sea-level canal at Panama, a Mexican canal at this point will never materialize. If we construct a lock canal, and it proves remunerative, we need not be at all surprised to see a competing canal constructed at Tehauntepec.

We have not dwelt on the liability of Panama to be disturbed by earthquake shocks. There is a record of many earthquakes, and some very destructive ones, occurring on the Isthmus. They may occur again. It does not require any argument to show that a sea-level canal is less liable to damage from such eruptions than would be a lock canal. This consideration is not without weight.

The majority of the experts favor a sea-level canal, and the arguments they present in support of their position have not been satisfactorily answered. I favor the type of canal which presents the fewest doubts and will be the most durable, believing the American people will indorse that decision when they finally understand the case. We can even afford to wait a few years and to spend a few more millions to secure the best canal.

The VICE-PRESIDENT. The hour of 3 o'clock has arrived.

Mr. DICK. I ask unanimous consent to extend my remarks in the RECORD.

Mr. HALE. I dislike to interfere with the Senator from Ohio, because he is always so reasonable, but the Senate has never had the practice of extending remarks in the RECORD.

Mr. DICK. Then I withdraw my request.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary read as follows:

Be it enacted, etc., That a sea-level canal, connecting the waters of the Atlantic and Pacific oceans, be constructed in accordance with the report and plans of the Board of Consulting Engineers for the Panama Canal created by the order of the President, dated June 24, 1905, in pursuance of an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902.

Mr. HOPKINS. I offer an amendment in the nature of a substitute.

The VICE-PRESIDENT. The Senator from Illinois proposes an amendment, which will be stated by the Secretary.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That a lock canal be constructed across the Isthmus of Panama connecting the waters of the Atlantic and Pacific oceans, of the general type proposed by the minority of the Board of Consulting Engineers, created by order of the President dated January 24, 1905, in pursuance of an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

Mr. KITTREDGE. I move that the amendment be laid on the table, and on that question I call for the yeas and nays.

Mr. HOPKINS. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLAY (when Mr. BACON's name was called). My colleague is necessarily absent from the Senate. He is paired with the junior Senator from Missouri [Mr. WARNER]. If my colleague were present he would vote "yea."

Mr. BAILEY (when his name was called). I have a general pair with the Senator from West Virginia [Mr. ELKINS]. He is absent, and I therefore withhold my vote.

Mr. NELSON (when Mr. CLAPP's name was called). My colleague is unavoidably absent, attending the funeral of the late Congressman Lester. If he were present he would vote "nay."

Mr. PROCTOR (when Mr. DILLINGHAM's name was called). My colleague is necessarily absent. He is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. SCOTT (when the name of Mr. ELKINS was called). My colleague is absent from the city, but he is paired with the Senator from Texas [Mr. BAILEY], as announced by that Senator.

Mr. HALE (when Mr. FRYE's name was called). My colleague is absent, but he is paired with the Senator from Oregon [Mr. GEARIN]. Otherwise my colleague would vote "nay" and the Senator from Oregon would vote "yea."

Mr. FULTON (when his name was called). I have a general pair with my colleague [Mr. GEARIN], who is not present. It has been arranged to transfer that pair to the absent Senator from Maine [Mr. FRYE], and I therefore will vote. I vote "nay."

Mr. GAMBLE (when his name was called). I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. It has been arranged whereby that pair shall be transferred to the junior Senator from Nevada [Mr. NIXON], and I will vote. I vote "nay."

Mr. PENROSE (when Mr. KNOX's name was called). My colleague is absent, and will be absent for the remainder of the session. He has a pair upon this bill and any questions arising in connection with it with the junior Senator from Kentucky [Mr. MCCREARY]. I make this announcement now to stand for all other votes arising on the bill.

Mr. LONG (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS]. By arrangement that pair is transferred, so that the Senator from Idaho [Mr. DUBOIS] is paired with the junior Senator from Michigan [Mr. ALGER], and I will vote. I vote "nay."

Mr. MCCREARY (when his name was called). I am paired on this bill with the Senator from Pennsylvania [Mr. KNOX]. If he were present I should vote "yea."

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW], who is absent. I therefore withhold my vote. If he were present I should vote "nay."

Mr. MORGAN (when the name of Mr. PETTUS was called). My colleague is detained from the Senate to-day. He is paired, however, with the junior Senator from Massachusetts [Mr. CRANE]. If my colleague were present he would vote "yea."

Mr. PILES (when his name was called). I was paired with the junior Senator from Arkansas [Mr. CLARKE]. I understand that he subsequently paired with the junior Senator from Minnesota [Mr. CLAPP]. If that be correct, I desire to vote. I vote "nay."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. He is absent. A pair has been arranged between the Senator from Mississippi [Mr. MONEY], who is absent, and the Senator from Vermont [Mr. DILLINGHAM], and that allows the Senator from Wyoming [Mr. WARREN] and me to vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. By the arrangement just mentioned by the Senator from South Carolina [Mr. TILLMAN], the Senator from Mississippi will stand paired with the Senator from Vermont [Mr. DILLINGHAM] for the day, and the Senator from South Carolina [Mr. TILLMAN] and I are at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. STONE. I wish to announce that my colleague [Mr. WARNER] is absent, attending, on the order of the Senate, the funeral of the late Representative Lester. He is paired with the senior Senator from Georgia [Mr. BACON]. I do not know how he would vote.

Mr. WETMORE. I desire to announce that my colleague [Mr. ALDRICH] is paired with the Senator from Colorado [Mr. TELLER]. If present, my colleague would vote "nay."

The result was announced—yeas 31, nays 36, as follows:

YEAS—31.

Ankeny	Culberson	Latimer	Platt
Berry	Daniel	McCumber	Rayner
Blackburn	Dick	McLaurin	Simmons
Burnham	Foster	Mallory	Stone
Burrows	Frazier	Martin	Taliaferro
Carmack	Gallinger	Morgan	Tillman
Clark, Mont.	Hale	Nelson	Whyte
Clay	Kittredge	Overman	

NAYS—36.

Allee	Cullom	Heyburn	Perkins
Allison	Dolliver	Hopkins	Piles
Benson	Dryden	Kean	Proctor
Beveridge	Flint	La Follette	Scott
Brandegee	Foraker	Lodge	Smoot
Bulkeley	Fulton	Long	Spooner
Burkett	Gamble	Millard	Sutherland
Carter	Hansbrough	Patterson	Warren
Clark, Wyo.	Hemenway	Pearose	Wetmore

NOT VOTING—22.

Aldrich	Crane	Gearin	Nixon
Alger	Depew	Knox	Pettus
Bacon	Dillingham	McCreary	Teller
Bailey	Dubois	McEnery	Warner
Clapp	Elkins	Money	
Clarke, Ark.	Frye	Newlands	

So the Senate refused to lay on the table Mr. HOPKINS's amendment.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment proposed by the Senator from Illinois [Mr. HOPKINS].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. HOPKINS, the title was amended so as to read: "A bill to provide for the construction of a lock canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction."

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

Mr. McCUMBER. I wish to ask the Senator from Maine if he expects to dispose of the bill this afternoon?

Mr. HALE. I can only say that I certainly hope and believe that it can be disposed of. One of the subjects of controversy upon the bill has been eliminated by the action of the Senate upon the Panama Canal bill, which has just passed from the consideration of the Senate. That in effect disposes upon the appropriation bill of that question.

So nothing is left now except the amendment relating to the traveling expenses of the President, and possibly one other amendment. I should hope that we may easily this afternoon, it now being but a little after 3 o'clock, dispose of these disputed questions, so that the bill may go to the House of Representatives and we may get into conference upon it.

I can not, of course, limit debate, nor will any appeal of mine, I presume, interfere, but I should hope that Senators will appreciate the real stress of weather that we are under and the necessity of sending this bill to the House of Representatives so that we may have an early conference upon it, in order that we may adjourn on Thursday or Friday or Saturday of next week.

That is all, Mr. President, that I can say in reply to the Senator.

Mr. McCUMBER. Mr. President, I will state my reason for asking the question. As the Senator knows, the Senator from Georgia [Mr. BACON] is necessarily absent. It would have been impossible but that one of the Senators from Georgia should have attended the funeral of their late colleague in the other House. The Senator from Georgia has attended that funeral and has not yet returned. In a talk which I had with him before leaving he expressed himself very strongly upon the pending amendment, and signified his intention of opposing it on the floor, and a set purpose to do so. I am satisfied that he did not expect that the matter would come up and be disposed of before he could be present.

Under the circumstances, it seems to me that the Senator from Maine ought not to attempt to press this amendment to a final vote during the absence of the Senator from Georgia. I am certain myself that I do not wish to delay this matter, but I am equally certain that the Senator from Georgia does desire to be heard upon the amendment.

Mr. HALE. Mr. President, I am equally certain from my knowledge of the Senator from Georgia that he would not expect at this time in this emergency that the pending bill should be delayed because he is absent. I should be the last man who would do him any discourtesy. I know that generally he was aware of the fact that the bill would be brought up and would be pushed as fast as possible. I can not consent, simply because he is absent, to delay a bill in which everybody is interested. I am entirely willing to take my chances of being subjected to any censure on the part of the reasonable Senator from Georgia, who is now absent. I will very willingly take that responsibility.

Mr. McCUMBER. It is possible the Senator from Maine can see a greater exigency in the matter of this bill, and the saving of twelve hours in the time it shall pass the Senate, than some of the other Senators. For my part I do not see why it is of any greater concern to be immediately gotten out of the way than any other appropriation bill. All appropriation bills must be passed before Congress adjourns, and why this bill should be singled out to be regarded as a case of wonderful emergency that can wait for nothing else, and not even for a Senator to return from a funeral who is four hours absent now from the time of return, seems to me to be rather strange.

Mr. HALE. Mr. President, this bill has not been singled out. It takes its regular course. We are within a week of the time when every Senator hopes to adjourn. I am doing nothing unusual or unreasonable in asking the Senate to stick to the bill until it is passed.

The Senator from Georgia has no more local interest in the pending amendment than any other Senator. It does not affect his State alone. It is a general subject in which he has general interest. As I have said, I am willing to take the chances of being censured or found fault with by that Senator when he returns. No man appreciates the condition of the business of the Senate better than the absent Senator from Georgia.

Mr. McCUMBER. Yet, notwithstanding the fact that the Senator is willing to take any chance of censure, it does not seem to me that that is the basis on which we should consider whether or not we should drive this bill through without reference to Senators being absent. That is not the only question involved in the bill. Undoubtedly the Senator from Georgia being necessarily absent, would not censure anyone, but, as a matter of courtesy, from the fact that I know he would like to be heard upon it, and from the fact that I know he intended to be heard upon it, it seems to me there is nothing before us that demands this wonderful rush upon this particular bill.

Mr. HALE. Let the question before the Senate be stated by the Chair.

The VICE-PRESIDENT. The pending amendment will be stated by the Secretary.

The SECRETARY. On page 102, after line 9, the Committee on Appropriations reports to insert:

For the traveling expenses of the President of the United States, his attendants and invited guests traveling with him, to be disbursed at the discretion of the President, $25,000.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. McCUMBER. I yield to the Senator.

Mr. CARTER. It will be recalled by Senators that the announcement was made by me that immediately after the vote on the canal bill I should move that the Senate proceed to the consideration of executive business. The desire of the Senator from Maine to attempt the conclusion of the pending bill this evening constrains me to withhold that motion for the time being.

I will say to the Senator and to the Senate that the making of the motion seems to be in conformity with an understanding which will be quite disconcerted unless the executive session is held this evening; and in order that we may not pass the evening without the executive session, I desire to say now that at the hour of 5 o'clock, unless this bill shall sooner be disposed of, which I hope may be the case, I shall move an executive session, and I hope the Senator from Maine will concur with that motion.

Mr. HALE. That seems to me entirely reasonable, Mr. President.

The VICE-PRESIDENT. The Senator from North Dakota will proceed.

Mr. McCUMBER. The Senator from Mississippi [Mr. McLAURIN] had the floor, and I presume is still entitled to the floor upon the discussion of the pending amendment. I shall be very glad to yield to him. I know he has not finished his remarks.

Mr. McLAURIN. I will say to the Senator from North Dakota, if he desires to proceed now and will do so, it will be very satisfactory to me to go on after he shall have concluded.

Mr. McCUMBER. Mr. President, I am opposed to this amendment on two grounds. The first ground is a constitutional one. The second is upon principle. Lest I may be misunderstood, I wish to say now that in exact harmony with, I believe, every Senator on this floor, I am in favor of giving the President a salary that will be commensurate with his high official position.

If that salary is $75,000 or $100,000 per year, I am in favor of voting such salary, to commence at such time as the Constitution provides, for the benefit of this great office. But I am not in favor of this method of increasing his salary.

It may be that there are Senators here who care little whether they go over the Constitution or whether they crawl under it, so that they reach the particular point they have in mind, but I hope that for the sake of our own reputation we will give proper and honest consideration to every constitutional question that is properly raised in a great matter of this kind.

This provision is worded not to be an appropriation for the benefit of the Executive office for the payment of expenses in caring for the Executive Mansion or other proper appropriation, but is worded, and undoubtedly worded, with the intent that the salary of the President shall be increased this year $25,000.

I wish to call attention, Mr. President, to the peculiar language that is used in this amendment. It reads:

For the traveling expenses of the President of the United States, his attendants and invited guests traveling with him, to be disbursed at the discretion of the President, $25,000.

How is the President, who disburses this money at his discretion, to disburse it unless the money is in his hands for the purpose of disbursement? There is no provision that this money shall be disbursed by the Comptroller of the Treasury upon vouchers by the President or anyone else, but the one who is to use his discretion in the matter of the disbursement is the President of the United States himself. Therefore the money must necessarily come into the hands of the President and be by him disbursed.

I am fortified in this position by the absence of all provisions like those contained in other like laws providing for expenses of the executive or judicial departments, requiring a voucher for any expenses before such expenses are paid.

Then the result of this is what? Simply an additional payment of $25,000 per year compensation for the President of the United States.

Mr. President, the salary of the President of the United States, under the Constitution and under which we are presumed to be acting, is limited to the amount that has been fixed prior to his incumbency in that office, and it is limited both as to compensation and also as to any other emolument incident to this great official position.

Section 1 of Article II of the Constitution provides that—

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

I first call attention to the fact that ordinarily our laws fixing compensation for Federal officers, executive or otherwise, and also in the States generally, adopts the word "salary" instead of the word "compensation." The word "salary" has a much more limited definition. It is understood to be a fixed sum to be paid to a person for a fixed service, generally paid weekly, monthly, or yearly. The word "compensation" will include, of course, in all cases salaries, but it will go beyond what is generally understood by the term "salary," and will cover any other thing that is of benefit, that compensates, that offsets for a service, a certain sum of money or any other thing of value.

So the word "compensation" as used in this provision of itself is broad enough to cover any character of emolument that amounts to a benefit to the President of the United States.

It is evident that the word "compensation," as I stated, has a much broader meaning. Webster definites "compensate" as follows:

To make suitable return to or for, as for services, loss, etc.; give an equivalent or recompense to or for; requite; remunerate.

It is even broader than that in its general acceptation. In general understanding it means any benefits that are received to counterbalance any services rendered.

The same author defines "salary" as follows:

A periodical allowance made as compensation to a person for his official and professional service or for his regular work.

Mr. President, the Constitution wisely provided that the compensation of the Executive shall neither be increased nor diminished during the term for which he has been elected.

The purpose of that constitutional provision was to prevent Congress from increasing the compensation of the Executive for any favor that Congress might receive from the Executive, and, further, to prevent any punishment of the Executive because he may have come, during his incumbency, into disfavor with the Congress of the United States.

Now, this $25,000 for traveling expenses is unqualifiedly an additional compensation. It does not make any difference whether it is given by a direct appropriation for salary or whether it is given under the guise of compensation for some purpose which he may use or he may not use, and which may cover that service ten times over or may not cover it, it is a benefit. It is something received by him as a gratuity in addition to that which he would receive had not this law been enacted.

Mr. President, this being a new favor, a benefit, it is clearly inhibited, in my opinion, under the Constitution of the United States. But under the terms of this same constitutional provision, and for the very purpose of making it impossible by reason of the granting or withholding of a favor for Congress to influence the Executive one way or the other, the fathers who adopted this Constitution went further than the mere matter of compensation, and declared that no emolument of any character whatever should be added to the compensation or emolument that was already provided for the Executive.

Now, what is the meaning of the word "emolument?" Senators will agree with me that, while "compensation" is much broader than the word "salary," so, too, "emolument" may be broader than either the word "compensation" or the word "salary." Webster defines the word "emolument" as follows:

The remuneration connected with any office, occupation, or service, whether as salary, fee, or perquisite; compensation.

Let me ask the Senator from Maine if this is not a perquisite in addition to the salary? Is not the effect of it to give a benefit in addition to what the Executive is receiving now under the provisions of law? The American and English Encyclopedia, which every Senator understands, bases its definitions upon the weight of an authority, and after collecting a list of authorities, gives this as the general definition of the word "emolument," as construed by the courts of the United States:

I especially invite the attention of Senators to this definition. On page 1204 of the American and English Encyclopædia we have the word "emolument" defined as follows:

A profit arising from office or employment; that which is received as a compensation for services, or which is annexed to the possession of office, as salary, fees, and perquisites; advantage; gain, public or private.

Mr. President, that is a pretty broad definition, but an examination of the authorities will show that it has as its foundation the great weight of judicial decision in the United States. Compare that with the pending amendment, which reads:

For the traveling expenses of the President of the United States, his attendants and invited guests traveling with him, to be disbursed at the descretion of the President, $25,000.

You will understand, Mr. President, that this goes further than the mere question of the traveling expenses of the President of the United States. It gives a perquisite, a gain to the office, in that by reason of it the power of the President is supreme to say whether or not the law, which will be enacted at this session of Congress against any Member of Congress or anyone else riding upon a free pass, may be abrogated or set aside at a moment's notice by the Executive of the United States. If the Senator from Indiana [Mr. HEMENWAY] desires to ride from Maine to California and the railway company should grant him transportation and he should accept that transportation, the prison doors are open for him; but if the President says to the Senator from Indiana, "As a personal friend of mine I should like to have you accompany me upon a trip without the cost of one cent for transportation," then the Senator from Indiana need not look to prison bars or fines or have any fear. In other words, the power is placed immediately in the hands of the President to say when the law shall be effective and when the law shall not be effective to any particular person.

Mr. President, I have always believed that there has been one principle in the Constitution of the United States which stands out grandly above all other principles, and there is embodied in the Declaration of Independence language which is immortal to every American citizen, that "all men are created equal"—not equal, Mr. President, in the sense of intellectuality or honesty or anything of that character, but equal under the laws of the United States; equal to stand for punishment for disobedience by any law that shall be enacted; equal to be guarded by every law that should receive the sanction of the Congress of the United States or that should receive the sanction of any State legislature in the Union.

We for the first time in the history of the United States propose to say that we will abandon this old landmark. I deprecate that in these later days we are gradually losing sight of some of the grandest principles, not only of our Constitution, but of the Declaration of Independence. This grand old standard of American citizenship has done more than any other declaration since the world began to uplift humanity, to say to the child, "You are as important under the law and under the same flag as any American citizen from the most lowly up to the Chief Executive of this great country." It implants in the heart of every child the conviction, the feeling that he is equal to any other man in the country; that the law which governs him governs every other man, from the President down. That principle, Mr. President, has made for the American people the grandest manhood and the noblest womanhood that the world has ever seen. I for one insist that the moment you take away from the American people their belief in the sublimity of that declaration, the moment you say to one of them, "You are to be governed by a certain law if you are a private citizen; you are to be governed by another law if you hold an official position, and you are superior to some laws if you hold the highest official position, or the law may be abrogated at any time or under any circumstances or conditions," you violate that principle, create a disrespect for all law, and

weaken your foundation of stable self-government. For that reason, Mr. President, I am opposed to this amendment.

If we want to grant an additional compensation to the President of the United States, why are we not brave enough to stand up here and grant it? I admit the Constitution will not allow us to grant it, unless we give it in futurity, but having that right, believing that with the great official position he holds it is necessary for him to entertain in a manner that very few private citizens could entertain and that it is necessary for him to travel, then we should give him a compensation that will be sufficient for that purpose. The old American principle has always been that the laborer is worthy of his hire. And I want to see maintained the proposition that we will pay men for their services; that we will pay our officials what those services are worth; that in a great office like that of the President of the United States we will pay a sum that will be commensurate with the dignity of that office. When we step beyond that we have adopted a new, a European policy, and that policy is not to appropriate a certain definite salary to cover all duties expected or imposed, but is a policy to appropriate for a great army of attendants. We may have in the future our Knight of the Bath, we may have the Knight of the Garter, we may have the Chamberlain, we may have the Keeper of the Keys of the Executive Mansion, all of them to be specifically appropriated for, and we may continue ad infinitum.

It seems to me a better policy, a more American policy, to say that the President shall have a given compensation, a given salary, and then let him employ his own attendants, let him have his own carriages; give him such a salary so that he can keep his own carriages; give him such a salary that he can pay his expenses in traveling, the same as any American citizen.

But, Mr. President, that is not the purpose of this amendment as I read it. The only purpose of it is to create an additional compensation, because the President is to receive this sum, whether he spends one dollar of it or not. As I read this proposed law, I do not understand that he is to give any vouchers. He has simply to ask for $25,000, or one-fourth of that each quarter, and then he will receive the full amount upon his request. There is no provision whatever for any vouchers. If it were intended, Mr. President, to be merely for the traveling expenses of the President, why should it not read "for his traveling expenses, not to exceed the sum of $25,000?"

Mr. HEMENWAY. Mr. President, I call the attention of the Senator to the language of the provision:

> For the traveling expenses of the President of the United States, his attendants and invited guests traveling with him, to be disbursed at the discretion of the President, $25,000.

Under that language the President could not use a dollar of that money for any other purpose than for traveling expenses.

Mr. McCUMBER. What does the Senator understand by this portion of the provision—"to be disbursed at the discretion of the President?"

Mr. HEMENWAY. To be disbursed at the discretion of the President for traveling expenses, and for no other purposes. He has no right to disburse at his discretion a single dollar except for traveling expenses, and he can not expend a dollar of this money for any other purpose.

Mr. McCUMBER. On the contrary, he is not compelled to spend a dollar for that purpose; but this $25,000 is given him. Why, then, is there not a provision that it shall not exceed $25,000?

Mr. HEMENWAY. There is a provision in the general law that no deficiency shall be created, and the President of the United States would hardly violate the law by exceeding the amount appropriated in this item.

Mr. McCUMBER. Mr. President, I do not give the language the same construction which the Senator gives it, but that is immaterial upon my proposition. The principle of the thing is this: It is making one law to govern one man and another law to govern another man.

Mr. HEMENWAY. Mr. President——

Mr. McCUMBER. I will yield in a moment.

But a few years ago we had practically this same question before Congress in another form, and that was to protect the President of the United States, making it an offense to commit an assault upon the President of a certain character, which assault upon another person might be punished only by a fine of five or ten dollars; making it a death penalty to point a gun at the Secretary of State, and making it not even a misdemeanor to point a gun at the Attorney-General of the United States, thereby making a clear distinction between individuals—making the body of one more sacred than that of the other.

Mr. President, that is the proposition I oppose in this bill. It simply says that the President of the United States may determine who shall be his guests. That is all right. But it further provides that he can take any number and he can pay their expenses in traveling from one place to another—not necessarily the members of his family, not the members of his Cabinet, but any person that he sees fit—and the expense is paid by the Government, where in the case of anyone else it would be considered criminal if he accepted any like service. In other words, I can travel from Maine to California with the President and the Government will pay for it, but if I travel in any other manner half way across the State of Maine into another State, I am guilty of a heinous offense if I do not pay for my transportation.

Mr. HEMENWAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. Certainly; I yield.

Mr. HEMENWAY. I wish to state that the Senator makes a mistake. This provision is for paying the traveling expenses of the President of the United States when he goes off on his trips to the different States. He does not go, I suppose, because he is anxious to make such trips, but committees come from all the States of the Union and invite him to visit their States. Necessarily the newspaper men desire to be on the same train on which the President travels, and it is right and proper that they should go on the train with the President. The people of the United States want to know something about the trip, and they get the information from the newspaper men who accompany the President. When he gets to the border of the State which my distinguished friend represents, no doubt he and his colleague, the governor of the State, and other prominent men of the State meet the President at the border line; and they are then taken on his train. It is to cover the expenses of carrying such guests that we propose to give to the President this $25,000 for traveling expenses. It is no discrimination in favor of the President as against you and me. We are not in such demand as is the President. We are not met by delegations and committees from the different States of the Union to invite us, as they do the President, to undertake such trips.

Mr. McCUMBER. I want the Senator to bear in mind that, while he may not be in the same demand as is the President of the United States, he is in demand as a public official; he is in demand in the State of Indiana, which he so ably represents upon this floor. The same reason would justify taking the Senator and making him an exception to the general law, although it might be on a smaller scale, because the demand might not be so great as would justify taking the President and making him an exception to the general law. Therefore we might say that the Senator from Indiana, to meet the requirements or the demands of the people to see him and get his opinion, should have his salary raised 50 per cent, or that $2,500 should be given him to pay his traveling expenses. The reason will apply in the one case just as much as in the other. It would be excepting him from the provisions of a general law.

Mr. HEMENWAY. There is where the Senator makes a mistake. There is no increased salary proposed here; there is no gain to the President.

Mr. McCUMBER. I am not basing the objection on an increase of salary, but on the simple proposition that the Senator is basing it upon, that the President should have his expenses paid. I believe in fixing a salary that will be sufficient to defray such expenses, but I do not believe in appropriating a sum of money that makes a distinction between the Executive and any other citizen of the United States.

Mr. TILLMAN. Mr. President, will the Senator allow me to interrupt him?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. Certainly.

Mr. TILLMAN. I should like to ask the Senator from Indiana [Mr. HEMENWAY] whether, in his judgment, it would be permissible, in the event Congress should grant this $25,000 for traveling expenses, for the President to use the money in going into States for campaign purposes? For instance, if there was a doubtful Republican State—we will say North Dakota—and our friend the Senator from North Dakota over there should feel that he needed some little help and that a "swing around the circle" by the Executive might benefit Republican politics out that way, would it be permissible for the President to utilize this money, granted in this way, for such a purpose, or would it be intended merely as a donation by Congress to let the President travel in any part of the country as a great statesman to enlighten all the people in a nonpartisan way?

Mr. HEMENWAY. There is no trouble about this provision. The traveling expenses of the President of the United States are

to be disbursed at the discretion of the President. The President could use the fund to go anywhere in the United States he wanted to and upon any mission he wanted to go, because the matter is left wholly within his discretion; and we would have to rely upon the discretion of the President of the United States as to whether or not he would use this money for political purposes. I think it safe to say that the present Executive of the United States would not use it for political purposes.

Mr. TILLMAN. Of course the limitations upon the appropriation, if it is made, would leave it to the discretion of the President to expend it according to his own judgment.

Mr. HEMENWAY. That is it.

Mr. TILLMAN. And the Senator thinks it would be impossible for the present Executive or any one of his successors—for if we start this it will go on indefinitely—to use this money for political traveling and going around to help out "the lame ducks" who want to get back to the Senate or to the House of Representatives, for instance.

Mr. HEMENWAY. I will say to the Senator from South Carolina that I do not believe the people of the United States will ever elect from either party—Democratic or Republican—a President who would use this fund for political purposes or for the purposes of making a political campaign. I have too much faith in the judgment of the Democratic party and of the Republican party and of all other parties to believe that they will ever nominate and elect a man who would take a fund provided by Congress and use it for the purpose of making a political campaign.

Mr. McCUMBER. Mr. President, we get somewhat away from the principle at the base of all this discussion; and that is the American principle of nondistinction between any officials or between American citizenship. The Senator can not possibly avoid the conclusion that this appropriation does make a distinction.

Once more I want to asssert that I believe the President should receive a salary sufficient so that he can travel over the United States, if he so desires, and, in addition to that, it should be sufficient, so that he may take a friend with him if he desires; but I do not believe that it is the American policy that we should single out one of the great number of Federal officials in the United States and say to that one: "The Government, in addition to your salary, will not only take you around the country, but any one you may designate." The President may have his friends go with him.

I do not for a moment suppose that this power would be unjustly used. That is not the question. The question is whether it is an unjust power—this creating a distinction in citizenship. Mr. President, every American breathes exactly the same free air in this country, and whenever you pass a law whereby you give certain rights to certain officials that are not granted to every American citizen you write on our national banner wherever it may float over our broad domain the word "falsehood." That banner does not stand for any such distinction.

Mr. HEMENWAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. Certainly.

Mr. HEMENWAY. I ask the Senator, when you elect a President of the United States, do you not grant him powers you do not have? When you are elected Senator from your State, do you not have powers that your constituents do not have? When you elect a Member of the House of Representatives, does he not have power that his constituents do not have? When you elect your members of the legislature, do you not give them powers that some one else does not have? There is nothing in the proposition of all being absolutely equal in power. Every time you elect a man to an office you confer upon him a power that other people do not have.

Mr. McCUMBER. The Senator is bound to take his own construction. I did not use the word "power" in that sense. A path master in a township has a power that the average citizen does not have, and every supervisor above him has still greater powers. So with every official in every State and in the Government of the United States; each has powers that are special to his office, but he has not got the right—that is the point—he has not got a right or privilege under the law that is different from the right of any other American citizen. That is the only matter in dispute here. The Senator can not by any possible theory or any character of argument assume that the official power should give certain rights to some that are not granted to every citizen. For instance, the right, for the benefit of one citizen, to disobey a particular law the application of which is common to every citizen. That is the objection that I have to the provision, Mr. President, upon principle.

Now, let us see if there are any further objections upon constitutional questions.

Mr. CARMACK. Will the Senator permit me to interrupt him?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Tennessee?

Mr. McCUMBER. Certainly.

Mr. CARMACK. I merely want to suggest to the Senator that this appropriation is not at all necessary for the execution of any power conferred upon the President by the Constitution and laws of the United States.

Mr. McCUMBER. I think every Senator understands that. The appropriation is not necessary to carry out any of his official functions whatever. It is for the convenience of the President, and that convenience may benefit the public, but that don't make it an official function.

The Senator from Montana [Mr. CARTER] the other day made a suggestion that the Postmaster-General should give to every Senator free transportation over all the postal routes of the United States. That privilege would be considered as connected with the office of Senator. I do not think that proposition would receive a great deal of support by the people of the United States; yet the ground, the position, the reason for it was exactly the same as the Senator urges in this matter, namely, that the President may become acquainted with the people and the people may become acquainted with the President.

But outside of that there is this policy of building up a great army of underlings—instead of by paying a direct salary, of paying for and appropriating for certain purposes—as is done in all the monarchies of the world, and is done in France to-day. It is this, Mr. President, that I hope to avoid as much as possible. The moment we treat these individuals to be appropriated for in a manner different from that in which we treat others, the moment that we step outside of the old American principle of paying a salary, and then letting the recipient of that salary do what he sees fit with it, that moment we are adopting a course that has been adopted for hundreds of years in the old countries.

I deprecate the gradual tendency of the American people, partially by education, to ape the manners, the customs, and so forth, of the monarchies of the old world. I stood, Mr. President, but a few years ago under the Dome of this Capitol on a very solemn occasion. There was the bier of our beloved President McKinley. Surrounding that bier were the representatives of foreign governments, in all the regalia and in all the trappings of royalty. I could not but feel—and I say it without the least purpose of criticism of the foreign method—I could not but feel as I compared these men, these representatives of the great nations, with all their bangles, with all their spangles, with all their ribbons, with the plainly dressed American citizen, Theodore Roosevelt, as he stood by the bier of the great martyred President, and by his side our ex-President, Grover Cleveland—I say I could not but feel more patriotic; I could not but feel a deeper and grander love for the simplicity of the American character and real worth of American citizenship, and my heart could not but throb a little more rapidly with patriotic zeal for a country that produced such standards of manhood as I saw there that day. And yet we try to ape conditions in the Old World, and we insist more than ever that our foreign representatives shall surround themselves with all the gaudiness, the style, and so forth, that surround the foreign official, and that they shall become of them and like them.

Ah, my friends, let us travel in the old countries and let us see the distinction between the classes. There you look, on the one hand, into the lowest degree of poverty; far above that you observe great wealth, each vividly contrasting with the other, conditions that have been brought about by just this character of distinction that you are beginning to make to-day in holding one class of citizenship above another class. The result, then, has been to lift one up higher by greater and greater appropriations to care for the royal families, while the others are dragged down deeper and deeper into the dregs of poverty.

We see in this grand old country of ours no such distinction. We see American manhood from the laborer up to the President of the United States. I for one want to maintain that principle. I want every American citizen to feel that God Almighty never made any man whose rights are different from or greater than his own.

Mr. HEMENWAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. Certainly.

Mr. HEMENWAY. In view of the remarks of the Senator from North Dakota, one would think there was danger of the President of the United States purchasing royal robes, sur-

rounding himself with royal attendants, and all that kind of business if this appropriation be granted. Now, is it not just the reverse? The Czar does not go out among his people. These royal personages of whom the Senator talks do not go out among their people.

We are trying to provide an appropriation for traveling expenses for Theodore Roosevelt, the President, whom the Senator has eulogized, in order that he may get out and see the people and shake hands with them and mix with them. There is nothing here that tends to royalty or the breaking down of the good, old-fashioned American way of shaking hands and getting together. The amendment merely tends to bring the people and the President together by giving the President a proper allowance for traveling expenses, so that he may get out and see people who might never have the pleasure of seeing the President of the United States unless he visited their State.

Mr. McCUMBER. Oh, Mr. President, the Senator begs the question again. That is not the question at all. It is a question of principle, I say, and the principle which I have enunciated before is as respects making a distinction between citizens. Once acknowledge that distinction, and it will gradually grow and produce one of two things, either the condition of the Old World, which I have pointed out, or that which is a thousandfold more liable to occur—to drive us into socialism or paternalism. Paternalism I acknowledge to be the inevitable result of all social evolution. It is that thing which is sure to come. It is that thing which ought to be as slow as possible in coming, because the moment that you destroy individuality, that moment you destroy those functions which make for the grandest manhood and womanhood, and we want the field of opportunity always open for individual effort. But at the same time we do not want to create even in the President of the United States an individuality—not official position, but an individuality—distinct from that of the average American citizen; and that is all I claim in this case.

It is not the meager $25,000. Give the President a salary of $500,000, if it is necessary, but we should not legislate a distinction in citizenship based upon official position under the guise of enabling the President to mingle with the people.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Maine?

Mr. McCUMBER. With pleasure.

Mr. HALE. Why does the Senator keep harping, I will say, upon the proposition that he is willing to increase the salary of the President? He knows we can not do that.

Mr. McCUMBER. I know we can do it at the proper time.

Mr. HALE. We can not do it so as to apply to the present occupant of the office of the Presidency. That is a thing with which we have nothing whatever to do. The Senator, I think, appreciates that as much as I do. We can not raise the salary of the present President.

Mr. McCUMBER. We are living under a Constitution. Neither the Senator from Maine nor I made that Constitution, and we ought not to try to avoid it. Because we can not jump over it, we ought not to attempt to crawl under it.

Mr. BAILEY. Mr. President——

Mr. McCUMBER. I yield to the Senator from Texas.

Mr. BAILEY. I simply wish to ask the Senator from Maine, if he is anxious to increase the salary of the President of the United States, why not increase it now for the next Administration? As far as I am concerned, I think the honor of the office, together with the salary, is quite enough as it now stands. I did not know that it is absolutely necessary that the present incumbent of that office should have additional compensation, for that is what it is. But if it is necessary that anybody should have it, probably he is the one who needs it. I understand the expenses at the White House have been increased something like $100,000 under this Administration. Of course, I do not know that that is true. If it is true, all I have to say is that the present President has cost more and been worth less to the country than anyone we have ever had.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I yield.

Mr. McLAURIN. I wish to make a suggestion in response to what was said by the Senator from Maine, that the Senator from North Dakota knows we can not increase the salary of the present President of the United States. I should like to know of the Senator from Maine whether he means that we can not do that directly, because this seems to be an effort to do that indirectly which it must be admitted we can not do directly.

Mr. McCUMBER. That we may have no misunderstanding as to what we must mean by the word "emolument," I will concede that we may furnish the President, as we have in past times, the Executive Mansion. That is Government property. It does not belong to the President. We may make it larger or may make it smaller. We may have one attendant to care for it or we may have a hundred to care for it. We may increase the expense from $60,000, as it was a year ago, to $113,000, the amount which I understand is recommended for this year. We can do that without any question. That is not personal to the President. We may furnish all the help that is necessary. That is not a perquisite of the office itself. But when we appropriate a sum of money for the Executive, which sum of money is to be used at his discretion to defray his traveling expenses as Executive or to defray the expenses of any friends whom he wishes to have travel with him, that is a perquisite or an emolument which goes with the office; and that is prohibited by the Constitution of the United States.

Let me call the Senator's attention to another case. I have not had time to go very far into this question or to look up authorities particularly since the matter was brought up for consideration last evening. But I give you again the definition that is given by the encyclopedia. That is:

> Emolument is a profit arising from office or employment; that which is received as a compensation for services, or which is annexed to the possession of office, as salary, fees, and perquisites; advantage, gain, public or private.

Now, will anyone say that this is not an advantage; that the sum of $25,000 to pay expenses is not a gain; that this sum is not a public or a private advantage for the incumbent of the office; and if it is such, it is certainly an emolument.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. Yes, sir.

Mr. McLAURIN. On that point I wish to call the attention of the Senator to the case of Reg. *v.* Postmaster-General (3 Queen's Bench Division, 428), where the Queen's Bench Division and the court of appeals of England held that traveling expenses are emoluments. This you will find in the tenth volume of the American and English Encylcopædia of Law, second edition, page 1205.

Mr. McCUMBER. I read the case just a few moments ago, before I commenced to speak on the subject. But I think I can give you one that comes nearer home and will better apply to our conditions.

Article 3, section 13, of the constitution of Pennsylvania provides that no law shall increase or diminish any public officer's salary or emolument after his election or appointment. The word "emolument," used in connection with the salary in the constitution of Pennsylvania, must necessarily mean exactly the same as the word "emolument" used in connection with the word "compensation" in the Constitution of the United States. In the case of Apple *v.* Crawford County (105 Pa. State, 300), in construing this constitutional provision, the court were construing the word "emolument," and they say:

> We think the word imports more than the word "salary" or "fees," and because it is contained in the Constitution in addition to the word "salary" we ought to give it the meaning which it bears in ordinary acceptation. By the definition above given it imports any perquisite, advantage, profit, or gain arising from the possession of an office.

It was held in a similar case that this came within the definition of the word "emolument," and it was held that the additional fee could not be given. Peeley *v.* York County (113 Pa. State Reports, 18) follows the same line. It is also followed in Fox *v.* Lavanna (4 Pa. County Court Reports).

In the case of McLain *v.* The People (9 Colo., 193), the court says:

> To hold that "emolument" as used in the connection in which it appears in this statute—

A similar statute—

> means any *accretion, increment, gain,* or *profit* to the office is, we think, manifestly in accord with common sense and common usage, as well as with the established rules for the interpretation of the English language and for the construction of statutes.

Again, the American and English Encyclopedia of Law, page 385, defines the word "compensation;" and you will see that it is broad enough, even without the other, to cover what I consider the objectionable point. It says:

> The term "compensation," as ordinarily used, includes all forms which the remuneration of public officers may take, whether salary, or fees, or percentage, or commission, or mileage—

Is not this equivalent to mileage, because all payments are made upon the mileage basis practically?—

> or special appropriation or allowances for necessary expenses.

It seems to me that this comes clearly within the inhibition of the Constitution.

I call attention now to the Illinois statute. Section 10 of article 10 of the constitution of Illinois provides:

The county board shall fix the compensation of all county officers with their necessary clerk hire, stationery, fuel, and other expenses: *Provided*, That the compensation of no officer shall be increased or diminished during his term of office.

In this case the county board fixed the compensation of the county treasurer to include fuel, stationery, and clerk hire. It was held in the case of Kilgore *v.* The People (76 Ill., 548) that this compensation, by extra fees for clerk hire or otherwise, could not be increased.

I believe that, taking the general acceptation of the word "emolument" and taking the judicial decisions, brief though they may be, which I have given to the Senate, we may justly base our position upon the proposition that these emoluments can not be increased during the present incumbency. Suppose that an amendment had become a law four years ago providing that the Chief Executive, in addition to his salary, should have the sum of $25,000 a year for other purposes, or that $25,000 a year should be expended yearly for the use of the President of the United States to pay his traveling expenses. Does any Senator claim that we could legally and properly cut that off at any time after having fixed it at the beginning of a term to apply to the office after that date? And if we can not take it away, neither can we add it.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. McCUMBER. With pleasure.

Mr. SPOONER. Would not the answer to the Senator's question depend entirely upon a further question, whether or not this is compensation within the meaning of the word as used in the Constitution?

Mr. McCUMBER. Whether it is an emolument.

Mr. SPOONER. No; whether a compensation.

Mr. McCUMBER. Compensation or emolument. Neither can be increased so as to apply to the present incumbent.

Mr. SPOONER. Very well. The Senator says it is salary.

Mr. McCUMBER. No; I say it is emolument. An emolument is something that is received as a gain, and if a grant is made in connection with the President's office of an emolument, we can not take it away so as to affect the present incumbent.

Mr. HEMENWAY. Suppose the President did not travel at all. Would he get a cent of this money?

Mr. McCUMBER. That is not the question at all.

Mr. SPOONER. I want to put another question.

Mr. McCUMBER. Whether he accepted it, he would be entitled to it. That is the provision, and the question is whether we can take away that to which he is entitled. That is the proposition.

Mr. SPOONER. Does not the Senator think that the word "emolument" as used in the Constitution was intended to be used in the sense of compensation?

Mr. McCUMBER. It is broader, I think.

Mr. SPOONER. Let me read——

Mr. McCUMBER. I think "compensation," as used in the Constitution, means a certain thing which all understood it to mean at that time. It is to be assumed that the people who adopted the Constitution would not have used an additional word if it was understood at the time that the words were synonymous.

Mr. SPOONER. Let me call the attention of the Senator to the language of the constitutional provision.

Mr. McCUMBER. I have it here.

Mr. SPOONER. I know the Senator has.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

The word "other," it seems to me, throws a great light on the word "emolument" as there used. Is it not intended to prevent, under any device, a real increase of compensation? Of course the meaning which the word shall have must be determined by reference to the context, the language in connection with which it is employed.

Mr. McCUMBER. In construing any section of a statute, we must adopt a construction that will carry into effect the reasons for its adoption. The first question that would naturally be asked is why that provision in the Constitution was adopted? What is it to prevent? What wrong is it to cure? And considering what it is intended to prevent will assist us in determining what construction should be given to it.

Mr. SPOONER. What is it intended to prevent?

Mr. McCUMBER. It is intended to prevent Congress attempting to coerce the Executive by taking away any of his salary, his compensation or emoluments, and it is intended also to prevent Congress, by reason of any favor that it may receive or any number of favors, from adding to the compensation or emoluments of the President. Both are prohibited.

Mr. SPOONER. Does not the word "emolument," as used in the Constitution, evidently mean something which the President is entirely at liberty to put in his pocket?

Mr. McCUMBER. No, indeed. The definition that is given to the word "emolument," as used in constitutions, is exactly the same as defined by the courts in decisions which I have read. "Emolument" does not necessarily mean anything you may put in your pocket. It means anything that gives a benefit, a privilege, an advantage that would not accrue except by reason of the law which granted it. The right to ride free over the railways of the United States, under a law granted to the Executive of the United States, would be an emolument. It would not be something he could put in his pocket.

Mr. SPOONER. If the Senator will permit me, the Supreme Court of the United States had occasion once to place a construction upon the word "emolument." This was a controversy between the collector in New York and the United States on an accounting. Under "the act of 1802, the compensation of the collector was derived from three sources: First, fees allowed for the services already referred to; second, commissions on the duties received, and, third, a share of the fines, penalties, and forfeitures."

Congress passed an act by which it was provided—

That whenever the annual emoluments of any collector, after deducting the expenses incident to the office, shall amount to more than $5,000, the excess shall be accounted for, and paid into the Treasury. The act was not to extend to fines, forfeitures, and penalties, a share of which the collector was entitled to, under the twentieth section of the act of 2d March, 1799 (1 Stat. L., 697).

It was over these emoluments and the liability of the collector to account to the United States for them under the statute that the question arose. The court say:

The provision in this act, therefore, that whenever the annual emoluments, after deducting the expenses, exceeded the amount of $5,000, the excess should be accounted for, necessarily embraces in the limitation the fees as well as commissions belonging to the office, and would have embraced also the fines and forfeitures had it not been for the proviso to the act taking them out of the limitation.

The argument would be quite as strong in favor of excluding the commissions as in the case of fees, as the one can in no more appropriate sense be regarded as emoluments of office than the other, and thus the limitation would become a nullity.

These terms denote a compensation for a particular kind of service to be performed by the officer, and are distinguishable from each other, and are so used and understood by Congress in the several compensation acts; they are also distinguishable from the term "emoluments," that being more comprehensive and embracing every species of compensation or pecuniary profit derived from a discharge of the duties of the office; and such is the obvious import of it in these acts.

Now, will the Senator, in connection with that decision, go back to the language of the Constitution, because, in order to get at the meaning of the word as it is used there we must determine the intention of the framers of the Constitution in its use. If the Senator will permit me for just a moment, I will read it:

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other—

Referring to the word "compensation"—

any other emolument from the United States or any of them.

Now, is it not quite clear that that language was inserted to prevent Congress from surreptitiously or through any mere device, by annexing fees to the office, from increasing the salary or increasing the compensation?

Mr. NELSON. May I ask the Senator from Wisconsin a question?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. I yield.

Mr. NELSON. If the traveling expenses were limited strictly to official duty, the Senator from Wisconsin might be correct, but it relates to traveling expenses in general, official and not official.

Mr. SPOONER. That occurred to me.

Mr. NELSON. If you give a traveling expense outside of official duties, is it not one form of emolument?

Mr. SPOONER. That has occurred to me, but I am assuming this: The President of the United States acts under oath. He is sworn to execute the laws of the United States as they relate to others and as they relate to himself. He has no right under the Constitution, I think, to spend this money except for traveling expenses while engaged in official duty. When is the President not engaged in official duty?

Mr. HEYBURN. I should like to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. I yield.

Mr. HEYBURN. Is not the objection, if there is an objection to this amendment, that it authorizes the President to disburse the bounty of the Government to his invited guests? Is not that the strongest objection to it, if there is one?

Mr. SPOONER. That is open to debate.

Mr. HEYBURN. It would be competent for us to provide for the expenses of an officer of the Government, but can we provide that that officer of the Government may in turn extend the bounty of the Government to a private citizen?

Mr. SPOONER. It is not a matter of bounty. The theory is not that it is a bounty. If in any sense whatever——

Mr. HEYBURN. It is a courtesy, then.

Mr. SPOONER. It is not a courtesy. If in any sense whatever it could be construed to be a bounty, it would seem to be a violation of the constitutional provision.

Mr. HEYBURN. Then it is a privilege which violates the interstate-commerce law.

Mr. SPOONER. In what respect?

Mr. HEYBURN. In that it authorizes the President to permit a private citizen to do something—that is, to ride free on a railroad—which he could not do otherwise than by the bounty of the Government.

Mr. SPOONER. It might be very important, in the discharge of official duty, that the President should invite some one to accompany him as his guest.

Mr. HEYBURN. How could an invitation to a private citizen to be entertained by the President when he travels be a part of the President's official duty or help in the performance of it? I am in favor of making provision for the traveling expenses of the President. But I want to see it done in such a way as not to be in violation of the Constitution.

Mr. SPOONER. I am not speaking of the details of this provision. I am only calling the attention of the Senator from North Dakota to the question whether, under the decisions to which I have directed attention and under the language of the constitutional provision, he does not give too broad a construction to the word "emolument," as used in that instrument?

Mr. MALLORY. Will the Senator from North Dakota yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. I yield.

Mr. MALLORY. I should like to ask the Senator from Wisconsin if I understand him aright. Do I understand him to contend that the word "emolument" is synonymous with the word "compensation" as used in that clause of the Constitution?

Mr. SPOONER. I do not see how the framers of the Constitution, who knew how to use words and who used perhaps as well, if not better, than any other body of men ever assembled the words which expressed aptly their purpose and their intention, could have used the word "other," qualifying the word "emolument," unless they intended by the word "emolument" to refer to such an appropriation by the Congress as would constitute an increase in the compensation of the President.

Mr. MALLORY. As I understand the Senator's interpretation of this language, it is that the word "compensation" has reference to the President's salary, and the word "emolument," in the clause "any other emolument," is properly placed in the same category as "compensation" and is equivalent to the word "salary."

Mr. SPOONER. Yes; gain or profit under some guise, which he may take to himself.

Mr. MALLORY. If that is so——

Mr. McCUMBER. I call the attention of the Senator to the fact that the word "salary" is not used. It is "compensation."

Mr. MALLORY. If the interpretation of the Senator from Wisconsin is correct, I call his attention to the last three words in the same clause:

> And he shall not receive within that period any other emolument from the United States, or any of them.

Certainly the Constitution did not contemplate that any of the States would be paying the President a salary or any compensation. It might possibly have contemplated that they would pay him something, but not of the character of salary or compensation for his services to the United States.

Mr. SPOONER. But it contemplated they might give him something that would be his after they paid it.

Mr. MALLORY. Undoubtedly; but not as compensation.

Mr. SPOONER. It would be emolument in the nature of compensation, for it would practically increase the annual sum which he received as President of the United States. Of course it was not intended that any State should be making presents of money to the President of the United States.

Mr. MALLORY. Undoubtedly; or presents of any kind, money or anything else. If it prohibited the States from doing it in the same clause and in the same language as it is prohibited to the United States, why should a distinction be drawn? Why should you not hold that the word "emolument" there refers to any gift or consideration that may be given to the President?

Mr. SPOONER. What does the Senator make of the word "compensation?" There is only one word in this clause to which the word "emolument" must refer.

> The President shall, at stated times, receive for his services a compensation.

Mr. MALLORY. That undoubtedly means salary.

Mr. SPOONER (reading):

> Which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument.

What does the word "other" refer to? It must refer to something, to some word which precedes it.

Mr. MALLORY. Does the Senator wish an answer?

Mr. SPOONER. Yes.

Mr. MALLORY. It undoubtedly refers to compensation. I do not question it; but then it goes on further and prohibits the States from giving the President this same emolument; and it is not reasonable to suppose that the framers of the Constitution contemplated that the States should be paying the President a salary. The conclusion would be that it prohibits States from giving the President a gratuity or making a present or doing anything to influence his action.. Now, if it is prohibited to the States, the same language prohibits it to the United States. That is my conclusion.

Mr. McCUMBER. Mr. President, the Senator from Wisconsin seems to attempt to make this amendment read with an entirely different intendment from that which was adopted by the committee which reported it. Let me ask the Senator from Wisconsin right here what official function is there on the part of the Executive of the United States which requires him to travel for the purpose of performing his official duties?

Mr. SPOONER. Suppose the question was one of building fortifications in some particular place, or acquiring a site for a fort, or to determine where a part of the Army should be located permanently, has the Commander in Chief of the Army, if he thinks it to be his duty, no right to decide the location and judge for himself as to the action for which he will be responsible?

Mr. McCUMBER. Oh, Mr. President, he has a right, but there is no law compelling him to do that.

Mr. SPOONER. May it not be his official duty?

Mr. McCUMBER. I think not.

Mr. SPOONER. Suppose the President of the United States, Congress not being in session, conceived it to be his duty to verify for himself conditions which have recently become quite notorious in Chicago, in order that he might know, as he has a right to know, not at second hand, but at first hand, would it not be in the discharge of an official duty?

Mr. CARMACK. Mr. President——

Mr. McCUMBER. Oh, Mr. President, you could carry that to any extent. You can say that with reference to his appointments. If there is a person living in California who is recommended for an official position, you can say that it is the function of the President of the United States to go to the State of California to see him personally, because he would know more about him, and he could, by an examination of the man personally, tell by talking with him better than by correspondence whether he would be fitted for any position. But those are not understood to be the particular functions of the President of the United States.

Mr. HEMENWAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. I yield to the Senator from Tennessee first, as he addressed the Chair first.

Mr. CARMACK. I wish to suggest to the Senator that none of the traveling expenses of the President, so far as I have ever heard, have been for any such purposes as that suggested by the Senator from Wisconsin.

Mr. SPOONER. I was endeavoring to answer the question put to me by the Senator from North Dakota as to what conceivable circumstances might give rise to the official duty of the President to travel.

Mr. CARMACK. The point is, further, what is the necessity for any such appropriation as this. As a matter of fact, we

know that the President has never done any traveling for any purpose of performing his official duties—at least I have never heard of his having done so. While one may imagine cases in which he might do it, he has never done so as far as I know, and therefore there does not appear to be any necessity for this appropriation.

Mr. HEMENWAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. I yield to the Senator from Indiana.

Mr. HEMENWAY. Mr. President, in order that there may be no misunderstanding as to the object of this amendment, I will state that I prepared the amendment and had it referred to the Committee on Appropriations, and there was no disposition or desire on my part, when I drew the amendment, to limit the traveling expenses to official trips. The idea of the amendment is that when a delegation from one of the States of the Union comes and asks the President to visit their State that he may go, that he may take on his train a sufficient number of newspaper men, as is customary, that he may take on his train, when it enters the border of the State, the governor and the reception committee and the gentlemen who necessarily and naturally go to meet him.

Now, then, just one minute more, if the Senator will permit me?

The VICE-PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, recedes from its disagreement to the amendments of the Senate numbered 6, 7, and 10, and agrees to the same with amendments in which it requests the concurrence of the Senate; recedes from its disagreement to the amendment of the Senate numbered 56, and agrees to the same; further insists upon its disagreement to the residue of the amendments to the bill, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. LOUDENSLAGER, and Mr. MEYER managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

S. 1031. An act granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State;

S. 1649. An act providing for the retirement of petty officers and enlisted men of the Navy;

S. 3263. An act to amend an act entitled "An act to establish a port of delivery at Salt Lake City, Utah;"

S. 3414. An act providing for a public highway on the east side of Fort Sherman abandoned military reservation, Idaho;

S. 5512. An act defining the qualifications of jurors for service in the United States district court in Porto Rico;

S. 5989. An act to authorize the construction of a bridge across the Missouri River in Broadwater and Gallatin counties, Mont.;

S. 6234. An act to authorize the Chicago, Milwaukee and St. Paul Railway Company, of Montana, to construct a bridge across the Missouri River in Lewis and Clarke County, Mont.;

S. 6451. An act to provide for a commission to examine and report concerning the use of the United States of the waters of the Mississippi River flowing over the dams between St. Paul and Minneapolis, Minn.;

H. R. 3459. An act for the relief of John W. Williams;

H. R. 4580. An act for the relief of Blank & Parks, of Waxahachie, Tex.;

H. R. 5221. An act for the relief of Edward King, of Niagara Falls, in the State of New York;

H. R. 9343. An act providing for the resurvey of certain townships of land in the county of Baca, Colo.;

H. R. 16472. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes;

H. R. 18536. An act providing for the subdivision of lands entered under the reclamation act, and for other purposes;

H. R. 18600. An act to amend section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes;

S. R. 47. Joint resolution granting condemned cannon for a statue to Governor Stevens T. Mason, of Michigan; and

S. R. 66. Joint resolution authorizing the Secretary of War to receive, for instruction at the Military Academy at West Point, Mr. Jose Martin Calvo, of Costa Rica.

NAVAL APPROPRIATION BILL.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Maine?

Mr. McCUMBER. I yield.

Mr. HALE. I ask that the action of the House of Representatives on the naval appropriation bill be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, receding from its disagreement to the amendments of the Senate Nos. 6, 7, and 10, and agrees to the same with amendments in which it requests the concurrence of the Senate; receding from its disagreement to the amendment of the Senate No. 56, and further insisting upon its disagreement to the residue of the amendments to the bill, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate further insist upon its amendments still in disagreement, that it disagree to the amendments of the House of Representatives to the amendments of the Senate and agree to the further conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN, as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

Mr. HEMENWAY. Mr. President——

Mr. McCUMBER. I yield to the Senator from Indiana.

Mr. HEMENWAY. I make this statement so that there can be no misunderstanding on the part of the Senate as to what I believe the pending amendment provides for.

As far as the traveling expenses of the President himself are concerned, they would not amount to a thousand dollars a year. It is a very small item that goes to paying the expenses of the President himself. It is for the accommodation of the people. Already from various places over the United States the richer States and richer colleges invite the President to come, and they propose to pay his expenses while the States far distant and the States that do not care to pay the expense out of their treasuries of course can not make these offers.

This constitutional argument seems to me to be splitting hairs. Here is the proposition: Does the President gain one bit by this provision being passed? Can it in any possible way add 5 cents to his salary? I say "No." Then there is no compensation, there is no gain, there is no emolument.

The President does not travel as a matter of pleasure. He travels because of the desire of the people of the United States. They want to see him. They are anxious for him to come to their States. The people are anxious to see him, and he goes, following the custom that has grown up now, with his train prepared, with a certain number of newspaper people, with provision for receiving the guests, the committees, the governors, the Senators or Members of Congress, the prominent citizens who go to meet the Presidential train. Now, that is all there is of it.

Then what is the use to stand here for hours and talk about the Constitution? We have got into such a habit of discussing the Constitution here in the Senate that no single question can come up but what we have hours of constitutional argument. When you go to the meat of this proposition, what is it? You do not add one single red cent to the salary of the President. You do not add in the way of emolument or gain or profit one single red cent. You simply say, "Here, the people of the country want the President to come and see them. We have got to prepare for him;" and we put in a provision for traveling expenses. If he does not travel at all, he does not get anything—not one red cent—but if he does travel, we pay the expenses of the trip. Why? Because the people of the United States want him to travel. It is the people who want to see

him, and the people of the United States are willing to pay his expenses. They do not want him to accept courtesies from railroad companies, and they do not want the railroad companies to pull his train free. They want to pay for it, and they are able to pay for it.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. McCUMBER. I yield.

Mr. CARTER. I suggest to the Senator from Indiana that in order to meet the great constitutional objection a provision might be added to the effect that the President should pay for his own meals to the Secretary of the Treasury, to the end that no gain could possibly come to him.

Mr. HEMENWAY. If that amendment would satisfy the gentlemen who are opposing the amendment, I think we could raise money enough in the Senate in a few minutes to provide for the President's meals, if they are afraid that is a perquisite. Furnishing the White House, under the argument of the Senator from North Dakota, is a perquisite. Putting a guard there at his door to guide our people through and show them the White House is a perquisite.

Mr. McCUMBER. I yielded to the Senator for him to explain what had been intended by the amendment.

Mr. HEMENWAY. If the Senator thinks I am occupying too much of his time, I beg his pardon.

Mr. McCUMBER. I do not object, except that I am about occupying the time the Senator from Montana [Mr. CARTER] proposed to take on another matter.

Mr. HEMENWAY. I will take the floor in my own right when I have the opportunity to do so, and will conclude what I have to say in about two and a half minutes.

Mr. McCUMBER. Mr. President, you see the difficulty here. Again the Senator from Wisconsin makes the proposition that the President would not take advantage of this provision, except for the purpose of performing the functions of government. The Senator who drafted the amendment now explains it exactly as I understood to be its real intendment, that the President could travel and the Government could pay his expenses, and pay the expenses of any invited guests he might ask to travel with him, so that the people would not have to pay it if they were called upon, and so the President would be free from accepting it.

Now, the Senator says this does not add one nickel's benefit to the President. He says he does not gain a single nickel. If he travels and expends in traveling the whole $25,000, he gains or saves 500,000 nickels, and that which is saved and that which is gained is, under the law, an emolument, and the Constitution says that the emoluments of the President shall not be increased during his incumbency in office.

Mr. HEMENWAY. Mr. President——

Mr. McCUMBER. I have only a minute's time, and we will take up this question again to-morrow.

Now, Mr. President, we get back here again to the spirit of the provision in the Constitution, the very spirit that the Senator from Indiana has forgotten. It was to prevent just exactly such things as this that that provision was placed in the Constitution of the United States.

I know that there are a great many here who think that we deal too much with the Constitution; but, Mr. President, it is a pretty good instrument to follow. It has a great many provisions that were sound then and are sound to-day and will be sound so long as the Republic exists. It will be well for the Senator from Indiana as well as the rest of us to give it a little consideration before passing any law that is liable to be in conflict with it.

It is $25,000 this year. What is it to be next year? Fifty thousand dollars? If I do not vote for $50,000 next year I incur or may incur the hostility of the Executive. The Constitution intended to protect me against any hostility on the part of the Executive by reason of recording my vote in a manner that will be for or against his personal interests; and therefore it provided that Congress should not have the power either to take away from the President's compensation or to add to his salary as compensation any emolument which would be beneficial to him during his incumbency in office. It was to continue the good relations and prevent any strained relations between the Executive and Congress that this provision was placed in the Constitution. That Constitution has served us up until to-day. No great complaint has ever been made against it. It will serve us for two years more. We can then raise the salary of the President of the United States to such an extent that he can possibly afford to pay for some of his friends and not have the Government of the United States pay for them.

Mr. President, I agreed to close at 5 o'clock, and will do so now. I will probably continue this discussion to-morrow.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Maine?

Mr. CARTER. I yield to the Senator.

Mr. HALE. It is very evident that the appropriation bill can not be passed to-night. I regret this very much, but the Senate desires an executive session. I will simply say that I shall ask the Senate in the morning after the routine business to take up the bill and end it. There are only two amendments, this and one other, to be disposed of, and, although the Senator has intimated that, resting over to-night, he will occupy a good part of to-morrow, I trust he will help us in getting the bill through to-morrow.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

Mr. CLARK of Montana. Will the Senator yield to me a few moments? I am obliged to leave the city this evening, and I desire to call up a bill which will give rise to no debate.

Mr. CARTER. I will withdraw the motion for that purpose.

PUBLIC BUILDING AT GREAT FALLS, MONT.

Mr. CLARK of Montana. I ask for the consideration of the bill (S. 544) to provide for the erection of a public building in the city of Great Falls, Mont., which was reported to-day. It was read and passed by the Senate a week ago to-day, but was recommitted to make certain amendments, which have been agreed upon, and they were reported by the committee to-day. I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 1, line 12, before the word "hundred," to strike out "three" and insert "two;" and in the same line, after the word "hundred," to insert "and twenty-five;" so as to make the clause read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, at a cost not exceeding $20,000, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, for the use and accommodation of the United States post-office and other Government offices in the city of Great Falls and State of Montana, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $225,000.

The amendment was agreed to.

The next amendment was, to strike out, on page 2, from line 14 to line 11 on page 3, in the following words:

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after said examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all maps, statements, plats, or documents taken by or submitted to them in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORA P. HOWLAND.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

Mr. GALLINGER. I will ask the Senator if he will yield to me that I may ask unanimous consent for the consideration of an urgent pension bill. It will take but a moment.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. I will yield to the Senator; but I will state that after the bill to which he has referred has been disposed of I can not yield further.

Mr. GALLINGER. I thank the Senator. I ask unanimous consent for the present consideration of the bill (H. R. 1326) granting an increase of pension to Ora P. Howland.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Ora P. Howland, late of Company H, Second Regiment Massachusetts Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS OF MENOMINEE INDIANS, WISCONSIN.

Mr. LA FOLLETTE. I ask that the Senator from Idaho [Mr. DUBOIS] and the Senator from Minnesota [Mr. CLAPP] be excused from further service on the conference committee on the bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, and that the vacancies be filled by the Chair.

The VICE-PRESIDENT. Without objection, it is so ordered, and the Chair appoints the Senator from South Dakota [Mr. GAMBLE] and the Senator from Missouri [Mr. STONE] to fill the vacancies.

EXECUTIVE SESSION.

Mr. CARTER. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 22, 1906, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 21, 1906.

NAVAL OFFICER OF CUSTOMS.

J. Stuart MacDonald, of Maryland, to be naval officer of customs in the district of Baltimore, in the State of Maryland, to succeed William T. Malster, whose term of office will expire by limitation June 22, 1906.

UNITED STATES ATTORNEY.

John C. Rose, of Maryland, to be United States attorney for the district of Maryland. A reappointment, his term having expired on June 10, 1906.

UNITED STATES MARSHAL.

John F. Langhammer, of Maryland, to be United States marshal for the district of Maryland. A reappointment, his term expiring July 16, 1906.

UNITED STATES DISTRICT JUDGE.

Charles M. Hough, of New York, to be United States district judge for the southern district of New York. An original appointment under the provisions of the act approved May 26, 1906, entitled "An act to appoint an additional judge for the southern district of New York."

COMMISSIONER OF EDUCATION.

Elmer E. Brown, of California, to be Commissioner of Education, vice William T. Harris, resigned.

PROMOTIONS IN THE NAVY.

Ensign John C. Fremont, jr., to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1906, having completed three years' service in his present grade.

Lieut. (Junior Grade) John C. Fremont, jr., to be a lieutenant in the Navy from the 7th day of June, 1906, to fill a vacancy existing in that grade on that date.

P. A. Paymaster David C. Crowell to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 15th day of April, 1906.

The following-named passed assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenant, from the 7th day of June, 1906:

James A. Bull,
Frank T. Watrous,
Arthur S. Peters,
Edwards S. Stalnaker,
Chester G. Mayo,
Jere Maupin,
James F. Kutz, and
Arthur S. Brown.

Asst. Naval Constructors Julius A. Furer and William B. Fogarty to be assistant naval constructors in the Navy, with the rank of lieutenant, from the 15th day of April, 1906.

Asst. Naval Constructors Sidney M. Henry and Lewis B. McBride to be assstant naval constructors in the Navy, with the rank of lieutenant, from the 7th day of June, 1906.

Civil Engineers De Witt C. Webb, Walter H. Allen, and James V. Rockwell to be civil engineers in the Navy, with the rank of lieutenant, from the 7th day of June, 1906.

APPRAISER OF MERCHANDISE.

J. Carlyle Wilmer, of Maryland, to be appraiser of merchandise in the district of Baltimore, in the State of Maryland, to succeed C. Ross Mace, resigned.

APPOINTMENTS IN THE ARMY—MEDICAL DEPARTMENT.

To be assistant surgeons, with the rank of first lieutenant, from June 20, 1906.

Albert Gallatin Love, of Tennessee.
Harold Wellington Jones, of Missouri.
Omar Walker Pinkston, of Missouri.
Mathew Aaron Reasoner, of Illinois.
Henry James Nichols, of New York.
Louis Hedven Hanson, of Wisconsin.
Lucius Locke Hopwood, of Iowa.
Charles Ernest Freeman, of Missouri.
Ferdinand Schmitter, of New York.
Howard Alden Reed, of Pennsylvania.
Henry Blodgett McIntyre, of Vermont.

COMMANDERS IN THE NAVY.

The following-named commanders, who have already been confirmed, to take rank from dates set opposite their names, to correct the dates of their promotions caused by the retirement of Lieut. Commander Franklin J. Schell, who was due for promotion and retired before qualifying therefor:

John G. Quinby, to take rank from July 1, 1905;
James H. Glennon, to take rank from July 8, 1905;
Percival J. Werlich, to take rank from September 8, 1905;
William R. Rush, to take rank from September 9, 1905;
Harry S. Knapp, to take rank from September 30, 1905;
William L. Rodgers, to take rank from December 27, 1905;
Roy C. Smith, to take rank from January 7, 1906;
Robert S. Griffin, to take rank from January 22, 1906;
Albert N. Wood, to take rank from February 10, 1906;
Edward Lloyd, jr., to take rank from February 12, 1906;
Richard M. Hughes, to take rank from February 19, 1906;
Frank W. Bartlett, to take rank from February 28, 1906; and
Frederick C. Bieg, to take rank from April 13, 1906.

Midshipman Charles A. Harrington to be an ensign in the Navy from the 2d day of February, 1906, to fill a vacancy existing in that grade on that date.

CONSUL-GENERAL.

Edward L. Adams, of New York, now secretary of the legation and consul-general at that place, for promotion to be consul-general of the United States of class 6 at Stockholm, Sweden, to fill an original vacancy.

CONSULS.

José de Olivares, of Missouri, to be consul of the United States of class 7 at Managua, Nicaragua, vice Chester Donaldson, appointed consul at Port Limon.

Lester Maynard, of California, to be consul of the United States of class 7 at Sandakan, British North Borneo, to fill an original vacancy.

COLLECTOR OF CUSTOMS.

George E. Cousens, of Maine, to be collector of customs for the district of Kennebunk, in the State of Maine. (Reappointment.)

POSTMASTERS.

CALIFORNIA.

John N. Newkirk to be postmaster at San Diego, in the county of San Diego and State of California, in place of John N. Newkirk. Incumbent's commission expired February 28, 1906.

Alfred A. True to be postmaster at Highland, in the county of San Bernardino and State of California, in place of Alfred A. True. Incumbent's commission expires June 30, 1906.

CONNECTICUT.

Henry Dryhurst to be postmaster at Meriden, in the county of New Haven and State of Connecticut, in place of Henry Dryhurst. Incumbent's commission expires June 30, 1906.

GEORGIA.

John M. Barnes to be postmaster at Thomson, in the county of McDuffie and State of Georgia, in place of Lulu M. Farmer. Incumbent's commission expired March 14, 1906.

ILLINOIS.

Frank E. Eckard to be postmaster at Vandalia, in the county of Fayette and State of Illinois, in place of John A. Bingham. Incumbent's commission expired June 10, 1906.

Joel S. Ray to be postmaster at Arcola, in the county of Douglas and State of Illinois, in place of Joel S. Ray. Incumbent's commission expires June 27, 1906.

IOWA.

Lew I. Sturgis to be postmaster at Oelwein, in the county of Fayette and State of Iowa, in place of Lew I. Sturgis. Incumbent's commission expires June 27, 1906.

KANSAS.

L. C. McMurray to be postmaster at McPherson, in the county of McPherson and State of Kansas, in place of Benjamin A. Allison. Incumbent's commission expires June 28, 1906.

KENTUCKY.

Thomas F. Beadles to be postmaster at Fulton, in the county of Fulton and State of Kentucky, in place of Thomas F. Beadles. Incumbent's commission expired January 13, 1906.

George W. Bury to be postmaster at Clinton, in the county of Hickman and State of Kentucky, in place of Joel P. Deboe. Incumbent's commission expired June 12, 1906.

Edna J. Kirk to be postmaster at Paintsville, in the county of Johnson and State of Kentucky. Office became Presidential April 1, 1906.

Ludlow F. Petty to be postmaster at Shelbyville, in the county of Shelby and State of Kentucky, in place of Ludlow F. Petty. Incumbent's commission expired March 1, 1906.

Orrin A. Reynolds to be postmaster at Covington, in the county of Kenton and State of Kentucky, in place of Orrin A. Reynolds. Incumbent's commission expired January 13, 1906.

Perry Westerfield to be postmaster at Sebree, in the county of Webster and State of Kentucky. Office became Presidential January 1, 1906.

MICHIGAN.

Miles S. Curtis to be postmaster at Battle Creek, in the county of Calhoun and State of Michigan, in place of Frank H. Latta. Incumbent's commission expires June 25, 1906.

Frank L. Irwin to be postmaster at Albion, in the county of Calhoun and State of Michigan, in place of Frank L. Irwin. Incumbent's commission expired January 21, 1906.

Scott Swarthout to be postmaster at Lakeview, in the county of Montcalm and State of Michigan, in place of Cary W. Vining. Incumbent's commission expired February 7, 1906.

MISSOURI.

Alexander F. Karbe to be postmaster at Neosho, in the county of Newton and State of Missouri, in place of Frank E. Miller, resigned.

NEW JERSEY.

L. W. Cramer to be postmaster at Mays Landing, in the county of Atlantic and State of New Jersey, in place of Shepherd S. Hudson, deceased.

NEW YORK.

George B. Harwood to be postmaster at Skaneateles, in the county of Onondaga and State of New York, in place of George B. Harwood. Incumbent's commission expired April 22, 1906.

OHIO.

John B. Elliott to be postmaster at Greenfield, in the county of Highland and State of Ohio, in place of John B. Elliott. Incumbent's commission expired June 19, 1906.

SOUTH CAROLINA.

James O. Ladd to be postmaster at Summerville, in the county of Dorchester and State of South Carolina, in place of James O. Ladd. Incumbent's commission expired April 30, 1906

WITHDRAWAL.

Executive nomination withdrawn from the Senate June 21, 1906.

Emma Metzger to be postmaster at Oakharbor, in the State of Ohio.

WATERS OF THE RIO GRANDE.

The injunction of secrecy was removed June 21, 1906, from a convention between the United States and Mexico, signed at Washington on May 21, 1906, providing for the equitable distribution of the waters of the Rio Grande for irrigation purposes.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 21, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

BANKING INSTITUTIONS IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 118) to amend sections 713 and 714 of "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and for other purposes, with a Senate amendment.

The Senate amendment was read.

Mr. KLINE. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

The SPEAKER laid before the House the bill (S. 5769) to declare the true intent and meaning of parts of the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903, with House amendments disagreed to by the Senate.

Mr. JENKINS. Mr. Speaker, I move that the House insist on its amendments and agree to the conference asked for.

The motion was agreed to. The Chair appointed as conferees on the part of the House Mr. JENKINS, Mr. LITTLEFIELD, and Mr. DE ARMOND.

FISHERIES OF ALASKA.

The SPEAKER laid before the House the bill (H. R. 13543) for the protection and regulation of the fisheries of Alaska, with Senate amendments.

The Senate amendments were read.

Mr. CAPRON. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

BONDS FOR AMERICAN PRINTING HOUSE FOR THE BLIND.

The SPEAKER also laid before the House the bill (H. R. 16290) to postpone until 1907 the maturity of $250,000 of 4 per cent United States bonds held in trust for the benefit of the American Printing House for the Blind, with Senate amendments.

The Senate amendments were read.

Mr. SHERLEY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

BRIDGE ACROSS THE OHIO RIVER, WEST VIRGINIA.

The SPEAKER laid before the House the bill (S. 6146) to authorize the Back River Bridge Company to construct a bridge across the west or smaller division of the Ohio River from Wheeling Island, West Virginia, to the Ohio shore, a similar bill being on the House Calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Back River Bridge Company, a corporation organized under the laws of the State of West Virginia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, for street railway and wagon traffic and other appropriate public uses, across the west or smaller channel of the Ohio River, known as the Back River, from a point near the southerly end of Wheeling Island, which is a part of the city of Wheeling, in the State of West Virginia, to the Ohio shore, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. GAINES of West Virginia. Mr. Speaker, I move the passage of the Senate bill, a similar House bill being on the Calendar.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A similar bill (H. R. 19856) was laid on the table.

RIGHT OF WAY THROUGH PUBLIC LANDS.

The SPEAKER also laid before the House the bill (H. R. 15513) to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," with Senate amendments.

The Senate amendments were read.

Mr. LACEY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendments of the House of Representatives to bills and joint resolution of the following titles:

S. 1697. An act confirming to certain claimants thereto portions of lands known as Fort Clinch Reservation, in the State of Florida;

S. 4109. An act to increase the efficiency of the Bureau of Insular Affairs of the War Department; and

S. R. 47. Joint resolution granting condemned cannon for a statue to Governor Stevens T. Mason, of Michigan.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14171) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 20119. An act to authorize the village of Oslo, Marshall County, Minn., to construct a bridge across the Red River of the North; and

H. R. 19181. An act to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the harbor at Duluth, Minn., including the entrance thereto, with a view to determining what modifications of the present plan, if any, are desirable.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I call up the conference report on the naval appropriation bill, and ask unanimous consent that the reading of the report be dispensed with, and that the statement on the part of the managers of the House be read in lieu thereof.

The SPEAKER. The gentleman from Illinois calls up the conference report upon the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes.

The SPEAKER. The gentleman asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The following is the report and statement:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 34, 35, 38, and 47.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 11, 12, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 52, 53, 54, 57, 58, 59, and 63, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with amendments as follows:

In line 10 of said amendment strike out the colon and insert in lieu thereof a period.

In lines 10, 11, 12, 13, 14, 15, 16, and 17 of said amendment strike out the following: "*Provided*, That hereafter the pay and allowances of chaplains shall be the same, rank for rank, as is or may be provided by law for officers of the line and of the Medical and Pay Corps, all of whom shall hereafter receive the same pay on shore duty as is now provided for sea duty: *And provided further*, That the present pay and allowances of any officer now in the Navy shall not be reduced: *Provided further*," and insert in lieu thereof as a new paragraph:

"That all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commander in the Navy according to length of service under the provisions of law for that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: *Provided*, That naval chaplains hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have completed seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever vacancies occur, to the grade of lieutenant-commander, which shall consist of five members, and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: *Provided further*, That nothing herein contained shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving."

In line 17 of said amendment, commencing with the word "That," have a new paragraph; and in lines 17 and 18 of said amendment strike out the words "pay and;" and in line 21 of said amendment strike out the words "pay and."

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the words "rank, highest;" and in lines 4 and 5 of said amendment strike out the comma after the word "commander" and the words "and of no higher rank;" and in lines 6 and 7 strike out the words "be appointed from civil life in the manner and at" and insert in lieu thereof the word "receive;" and at the end of said amendment insert the following: "*Provided further*, That such officer shall not have the benefit of retirement;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In said amendment, after the word "million," strike out the words "three hundred thousand;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "immediately available and to be;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In the last line of said amendment strike out the comma and the words "to be immediately available;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "graduation," insert the following "or that may occur for other reasons;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In said amendment strike out the words "one million" and insert in lieu thereof the words "five hundred thousand;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: On page 76 of the bill, at the end of line 5, insert the following: "But this provision shall not apply to or interfere with contracts for such armor already entered into, signed, and executed by the Secretary of the Navy;" and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-three million four hundred and seventy-five thousand eight hundred and twenty-nine dollars;" and the Senate agree to the same.

On amendments numbered 2, 6, 7, 13, 32, 33, 37, 55, and 56 the committee of conference have been unable to agree.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
ADOLPH MEYER,
Managers on the part of the House.

EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the amendments of the Senate, viz:

On amendment No. 1: Provides for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, as proposed by the Senate.

On amendment No. 3: Provides that the Secretary of the Navy may, in his discretion, require the whole or a part of the bounty allowed upon enlistment to be refunded in cases where men are discharged during the first year of enlistment, by request, for inaptitude, as undesirable, or for disability not incurred in line of duty, as proposed by the Senate.

On amendment No. 5: Reimburses officers and enlisted men of the Navy and Marine Corps who were on duty under orders in San Francisco during the recent fire in that city for losses of clothing and other personal effects sustained by them through said fire, $7,000, or so much thereof as may be necessary: *Provided*, That such reimbursement shall be made under regulations to be prescribed by the Secretary of the Navy and upon vouchers to be approved by him in each case, as proposed by the Senate.

On amendment No. 8: Provides that the provision contained in section 13 of an act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," reading as follows: "*Provided*, That such officers when on shore shall receive the allowances, but 15 per cent less pay than when on sea duty; but this provision shall not apply to warrant officers commissioned under section 12 of this act," be, and the same is hereby, repealed.

And further provides that all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commander in the Navy according to length of service under the provisions of law for that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: *Provided*, That naval chaplains hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have completed seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever vacancies occur, to the grade of lieutenant-commander, which shall consist of five numbers, and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: *Provided further*, That nothing herein contained shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving.

And further provides that the civil engineers and professors of mathematics shall receive the same allowances as are or may be provided by or in pursuance of law for naval constructors and the assistant civil engineers the same allowances as provided for assistant naval constructors.

On amendment No. 9: Strikes out the provision that a sum not to exceed $5,000 may be expended by the Secretary of the Navy for legal advice out of this appropriation, as proposed by the Senate.

On amendment No. 10: Provides that the solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter be appointed by the President, by and with the advice and consent of the Senate, and shall have the pay and allowances of a commander: *Provided*, That when such office becomes vacant the solicitor shall thereafter receive the compensation now provided by law: *Provided further*, That such officer shall not have the benefit of retirement.

On amendment No. 11: Strikes out the provision for transportation to the places of enlistment, or to their homes if residents of the United States, of enlisted men and apprentice seamen discharged on account of expiration of enlistment, with subsistence and transfers en route, or cash in lieu thereof, as proposed by the Senate.

On amendment No. 12: Provides that hereafter enlisted men discharged on account of expiration of enlistment shall receive, in lieu of transportation and subsistence, travel allowance of 4 cents per mile from the place of discharge to the place of enlistment, for travel in the United States, as proposed by the Senate.

On amendment No. 14: Provides that for the performance of such additional services in and about the Naval Home as may be necessary the Secretary of the Navy is authorized to employ, on the recommendation of the governor, beneficiaries in said home, whose compensation shall be fixed by the Secretary and paid from the appropriation for the support of the home, as proposed by the Senate.

On amendment No. 15: Appropriates $2,000,000 for reserve supply of powder and shell instead of $2,300,000, as proposed by the Senate.

On amendment No. 16: Appropriates $750,000 for reserve guns, as proposed by the Senate.

On amendment No. 17: Inserts the word "torpedo" after "naval," so as to read "naval torpedo station," as proposed by the Senate.

On amendment No. 18: Provides for the preparation of sites, furnishing and erecting masts, buildings, and machinery foundations for United States naval wireless telegraph stations on the Pacific coast in the States of Washington, Oregon, and California, to be limited to the purposes above named, $65,000.

On amendment No. 19: Provides that $1,500 may be expended by the Secretary of the Navy in procuring a survey and estimate of cost for a channel into Welles Harbor, Midway Islands, as proposed by the Senate.

On amendment No. 20: Provides that the Chief of the Bureau of Yards and Docks shall be selected from the members of the Corps of Civil Engineers of the Navy having not less than seven years' active service, as proposed by the Senate.

On amendments Nos. 21 and 22: Appropriates $75,000 for boiler shops and changes totals accordingly, as proposed by the Senate.

On amendments Nos. 23, 24, and 26: Reduces appropriation toward the dry dock $50,000 and appropriates $40,000 for quay wall at dry-dock entrance; dry-dock latrines, $3,000; one officers' quarters, $7,000; dispensary building, $12,000, and changes totals accordingly, as proposed by the Senate.

On amendments Nos. 27, 28, and 29: Appropriates $30,000 for dredging and filling in at naval station at Key West, Fla.; also $3,000 for sewer system, and changes totals accordingly, as proposed by the Senate.

On amendments Nos. 30 and 31: Increases appropriations for navy-yard, Puget Sound, Wash., as follows: Telephone system, extensions, $1,500; central power plant, $60,000; water-closets for ships in dock, $2,500, and changes totals accordingly, as proposed by the Senate.

On amendments Nos. 34 and 35: Strikes out language "and power plant," as proposed by the Senate.

On amendment No. 36: Appropriates $35,000, or so much thereof as may be necessary, for the reclamation of that portion of the naval station at Honolulu, Hawaii, known as the "Reef."

On amendment No. 38: Applies the word "all" to officers outside of the naval hospital, Newport, R. I., so that it will read "building quarters for all officers," etc.

On amendments Nos. 39 and 40: Provides for a heading, "Public works, Marine Corps," and the erection of barracks and quarters, Marine Corps: Erection and equipment of two laundries for enlisted men, marine barracks, $12,000, as proposed by the Senate.

On amendments Nos. 41, 42, 43, 44, 45, and 46: Provides for the completion of marine barracks on the Schmoele tract of land at the Norfolk Navy-Yard, in the State of Virginia, including plumbing, interior woodwork, painting, grading, and proper connections with the local waterworks, $15,000; for the construction of two additional sets of officers' quarters, Norfolk Navy-Yard, $24,000; in all, Norfolk Navy-Yard, $39,000.

For the erection of marine barracks and officers' quarters, naval station, New Orleans, La., $15,000, which sum shall be in addition to $15,000 appropriated for this object in the naval appropriation act approved March 3, 1901, and $6,500 provided in the naval appropriation act approved April 27, 1904.

For the erection of marine barracks and completion of officers' quarters, marine barracks, naval training station, San Francisco, Cal., $15,000.

For the necessary repairs and improvements to such buildings at the naval station, New London, Conn., as have been assigned to the Marine Corps by the Navy Department, $25,000.

For the purchase of land adjoining marine reservation, naval station, Sitka, Alaska, $400.

In all, public works, Marine Corps, $106,400, as proposed by the Senate.

On amendment No. 47: Strikes out provision that the Secretary of the Nevy be, and he is hereby, authorized and directed to cause to be constructed a fully completed model of each vessel of war of the Navy of the United States which now has or may

hereafter be given the name borne by any State of the United States, said model to be deposited in the capitol building of said State, and in every case said model shall be placed in a prominent position, convenient to public view: *Provided*, That such model shall not cease to be, when so deposited, the property of the Government of the United States, but shall be at all times subject to the authority and direction of the Secretary of the Navy, no model to cost in excess of $3,500, and the sum of $50,000 is hereby appropriated, as proposed by the Senate.

On amendment No. 48: Appropriates $60,000 to outfit boiler shop and changes totals accordingly, as proposed by the Senate.

On amendment No. 49: Changes totals as proposed by the Senate.

On amendment No. 50: Changes totals as proposed by the Senate.

On amendment No. 51: Provides hereafter the Secretary of the Navy shall, as soon as possible after the 1st day of June of each year preceding the graduation of midshipmen in the succeeding year, notify in writing each Senator, Representative, and Delegate in Congress of any vacancy that will exist at the Naval Academy because of such graduation, or that may occur for other reasons, and which he shall be entitled to fill by nomination of a candidate and one or more alternates therefor. The nomination of a candidate and alternate or alternates to fill such vcancy shall be made upon the recommendation of the Senator, Representative, or Delegate, if such recommendation is made by the 4th day of March of the year following that in which said notice in writing is given, but if it is not made by that time the Secretary of the Navy shall fill the vacancy by appointment of an actual resident of the State, Congressional district, or Territory, as the case may be, in which the vacancy will exist, who shall have been for at least two years immediately preceding the date of his appointment an actual and bona fide resident of the State, Congressional district, or Territory in which the vacancy will exist and of the legal qualification under the law as now provided. In cases where by reason of a vacancy in the membership of the Senate or House of Representatives, or by the death or declination of a candidate for admission to the academy there occurs or is about to occur at the academy a vacancy from any State, district, or Territory that can not be filled by nomination as herein provided, the same may be filled as soon thereafter and before the final entrance examination for the year, as the Secretary of the Navy may determine. The candidates allowed for the District of Columbia and all the candidates appointed at large, together with alternates therefor, shall be selected by the President within the period herein prescribed for nomination of other candidates: *Provided*, That the President may select a candidate for the District of Columbia for the year 1908, as proposed by the Senate.

On amendment No. 52: Provides that the President be authorized to appoint, by and with the advice and consent of the Senate, two additional professors of mathematics in the Navy, who shall be extra numbers in said list and who shall take rank as now held by them.

On amendment No. 53: Provides that all records (such as muster and pay rolls and reports) relating to the personnel and operations of public and private armed vessels of the North American colonies in the war of the Revolution now in any of the Executive Departments shall be transferred to the Secretary of the Navy, to be preserved, indexed, and prepared for publication, as proposed by the Senate.

On amendment No. 54: Provides for prizes for excellence in gunnery exercise and target practice, both afloat and ashore.

On amendments Nos. 57, 58, 59, and 60: Provides for tests of subsurface and submarine torpedo boats to take place within nine months instead of twelve from the date of the passage of this act, and appropriates $500,000.

On amendment No. 61: Provides that the following clause, "That no part of this appropriation shall be expended for armor for vessels herein authorized except upon contracts for such armor when awarded by the Secretary of the Navy, to the lowest responsible bidder, having in view the best results and most expeditious delivery," shall not apply to or interfere with contracts for such armor already entered into, signed, and executed by the Secretary of the Navy.

On amendment No. 62: Changes totals from $32,975,829 for total increase of the Navy to $33,475,829.

On amendment No. 63: Provides that no part of any sum appropriated by this act shall be used for any expense of the Navy Department at Washington unless specific authority be given for such expenditure.

The committee of conference have been unable to agree on the following amendments:

On amendment No. 2: Which increases the appropriation for pay of the Navy from $20,000,000 to $20,269,637.

On amendment No. 6: Which provides that all officers of the Navy below the grade of rear-admiral, with creditable records, including those retired with the relative rank of commodore, who served during the civil war, and who were honorably retired prior to the passage of an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899, shall be advanced on the retired list one grade above the grade or rank now held by them, to take effect from the date of the approval of said act; and that rear-admirals retired prior to the passage of said act shall receive the same pay as officers of the Navy of corresponding grade who have been retired under said act: *Provided*, That this act shall not apply to any officer who has received an advance of grade since his retirement or has been restored to the Navy and placed on the retired list with promotion thereon by virtue of the provisions of a special act of Congress. This provision shall in no case authorize any claim for back pay and shall have effect only for the future, and shall also apply in like manner to officers of the Marine Corps.

On amendment No. 7: Which provides that officers of the Marine Corps with creditable records who served during the civil war and were retired prior to 1904 shall receive the full benefit of the act approved April 23, 1904, in so far as the same provides for the promotion of civil war veterans to the next higher grade above that at which they were retired.

On amendment No. 13: Which provides that the naval station at Port Royal, S. C., including all buildings and other property thereon and the employees attached thereto, be hereby transferred to and placed under the control of the Bureau of Navigation, Navy Department, as an adjunct to the naval training station, Rhode Island, to be used for the instruction of recruits during the winter months and at such other times as may be deemed advisable, and for that purpose the following sums are appropriated: Necessary repairs to the buildings to fit them for berthing, messing, and drilling purposes, and for galleys, latrines, and washhouses for apprentice seamen, and for purposes of administration in connection with the training of the same, $51,000; installing necessary distilling plant or fresh-water supply, $20,000; maintenance of the station as a training station, $25,000; in all, $96,000.

On amendments Nos. 32 and 33: Which provide for the construction of a graving dock of concrete and granite, to cost in all $1,400,000, $100,000; in all, navy-yard, Pensacola, $140,000.

On amendment No. 37: Which provides for changes in the totals, public works, navy-yards and stations, from $2,848,450 to $3,052,450.

On amendment No. 55: Which provides that from and after the date of the approval of this act the Commandant of the Marine Corps shall have the rank, pay, and allowances of a major-general in the Army, and when a vacancy shall occur in the office of Commandant of Corps, on the expiration of the service of the present incumbent, by retirement or otherwise, the Commandant of the Marine Corps shall thereafter have the rank, pay, and allowances of a brigadier-general.

On amendment No. 56: Which provides that before any proposals for said battle ship shall be issued or any bids received and accepted the Secretary of the Navy shall report to Congress at its next session full details covering the type of such battle ship and the specifications for the same, including its displacement, draft, and dimensions, and the kind and extent of armor and armament therefor.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
ADOLPH MEYER,
Managers on the part of the House.

Mr. FOSS. Mr. Speaker, I would state that this report is a partial report and covers all matters in disagreement between the House and the Senate except practically five or six subjects, the first relating to the civil-war veterans, which is covered by amendments 2, 6, and 7; the thirteenth Senate amendment, appropriating less than $100,000 for Fort Royal; Senate amendments Nos. 32, 33, and 37, providing for an additional dock at Pensacola Navy-Yard, and amendment 55, giving the Commandant of the Marine Corps the rank and pay of a major-general, together with 56, relating to the battle ship. These are the only matters in disagreement between the two Houses, or will be after the adoption of this report. Mr. Speaker, I now move the previous question on the adoption of the report.

Mr. PAYNE. Oh, Mr. Speaker, does not the gentleman propose to have some debate on this?

Mr. HULL. Mr. Speaker, this report is too important to be put over under the previous question. If the gentleman insists upon that motion, I sincerely hope the House will vote it down. There are some things here that the House should understand before it adopts this report.

Mr. FOSS. Very well, Mr. Speaker, I will withdraw that motion. Does the gentleman desire to ask some questions?

Mr. HULL. I desire to discuss this report and incidentally to ask some questions.

Mr. PAYNE. Mr. Speaker, I hope the gentleman from Illinois [Mr. Foss] will give time enough to discuss this report.

Mr. FOSS. Mr. Speaker, this relates simply to the adoption of a partial report.

Mr. PAYNE. It involves a great many important matters that the House should be in possession of before it votes on it.

Mr. FOSS. How much time does the gentleman from Iowa desire?

Mr. HULL. I do not want to use any unusual time. It is impossible to say how long.

Mr. FOSS. I yield five minutes to the gentleman.

Mr. HULL. Five minutes would not be enough. I would want at least ten or fifteen minutes.

Mr. FOSS. Well, I will yield ten minutes to the gentleman from Iowa.

Mr. PERKINS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PERKINS. Mr. Speaker, I desire to move that the House recede from its disagreement on amendment No. 6 and concur in the Senate amendment. Is it proper for me to make that motion at this time?

The SPEAKER. The Chair understands that there is a conference report that brings the two bodies together upon certain matters of disagreement, and that there are certain other matters that have not been agreed to. The first question that would present itself is as to whether the House will agree to the conference report. After that any matters that have not been settled in the conference report, in the event the conference report should be adopted, would be subject to disposition by the House. If the conference report is defeated, then all matters, if the House should further insist upon its disagreement to the Senate amendments, would go back to conference.

Mr. PERKINS. Yes; but I suppose it would be proper for the House to vote to instruct the committee to recede and concur on amendment No. 6.

Mr. FOSS. Mr. Speaker, that would be in order.

Mr. PERKINS. Then the report thus amended could be adopted.

The SPEAKER. That is not in order at this time. The only question before the House at this time is as to whether the House will agree to the conference report. If they agree, then it takes all those matters contained in that report out of disagreement with the Senate.

Mr. FOSS. Mr. Speaker, I yield ten minutes to the gentleman from Iowa.

Mr. HULL. Mr. Speaker, I understand that the gentleman from Ohio [Mr. BURTON] has a parliamentary inquiry.

Mr. BURTON of Ohio. No; I think that has been answered by what the Speaker said. As I understand, the motion now before the House is to adopt that part of the conference report upon which the conferees agree. I do not understand that any former motion was made to that effect.

The SPEAKER. That is all there is to the conference report.

Mr. HULL. Mr. Speaker, I do not like to antagonize the report of the conferees——

Mr. PRINCE. Mr. Speaker, I call for order. This report affects not only the Committee on Naval Affairs, but the Committee on Military Affairs, and the Army is affected by it as well.

The SPEAKER. The House will be in order.

Mr. HULL. Mr. Speaker, there is a constant strife between the two arms of the service, as they say, to be put upon an equality; but each time that one is put upon an equality it is found out afterwards that he goes a little beyond equality, and then the other arm begins to press up—never presses down. I have never found either of them to come and solicit Congress to equalize rank and pay downward. It is always to equalize up. This report, in my judgment, in some respects is equalizing up, and I desire to call the attention of the gentleman from Illinois [Mr. Foss], the chairman of the committee, to amendment No. 1, which provides as follows:

For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them.

That is to say, the naval officers shall have quarters. Now, the Army has that in a limited degree. In other words, where an officer of the Army is serving with or without troops and the Government can not furnish quarters, he gets, according to his rank, so many rooms. In other words, if he is a lieutenant, he gets two rooms; if he is a captain, he gets three rooms, and the price of the room is fixed at $12 a room. There is no limitation in this, and a man serving in any city of the United States could receive out of this appropriation rent for a house that would cost $5,000 a year and be within the law. Now, what I want is for the conferees, when they take this up again—and I hope they will—to limit the price of the room to $12, and give to each naval officer rooms according to his rank, as is done in the Army. If you will do this, we will have no further trouble about this room matter. If you do not do it, we will be bothered here every Congress for as liberal a provision as is given here——

Mr. TAWNEY. Will the gentleman permit a question?

Mr. HULL. Certainly.

Mr. TAWNEY. Is this amendment included in the agreement of the conferees?

Mr. HULL. It is included in the agreement.

Mr. TAWNEY. Then there is only one way to reach it, and that would be to vote down the conferees' report. That is the parliamentary situation?

Mr. HULL. That is correct. I have a serious objection, Mr. Speaker, to amendment No. 10, which has been agreed to by the conferees.

Mr. WATSON. What is amendment No. 10?

Mr. HULL. It is a Senate amendment.

The solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter be appointed by the President, by and with the advice and consent of the Senate, and shall have the rank, highest pay, and allowances of a commander, and no higher rank: *Provided*, That when such office becomes vacant the solicitor shall thereafter be appointed from civil life in the manner and at the compensation now provided by law.

The conferees changed that, and, I think, intended to cover my objection. They struck out the words "rank, highest" and the words "no higher rank," so it will read "shall have the pay and allowance of a commander," and then they made the proviso read: "When such office becomes vacant the solicitor shall receive the compensation now provided by law," and they add another proviso: "*Provided further*, That such officer shall not have the benefit of retirement." But my point, Mr. Speaker, is that that proviso in regard to retirement should have come in immediately after giving the rank to the officer. He is a civilian employee of the Navy Department. He is getting pay now fixed by law. This makes him virtually a commander in the Navy, and by putting in the proviso where it is it does not keep him off the retired list——

Mr. FITZGERALD. Will the gentleman yield?

Mr. HULL. In other words, the proviso fixing the retirement only provides for those who may come after him.

Mr. FITZGERALD. Does this amendment in effect take a civilian into the Navy at the rank of commander?

Mr. HULL. Yes.

Mr. FITZGERALD. That is the purpose?

Mr. HULL. That is the purpose of the Senate amendment.

Mr. FITZGERALD. Why should some civilian who has been working in the Navy Department at this time be given rank in the Navy as commander with the pay and allowances of one?

Mr. HULL. And he has also the retired pay.

Mr. PAYNE. Is not the object of this amendment to increase the pay of the present incumbent while he is in office?

Mr. HULL. I will say the object of the amendment was to increase the pay of the present incumbent, but the intent of the House conferees unquestionably was to limit it to him while on the active list, and if they had put their proviso immediately following the word "commander" in line 18 of the bill, I should not have had a word to say, but putting the proviso at the close of the whole legislation, after they had provided what the succeeding officer should have, simply provides that the succeeding officer shall not be put upon the retired list. I do not believe there is any question as to the construction that will be placed upon it.

Mr. SLAYDEN. Mr. Speaker, it was quite impossible for us over here on this side of the House to hear the gentleman's explanation of the item about quarters provided for in this bill—quarters for officers on shore duty, I suppose.

Mr. HULL. Serving where there are no public quarters.

Mr. SLAYDEN. In what respect does that differ from the legislation for the Army?

Mr. HULL. It makes no limitation whatever on what shall be expended for quarters by any officer.

Mr. SLAYDEN. Do you mean to say not so much for a room and not so many rooms for rank?

Mr. HULL. No, sir; nothing of the kind. It simply provides they shall have quarters, and as I said before, while I think it is extreme, and it would be doubtful if any such thing would ever happen, yet they would have the power under this law to furnish a house in Washington, or in any other city

where they are serving with the troops, no matter what the cost should be.

Mr. SLAYDEN. Does not the gentleman think that it would only be fair to the public and doing exact justice as between the two branches of the service, if they were limited to the same emolument in that direction?

Mr. HULL. It is my suggestion, if this goes back to the conference, that they provide that they shall have so many rooms for each rank, and that they shall not pay over $12 a month for each room, as it is for the Army.

Mr. SLAYDEN. What about the compensation for the chaplains?

Mr. HULL. I want to compliment the committee on this, that they have adjusted the chaplains on the same line as is now provided for the Army.

Mr. SLAYDEN. That is wise legislation.

Mr. HULL. They have fixed it so that they go in at lower grades, and are gradually promoted in line until they reach the grade of lieutenant-commander of the Navy—equal to the grade of major in the Army; and I want to congratulate the committee that in this respect they have compelled the Senate to recognize the justice of the pay and emoluments between the two branches of the service.

Mr. RIXEY. As I understood the gentleman a moment ago, he was referring to amendment No. 10.

Mr. HULL. I was.

Mr. RIXEY. Which provides for the increase in the compensation of the solicitor in the office of the Judge-Advocate-General.

Mr. HULL. Yes.

Mr. RIXEY. And provides that at the expiration of his term the compensation shall then go back to what it is now.

Mr. HULL. Yes.

Mr. RIXEY. Well, so far as I know, I never heard of any reason for this. But the Secretary of the Navy appeared before the House committee, and also before the Senate committee, urging that he might be allowed $5,000 extra with which to employ legal counsel. It seems to me that this amendment No. 10 is very inappropriate at this time.

Mr. HULL. Mr. Speaker, I am not arguing that feature of it. The House has as much judgment as myself as to whether it is an overpayment or not. The proper way to have met that question, if this amendment is fixed as it should be, would be to provide simply for an increase of pay for this officer.

The SPEAKER. The gentleman's time has expired.

Mr. HULL. Mr. Speaker, I ask for ten minutes more.

Mr. FOSS. Mr. Speaker, I yield ten minutes more to the gentleman from Iowa.

Mr. HULL. Mr. Speaker, in my judgment, whenever you do give an increase of pay to the solicitor of the Navy, you have got to give increased pay to the solicitor of every other Department of the Government. But that question is for the House to determine. But what I am protesting against is this: The injecting into the appropriation bill of a civilian and giving him rank and giving him retired pay, who has only a few years more to serve until he reaches retirement. If this officer should be a regular naval officer, why not bring in a bill here providing for the detail of a naval officer and giving him rank and pay while he is holding that position—as the Army has done and as the Navy has done in so many cases?

Mr. PAYNE. Was this amendment in the bill when it passed the House?

Mr. HULL. No, sir.

Mr. PAYNE. No attempt to increase the pay?

Mr. HULL. No attempt to do it. There is another feature I desire to call attention to that is not in the conference report.

Mr. BUTLER of Pennsylvania. Before the gentleman leaves that——

The SPEAKER. Does the gentleman yield?

Mr. HULL. I yield to the gentleman.

Mr. BUTLER of Pennsylvania. Does the gentleman construe that amendment—I could not hear him very distinctly—to put this civilian on the retired list?

Mr. HULL. I have no question of it. I call the attention of the gentleman to it as it will read:

The solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter be appointed by the President, by and with the advice of the Senate, and shall have the pay and allowances of a commander.

Now, that stops there. Then follows the proviso:

Provided, That when such office becomes vacant the solicitor shall thereafter receive the compensation now provided by law.

Then the committee on conference follow that with another proviso:

Provided further, That such officer shall not have the benefit of retirement.

What officer does that mean? The last proviso does not mean the present incumbent, because you give him the rank of commander and then provide that his successor shall not be retired.

Mr. ALEXANDER. Will the gentleman allow me to ask him a question?

Mr. HULL. Why, certainly.

Mr. ALEXANDER. Does the gentleman acquiesce in the construction of the words "to be appointed from civil life?"

Mr. HULL. Why, Mr. Speaker, they are already appointed from civil life. This man that it is proposed to benefit is appointed from civil life. He is only the Solicitor of the Navy Department. There is a man occupying the same position as Solicitor of the Treasury Department as this man is in the Navy Department. He is only a civil-life man. The beneficiary of this amendment is a civil law officer of the Navy, and always has been since he was promoted from a clerkship. While I say I would have preferred to see him given simply an increase of his pay, I do not object to giving him the pay of a commander, but I do object to giving him the benefit of the retired list after six years' service after this day, where he will receive three-fourths of that pay as long as he lives, without performing any service whatever.

There is another proposition that is not in the conference report I wanted to call the attention of the House to, but I will wait until later.

Now, Mr. Speaker, I do not desire to detain the House longer. I wanted to call especial attention to these two features of the bill, not because I have not confidence in the Committee on Naval Affairs, and not because I desire to interfere in their business; but these two matters are so closely and intimately related to each branch of the service that it seems to me that the House will make a mistake if it should level them up. Let us put the two branches on an equality and stop there.

Mr. FOSS. Mr. Speaker, the gentleman from Iowa is more apprehensive than right in his criticism of this report. He has made two objections to it—one upon the ground that we have provided in here for the hire of quarters, and we propose to hire quarters in the Navy that will cost more than the commutation for quarters. This provision was put in by the Senate upon the recommendation of the Secretary of the Navy, to meet a Comptroller's decision upon the question of whether or not they had the right to quarters. This does not seek in any way to make a new distinction between the Army and the Navy; and I will read here the last clause of the letter from the Secretary of the Navy, in which he brings that out clear. He says:

No increase in the appropriation will result from the additional language, as its only result will be to restore conditions existing before the decision of the Comptroller and permit the allotment to an officer serving on shore duty with troops the quarters to which his rank and duty entitle him.

Mr. HULL. Let me ask the gentleman a question. Why not fix that in the law?

Mr. FOSS. Mr. Speaker, that settles the whole controversy.

Mr. PAYNE. Has the gentleman any objection to reading to the House the exact provision put in the bill? That would give more information than the statement of the Secretary.

Mr. FOSS (reading):

For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them.

Mr. PAYNE. Where is the limitation in that language?

Mr. FOSS. The limitation is in the general law providing commutation for quarters.

Mr. HULL. What is the general law fixing commutation of quarters for the Navy? We have it for the Army, but what is it for the Navy?

Mr. FOSS. The Navy are given the allowances of Army officers of corresponding rank.

Mr. HULL. Then why not put it that way, if that is true?

Mr. FOSS. That is the general law, and the gentleman from Iowa knows it.

Mr. HULL. I do not; and if so, why this provision?

Mr. FOSS. And where they put in there "hire of quarters for officers," they will not be able to get any better quarters than they are entitled to under the general law, and the gentleman from Iowa knows that. [Applause.]

Mr. HULL. Well, I do not know that.

Mr. FOSS. Now, upon the second proposition that the gentleman from Iowa has raised here to-day——

Mr. HULL. I hope the gentleman will read the law. It is fair to the House that we should have the law.

Mr. FOSS. On the second provision, Senate amendment 10, our provision reads as follows:

The solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter be appointed by the President, by and with the advice

and consent of the Senate, and shall have the pay and allowances of a commander.

The Senate added other language. Now, that refers to Mr. Hanna, who has been a solicitor in the office of the Judge-Advocate-General for a great many years. He came in as a clerk at $1,800 a year. He is a man now 50 years of age, the only civil lawyer in the Department. He receives a compensation of $2,500 a year. If this passes, he will get $3,500 a year, an increase of a thousand dollars, so I am told by Mr. Hanna himself this morning.

Mr. HULL. Does the Navy get "fogy" or longevity pay?

Mr. FOSS. Yes; but this cuts out the longevity pay, because it does not pay "the highest pay;" it will only be $3,500. We thought it would give him $4,000, but he says not. Now, the gentleman from Iowa says that this provision puts Mr. Hanna on the retired list. I stand here and say that the language of that provision, giving the solicitor simply the pay and allowances of a commander, does not put him on the retired list.

Mr. HULL. Why not say that he shall not be eligible to retirement?

Mr. FOSS. We have stricken out the word "rank," which would have put him on the retired list, and that is all that provision means. Then, in addition to that, in the conference we put in another proviso, settling it forever as against any doubt or question. What is that proviso? It is:

And such officer shall not have the benefit of retirement.

Making it doubly sure. Mind you, if the proviso had not been there, it would not have given him the privilege of retirement, and I have consulted our own Judge-Advocate-General's corps upon that question. But in addition to that we put this proviso upon it.

Mr. HULL. The gentleman ought to read that in connection with the whole language.

Mr. FOSS. It relates to the present solicitor and to his successor. It relates to the office.

Now, Mr. Speaker, it seems to me there can be no objection to this conference report.

Mr. RIXEY. I should like to ask the gentleman a question in regard to another amendment. It will shorten the discussion if he will answer it.

Mr. FOSS. Is it covered by the report, or is it an amendment that is in disagreement?

Mr. RIXEY. It is an amendment concerning which the conferees have agreed.

Mr. FOSS. All right.

Mr. RIXEY. And that is the latter part of amendment No. 51, which gives to the District of Columbia an additional midshipman for 1907. I want to ask why that was? The District of Columbia now has two midshipmen at Annapolis. Why should it have an extra midshipman for 1907? That provision is on page 73.

Mr. FOSS. This is an amendment placed in the bill by the Senate. The President desired to appoint an individual of special qualifications.

Mr. RIXEY. That was placed there at the special request of the President?

Mr. FOSS. Not directly, but, I am informed, it came directly from him.

Mr. RIXEY. I have no disposition not to gratify him in regard to a special request, but I think it is rather bad legislation.

Mr. UNDERWOOD and Mr. PRINCE rose.

Mr. FOSS. I yield first to the gentleman from Alabama, and then I will yield to my colleague from Illinois.

Mr. UNDERWOOD. Mr. Speaker, I notice that the bill as it went from the House to the Senate carried an authorization of a million dollars to provide for the building of submarine boats.

Mr. FOSS. Yes.

Mr. UNDERWOOD. The Senate made an appropriation of a million dollars to carry that provision into effect.

Mr. FOSS. Yes.

Mr. UNDERWOOD. In other words, carrying out the provision of a House bill as agreed to by the House—really appropriating sufficient money to carry out that provision. Now, I notice that the conferees have cut down that appropriation to half a million dollars. Although the House had expressed its view in favor of the million dollars, the committee of the House—for it must have been a disagreement on the part of the House conferees—cut down the amount of the appropriation to half a million dollars. I desire to ask the gentleman the reason for cutting down the appropriation which the House had practically authorized?

Mr. FOSS. This was a Senate amendment. The House had not appropriated a single dollar for these boats.

Mr. UNDERWOOD. Undoubtedly; but the House had provided for their building.

Mr. FOSS. All that the House had done was simply to authorize the Secretary of the Navy to enter into contracts to the extent of a million dollars, but the House had not appropriated a single dollar. Now, the Senate appropriated a million dollars, but, in view of the fact that these tests would cover a period of nine months, the House conferees thought that half of that appropriation would be sufficient for this year, and I think it is.

Mr. UNDERWOOD. As far as that is concerned, we may not need the appropriation this year——

Mr. FOSS. We may not need it at all.

Mr. UNDERWOOD. Before next year; but the House had expressed its desire to expend a million dollars for these submarine boats. It is true the House provision was inartificially drawn, and no appropriation was made, but the will of the House was expressed in that provision authorizing the building of a million dollars' worth of submarine boats. There was practically no opposition to it, and I do not see wherein lay the power of the conferees to cut down the will of the House as expressed in that way.

Mr. FOSS. We did not cut down the will of the House. If we had cut down the right of the Secretary to enter into contracts to the extent of a million dollars, then we would, perhaps, have been moving against the will of the House; but to the House provision we added an appropriation of $500,000, because the House did not appropriate one single dollar, but only allowed the Secretary of the Navy to enter into contracts.

Mr. UNDERWOOD. As I understand the provision as it stands to-day, the Secretary of the Navy can enter into contracts.

Mr. FOSS. Can enter into contracts to the extent of a million dollars, but we only appropriate this year $500,000.

Mr. PAYNE. Will the gentleman give me about four minutes?

Mr. FOSS. I yield to the gentleman from New York four minutes.

Mr. PAYNE. Mr. Speaker, this bill will have to go back to conference anyway. There are a number of items here that have not been agreed upon. The conferees will have to meet again. It seems to me the whole matter ought to go back to conference. Now, as the simple object of this amendment is to increase the pay of the present incumbent of the office of solicitor, why not put it in a few words and say that during the lifetime of the present incumbent he shall have a salary of so much per year, as has been done time and again in appropriation bills? If that is the simple object, why is it necessary to say that he shall have the pay of a commander, and leave it in this hazy way? The gentleman from Illinois [Mr. Foss] says that will not give him longevity pay. It is a grave question whether it will or not, because it gives him the pay of a commander. It is not necessary that it should say the highest pay of a commander. Of course every man who gets the pay of a commander gets the highest pay. He always manages to get that. Now, why not put it in a few simple words? It is a Senate amendment. It is new legislation. We can have our own way about it, if we stick to it.

Mr. FOSS. I know that, but this custom has obtained in the Navy, and it obtains in the Army always, in describing the pay, to say that a man in a certain position shall have the pay and allowances of an officer in a certain grade in the Navy or in the Army.

Mr. PAYNE. It is not the Army or the Navy that makes this bill. The House of Representatives makes it.

Mr. FOSS. Men from civil life have gone into the Army, and this language is simply descriptive.

Mr. PAYNE. Mr. Speaker, it seems to me that it is so easy to put this thing into language that can be understood that it ought to be done.

Mr. FOSS. It is a matter so small that it makes no difference whatever.

Mr. PAYNE. It is not a matter so small; we are constantly increasing the pay of some officer, and when we increase the pay of one individual, it reaches a class, and then we have to increase the whole of them. Then we are out of joint with another class just above or just below. If you want these people or this individual to have an increase of salary, say so and put in the salary whether a commander or a commander with longevity pay.

Now, as to the quarters, the gentleman has not satisfied me that there is any general law to regulate this and bring it on a par with the Army. He does not cite any general law. This is an independent statute by itself, and it gives them the right to quarters, without any limitation, in any city where they

will be; and, of course, they will overstep the limits, and the quarters will be more expensive. Then the Army comes in and they want to be leveled up.

I notice another thing in this bill, and while I haven't any objection to the item, I want it understood that it is an emergency item. They appropriate $7,000 for the Army and Marine Corps in the late San Francisco disaster. That makes the Government of the United States an insurer of property against earthquakes. In view of the appalling disaster, I am not raising any objection to the item, but I want it understood that it is on account of that and it is not a precedent whereby we shall be insurers of the goods of officers who lose property through fire. I had a telephone a short time ago from an officer who desired the same thing done for the Army, and I think likely it ought to be done; but whenever we have done it in Congress, it has been on the ground that the officer was engaged in saving the property of the Government, and while so engaged paid no attention to his own personal property, and for that reason we paid for the personal property. The House passed such a bill only two sessions ago, but we have not gone beyond that. We have not gone into the insurance business; and yet, if we adopt it, I think we ought to adopt it on the ground of the great calamity which happened there and not adopt it as a matter of insurance for these officers.

Mr. FOSS. Mr. Speaker, I want to say to the gentleman from New York that here is a law which gives the naval officer an allowance of the Army officers of corresponding rank. It provides:

> After June 13, 1899, commissioned officers of the line of the Navy Medical and Pay Corps shall receive the same pay and allowance except for forage as may be provided by or in pursuance of the law for officers of corresponding rank in the Navy.

That gives them commutation for quarters when quarters are not provided.

Mr. TAWNEY. Does not that enable officers of the Army, if you change the quarters for the Navy, to claim the same quarters that are given to the Navy?

Mr. FOSS. No; there is always a difference of quarters. When the Government provides quarters, some houses are better than other houses. Where officers' quarters are established at West Point or at some barracks, they draw their quarters according to their rank, and some officers get better quarters than others. I say to you that they could not provide any differently than they have provided for the Army, and these objections, every one of them, are captious here to-day. No conference committee has ever worked with greater zeal in this matter than the conferees on the part of the House. It was only the other day when, after thinking the matter over for twenty-four hours, in my own mind I felt that I had done two men an injustice, and I came back upon this floor and did what I never did before in the twelve years of my service—I asked the House to vote down my conference report and go back to conference in order to rectify an injustice I believed I had done to individuals. I say to you gentlemen here to-day that every objection that has been raised to this report on the floor here is absolutely captious and trivial.

Mr. TAWNEY. Will the gentleman permit a question and see whether it is captious or not? Amendment No. 10 reads as follows:

> The solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter be appointed by the President, by and with the advice and consent of the Senate, and shall have the rank, highest pay, and allowances of a commander, and of no higher rank: *Provided*, That when such office becomes vacant the solicitor shall thereafter be appointed from civil life in the manner and at the compensation now provided by law.

Then that is followed up with this further proviso:

> *Provided further*, That such officers shall not have the benefit of retirement.

What officer? The officer mentioned in the last proviso? Not the officer that you are now providing for; that is the solicitor in the office at present, but the officer mentioned in the first proviso is the man who will not be entitled to retirement.

Mr. FOSS. Oh, no; the gentleman is entirely wrong.

Mr. TAWNEY. Well, that is the language.

Mr. FOSS. That proviso applies to the solicitor.

Mr. TAWNEY. Then the gentleman should so state.

Mr. HULL. Why not put it in, then?

Mr. FOSS. Mr. Speaker, I trust that the House will adopt this report. All of these criticisms and objections which were made here to-day, I again repeat, are only captious and trivial, in my judgment. I move the previous question upon the adoption of the report.

Mr. PRINCE. Mr. Speaker, I will ask the gentleman to yield to me for a minute or two.

Mr. FOSS. I withdraw that motion for a moment, and I yield two minutes to the gentleman from Illinois.

Mr. PRINCE. Mr. Speaker, this amendment No. 10 originally gave him a rank, a civilian. That was stricken out. The proviso says that when such office becomes vacant the solicitor shall thereafter be appointed from civil life. The office of solicitor never becomes vacant. It is the officer you are seeking and not the office. What does it all mean? It means simply this, that you take a civilian and give him the pay and allowance of a commander. What is a part of his pay and what is a part of his allowance? Quarters, longevity pay, long service pay. There is no possible way of escaping it. I am in full accord with the chairman of the committee. I think he wants to pay additional compensation to a capable and efficient solicitor. I say, to put it in plain English, that you want to pay this solicitor while he holds that office a certain amount of compensation, as the gentleman from New York [Mr. PAYNE] has clearly stated to this House; and it seems to me that this conference report ought to go back and be carefully looked over and brought into this House. I want to be heard on amendment No. 6, which I think the House ought to know something about more than it does now in this turmoil.

Mr. FOSS. Mr. Speaker, so far as the term of office is concerned with reference to the solicitor, the President can appoint him if he sees fit or not. It is left with the President just the same, for instance, as the office of the Assistant Secretary of the Navy. It does not make him a permanent officer. It can not make him a permanent officer. It is in the will of the President of the United States.

Mr. HULL. Will the gentleman yield for a question?

Mr. FOSS. Yes.

Mr. HULL. I know the gentleman wants to be fair in this statement. He has referred to the Army. We have one class of officers in the Army with this kind of language, and that is the veterinary surgeons. They wanted the full rank and pay, and the committee reported it, giving them the pay and allowance, just as this does, and every one of them, when they reach the age of 64, goes on the retired list with the pay and allowance of a first lieutenant, and with the same rule, the Comptroller holding always that that was the meaning of that law. Now, why wouldn't he hold that this is the meaning of this law?

Mr. FOSS. I would state that I got the decision from the Judge-Advocate's Department this morning that under this law, under the language of it, the solicitor would not be entitled to retirement, and he would not for a moment think he had that right or claim it. He has told me so; and not only that, but in addition to that we put in this further clause, which the gentleman says does not apply to the first, but, in my judgment, it does apply to the first, "provided there shall be no benefit of retirement by reason of this section."

Mr. Speaker, I now move the previous question upon the adoption of the report.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. Foss) there were—ayes 84, noes 90.

Mr. FOSS. Mr. Speaker, I call for tellers.

Tellers were ordered; and the Speaker appointed the gentleman from Illinois [Mr. Foss] and the gentleman from Iowa [Mr. HULL] tellers.

The House again divided; and the tellers reported—ayes 85, noes 96.

So the conference report was rejected.

Mr. FOSS. Mr. Speaker, there are certain amendments here in disagreement that I would like very much to have the House pass upon, as the managers on the part of the House did not feel like assuming the responsibility of passing upon them.

And so, Mr. Speaker, I move that the House further insist upon its disagreement to all the Senate amendments except those amendments which were in disagreement in the last conference report—not included in the last conference report.

The SPEAKER. Is a separate vote demanded upon any one of these amendments?

Mr. UNDERWOOD. Mr. Speaker, I demand a separate vote upon the battle ship amendment.

Mr. BURTON of Ohio. Amendment No. 56——

Mr. PERKINS. Mr. Speaker, I demand a separate vote upon amendment No. 6.

Mr. HULL. Mr. Speaker, I should like a separate vote on No. 1 and on No. 6 and also on No. 10.

Mr. LAMAR. I would like to have a separate vote on amendment No. 32.

Mr. HAUGEN. And I would like a separate vote on No. 52.

Mr. PATTERSON of South Carolina. Mr. Speaker, I demand a separate vote on amendment No. 15.

The SPEAKER. Without objection, the question will be put upon further insisting upon the disagreement to all the Senate amendments except the ones intimated—56, 6, 1, 10, 52, 13, and 32.

Mr. FOSS. Mr. Speaker, I want to say the gentleman who is in favor of what is known as the "civil war amendment"—No. 6—ought to include No. 7 also, and also No. 2, because they are all related and the same action should apply to all.

Mr. HULL. Do I understand a separate vote is called for on amendment No. 10?

Mr. FOSS. Yes.

Mr. PERKINS. I ask the vote be taken jointly on Nos. 6, 7, and 2.

The SPEAKER. That matter can be adjusted when it is reached. The question is upon further insisting on the disagreement by the House upon all Senate amendments except those indicated.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SLAYDEN. When we come to vote upon these amendments for which a separate vote is demanded, will there be any brief statement indicating the nature of those amendments?

The SPEAKER. Oh, it will be read, and the consideration of each one is in the discretion of the House. The question is on further disagreeing to all the Senate amendments except those indicated.

The question was taken; and the motion was agreed to.

The SPEAKER. The House votes to further insist upon its disagreement. The Clerk will report amendment No. 1.

The Clerk read as follows:

Page 2, lines 4 and 5, after "constructors," insert:

"For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them."

Mr. MURPHY. Mr. Speaker, I move the previous question on that.

Mr. HULL. Mr. Speaker, I believe I have the floor, as I called for a vote.

The SPEAKER. It seems to the Chair the gentleman from Iowa is recognized.

Mr. HULL. Mr. Speaker, I desire to move to strike out—I have not the full list of rooms before me—but I move to instruct the House conferees to amend amendment No. 1 by placing in that language the Army provision as to rooms for officers where the Government does not furnish quarters.

Mr. FOSS. Mr. Speaker——

The SPEAKER. The Chair will state to the gentleman from Iowa that instructions, if instructions be given, under the practice come after the conference is asked and before the conferees are appointed.

Mr. HULL. I would move to recede with an amendment, but I can not——

The SPEAKER. The gentleman can move to recede and concur with an amendment at this stage.

Mr. HULL. I would state to the House I would not want to prepare that amendment here, because I might do another injustice in some line——

Mr. FOSS. Mr. Speaker, I hope the gentleman will amend this provision that he says needs amendment, and I think he ought to amend it here on the floor. If he thinks it needs amendment, he can do it by very simple language if he wishes to do so.

The SPEAKER. The gentleman has not the amendment prepared at this time, and if such is the pleasure of the House it can be passed by unanimous consent and returned to later.

Mr. HULL. I ask unanimous consent that it be passed at this time.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the second amendment.

The Clerk read as follows:

Page 2, line 19, after "million," insert "two hundred and sixty-nine thousand six hundred and thirty-seven dollars."

Mr. FOSS. Mr. Speaker, I ask unanimous consent that that amendment be passed, inasmuch as our action upon that amendment will be duplicated by our action upon amendments 6 and 7.

The SPEAKER. Then why not ask unanimous consent, if such is the pleasure of the House, that amendments 2, 6, and 7 be considered together?

Mr. PERKINS. That would meet the question.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read amendments 6 and 7.

The Clerk read as follows:

Page 3, after line 25, insert:

"That all officers of the Navy below the grade of rear-admiral, with creditable records, including those retired with the relative rank of commodore, who served during the civil war, and who were honorably retired prior to the passage of an act entitled 'An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States,' approved March 3, 1899, shall be advanced on the retired list one grade above the grade or rank now held by them, to take effect from the date of the approval of said act; and that rear-admirals retired prior to the passage of said act shall receive the same pay as officers of the Navy of corresponding grade who have been retired under said act: *Provided*, That this act shall not apply to any officer who has received an advance of grade since his retirement or has been restored to the Navy and placed on the retired list with promotion thereon by virtue of the provisions of a special act of Congress. This provision shall in no case authorize any claim for back pay, and shall have effect only for the future, and shall also apply in like manner to officers of the Marine Corps."

Page 3, after line 25, insert:

"That officers of the Marine Corps with creditable records who served during the civil war and were retired prior to 1904 shall receive the full benefit of the act approved April 23, 1904, in so far as the same provides for the promotion of civil war veterans to the next higher grade above that at which they were retired."

Mr. HULL. Mr. Speaker, I insist that a separate vote must be had on this, because No. 7 is entirely different from No. 6.

Mr. PERKINS. I have no objection, Mr. Speaker. I move that the House recede on amendment No. 6 and concur in the Senate amendment.

Mr. HULL. Mr. Speaker, a parliamentary inquiry. Is that motion subject to amendment?

The SPEAKER. The gentleman from New York [Mr. PERKINS] moves that the House do recede and concur in the Senate amendment.

Mr. PERKINS. The others, Mr. Speaker, can be disposed of afterwards.

The SPEAKER. The gentleman from New York [Mr. PERKINS] moves that the House recede and concur in Senate amendment No. 6. That is open to amendment.

Mr. HULL. Then, Mr. Speaker, I move to recede and concur with the following amendment.

The SPEAKER. The gentleman from Iowa offers the following amendment to the motion of the gentleman from New York. The Clerk will read.

Mr. HULL. Mr. Speaker, I move to strike out all of section 6 and insert what I have sent to the Clerk's desk.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

That any officer of the Navy not above the grade of captain who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the official register of the Navy, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Navy with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this act shall not apply to any officer who received an advance of grade at or since the date of his retirement or who has been restored to the Navy and placed on the retired list by virtue of the provisions of a special act of Congress.

Mr. HULL. Mr. Speaker, I want to call the attention of the House to the effect of the language that is reported in the bill as an amendment of the Senate. It takes a man who is retired with the grade of commodore, which is equivalent to that of brigadier-general in the Army, and makes him a rear-admiral, with the grade of a major-general. It takes a rear-admiral of the junior grade, equal to a brigadier-general, and gives him the senior grade, equal to a major-general. Now, I am willing for the Army and Navy to be together, and this amendment I submit is an exact copy of the Army law, except making it apply to the Navy. The Navy retirement law now provides that every officer in the Navy of a corresponding rank of brigadier-general in the Army shall receive a major-generalship when they retire, if he had civil-war service. I have not touched that. This deals with the retired list. I do not believe it is fair to adopt the Senate provision. The House only this month refused to give to nine officers of the Army, three of them medal-of-honor men, the additional grade above that of brigadier-general. We want to stop this constant pushing up if we can. And it ought to be stopped. If this amendment passes, it gives to every man on the retired list in the Navy exactly the provisions that the Army has. It is a copy of the Army law applied to the Navy. It touches no other feature, and it does seem to me that this House ought to be unanimous in coming to some agreement by which these two branches of the service will have equality before the law.

Mr. PRINCE. Will the gentleman yield to me?

Mr. BUTLER of Pennsylvania. Will the gentleman yield to me for a question?

Mr. PRINCE. Will the gentleman yield to me? I think I first asked his permission to interrupt.

Mr. HULL. Very well, then, I will yield to the gentleman from Illinois, my colleague.

Mr. PRINCE. Is this the provision that exists—a colonel in the Army is equal to a captain in the Navy?

Mr. HULL. Exactly the same rank.

Mr. PRINCE. And the same law which you provide is that a colonel can be advanced one grade in the Army you wish to make applicable to a captain in the Navy?

Mr. HULL. Certainly.

Mr. PRINCE. And put both on an equality as officers on the retired list?

Mr. HULL. My colleague is right; but the question hardly brings it all out. Our law gives to the colonel and all below him in rank who served in the civil war an additional grade. This gives to the captains of the Navy and all below in rank the same promotion now given the Army.

Mr. PRINCE. It gives the same in the Navy.

Mr. HULL. Now I yield to the gentleman from Pennsylvania.

Mr. BUTLER of Pennsylvania. So that I may understand just what the gentleman's amendment proposes, I would like to ask him a question. If a civil-war sailor is on the retired list as ensign, he will be promoted, provided this amendment should become law, one grade?

Mr. HULL. Yes.

Mr. BUTLER of Pennsylvania. If he should be retired at a grade above ensign, which is lieutenant of the junior grade, he would be promoted on the retired list to lieutenant?

Mr. HULL. It will give him one grade.

Mr. BUTLER of Pennsylvania. Up to the rank of a captain of the Navy?

Mr. HULL. Yes; and a captain of the Navy will also get one grade.

Mr. BUTLER of Pennsylvania. A captain of the Navy will get one grade.

Mr. HULL. He will become a rear-admiral of the junior rank, just as an officer of the Army, if he had civil-war service and gets to be colonel, gets to be a brigadier-general on the retired list.

Now, I want to call attention to what will happen if the gentleman's motion should prevail. I believe we have only three commodores on the retired list. That rank has been abolished, I believe; but we have a good many rear-admirals of the junior grade on the retired list.

Mr. MAHON. One hundred and nine.

Mr. HULL. The gentleman from Pennsylvania says 109; and every one of these of the junior grade will be made a rear-admiral of the senior grade, and every one of these commodores would become rear-admirals of the senior grade; all of them who had civil-war service made equal to major-generals in rank and pay.

Mr. BUTLER of Pennsylvania. Are they not all civil-war veterans?

Mr. HULL. Only those who were civil-war veterans were commodores; but there are a great many—I do not know how many—rear-admirals who may or may not have been civil-war veterans.

Now, I want to call the attention of the House to this fact: That we have on the retired list a large number of men who served before the civil war in the Regular Army, who served all through the civil war, and some of them were major-generals of volunteers, that have been placed on the retired list as brigadiers, and remained there as brigadiers. I have one illustration in my mind, because the man was my own immediate division commander—Major-General Carr—and he served over forty years in the Army with most distinguished service. He was retired as a brigadier, and is still a brigadier under the law.

Mr. GROSVENOR. And Thomas Anderson is another.

Mr. HULL. Thomas Anderson is another; and I could name a good many others, if I had the time.

Now, I want to ask if this House will take a man, simply because he is in the Navy, now on the retired list with the grade of brigadier-general and say as a matter of grace we will exalt him above his brother of the Army, and make him a major-general; yet, if the gentleman's motion prevails, that will be done. Now I want to congratulate the chairman of the Committee on Naval Affairs that he would not agree to it in conference.

Mr. FOSS. Will the gentleman allow me to ask him a question?

Mr. HULL. Certainly.

Mr. FOSS. Is it not a fact that officers of the civil war went up one grade on the active list for a day and then were retired?

Mr. HULL. Never by law.

Mr. FOSS. Then I want to call the gentleman's attention to a speech made by my colleague [Mr. PRINCE] in which he stated this:

One day's service—

Speaking of those on the retired list from the active list of the Army, he said:

One day's service for four major-generals; one day's service for sixty-two brigadier-generals. Can we justify ourselves in this House when the facts are before us? Can we justify ourselves before the country that we are in favor of it?

Now, what did he refer to?

Mr. HULL. The gentleman certainly knows what he referred to, because he is an able gentleman, has served for a very large number of years ably in this House. He referred to the President nominating officers to the Senate for promotion and the Senate confirming. When this is done promotion is given. The President has exactly the same power with an officer of the Navy of nominating him to the Senate at a higher grade, and he is retired, and then send in another man's name to the Senate for confirmation, and he is retired. The President can do this with either the Army or Navy.

If the gentleman will look up the record, I have no doubt he will find many that have been promoted to brigadier-general and retired. That has not been necessary in the Navy, for the reason that in making the personnel bill provision was put there that a man who had civil-war service should have an additional grade regardless of law and regardless of the action of the President. That provision of law extended its benefits to all officers of the Navy regardless of the rank held by them. It made it the law that a rear-admiral of the junior grade who was to be retired, who had had civil-war service, should be retired as a rear-admiral of the senior grade. That never applied to the Army. The President has in many cases tried to equalize these two things by this action, but there is nothing to prevent the President from taking a rear-admiral of the junior grade and promoting him to be a rear-admiral of the senior grade, even if he never had civil-war service, and retiring him, if he served the length of time the law provides he should have served before being retired. But in the Army we never gave that additional grade to an officer above the grade of colonel. In the Navy they gave it to all officers up to the highest grade in the Navy. The President has tried to equalize this, and it has brought forth the condition that my friend from Illinois [Mr. PRINCE] referred to in his speech. I do not believe in that either. I believe that a man who is a brigadier-general of the Army, or a rear-admiral of the junior grade of the Navy, with his three-quarters of his full pay of $5,500 a year and other privileges, gets as much as he ought to have for the rest of his life without rendering any service to the Government. [Applause.] Whether he is in the Army or Navy, that is true.

Mr. GARDNER of Michigan. Will the gentleman allow a question?

Mr. HULL. Yes.

Mr. GARDNER of Michigan. If this Senate amendment should become a law, is it not probable that there would at once be a movement as to all the brigadier-generals and major-generals retired from the Army to advance them another grade, in harmony with the action in regard to the Navy?

Mr. HULL. Without any doubt as to brigadier-generals. The Committee on Military Affairs has been met at every session of Congress since the personnel bill passed to make our law liberal enough to take in the brigadier-generals and make them major-generals. If Congress deliberately passes this provision now, Congress ought to pass a law putting the Army on an equality with the Navy. I am opposed to raising the Army up, and I am opposed to raising the Navy up any further than the law now provides for the Army. [Applause.]

Mr. BUTLER of Pennsylvania. Mr. Speaker, will the gentleman allow me one minute?

Mr. HULL. Oh, certainly.

Mr. BUTLER of Pennsylvania. I am a member of the Committee on Naval Affairs, but I am not a member of the conference committee. I do not know whether it will do any of the gentlemen any good, but I propose to vote for the amendment offered by the gentleman from Iowa, which I think is entirely fair and which I think we should accept.

Mr. PERKINS. Mr. Speaker, I desire to state very briefly to the House the object of this amendment. I ask the attention of the gentleman from Iowa [Mr. HULL] to my statement. If the amendment offered by the gentleman from Iowa fully covers the manifest injustice that has occurred in reference to one branch of the service, then, of course, I am willing to accept it. The facts can be stated in very few words. In 1899 this House passed what was called the "personnel bill," by which it was

provided that all officers of the Navy who had served honorably in the civil war and who should be retired subsequent to that time, should be retired at one grade higher. That was a proper recognition of services rendered, and no one objects to it.

Now, Mr. Speaker, prior to 1899 a certain number of officers who had served in the Navy in the civil war had already retired, because before that time they had reached the age of 62. Every officer who served in the Navy during the war and who was 28 years old at the time the war ended had necessarily been retired before 1899. The result was (a result that I presume was not anticipated) the older officers who held the more important commands during the civil war, all who were over 28 years old when the civil war ended, failed to receive the benefit of the increase of one grade in rank, but stood and still stand in the grade, receiving the pay and allowances of the rank they held when retired. Now, I am sure the House will see the manifest injustice of this. Suppose we should pass a pension law providing that all soldiers who served in the Army after 1863 should receive pensions, but that those who served prior to 1863 should receive no pensions. What a manifest injustice that would be. As a result of the provision of which I have been speaking, the junior officers under 28 when the war ended, having honorable service in the civil war, have been retired, one by one, as they reached the age of 62, at one grade above that which they held; but there are now between 100 and 200 men having honorable service in the civil war, the youngest of them now 70 years old, who stand in a position of inferiority with reference to all the younger officers of the Navy who served in the civil war.

It seems to me, Mr. Speaker, that the mere statement to the House must carry conviction, for we intend to be, we should be, we will be fair to every officer of the Navy who in the civil war served with an honorable record. This amendment, in whatever shape it may be agreed upon in order to accomplish that purpose, does that, and that only. It takes this class of men, who have been reduced from about 300 in 1899 by death to less than 200 in 1906, after seven years' delay, and gives them the same promotion that has been given to their juniors in the service.

There are naval officers who served with a higher rank in the civil war who now stand lower than those who served under them in the war, and who are receiving a smaller compensation. Men who were captains in the civil war are receiving smaller retired pay than those who served as lieutenants under them. It seems to me, Mr. Speaker, if the object of this motion is understood by the House, that it merely takes a small body of old men who served honorably during the civil war, who have by the accident of legislation been omitted from the rewards given to their juniors, and gives them precisely the same measure, there is not a man in this House who, understanding the proposition, will not see its justice and support it. Now, if I have any control over the time, I desire to yield to the gentleman from Ohio, General GROSVENOR.

Mr. GROSVENOR. Mr. Speaker, I will take time in my own right; I do not want over ten minutes. I want to first ask the gentleman from Iowa what the difference is between his proposition and the proposition of the gentleman from New York.

Mr. HULL. The proposition of the gentleman from New York is to take the commodores on the retired list who have the grade corresponding to brigadier and make them rear-admirals, one grade higher, or which is equal to a major-general. The gentleman from New York gives the same promotion to rear-admirals of the junior grade.

Mr. GROSVENOR. How many are there of them?

Mr. HULL. Three commodores, I understand; and then it takes the rear-admirals—the gentleman understands that the grade of commodore has been abolished—and gives them the rank corresponding to major-general of the Army.

Mr. GROSVENOR. Yes.

Mr. FOSS. May I interrupt the gentleman to furnish some information to the gentleman from Ohio? With regard to the rear-admirals, this will be the effect: The rear-admirals who will be affected will receive $5,625, which is three-quarters of $7,500, instead of $4,500, which is three-quarters of $6,000, their present pay—that is to say, it will raise the pay of these rear-admirals about $1,100 each.

Mr. HULL. It gives them the corresponding rank of major-general instead of the corresponding rank of brigadier.

Mr. GROSVENOR. Now, what is the amendment of the gentleman from Iowa?

Mr. HULL. It gives no man above the grade of captain of the Navy an increased rank by law, and that is exactly what the Army bill does. We took the ground that a man who was brigadier-general was comfortably provided for by law and for life; but many men who are lieutenants, captains, and majors who have been retired ought to have an increased rate. The question was where to draw the line. The Navy had given all men on the active list who served in the war an increased rate, and made what we call a "major-general" the head of the list. We drew the line at the colonels, and said that a man that stayed in the Army until he was a colonel ought to have the grade of brigadier as a reward. Now, this amendment of mine limits the Navy to precisely the same favor that was given to the Army, and does not give those on the retired list as commodores and rear-admirals any increased grade at all, but gives the captains a higher grade, and from the captain down to ensign an increased grade and rate of pay, just as they refused the general officers increased rank from colonel down. The House must bear in mind that a captain in the Navy has the same rank and pay as a colonel of the Army.

Mr. PERKINS. Mr. Speaker, as I understand, the result of the amendment of the gentleman from Iowa will be that every Navy officer who served in the civil war and who has been retired at the grade of captain or lower will receive from this time one additional grade, and his pay will be correspondingly increased from this time.

Mr. HULL. That is correct.

Mr. GROSVENOR. Mr. Speaker, I feel very strongly that injustice has been done by manipulation of the statutes, but I am very considerably impressed by the argument of the gentleman from Iowa, and if the gentleman from New York will join me I will consent to that amendment, and I believe it would be perhaps the best settlement of the matter that could be had.

Mr. PERKINS. Before I consent to that I would like, if I have any time, to yield to the gentleman from Alabama [Mr. TAYLOR], who said that he wished to be heard on this question. I would be glad if the gentleman would consent to yield to him.

Mr. GROSVENOR. I would be very glad to yield to him.

Mr. PERKINS. I am not particular as to these commodores and rear-admirals. If the gentleman from Ohio thinks that this amendment of the gentleman from Iowa covers the case——

Mr. GROSVENOR. I understand that it does, and I think the gentleman from New York will be justified in withdrawing his amendment and adopting the amendment of the gentleman from Iowa.

Mr. PERKINS. If the amendment is adopted, the House will recede——

Mr. HULL. Mr. Speaker, if the amendment is adopted, it is taken out of the hands of the conference committee practically, except the amended form. The amended form only is with them.

Mr. PERKINS. Then, of course, that still leaves it necessary for the Senate to agree.

Mr. HULL. Certainly.

Mr. PERKINS. In the amendment in the form in which we present it.

Mr. HULL. Certainly.

Mr. PERKINS. What is the opinion of the gentleman from Illinois [Mr. Foss] as to the probability of the Senate conferees agreeing to this amendment?

Mr. FOSS. Mr. Speaker, I could not state that. This matter was not discussed in the conference committee, because the House conferees felt it was a matter they should report back to the House and take the judgment of the House on it in the first place.

Mr. GROSVENOR. I think the Senate will undoubtedly agree to it.

Mr. PERKINS. Very well, then.

Mr. HULL. Mr. Speaker, it seems to me that this line of argument on an amendment before the House is lowering the dignity of the House. Why should we sit here and haggle whether the Senate will agree with us or not? We are a coordinate branch of Congress and have the right to our own views. If they will not agree to it, let it come back to us and let us determine whether we will agree with them, and not stand here and haggle about the question of whether they will agree to a proposition that we make. That is worse than I have ever heard before.

Mr. GROSVENOR. I hope the gentleman does not address those remarks to me.

Mr. HULL. Not a bit of it.

Mr. PERKINS. I hope he is not addressing them to me. [Laughter.] There is no one who feels more keenly the rights of the House, and no one who believes more in not yielding to the Senate than I do. I do not yield one particle to my friend from Iowa in that respect, and, as a proof of that, I will accept his amendment.

Mr. FOSS. Mr. Speaker, I desire to say one word upon this amendment, and that is this: The personnel act referred to in this amendment was the personnel act which was adopted by Congress March 4, 1899, and which I had the honor to report to

this House. That personnel act provided for a flow of promotion through the active list of the Navy. The upper grades of the Navy were filled by men who were in the civil war, and the younger men in the Navy were kept down in the lower grades a great many years and did not move up to the higher grades until they were really too old to command ships, and, therefore, in order to make a flow of promotion by which the younger officers in the younger grades could reach command rank at what might be called a command age, when they had not lost their nerve or initiative, that act was passed. Of course most of those in the upper grades were men who had served in the civil war. That was one purpose of the personnel act.

Another purpose was to amalgamate the Engineer Corps and the line, and it was found that when the Engineer Corps and the line were amalgamated officers who had served in the civil war came into the amalgamated line and received lower numbers than they would if the two corps had remained separate. Consequently, to remedy that injustice it was provided in the personnel bill that officers who should go out on voluntary retirement or under the section which provided for compulsory retirement should have the rank and pay of the next highest grade, and that included for the most part the officers that had served in the civil war.

I just want the attention of the House for a moment. That was the situation up to April 23, 1904. I have always been opposed to this provision when brought up as an independent proposition in the committee, but in 1904 the Army went a step better. We provided for the retirement from the active list, but the Army put in this provision for retired officers, providing that all officers of the Army below the grade of brigadier-general on the retired list as well as the active list who served in the civil war should have the rank and pay of the next higher grade. The Army to-day is trying to level the Navy down, as they say, but they went a long ways ahead of the Navy in 1904, because under the personnel act of 1899 we did not touch the retired list of the Navy, and the retired list of the Navy has been the same, but when the Army in 1904 put that provision on, then I may say that my judgment changed, because I felt that if the retired list of the Army had been raised up a grade, it was no more than right that the retired list of the Navy should also be treated in the same way.

Mr. GROSVENOR. Is the gentleman willing to have this amendment offered by the gentleman from Iowa go into this bill at this time?

Mr. FOSS. Oh, yes.

Mr. GROSVENOR. Then let us put it in and go ahead.

Mr. FOSS. Yes. I am not opposing the amendment of the gentleman from Iowa. As I understand the amendment of the gentleman, it puts it on the same basis as the Army retirement to-day.

The SPEAKER. The gentleman from Iowa moves that the House do recede and concur with an amendment in the nature of a substitute.

Mr. PERKINS. Mr. Speaker, I accept the amendment of the gentleman from Iowa. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Iowa to recede and concur with an amendment in the nature of a substitute which has been reported.

The question was taken; and the motion was agreed to.

Mr. HULL. Mr. Speaker, the next is amendment No. 7.

The SPEAKER. What is the nature of the motion?

Mr. HULL. I move to recede and concur with an amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

That any officer of the Marine Corps below the grade of brigadier-general who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the official register of the Marine Corps, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service, or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Marine Corps with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this act shall not apply to any officer who received an advance of grade since the date of his retirement or who has been restored to the Marine Corps and placed on the retired list by virtue of provisions of a special act of Congress.

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The question was taken; and the motion was agreed to.

The SPEAKER. No. 2 is not disposed of. What is the motion?

Mr. FOSS. I would ask the House to further insist upon its disagreement to the Senate amendment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Amendment No. 10 is the next. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, after line 14, insert:

"The solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter be appointed by the President, by and with the advice and consent of the Senate, and shall have the rank, highest pay, and allowances of a commander, and of no higher rank: *Provided*, That when such office becomes vacant the solicitor shall thereafter be appointed from civil life in the manner and at the compensation now provided by law."

Mr. KEIFER. Mr. Speaker, I offer the following as a substitute for No. 10. I do this at the request of the gentleman from New York, who is obliged to be absent.

The SPEAKER. Does the gentleman from Ohio move to recede and concur with an amendment?

Mr. KEIFER. I would ask that the Clerk read the amendment.

The Clerk read as follows:

Recede from the disagreement to Senate amendment No. 10, and concur in the same with an amendment striking out the whole of said amendment and substituting therefor the following:

"The Solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter receive an annual salary of $3,500 during the services of the present incumbent."

Mr. FOSS. Mr. Speaker, I hope the gentleman will make that $4,000. The conferees were of the opinion that the provision which they agreed upon would mean $4,000 to the Solicitor, but the Solicitor told me this morning over the phone that the striking out the words "highest pay" made it $3,500, because that would cut out longevity pay. Now, if the gentleman from Ohio desires to fix it in this way, then I think it should be made $4,000. He is a man 50 years of age, who has been in the Navy Department for a good many years, and is well worthy of it.

Mr. KEIFER. I ask unanimous consent to change and insert $4,000 instead of $3,500. I will accept the suggestion of the gentleman.

The SPEAKER. Does the gentleman move to insert $4,000 in place of $3,500?

Mr. KEIFER. Yes, sir.

Mr. HULL. I would like to ask if this amendment fixes the salary permanently at that figure?

Mr. KEIFER. It expressly provides it shall terminate with the present incumbent.

The question was taken; and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 13: Page 8, line 8, after "dollars," insert:

"*Provided*, That the naval station at Port Royal, S. C., including all buildings and other property thereon and the employees attached thereto, be hereby transferred to and placed under the control of the Bureau of Navigation, Navy Department, as an adjunct to the Naval Training Station, Rhode Island, to be used for the instruction of recruits during the winter months and at such other times as may be deemed advisable; and for that purpose the following sums are appropriated: Necessary repairs to the buildings to fit them for berthing, messing, and drilling purposes, and for galleys, latrines, and washhouses for apprentice seamen, and for purposes of administration in connection with the training of the same, $51,000; installing necessary distilling plant or fresh water supply, $20,000; maintenance of the station as a training station, $25,000; in all, $96,000."

Mr. PATTERSON of South Carolina. I desire to withdraw my motion and ask that it be sent back to conference.

Mr. FOSS. I move that the House further insist on its disagreement to Senate amendment No. 13.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BUTLER of Pennsylvania. Mr. Speaker, would it be in order to move to instruct the conferees under no circumstances to concur in that amendment?

The SPEAKER. It would be in order to make that motion after a conference is asked and before it is appointed, and not at this stage.

The Clerk will report amendment No. 32.

The Clerk read as follows:

Page 32, line 21, after "dollars," insert "toward construction of a graving dock of concrete and granite, to cost, in all, $1,400,000, $100,000."

Mr. LAMAR. Mr. Speaker, the Senate amendment, in my opinion, cures an unintentional injustice done the port of Pensacola by the Committee on Naval Affairs.

The SPEAKER. What is the gentleman's motion?

Mr. LAMAR. My motion is to recede from the disagreement and concur in Senate amendment No. 32.

The SPEAKER. The gentleman from Florida moves to recede from the disagreement to Senate amendment No. 32 and to concur therein.

Mr. LAMAR. Mr. Speaker, I am well aware that when a committee report comes into this House it comes with the almost prima facie presumption that it is correct. But the committee may err, and, in my opinion, it has erred in this case, more especially if it insists upon leaving the Pensacola dry dock out, now that the floating dock has been stricken out that was proposed originally in the bill for Solomons Island, Chesapeake Bay. The bill as reported to the House made an appropriation for the construction of a dry dock at Puget Sound and a floating dock at Solomons Island. These two appropriations were probably based upon the recommendation of the Secretary of the Navy. But before the committee the Secretary of the Navy highly recommended that they also retain the dry dock at Pensacola. Admiral Endicott, the Chief of the Bureau of Yards and Docks, gives the stone graving dock at Pensacola first place in importance above all others, and Admiral Capps, the Chief of the Bureau of Construction, highly recommends a dry dock at Pensacola, because of the deep water there and its strategic importance in case of war.

I would not like to urge upon the House the construction of a dry dock at a place where it was not needed. I would not like to occupy that position. But with this floating dock left out of the bill for Solomons Island, then I ask the House to place in the bill this initial appropriation of $100,000 to construct a dry dock at Pensacola.

Mr. HILL of Connecticut. Which will mean $1,400,000.

Mr. LAMAR. It means the usual appropriation to construct a dry dock at any given port in the United States.

Now, Mr. Speaker, in the interest of Pensacola, more particularly in the interest of the Gulf coast, and more particularly still in the interest of a dry dock for the South Atlantic and Gulf coasts, I urge this matter. New York, Boston, League Island, Norfolk, Newport News, Charleston, Puget Sound, and Mare Island are all provided for, and but for the fact that the floating dock at Solomons Island, in the Chesapeake Bay, went out of the bill on a point of order in this House provision would have been made in this bill for this floating dock, to cost a great sum of money.

I submit to this House that the proposition as it came from the Navy Department before the committee was that there should be three docks. The Secretary of the Navy recommended this. But the committee determined on two docks—one, the floating dock at Solomons Island, and one at Puget Sound—and the one proposed for Pensacola went out of the bill. Now, why not place this dry dock at Pensacola in the bill at this time, especially when the highest naval authorities recommend it. I have the Secretary of the Navy's testimony, in which he urgently suggested to the committee that they retain the three—the one at Puget Sound, one at Solomons Island, and one at Pensacola. Admiral Endicott places the one at Pensacola first in importance above all the others, and Admiral Capps highly recommended it not only because of the deep water, but because of the peculiar strategic importance of Pensacola in time of war.

Mr. MUDD. Do I understand the gentleman from Florida to suggest that the stone graving dock at Pensacola take the place of the floating steel dock on the Chesapeake?

Mr. LAMAR. Not at all.

Mr. MUDD. I want the gentleman to understand that certainly I have not abandoned hope of that yet.

Mr. LAMAR. Not at all. I believe firmly that if the proposed floating dock in the Chesapeake Bay were in this bill that I could not urge this amendment with any degree of success, because I believe your committee were determined that only two docks should figure in this bill.

Now, there are 32 feet depth of water in the channel entrance at Pensacola, and there are more than 30 feet depth of water in the harbor, in what is called the anchorage ground. That anchorage ground is 1 mile in one direction and about 2½ miles in another, and could ride the navies of the world in it with safety. The entrance of Pensacola Harbor is defended by two forts equipped with an armament of the highest modern type.

What objection can there be to retaining in this bill this Senate amendment, which practically takes the place of the floating-dock proposition at Solomons Island, which has been eliminated from this bill by a point of order in this House?

Mr. MUDD. If the gentleman will permit me, I realize it is not altogether hopeful that I shall get it at this session; but I do not wish the gentleman from Florida, nor do I wish the House, to get the impression that the construction of this dock at Pensacola will take the place of the dry dock that we ought to have at Solomons Island or at such other point as it should be deemed best to send it.

Mr. LAMAR. I am not making any antagonistic remarks against the floating dock that my friend urges, because the Secretary of the Navy really placed it first in importance. I am not against it, and I say frankly to him that if it were in this bill I do not believe I could urge the retention of the Senate amendment with any degree of success or hope for its success. I am not arguing against the floating dock that the gentleman favors, but what I state to this House is this: That the committee were willing to have two docks constructed, and the deep water at Pensacola, the peculiar strategic importance of its position in time of war, its nearness to the isthmian canal, with 32 feet depth in the channel entrance and the great depth of water inside of the harbor, and its great capacity for defense in time of war, all combined, should be sufficient to impel the House to concur in the proposition to put in this bill $100,000 toward the construction of a dry dock at Pensacola.

In his statement before the Naval Committee, speaking of the proposed docks, viz, one a floating dry dock for Chesapeake Bay, the dry dock at Puget Sound, and the dry dock at Pensacola, Secretary of the Navy Bonaparte uses this language:

I strongly advise the committee to retain all three if they can.

And again, speaking of these three proposed docks, although he placed the floating dock first and the Puget Sound dry dock second, the Secretary says:

But still I would like to see the Pensacola dock also.

Admiral Endicott places the dry dock at Pensacola first in importance above all others. I quote his statement before the committee:

Mr. LILLEY. How many dry docks are you estimating for this year?
Admiral ENDICOTT. Four.
Mr. LILLEY. Suppose you get only one or two; where would you prefer to have them?
Admiral ENDICOTT. First, Pensacola; then Puget Sound; then Solomans Island, Chesapeake Bay.

And on another occasion before the committee the further statement was made by Admiral Endicott:

Mr. LOUD. There are four new docks asked for; which, in your opinion, is the most necessary?
Admiral ENDICOTT. I should say that the Pensacola dock is the most necessary, and the Puget Sound dock a very close second. I think the Gulf coast ought to be better provided with docks.
Mr. LOUD. For this year which one is the most necessary?
Admiral ENDICOTT. I should say the one at Pensacola.

And again before the committee this further statement is made by the same authority:

Mr. ROBERTS. Isn't it in the contemplation of the Navy Department from now on indefinitely to keep a pretty good fleet in the Caribbean waters?
Admiral ENDICOTT. Yes, sir; they are there every winter.
Mr. ROBERTS. There ought to be a good fleet down there as long as the canal is being worked on.
Admiral ENDICOTT. A fleet goes to Pensacola nearly every winter. The records show that a great many vessels were docked there last year.
Mr. LILLEY. There is plenty of water there?
Admiral ENDICOTT. Yes, sir.
Mr. LILLEY. Is it the best point on the Gulf?
Admiral ENDICOTT. Yes, sir.

Admiral Capps, in his report dated November 10, 1905, uses this language:

In view of the strategic importance of Pensacola and the necessity for having in that vicinity a dock which will accommodate the largest battle ships and cruisers, it is recommended that provision be made for a dock of the largest size at that navy-yard. An additional dry dock is also recommended for the naval station, Puget Sound.

The greatest ships of the Navy enter Pensacola Harbor, if they so desire, without the aid of a pilot. It is evident that a dry dock should at once be provided for at Pensacola, by an initial appropriation of $100,000 in the present naval bill for the following reasons:

(1) The strategic importance of Pensacola in time of war.

(2) The proximity of Pensacola to the isthmian canal at Panama.

(3) The great depth of water in the channel and in the harbor at Pensacola.

(4) The present want of dry-dock facilities on the South Atlantic coast and on the Gulf coast.

(5) The recognition of the importance and the value of Pensacola for a dry dock by the Secretary of the Navy, the Chief of the Bureau of Yards and Docks, and the Chief Constructor of the Navy.

(6) The efficient protection of the Pensacola navy-yard and its property against attack in time of war.

(7) The value of the navy-yard at Pensacola and its buildings, and all property connected with it, is about $2,000,000.

I hope the motion to concur in the Senate amendment will prevail.

Mr. FOSS. Mr. Speaker, I would say in regard to this Senate amendment, that the House committee carefully considered this, and after having hearings upon the subject of docks this year they recommended but two docks, one at Puget Sound and

a floating dry dock. The dock at Pensacola was stricken out of the bill as it came into the House. It is not simply a question of providing a dock at Pensacola. We have a floating dock there to-day, but the moment you provide another dock, it means an enlargement of the yard, it means a building of new shops and one thing and another necessary for the repair of ships. I think our equipment for the repair of ships as our Navy is at present constituted is perfectly able to take care of all ordinary work, and consequently I hope that this motion will be voted down.

I desire, however, to say to the gentleman from Florida [Mr. LAMAR] that no man could have been more zealous than he in trying to secure this for his constituents. He has not only advocated it on the floor of the House, but he has appeared before our committee, and while I trust this motion will be voted down, yet I know that the gentleman can go back to his constituents with the assurance that he has done everything he could do to secure the enactment of this provision for the benefit of his district. [Applause.]

Mr. Speaker, I call for a vote.

Mr. RIXEY. Mr. Speaker——

The SPEAKER. The gentleman from Illinois [Mr. Foss] has charge of this bill. While this motion is a preferential one, the gentleman does not lose control primarily as the Member in charge of the bill; and in this instance, the gentleman having charge can reserve his time or he can yield to his colleague, and he can test the sense of the House at any time by moving the previous question. In other words, the gentleman has not lost control of the bill at this stage.

Mr. FOSS. I understand, Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Virginia [Mr. RIXEY].

Mr. FOSS. Yes; but am I right, Mr. Speaker, in this parliamentary inquiry, that when the gentleman makes a motion to concur he has control of the time on that motion?

The SPEAKER. No; that depends. The fact that a Member makes a motion to concur in an amendment, which is a preferential motion, and would have preference over the motion to disagree, does not entitle him to the floor to debate in the first instance, and does not deprive the gentleman from Illinois of the floor, if he asserts his right, and at this point, the gentleman from Florida having yielded the floor, the gentleman from Illinois is remitted to the position that he might have held in the event that he had asserted it.

All of this is equivalent to saying that the charge of the bill is in control of the gentleman from Illinois, to move the previous question at any time that he sees proper to move it, and the gentleman, if he desires the floor, will get it from stage to stage, when a motion is made on this or other amendments. Now, does the gentleman from Illinois yield to his colleague from Virginia?

Mr. FOSS. I have already yielded to the gentleman from Virginia.

Mr. RIXEY. I want to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RIXEY. The gentleman from Illinois had yielded the floor and taken his seat. I took the floor and addressed the Speaker. Have I not the right to be recognized?

The SPEAKER. Ah, but it takes something more than addressing the Speaker to gain recognition.

Mr. RIXEY. No previous question had been ordered.

The SPEAKER. And the Chair is constrained to recognize the gentleman from Illinois. If the gentleman from Illinois desires to yield the floor——

Mr. RIXEY. He had yielded the floor.

Mr. FOSS. I should like to ask the gentleman from Virginia how much time he desires?

Mr. RIXEY. I want ten minutes, not all of it for myself.

Mr. FOSS. I yield ten minutes to my colleague on the committee, the gentleman from Virginia [Mr. RIXEY].

Mr. RIXEY. Mr. Speaker, I favor the motion of the gentleman from Florida [Mr. LAMAR], and for this reason: The Navy Department recommended to the Naval Committee that it should provide in the present appropriation bill for the building of three dry docks. The House committee dissented from this recommendation and decided to build only two dry docks. The three docks recommended by the Department were at Puget Sound, at Pensacola, and the floating steel dock. There never was a question in the committee but that two out of these three should be provided for in the present appropriation bill. When the question came up as to the order of the importance of these dry docks, I hazard nothing in stating that the weight of evidence before the committee was that the dry dock of first importance was the one at Pensacola; that the one of second importance was the one at Puget Sound, and the one of third importance was the floating dock. The committee, however decided to give preference, first, to Puget Sound, and then to the floating dry dock. Eminent authority in the Navy Department doubts the wisdom of a floating dry dock in Chesapeake Bay.

Mr. MUDD. Mr. Speaker, may I interrupt the gentleman?

Mr. RIXEY. You may.

Mr. MUDD. I understand there is no floating dry dock in this bill at this time.

Mr. RIXEY. I know that.

Mr. MUDD. Because if the gentleman wants to argue the merits of a floating dry dock, I shall want some time. Otherwise, I do not want to take the time of the House.

Mr. RIXEY. I have no objection to the gentleman having all the time he wants. I am not opposed to his floating dry dock when it gets before the House, but I have a right to express my opinion here.

Mr. MUDD. I realize that.

Mr. RIXEY. The floating dry dock has never been as useful as the graving dock.

Mr. MUDD. I do not understand that the gentleman feels called upon to argue now as to the merits of the two docks. If so, I would respectfully dissent from his view, and think I could fairly well sustain my own contention as to the general superiority of the floating dock.

Mr. RIXEY. I am arguing that it was the opinion of the expert before the Naval Committee that the Pensacola dry dock ought to be built.

Mr. MUDD. Who was the expert?

Mr. RIXEY. Admiral Endicott. He was asked by the gentleman from Connecticut [Mr. LILLEY]: "Suppose you get one or two, where would you prefer to have them?" Admiral Endicott said: "Pensacola first, Puget Sound second, and Solomons Island, in Chesapeake Bay, third." He then went on to state that he did not attach as much importance to a floating dry dock as he did to a graving dry dock.

The floating dry dock is out of the bill. The bill as it left the House only provided for one, and that was at Puget Sound. It seems to me that the interest of the Navy requires the building of a dry dock at Pensacola. The winter maneuvers of the Navy are held there, and they have adequate facilities. We have no large docks south of Charleston except the floating dry dock at New Orleans and a small one at Pensacola, but neither of them are generally used.

Mr. MUDD. How much water is there at Pensacola?

Mr. RIXEY. I understand that there are 30 feet there.

Mr. MUDD. That is not in accordance with the testimony of the experts of the Navy Department.

Mr. LAMAR. The figures submitted by the chairman of the committee some weeks ago were 30 feet. The report of the board of trade was 32 feet.

Mr. MUDD. My recollection is that Admiral Endicott himself stated that there was not enough water for a first-class battle ship to enter. If I am wrong I am willing to be corrected. I think that the hearings before the committee will show that I am right.

Mr. LAMAR. You are very much mistaken.

Mr. RIXEY. Now, Mr. Speaker, I want to say a word and then I want to reserve the balance of my time. Under the testimony given by the Navy Department the dock most important to be built was the one at Pensacola. I have no interest in the matter. I simply want the interest of the Navy subserved. It has no large graving dock south of Charleston, and it ought to have one on the Gulf coast, where the winter maneuvers are held. Now, Mr. Speaker, I yield the balance of my time to the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN].

Mr. WILLIAM W. KITCHIN. Mr. Speaker, in reference to the statement of the gentleman from Illinois in charge of this bill, that this dock is hardly needed because we are now sufficiently prepared with docks to make necessary repairs to our Navy, I want to state that my recollection is that all the testimony before the Naval Committee is to the contrary of that. My recollection is that we had several witnesses who complained of the scarcity of dry docks in this country. We were reminded of the great number of dry docks in other countries, especially in England, and officials insisted on the advisability of our having more dry docks for the necessary repairs of the Navy.

I can add nothing to what has been said on this matter by Admiral Endicott as to the necessity for this graving dock at Pensacola. Why should gentlement object to the building up of the Pensacola Navy-Yard? In the opinion of every naval expert that has considered it, this yard is important and neces-

sary. If we could have a proper navy-yard at Key West, I would prefer to abandon some other yard and build it at Key West; but I am informed that natural conditions will not permit it. If we could get a good one at Tampa and conditions would justify it, I would prefer to build it at Tampa rather than at Pensacola; but my information is, taking all things into consideration, Pensacola is by far the best point on the entire Gulf coast for a navy-yard. Does anyone doubt that we ought to have one great navy-yard on the Gulf, with the immense scope of our coast exceeding 1,000 miles, with only one yard of comparatively small consequence up the river at New Orleans, with no other yard on that coast of any importance except Pensacola, which is highly recommended by every naval officer who knows anything about it? Why should the chairman of the committee object to building up the yard at Pensacola? We have invested many millions of dollars in navy-yards at the North, some within 100 miles of each other, all of them comparatively close together. When you pass beyond Norfolk and go into that scope of country around to the Mexican border, we have no great navy-yard. You may reply that we are building one at Charleston, but think of the great distance from Charleston around to Pensacola. I submit that it is wisdom, that it is business sense to build up the navy-yard at Pensacola.

Reference has already been made to the statement of Admiral Endicott, that if this Congress should give during this year only one dock, that it should be at Pensacola. Notwithstanding that, the Naval Committee put in Puget Sound first. Then the committee put in the floating dock, which is out and which need not be discussed now. Even with these two docks in, one the floating dock and the other the Puget Sound dock, the Naval Committee was almost as evenly divided on this question as could be—it was defeated by a majority of only one vote. Now, when the second dock is out, why should we hesitate to give the Navy Department the two docks and why should we hesitate to concur in this Senate amendment, when all the expert testimony of the Navy Department favors it? Why should we hesitate when we know that with the opening of the Panama Canal the great center of trade, and of Navy maneuvers probably, will be down in the Caribbean waters and in the Gulf of Mexico? Under these conditions, Congress ought not to hesitate to concur in this Senate amendment and give Pensacola this dock.

Mr. FOSS. Mr. Speaker, just a word upon this question. So far as docking facilities are concerned on the Gulf, we have a splendid floating dock at Algiers, near New Orleans, and we also have a smaller floating dock at Pensacola.

Mr. LAMAR. Mr. Speaker, will the gentleman yield for a question?

Mr. FOSS. Yes.

Mr. LAMAR. As the gentleman well knows, the floating dock at Pensacola is a dock of less than probably 10,000 tons, and will not even take the smallest battle ship of the Navy.

Mr. FOSS. Mr. Speaker, there is a naval station at Key West, besides that at Pensacola and at Algiers; and so far as the Panama Canal is concerned, we expect to have a naval station at Guantanamo, in Cuba. It has been difficult in times past for the Naval Committee, which has charge of appropriations for the different yards and stations throughout the country, to keep down appropriations or keep down building up yards which it does not believe necessary. The moment a community or a State or a Congressional district has in it a navy-yard or a little naval station, immediately pressure comes to make it a first-class naval station, a first-class navy-yard. We have got to have first-class yards and then second-class yards and third-class yards and fourth-class yards. There must be some classification all along the line; otherwise every naval station and every navy-yard will be a great, large industrial establishment, more than is necessary to do the repair work of the Navy. Consequently, for this reason, the committee, in its wisdom, did not think it was wise to build up Pensacola, and therefore it did not authorize this dock, because the moment you authorize the dock, along come the machine shops for the Bureau of Construction and Repair, for Equipment and for Engineering, and for all the different bureaus of the Navy, and it means the building up of a great first-class yard. I trust that the motion offered by my distinguished friend from Florida will be voted down.

The SPEAKER. The question is on the motion of the gentleman from Florida that the House recede and concur in the Senate amendment.

So the motion to recede and concur was rejected.

Mr. FOSS. Mr. Speaker, I move that the House do further insist upon its disagreement to the Senate amendment.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

Page 64, after line 4, insert:

"That the President be authorized to appoint, by and with the advice and consent of the Senate, two additional professors of mathematics in the Navy, who shall be extra numbers in said list, and who shall take rank therein according to that held by them respectively when so appointed, if such appointees are officers of the Navy, otherwise at the foot of said list."

Mr. FOSS. Mr. Speaker, I understand that the gentleman from Iowa [Mr. HAUGEN] withdraws his request to concur in this amendment, and I will therefore move to further insist upon the disagreement.

Mr. GROSVENOR. Mr. Speaker, I would like to ask the gentleman what effect this has on these two professors.

Mr. FOSS. I would say that the gentleman from Iowa [Mr. HAUGEN] gave notice that he wanted a separate vote upon the provision, inasmuch, I take it, as these two line officers who will go into the corps of professors will go in above a professor who came from the State of Iowa and, I presume, from the gentleman's district. I understand the gentleman withdraws that request.

Mr. HAUGEN. Mr. Speaker, I wish to say that it is now so late in the afternoon that I shall not insist upon a separate vote.

The SPEAKER. The question is on the motion of the gentleman from Illinois that the House do further insist upon its disagreement to the Senate amendment.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 73, line 10, after "Navy," insert "*: Provided*, That before any proposals for said battle ship shall be issued or any bids received and accepted the Secretary of the Navy shall report to Congress at its next session full details covering the type of such battle ship and the specifications for the same, including its displacement, draft, and dimensions, and the kind and extent of armor and armament therefor."

Mr. FOSS. Mr. Speaker, I understand that some gentleman desires to move that the House recede from its disagreement to the amendment and concur in the amendment.

Mr. BURTON of Ohio. That is the fact.

Mr. FOSS. Then I will yield to the gentleman from Ohio for the purpose of making that motion.

Mr. BURTON of Ohio. Mr. Speaker, I move that the House recede from its disagreement and concur in Senate amendment numbered 56.

The SPEAKER. The gentleman from Ohio moves that the House recede from its disagreement to amendment numbered 56 and concur in the same.

Mr. FOSS. Now, Mr. Speaker, I would ask the gentleman from Ohio how much time he desires for the discussion of this matter?

Mr. BURTON of Ohio. As far as I am personally concerned, ten minutes would be sufficient. One gentleman has asked for five minutes—that would make fifteen minutes; and the gentleman from Virginia another five minutes——

Mr. BARTHOLDT. And I would like to have two or three minutes.

Mr. BURTON of Ohio. I would say twenty-five minutes.

Mr. FOSS. I will yield to the gentleman from Ohio twenty-five minutes.

The SPEAKER. The gentleman from Ohio is recognized for twenty-five minutes.

Mr. BURTON of Ohio. Mr. Speaker, this battle ship if constructed would be larger and more expensive than any ship ever built for the United States Navy. The provision of the House bill relating to it reads as follows:

One first-class battle ship, carrying as heavy armor and as powerful armament as any known vessel of its class, to have the highest practicable speed and greatest practicable radius of action, and to cost, exclusive of armament and armor, not exceeding $6,000,000.

Then follows the proviso which shows that this battle ship is regarded as, in a measure, experimental. Opportunity is afforded to any competent constructor to submit plans and specifications. There has been a wide difference of opinion in regard to its efficiency. Many naval officials and others expert in naval construction contend that it would not have better fighting power than boats very much smaller and less expensive. The Senate amendment provides—

That before any proposals for said battle ship shall be issued or any bids received and accepted the Secretary of the Navy shall report to Congress at its next session full details covering the type of such battle ship and the specifications for the same, including its displacement, draft, and dimensions, and the kind and extent of armor and armament therefor.

An important question is involved here relating to the boundary line between the authority of the executive department and that of the legislative department. I think it may be safely said there has been no instance in time of peace when so large

an authority in naval construction has been given to the executive department as is proposed by this House provision. If there is any one prerogative this House ought not to abdicate, it is the control of appropriations for the Army and Navy, for that is of the very essence of representative government and of free government as well. The proposition contained in the Senate amendment is a very mild one. It is merely to the effect that proposals shall not be asked until the plans are presented here, so that Congress may know what kind of a battle ship is intended. It is a conceded fact that $6,000,000 will not cover the total cost. Probably it will be twice that, or $12,000,000. Now, the contention was made here that we should not build a battle ship at all. This Senate amendment does not go so far as that. It recognizes, at least as far as present legislation is concerned, that there is to be another battle ship, but it does insist that Congress shall know what type of ship is to be built, and the details and specifications, as well, and I insist that this House should concur. Mr. Speaker, I reserve the balance of my time and yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I was opposed when the bill was before the House to including in the terms of the bill any provision for building the battle ship at this time. It went into the House bill, and the next best proposition we can vote on is to limit the building of that battle ship until we can investigate whether it is wise to build a ship of this type. Now, since I have been a Member of this House I have not been opposed to building a good navy. As a matter of fact, until last year I think I voted for every naval programme that the Committee on Naval Affairs presented to this House, but when I started in to vote along that line we had a comparatively small navy. To-day we have a naval force that is at least the third among the naval powers of the world, if not the second. But there is another good reason why we should not continue the programme that we have had in the past of building these great battle ships without careful consideration. We do not need them to protect our commerce; we do not need them now to maintain our standing in civilized nations. We merely should build sufficient ships to maintain our present status as a world power. But the inventions of to-day are growing so rapidly that I believe within a few years from now it will possibly be demonstrated that the present form of battle ship is not needed; that it is not efficient; that it will be put out of commission, and we will go to the development and building of a different type of naval vessel.

I am informed by gentlemen who know—experts on the question—that the development of the submarine torpedo boat is rapidly reaching a point where battle ships can not live in the same waters with them. I have been told that at the tank down here, where they test the models of the different ships that the navy is going to build, they have tested a new type of submarine torpedo boat that shows a speed of 22 knots per hour.

This bill carries an appropriation of a million dollars to build those boats and to test them. Now, if we succeed, as I believe we will and hope we will, in building a submarine torpedo boat that, submerged, will show the speed of a battle ship of to-day, that battle ship will have to go out of commission; and we are wasting our money by putting it into armor plate, because it goes without saying that if the submarine torpedo boat can run as fast as a battle ship, the battle ship can not approach our shores. More than that, if we are engaged in a war in foreign waters, the type of the ship that would take the place of the battle ship, in my opinion, in case of the development of these submarine torpedo boats, would be fast cruisers that were so arranged that they could take these small torpedo boats on board, and if they were attacked by battle ships, they would drop them in the water and run away and leave the submarine torpedo boat to fight it out with the battle ship. We know now that the submarine boat can go from 10 to 18 feet below the surface, and has got a better protection because thereof from shot and shell than all the armor you can put on a battle ship. And yet if it can reach the battle ship, as it will if the submarine's speed is increased to 20 knots an hour, a battle ship can not live in those waters. Therefore, I think it is unwise to make this full appropriation at this time.

Mr. BURTON of Ohio. Mr. Speaker, I would like to ask if the chairman of the Committee on Naval Affairs desires to be heard at this time?

Mr. FOSS. I would state that I do not care to debate the question at this time. Mr. Speaker, how much time has the gentleman consumed?

The SPEAKER pro tempore (Mr. GROSVENOR). The gentleman still has fifteen minutes.

Mr. FOSS. I yield ten minutes to the gentleman from Maryland [Mr. MUDD].

Mr. MUDD. Mr. Speaker, it seems to me this is not the time to discuss the comparative merits of battle ships and some other type of naval vessels. This House has declared by a very decisive majority when this bill was pending before it that we should have this battle ship. Any attempt now to undo that action, as I consider this practically to be, is simply trying to do by indirection that which we can not do directly. The chief effect of the language of this amendment is to provide for delay. It can not undo the work of this House. It does not say that the Secretary shall not contract. It does not repeal the authorization for him to contract, but simply requires, referring to the language of the amendment—

> That before any proposals for said battle ship shall be issued or any bids received and accepted the Secretary of the Navy shall report to Congress at its next session full details covering the type of such battle ship and specifications for the same—

And so forth.

Now, I repeat, Mr. Speaker, that it does not recall or undertake in any way to repeal the unquestioned and complete authority we gave to the Secretary of the Navy to go ahead and contract for the construction of this ship after he shall have reported to Congress. But the time of that report is held back until next December. Now, if we want to go ahead with this ship, so far as I am concerned—and I believe that to be the view now held by the Navy Department, though I am not authorized, of course, to speak for the Department—there is no objection to requiring a report of these plans to the extent of a general description of the ship. I infer from an informal talk with the Secretary of the Navy, which I do not think I violate any confidence in stating, that there will be no objection to reporting to Congress, provided that the work of contracting and construction be not delayed, leaving out the words "at its next session," but reporting to Congress at such time as the Department may be ready to do it, "full details covering the type of such battle ship, including its displacement, draft, and dimensions, and the kind and extent or armor and armament therefor."

I do not believe, however, Mr. Speaker, it is wise to require the Department to report all of the "specifications" to Congress. I do not believe anyone will contend that it ought to be the policy of this Government, or any other government, to report to the governments of the world every minute detail, every single specification involving all the advancements in the construction of its greatest fighting naval machine.

Under this provision as it now stands the Secretary is required to make a detailed report, with all the complicated minutiæ and all the specific and manifold details, to the next session of this Congress, which is tantamount to reporting to all the governments of the world.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. MUDD. Yes.

Mr. TAWNEY. Is it not a fact that there is to-day in the Naval Acadamy at Annapolis a citizen of a foreign country, from a country, too, that has a first-class naval academy, who is being educated in the American Navy; and does not that man have an opportunity at all times to gain all the information, detailed or otherwise, about this very battle ship and its construction?

Mr. MUDD. I think not. Mr. Speaker, I do not think that a midshipman in the Naval Academy has opportunities to look into every detail of construction of our battle ships.

Mr. TAWNEY. We are educating them, are we not?

Mr. MUDD. But assuming that to be true, if we are doing the work in this country of allowing citizens of foreign countries to be educated here at our Naval School and to have the opportunity for such inspection, that evil ought to be corrected. It has been stated that Japanese sailors or other Japanese employees on our ships are making reports to their Government. If we have spies on our battle ships or in the Naval Academy, that is an evil, I say, that ought to be corrected, and we ought not to enlarge these opportunities by requiring that this report shall be made in the shape of a public document to Congress next December, which is tantamount to giving every detail of construction of the most advanced type of battle ship that the world, perhaps, has ever provided for the construction of.

Mr. RIXEY. I would like to ask the gentleman a question.

Mr. MUDD. I yield to the gentleman.

Mr. RIXEY. I understood the gentleman a moment ago to state that the Secretary of the Navy had indicated to him that he had no objection to the Senate amendment if we would strike out the words that he shall "report to Congress at its next session."

Mr. MUDD. Perhaps that would be stating it too broadly. The Secretary of the Navy stated informally to me that the Department had no objection to requiring a report of the

general plans and type of the ship. He would not object to this if we leave out the words that operate as a suspension of authority to receive and accept proposals in the meantime, and the words "at its next session," referring to the next session of Congress; and, in my judgment, the words requiring a report as to the "specifications." And if I am not mistaken, he is ready to make the necessary report now, or in a comparatively brief time, as to the essential plans, showing the contemplated draft, displacement, and dimensions of the ship and the kind and extent of armor and armament to be used.

Mr. RIXEY. I suppose he proposes to submit these general plans descriptive of the type and draft and dimensions before he goes on with the bids and contract.

Mr. MUDD. I am of the opinion that the Department is not unwilling for that.

Mr. RIXEY. I do not see very much difference between the Department and the Senate according to that. I think it is an admission that the Senate amendment is all right.

Mr. MUDD. Perhaps my statement, taken literally, goes a little bit too far, inasmuch as Congress will in all likelihood adjourn in about a week from this day. But I do say that the Secretary of the Navy and the Navy Department are not unwilling to furnish the Congress or to anybody any plans showing the general type and plans of the ship, but they do not want all work held up until next December, when the report shall be made as contemplated by this amendment.

Mr. FITZGERALD. Will the gentleman allow me to ask him a question?

Mr. MUDD. Yes.

Mr. FITZGERALD. The provision of this bill contemplates sending all over the world and expending $25,000 in order to get the best, does it not?

Mr. MUDD. My answer to that will be this: That the adoption of this amendment is practically saying that we undo the authorization that we have made, and we in effect postpone the authorization for the battle ship until the short session of Congress, and Congress has voted not to do that.

Now, Mr. Speaker, one word in reference to the statement of the gentleman from Ohio, who is generally accurate in his statements, in which he seems to think that we have abrogated some of our functions and that we have allowed an unprecedented latitude to the executive department as to the cost of this ship. Now, stated as strongly as language can phrase it, the committee put in this provision that it shall not cost over $6,000,000, exclusive of armor and armament. That is my recollection of the language we have placed in naval bills before, in exactly the usual phraseology.

Mr. TAWNEY. What percentage of the cost of a battle ship is the armor and armament?

Mr. MUDD. I do not know.

Mr. TAWNEY. About the usual percentage of the cost of the armament?

Mr. MUDD. I do not know precisely.

Mr. TAWNEY. You are on the Naval Committee?

Mr. MUDD. I am free to confess that I have not the varied and unlimited knowledge on all subjects that come before the Committee on Naval Affairs that the chairman of the Committee on Appropriations has as to what comes before all the committees. The percentage varies somewhat. It has generally been about or somewhat in excess of 40 per cent, if I recollect aright. My contention is this: That we have used the same language as to limitation of cost that we have used in other authorizations for the increase of the Navy that the gentleman from Minnesota has so cordially supported in the past. We have not varied from the language except, of course, as to the amount.

Mr. BURTON of Ohio. Will the gentleman allow me to ask him a question? Is not the striking fact of this appropriation that it is for an entirely different kind of fighting machine from any heretofore provided, and much larger?

Mr. MUDD. Not an entirely different kind.

Mr. KEIFER. Much larger.

Mr. MUDD. The difference is rather in degree than in kind.

Mr. BURTON of Ohio. More than a difference in degree, is it not?

Mr. MUDD. I think not. The amount is larger, but not any larger proportionately than have been the amounts provided for other ships that we have been building in the last few years as compared with those which were built a few years before. It is simply an enlargement in size, a difference in degree, not a difference in type. It is a difference that marks the progress and improvement of our war ships that we hope and expect to continue as time goes on.

Mr. BURTON of Ohio. I yield three minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, the gentleman from Maryland has stated the case correctly. The purpose of the Senate amendment, as I understand it, is to postpone the construction of this battle ship until next winter, and it is the same purpose which I had in view when I had the honor to make a motion to this effect when this paragraph in the naval appropriation bill was originally under consideration here.

The action of the Senate, in my judgment, is eminently proper and wise. In a few months from now the nations of the world will assemble at The Hague for the purpose of laying the foundation for more permanent peace. There will possibly be two elements contending with each other at that great conference. One element will favor the limitation of military and naval armaments. The other element will favor the adoption of arbitration treaties and the adoption of a system of international legislation. Whichever side may prevail, the construction of this battle ship will be unnecessary.

I want to say in this connection that France is ready to-day not only to limit armaments, but also to enter into an agreement with all the world for international arbitration and peace. The men now at the helm in the French Republic are all members of the Interparliamentary Union. In England the same is true. The men now at the helm in England are members of the Interparliamentary Union. They are in favor of the settlement of international controversies by arbitration, and they are also in favor of a limitation of armaments.

The question, then, is as to whether this country should permit any other to wrest from it the proud distinction of leadership in the great movement for international arbitration and peace. By the postponement of the construction of this battle ship this Congress will serve notice upon the world that we are ready to join hands with all the nations in any agreement that may be arrived at at The Hague for the purpose of settling international difficulties by arbitration instead of by the arbitrament of the sword. [Applause.]

Mr. FOSS. Mr. Speaker, I yield three minutes to the gentleman from New Jersey [Mr. LOUDENSLAGER].

Mr. LOUDENSLAGER. Mr. Speaker, I do not believe that the Members of the House thoroughly understand the effect of this amendment of the Senate. It is not so much the delay in building this battle ship, but it is, to my mind, a most unwise course for Congress to pursue, especially when the other nations of the earth are guarding carefully all their plans and specifications. In my judgment, it would be much wiser for the House to agree with an amendment striking out the words "the next session of Congress" and inserting "the admiralties of all foreign nations."

We ought not, in my judgment, to advise them of our proceedings. And above or beyond that, it has been stated that it is an impossibility for these specifications and plans, as suggested by this amendment, to be filed and to become a public document. Both the House and the Senate have agreed to the construction of this battle ship, and it is unwise for the American Congress now to make a deviation regarding the construction of these battle ships, and to spread before the whole world the knowledge that we possess in the construction of our machines of warfare.

I trust that this House will not concur in this amendment, but will send it back to conference in disagreement, so that the House conferees may be able to secure the adoption of an amendment with a modification that will not give our knowledge to the whole world. [Applause.]

Mr. BURTON of Ohio. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. RIXEY].

Mr. RIXEY. Mr. Speaker, the House provision varies from any other provision that I have ever seen carried in a naval bill for the building of ships. Heretofore the provision in an appropriation bill has always designated the size of the vessel. In this case nothing was said about the size of the vessel, but there was a lump appropriation of $6,000,000 for a battle ship. For the information of the gentleman from Minnesota I will state this battle ship is to cost $10,600,000, according to the statement I have here from the Navy Department. This battle ship will therefore cost 50 per cent more than any battle ship we have ever built. It will cost within three or four million dollars of what the total expenses of the naval establishment were twenty years ago. Under these conditions it seems to me that we might exercise ordinary business care in regard to the appropriation. We ought to know the class or type of ship and its size. The greatest ship so far authorized in the world that we know of is the *Dreadnaught*, by Great Britain, which is to cost $8,900,000, and will be of 18,500 tons displacement.

Mr. TAWNEY. Where does the gentleman get the information as to the displacement of the *Dreadnaught*?

Mr. RIXEY. I have seen the statement repeatedly. The displacement is 18,500 tons.

Mr. TAWNEY. Can the gentleman tell the House what the displacement of this proposed battle ship will be?

Mr. RIXEY. No. The conjecture is that it will be between 20,000 and 22,000 tons.

Mr. TAWNEY. I do not care about it; but I want to call the attention of the gentleman to the fact that the details, as far as the displacement of the *Dreadnaught* is concerned, have already leaked out from Great Britain.

Mr. RIXEY. The *Dreadnaught* is to be 18,500 tons displacement and to cost $8,900,000. We provide for a ship to cost $10,600,000—in round numbers, $2,000,000 more than Great Britain is paying for the *Dreadnaught*. There was no testimon before the Naval Committee as to what would be the size of this ship for which we are appropriating. The whole matter was in doubt, and I risk nothing in stating here that this provision did not come within the recommendation of the Navy Department.

Now, as I understand it, it is contended by the gentleman from Maryland that the Department possibly would be willing to accept this provision if you strike out "next session" and let it report the plans now. On the other hand, the gentleman from New Jersey [Mr. LOUDENSLAGER] says that if you adopt this amendment and require these plans at the next session the Department will not be able to furnish then by that time. I do not know which statement to take. But certain it is there can be no question, as a business proposition, that we ought to know the size of this vessel, we ought to know its type, and we ought to know the general specifications. The gentleman from New Jersey says that we would be giving away the information. I want to call his attention to the fact that in the act of March 3, 1901, plans and specifications were called for by a provision very similar to the present Senate amendment. I have never heard that the world thereby gained information to our disadvantage.

Mr. FOSS. May I interrupt the gentleman? Has the gentleman read the act?

Mr. RIXEY. I am going to read it.

Mr. FOSS. You will note that the words "general description" are in that act.

Mr. RIXEY. It is practically the same thing. The provision is as follows:

For the purpose of further increasing the naval establishment of the United States in accordance with the latest improvement of construction of ship and the production of armor and armor plate therefor, the Secretary of the Navy is hereby directed to prepare the plans and specifications of two sea-going battle ships and two armored cruisers carrying the most suitable armor and armament for vessels of their class, and to submit to Congress a general description of such battle ships on the first Monday in December next.

Mr. KEIFER. Does the gentleman interpret that to mean that he shall not proceed with the work, or merely to make the report?

Mr. RIXEY. As I understand the Senate provision, it does not do away with the authorization for the battle ship, but before the matter goes to bids, we are to know the type of the vessel and have the plans. I will state to the gentleman from Ohio this additional fact: More than a year ago, under the bill of March, 1905, we provided for two battle ships, and those specifications and plans were only adopted by the Department twelve months after the ships were ordered, and the contracts for the two battle ships authorized fifteen months ago have not been given out or signed. There will therefore be no delay if we have the plans and specifications by the next session.

Mr. KEIFER. Is it not a fact that the law which the gentleman has just read was not a prohibition against proceeding to build a ship and the Senate amendment is in this case?

Mr. RIXEY. I will state to the gentleman that it does not operate as a prohibition, because it is only five months until Congress meets in December, and if the Department gives us the plans for this ship in five months, it will show more expedition than it has ever done heretofore. It was twelve months getting plans for the 16,000-ton ships, although they were but little more than a repetition of what preceded them. It has now been fifteen months and the contracts have not been executed.

Mr. KEIFER. I understood the gentleman to say once or twice that there was no provision in the bill for fixing the size of the vessel.

Mr. RIXEY. That is right.

Mr. KEIFER. I find in reading the bill, on page 81, that it provides for one first-class battle ship carrying as heavy armor and as powerful armament as any known vessel of its class, to have the highest practical speed and the greatest practical radius of action. Is not that almost exactly like the law the gentleman has just read with reference to other battle ships?

Mr. RIXEY. No; a first-class battle ship may be of 13,000, or 15,000, or 18,000, or 20,000 tons.

Mr. KEIFER. This is to be the most powerful.

Mr. RIXEY. Most powerful in armor and armament. That is different from the size or the type of the vessel.

Mr. KEIFER. Is not that in the law the gentleman read, in the former legislation?

Mr. RIXEY. It may be in the law, but the law heretofore has always designated the size of the vessel.

As a matter of fact, Mr. Speaker, the House provision was the result of a little hysteria. The Naval Committee and certain gentlemen had heard that Great Britain was going to build the *Dreadnaught*, the biggest ship that floats, 18,500 tons, and to cost $9,000,000. I think it is to the discredit of the Naval Committee that it brought in a provision of this sort, having no other foundation and for no other reason than that the committee wanted to provide for a bigger ship than Great Britain was building. [Applause.]

Mr. FOSS. Mr. Speaker, how much time has been consumed by the other side?

The SPEAKER. The gentleman from Ohio [Mr. BURTON] has seven minutes time remaining to him and the gentleman from Illinois [Mr. Foss] has twenty-two minutes of time remaining in the hour.

Mr. FOSS. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, I can say all that I want to say in two minutes. It is manifest this proposition is simply to knock out this battle ship. The gentlemen who have discussed this Senate amendment on the floor are the gentlemen who opposed the battle ship when the appropriation was in the House. In their discussion they have discussed not the merits of the Senate proposition, but the merits of the original question, as to whether or not we should have a battle ship. The gentleman from Missouri [Mr. BARTHOLDT], who says he did not, simply gave his cause away, I think, when he said that this Senate amendment is simply in the line of the proposition that he submitted to the House when the original proposition was under discussion in the House. The gentleman from Missouri, as we all understand, is an optimist, who believes in the early advent of the millenium, and it is on that ground that he is now in favor of this amendment. The amendment, as I say, is simply an attempt to get rid of the previous action of the House. It is an attempt to substitue for the House action the Senate action. So far as the proposition is concerned that we shall gather together all the details of a great battle ship and then present them to Congress, I have two things to say. First, that when they are presented to Congress, Congress will not know the first thing about them, and, second, that it would be a violation of the policy uniformly pursued by all the nations of the world, who guard with the greatest sanctity and with all possible care all the details of a battle ship. I hope the motion of the gentleman from Ohio will be voted down.

Mr. BURTON of Ohio. Mr. Speaker, I yield three minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, the gentleman from Pennsylvania [Mr. DALZELL] says that the purpose of this amendment is to defeat the action of the House when the naval appropriation bill was under consideration, when it passed favorably upon this proposition. I can see no basis for the gentleman's claim whatever. Under this provision we authorize the construction of one first-class battle ship carrying as heavy armor and as powerful armament as any known vessel of its class. That means, if it means anything, that this vessel is to excel in size, in power, and in fighting capacity any other vessel that has been constructed or is authorized by any government in the world. It may necessitate the entire remodeling of our Navy. A vessel of that size will certainly require at least four or five additional ships of the same class and speed. If this amendment is stricken out, as it will be unless the motion of the gentleman from Ohio is adopted, we then authorize the construction of this vessel to excel all others, thereby fixing a new standard of battle ships far above the standard we have now. When we have done that, then, in the judgment of the Navy Department and in the judgment of Congress, it may become necessary to change entirely the type of our whole Navy. A few days ago I stated, in opposition to this proposition of building this battle ship, that I thought the time had come when, if we should not halt in carrying on our ambitious naval policy, we could at least mark time for a while without any injury to service, and the adoption of this Senate amendment will simply be marking time until the Navy Department can enlighten Congress as to the size and capacity of this fighting machine, and whether or not, in the adoption of this propo-

sition, we are going to create a necessity for remodeling our Navy upon an entirely different line than that upon which our present Navy has been constructed. We are this year, I repeat again, expending on account of war and in anticipation of war 63¾ per cent of our total revenue, exclusive of postal revenues, and that, too, in a year when the aggregate revenue of the Government will exceed the aggregate revenue of the Government in any year in the history of the Government. This expenditure is about $28,000 more than the total revenue of the Government, exclusive of postal revenue, only nine years ago. This alone should cause Members of this House to pause and reflect on the advisability of continuing a policy that involves such an enormous expenditure. I say, therefore, that if we adopt this amendment, we will simply be marking time until we can ascertain more definitely the necessity for and the effect of a battle ship the only apparent necessity for which at the present time is to excel some other country in the matter of a big ship.

No man can even tell us to-day what the cost of this vessel will be. Differences of opinion exist even among the members of the Naval Committee who have studied the question, some claiming that it will cost no more than $6,000,000, with 25 per cent added for armor and armament; others claiming it will cost from twelve to fifteen millions. So we do not know. We are simply acting in the dark and doing it because somebody else is building a bigger battle ship than we had heretofore, and I trust the amendment will be concurred in. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FOSS. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOSS. Has the gentleman from Ohio or the gentleman from Illinois the right to close the debate upon this question?

The SPEAKER. Why, the parliamentary situation is this, that the gentleman is in charge of the bill, and he has an hour, and the gentleman in charge of the bill always has the right to control his hour.

Mr. FOSS. Then I ask the gentleman from Ohio to consume the balance of his time.

Mr. BURTON of Ohio. Mr. Speaker, I would state there was a distinct agreement as to time—twenty-five minutes on each side—and under those circumstances is not the one who makes the motion entitled to close debate?

The SPEAKER. The gentleman from Ohio was recognized by the gentleman from Illinois, yielding him twenty-five minutes. Now, while the motion to recede and concur is a preferential motion, yet it does not carry any rights with it that are not yet granted by the House. Now, the gentleman from Illinois yields a portion of his time to the gentleman from Ohio, and the gentleman from Illinois within his hour would have the right to move the previous question. If the House wants to vote that down, then the time would pass to the gentleman from Ohio upon this particular motion; but the gentleman from Ohio has had time within the hour yielded to him by the gentleman from Illinois.

Mr. FOSS. Mr. Speaker, I yield at this time to the gentleman from Ohio [Mr. KEIFER] two minutes.

Mr. KEIFER. Mr. Speaker, I can not do more than I have hitherto done in relation to this subject, to wit, state in as emphatic a way as I could that I am in favor of building at least one battle ship a year until we have a satisfactory navy, equal to the best type of battle ship in all respects in the world, and I believe that that will help to bring about the desired result that my friend from Missouri [Mr. BARTHOLDT] is laboring so faithfully to accomplish. I agree with the gentleman from Pennsylvania [Mr. DALZELL] that delay and dallying with this subject now will be vain and useless. Why say we define a class of ships as is defined in this bill and then say that before a step is taken of any kind toward the construction of the ship we shall wait to get a report? I would like to know from the gentleman from Ohio [Mr. BURTON], who makes this motion, whether or not he believes when that report comes it is essential for Congress to pass some further law before we proceed with the construction of the proposed battle ship. It seems as though no further law would be needed. I think the time is here when this nation must stand abreast with the greatest powers of the world in the matter of a navy, and that can only be brought about or accomplished by building up a navy equal to the best in the world. That is all I can undertake to say now on this important matter, and I hope the motion will be voted down and that the conference committee will adhere to the judgment of the House so clearly expressed some time ago.

Mr. FOSS. Mr. Speaker, how much time have I remaining?

The SPEAKER. Fifteen minutes.

Mr. HEPBURN. I would like to have a little time, if you please.

Mr. FOSS. I yield two minutes. I will state that I desire to say something upon the proposition and want to keep fifteen minutes. Does the gentleman desire more time than that?

Mr. HEPBURN. I am not caring particularly about it.

Mr. FOSS. Well, I will yield five minutes to the gentleman, if the gentleman desires it.

Mr. HEPBURN. Mr. Speaker, I want to suggest to the gentleman from Ohio who made the motion, that in the few moments that he has he will explain the office of this amendment. As I read it, it provides:

That before any proposals for said battle ship shall be issued or any bids received and accepted, the Secretary of the Navy shall report to Congress at its next session full details covering the type of such battle ship and specifications for the same, including its displacement, draft, and dimensions, and the kind and extent of armor and armament therefor.

I understand that in this bill there was complete authorization for the construction of this ship; that all details were provided for. This amendment simply provides that before a bid shall be accepted a report shall be made to this Congress. When that report is made to Congress, has not the Navy Department then the power and the duty to comply at once with the statute and construct this vessel? What is the efficacy of this report to Congress? Why should we delay in that manner? It is simply advertising to the world what ought perhaps to be a secret carefully guarded by the Navy Department; that is all. It does not interfere with the construction of the vessel; it does not change the line of duty of the Secretary. What do these gentleman want with this amendment?

Mr. DALZELL. Delay.

Mr. HEPBURN. Is not their mission as peace advocates carrying them somewhat to extremes? Is not the gentleman from Ohio [Mr. BURTON] and his colleague from Missouri [Mr. BARTHOLDT] in this new gospel of peace a little off their base? Are they accomplishing anything by this particular form of legislation? It seems to me not. I am not here at all to criticise the purposes of these gentleman. We all look forward to a time, perhaps not in our lifetime, when the theories they advocate may be made applicable in the affairs of nations. All the doctrines of the church teach us to look forward to that era when men will love one another as they love themselves, when the brotherhood of mankind will really mean something more than mere declamation or rhetoric; but that time has not come. It is not here now. We find the same selfishness among nations as among individuals. We are far from the era that the church promises us, that period when the lion and the lamb shall lie down together side by side—not one inside. We are all looking forward to that time; but will it not do for these gentleman to wait until there is some evidence as to the approach of that period?

My experience and my observation has taught me that that man is safest from assault who has the greatest muscular development and the greatest skill in its use. In all of the history of nations it is shown that that nation is least assailed, that that nation secures most of all of its rights, its possibilities, its hopes, that has the largest armies and the most efficient and disciplined navy. It is the power to resist that secures men from the necessity of resistance. And I am like the gentleman from Ohio [Mr. KEIFER], who just now said that he desired to see at least one battle ship added to our Navy every year, and that of the best possible type and construction. [Applause.]

Mr. BURTON of Ohio. Mr. Speaker, how much time have I remaining?

The SPEAKER. Four minutes.

Mr. BURTON of Ohio. Mr. Speaker, I yield one minute to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I am in favor of the Senate amendment, not that I am opposed to the construction of a battle ship, but because I have doubts as to the wisdom of building a larger battle ship than any now afloat. It does not follow, it has not been proven in naval history, that a larger battle ship than any now afloat would be any more effective than a moderate-sized battle ship. The office of this amendment, I would suggest to the gentleman from Iowa [Mr. HEPBURN], is to give Congress an opportunity, after scrutiny of the plans and specifications of this proposed monster of the deep, to decide whether we shall build a battle ship larger than any now afloat or follow the lines of policy heretofore laid down and add to our Navy one battle ship a year, or more if necessary, of the same approximate class and type as those we are now building.

The SPEAKER. The time of the genteman has expired.

Mr. BURTON of Ohio. Mr. Speaker, I note a decided difference in the arguments of the gentleman from Iowa [Mr. HEP-

BURN] and the gentleman from Pennsylvania [Mr. DALZELL]. The gentleman from Pennsylvania says this is a proposition to do away with the battle ship entirely. The gentleman from Iowa intimates that the amendment is entirely ineffective, and that the Secretary of the Navy must, even if this motion prevails, proceed with the construction of the ship. In answer to his question as to what will be the effect of this amendment, I would say, first, that the legislation directing that the battle ship be built stands, even if the amendment is adopted. It would be the duty of the Secretary of the Navy to go on with its construction, unless he is ordered to do otherwise. Nevertheless, when these plans shall be filed here Congress will have opportunity to take further action on the subject. It may either forbid entirely the construction of the battle ship or it may change the plans in accordance with what is its right and its duty.

That leaves the sole argument against this amendment, that we are giving away our secrets. That is a pleasing conceit of many persons, that you are hiding your plans of the battle ship from the world, but it is a delusion. A naval designer of a foreign country might disguise himself and find employment in the shipyard. You give out to six builders the specifications in full. A thousand argus eyes are watching, and they can tell what your ship is to be to the last detail. I can tell you how you can insure secrecy. Say to your naval constructor, "Get thee to Waukegan or to Annapolis, hide yourself in a room with merely sufficient light for the printing of blueprints, and there use unlimited quantities of pens, ink, and paper; stick close to your plans, and never build a ship." That is the only way to insure secrecy. [Applause.]

Whatever we may seek to do, the naval powers of the world will know. The terms "details and specifications" are both very general in their nature. If there is any special secret the officials of the Navy Department may desire shall be kept with unusual care, they can withhold that from Congress. What disadvantage can there be in waiting until another winter for a report upon the plans for the battle ship, so that we may know whether the model is a good one? So that we can again consider whether it is wise to proceed along the line of construction recommended or along any line of construction? It is stated that it will be 1910 or 1912 before the battle ships under way already are completed. It is also said that the plans for the proposed ship can not be completed before the next session. Why, then, refuse to concur in this amendment, which can do no harm, and which will bring the subject before the body which should decide upon the plan and upon the whole subject? [Loud applause.]

Mr. FOSS. Mr. Speaker, how much time have I?

The SPEAKER. The gentleman has twelve minutes.

Mr. FOSS. Mr. Speaker, I desire to call the attention of the House to this Senate amendment:

Provided, That before any proposals for said battle ship shall be issued or any bids received and accepted the Secretary of the Navy shall report to Congress at its next session full details—

Not general details, but full details—

covering the type of such battle ship and the specifications for the same, including its displacement, draft, and dimensions, and the kind and extent of armor and armament therefor.

That can mean plainly but one thing. It means that Congress must again pass upon this ship; must again authorize the ship. Now, we had a contest here in this Chamber when this bill first came before this House. It was fought valiantly on both sides, and this House, by a splendid and substantial majority, determined to provide for this battle ship without putting any strings upon it. This Senate amendment is simply putting a string on the authorization which this House made before. And it is confirmed by the debate which took place in the Senate. If gentlemen of the House will refer to that, it was clearly and plainly the intention that we must again authorize this ship if we would have it. That is the purpose of this Senate amendment. The very fact that every gentleman but one here who has been in favor of this Senate amendment to-day was also, when this debate was had in the House, opposed to the battle ship shows the plain intent and purpose in this contest. The line was drawn then, and the line ought to be drawn here to-day. Everyone who was in favor of this battle ship before should vote down the motion of the gentleman from Ohio.

Why, it seems there never was presented to this House a more senseless and ridiculous proposition than to bring in the plans and specifications for a great battle ship and report here to Congress. We might know the moment you report to Congress you report to the whole civilized globe; you report to every foreign navy everywhere; and you might insert in that provision "report to the whole civilized globe" instead of "report to Congress."

Ah, but gentlemen say do we not know something about the pattern of the *Dreadnaught?*" Yes; we know what the newspapers have said about it. And you go to the Navy Department here in Washington and ask them whether they have any accurate information on the subject, and they say: "No; all we know is what we have seen in the newspapers."

Now, the gentleman has said that it is a very large undertaking to build this big battle ship, and therefore you ought to report to Congress. Well, if we were a body of experts that argument might go; it might have some weight; but we do not know anything more about it than anyone else who is not in the business of constructing naval vessels. And why should we report here to Congress? If the Navy Department can not build the ship they will not build it, but if they can build it they will build it. I have a letter from the chief constructor saying that it is easily within the capacity of our Navy Department to build this ship.

The gentleman from Ohio, in his first speech to-day on this subject, said: "Why, here we are going from 16,000 tons up to 20,000 tons. Here is an unusual thing; here is a new construction." It is only a larger battle ship; only larger guns, and more of them. It is simply building a bigger house. That is all, and the architect who can build a small one can also build a bigger one. When we authorized the first ships of the Navy, the *Atlanta*, the *Boston*, and the *Dolphin*, they were little ships of 2,500 and 3,000 tons. Then we went up to the *Texas*, of 6,000 tons. Did we then ask the Navy Department to report to Congress when we jumped up from 3,000 up to 6,000 tons? Or up to our first first-class battle ship, the *Iowa*, of 10,000 tons? Did we say, as the gentleman from Ohio [Mr. BURTON] has said here, "This is an unusual proposition, and therefore the Navy Department should report their plans in full detail to Congress before they undertake this?" No; we said to our Navy Department, "Go ahead."

Our first battle ship only had a displacement of about 10,000 tons, then we went up to 11,000, and then we went up to 12,000, and then we went up to 14,000; now we are up to 16,000, and the ships upon which plans have recently been made have practically a larger displacement than that.

We are authorizing a large battle ship. The navies of the world are authorizing large ships. Japan is authorizing a ship of 19,400 tons. France is authorizing six battle ships of 18,000 tons, which will be followed by the laying down of six battle ships of twenty or twenty-one thousand tons. Is not our Navy Department able to construct such a vessel? We have the finest ships of any navy in the world. We have the best talent and the best skill and the best genius, and yet we propose to give the navies of the world the benefit of our genius and our skill by authorizing the Secretary of the Navy to report the plans to Congress.

The gentleman from Missouri [Mr. BARTHOLDT] said a moment ago that he wanted to wait for the peace conference. When this matter was before the House I showed that since the last peace conference met, the nations of the world had authorized about 2,000,000 tons in battle ships. That is to say, since the last peace conference enough tonnage in battle ships has been authorized to amount to a hundred of these 20,000-ton battle ships. And, mind you, that peace conference was called together for the purpose of considering the question of disarmament, but the coming peace conference is not called together to consider that question, which has been eliminated in the call of the Czar. Just think, if the peace conference that considered the question of disarmament was followed by such naval activity on the part of the nations of the world, which authorized more ships than ever before, just think what may happen after the next peace conference!

So, gentlemen, that question is ridiculous. In my judgment the only thing for the House to do is to give us in this bill a clean-cut authorization of the battle ship, just as the House voted it a few weeks ago.

Now, Mr. Speaker, I move the previous question on the motion of the gentleman from Ohio.

The SPEAKER. The gentleman from Illinois moves the previous question on the motion of the gentleman from Ohio [Mr. BURTON], that the House do recede from its disagreement to Senate amendment 56, and concur in the same.

The previous question was ordered.

The question being taken on the motion of Mr. BURTON of Ohio, on a division there were—ayes 123, noes 130.

Mr. BURTON of Ohio. I demand tellers.

Mr. HULL, Mr. FOSS, Mr. BUTLER of Pennsylvania, and Mr. WATSON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 128, nays 113, answered "present" 14, not voting 125, as follows:

YEAS—128.

Adams	Fitzgerald	Littauer	Sherley
Adamson	Flood	Livingston	Sims
Andrus	Floyd	Lloyd	Slayden
Bankhead	French	McCall	Small
Bannon	Fulkerson	McCarthy	Smith, Cal.
Bartholdt	Fuller	McCreary, Pa.	Smith, Ill.
Beall, Tex.	Gardner, Mich.	McLain	Smith, Iowa
Birdsall	Garner	Macon	Smith, Tex.
Bonynge	Garrett	Marshall	Smyser
Brundidge	Gillespie	Minor	Southwick
Buckman	Gillett, Mass.	Mondell	Spight
Burgess	Goebel	Moore	Stafford
Burleson	Granger	Mouser	Stanley
Burnett	Hamilton	Norris	Steenerson
Burton, Ohio	Haugen	Otjen	Stevens, Minn.
Butler, Tenn.	Hay	Padgett	Sullivan, Mass.
Candler	Hedge	Patterson, S. C.	Tawney
Chaney	Heflin	Perkins	Taylor, Ala.
Clark, Fla.	Henry, Tex.	Pollard	Thomas, N. C.
Clark, Mo.	Hill, Miss.	Prince	Towne
Cockran	Hinshaw	Rainey	Townsend
Cooper, Wis.	Hoar	Ransdell, La.	Tyndall
Cromer	Holliday	Rhodes	Underwood
Crumpacker	Houston	Richardson, Ala.	Volstead
Davis, Minn.	Howard	Rixey	Wallace
Davis, W. Va.	Hunt	Robinson, Ark.	Watkins
De Armond	Johnson	Rodenberg	Webber
Dixon, Ind.	Keliher	Russell	Weems
Ellerbe	Kennedy, Nebr.	Ryan	Williams
Ellis	Kitchin, Wm. W.	Scott	Wilson
Esch	Lamar	Shartel	Woodyard
Finley	Lee	Sheppard	Zenor

NAYS—113.

Aiken	Denby	Kennedy, Ohio.	Payne
Alexander	Dickson, Ill.	Kline	Reeder
Allen, N. J.	Draper	Lacey	Richardson, Ky.
Barchfeld	Dunwell	Landis, Chas. B.	Rives
Bennet, N. Y.	Fassett	Landis, Frederick	Roberts
Bennett, Ky.	Fordney	Law	Samuel
Boutell	Foss	Lilley, Conn.	Schneebell
Bradley	Foster, Ind.	Lindsay	Sherman
Brick	Gaines, W. Va.	Loudenslager	Smith, Md.
Broussard	Gardner, Mass.	McCleary, Minn.	Smith, Samuel W.
Brownlow	Gardner, N. J.	McGavin	Smith, Pa.
Burton, Del.	Gilbert, Ind.	McKinney	Snapp
Butler, Pa.	Gill	McMorran	Sperry
Calder	Goldfogle	McNary	Sterling
Campbell, Kans.	Goulden	Mahon	Sulloway
Campbell, Ohio	Graff	Martin	Talbott
Capron	Graham	Maynard	Thomas, Ohio
Cassel	Grosvenor	Meyer	Tirrell
Chapman	Hale	Miller	Wachter
Cocks	Hayes	Moon, Pa.	Waldo
Cole	Henry, Conn.	Mudd	Wanger
Conner	Hepburn	Murdock	Watson
Cooper, Pa.	Hermann	Murphy	Weeks
Cousins	Higgins	Needham	Wiley, N. J.
Currier	Hubbard	Olcott	Young
Curtis	Hull	Olmsted	The Speaker
Dalzell	Humphrey, Wash.	Overstreet	
Darragh	Kahn	Parker	
Dawson	Keifer	Parsons	

ANSWERED "PRESENT"—14.

Dale	Gregg	Lever	Southard
Gilbert, Ky	Jenkins	Mann	Wiley, Ala.
Glass	Jones, Wash.	Moon, Tenn.	
Greene	Kitchin, Claude	Pou	

NOT VOTING—125.

Acheson	Dresser	Knapp	Reid
Allen, Me.	Driscoll	Knopf	Reynolds
Ames	Dwight	Knowland	Rhinock
Babcock	Edwards	Lafean	Robertson, La.
Bartlett	Field	Lamb	Rucker
Bates	Flack	Lawrence	Ruppert
Bede	Fletcher	Le Fevre	Scroggy
Beidler	Foster, Vt.	Legare	Shackleford
Bell, Ga.	Fowler	Lewis	Sibley
Bingham	Gaines, Tenn.	Lilley, Pa.	Slemp
Bishop	Garber	Little	Smith, Ky.
Blackburn	Gillett, Cal.	Littlefield	Smith, Wm. Alden
Bowers	Griggs	Longworth	Southall
Bowersock	Gronna	Lorimer	Sparkman
Bowie	Gudger	Loud	Stephens, Tex.
Brantley	Hardwick	Lovering	Sullivan, N. Y.
Broocks, Tex.	Haskins	McDermott	Sulzer
Brooks, Colo.	Hearst	McKinlay, Cal.	Taylor, Ohio
Brown	Hill, Conn.	McKinley, Ill.	Trimble
Burke, Pa.	Hitt	McLachlan	Van Duzer
Burke, S. Dak.	Hogg	Madden	Van Winkle
Burleigh	Hopkins	Michalek	Vreeland
Byrd	Howell, N. J.	Morrell	Wadsworth
Calderhead	Howell, Utah	Nevin	Webb
Clayton	Huff	Page	Weisse
Cushman	Hughes	Palmer	Welborn
Davey, La.	Humphreys, Miss.	Patterson, N. C.	Wharton
Davidson	James	Patterson, Tenn.	Wood, Mo.
Dawes	Jones, Va.	Pearre	Wood, N. J.
Deemer	Ketcham	Powers	
Dixon, Mont.	Kinkaid	Pujo	
Dovener	Klepper	Randell, Tex.	

So the motion to concur in the Senate amendment was agreed to.

The following pairs were announced:

For the session:

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. DALE with Mr. BOWIE.

Mr. SOUTHARD with Mr. HARDWICK.

Until further notice:

Mr. REYNOLDS with Mr. WEISSE.

Mr. MANN with Mr. BARTLETT.

Mr. EDWARDS with Mr. BROOCKS of Texas.

Mr. LAWRENCE with Mr. WEBB.

Mr. LONGWORTH with Mr. STEPHENS of Texas.

Mr. VREELAND with Mr. GREGG.

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. BISHOP with Mr. CLAYTON.

Mr. DAVIDSON with Mr. GRIGGS.

Mr. FOSTER of Vermont with Mr. POU.

Mr. DOVENER with Mr. SPARKMAN.

Mr. HITT with Mr. LEGARE.

Mr. LE FEVRE with Mr. CLAUDE KITCHIN.

Mr. WELBORN with Mr. GUDGER.

Mr. HASKINS with Mr. LEVER.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. MCKINLEY of Illinois with Mr. REID.

Mr. SLEMP with Mr. GLASS.

Mr. JONES of Washington with Mr. HUMPHREYS of Mississippi.

For this day:

Mr. LOVERING with Mr. WOOD of Missouri.

Mr. PALMER with Mr. SOUTHALL.

Mr. PEARRE with Mr. VAN DUZER.

Mr. MADDEN with Mr. TRIMBLE.

Mr. KNAPP with Mr. SULZER.

Mr. HOGG with Mr. SMITH of Kentucky.

Mr. BROOKS of Colorado with Mr. LEWIS.

Mr. BURKE of South Dakota with Mr. LITTLE.

Mr. CALDERHEAD with Mr. PUJO.

Mr. DAWES with Mr. RHINOCK.

Mr. BOWERSOCK with Mr. JAMES.

Mr. BEIDLER with Mr. HOPKINS.

Mr. BEDE with Mr. BRANTLEY.

Mr. WM. ALDEN SMITH with Mr. SHACKLEFORD.

Mr. KLEPPER with Mr. RUCKER.

Mr. GRONNA with Mr. GARBER.

Mr. ACHESON with Mr. BELL of Georgia.

Mr. BINGHAM with Mr. BYRD.

Mr. BROWN with Mr. FIELD.

Mr. KETCHAM with Mr. HEARST.

Mr. BURLEIGH with Mr. MCDERMOTT.

Mr. HUGHES with Mr. RANDELL of Texas.

Mr. BABCOCK with Mr. BOWERS.

Mr. KNOWLAND with Mr. ROBERTSON of Louisiana.

Mr. DEEMER with Mr. PATTERSON of Tennessee.

Mr. JENKINS with Mr. DAVEY of Louisiana.

Mr. SIBLEY with Mr. MOON of Tennessee.

Mr. HILL of Connecticut with Mr. WILEY of Alabama.

On this vote:

Mr. BURKE of Pennsylvania with Mr. PAGE.

Mr. LAFEAN with Mr. RUPPERT.

Mr. HUFF with Mr. JONES of Virginia.

Mr. HOWELL of New Jersey with Mr. LAMB.

The result of the vote was then announced as above recorded.

On motion of Mr. BURTON of Ohio, a motion to reconsider the vote was laid on the table.

The SPEAKER. Senate amendment No. 1 is not yet disposed of.

Mr. HULL. Mr. Speaker, I withdraw my demand on that amendment.

Mr. FOSS. Mr. Speaker, I hope the gentleman will amend this Senate amendment. There were two objections made to the conference report. One was to this amendment and the other was in regard to the solicitor. All the House did was to increase the salary of the solicitor, making it $4,000.

Mr. HULL. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The question was taken; and the motion was agreed to.

Mr. FOSS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FOSS. Have we disposed of all the Senate amendments upon which a separate vote was asked?

The SPEAKER. Yes.

Mr. FOSS. I ask that the House request a further conference.

The SPEAKER. The gentleman from Illinois moves that the House ask for a further conference.

The motion was agreed to.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I move that the conferees be instructed to resist any agreement to Senate

amendment No. 13, and I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That it is the sense of the House that the committee of conference do not yield in the disagreement of the House and Senate to Senate amendment 13, providing for an appropriation for Fort Royal station.

The SPEAKER. Does the gentleman from Pennsylvania desire to offer a resolution to test the sense of the House that the conferees ought not to yield in the disagreement of the House to the amendments?

Mr. BUTLER of Pennsylvania. That is the purpose of the resolution.

The SPEAKER. The Chair would suggest to the gentleman that he had better strike out the words "and Senate."

Mr. BUTLER of Pennsylvania. I ask unanimous consent to modify the amendment to the resolution to that extent.

The SPEAKER. The gentleman has a right to modify his resolution.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Does not this motion of the gentleman from Pennsylvania come too late—has not that matter been passed upon?

The SPEAKER. This is the exact time and the only time when it can come.

Mr. WILLIAMS. Should he not move first to reconsider the action?

The SPEAKER. No; this is in the nature of instructions to the conferees, and this is the time that it is in order to offer it.

There was no objection, and the Clerk again reported the resolution.

Mr. FOSS. Mr. Speaker, does the gentleman desire to say anything?

Mr. BUTLER of Pennsylvania. I do not. I simply move the adoption of the resolution.

Mr. FOSS. Mr. Speaker, I desire to say to the gentleman from Pennsylvania [Mr. BUTLER] that I do not think it is necessary to pass the resolution instructing the conferees of the House upon this question. A number of years ago we abandoned Port Royal and went to Charleston, where we are now engaged in building up a navy-yard. It was understood at that time that we would abandon and get out of Port Royal. The Senate has offered an amendment here appropriating a certain sum of money to open up Port Royal as a naval training station in the winter months. Mr. Speaker, I would say that the House conferees have stood resolutely against this provision, and, in my judgment, I do not think it is necessary for the gentleman from Pennsylvania to attempt to bind the House conferees, because I think they realize and appreciate the sentiment of this House on this amendment.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman what reason he has for not desiring the House to stand behind him, holding up his arms?

Mr. BUTLER of Pennsylvania. Mr. Speaker, it is not offered because I imagine for one minute that the gentleman will draw away or weaken from the position they have taken, but this is a strengthener, and I hope the gentleman will not object to its adoption.

Mr. FOSS. Oh, I shall not object to the adoption of it. I only desire to have the House understand that we do not regard it as necessary.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 160, noes 70.

So the resolution was agreed to.

Mr. HULL. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That it is the sense of the House that its conferees do not agree to Senate amendment No. 1.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

The SPEAKER announced the following conferees on the part of the House: Mr. FOSS, Mr. LOUDENSLAGER, and Mr. MEYER.

PURE-FOOD BILL.

The SPEAKER. Under the rule heretofore adopted, the House is in Committee of the Whole House on the state of the Union for the consideration of the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, and the gentleman from New Hampshire [Mr. CURRIER] will take the chair.

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HEPBURN. Mr. Chairman, under the special order it is provided that there be six hours of general debate, to be equally divided, I presume. I ask unanimous consent that the order of debate be under the control of the gentleman from Georgia [Mr. ADAMSON] and myself.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the time given to general debate may be equally divided, one-half to be controlled by himself and one-half by the gentleman from Georgia [Mr. ADAMSON]. Is there objection?

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6493. An act to authorize the city of Buffalo, N. Y. to construct a tunnel under Lake Erie and Niagara River, to erect and maintain an inlet pier therefrom, and to construct and maintain filter beds for the purpose of supplying the city of Buffalo with pure water.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 20266. An act to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906;

H. R. 19682. An act authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes; and

H. R. 20210. An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River.

A further message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which concurrence of the House of Representatives was requested:

S. 6191. An act to provide for the construction of a lock canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

PURE-FOOD BILL.

The committee resumed its session.

Mr. ADAMSON. Mr. Chairman, I desire to make a request for unanimous consent. The print of the minority report is exhausted. I do not know whether we want more prints or not. The gentleman from Georgia [Mr. BARTLETT], who is absent, drew the minority report, and I ask unanimous consent that it may be printed in the RECORD to-morrow morning, in order that Members may see it.

The CHAIRMAN. The gentlman from Georgia asks unanimous consent that the views of the minority may be printed in the RECORD to-morrow morning. Is there objection?

Mr. HEPBURN. Mr. Chairman, is it competent to do that in the committee?

The CHAIRMAN. The Chair thinks that strictly it should be ordered in the House.

Mr. ADAMSON. Mr. Chairman, then I shall withdraw the request and make it in the House.

Mr. HEPBURN. Mr. Chairman, I yield such time as he may desire to my colleague on the committee, the gentleman from Illinois [Mr. MANN]. [Applause.]

Mr. MANN. Mr. Chairman, I wish, first, to say that although there has been considerable criticism—at least outside of this Chamber—over the delay in the consideration of this bill in the House, that, as a matter of fact, since the bill was reported into the House and was first given a privileged position in the House no bill has been considered by the House except appropriation bills, bills under suspension of the rules, by unanimous consent, or bills on the Private Calendar, except the one bill which was then a continuing order—the bill in regard to naturalization; so that the delay in the consideration of this bill has been caused on account of the unwritten rule of all legislative bodies, I believe, that appropriation bills, when ready for

consideration, as a general thing, are disposed of ahead of all other legislative propositions. But during all this time, Mr. Chairman, I wish to say in justice to the House that I have been constantly assured by leaders of the House that the pure-food bill would have its day in court, would have its chance for consideration by the House before the final adjournment of Congress for this session.

COMPARISON OF SENATE BILL AND HOUSE SUBSTITUTE.

Mr. Chairman, Members of the House are interested to know not only what the pure-food bill does, but to know what the difference is between the propositions submitted by the Senate and the propositions submitted by the House committee.

The Senate passed a bill, No. 88, which came to the House, and the Committee on Interstate and Foreign Commerce have reported that bill to the House, striking out all after the enacting clause and inserting a substitute by way of amendment, and in order that the Members of the House may compare the two bills you will permit me to make a short statement in reference to the so-called "House bill," or rather between the House amendment and the Senate bill.

Section 1 of the Senate bill makes it unlawful to manufacture or offer for sale within any Territory, District, or insular possession of the United States adulterated or misbranded foods or drugs, or to ship from any State, etc., to any State, etc., such articles, under penalty of fine and imprisonment.

Section 2 of the Senate bill prohibits the introduction into any State, etc., from another State, etc., of adulterated or misbranded foods and drugs, and provides that any person who shall ship or deliver for shipment such goods from a State, etc., or export the same to a foreign country from a State, etc., to a State, etc., or export the same to a foreign country, or who shall knowingly receive such goods in a State, etc., shall be guilty of a misdemeanor, etc., and provides that violations of sections 1 and 2 by a corporation may be enforced against the officers of the corporation personally responsible for the violation.

Section 1 of the House amendment covers sections 1 and 2 of the Senate bill and provides that the introduction of adulterated or misbranded foods or drugs into any State or Territory, etc., from any other State or Territory, etc., or shipment or receipt of such goods to or from any foreign country is prohibited, and that any person who shall ship from one State or Territory to another State or Territory, or to a foreign country, or receive in one State from another, or who shall offer for sale in the District of Columbia or the Territories adulterated or misbranded foods or drugs, shall be guilty of a misdemeanor and be fined $200 for the first offense, and for a subsequent offense not exceeding $300 or one year's imprisonment, or both, containing a proviso, however, that a person shall not be liable to the penalty of imprisonment unless he knowingly committed the offense charged, and containing the further proviso especially intended for the preparation of certain articles for export, such as meats, that an article shall not be deemed misbranded or adulterated when exported and prepared according to the specifications of the foreign purchaser.

Section 2 of the House bill is almost identical with section 3 of the Senate bill, and provides that the Secretaries of Treasury, Agriculture, and Commerce and Labor shall make rules and regulations for carrying out the provisions of the act and for the collection and examination of specimens of foods and drugs which may be offered for sale in the District of Columbia or any Territory, or offered in unbroken packages in any State where not produced, or received from a foreign country or intended for shipment to a foreign country or submitted for examination by the health or food officers of any State.

Section 3 of the House bill is almost the same as section 4 of the Senate bill, and provides that the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry, or under its supervision, and if it shall appear from examination that any specimen is adulterated or misbranded, the Secretary of Agriculture shall cause notice to be given to the party from whom the sample was obtained, and such party shall be given an opportunity to be heard, and if it then appears that any of the provisions of the act have been violated, the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the analysis or examination, and after judgment of the court notice shall be given by publication.

Section 4 of the House bill is almost the same as section 5 of the Senate bill, and provides that it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of the act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of such violation to commence prosecution.

Section 5 of the House bill and sections 6, 7, and 8 of the Senate bill contain definitions. The Senate bill defines the term "drug," the term "food," and the term "liquor." The House bill includes all under the two terms "drug" and "food," and defines the term "drug" as including all medicines and preparations recognized in the pharmacopœia or national formulary for internal or external use, and also any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animal. The term "food" is defined as including all articles used for food, drink, confectionery, or condiment by human beings or domestic animal, whether simple, mixed, or compound.

Section 9 of the Senate bill defines what shall be considered as adulteration or misbranding of drugs, confectionery, foods, and liquors.

Section 6 of the House bill defines what shall be deemed adulterations under the act, and provides that a drug shall be deemed adulterated if when sold under the standard recognized in the pharmacopœia it differs from the standard as laid down therein, or if sold under any other professed standard or quality it differs from the professed standard.

Confectionery shall be deemed adulterated if it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health.

Food which includes both food and drink shall be deemed adulterated if any substance has been mixed with it so as to lower its quality or strength, or has been substituted wholly or in part for the article, or if any valuable constituent has been removed, wholly or in part, or if it be mixed, colored, powdered, coated, or stained in a manner to conceal damage or inferiority, or if it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health, or if it consists, in whole or in part, of filthy, decomposed, or putrid animal or vegetable substance, or is the product of a diseased animal.

This section contains a proviso that if food prepared for shipment is preserved by an external application which is necessarily removed in preparation for use, the condition of the food at the time when ready for consumption shall be the test under the act. This is the provision urged by the gentleman from Massachusetts [Mr. GARDNER] as necessary to prevent the destruction of the codfish industry. It may be considered somewhat doubtful whether the proviso has any practical value or effect either one way or the other, as it is doubtful whether any preservative can be used in such manner that it shall be necessarily removed in preparing the food for consumption.

The provision against adulteration of confectionery might properly be extended so as to prohibit the use of spirituous liquors or alcoholic compounds or narcotic drugs in confectionery in any shape.

Section 7 of the House bill relates to the subject of "misbranding," and is the section the provisions of which have given rise to the greatest controversy. It provides that the term "misbranded" shall apply to all drugs or articles of food, or articles which enter into the composition of food, which bear any statement, design, or device on the package or label regarding the ingredients or substances contained therein, or the article as a whole, which shall be false or misleading in any particular; and to any food or drug product falsely branded as to the State, Territory, or country in which it is manufactured or produced; that also a drug shall be deemed "misbranded" if it be an imitation of or offered for sale under the name of another article, or if the contents of the original package have been removed in whole or in part and other contents substituted, or if it fail to bear a statement on the label of the quantity or proportion of alcohol, or of opium, cocaine, or other poisonous substance contained therein.

It is proposed to offer an amendment to this provision, which in effect will provide that the quantity of alcohol or narcotic need not be stated upon a pharmacopœia remedy prepared in accordance with the pharmacopœia formulary, but that on other preparations of drugs the amount of alcohol and of opium, morphine, cocaine, heroin, alpha and beta eucaine, acetanilid, and chloral hydrate shall be stated, so that people may be informed who purchase prepared medicines whether they are taking habit-forming drugs or alcoholic compounds.

"Food" shall be considered as adulterated if it be an imitation of or offered for sale under the distinctive name of another article, or if labeled or branded so as to deceive the purchaser, or falsely purport to be a foreign product, or, if in package form the quantity of the contents of the package be not plainly and correctly stated in terms of weight and measure on the outside of the package.

An amendment will be offered to the package provision some-

what modifying the arbitrary provision, but still protecting the purchaser and the honest manufacturer from the fraud of those who wish to cheat and swindle by short weight or measure.

It ought also to be considered as misbranding of food if the contents of the original package shall have been removed in whole or in part and other contents placed in the package, or if the package fails to bear a statement on the label of the quantity or proportion of any of the narcotic drugs.

The section provides that an article of food not containing added poisonous or deleterious ingredients shall not be deemed adulterated or misbranded in case of mixtures or compounds known as articles of food under their own distinctive names and not imitations, if the name be accompanied on the label with a statement of the place where the article has been manufactured or produced, and also that food shall not be deemed adulterated or misbranded in case of articles labeled, branded, or tagged so as to plainly indicate they are compounds, imitations, or blends, provided that the term "blend" as used therein shall be construed to mean a mixture of like substances not excluding harmless coloring or flavoring ingredients.

Many of the provisions in the House bill and the Senate bill are very similar in reference to misbranding and adulterations, but there are various differences. The package provision in the House bill is not contained in the Senate bill in any form. The provision in the House bill requiring the amount of alcohol and of habit-forming drugs to be stated in medicinal preparations is not in the Senate bill at all. The Senate bill contains the provision in reference to liquors—that a liquor shall be deemed misbranded if it be blended or rectified, or consists of an admixture of different grades of the same liquor, or contains or is mixed with other substances, and the word "blended," "rectified," or "mixed," as the case may be, is not plainly stated on the package in which such liquor is offered for sale, or if the label or any written or printed statement accompanying the package in which the liquor is kept or sold contains any false statement as to the character of the contents of the package, or represents the liquor to be the product of any other country than that in which it was actually produced.

The provision in the House bill which covers the subject of liquor, as well as other articles of food and drink, is that an article shall not be deemed misbranded when labeled, branded, or tagged so as to plainly indicate that it is a compound, imitation, or blend, provided that the term "blend" as used therein shall be construed to mean a mixture of like substance, not excluding harmless coloring or flavoring ingredients.

Section 8 of the House bill is very similar to section 10 of the Senate bill, and provides that no dealer shall be convicted when able to prove a guaranty of conformity with the act, signed by the manufacturer or parties from whom he purchased, but the guarantor must be a resident of the United States. In such case the guarantor shall be amenable to the penalties provided for the dealer.

Section 9 of the House bill makes it the duty of the Secretary of Agriculture from time to time to fix standards of food products for the guidance of the officers charged with the administration of the food laws and for the information of the courts and to determine the wholesomeness of preservatives and other substances added to foods; and to aid him in reaching just decisions authorizes the Secretary to call upon the committee on food standards of the Association of Official Agricultural Chemists and the committee of standards of the Association of State Dairy and Food Departments, and such other experts as he may deem necessary; and further provides that any person interested in the question as to the wholesomeness of a preservative or other substance to be added to food may require the Secretary to appoint a board of disinterested experts of five members to consider, investigate, and report to the Secretary as to the wholesomeness of such articles. The provisions in section 9 of the House bill are not contained in the Senate bill.

Section 10 of the House bill is similar to section 11 of the Senate bill, and provides that any person dealing in foods or drugs covered by the act shall furnish, within business hours, at the ordinary price, a sample to the person duly authorized by the rules and regulations in sufficient quantiy for analysis.

Section 11 of the House bill and section 12 of the Senate bill are the same, and provide that any person refusing to sell a sample in compliance with the section of the act requiring it shall be fined or imprisoned. This section also contains the provision that any person guilty of manufacturing or selling adulterated or misbranded articles in violation of the act may, in addition to the penalties provided, be adjudged to pay the costs and expenses of inspection analysis.

Section 12 of the House bill provides that the act shall not be construed to interfere with commerce wholly internal in a State nor with the exercise of police powers by the States, but foods and drugs fully complying with its provisions shall not be interfered with by State authorities so long as they remain in original unbroken packages, except as otherwise provided by the United States statutes.

Section 13 of the House bill and of the Senate bill provides for seizing and confiscating adulterated or misbranded articles by process of libel for condemnation.

Section 14 of the act proposes to put in permanent statute the provisions which have been carried in the agricultural appropriation bill for several years, authorizing examinations to be made of imported articles of food and drugs and directing the Secretary of the Treasury to refuse entry and delivery when found to be adulterated or misbranded.

Mr. PADGETT rose.

The CHAIRMAN. Will the gentleman from Illinois [Mr. MANN] yield to the gentleman from Tennessee [Mr. PADGETT]?

Mr. MANN. I yield.

Mr. PADGETT. The gentleman was speaking a moment ago of mixed foods, and I wanted to ask a question for information. There is a class of flour that is called "mixed flour," in which a portion of corn meal is added to the wheat flour. Would that be prohibited, if it is known to be so, and was published? A great many mills in the country make that class of flour.

Mr. MANN. They make it under a special statute of the United States.

Mr. PADGETT. Would it be prohibited under this bill?

Mr. MANN. It would not be prohibited if they marked it correctly. It would be prohibited to be sold as wheat flour.

Mr. PADGETT. If it is correctly indicated in the sale, it would not be prohibited?

Mr. MANN. That is true. The term "misbranded" shall apply to all drugs or articles of food which have any false statement, design, or device on the package or the label regarding the ingredients, and to any food misbranded as to State, Territory, or country in which it is manufactured, and will apply if it be an imitation of or offered for sale under the name of another article, etc. There are various provisions in reference to misbranding. One of the provisions is in reference to the weight and measure of the contents of the packages, which has given rise to considerable controversy, and which I hope to explain more fully later on. A committee amendment will be offered to the provision of the bill which we think, while modifying the arbitrary provision of the House amendment, will still protect the purchasers and the honest manufacturer from the frauds of those who wish to cheat and defraud by short weight or measure.

PROVISIONS AS TO WHISKIES.

Another provision which has given rise to considerable controversy, at least out of the House, is the one which affects whisky. We found that there were two antagonistic interests involved in the whisky question. One was those who wished all whisky sold, as far as possible, to be the whisky as it came from the still after being aged; the other was the interest which wished to drive out of business, practically, the pot distilleries, and would require the whisky in the market to be made by so-called "rectification" or other processes, out of ethyl alcohol, pure alcohol with the addition of coloring or flavoring matter. The committee did not take a decided stand in favor of either of these interests against the other, but leaves each to stand upon its own foundation, upon its own merits, but requiring that the so-called "rectified" whiskies shall bear upon their label the statement that they are imitation, compounded, or blended, so that the purchaser may know when he buys that class of goods that he is not obtaining whisky as it came from the pot still, simply by aging in barrels or otherwise. We were asked on one side to adopt an amendment which would have put out of business the straight-whisky manufacturers; and we were asked on the other side to adopt an amendment which would have put out of business those who mix or blend the whisky. We did not recommend and have not recommended a proposition upon that point as either side requested, thinking it was not the duty of the committee to recommend to Congress legislation which would determine what people should either eat or drink, but rather to recommend legislation which would permit people to know what they are eating or drinking. [Applause.]

Mr. HENRY of Texas rose.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. I yield.

Mr. HENRY of Texas. In the bill you provide what shall be pure whisky, as I understand it.

Mr. MANN. The gentleman is mistaken.

Mr. HENRY of Texas. Well, what do you provide in reference to it, because I want to follow it up with another question?

Mr. MANN. I have not the time now.

Mr. HENRY of Texas. Let me ask you this question, then: If the whisky is put up in accordance with the provisions of this law, then does not section 12 of the act protect the whisky when it is shipped from one State to another, as long as it is in the original package?

Mr. MANN. Section 12 would protect it as long as it is in the original package, except for the fact that we have a law now upon the statute books regulating that particular question. Section 12 expressly provides against that proposition by excepting anything now covered by existing law from the operation of this act. So that we do not change the law as it now stands in reference to the shipment of whisky from one State to the other.

Mr. HENRY of Texas. No; but would not this section of this law be in direct conflict with what is known as the Hepburn-Dolliver bill, which we passed a year or two ago by almost a unanimous vote in this House?

Mr. MANN. It would, possibly, if section 12 did not contain this provision which the gentleman might examine——

Mr. HENRY of Texas. I have read it.

Mr. MANN (reading): "Except as may be otherwise defined by law or provided by statutes of the United States."

And as there is a statute otherwise providing in reference to whisky, that clause of the bill does not relate to the shipment of whisky from State to State, but is thus expressly excepted from doing so.

PROVISIONS AS TO PRESERVATIVES.

Section 9 of the House bill is a new provision in the bill, so far as the Senate bill is concerned in one respect, although it has been frequently covered in somewhat the same line of thought in other bills. It provides:

That it shall be the duty of the Secretary of Agriculture to fix standards of food products for the guidance of officials.

It being evident that there must be some standard fixed for the guidance of officials in order that the same basis should obtain in all parts of the country.

But one of the great questions of the age in reference to food is the use of preservatives. There is a broad contention, on the one hand, that preservatives used in some amounts are not in any way injurious or deleterious to health. On the other hand, there is a contention that any quantity of salicylic acid or boracic acid or benzoic acid and other acids used as preservatives become at once a burden upon the system, which must cast them off, and that hence, any quantity used, no matter how small, is to the extent to which it is used an injury to health.

Your committee did not think that we knew so much, as yet, that we could determine that question; and we provided in the bill, not that the decision as to it should be left to one person, but that the Secretary of Agriculture, for the purpose of aiding him in reaching a determination, at the request of any person interested to know whether the preservative if used was wholesome, should be required to call to his aid five experts, naming them, of different classes, who would be most likely to know from observation, experience, and experiment whether or not the use of the preservative is injurious to the health of the consumer.

We also provide in this section that in fixing the different standards of food the Secretary of Agriculture may call to his assistance the Association of Official Agricultural Chemists, and then, in addition to that board, shall call in the aid of the Association of State Dairy and Food Departments. The purpose of the bill, in our judgment, is largely to obtain uniformity in food laws throughout the United States.

In preparing and presenting the bill to this House we have had in mind not only the desire to control the shipment of food from one State to another which may violate the theory of the bill, but to prepare a bill which might be adopted by the respective States—adopted by both New York and Texas—so that the manufacturers of the country might know that the law was the same. We believe that if we have a food law which shall prove satisfactory that the States themselves will desire to adopt the same provisions, so that we may have in our complex form of State and national governments similar laws, both national and State, throughout the country. And believing that it was desirable, in order to reach this end, in fixing the standards of food, we require that these State health officers and food officers should be consulted, because after they have helped to fix the standards of food their States are much more likely to adopt and accept those standards.

PROVISIONS AS TO NARCOTICS.

Now, Mr. Chairman, there is another provision in the bill. When the bill came to the House from the Senate it contained no provision in reference to narcotics. We inserted in the bill a provision, as presented to the House, in reference to medicines, which of course includes what are called "proprietary" or "patent" medicines; that they shall be deemed misbranded if they fail to bear a statement on the label of the proportion or quantity of alcohol, cocaine, or other poisonous substance there is contained in the package. The committee have an amendment to that proposition to submit to the House. In the House bill we would have required a statement of the alcohol, for instance, in Pharmacopœial remedies which are definite in the Pharmacopœia as to their contents. It would be useless to require a statement of the alcohol or other medicines in those Pharmacopœial remedies, because they are accessible, and everyone can know exactly what they contain if they comply with the Pharmacopœia as required by the bill.

Then we thought that it would not be fair to require this statement, "or other poisonous substance which may be contained therein," after we had given the matter full reflection, both because no one knows what would be the definition of "or other poisonous substance," and also because there are various poisonous substances, in no way habit-forming drugs, the disclosure of which might require the person manufacturing them to disclose their full formula without any benefit to the public. We propose to offer an amendment, setting forth the names of the articles, so that we will provide that as to all of these medicines there shall be stated the quantity or proportion of morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein; and I have collected, both through my own efforts and through the efforts of the committee, and I may say partly through the efforts of Mr. Samuel Hopkins Adams, of Collier's Weekly, a large number of instances, some of which I ask to put into the RECORD, showing where deaths have occurred by reason of these products being placed in soothing sirups and in other medicines offered for sale under various descriptions without anything to indicate the contents. There are medicines now upon the market, advertised in the strongest language which can be found, for the cure of the opium habit, which medicines themselves contain opium enough to give one the opium habit.

Mr. CRUMPACKER. Will the gentleman allow a question, Mr. Chairman?

Mr. MANN. I always yield to the gentleman.

Mr. CRUMPACKER. I have just received a telegram from a gentleman in Lafayette, Ind., insisting that the provisions the gentleman is discussing ought to go out of the bill, because he says it would be advertising these nostrums as containing opium, morphine, and other drugs of this character, which would tend largely to increase their consumption; in other words, that it would be an advertisement of drugs that people with morbid tastes are seeking. I should like to have the gentleman's opinion upon that proposition.

Mr. MANN. Mr. Chairman, of course there can be much said upon either side of that question. There is no doubt whatever that it will advertise the fact that the articles contain opium or morphine. Doubtless the gentleman who sent the telegram is in some way interested in the sale of the articles. We have had a number of suggestions of that kind made, coming generally, though not always, from people who wish to sell the articles, and who, if they believed it would increase the sale of the articles, would be the first ones who would want the advertisement on the label. We can not undertake to prevent the man who is an opium fiend from obtaining opium, but we can undertake to prevent the man who never wishes to take opium from taking it without knowing that he is taking it. [Applause.]

Mr. CRUMPACKER. Will the gentleman yield for just a suggestion?

Mr. MANN. Oh, certainly.

Mr. CRUMPACKER. My purpose in asking the question was to get the gentleman's opinion upon that proposition.

Mr. MANN. I understand.

Mr. CRUMPACKER. I believe with the gentleman that the advertisement of such drugs probably will not increase their use, except among those already addicted to the habit; that it will not make any new opium or morphine drunkards, and will, perhaps, guard innocent people against a danger that they ought to be protected against.

Mr. MANN. Mr. Chairman, upon that very point, the Proprietary Medicine Association is a powerful organization, be-

cause it is the greatest advertiser that there is in the papers of the country. Some of the officials of the Proprietary Medicine Association are endeavoring and have been endeavoring for some time past in every way possible to prevent this provision going into the pure-food bill. We have been urged from every part of the country to support the bill as it came from the Senate. I read in the New York Tribune this morning a ferocious editorial against this provision of the bill, because it was not strong enough to satisfy the editor, and urging that we take the bill as it came from the Senate, although the Senate bill does not contain a word or a line upon the subject. [Applause.] Doubtless the New York Tribune was imposed upon, as other newspapers have been imposed upon. The physicians of my city sent me a petition requesting me to support the Senate bill, because that prohibited the use of opium and morphine, and urging me to have the House bill changed, because that permitted the use of opium and morphine.

Mr. Chairman, in the mail this morning I received, and I suppose other Members of the House received, a letter from Charles A. L. Reed, chairman of the committee on legislation of the American Medical Association, an association of the highest character and a gentleman of the best possible character, requesting us to support the Heyburn pure-food and drug bill. That is the Senate bill. Just why that letter happened to fall in here at this time I do not know. I do not believe it was inspired by improper motives on the part of the gentleman, although it refers to a resolution adopted in this city last January about the Heyburn bill then under discussion in the Senate, and in the same breath praised the Hepburn bill then awaiting consideration in the committee; still urging the Senate bill.

Here is a petition from the pharmacists protesting against the restriction which it was supposed the committee would allow of 2 per cent, or two grains, of opium to the ounce without putting it on the label. They say:

> We believe that the clause in the bill as it came from the Senate, providing for labeling certain medicines, is desirable.

And yet there is no such clause in the Senate bill; there is no such provision in the Senate bill. The only provision upon the subject is in the House bill reported by the committee to the House.

At the same time we have received petitions, and here is one from the physicians:

> While heartily favoring the pure-food bill as it came from the Senate, we respectfully protest against two amendments that we understand will be proposed in the House.

And they say that they understand there will be an amendment in the House allowing the habit-forming drugs to be sent forth without stating the quantity, and they do not wish that; but they wish the Senate bill, which does not contain a word on the subject.

Now, I give great credit to the Proprietary Association of America. Not daring to fight this bill in the open, not daring to say that they were afraid to state the quantity of narcotics in their drugs, they have falsified in some way about this bill and endeavored to give the country the impression that it was the Senate bill which provided for labeling the narcotics in drugs and that it was the House bill that proposed to strike it out, when, as a matter of fact, the Senate bill has nothing upon the subject, and it was the House committee that put it in. It might not be convenient for the Proprietary Association to oppose the proposition openly, because they passed a resolution favoring the strictest of legislation upon the subject of the use of narcotics, which resolution I ask to put in the RECORD:

Resolutions unanimously adopted by the Proprietary Association December 5, 1905.

Resolved, That this association thoroughly disapproves of any effort on the part of any persons or firms, members of this association or not, to market as medicines any articles which are intended to be used as alcoholic beverages, or in which the medication is insufficient to bring the preparation properly within the category of legitimate medicines.

Resolved, That the legislative committee be, and hereby is, instructed to earnestly advocate legislation which shall prevent the use of alcohol in proprietary medicines for internal use in excess of the amount necessary as a solvent and preservative.

Resolved, That the legislative committee be also instructed to continue its efforts in behalf of legislation for the strictest regulation of the sale of cocaine and other narcotics and poisons, or medicinal preparations containing the same.

Resolved, That this association urges upon its members the most careful scrutiny of the character of their advertising and of claims for the efficacy of their various prescriptions, avoiding all overstatements.

Now, Mr. Chairman, I have already occupied more time on this subject than I desired to. Just a word on the subject of adulteration. Most foods are not adulterated, let me say. In our investigation, which has been quite extensive, we find that the great mass of the foods are not adulterated. In the greater number of the classes of food they are not adulterated. The greater proportion of the classes of food are not adulterated, and there has been since the pure-food agitation commenced a few years ago, and State legislatures passed acts upon this subject, a marked reduction in the quantity and number of adulterations in different classes of foods; and yet everywhere the honest manufacturer, the honest dealer, is met with competition more or less keen and dangerous by the use of adulterated or short-weighted goods.

The adulterations take a wide range. For instance, I give you a partial list of adulterations, as follows:

Food.	Color.	Adulterant.	Preservative.
Milk.	Annatto.	Water.	Formaldehyde.
	Azo colors.	Skimming.	
	Caramel.		Boric acid, borax.
			Sodium bicarbonate.
Condensed milk.		Made from skimmed milk.	
Condensed cream.			
Cream.			Same as milk.
			Also gelatin.
			Sucrate of lime.
Cheese.		Oleomargarine or lard.	Substitute for fat.
Meats.			Boric acid.
			Borax.
			Sulphurous acid.
			Salicylic acid.
Meat extracts.			
Sausages.	Red ochre.		
	Coal tar dyes.	Cracker or bread crumbs.	Borax.
			Saltpeter to preserve color.
	Cochineal.	Horse flesh.	Borax.
Fish.			Boric acid.
Oysters.			
Baking powder.	Mislabeling of.	Calcium acid phosphate.	
	Phosphate powders.	An alum.	
	Alum powders.	Tartaric acid.	
	Tartaric powders.	Bitartarate of potassium.	
		Calcium sulphate.	
Noodles.	Adulterant.		Potassium fluoride.
	Turmeric.		
Tea.	Coal tar dyes.	Steeped leaves.	
	Prussian blue.	Foreign leaves.	
	Indigo.	Soapstone.	
	Plumbago.	Gypsum.	
	Turmeric.	Catechu.	
		Substitute of.	
Coffee (whole).		cheaper brands.	
	Scheele's green		
	Iron oxide.		
	Yellow ochre.		
	Chrome yellow.		
	Burnt umbre.		
	Venetian red.		
	Turmeric.		
	Prussian blue.		
	Indigo.		
Coffee (ground).		Roasted peas, beans, wheat, rye, oats, chickory, brown bread, pilot bread, charcoal, red slate, bark, date stones.	
Cocoa.	Iron oxide.	Starch.	
		Cocoa shells.	
		Sugar when above 60 per cent.	
		English walnut shells.	
		Brazil nut shells.	
		Almond shells.	
		Cocoanut shells.	
		Date stones.	
		Spruce sawdust.	
		Oak sawdust.	
		Linseed meal.	
		Cocoa shells.	
		Red sandalwood.	
		Ground olive stones.	
Caraway seed.		Exhausted seed.	
Allspice.		Peas, pea hulls.	
		Exhausted ginger, cayenne.	
		Olive stones, clove stems, turmeric.	
Cinnamon.		Cereal starches and bark.	
		Pea hulls, nut shells, pepper.	
		Ginger, olive stones, mustard.	
		Sawdust.	
Pepper.		Olive stones, turmeric; pepper, shells.	
		Buckwheat middlings, nut shells.	
		Cayenne; charcoal, rice, sand.	
		Sawdust, turmeric.	

Food.	Color.	Adulterant.	Preservative.
Cayenne.	Coal-tar dyes.	Starches, pilot bread, crackers.	
		Ginger, nutshells, rice, gypsum.	
		Buckwheat, turmeric, mustard hulls.	
		Ground redwood, red ochre.	
Ginger.		Exhausted ginger, turmeric, wheat.	
		Corn, rice, sawdust.	
Mustard.		Potato starch, cayenne, corn.	
		Terra alba.	
Olive oil.		Cottons-eed oil, peanut oil.	
		Sunflower oil.	
		Corn oil.	
		Mustard oil.	
		Poppy seed oil.	
		Rape oil.	
		Sesame oil.	
		Cocoanut oil.	
Butter.	Carrot juice.	Oleomargarine.	
		Renovated butter.	
			Borax.
			Boric acid.
			Formaldehyde.
			Salicylic acid.
			Sulphurous acid.
Oleomargarine.		Paraffin and inferior fats.	
Lard.		Cotton-seed oil, beef stearin.	
		Peanut oil, corn oil.	
		Cocoanut oil, water.	
Molasses.	Tin salts.	Glucose which sometimes contains arsenic.	
Sirups.			
Honey.		Cane sugar and commercial glucose, gelatin.	
Candy.	Coal tar dyes.	Paraffin, terra alba, talc, iron ozides.	
Cider.	Caramel.	Water, sugar, sodium carbonate.	
			Salicylic acid.
			Sulphurous acid.
			Beta-napthol.
er.		Sodium carbonate.	Fluorides.
			Salicylic acid.
			Benzoin acid.
			Sulphites.
Vinegar.	Caramel.	Water, mineral acids, Artificial vinegar,	
		Accidental adulteration.	
		Copper, lead, zinc, and arsenic.	
Ketchups.	Coal-tar dyes.		Saccharin.
			Borax, boric acid; salicylic acid.
Pickles.	Copper salts.	Free sulphuric acid.	Saccharin.
		Alum.	
Horseradish (bottled).		Turnip.	
Jellies and jams.	Coal-tar dyes.	Glucose for cane sugar.	
		Sulphuric acid, alum.	
		Citric acid, tartaric acid.	
		Starch, gelatin.	
		Agar-agar.	
		Often made from refuse pulp.	
		Artificial flavors.	
		Apple pulp.	
Vanilla extract.	Caramel.	Coumarin and vanillin substituted for vanilla.	
		Bay rum.	
		Prune juice.	
Essences.		Artificial essences of.	
			Pineapple.
			Melon.
			Strawberry.
			Raspberry.
			Gooseberry.
			Grape.
			Apple.
			Orange.
			Pear.
			Lemon.
			Black cherry.
			Cherry.
			Plum.
			Apricot.
			Peach.
			Currant.

Mr. STANLEY. Will the gentleman allow me an interruption?

Mr. MANN. Certainly.

Mr. STANLEY. The gentleman speaks of the adulteration of olive oil with cotton-seed oil and the adulteration of lard with cotton-seed oil. Does the gentleman regard these adulterants as unhealthy?

Mr. MANN. Not in the slightest degree in the world, and there is no objection, I may say to the gentleman, to cotton-seed oil as a salad oil. It is fully as good, in the opinion of many people, but it costs much less than does olive oil, and the use of the cotton-seed oil would probably be increased several hundredfold if the people all understood that that was what they had been using. They might do it more freely if they could buy it for a much less price than they are now paying. [Applause.]

Mr. STANLEY. Mr. Speaker, I agree entirely with the gentleman, and, as I understand him, the bill prevents the mixture of cotton-seed oil with genuine olive oil without so stating. Now, does not this bill allow the blending of prune juice and such stuff as that with pure whisky without so stating?

Mr. MANN. It does not.

Mr. STANLEY. Does it not allow the blending of high wines with inferior grades of whisky without so stating?

Mr. MANN. It does not. I do not care to discuss with the gentleman the whisky amendment. There will be time enough in the House for that.

Mr. STANLEY. Very well.

Mr. MANN. The bill provides that any of those substances shall be marked "blended," "compounded," or "imitation." You can not sell under the bill cotton-seed oil for olive oil, and you can not sell colored ethyl alcohol for straight whisky, or vice versa, if the bill becomes a law.

Mr. HINSHAW. Is the label required to state simply that it is blended or mixed, or is it required to state the ingredients exactly and the proportion of each ingredient?

Mr. MANN. The bill does not require the quantity of the ingredients to be stated in blended materials unless, as we propose, in the case of narcotic drugs, but it forbids the introduction into any food of articles which are deleterious or injurious to health or which conceal the bad quality of the article. It does not purport to say that if a man makes a breakfast food partly out of corn and partly out of wheat he shall state the proportions of wheat and corn. That, of course, as gentlemen will readily see, would be absurd.

Mr. STANLEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Yes; for a question.

Mr. STANLEY. Just for a question. I am listening to the gentleman with profound interest, and the reason I desire to ask the gentleman this question is on account of reading what I find in lines 20 to 24, on page 21 of the bill. I read:

> In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends: *Provided*, That the term "blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients.

Mr. MANN. The gentleman fails, after reading the first part of the paragraph, I am afraid, to appreciate its importance. "In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends."

Mr. STANLEY. That must be on the bottle?

Mr. MANN. That must be on the package. As to what is the particular blend, as to whether you can put coloring or flavoring matter in the blend, is another question; but everyone is put on notice that the article is blended; that it is not an original article, because the package must contain the word "compound," "imitation," or "blend," and no one who desires to get the straight article, as my friend, I am sure, does wish to do—no one who desires the straight goods need be deceived, so far as interstate commerce is concerned.

Mr. RICHARDSON of Alabama. Mr. Chairman, I would like to have the liberty of suggesting to my colleague that what he has read there does not permit, even though flavoring and coloring is allowed, an imitation unless it is marked "imitation."

Mr. MANN. No; it does not permit imitation unless it is marked "imitation," and it does not permit stating the age of the article unless it is really true of that article.

Mr. POLLARD. I would like to ask the gentleman a question on this section the gentleman from Kentucky [Mr. STANLEY] called attention to. On the top of line 21, page 3, referring to subdivision third:

> If in package form, the quantity of the contents of the package be not plainly and correctly stated, in terms of weight or measure, on the outside of the package.

Mr. MANN. If the gentleman will pardon me, I will state that I will take that matter up a little later. I expect to discuss that question.

Speaking of the liquor proposition, I have here, for instance, a letter from one of the leading extract works of the United

States—I hate to give them any advertisement—dated April 23, 1906, since the pure-food bill passed the Senate and since it was made an order in the House, telling how to make all kinds of liquors without any original liquor in them at all. It reads:

APRIL 23, 1906.

DEAR SIR: We beg to announce the opening of our extract department for the manufacture of liquors. We were fortunate in securing the services of a first-class chemist, connected for a long time with the leading extract houses in Germany and France.

We are bringing an entirely new line on the market that will enable every liquor dealer to produce liquors as good as the imported for a fraction of the cost.

We beg of you not to compare our extracts with essences handled by domestic essence and oil houses, as our extracts are made by distillation from the raw material, and will produce goods as good as can be produced by distillation only. All our extracts are nonclouding, and goods made with same will, even at low proof, remain clear.

Our extracts contain coloring matter, which is an entirely new feature in this country. Every bottle of extract contains sufficient harmless color to give the produced liquor the required color. For instance, to make 50 gallons crême de menthe, 55 per cent strong, take 27½ gallons proof spirits, 1 pound of crême de menthe extract, 15 gallons sugar sirup, and 7½ gallons water, and the 50 gallons crême de menthe are ready, equal to any imported, colored green, clear, and ready for bottling.

Every other liquor made with our extracts is made in the same simple manner.

There is another good feature about our extracts. The dealer saves considerable by making these liquors himself. For instance, if you want to buy a barrel of good-quality crême de rose, or rose cordial, you will have to pay at least $1.50 per gallon. Now, by making it yourself with our extract, see what it will cost you, 55 per cent strong, to 50 gallons:

27½ gallons proof spirits, at $1.30	$35.75
15 gallons sirup, at $0.50	7.50
7½ gallons water.	
1 pound crême de rose extract	3.25
Total	46.50

One gallon costs $0.93, and the saving on this barrel crême de rose amounts to about $30. The same is true as to the cheaper grades.

We beg also to call your attention to another of our specialties, our different kinds of gin extracts. We have a few only on our list, but can make any desired flavor to equal any imported brand. Our "sweetened Old Tom gin" extract, something entirely new, will save the manufacturer 12 per cent spirit. Gin made with this extract does not need any sirup. With gin essence, which you have been using to make a sweetened gin, you had to make your gin 92 per cent strong and add 1½ gallons sirup to the barrel to get the desired sweetness, and the sirup will reduce the apparent proof to 80 per cent. With our "sweetened Old Tom gin" extract you can make your barrel 80 per cent actual proof, and the gin will have the desired sweetness and still show 80 per cent.

There is no extract that we are not able to make, but there are many we have not on our list. For instance, for Boonekamp and Angostura bitters it requires, besides the extract sold by us, another extract made from herbs and roots by the liquor dealer himself, and for which we gladly will give recipe.

We are competent to give advice on any question concerning liquors and whiskies and will gladly serve our customers.

We do not sell retailers. One pound of extract is needed for 50 gallons liquor, and we will mail recipe with every pound extract.

We are convinced that a trial with our extracts will make you a steady customer. Hoping to be favored with your kind order, we beg to remain,

Very truly, yours, ——— ———.

EXTRACTS.

	Cost per pound.
Apricot brandy	$2.50
Apricotine. Extract contains the red color	2.50
Absinth (white). Good imitation of imported	3.00
Absinth (yellow). Extract contains the color	3.00
Allasch kuemmel	2.00
Alpenkrauter. Extract contains the green color	2.50
Anisette (French). Stays clear in 50 per cent spirits	2.00
Anisette (Italian). Good strong taste	2.25
Anisonia. Turns milky when diluted with water	2.50
Aquavitæ. Danish type	2.00
Aromatique	2.50
Bendictine. Extract contains the color and will make the best benedictine produced in America	3.25
Berliner getreide kuemmel. Will give product as good as glika	1.75
Blackberry brandy. Contains the red color	1.50
Blackberry cordial. Contains the red color	1.50
Brandy, California type	2.00
Calamus cordial, German type	2.50
Celery cordial. Contains the green colors. Very strong taste	3.00
Chartreuse (yellow). Best imitation of imported in market. Contains the color	3.50
Chartreuse (green). Best imitation of imported in market. Contains the color	3.50
Cherry brandy. Red color	1.50
Cocktails, Manhattan	3.00
Cocktails, Martini	3.00
Cocktails, gin	2.50
Cocktails, vermouth. Will send several different recipes with extracts	2.25
Cognac, French type, very good	2.50
Creme de menthe. Extract contains the green color. Product will be equal to the best imported	2.50
Creme de violette. Contains the violet color	2.75
Creme de rose. Contains the red color	3.25
Creme de vanille. Produced from Mexican vanilla beans	3.75
Creme de citron. Contains the yellow color	3.25
Curacao. Holland and French type	2.50
Goldwasser. (German cordial) containing sufficiency of pure gold	4.00
Gin (dry). Made to equal any standard brand	1.50
Gin (Plymouth type). Made to equal any standard brand	1.50
Gin (Old Tom). Made to equal any standard brand	1.50
Gin (Old Tom, sweet). Contains the sweetness and will not reduce proof	$1.75
Ginger brandy. Contains the strong, spicy taste	1.50
Jamaica rum	2.25
Karlsbader bitters	2.50
Kuemmel. Contains the sweetness; specially adapted for cheaper grades	2.00
Maraschino di Zara. Difference from best imported can not be told	2.25
Malakoff	3.00
Nordhauser korn	2.00
Orange bitters. Good as any imported	2.75
Parfait d'amour. Containing red color	4.00
Peppermint essenz. Extra strong taste	3.75
Peppermint punsch. Contains the green color	2.50
Pepsin bitters	3.00
Punsch, rum	2.50
Punsch, arac	2.50
Punsch, militair	2.50
Punsch, swensk	2.50
Raspberry cordial. Contains the red color	1.75
Rostopschin	3.00
Rosollo. Product strong in taste, contains red color	3.25
Stomach bitters	2.50
Vermouth di Torino	2.25

All colors are harmless and according to United States law.

Recipes furnished with every pound extracts purchased. Failure impossible.

All our extracts will produce nonclouding liquors, and same will be clear enough for bottling.

Any desired extract not on list can be made on short notice.

For instance, have Bonnekamp and Angostura bitters—

Who would have supposed there was an extract for the manufacture of Bonnekamp or Angostura bitters?

We are competent to give advice on any question concerning liquors or whiskies.

Here is offered a commercial brand of spirits, made of ethyl alcohol, with no whisky in it, with no genuine liquor in it. These are not the only ones engaged in the offering of adulterated articles. Now, I yield to my friend from Georgia.

Mr. ADAMSON. I sought to interrupt the gentleman from Illinois when he had finished talking on the question asked him as to the second exception on page 21. I wish to ask if the gentleman intended to say that anything was expected to be labeled or branded as blended except to say it was a blend?

Mr. MANN. That is all. It is only required to state that they are blended.

Mr. ADAMSON. You do not give any details.

Mr. MANN. No details; and I will say to the gentleman from Georgia that the provision is not confined at all to whisky. The same provision applies to food products, a proper provision in reference to adulteration.

Mr. GILBERT of Kentucky. May I ask the gentleman a question?

Mr. MANN. Certainly.

Mr. GILBERT of Kentucky. From the reading of this bill—not carefully having read it—it seems to me that a man can not tell whether he is violating the law or not by reading the bill, and should have to wait until some rule or regulation has been established by the Department fixing the ingredients and component parts, so that a citizen may know when he is violating the law or not.

Mr. MANN. I will say to my friend that the man who wants to get near the dividing line may have to wait for a ruling of the Department when the question arises as to whether an article is deleterious to health or not, and it may require not only a ruling of the Department, but a ruling of the courts before it can be ascertained. But the man who wants to sell good, pure food or drink to the people of the United States can do it without fear of trouble under this bill. [Applause.]

Mr. GILBERT of Kentucky. It is a very nice and very proper sentiment, but——

Mr. MANN. That is the fact.

Mr. GILBERT of Kentucky. Of course it is, but the legislation is aimed at the man who does not want to sell sound and wholesome foods and drinks. When we come to prosecute that man we prosecute him for the violation of a rule issued by the Department, rather than prosecute him for a violation of the terms of this bill, and that being true, is there any trouble in the enforcement of the law on that line?

Mr. MANN. I do not think there is any trouble in the enforcement of the law on that line. The same matter of legislation is being enforced in the various States all over the United States. And, permit me to say to my friend from Kentucky, that the man who violates the law does not merely violate a rule, he violates an act of Congress, which defines what are adulterations and what are misbrandings, and the rule, like the fixing of the rate on a railroad, is simply carrying out a mandate of Congress, the law of Congress.

Mr. GILBERT of Kentucky. We had a decision of the supreme court of my State making it the duty of the Pure

Food Commissioner to denounce bologna sausage that had an amount of boric acid in it that was deleterious to public health. The inspector comes around and he denounces this sausage as containing a dangerous and deleterious substance. Well, the next inspector comes around and decides that same bologna sausage does not contain a sufficient amount of poisonous substance, consequently our court of last resort held that the law was too vague and indefinite and consequently could not be enforced, and I am seeking light along that line.

Mr. MANN. You have a very good pure-food law in your State and it is being well enforced, I may say. Now, let me proceed, if the gentleman will permit me——

Mr. COOPER of Pennsylvania. I would like to ask the gentleman a question.

Mr. MANN. I yield to the gentleman.

Mr. COOPER of Pennsylvania. If I understood him correctly, his interpretation of this bill is that it does not prohibit the sale of anything that is not deleterious to health providing it is properly branded.

Mr. MANN. In general terms that is true.

Mr. COOPER of Pennsylvania. Well, now, take the case of oleomargarine. There are laws in most of the States, as there are in my State—Pennsylvania—that prohibit the sale or offering for sale of oleomargarine that is colored so as to look like butter or to imitate pure butter.

Now, suppose that oleomargarine is colored or mixed with something merely to give it color or effect, which is not deleterious to health or is not impure; what is the effect of this bill upon the law of our State on that question?

Mr. MANN. This bill, I may say to my friend, would prohibit the coloring of oleomargarine unless it is marked "colored." It would not prohibit the shipment of colored oleomargarine marked "colored" into your State.

Mr. COOPER of Pennsylvania. Then the effect of that would be, so far as articles in interstate commerce are concerned, to nullify the laws of Pennsylvania on that subject?

Mr. MANN. Not at all. Having it in the State, it could not be sold in the State except under the laws of the State of Pennsylvania.

On the subject of adulterations I have another letter here—and I do not propose to weary you very much with many of these letters, although I have quite a collection of them. Here is one dated "Middletown, N. Y., April 2, 1906." I forget whose district that is in. It says:

> Why not save money by making black pepper P. D.?
>
> "P. D." is "pepper deteriorator."
>
> We are sending by this mail under separate cover a sample of our No. 3 filler for your inspection. This is the material that is the dark particles in our No. 5 pepper P. D. This, mixed with equal quantities of bolted corn meal and the harmless coloring matter that we will tell you to use, will make the very best black pepper P. D. that you have ever bought. This is the way that our No. 5 is made, a sample of which is also sent in same package.

Here is a sample of it [illustrating by pouring out contents of package].

A MEMBER. Will it make you sneeze?

Mr. MANN. It will not make anyone sneeze. I will say to my friend that it is made out of ground olive nuts.

The letter further says:

> In making your own P. D. you save one-half of the freight charges, as you can procure corn meal in your city as cheap, if not cheaper, than we can. * * * We quote the No. 3 filler at $20 per ton in 5-ton lots.

[Laughter.]

Who would have supposed that black pepper adulteration was so extensive that men could afford to quote the "deteriorator" in 5-ton lots? The letter further says:

> Inclosed in the same package you will find a sample of our No. 2 filler that we quote in 5-ton lots. * * * We will give you the different formulas for making an exact match for either cinnamon, cloves, or allspice out of the No. 2 filler at a very small additional cost to the price of the filler. * * * A great many spice houses use our No. 2 filler as a P. D. for cinnamon, cloves, and allspice without mixing anything else with it.

Then we find upon examination that a very large quantity of the spices and peppers of the country are adulterated, not only the ground pepper, but I have a sample on the desk here of the pepper berries made out of tapioca colored with lampblack.

Mr. Chairman, you will notice a great many advertisements in the daily and other papers to-day which read something like this:

> Mocha and Java coffee, 22 cents a pound; value, 30 cents. We have always sold this coffee at 30 cents a pound. It is composed of Old Government Java and Arabian Mocha. We are taking a loss on it because we want to introduce it into more homes. We depend on its superiority to hold its place in your esteem.

Twenty-five per cent or more of the coffee sold in the United States is sold as Mocha and Java coffee. There were more than 1,000,000,000 pounds of coffee imported into the United States last year, and of that less than 2,000,000 pounds was Mocha and only 10,000,000 pounds was Java, less than 13,000,000 pounds of the two out of more than a thousand millions. But that 13,000,000 pounds of Mocha and Java have beaten all records and have amplified themselves more than anything else ever did in the world, because out of the 13,000,000 pounds there have been sold not less than 250,000,000 pounds of Mocha and Java coffee; at a price, mind you—the question would be the price—at a price twice what could have been obtained if sold under its true name. [Applause.]

According to the reports of the Bureau of Statistics there were imported into the United States of coffee for the fiscal year 1905, 1,047,792,984 pounds, valued at $84,654,062. Mocha coffee, or coffee imported from Aden, Arabia, is put down as 1,789,788 pounds, valued at $251,592. Java coffee imported from the Dutch East Indies is put down as 10,712,449 pounds, valued at $1,318,970.

This Mocha coffee was imported direct from Aden and includes the long-berry coffee, which has a pronounced Mocha flavor, is grown in Africa, but imported from Aden as Mocha coffee. All of the Mocha coffee above mentioned comes direct from Arabia, and in addition to this there are other coffees which are shipped to England and from England to this country. Coffees shipped to England are not included in the list of genuine Mochas, for they are tinctured with a suspicion of being mixed in London.

The total amount of coffees of all kinds imported to this country from the United Kingdom (Great Britain and Ireland) for the fiscal year 1905, was 4,709,783 pounds, valued at $497,989.

The amount of Mocha coffee imported from Aden for various fiscal years:

1901—1,595,047	pounds, valued at	$243,682
1902—2,688,285	pounds, valued at	377,352
1903—2,555,836	pounds, valued at	300,683
1904—2,147,379	pounds, valued at	259,545
1905—1,789,788	pounds, valued at	251,592

JAVA COFFEE.

Amount of Java coffee imported from the Dutch East Indies for the following fiscal years:

1901—9,404,025	pounds, valued at	$1,359,794
1902—9,945,396	pounds, valued at	1,312,410
1903—12,515,404	pounds, valued at	1,673,408
1904—11,730,352	pounds, valued at	1,388,325
1905—10,712,449	pounds, valued at	1,318,970

RIO COFFEE.

The bulk of our coffee comes from Brazil. For the fiscal year 1905 we imported from Brazil 820,259,995 pounds, valued at $64,136,008.

The standard coffee in the market and the one which is quoted in the New York market is No. 7 Rio, and there are said to be nine grades of coffee known in the New York coffee market.

The CHAIRMAN. The gentleman has consumed one hour. [Cries of "Go ahead!"]

Mr. HEPBURN. I yield such time to the gentleman as he desires. [Applause.]

Mr. MANN. I find, Mr. Chairman, that I must hasten along.

Mr. GILBERT of Kentucky. May I ask you one more question?

Mr. MANN. I yield to the gentleman.

Mr. GILBERT of Kentucky. Suppose I buy a carload of coal thinking it to be Jellico, and it turns out to be Bird's Eye. The generic name "coal" being correct, would the mistake made of using a different name be a violation of this law?

Mr. MANN. Why, Mr. Chairman, I do not know that we have gotten to the point where we consider coal food. I know I have heard of people eating it, yet I scarcely think we have got down to the point of classing coal as food.

Mr. GILBERT of Kentucky. I am not speaking about food, but I want to know if that is covered.

Mr. MANN. This bill only covers foods, drinks, and drugs.

Mr. RODENBERG. Will the gentleman allow me to ask him a question?

Mr. MANN. Certainly.

Mr. RODENBERG. With what was this Mocha and Java coffee adulterated?

Mr. MANN. Most of the coffee that is sold as Mocha and Java is Brazil coffee; but there are a good many kinds of adulterations, I may say to my friend; sometimes made by the use of acids; some made of sawdust, ground, hardened, and soaked, and sometimes made by bread properly prepared, but, of course, the ground coffee is adulterated in a great many different ways.

AMENDMENTS PROPOSED BY OUTSIDERS.

Now, I have received—and I do not know how many Members of the House may have received—letters from various persons, honest in their belief, asking that certain amendments might be made to this House bill. I have had a number of Members of the House speak to me about the proposition, each one handing me precisely the same letters and amendments. I had a

curiosity to ascertain, if I could, where these amendments came from, and we managed to trace them back to the Columbia Egg and Provision Company, of New York, a company which has been engaged in importing egg yolks into the United States, preserved with boric acid, but which company came in contact with the provisions of the law, and that proceeding was stopped at the port of New York and also at Chicago. They have provided for a number of amendments, which they ask the people to support, and they prepare a letter and a copy of the amendments for the different people to send to their respective Members of Congress, and the letter all ready to sign:

Provided a fair national pure-food law being a necessity, please promote the passage of the Heyburn bill, amended by the House committee, after it is further amended, as proposed by the National Food Manufacturers' Association, and present section 14 is completely eliminated.

They suggested a great many amendments, but particularly dwelt on section 14. It was section 14, as now enacted in the agricultural appropriation bill, with which they had come into contact in endeavoring to import from China a lot of eggs, broken, rotten, preserved from further spoiling by boric acid, and they had been shut out, and they were anxious for a pure-food law that did not apply to their business. [Laughter and applause.]

Mr. LACEY. I would like to ask the gentleman from Illinois what methods they had to disguise the flavor of the rotten egg, so as to make it salable?

Mr. MANN. Well, I will say to the gentleman from Iowa, these eggs were used for two purposes. One was to add to the color of oleomargarine, and the other was to prepare proper confectionery and baker's articles in the great city of New York.

Mr. GAINES of Tennessee. We did not get it in our egg-nogg, then? [Laughter and applause.]

Mr. LACEY. I was told in Alaska last summer that a miner on return to Illinois during the year before had his first fresh egg in a great while and said it tasted insipid.

Mr. GAINES of Tennessee. May I ask the gentleman is he a regular licensed apothecary or doctor?

Mr. MANN. Mr. Chairman, I have borne the title of doctor, I will say to my friend from Tennessee, properly for some years. [Loud applause.]

ADULTERATIONS.

Now, Mr. Chairman, I have here, which the House has already inspected, probably, a number of adulterated articles. Here is a bottle of cherries, originally picked green, in order that they might be firm, with the green color all taken out with acid until they were perfectly white, and then colored with an aniline dye which is poisonous in any quantity; and I have here a sample of the cloth colored with the aniline dye taken out of a similar bottle. I do not know whether it would kill anybody to eat all of those at once or not. Usually, I believe, they are taken one at a time. [Laughter.]

The gentleman referred to olive oil. I have here a quart of genuine olive oil, bearing the name of the manufacturer. Here is a can bearing the same name, purporting to be made by the same person, sold at the same price, but filled in this country, the whole thing a counterfeit, cotton-seed oil, and, by the way, a sample of oil which, I am informed, was used for a time and eaten with relish and great avidity by members of the Union League Club of Philadelphia. [Laughter.] Here is another package of the same sort, a counterfeit of the same name and the same company, also filled with cotton-seed oil. Here is a package containing machinery oil. And gentlemen will notice that the makers of these counterfeits not only succeed in reducing the quality of the article, but also the quantity. Both packages are the same size, one containing machinery oil, and probably half or two-thirds full, the other containing olive oil, an argument in reference both to quality and quantity.

PRESERVATIVES.

Mr. Chairman, the use of preservatives is a matter of some contest and controversy, but there is a class of preservatives about which there is no controversy as to their unhealthfulness. All through the country there have from time to time appeared advertisements of various articles for the purpose of preventing the deterioration of foods. Here is a bottle of so-called "freezem," intended to convey the idea that it would do the same work that cold storge would do in the preservation of meat or vegetables. But, although this article will, to a certain extent, preserve the meat or fruit or vegetables upon which it is sprinkled, it is injurious to health without question, being composed largely of sulphite of soda and red coal-tar dye. It has been used very extensively. One of the articles upon the table here which has attracted some attention is a sample of honey, in the preparation of which the acumen of man has really reached its highest point. The specimen is composed of glucose, but it still deceives by containing a bug or a bee. Who, when looking at the clear amber substance, which resembles honey in appearance, with a bee floating in it, would suspect that it never had seen the inside of a hive, but only came from the glucose factory?

PACKAGE AMENDMENT.

But, Mr. Chairman, I mean to go to the question of packages. A good deal has been said on that subject. Gentlemen this morning received in their mail a circular letter, purporting to be signed by Mr. L. A. Sears, president, and Mr. F. F. Wiley, secretary and treasurer of the Western Packers Canned Goods Association.

In the first place, I may say that these gentlemen, I think, are laboring under a misapprehension of the proposition which is presented to the House. We proposed a provision of the bill requiring that packages containing food articles shall contain on the outside of the article, on the label, a statement of the quantity of the contents; and we shall offer an amendment to the proposition requiring that the approximate quantity shall be stated at the time put up; providing further that all standard sizes recognized by the custom of the trade may continue to be used under rules and regulations to be fixed by the Secretary of the Treasury, the Secretary of Commerce and Labor, and the Secretary of Agriculture. The latter part of that proposition is designed to permit the use of such size packages as many of the whisky bottles and other bottles that are used, purporting to contain a quart, but which in fact contain less than a quart; if they be properly labeled, designating the character of the quart it contains, and also permitting the use of the recognized sizes of canned goods, by stating upon the can the size that it is.

In the circular letter which came this morning the statement is made:

It has been said that the consumer has been imposed upon by the variation in the sizes of cans. We wish to state that there is no variation in the size of standard packages. The 1-pound regular, etc., size packages are made from a standard scale, fitted down to the thirty-second of an inch.

I have here a number of samples of packages varying in size, all sold for the same contents. It is true that the cans are not marked 3-pound, or 2-pound, or 1-pound. No can in the trade is so marked, but they are sold that way. They are advertised that way. Here is an advertisement, taken from the Boston Sunday Herald of May 6, advertising 2-pound can cherries, 2-pound can raspberries, 2-pound can blackberries, 3-pound can baked beans, 3-pound can pork and beans, and various other articles named likewise.

Here is an advertisement from a Chicago paper of 3-pound cans California peaches, 3-pound cans California apricots, and various cans by pound weight, both fruit and vegetables, etc., and we have collected a large number of these advertisements from all over the United States. This morning I went into one of the leading grocery stores of the city of Washington, if not the leading one, and asked in reference to the size of these cans, and not a clerk on the floor of the grocery store knew even that these cans were not actually 2 and 3 pound cans instead of being only standard-size cans.

Mr. McCLEARY of Minnesota. What is the point of the advertisement? I do not quite understand.

Mr. MANN. We have a provision in the bill requiring that in some way we shall be able to indicate to the public and to the consumer either the quantity or the size of the can. These cans are advertised as 3-pound cans, and the one that I have in my hand is advertised as a 3-pound can and was bought for a 3-pound can of tomatoes. Here is another bought for a 3-pound can. I place them in the balances, and you see that one is much heavier than the other.

Mr. KEIFER. I understand that you have a provision in the bill that requires the labeling to show the size of the can or the contents by weight. I find a clause on page 21 which says that if the quantity and size of the package be incorrectly stated in terms of weight or measure——

Mr. MANN. The committee have recommended an amendment striking out the words that the gentleman has quoted and inserting the following:

If in package form, the approximate quantity of the contents of the package at the time put up be not plainly and correctly stated in terms of weight or measure on the outside of the package: *Provided*, That the use of particular sizes of packages established by recognized custom of trade may be authorized and permitted by and in accordance with rules and regulations established from time to time under the provisions of section 2 of this act.

Mr. COOPER of Wisconsin. Did I understand the gentleman's amendment to make use of the word "approximate?"

Mr. MANN. Yes.

Mr. COOPER of Wisconsin. If that provision of the bill is enacted into law, how much of a variation from the actual weight or the actual measurement would the word "approximate" permit?

Mr. MANN. Well, I can not answer the question of the gentleman. I do not know how much variation might be allowed; that would be a matter for the judge and the jury to determine. If they were, upon the evidence, satisfied that the man had endeavored to put in the full amount, he would not be convicted; if they thought he was deliberately putting in a less quantity, he would be convicted, and he ought to be convicted, for a violation of the law.

Mr. POLLARD. I would like to ask the gentleman whether the 2-quart can and 3-quart can——

Mr. MANN. Three-pound cans.

Mr. POLLARD. As I understand the bill as it will be amended by the amendment recommended by the committee, the manufacturers can either state on the outside of the can the quantity by weight or measure. Is that correct?

Mr. MANN. That is correct.

Mr. POLLARD. It seems to me that would meet the objection of the canners, would it not?

Mr. MANN. I wish to be perfectly frank with the House. The objection of the canners to this provision of the bill would not be raised at all, in all probability, if the canners made their own cans; but, in the first place, the canners buy their cans. I am informed that nine-tenths of the cans in the country are made by the tin-can trust, or whatever name it has. They are regular sizes, as a rule; they have been known to the trade for a long time as No. 1 tall, 1, 1½, 2, 2½, 3 in size. The public considered, and the trade—not the men who sell and possibly not the men who buy, but the clerks in the grocery stores and the country merchants—consider and sell these for so many pounds, according to the size.

Now, if everybody did that, if they were all alike, it would not make very much difference; but I say to gentlemen, here I have two cans of tomatoes, neither one weighing 3 pounds, and each one is sold for a 3-pound can. One of them weighs 2 pounds 5½ ounces and the other weighs 2 pounds 9½ ounces, and here is one that weighs 2 pounds 10½ ounces. Now there is a quarter of a pound difference. Who is entitled to say that the consumer who buys these cans can tell which is the heavier by looking at them or by handling them, and is not swindled when he does buy them? He is buying 2 pounds 10½ ounces, and pays a price for which he receives 2 pounds 5½ ounces.

Mr. HOAR. Will the gentleman yield?

Mr. MANN. I yield to the gentleman.

Mr. HOAR. If you required in the bill that they should stamp on the can that it contained not less than 3 pounds, why would not the purchaser be entirely protected?

Mr. MANN. Mr. Chairman, I think the gentleman from Massachusetts [Mr. HOAR] can hardly make a valid criticism in that respect. The "approximate" quantity is sufficient, I may say to the gentleman, when we examine it, and I will say to the gentleman I have yet to find a single package of any kind of goods that exceeded the quantity that it purported to contain.

Mr. GAINES of Tennessee. Will the gentleman from Illinois tell the committee how he proposes to remedy the evil that he spoke of a while ago about the anilyne cherries? That seems to be a pretty dangerous dose.

Mr. MANN. We forbid the use of those adulterants in the bill.

Mr. GAINES of Tennessee. How? What language is used as to that?

Mr. MANN. The first is the adding of deleterious substances, and the second is the adding of anything which conceals the inferiority of the article. Either one of those would cover aniline dyes.

Mr. NORRIS. Referring to those cans which the gentleman weighed a few minutes ago, and of which he gave us the weight, I want to inquire whether or not under this bill the word "approximate" would not let all those cans in? Would anyone be liable on account of the sale or because of that word?

Mr. MANN. Oh, I say that "approximate" clearly would not permit a can purporting to contain 2 pounds and 10 ounces to contain 2 pounds and 4 ounces.

Mr. NORRIS. Well, let us get up to the 2 pound 10 ounce can. You are very near up there, and where are you going to draw the line?

Mr. MANN. We can not draw the line at an exact point, and we appreciate the fact. We do not endeavor to say that every can shall contain exactly so much. In the first place, that is practically impossible, because even if the gentleman had the scales before him—the most perfect set of scales in the city of Washington—he could not tell exactly the weight of a can, measuring here, and then it would vastly increase the cost of canning, because most canning is either done by machinery or else perfunctorily done by men or women dipping the article into the can. It is manifestly impossible to state the exact quantity in the can; but we can require that at least within a reasonable degree of sizes the cans shall correspond, and then that they shall be fairly well filled.

Mr. WILLIAMS. Mr. Chairman, I desire to read a part of section 12 as the basis of a question which I desire to ask. Section 12 reads:

This act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States.

That is all right. I have no fault to find with that; but it then goes on—and I desire to ask the gentleman why this language should be in the bill and why there should be any effort to limit or attempt to limit the police powers of the State? The language is as follows:

But foods and drugs fully complying with all the provisions of this act shall not be interfered with by the authorities of the several States when transported from one State to another so long as they remain in original unbroken packages, except as may be otherwise defined by law or provided by statutes of the United States.

Now, suppose, for example, that the State of Illinois or the State of Mississippi is not satisfied with this law as being fully protective of the health of the people, and the State has other provisions, cumulative and additional. Why should this bill attempt to limit the power of the State to protect its people under the police power of the State reserved under the Constitution?

Mr. MANN. I will say to the gentleman that I do not think it does undertake to limit. Let me explain: The provision that is in the bill authorizes the transfer of original packages, complying with the provisions of this act, from one State to another. It does not authorize the sale of those packages in the limits of any State, but it frequently has arisen that different States have different food laws, and in fact now that is so in the State of Minnesota and the State of Wisconsin. The State of Minnesota has one pure-food law and the State of Wisconsin has another pure-food law. The article may be precisely the same. It must bear one kind of a label for the State of Minnesota and another kind of a label for the State of Wisconsin. If the article bearing the Minnesota label gets into the State of Wisconsin it is a misdemeanor, and if the article with the Wisconsin label gets into the State of Minnesota it is a misdemeanor, and, so far as the sale of the goods in those States is concerned, we do not wish to interfere.

But here is the city of Duluth and here is the city of Superior, side by side, one in the State of Minnesota and the other in the State of Wisconsin. The dealer of goods in Minnesota wishes to ship goods from Duluth to Superior, but if he carries goods in stock in Duluth to ship to Superior, he is subject to violation of the laws of Minnesota, and the purpose of this bill is to permit him to carry, in the original packages, in his store in Duluth, goods that comply with the law of Minnesota on one side and another package of goods that complies with the law of Wisconsin on the other, and then to permit him not to sell goods in Minnesota contrary to the law there, but to receive them into the State and to ship them out of the State. The only exception provided by the bill is in the case of liquor now governed by the statutes of the United States, and we do not wish to permit, under this bill, the shipment of packages of liquor in the original package into a State in violation of the law; that is now governed by the statutes of the United States.

Mr. WILLIAMS. I hope the gentleman from Illinois will excuse me for interrupting him, but this seems to me to do that identical thing. If Mississippi or Maine, for example, do not want liquor brought in, this seems to me to secure the right to send it in anyhow. It reads this way:

But food and drugs—

And you have already defined food to include liquors—

fully complying with all the provisions of this act shall not be interfered with by the authorities of the several States when transported from one State to another so long as they remain in original unbroken packages.

Mr. MANN. I say to the gentleman from Mississippi that that provision was not intended to affect in any way the law as it now stands. As I understand the law, without any act of Congress, you can ship into any State of the Union a package of liquor in the original package, but you could not sell it in the State, and we say we except the act of Congress known as the "Wilson Act," or other acts from repeal by this provision in the bill.

Mr. WILLIAMS. Under other acts of the United States; under that language.

Mr. MANN. We were afraid without putting in that provision we might repeal to that extent the law which now for-

bids the shipment of liquor from one State to another, and we did not wish to repeal that provision of the statute.

Mr. WILLIAMS. One word further, and then I have finished. One reason I asked this question was because of this fact, which the gentleman will recognize, and while it might be true that under the present law original and unbroken packages can be shipped into a State, it is true only because Congress has remained silent upon the subject. Congress can prevent it whenever Congress chooses to do so.

Mr. PAYNE. I would like to ask the gentleman—the gentleman presented three or four cans of tomatoes, I think, and I would like to ask him if any of those cans were precisely the same size, but of different weight?

Mr. MANN. They are not precisely the same size.

Mr. PAYNE. I think I saw some cans there of fruit this morning which were precisely the same size, but differing very greatly in weight.

Mr. MANN. I think the gentleman is mistaken. I have no doubt the gentleman thought they were the same size by looking at them.

Mr. PAYNE. I will tell you what I did. I put one can on top of the other and they appeared to be about the same circumference. I then stood them side by side on the table and they seemed to be the same height, and I came to the conclusion they were of the same size. Perhaps I am wrong, but they were of different weight. Now, is it not a fact that in putting the same vegetable into the same can of the same size they will get different weights in a can?

Mr. MANN. I will say to the gentleman I have weighed myself at least several hundred or more packages of these articles in cans and I have found no substantial difference in weight of cans of the same size.

Mr. HINSHAW. Is that true of the olive oil and machine oil a while ago?

Mr. MANN. I am talking about these canned goods.

Mr. PAYNE. That is an astounding statement in view of what the canners say about it——

Mr. MANN. I know it is astonishing what the canners say about it.

Mr. PAYNE. Oh, well, I know some canners whose word I would rely upon——

Mr. MANN. I do not doubt their word.

Mr. PAYNE. As well as the word of any Member of this House, and I have great respect for the membership of this House, and they say that at different stages of the growth of vegetables the same quantity in a can may weigh a different amount—peas, tomatoes, etc.

Mr. MANN. Permit me to say to the gentleman peas are slightly heavier than water, very slightly heavier than water; that there is no substantial difference, there is hardly any difference, between a can of peas and the same quantity of clear water. Now, it is true that where fruit is put up and where peas are sweetened the addition of sugar does add somewhat to the weight of the sirup, but I have weighed hundreds of cans of sweet corn, being a pound and a half substantially gross weight every one of them, and where we find a difference in the weight of the can we find a difference in the size of the can.

Mr. PAYNE. If that is true that peas are about the same weight as water, what protection would there be to the consumer by requiring the cans to be of the same weight when one dealer might put in a few peas and fill it with water and the other fill it with peas?

Mr. MANN. That is practically true, I will say to my friend, and the consumer can tell whether it is filled with water or peas, but he can not tell by looking whether it is 2½ pounds or 2¾ pounds.

Mr. PAYNE. What good will that do him if the water and the peas weighed approximately the same?

Mr. MANN. Oh, he can tell whether it is peas or water. The gentleman from New York [Mr. PAYNE] possibly misunderstands the purpose of the amendment as to cans. We do not desire to compel the canner to state the weight of the can, but we do desire that, if he uses a particular size of can, he state the size of the can and conform to that sized can.

Mr. TIRRELL. Will the gentleman allow me?

Mr. MANN. If the gentleman desires to ask me a question, but I will not allow him to read a letter.

Mr. TIRRELL. Only a few lines on this particular subject, to show that the gentleman from New York [Mr. PAYNE] is correct.

Mr. MANN. If it is short, I will yield to the gentleman.

Mr. TIRRELL. It is from E. T. Cowdrey & Co., the largest company in Massachusetts. It says:

In the first place, in packing fruits and vegetables, there are certain sized cans used in packing same. Now, when these cans are filled they are packed with whatever substance is going into the cans, and as much of the substance is put into the can as possibly can be gotten into it, and a great many times in packing—we will say, for instance, canned spinach—at certain seasons of the year the same quantity of spinach will weigh a great deal more than spinach packed at another season; just so on all kinds of fruits and vegetables. A quart can packed with tomatoes sometimes, when packed full, will weigh 2 pounds 6 ounces, while the same can packed full of tomatoes sometimes will weigh 2 pounds 12 ounces. It depends on the condition of the material going into the cans.

Mr. MANN. It depends upon the accuracy of the statement. [Laughter.] Here is a statement coming directly from a man who has been circularizing Congress. What does he say in his communication to this House:

Often mistakes are made in properly adjusting the filler, and many short-weight cans go through. I wish to say, however, that all such short-weight cans are sorted out from the first-class grades of goods and are put into cheaper grades, which are sold at a very low price. In fact, all light-weight goods, though they be of a fancy quality, sell for very cheap prices, and people seldom pay more for them than they are worth.

Here is an admission by one of the leading canning companies in the country that they put up these short-weight goods. Do you know what they do with them? I will tell you.

I bought some cans this morning in the city of Washington, advertised for 5 and 6 cents a can—that would sell at the ordinary store for 10 or 12 cents a can—at a department store. These short-weight cans are sold by the department stores and the mail-order houses of the country. [Applause.] The mail-order houses advertise this size of a can at a low price. They buy these short-weight cans from the canners. The department stores in New York, in Philadelphia, in Chicago, and the other large cities advertise them. This gentleman, Mr. Sears, mentions that they are sold in competition with the little grocery stores in the cities, attempting to do a little business. [Applause.] Now, the gentleman from New York [Mr. PAYNE] says that he can not distinguish—the cans being almost the same weight—that there is any difference.

Mr. LITTLEFIELD. In size.

Mr. MANN. The gentleman from New York said that he had examined some of my cans and found they were of the same size and of different weight.

Mr. LITTLEFIELD. The same size and different weight.

Mr. MANN. If there is any gentleman here who can not distinguish between the size of those cans then he has not as good an eye as the gentleman from New York ought to have. Here are three cans that have never been opened. I bought them at random from a store this morning, and had them sent up here. They all contain California fruit. I do not know which weighs the most. [After demonstrating on the scales, showing that one can weighed more than the other.] Now, does the gentleman from New York [Mr. PAYNE] think they are the same size? They are not.

Mr. PAYNE. I want to say to the gentleman that no one can tell by throwing a can down on the scales, and one side going down, just how much it weighs.

Mr. MANN. We can very easily tell how much more it weighs. I will place a quarter of a pound weight on top of the can. That can contains a quarter of a pound less than this can [indicating]. Both sell for 3-pound cans.

Mr. GAINES of Tennessee. Did you buy them for that?

Mr. MANN. I bought them for that.

Mr. GAINES of Tennessee. Sold by whom?

Mr. MANN. I am not going to tell who sold them.

Mr. STEVENS of Minnesota. The grocer advertises that he sells 3-pound cans.

Mr. PAYNE. Not the canner, but the groceryman here in the city. Why do you not have some penalty against him?

Mr. MANN. I am not engaged in an onslaught against the canners of the country. I think they are engaged in a proper business. I do not desire that they should be required to change the size of their cans. These cans are of standard size. While they are advertised for 3-pound cans, probably the largest of them will contain 2 pounds 10 ounces. The smallest of them will contain much less than that.

But I think that the consumer is entitled to have marked on the can the fact that it is a No. 3 can or a No. 2½ can or a No. 2 can, and with that marked on that can the can shall conform in size to the mark that is on the can. I do not think the canners have any objection to that. [Applause.]

Mr. PAYNE. I hope the gentleman will not look so fiercely in my direction. I am generally in favor of the bill, but I want a bill that will support itself. I do not want anything that will ruin any industry in the country, or one that will injure any industry, and I presume the gentleman does not. Generally, I am in sympathy with the gentleman's bill.

Mr. MANN. If I look fiercely at the gentleman, it is because of my great affection for him. [Laughter and applause.] Now I will yield to the gentleman from Wisconsin.

Mr. ADAMS. Now, Mr. Chairman, just a word——

Mr. MANN. I do not yield for a speech.

Mr. ADAMS. I am not going to make a speech, but I want to call the attention of the gentleman in all fairness to one thing. No honest man wants a short-weight can, and there are short-weight cans in this country. But there are some honest men in my district engaged in this business of canning. They are doing a perfectly honest and legitimate business. They write that the difference in the weight of beet, corn, and other vegetables at different developments in their growth is so great that in the same sized can there will be a marked difference in the weight; and for that reason, and that reason only, they object to a definite requirement as to the weight. Now, I want to say another thing here. I want to ask him in regard to the concluding paragraph of this class——

Mr. MANN. I can not yield to the gentleman for a speech, because my time must be cut off very shortly.

The CHAIRMAN. The gentleman declines to yield except for a question.

Mr. ADAMS. You provide in that paragraph the standard sizes which are now in use may be approved by the Secretary of Agriculture. Now, what would you consider, out of the numerous sizes used, which is the standard of the sizes which are now being used in the United States?

Mr. MANN. Oh, there are some short-weight sizes, so purposely, differing from the standard sizes. They are made purposely to contain a little less than the standard size. Here is a standard size. An honest canner would use the standard size and put in the full quantity in a package of full size. What we desire is to protect the consumer against the crook, the man who lives by his wits, who tries to defraud either by adulterating the goods or, whenever he gets out of that business, tries to defraud by short-weight goods. Now I yield to the gentleman from Kentucky.

Mr. STANLEY. As I understand the gentleman from Illinois, the bill requires either that they shall state the weight or quantity contained in the can.

Mr. MANN. We cover that later by a statement in weight or measure, and then put in a provision which will allow the Secretary to permit the use of standard sizes by marking on them, according to the standard size, what it purports to be.

Mr. STANLEY. I am not differing with the gentleman at all. I simply want to get light. I want to ask the gentleman this question: As I understand him, the makers or manufacturers of these cans sell them to the canner as a certain standard size, under certain specifications, and if the canner would state to the public what the manufacturer of the can states to him, would not that be sufficient?

Mr. MANN. Well, I will say to the gentleman from Kentucky that if the canners say that about the size, as a rule the retail dealers do not buy them by standard size at all. Now I yield to the gentleman from New Jersey.

Mr. GARDNER of New Jersey. Does the gentleman from Illinois know from his investigation that when the manufacturer makes these smaller cans he saves nothing by it? In order that I may make my question clear, unless there has been a very recent change in the can-making industry, the cans are made out of a sheet 14 by 22½. One of these sheets cuts two cans—tops, bottoms, and caps. To make any cans under that size saves nothing but a little scrap practically without value.

Mr. MANN. All I ask the gentleman to do is to compare the cans which I purchased in the open market and produced here. They are different sizes purporting to be the same size.

The CHAIRMAN. The gentleman declines to yield further.

Mr. MANN. I am sorry to disappoint gentlemen, but this bottle which I hold in my hand contains vinegar, bought for a quart, supposed to be a quart, and sold for a quart. I pour it into the graduate which I have in my hand and you will see that it lacks about one-fourth of being a full quart.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Wyoming?

Mr. MANN. I do not at present. I have almost finished, and I must decline to impose upon the House much longer.

There are a great number of so-called cereal foods. It is impossible to ascertain much about the contents unless there is some method provided. It is true that people can buy them or not buy them, as they please. It is also true that people must eat, and hence must buy some articles of food. Now, I do not wish to say that people shall not put up such food as they please or buy such food as they please. That is not the purpose at all. But what objection is there to stating the quantity of the contents?

Here are two packages of precisely the same apparent size. It is true that under the bill they might state the quantity in measure and not in weight. It is also true that if the quantity were stated in measure and not in weight, people would not buy it. Gentlemen can see the comparative cost where there is an additional weight.

Mr. GAINES of Tennessee. They are not the same kind of food. One is rice and the other is oats.

Mr. MANN. I understand. While these packages are of nearly the same apparent size, one weighs a trifle less than two pounds and the other weighs half a pound gross. The material is all right. There is no objection to the size of the package containing only half a pound, but the person who buys these articles in the market is often led to buy by the size of the package when there is no weight stated upon it. What harm can it do the producer to state the weight of the package?

Mr. McCLEARY of Minnesota rose.

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. No; I can not.

The CHAIRMAN. The gentleman declines to yield.

Mr. MANN. Here are two packages precisely the same kind. One of them is not marked. It weighs 2 pounds. The other is marked 2 pounds. It weighs a little less than 2 pounds. Why one is marked and the other is not might be a problem, but one is probably marked to conform to a State law somewhere and the other is not. Why should they not state the quantity on there, so that the consumer, in determining between the various kinds of food that he has, may know how much is food and how much is package. Here is a package supposed to weigh half a pound. It does, but the contents of it weigh a trifle more than a quarter of a pound. Nearly half the weight is in the wrapper of the package. I have no objection to people buying and paying for the weight of the package, but I think they are entitled to know whether the weight is in the food or whether it is in the package itself.

Here is a package also sold largely by weight, and three-fourths of the weight is not in the article, but in the package which contains it. That is perfectly legitimate if people know it, but what objection is there to stating upon the package the quantity of contents of it?

We have collected a great number of these articles, some of them marked to contain certain quantities and some of them not marked, but sold for certain quantities, and scarcely any of them come up to the weight that they purport to be. There are a few exceptions, and I am almost tempted to advertise them. We think there is no reason why the dealer or the manufacturer should not be fairly compelled to state, at least with reasonable certainty, the quantity of the contents, and then to put a reasonably pure article in the package, or else indicate that it is not a pure article. [Prolonged applause.]

I decline to detain the House further.

APPENDIX.

GERMAN LAW.

Under the law of Germany meat can not be imported which has been treated with any one of the following preservatives or any preparation containing the same, to wit:

(*a*) Boracic acid and its salts.
(*b*) Formaldehyde.
(*c*) Alkali and alkaline earth hydroxides and carbonates.
(*d*) Sulphurous acid and its salts, as well as hyposulphites.
(*e*) Hydrofluoric acid and its salts.
(*f*) Salicylic acid and its compounds.
(*g*) Chlorates.
(*h*) Dyes of all kinds, however, without prejudice to their use for coloring margarine yellow and for the coloring of sausage skins, in so far as this use does not contravene other provisions.

MEMORANDA OF BOTTLES EXHIBITED ON TABLE FOR USE IN MAKING LIQUORS FROM PURE ETHYL ALCOHOL.

Bottle of cognac oil, bottle of Scotch whisky essence, bottle of Irish whisky essence, bottle of bead oil, bottle of Bourbon whisky oil, bottle of rye whisky oil, bottle of ageing oil, bottle of caramel.

Bottle of 100 c. c. proof alcohol. To make Irish whisky add 3 drops Irish whisky essence, 2 drops bead oil, 2 drops caramel.

Bottle of 100 c. c. proof alcohol. To make Scotch whisky add 3 drops Scotch whisky essence, 2 drops bead oil, 3 drops caramel.

Bottle of 100 c. c. proof alcohol. To make cognac add 1 drop of cognac oil, 10 drops caramel.

Bottle of 500 c. c. proof alcohol. To make rye whisky add 1 drop rye whisky oil, 2 drops bead oil, 2 drops ageing oil, 7 to 10 drops caramel.

Bottle of 500 c. c. proof alcohol. To make bourbon whisky add 1 drop bourbon whisky oil, 2 drops bead oil, 2 drops ageing oil, 7 to 10 drops caramel.

Bottle of rye whisky. This sample of whisky is colored with a coal-tar dye, is only 66 proof, and is made of alcohol colored and beaded.

STATEMENT REGARDING CONVICTIONS IN VARIOUS STATES FOR THE SALE OF FOOD CONTAINING INJURIOUS SUBSTANCES.

It has only been possible to secure very imperfect information on this subject, as it is customary in the majority of States to report foods merely as legal or illegal in the published reports, and to give no indication of the manner of the violation of the law.

Of the foods mentioned below, a large number consist of milk and cream, which may enter into interstate commerce, but more frequently do not. A large number of prosecutions have been successfully conducted in North and South Dakota for the sale of foods chemically preserved and colored with aniline dyes. Both of these classes of substances are regarded as injurious to health in those States, and are forbidden by law. The prosecutions occasioned by them have uniformly resulted in the conviction of the defendant.

We have not full data regarding the enforcement of the Pennsylvania law, and the information given under that State refers only to prosecutions that have been conducted from December 15, 1905, to April 15, 1906. On June 6 to 9, 1906, nine dealers were prosecuted at Norristown, Pa., for the sale of codfish preserved with boric acid. Eight of the defendants plead guilty, and the other was convicted. These cases were intended as a trial of the law to a certain extent, preparatory to prosecution of a large number of cases for the same offense in various parts of the State.

In the appendix to the Yearbook of the Department of Agriculture for 1905 is given a brief tabular statement of the number of prosecutions and convictions for the violation of the food laws in the United States for that year. No statement is included, however, of the number of cases that were regarded as injurious to health, and no such data can be secured without communicating with the officers charged with the enforcement of the food laws in the various States.

Number of cases.	Substance.	Adulterant.	State.
a2	Bacon	Preserved chemically	Pennsylvania.
	Beverages:		
9	Alcoholic	Salicylic acid	Minnesota.
18	Alcoholic	Salicylic acid and coal tar dye	Do.
2	Nonalcoholic	Salicylic acid	Do.
a25	Catsup	Preserved chemically	Pennsylvania.
a19	Cherries	Preserved and colored	Do.
a1	Cherry jam	Preserved chemically	Do.
	Dairy products:		
1	Butter	Decomposed	Wisconsin.
2	Cream	Formaldehyde	Illinois.
2	Milk	do	Do.
2	Milk	do	Minnesota.
11	Milk	Miscellaneous unwholesome samples.	Do.
7	Milk	do	Wisconsin.
a2	Milk	Preserved chemically	Pennsylvania.
1	Milk	do	Wisconsin.
	Flavoring extracts:		
1	Lemon	Wood alcohol	Michigan.
27	Lemon	do	Minnesota.
2	Lemon	do	Wisconsin.
1	Vanilla	do	Michigan.
a2	Fruit jelly	Preserved chemically	Pennsylvania.
27	Fruit juices, liquors, etc.	do	Minnesota.
a12	Ham	do	Pennsylvania.
a2	Hamburger steak	do	Do.
a1	Jam	do	Do.
1	Jamaica ginger	Wood alcohol	Minnesota.
a1	Liver pudding	Preserved chemically	Pennsylvania.
a3	Oysters	do	Do.
a16	Sausage	do	Do.
2	do	Artificially colored and chemically preserved.	Wisconsin.
a8	Worcestershire sauce	Preserved chemically	Pennsylvania.

a Data for four months only.

FOOD LEGISLATION AND INSPECTION.

[By W. D. Bigelow, chief of division of foods, Bureau of Chemistry.]

The information in the following table was obtained from State and municipal food-law officials, as far as they could be reached. The inspectors whose work is reported are usually men of good judgment and considerable experience in selecting food samples, and only foods suspected were sampled; also only such samples were analyzed as seemed likely to show violations of law. Accordingly the table does not show the ratio of adulterated foods to pure foods on the American market. The great mass of high-grade foods is excluded from any calculation that may be made upon the figures here given. Unless otherwise stated, the report submitted is for the calendar year 1905. In several localities statistics are prepared on the basis of some other year than the calendar year, however, and in some cases the records for a complete year could not be obtained.

The time included in the report from San Francisco is for milk from July 1, 1905, to March 1, 1906, and for other foods from February 1, 1905, to March 1, 1906. The figures submitted by the State of Washington are for eleven months, beginning May 1, 1905, and ending April 1, 1906.

In Los Angeles, Cal., and Cambridge, Mass., the year for which statistics are reported closed December 1, 1905. The year for which statistics are reported from St. Louis, Mo., closed April 1, 1905.

In the District of Columbia, the Passaic, N. J., and the South Dakota State food-inspection work, the year closed June 30, 1905.

In Providence, R. I., the year covered by the statistics ended August 3, 1905.

But little chemical work is reported from Idaho, owing to the fact that the laboratory was being extensively repaired and could not be used. In Indiana the laboratory of the State board of health has been organized during the year, and is now in active operation.

This information was secured as a result of a circular letter which was sent to the officers charged with the enforcement of the food laws in all States and to the boards of health in all cities having a population of 25,000 or over. In some few cases no replies were received. In many cases, owing to a lack of appropriation, no attempt is made to examine the foods on sale in the markets other than by such rough tests as inspectors without chemical training are able to perform. In some cases no provision is made for a food inspector; in others no laboratory facilities are provided. Hence a considerable number of responses to the circular letter merely gave the information that no food samples had been examined.

The State and city offices making such reports are as follows: Colorado, State dairy commissioner; Florida, State commissioner of agriculture; Georgia, State commissioner of agriculture; Indiana, State board of health; Iowa, State food and dairy commissioner; Missouri, State dairy commission; New York, State department of health; South Carolina, State board of health; Tennessee, State board of health; Texas, State health officer; and the health boards of the following cities: Bridgeport and Meriden, Conn.; Kansas City and Wichita, Kans.; Newport, Ky.; Gloucester, Haverhill, Lawrence, Malden, New Bedford, North Adams, Quincy, and Taunton, Mass.; Kalamazoo, Mich.; St. Paul, Minn.; Joplin, Mo.; Camden, Elizabeth, Hoboken, Orange, and Trenton, N. J.; Elmira, Newburg, and Troy, N. Y.; Lima and Springfield, Ohio; Portland, Oreg.; Altoona, Chester, Johnstown, Newcastle, Reading, Scranton, Williamsport, and York, Pa.; Charleston, S. C.; Chattanooga and Knoxville, Tenn.; Fort Worth, Galveston, and San Antonio, Tex.; Tacoma, Wash.; Wheeling, W. Va.; La Crosse and Superior, Wis.

Statistics of food examinations and prosecutions under laws, 1905.

State and city.	Samples examined.		Samples below standard.		Prosecutions.		Convictions.		Cases still pending.		Organization or officer charged with enforcing law.
	Milk.	Other foods.	Milk.	Other foods.	Milk.	Other foods.	Milk.	Other foods.	Milk.	Other foods.	
Alabama—Montgomery	6,321	9	5	0	5	0	4	0	0	0	Sanitary department.
California:											
Los Angeles	723	768	16	89	16	23	15	21	.....	.....	Health department.
Sacramento	730	.....	0	.....	0	.....	0	.....	0	.....	Board of health.
San Francisco	2,191	1,274	322	a 357	42	31	24	31	9	0	Do.
Colorado:											
Colorado Springs	720	20	2	0	2	0	2	0	1	0	Department of public health.
Denver	5,261	.....	.....	.....	7	.....	5	.....	0	0	Health department.
Connecticut:											
State inspection	446	901	169	219	.....	216	.....	216	.....	0	Agricultural experiment station and dairy commission.
New Haven	645	.....	38	.....	.....	.....	.....	.....	.....	.....	Board of health.
Delaware—Wilmington	5,106	0	135	0	5	0	5	0	0	0	Milk inspector.
District of Columbia	8,279	542	1,788	145	346	102	341	96	4	0	Health department.
Hawaii—Territorial inspection	900	94	48	38	1	0	1	0	0	0	Territorial board of health.
Idaho—State inspection	163	32	1	13	.....	.....	.....	.....	.....	.....	Dairy, food, and oil commission.
Illinois:											
State inspection	495	1,907	90	703	65	203	28	134	25	69	Food commission.
Chicago	25,727	960	1,592	80	1,296	12	1,176	12	102	0	Health department.
Peoria	465	.....	38	.....	7	.....	7	.....	0	.....	Milk inspector.
Rockford	400	0	20	0	20	0	20	0	0	0	Health department.
Springfield	230	.....	7	.....	7	.....	3	.....	4	.....	Board of health.
Indiana:											
Evansville	200	0	6	0	0	0	0	0	0	0	Do.
Indianapolis	1,032	.....	26	.....	3	.....	3	.....	.....	.....	Do.
Terre Haute	25	20	6	2	6	0	1	0	0	0	Do.
Kentucky:											
Covington	100	0	0	0	0	0	0	0	0	0	Do.
Lexington	25	.....	0	.....	0	.....	0	.....	0	.....	Do.
Louisville	260	21	12	13	19	7	15	7	3	0	Do.
Louisiana—New Orleans	4,450	.....	102	.....	139	.....	137	.....	2	.....	Do.
Maine:											
State inspection	.....	101	.....	51	.....	0	.....	0	.....	0	Agricultural experiment station.
Portland	1,500	250	(b)	(b)	0	0	0	0	0	0	Board of health.
Maryland—Baltimore	309	531	114	186	1	3	0	2	0	1	Department of health.
Massachusetts:											
State inspection	4,997	2,779	.....	278	50	6	47	6	.....	.....	State board of health.
	65	188	0	1	8	147	8	147	0	0	Dairy bureau.
Boston	18,582	2,071	(b)	(b)	287	93	268	89	1	.....	Bureau of milk inspection.
Brockton	62	20	8	8	0	0	0	0	0	0	Board of health.
Cambridge	4,048	161	1,548	0	6	.....	6	0	.....	.....	Inspector of milk.
Chelsea	293	19	30	0	0	0	0	0	0	0	Do.

a Does not include arsenic found in wine.

b Not reported.

Statistics of food examinations and prosecutions under laws, 1905—Continued.

State and city.	Samples examined.		Samples below standard.		Prosecutions.		Convictions.		Cases still pending.		Organization or officer charged with enforcing law.
	Milk.	Other foods.	Milk.	Other foods.	Milk.	Other foods.	Milk.	Other foods.	Milk.	Other foods.	
Massachusetts—Continued.											
Everett	150	0	25	0	0	0	0	0	0	0	Inspector of milk.
Fall River	78	4	9	4	0	0	0	0	0	0	Board of health.
Fitchburg	322	2	7	0	1	0	1	0	0	0	Inspector of milk.
Holyoke	1,907	.....	69	.....	10	0	10	0	1	.....	Board of health.
Lowell	2,570	.....	.....	.....	6	.....	6	.....	3	.....	Milk and vinegar department.
Lynn	1,889	96	15	.....	15	.....	12	.....	.....	.....	Board of health.
Newton	1,423	193	.....	.....	.....	.....	.....	.....	.....	.....	Do.
Salem	1	2	.....	2	4	2	4	2	2	0	Do.
Somerville	945	7	0	1	15	.....	15	.....	1	.....	Do.
Springfield	952	.....	.....	.....	12	.....	9	.....	.....	.....	Do.
Worcester	1,349	241	258	77	4	5	4	4	0	1	Inspector of milk.
Michigan:											
State inspection	562	337	42	167	9	8	8	8	1	12	Dairy and food commission.
Detroit	1,524	74	68	22	8	.....	8	.....	.....	.....	Board of health.
Grand Rapids	1,942	0	33	0	8	0	8	0	0	0	Milk inspector.
Minnesota:											
State inspection	642	6,783	491	2,315	48	616	48	616	.....	.....	Dairy and food commissioner.
Minneapolis	1,707	34	569	.....	28	.....	27	.....	0	.....	Department of health.
Missouri:											
Kansas City	1,120	94	42	56	42	90	37	27	.....	3	Department of food inspection.
St. Joseph	216	12	5	10	0	0	0	0	0	0	Board of health.
St. Louis	3,969	.....	329	.....	329	.....	114	.....	215	.....	Do.
Nebraska:											
State inspection	13	121	1	62	0	0	0	0	0	0	Food commissioner.
Lincoln	379	.....	3	.....	3	.....	3	.....	.....	.....	Board of health.
South Omaha	208	.....	10	.....	5	.....	2	.....	0	.....	Milk inspector.
New Hampshire:											
State inspection	45	1,122	15	550	.....	.....	.....	.....	.....	.....	State board of health.
Manchester	648	0	35	0	0	0	0	0	0	0	Board of health.
New Jersey:											
State inspection	1,381	1,381	345	415	176	55	.....	.....	14	3	State board of health.
Atlantic City	200	16	3	0	4	0	3	0	0	.....	Board of health.
Jersey City	93	.....	17	.....	17	.....	16	.....	1	.....	Do.
Newark	445	18	91	14	22	.....	22	.....	.....	.....	Do.
Passaic	114	.....	0	.....	0	.....	0	.....	0	.....	Do.
Paterson	4,000	4	25	2	4	2	4	0	1	2	Inspector of food and drugs.
New York:											
Auburn	876	.....	.....	.....	.....	.....	.....	.....	.....	.....	Board of health.
Binghamton	46	285	7	35	0	0	0	0	0	0	Do.
New York	118,924	501	2,061	31	853	36	779	35	47	.....	Department of health.
Rochester	3,267	107	69	.....	41	0	35	0	0	0	Health bureau.
Schenectady	99	.....	67	.....	.....	.....	0	0	0	0	Board of health
Syracuse	9,209	57	5	0	5	0	5	0	0	0	Department of public safety.
North Carolina—State inspection	.....	266	.....	136	.....	.....	.....	.....	.....	.....	Department of agriculture.
North Dakota—State inspection	34	3,200	3	992	0	7	0	7	0	0	Agricultural experiment station.
Ohio:											
State inspection	1,027	1,403	198	772	85	158	62	151	11	.....	Dairy and food commissioner.
Canton	2	1	.....	.....	0	0	0	0	0	0	Board of health.
Cincinnati	[a]400	0	.....	0	.....	0	.....	0	.....	0	Do.
Cleveland	5,982	276	[b]16	43	10	4	6	2	.....	.....	Health department.
Columbus	1,004	.....	83	.....	4	.....	3	.....	0	.....	Board of health.
Dayton	74	4	10	.....	.....	.....	.....	.....	.....	.....	Health department.
Hamilton	150	6	2	0	0	0	0	0	0	0	Board of health.
Toledo	1,427	98	118	25	10	6	9	5	0	0	Department of health.
Youngstown	523	10	6	7	.....	.....	.....	.....	.....	.....	Board of health.
Pennsylvania:											
State inspection	2,312	2,500	75	1,150	70	1,015	50	8	.....	165	Department of agriculture.
Allentown	86	.....	2	.....	2	.....	2	.....	.....	.....	Board of health.
Erie	1,664	50	1	7	1	7	1	0	.....	6	Do.
Lancaster	400	.....	2	.....	2	.....	2	.....	.....	.....	Do.
Philadelphia	15,100	23	212	20	14	5	1	0	13	5	Bureau of health.
Pittsburg	3,460	18	200	2	200	2	200	2	0	1	Do.
Wilkes-Barre	300	720	1	.....	1	.....	1	.....	.....	.....	Board of health.
Rhode Island—Providence	7,493	1,064	253	191	25	1	23	1	2	0	Milk department.
South Dakota—State inspection	.....	256	.....	117	0	0	0	0	0	0	Food and dairy commission.
Tennessee—Nashville	2,025	80	8	8	8	6	6	6	0	0	Health department.
Texas—Houston	91	0	1	0	1	0	1	0	0	0	Board of health.
Utah:											
State inspection	983	430	27	70	.....	.....	.....	2	.....	1	Dairy and food commissioner.
Salt Lake City	505	284	.....	.....	.....	.....	.....	.....	.....	.....	Board of health.
Vermont—State inspection	15	174	6	62	.....	.....	.....	.....	.....	.....	State board of health.
Virginia—Richmond	1,140	45	11	0	11	0	11	0	1	0	Board of health.
Washington:											
State inspection	54	61	4	28	2	2	2	1	.....	.....	Dairy and food commission.
Seattle	5,202	50	39	20	4	0	4	0	0	0	Board of health.
Spokane	120	14	3	.....	3	.....	3	.....	.....	.....	Health department.
Wisconsin:											
State inspection	4,137	842	154	554	.....	.....	80	88	.....	.....	Dairy and food commission.
Milwaukee	5,328	106	147	17	9	0	8	0	0	0	Health department.
Wyoming—State inspection	63	164	4	59	2	1	2	1	0	0	Dairy, food, and oil commission.

[a] Not reported.

[b] Exclusive of watered milk.

MEMORANDA CONCERNING VARIOUS ARTICLES EXAMINED FOR PURITY, IN EVIDENCE BEFORE THE COMMITTEE.

Bottle—Cinnamon filler, composed of ground cocoanut shells.

Bottle—Mustard filler. Wheat flour and turmeric. Cost $0.05 per pound.

Bottle—Filler for cayenne pepper. Ground wood, corn meal, and some coloring material. Cost $0.04 per pound. Pure kind costs $0.16 up.

Bottle—This is a sample to be used to thicken and preserve cream. It is made of gelatin and boric acid.

Bottle—Sample of alfafa seed. Picked out of raspberry jam.

Bottle—Ground cocoanut shells used to adulterate spices, pepper, and cinnamon. Cost $0.35 per pound.

Bottle—Ground olive pits, imported in considerable quantities for adulterating spices.

Bottle—"Freeze-em." Sample of "Freeze-em," which is a commercial preservative largely composed of sulphite of soda, and contains a red coal-tar dye.

Bottle—Sample of "Iceine," which is commercial preservative largely composed of sulphite of soda and contains a red coal-tar dye.

Can—Olive oil. 16333. This is undoubtedly a sample of genuine olive oil produced by F. Baruo & Co., of Lucca, and was sold for $2 a gallon. 2 pounds 2½ ounces.

Can—Olive oil. 16348. This can was bought in New York City; is an imitation of the one above, and was evidently filled in this country with cotton-seed oil.

Can—Olive oil. 16337. This tin and label are an imitation of second one above, although the trade-mark and the spelling of the name of the producer has been very slightly changed. The oil in this can is largely cotton-seed oil. This can was bought in Philadelphia for $0.45. These cans were probably filled in this country with cotton-seed oil. 2 pounds 1 ounce.

Can—Olive oil. 16332. This is also an imitation of third one above. This can has also apparently been filled in this country with cotton-seed oil, and was sold for $2 a gallon, the same price as for the genuine article.

Can—Olive oil. 16339. This sample is guaranteed to be pure olive oil of the finest quality and is practically all cotton-seed oil.

Bottle—Pure olive oil. Sample of oil taken from the custom-house, shipped from France, and labeled "Pure California olive oil."

Can—Olive oil. 16331. This sample is guaranteed to be pure olive oil of the finest quality and is practically all cotton-seed oil.

Can—Olive oil. 16335. Another sample claiming to be pure Italian oil and practically all cotton-seed oil. This can was evidently filled in this country.

Can—Olive oil. 16334. This is a sample of oil claimed to have been made in France; largely cotton-seed oil and sesame oil. Sold for $2.50 a gallon.

Can—Olive oil. 16341. Sample of oil claimed to be pure olive oil which contains a large amount of sesame oil.

Can—Olive oil. 16350. This sample was bought in New York City for $1 a gallon. It is olive oil of very low grade, probably machinery oil that has been purified in some way.

Can—Olive oil. 16351. This sample was bought in New York City for $1.08 a gallon. It is olive oil of very low grade, probably machinery oil that has been purified in some way.

Can—Olive oil. 16338. This sample is guaranteed to be pure olive oil of the finest quality and is practically all cotton-seed oil.

Can—Olive oil. 16336. This sample is guaranteed to be pure olive oil of the finest quality and is practically all cotton-seed oil.

Can—Olive oil. 16349. This sample claimed to be pure olive oil, but contains some cotton-seed oil.

Bottle—Olive oil. Sample of imported olive oil adulterated with cotton-seed oil. The size of the bottle is also misrepresented, as it contains only one-half the amount stated on the label. This form of adulteration was very common before the food-inspection law went into effect, but now samples are very seldom obtained containing cotton-seed oil.

Bottle—Sample of imported egg albumen preserved with 1 per cent of boric acid. Out of 121 samples of egg products examined since July 1, 1905, 13 were adulterated.

Bottle—Apple-cider extract. Artificial extract prepared from ethers and alcohol.

Bottle—Grape-cider extract. Artificial extract prepared from ethers and alcohol, flavored with orange-flower water.

Bottle—Extract of lemon. Sample of lemon extract. This sample contains no lemon oil, but is purely an artificial product. Report of Michigan dairy and food commission, 1904, shows that of 159 samples examined 56 were adulterated. Report of New Hampshire State board of health, 1904, shows that of 53 samples examined 34 were adulterated. Report of North Dakota Experiment Station, 1902, shows that of 10 samples examined 7 were adulterated.

Bottle—Vanilla. Sample of vanilla extract. This sample is a purely artificial product prepared from vanillin. This is a very common form of adulteration. Report of New Hampshire State board of health, 1904, shows that of 32 samples examined 22 were adulterated. Report of Massachusetts State board of health, 1903, shows that of 25 samples examined 12 were adulterated.

Bottle—Maraschino cherries. Samples of imported cherries colored with coal-tar dye. Practically all samples of imported cherries were found to be colored, but are now being properly labeled. Out of 54 samples examined since July 1, 1905, only 4 were not properly labeled. All of the rest were labeled "Artificially colored."

Bottle—Sample of crême de menthe cherries colored with coal-tar dye.

Can—Frankfurters. Sample of imported German sausage, containing boric acid. This form of adulteration was very common before the import pure-food law went into effect, but at present practically none of the sausages are found to be preserved. Out of 181 samples examined from 1903–4, 31 samples were found to be preserved.

Can—German sausage. Sample of imported German sausage, preserved with large amount of benzoic acid. This form of adulteration was very common before the import pure-food law went into effect, but at present practically none of the sausages are found to be preserved. Out of 181 samples examined from 1903–4, 31 samples were found to be adulterated.

Can—Sausage. Sample of imported sausage, preserved with aluminum acetate. This form of adulteration was very common before the import pure-food law went into effect, but at present practically none of the sausages are found to be preserved. Out of 181 samples examined from 1903–4, 31 samples were found to be adulterated.

Bottle—Sample of whole pepper very largely adulterated with pepper hulls. Report Connecticut Agricultural Experiment Station, 1901, shows that of 51 samples examined 20 were adulterated. Report Massachusetts State board of health, 1904, shows that of 62 samples examined 24 were adulterated.

Bottle—Black pepper adulterated with 15 per cent tapioca covered with lamp black.

Glass—Pineapple jelly. Sample of so-called "Pineapple jelly" made up largely of glucose and preserved with benzoic acid. Upon a very careful examination of the label, it was found to be marked "compound." Report Connecticut Agricultural Experiment Station, 1898, shows that of 64 samples examined 42 were adulterated. Report Minnesota dairy and food commission, 1900, shows that of 32 samples examined 18 were adulterated. Report North Dakota Agricultural Experiment Station, 1902, shows that of 33 samples examined 33 were adulterated. Report Michigan dairy and food commission, 1904, shows that of 97 samples examined 71 were found to be adulterated.

Glass—Quince jelly. Sample of so-called "Quince jelly," made up largely of glucose and preserved with benzoic acid. Upon a very careful examination of the label, it was found to be marked "compound." Report Connecticut Agricultural Experiment Station, 1898, shows that of 64 samples examined 42 were adulterated. Report Minnesota dairy and food commission, 1900, shows that of 32 samples examined 18 were adulterated. Report North Dakota Agricultural Experiment Station, 1902, shows that of 33 samples examined 33 were adulterated. Report Michigan dairy and food commission, 1904, shows that of 97 samples examined 71 were found to be adulterated.

Jar—Plum preserves. Sample of plum preserves very largely adulterated with glucose, colored with a coal-tar dye. Report Connecticut Agricultural Experiment Station, 1898, shows that of 64 samples examined, 42 were adulterated. Report Minnesota Dairy and Food Commission, 1900, shows that of 32 samples examined, 18 were adulterated. Report North Dakota Agricultural Experiment Station, 1902, shows that of 33 samples of preserves, jellies, etc., examined, 33 were adulterated. Report Michigan Dairy and Food Commission, 1904, shows that of 97 samples examined, 71 were adulterated.

Jar—Honey. Sample of honey, which is found marked "compound" in very small letters on the label. This sample is largely glucose and bugs. Report Massachusetts State Board of Health, 1903, shows that of 59 samples examined, 24 were found to be adulterated. Report Minnesota Dairy and Food Commission, 1903, shows that of 114 samples examined, 16 were found to be adulterated.

Bottle—Maple sirup. Sample of maple sirup adulterated with a large percentage of cane sirup. The addition of cane sirup to maple sirup is an almost universal practice. Report Massachusetts State Board of Health, 1903, shows that out of 57 samples examined, 14 were found to be adulterated. Report Ohio Dairy and Food Commission, 1903, shows that of 129 samples examined, 102 were found to be adulterated.

Bottle—Libby's tomato catsup. Sample of catsup which is preserved with a large amount of benzoic acid.

Bottle—Sunbeam catsup. Sample of catsup preserved with benzoic acid. Practically all catsups are preserved with benzoate of soda. Report Connecticut Agricultural Experiment Station, 1904, shows that out of 66 samples of catsup examined 66 were found to be adulterated. Bulletin North Carolina State Board of Agriculture, 1903, shows that of 22 samples examined 22 were found to be adulterated. Report Ohio Dairy and Food Commission, 1903, shows that of 9 samples examined 9 were found to be adulterated.

Bottle—Navelade. Sample of fruit sirup colored with a coal-tar dye and preserved with salicylic acid. Report Connecticut Agricultural Experiment Station, part 3, 1902, shows that of 27 samples examined 20 were found to be adulterated.

Bottle—Imported vinegar. This vinegar, claimed to be made from pure wine, is a diluted vinegar colored with caramel. This form of adulteration is very common. Out of 136 samples of vinegar examined since July 1, 1905, 64 were found to be adulterated.

Can—Peas. Sample of peas. This sample is preserved by taking dried peas and soaking them, and is a very low grade of what is known as "soaked goods." We have no data as to the extent of this class of adulteration.

Can—Corn. Sample of sweet corn labeled "of the best quality," which has been soaked and is commonly known as "soaked goods." We have no data as to the extent of this form of adulteration.

Can—Mustard. Sample of mustard colored with turmeric and mixed with flour. Report Connecticut Agricultural Experiment Station, 1904, shows that of 14 samples of ground mustard examined 10 were found to be adulterated. Report Massachusetts State board of health, 1903, shows that of 250 samples examined 66 were found adulterated. Report Michigan dairy and food commission, 1904, shows that of 4 samples examined 4 were found to be adulterated.

Can—Cocoa. Cocoa containing a large amount of arrowroot starch. Arrowroot costs $0.12 to $0.15 per pound. Cocoa costs $0.40 to $0.80 a pound. Report Connecticut Agricultural Experiment Station, 1902, shows that of 45 samples of cocoa 19 were found to be adulterated. Report Massachusetts State board of health, 1903, shows that of 42 samples examined 20 were found to be adulterated. Report Michigan dairy and food commission, 1904, shows that of 39 samples examined 18 were found to be adulterated.

Bottle—Sample of carbonated soda water. This sample is artificially colored with coal-tar dye and sweetened with saccharin. The sample of cloth accompanying this bottle was dyed with the coloring matter from a bottle of this size. Report Connecticut Agricultural Experiment Station, 1902, shows that of 71 samples of soda water examined 43 were found to be adulterated. Report State board of health, 1904, shows that of 36 samples examined 25 were found to be adulterated. Bulletin North Carolina State board of agriculture, 1903, shows that of 36 samples examined 24 were found to be adulterated.

Bottle—Scotch hop ale. Sample of carbonated beverage of soda-water type, preserved with benzoate of soda. Report Connecticut Agricultural Experiment Station, 1902, shows that of 71 samples of soda water examined 43 were adulterated. Report New Hampshire State Board of Health, 1904, shows that of 36 samples examined 23 were adulterated. Bulletin North Carolina State Board of Agriculture, 1903, shows that of 36 samples examined 24 were adulterated.

Bottle—Barsac. Sample of imported wine which contains a very large amount of sulphurous acid. A report for food inspection from 1903 to 1905 for the Bureau of Chemistry, shows that out of 1,097 samples of wine examined 189 were contrary to the law.

Bottle—Rhine wine. Sample of imported Rhine wine, preserved with salicylic acid. This is not a very common form of adulteration.

Bottle—Lime-juice cordial. Sample of lime-juice cordial. This sample is preserved with a large amount of salicylic acid.

PARTIAL MEMORANDA CONCERNING VARIOUS PACKAGE ARTICLES PURCHASED AT FIRST-CLASS RETAIL STORES, WITH STATEMENT OF WEIGHT OR MEASURE, IN EVIDENCE BEFORE THE COMMITTEE.

Can—Cocoa. F 16406. Marked to contain 1 pound; gross weight, 1.2 pounds; net weight, 0.94 pound; price, $0.35; purchased at Washington, D. C.

Can—Cocoa. F 16484. Marked to contain 8 ounces; gross weight, 10.2 ounces; net weight, 7.2 ounces; price, $0.19; purchased at New York, N. Y.

Can—Tetley's tea. F. 16704. Sold for 1 pound; gross weight, 1.5 pounds; net weight, 1 pound; price, $0.60; purchased at Chicago, Ill.

Can—Molasses. F 16703. Claimed to contain 1 quart; contains 0.9 quart; price $0.20; purchased at Chicago, Ill.

Can—Extract lemon. F 16443. Sold to contain 8 ounces; net weight, 5.6 ounces; price, $0.35; purchased at Boston, Mass.

Can—Extract of vanilla. F 16444. Sold to contain 8 ounces; net weight, 6.2 ounces; price, $0.35; purchased at Boston, Mass.

Can—Baking powder. Sample of baking powder very largely adulterated with ground rock.

Can—Condensed milk. F 16555. Sold to contain 1 pound; gross weight, 0.94 pound; net weight, 0.78 pound; price, $0.10; purchased at Philadelphia, Pa.

Can—Peanut butter. F 16417. Marked to contain 1 pound; gross weight, 1 pound; net weight, 0.84 pound; price, $0.20; purchased at Washington, D. C.

Can—Allspice. F 16429. Sold to contain 4 ounces; gross weight, 4.2 ounces; net weight, 3 ounces; price, $0.10; purchased at Washington, D. C.

Can—Cinnamon. F 16506. Marked to contain 4 ounces; gross weight, 5.5 ounces; net weight, 3.7 ounces; price, $0.10; purchased at New York, N. Y.

Can—Potted ham. F 16424. Sold to contain 4 ounces; gross weight, 5.3 ounces; net weight, 3.7 ounces; price $0.05; purchased at Washington, D. C.

Can—Potted ox tongue. F 16423. Sold to contain 4 ounces; gross weight, 5.3 ounces; net weight, 3.5 ounces; price $0.05; purchased at Washington, D. C.

Can—Sliced bacon. F 16405. Sold to contain 1 pound; gross weight, 1 pound ¼ ounce; net weight, 7 ounces; price $0.25; purchased at Washington, D. C.

Can—Extract beef. F 16502. Marked to contain 2 ounces; gross weight, 8.5 ounces; net weight 1.6 ounces; price, $0.25; purchased at New York, N. Y.

Can—Lard. F 16469. Sold for 3 pounds; gross weight, 3 pounds; net weight, 2.4 pounds; price, $0.33; purchased at Boston, Mass.

Can—Corned beef. F 16407. Sold to contain 1 pound; gross weight, 1.2 pounds; net weight, 0.94 pound; price, $0.15; purchased at Washington, D. C.

Can—Clam juice. F 16724. Sold for 2 pounds; gross weight, 1.5 pounds; price, $0.10; purchased at Chicago, Ill.

Can—Cove oysters. F 16695. Sold for 1 pound; gross weight, 0.81 pound; price, $0.10; purchased at Chicago, Ill.

Can—Clam bouillon. F 16738. Sold for 0.50 quart; contains, 0.22 quart; price, $0.20; purchased at Chicago, Ill.

Can—Shrimp. F 16700. Sold for 0.5 pound; gross weight, 0.46 pound; price, $0.10; purchased at Chicago, Ill.

Can—Minced sea clams. F 16693. Sold for 1 pound; gross weight, 0.87 pound; price, $0.13; purchased at Chicago, Ill.

Can—Little-neck clam juice. F 16694. Sold for 1 pound; gross weight, 0.84 pound; price, $0.10; purchased at Chicago, Ill.

Can—Mule Head oysters—F 16698. Sold for 2 pounds; gross weight, 1.5 pounds; net weight, 1.3 pounds; price, $0.20; purchased at Chicago, Ill.

Can—Lemon cling peaches. F 16673. Sold for 3 pounds; gross weight, 2.3 pounds; net weight, 1.9 pounds; volume, 1.7 pints; price, $0.20; purchased at Washington, D. C.

Can—Apricots. F 16730. Sold for 2.5 pounds; gross weight, 2.3 pounds; price, $0.25; purchased at Chicago, Ill.

Can—Apricots. F 16663. Sold for 3 pounds; gross weight, 2.3 pounds; net weight, 2 pounds; volume, 1.7 pints; price $0.20; purchased at Washington, D. C.

Can—Bartlett pears. F 16666. Sold for 3 pounds; gross weight, 2.3 pounds; net weight, 1.9 pounds; volume, 1.7 pints; price, $0.20; purchased at Washington, D. C.

Can—White cherries. F 16660. Sold for 3 pounds; gross weight, 2.3 pounds; net weight, 2 pounds; volume 1.8 pints; price, $0.25; purchased at Washington, D. C.

Can—Sliced pineapple. F 16697. Sold for 2 pounds; gross weight, 1.5 pounds; price, $0.20; purchased at Chicago, Ill.

Can—Pineapple. F 16702. Sold for 2 pounds. Gross weight, 1.6 pounds; price, $0.25; purchased at Chicago, Ill.

Can—Strawberries. F 16716. Sold for 1 pound; gross weight, 0.95 pound; price, $0.10; purchased at Chicago, Ill.

Can—Cream corn. F 16485. Sold to contain 2 pounds; gross weight, 1.5 pounds; net weight, 1.3 pounds; price, $0.09; purchased at New York, N. Y.

Can—Sugar corn. F 16426. Sold to contain 2 pounds; gross weight, 1.5 pounds; net weight, 1.3 pounds; price, $0.10; purchased at Washington, D. C.

Can—Sugar corn. F 16565. Sold to contain 2 pounds; gross weight, 1.5 pounds; net weight, 1.3 pounds; price, $0.10; purchased at Philadelphia, Pa.

Can—Sugar corn. F 16470. Sold for 2 pounds; gross weight, 1 pound 9½ ounces; net weight, 1.25 pounds; price, $0.08; purchased at Boston, Mass.

Can—Sugar corn. F 16674. Sold for 2 pounds; gross weight, 1.5 pounds; net weight, 1.3 pounds; price, $0.10; purchased at Washington, D. C.

Can—Sugar corn. F 16425. Sold to contain 2 pounds; gross weight, 1 pound 8½ ounces; net weight, 1.4 pounds; price, $0.10; purchased at Washington, D. C.

Can—Limas. F 16559. Sold to contain 2 pounds; gross weight, 1.5 pounds; net weight 1.3 pounds; price, $0.18; purchased at Philadelphia, Pa.

Can—Tomatoes. F 16473. Sold for 3 pounds; gross weight, 2.6 pounds; net weight, 2.25 pounds; price, $0.12; purchased at Boston, Mass.

Can—Tomatoes. F 16732. Sold for 2.5 pounds; gross weight, 2.4 pounds; price, $0.12; purchased at Chicago, Ill.

Can—Tomatoes. F 16557. Sold to contain 3 pounds; gross weight, 2 pounds 7½ ounces; net weight, 2.2 pounds; price, $0.13; purchased at Philadelphia, Pa.

Can—Tomatoes. F 16486. Sold to contain 2 pounds; gross weight, 1 pound 10 ounces; net weight, 1.3 pounds; price, $0.10; purchased at New York, N. Y.

Can—Tomatoes. F 16672. Sold for 3 pounds; gross weight, 2.6 pounds; net weight, 2.2 pounds; volume, 2.1 pints; price, $0.10; purchased at Washington, D. C.

Can—Tomatoes. F 16667. Sold for 3 pounds; gross weight, 2.4 pounds; net weight, 2 pounds; volume, 1.9 pints; price $0.10; purchased at Washington, D. C.

Can—Tomatoes. Sold for 3 pounds; gross weight, 2.3 pounds; net weight, 2 pounds; volume, 1.9 pints; price, $0.12; purchased at Washington, D. C.

Can—Beans. F 16722. Sold for 2 pounds; gross weight 1.4 pounds; price, $0.15; purchased at Chicago, Ill.

Can—Baked beans with tomato sauce. F 16720. Sold for 2 pounds; gross weight, 1.6 pounds; price, $0.15; purchased at Chicago, Ill.

Can—Baked beans. F 16723. Sold for 2 pounds; gross weight, 1.7 pounds; price, $0.15; purchased at Chicago, Ill.

Can—Pork and beans. F 16719. Sold for 2 pounds; gross weight, 1.6 pounds; price, $0.15; purchased at Chicago, Ill.

Can—Pork and beans. F 16714. Sold for 2 pounds; gross weight, 1.6 pounds; price, $0.18; purchased at Chicago, Ill.

Can—Boston baked beans. F 16743. Sold for 3 pounds; gross weight, 2.7 pounds; price, $0.18; purchased at Chicago, Ill.

Can—Peas. F 16705. Sold for 2 pounds; gross weight, 1.5 pounds; price, $0.13; purchased at Chicago, Ill.

Can—Beets. F 16713. Sold for 3 pounds; gross weight, 2.75 pounds; price, $0.15; purchased at Chicago, Ill.

Can—Asparagus. F 16745. Sold for 2.5 pounds; gross weight, 2.3 pounds; net weight, 1.95 pounds; price, $0.35; purchased at Chicago, Ill.

Can—Stringless beans. F 16558. Sold to contain 2 pounds; gross weight, 1.5 pounds; net weight, 1.2 pounds; price, $0.15; purchased at Philadelphia, Pa.

Glass—Peach jelly. F 16466. Sold to contain 6 ounces; gross weight, 9 ounces; net weight, 4.7 ounces; price, $0.06; purchased at Boston, Mass.

Glass—Raspberry jelly. F 16467. Sold to contain 1 pound; gross weight, 1.3 pounds; net weight, 0.65 pound; price, $0.25; purchased at Boston, Mass.

Package—Toasted wheat flakes. F 16767. Weight, not marked; gross weight, 0.85 pound; net weight, 0.70 pound; price, $0.13; purchased at Chicago, Ill.

Package—Currants. F 16418. Marked to contain 1 pound; gross weight, 0.96 pound; net weight, 0.92 pound; price, $0.10; purchased at Washington, D. C.

Package—Crushed oats. F 16699. Weight, not marked; gross weight, 2 pounds; net weight, 1.7 pounds; price, $0.10; purchased at Chicago, Ill.

Package—Raisins. F 16419. Marked to contain 1 pound; gross weight, 1 pound; net weight, 0.95 pound; price, $0.10; purchased at Washington, D. C.

Package—Raisins. F 16731. Sold for 1 pound; gross weight, 0.98 pound; net weight, 0.93 pound; price, $0.18; purchased at Chicago, Ill.

Package—Currants. F 16734. Sold to contain 1 pound; gross weight, 0.9 pound; net weight, 0.88 pound; price, $0.10; purchased at Chicago, Ill.

Package—Currants. F 16562. Marked to contain 1 pound; gross weight, 0.96 pound; net weight, 0.86 pound; price, $0.12; purchased at Philadelphia, Pa.

Package—Raisins. F 16453. Sold to contain 1 pound; gross weight, 1.4 pound; net weight, 0.95 pound; price, $0.15; purchased at Boston, Mass.

Package—Cornstarch. F 16480. Sold to contain 1 pound; gross weight, 1 pound; net weight, 0.96 pound; price, $0.09; purchased at Boston, Mass.

Package—Wheatena. F 16762. No weight on package; gross weight, 1.5 pound; net weight, 1.4 pound; price, $0.13; purchased at Chicago, Ill.

Package—Pancake flour. F 16759. No weight on package; gross weight, 2 pounds; net weight, 1.8 pound; price, $0.13; purchased at Chicago, Ill.

Package—Malta-vita. F 16678. Weight not marked on package; gross weight, 1.2 pounds; net weight, 1 pound; price, $0.15; purchased at Washington, D. C.

Package—Zest. F 16684. Weight not marked on package; gross weight, 1.5 pounds; net weight, 1 pound; price, $0.13; purchased at Washington, D. C.

Package—Corn-crisp. F 16760. No weight on package; gross weight, 1.08 pounds; net weight, 0.91 pound; price $0.13; purchased at Chicago, Ill.

Package—Pancake flour. F 16765. Weight not marked; gross weight, 2 pounds; net weight, 1.9 pounds; price, $0.10; purchased at Chicago, Ill.

Package—Cream biscuit. F 16397. Sold to contain 1 pound; gross weight, —— pound; net weight, 0.78 pound; price, $0.13; purchased at Washington, D. C.

Package—Force. F 16696. Sold for 1 pound; gross weight, 1.1 pounds; net weight, 0.88 pound; price, $0.13; purchased at Chicago, Ill.

Package—Quaker rice. F 16715. Weight not marked; gross weight, 0.54 pound; net weight, 0.40 pound; price, $0.10; purchased at Chicago, Ill.

Package—Pancake flour. F 16742. Weight not marked; gross weight, 1.8 pounds; net weight, 1.75 pounds; price, $0.10; purchased at Chicago, Ill.

Package—Cream of wheat. F. 16701. Weight not marked; gross weight, 2 pounds; net weight, 1.8 pounds; price, $0.13; purchased at Chicago, Ill.

Package—Wheat-flake celery food. F. 16771. No weight on package; gross weight, 0.9 pound; net weight, 0.7 pound; price, $0.10; purchased at Chicago, Ill.

Package—Quaker oats. Marked to contain 2 pounds; gross weight, 1 pound 15 ounces.

Package—Egg-o-see. F. 16685. Weight not marked on package; gross weight, 1 pound; net weight, 0.8 pound; price, $0.08; purchased at Washington, D. C.

Package—Malt breakfast food. F. 16675. Marked to contain 2 pounds; gross weight, 2.1 pounds; net weight, 1.9 pounds; price, $0.15; purchased at Washington, D. C.

Package—Health brand hominy. F. 16492. Marked to contain 2 pounds; gross weight, 1.8 pounds; net weight, 1.7 pounds; price $0.10; purchased at New York, N. Y.

Package—Grape-nuts. F. 16677. Marked to contain 16 ounces net; gross weight, 1.1 pounds; net weight, 1 pound; price, $0.15; purchased at Washington, D. C.

Package—Cream of wheat. F 16676. Weight not marked on package; gross weight 2 pounds; net weight 1.8 pounds; price $0.15; purchased at Washington, D. C.

Package—Tapioca. F. 16576. Sold to contain 1 pound; gross weight 0.98 pound; net weight 0.92 pound; price $0.12; purchased at Philadelphia, Pa.

Package—Macaroni. F. 16572. Sold to contain 1 pound; gross weight 1 pound; net weight 0.94 pound; price $0.10; purchased at Philadelphia, Pa.

Package—Macaroni. F. 16712. Sold for 1 pound; gross weight 0.97 pound; net weight 0.85 pound; price $0.12; purchased at Chicago, Ill.

Package—Grandmother's gelatine. F 16576. Marked to contain 2 ounces; gross weight 2.3 ounces; net weight 1.8 ounces; price $0.10; purchased at Philadelphia, Pa.

Package—Uneeda biscuit. F 16396. Sold to contain 8 ounces; gross weight 8 ounces; net weight 5.8 ounces; price $0.05; purchased at Washington, D. C.

Package—Maple flake. F 16761. No weight on package; gross weight, 0.97 pound; net weight, 0.80 pound; price, $0.13; purchased at Chicago, Ill.

Package—Quaker oats. F 16770. No weight on package; gross weight, 2 pounds; net weight, 1.9 pounds; price, $0.10; purchased at Chicago, Ill.

Package—Breakfast food. F 16718. Weight not marked; gross weight, 1.7 pounds; net weight, 1.5 pounds; price, $0.13; purchased at Chicago, Ill.

Package—Perfection apples. F 16452. Marked to contain 1 pound; gross weight, 0.97 pound; net weight, 0.87 pound; price, $0.14; purchased at Boston, Mass.

Package—Tapioca. F 16495. Marked to contain 1 pound; gross weight, 1 pound; net weight, 0.96 pound; price, $0.10; purchased at New York, N. Y.

Package—Coffee. F 16503. Marked to contain 1 pound; gross weight, 1.1 pounds; net weight, 0.97 pound; price, $0.14; purchased at New York, N. Y.

Package—Self-raising flour. F 16494. Marked to contain 3 pounds; gross weight, 3 pounds; net weight, 2.95 pounds; price, $0.15; purchased at New York, N. Y.

Jar—Peach preserves. F 16465. Sold to contain 1 pound; gross weight, 1.7 pounds; net weight, 0.96 pound; price, $0.09; purchased at Boston, Mass.

Glass—Apple jelly. F 16463. Sold to contain 6 ounces; gross weight, 9.2 ounces; net weight, 4.9 ounces; price $0.06; purchased at Boston, Mass.

Glass—Apple jelly. F 16468. Sold to contain 1 pound; gross weight, 1.1 pounds; net weight, 0.66 pound; price, $0.10; purchased at Boston, Mass.

Can—Java and Mocha coffee. F 16451. Marked to contain 2 pounds; gross weight, 2.5 pounds; net weight, 1.95 pounds; price, $0.50; purchased at Boston, Mass.

Can—Cayenne pepper. F 16505. Marked to contain 4 ounces; gross weight, 5.6 ounces; net weight, 3.7 ounces; price, $0.10; purchased at New York, N. Y.

Package—White pepper. F 16459. Marked to contain 4 ounces net; gross weight, 4.4 ounces; net weight, 3.7 ounces; price, $0.10; purchased at Boston, Mass.

Package—Black pepper. F 16461. Marked to contain 4 ounces; gross weight, 4.1 ounces; net weight, 3.5 ounces; price, $0.08; purchased at Boston, Mass.

Package—Black pepper. F 16460. Marked to contain 4 ounces net; gross weight, 4.4 ounces; net weight, 3.7 ounces; price, $0.10; purchased at Boston, Mass.

Package—Cinnamon. F 16458. Marked to contain 4 ounces net; gross weight, 4.4 ounces; net weight, 3.7 ounces; price, $0.10; purchased at Boston, Mass.

Package—Cream tartar. F. 16474. Marked to contain 1 pound; gross weight, 1.2 pounds; net weight, 0.98 pound; price, $0.33; purchased at Boston, Mass.

Package—Buckwheat. F. 16412. Marked to contain 1½ pounds; gross weight, 1½ pounds; net weight, 1.4 pounds; price, $0.10; purchased at Washington, D. C.

Package—"Sure rising buckwheat." F. 16436. Marked to contain 2 pounds; gross weight, 1.95 pounds; net weight, 1.8 pounds; price, $0.10; purchased at Washington, D. C.

Package—Digesto coffee. F. 16568. Sold to contain 1 pound; gross weight, 0.81 pound; net weight, 0.62 pound; price, $0.25; purchased at Philadelphia, Pa.

Bottle—"Pure maple sirup." F. 16446. Sold to contain 1 quart; contains 1.6 pints; price, $0.30; purchased at Boston, Mass.

Bottle—Vermont sirup. F. 16421. Sold to contain 1 pint; contains 0.8 pint; price, $0.15; purchased at Washington, D. C.

Bottle—"Pure rock-candy sirup." F 16706. Sold for 0.5 quart; contains 0.44 quart; price, $0.20; purchased at Chicago, Ill.

Bottle—Grape juice. F 16741. Sold for 0.5 quart; contains 0.47 quart; price, $0.25; purchased at Chicago, Ill.

Bottle—Pure malt vinegar. F 16709. Sold for 1 quart; contains 1.7 pints; price, $0.18; purchased at Chicago, Ill.

Bottle—Zinfandel. F 16394. Sold to contain 1 quart; contains 1.5 pints; price, $0.40; purchased at Washington, D. C.

Bottle—Pure cider vinegar. F 16488. Sold to contain 1 quart; contains 1.7 pints; price, $0.10; purchased at New York, N. Y.

Bottle—Cider vinegar. F 16471. Sold for 1 quart; contains 1.5 pints; price, $0.12; purchased at Boston, Mass.

Bottle—Wine vinegar. F 16489. Sold to contain 1 quart; contains 1.6 pints; price $0.25; purchased at New York, N. Y.

Bottle—Blue Label tomato ketchup. F. 16448. Sold to contain 1 pint; contains 0.9 pint; price, not given; purchased at Boston, Mass.

Bottle—Monument pure rye whisky. F. 16679. Sold for 1 quart; contains 2 pints; price, $1; purchased at Washington, D. C.

Bottle—Winchester pure rye whisky. F. 16680. Sold for 1 quart; contains 2 pints; price, $1; purchased at Washington, D. C.

Bottle—Hunter Baltimore rye. F. 16690. Sold for 1 quart; contains 1.5 pints; price, $1.25; purchased at Washington, D. C.

Bottle—Braddock Maryland rye. F. 16688. Sold for 1 quart; contains 1.6 pints; price, $1.25; purchased at Washington, D. C.

Bottle—Trimble rye whisky. F. 16691. Sold for 1 quart; contains 1.5 pints; price, $1.25; purchased at Washington, D. C.

Bottle—Duffy's pure malt whisky. F. 16683. Sold for 1 quart; contains 1.5 pints; price, $0.90; purchased at Washington, D. C.

Bottle—Sauterne, To-Kalon vineyards. F. 16395. Sold to contain 1 quart; contains 1.5 pints; price, $0.40; purchased at Washington, D. C.

Bottle—Old Overholt whisky. Contains full quart.

MEMORANDUM OF "HABIT-FORMING DRUGS."

The following "habit-forming drugs" have, within the last year or two, been stated upon good authority to be contained in the following medicines. These statements have been found in various medical journals and board of health reports and Collier's Weekly. The latter has collected from various sources extensive data on this subject. In view of the fact that recently heavy damages (reported as about $17,000) were obtained from a popular magazine because of an untrue statement that a certain "patent medicine" contained alcohol and opium, these data have, doubtless, been carefully confirmed. In the case of a few of the preparations named below, the label states that cocaine, etc., are contained; a few others are ostensibly sold only on physicians' prescriptions, but most of them are entirely secret and in many cases stated to be harmless.

The patent medicines containing a large percentage of alcohol are not given here, for, as a result of recent rulings of the Commissioner of Internal Revenue, there have been extensive changes in the composition of this class of medicines. There is no doubt, however, that there are still upon the market a number of medicines containing a considerable percentage of alcohol in combination with drugs for which there is little recognized use.

Morphine and opium.—Dr. Bull's Cough Syrup, Kopp's Baby Friend, Grandma's Secret, Nurses' and Mothers' Treasure, St. Anne's Morphine Cure, Wooley's Cure for Alcoholism, Opium Cure of St. James's Society, Chamberlain's Colic Remedy, Dr. Week's Breath of Cold, Mrs. Winslow's Soothing Syrup, Oxidine, Fenner's Cough Honey, Dr. King's New Discovery for Consumption, Boschee's German Syrup.

Cocaine.—Dr. Birney's Catarrh Cure, Gray's Catarrh Cure, Dr. Cole's Catarrh Cure, Crown Catarrh Powder.

Chloroform.—Dr. King's New Discovery for Consumption, Shiloh's Consumption Cure, Piso's Consumption Cure.

Acetanilid.—Orangeine, Antikamnia, Kohler's Powders, Hed-eze, Bromo-Seltzer, Cephalgine, Electric Headache Powders, A. B. C. Headache Powders, Royal Pain Powders, Miniature Headache Powders, Megrimine, Anti-Headache, Dr. Davis's Headache Powders.

Cannabis indica.—Piso's Consumption Cure.

NOTES ON SOME PREPARATIONS CONTAINING HABIT-FORMING DRUGS.

Chloral hydrate.—"Bromidia:" This is one of the best-known proprietary remedies containing chloral hydrate. It is not necessary to make any comments concerning this product, because the formula is printed on each package. It complies, therefore, fully with the bill at present before Congress.

Cocaine.—"Doctor Birney's Catarrh Powder" and "Doctor Agnew's Catarrh Powder:" Both of these remedies contain cocaine. This information is contained on both packages. The sticker on "Doctor Birney's Catarrh Powder" simply states "Contains a small quantity of cocaine," while the amount of cocaine present in "Doctor Agnew's Catarrh Powder" is clearly set forth on the label and amounts to 2¼ per cent of cocaine hydrochlorate.

Heroin.—"Ayer's Cherry Pectoral" and "Glyco-Heroin" (Smith): Both of these preparations are also marked as to the presence of their active medicinal constituents. "Ayer's Cherry Pectoral" gives all the ingredients said to be present in this compound. "Glyco-Heroin" does not go as far as that, but clearly sets forth that it contains heroin. Heroin is frequently considered as not being as dangerous a drug as morphine or opium, but during the past few years the medical profession has had numerous examples to indicate that heroin is nearly as dangerous in the formation of habits as is morphine.

Morphine and opium.—"Godfrey's Cordial," "Chamberlain's Diarrhea Remedy," "Kopp's Baby's Friend," "Mrs. Winslow's Soothing Syrup," and "Salvita:" These preparations serve to bring out interesting points. "Godfrey's Cordial" is a well-known remedy, which anyone is at liberty to prepare. Its composition is well known to all druggists and manufacturing pharmacists. The value of the remedy depends largely on the morphine which it contains. "Kopp's Baby Friend" is known to contain morphine and has been instrumental in causing the death of a number of children during the past few years. Nothing is said relative to the presence of the dangerous poison, morphine. "Mrs. Winslow's Soothing Syrup" is known to contain opium or opium in some form. Such information, however, is not given on the package or the literature accompanying same. In England the manufacturer of this preparation is compelled to clearly indicate that it is a poison, according to the laws of that country. "Chamberlain's Diarrhea Remedy" clearly sets forth in literature accompanying the sample the presence of opium, in the following language: "N. B. With the exception of chronic diarrhea, this remedy is not recommended for any disease that would require its habitual use. It should not be used habitually, as it contains about half a grain of opium in each teaspoonful." Reference is also made on the label of the bottle to the directions in wrapper around each bottle. This would probably be sufficient information, but it seems that if it is desirable to call attention to the presence of opium in the advertising literature, such information should also be clearly indicated on the label of the bottle itself. "Salvita" is one of the remedies which is represented in the advertising literature as being free from opium or any of its salts. An examination, however, showed that this representation is false, opium being present.

Acetanilid.—Acetanilid is a most beneficial and useful medicinal remedy, but during the past few years it has been placed in the hands of the laity in so many forms under the guise of headache cures, neuralgia cures, etc., that at present there are many women who are unable to do their daily work without taking a portion of some compound containing acetanilid, in order to properly do their daily tasks. A brief perusal of the proprietary remedies handled in a wholesale way throughout this country shows that there are over 300 preparations used for this purpose, and it would probably not be far from the truth to say that all of them contain acetanilid. The following are among the most widely used and well-known headache remedies: "Antikamnia," "Bromo Seltzer," "Harper's Brain Food," and "Red Dragon Seltzer."

"Antikamnia" is largely advertised, and there are very few households in the United States that do not know this remedy, and in many cases there are persons who take some of this remedy daily. The chief constituent is acetanilid.

"Bromo Seltzer" and "Red Dragon Seltzer" both contain acetanilid as the chief ingredient.

"Harper's Brain Food" is a liquid preparation containing acetanilid. The following statements on the package of this remedy are unwarranted: "A positive cure for headache, neuralgia, nervousness, insomnia, etc." "This preparation is perfectly harmless, and may be relied upon as containing nothing injurious." This remedy will not cure any of the affections enumerated, but simply relieves.

Alpha and Beta Eucaine.—No preparation containing either or both of the above compounds is known to the drug laboratory. They are, however, used in place of and substitutes for cocaine, and in some States where it is unlawful to sell cocaine eucaine is frequently supplied to cocaine habitués.

Medicine without alcohol.—A large proportion of the liquid medicinal preparations contain more or less of alcohol as a solvent, and it is a common belief that medicinal remedies can not be prepared without this agent. This position is not correct. There are a goodly number of preparations which do not contain any alcohol; as a notable example of the proprietary remedies may be cited "Pierce's Favorite Prescription." This compound does not contain any alcohol, its solvent constituents being water and glycerine.

"Grandma's Secret" is another child soother. It killed the young son of Mr. and Mrs. Nankivell, of Shampkin, Pa., in December last.

SHAMOKIN, PA., *March 24, 1906.*

DEAR SIR: I received your letter yesterday. You want to know whether it is true that our son died from the effects of a medicine called "Grandma's Secret." That is the truth. That was the cause of his death.

Yours, very truly, ——— ———.

Another of this class is "Nurses and Mothers' Treasure," which Joseph and Nellie Kucer, of Fall River, Mass., gave to their 3-weeks-old child to make it sleep. He did not awake. Opium poisoning was the verdict of the medical examiner. Neither "Grandma's Secret" nor "Nurses and Mothers' Treasure" has any label showing that they contain a dangerous poison. On the contrary, "Nurses and Mothers' Treasure," in its advertising, warns the public against the use of other soothing sirups and nostrums which, it says, contain laudanum or opium.

APRIL 21, 1906.

DEAR SIR: Replying to yours of the 10th, which was for some reason delayed in transit, would say that R. H. Shofner died in Sidney, N. Y., on April 6 from an overdose of morphia taken in Fenner's Cough Honey, a medicine put out by the Fenner Medicine Company, of Fredonia, N. Y.

He took during the day and evening, the greater portions during the evening, about 7 ounces of the medicine, which contains one-sixteenth grain of morphia to the dram.

Practically all the circumstances were given in the newspapers. Autopsy revealed no evidences of other disease.

Yours, truly,

S. J. WHITE, Jr.,
Coroner of Delaware County, N. Y.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY,
Washington, D. C., May 1, 1906.

Hon. JAMES R. MANN,
House of Representatives.

DEAR SIR: In reply to your favor of April 30, I beg to advise you that local druggists inform us that they do not keep Fenner's Cough Honey, neither do they know anything about this preparation. We shall, however, take steps to secure this product for you, and make the requested analysis as soon as possible. The Fenner Medicine Company, I am informed, disposes of its wares largely through itinerant drug venders.

In your letter you also ask whether one-half grain of morphine to the ounce, which is twice the quantity proposed by the Lovering amendment, had any material weight in connection with the Shofner case. If the "cough honey" contained only one-sixteenth of a grain of morphine to the dram, 7 ounces of the material, the amount consumed by R. H. Shofner, would contain 1¾ grains of morphine, which is sufficient to kill an adult in normal health, provided similar conditions prevailed as those under which Shofner lost his life. One and three-fourths grains of morphine taken over the period of time in which the Fenner's Cough Honey was taken might not prove fatal if suitable precautions were taken to counteract the effects of the drug.

The point in the case is simply this: That even if small quantities of morphine are present in a proprietary remedy which goes into the hands of the laity disastrous results are liable to follow.

Very respectfully,

H. W. WILEY, *Chief.*

Doctor Fenner's Cough Syrup. Volume, 10 ounces. Price, $1. This is a saccharine mixture containing expectorants, such as tolu, but the active valuable constituent in this remedy undoubtedly is morphine, which is present to the extent of one-fourth grain to 1 ounce.

OFFICE OF ROBERT DODD,
CORONER OF ONEIDA COUNTY,
Utica, N. Y., June 13, 1906.

Hon. JAMES R. MANN, M. C.,
Washington, D. C.

DEAR SIR: Inclosed herewith find copy of decision in the matter of the death of the Zarlak twins.

Pardon me for again suggesting that you obtain a copy of the reports of Doctors Nelson and Smith, chemists, and which are on file in the county clerk's office of the county of Oneida, N. Y., at Utica, N. Y.

ROBT. DODD, *Coroner.*

STATE OF NEW YORK,
County of Oneida, city of Utica, ss:

Decision made and rendered at the inquest of Adam and Eve Gnad, or Zarlak, in the city of Utica, county of Oneida, N. Y., on the 25th and 26th days of January and 15th and 21st days of February, 1906, by Robert Dodd, one of the coroners of said county, after inspecting the body of Adam and Eve Gnad, or Zarlak, then and there lying dead, at No. 25 Kossuth avenue, setting forth who the said persons were, and when, where, and by what means they came to his and her death, and the circumstances attending such death of said Adam and Eve Gnad, or Zarlak.

Now, after inspecting the said bodies and hearing the testimony, the said coroner doth render his decision and hereby certify it in writing accordingly, as follows:

That the said Adam and Eve Gnad, otherwise known as Zarlak, died on the 25th day of January, 1906. The boy died at about 2.30 p. m., and the girl died at 7.45 p. m., at No. 25 Kossuth avenue, in the city of Utica, county of Oneida, N. Y., of morphine poisoning. The evidence shows that Stanislaus Gnad, the father of the infants, had administered to them a dose of a mixture which is known as "Kopp's Baby's Friend" on the night of January 24, 1906, and that the infants (whose age was 1 month and 1 day) died on the following day. Now, after investigating the circumstances attending such deaths and obtaining the report of Doctors James G. Hunt and H. F. Preston, who made an autopsy on the bodies of the deceased infants, and also the report of Doctors Nelson and Smith, chemists, who made an examination of the stomachs and the stomachs' contents and also a portion of the mixture above mentioned, showing that it contained morphine, I find and decide that the said Adam and Eve Gnad, otherwise called Zarlak, died from an overdose of "Kopp's Baby's Friend," which was administered by their father, but without criminal intent.

The testimony of the witnesses examined before said coroner is hereto attached.

In witness whereof the said coroner aforesaid hath to this decision set his hand this 23d day of February, 1906.

ROBERT DODD, *Coroner.*

BALTIMORE MD., *June 11, 1906.*

DEAR SIR: Your letter addressed to the coroner of Baltimore has come to my notice. I held an inquest on the body of George Lancaster who took "Kopp's Baby's Friend."

Very truly, yours, C. FRANK JONES, M. D.

MEDICINE ACTS LIKE HASHEESH—CHILD BECOMES VIOLENT ON TAKING PATENT COMPOUND—DOCTOR HASTILY SUMMONED—EFFECT OF TWO SMALL DOSES ON LITTLE FANNY DUTCHER LIKE THAT OF DRUG OF EAST INDIA.

A doctor's services were required at the residence of Mrs. Lottie Dutcher, of No. 1025 Avery avenue, Saturday evening after her 2-year-old daughter Fanny had been given two doses of a patent medicine, the total quantity not being a teaspoonful.

The child's condition thereafter so alarmed the mother that Dr. H. C. Gifford, of Solvay, was called, and he said the case had the appearance of drugging by the East Indian hasheesh, or cannabis indica.

The little girl was not feeling well in the afternoon, and at 5 o'clock Mrs. Dutcher gave here a small quantity of the medicine. Before putting her to bed at 8 o'clock she gave a second dose, after which the child began to act in a peculiar manner and to scream so loudly as to attract the attention of neighbors.

Her mother endeavored to carry her in her arms. At times her movements were so frantic that the mother was compelled to lay her on the floor.

COUNTERACTING MEDICINE GIVEN.

At 11 o'clock, fearing convulsions, she called Doctor Gifford, and counteracting medicine was administered. Shortly after midnight the girl dropped into a troubled sleep, waking yesterday morning relieved.

Doctor Gifford said yesterday that while he did not know the ingredients of the compound, he judged from its taste and the effect that it contained Cannabis indica. This, he said, was the "booze" of the Hindoos.

Mrs. Dutcher says that she has used the compound to some extent in her family for adults, but never gave it to a child before. (Syracuse Post-Standard, April 9, 1906.)

CHILLICOTHE, OHIO, *January 17.*

The coroner of this county declares that the death of Matthew Washington, 28, a negro, was directly caused by Hardman's Magic Cure, made by the Magic Cure Company, of Springfield.

The negro had a severe cold and took two doses of the medicine, according to the statements made here by the coroner. In twenty minutes he was dead. An agent had sold him the medicine.

DOCTOR BULL'S COUGH SIRUP NEARLY KILLED BABY—INFANT DRANK CONTENTS OF BOTTLE WHILE MOTHER WAS NOT LOOKING AND FELL INTO STUPOR.

Opium in a patent cough sirup nearly caused the death of a 2-year-old boy who got hold of a bottle of cough sirup last night and, after satisfying his taste for the sweet medicine, fell into a stupor from which he was aroused only after the most vigorous efforts of the surgeons at St. Mary's Hospital.

The child's parents, named Toal, reside at 278 Smith street. The babe had been ailing fr some time. While its mother was not watching it got hold of the bottle and drank most of its contents. Opium formed one of the ingredients. The drug soon took effect, and the child escaped death by a narrow margin. (Rochester (N. Y.) Paper, March —, 1906.)

EVELETH, MINN., *April 18, 1906.*

Death followed the accidental taking of an overdose of "White Pine Cough Sirup," by James William, the 3-year-old son of Mr. and Mrs. James W. Falk, of Eveleth, yesterday.

DULUTH, MINN., *April 20, 1906.*

SAMUEL H. ADAMS, Esq.,
Care of Collier's, 416 West Thirteenth Street,
New York, N. Y.

DEAR SIR: I herewith inclose you extract from a local paper, the Duluth News-Tribune, under date of April 19, which may prove of interest to you. I have followed your articles in Collier's attacking certain patent medicines with a great deal of interest and admiration, and on coming across this I though perhaps it might be of assistance as well as interest to you.

I think the occurrence very sad indeed, and I have no doubt that if the "White Pine Medicine" people had properly labeled the bottle as containing poison of some sort the parents would have been careful to place this bottle beyond the infant's reach. As it is, a mother and father are quite heartbroken, just because some company wishes to make a few paltry dollars more quickly.

Once more assuring you of my deep interest and admiration for your work, I remain,

Very respectfully, yours, LOUIS ZALK.

EL PASO, TEX., *April 19, 1906.*

DEAR SIR: I have recently treated a plumber in this city who has used a 50-cent bottle of Chamberlain's Diarrhea Remedy every day for years for the opium it contained.

About two years ago I saw an infant die with what I thought to be opium poisoning, following a few doses of German Syrup (Boschee's ?).

Yours, very truly,

F. P. MILLER.

[Letter to a physician.]

CHICAGO, *April 3, 1906.*

Having by accident heard of your sanitarium for the opiate cure, I have at last decided to write you of my own case. I have tried so many cures and been to different sanitariums and have not found one yet that makes a permanent cure. I have suffered from the curse all that any human could suffer, and have spent a fortune and still I am not free. Through a friend I was induced to try the St. James Society remedy, of Broadway, New York, who claims to cure the most obstinate cases. I have been taking the remedy now for three years; I am not cured, neither can I give up the remedy. I am convinced there is morphia or some kind of an opiate in it; what amount, of course, I do not know. I asked them some time since, but, of course, they refused to tell me, but said this much: That if I was obliged to use the morphia with the remedy that 4 to 5 grains ought to keep me comfortable for twenty-four hours. I prefer their remedy rather than the morphia. I certainly am very miserable to use the morphia; in fact, I can not use it. I have tried to cut off from the remedy to the elixir, which they claim is the final; but it would not support me. On the whole, it is as hard for me to try to give up the remedy as the opiate.

Mrs. MILLER.

SOOTHING SIRUP—BABY DEAD.

MONTREAL, *May 22.*

A 6-months-old girl, Violet Jarvis, whose parents arrived from England a week ago and are staying at Lachine, died, and it was established at the inquest this morning that she had died from the effects of soothing sirup administered after she had arrived in Montreal and was too weak to withstand its effects.

The jury brought in a verdict declaring no crime, but adding that 'the label on such patent-medicine bottles should bear the names of the ingredients composing the medicine."

657 BOYLSTON STREET,
Boston, Mass., January 12, 1906.

Mr. SAMUEL HOPKINS ADAMS.

DEAR SIR: I have followed with great interest your splendid articles in Collier's, and feel that you are surely doing an immense amount of good by them.

May I call your attention to an article called "Celerina," made by the Rio Chemical Company, New York? It is supposed to be a useful and harmless remedy, "especially suitable for clergymen, school-teachers," etc., and is, I believe, used by teachers to a considerable degree.

At least one teacher's life has been almost wrecked by its use in a time of great mental and physical strain. Of course she took it in increasing quantities until completely prostrated by its effect, and now, nine months later, her mind is only just recovering its former tone.

Hoping that you may find an opportunity to examine this preparation, I am, yours, sincerely,

ANNIE LEE HAMILTON, M. D.

HAMILTON, OHIO, *October —, 1905.*

At 12 o'clock that night he (the doctor) was called and told the baby could not be aroused, that it had been sleeping for an hour or more and had almost stopped breathing. A neighbor had suggested giving the child a dose of Mrs. Winslow's Soothing Sirup, and it had been given two doses of one-half teaspoonful, each one-half hour apart. On examination, Doctor Cummins found the pupils contracted to the size of a pin head, pulse very slow, and respiration four a minute. He diagnosed opium poisoning. Doctor Cook was called in consultation, and after four hours' work they succeeded in bringing the patient around all right. Doctor Cummins states that he has no doubt that this was a case of opium poisoning from the morphine contained in the soothing sirup.

SHELBURNE FALLS, MASS., *March 24, 1906.*

I wish to add a few words about Chamberlain's Colic, Cholera, and Diarrhœa Remedy. Two weeks ago I was consulted by a railroad telegrapher who had been taking this medicine for the past two years. He began it for a diarrhea and has become addicted to it. He now takes from 2 to 4 ounces nightly (he is a night man), and has become a complete nervous wreck.

Judge Smith sentenced Miss Ella Clark, of this city (Mason City), to Mount Pleasant Asylum to-day (January 29, 1906). She was proven to be addicted to the use of morphine to the extent that her health had been undermined, and she is now almost a physical wreck and is confined to her bed. In her desire for the drug she bought large quantities of Chamberlain's Colic Remedy, which, it is said, she has been using for years.

OPIUM HABIT IN INFANT FROM KOPP'S BABY'S FRIEND.

We have to record another case of poisoning from the use of Kopp's Baby's Friend. How many such cases occur annually it is, of course, impossible to state, but undoubtedly there are many children who are ruined for life, morally and physically, by the continued use of "patent medicines" containing opiates.

This patient is the infant daughter of Mr. and Mrs. Edwin Jordan, 1204 West Monroe street, Chicago. Ten months ago, when the child's mother was visiting her old home in Rebersburg, Pa., the child suffered from colic, and the mother was advised by her former pastor, the Reverend Mr. Bixler, a Lutheran minister of that place, to try Kopp's Baby's Friend, which, he stated, was perfectly harmless and had been used in his family. Dr. J. J. Deshler, Glidden, Iowa, a relative of the family, recently visited Mr. and Mrs. Jordan and at once noticed that the child was in an abnormal condition. He reports the case as follows:

"The medicine was used continuously, according to the instructions on the label, since the child was about 4 months old, once or twice daily, the last dosage being 1 teaspoonful. The child was under the influence of the opiate the whole twenty-four hours. Dentition is almost completely absent, and a general condition of lassitude and listlessness is present.

"Appetite has been fair so that the child is in a well-nourished condition. Its age now is 14 months. The child has an extremely waxy pallor and appears sleepy. While taking the preparation the child 'did not seem to be able to open its eyes wide' (see illustration). It can now do this. It was formerly constipated, then lately a severe diarrhea set in, but that ceased when the drug was discontinued.

"I prescribed 2 minims each of tincture of asafetida and tincture of hyoscyamus in a little sweetened water.

"When necessary an occasional dose of a carminative tablet containing a minute dose of codein sulphate was given. The parents were instructed to give plenty of nourishment, and pasteurized milk was prescribed.

"Since the child has been taking this the mother states that it is much better and brighter, and takes more interest in its surroundings, though, naturally, it is cross and irritable."

We sent a physician to see the child and to learn present conditions. They are as reported by Doctor Deshler. Mrs. Jordan expressed her willingness to have the report published, in the hope that it may be the means of saving other babies from a similar fate. She declared that had she known the preparation contained morphine she would never have used it; and she was very emphatic in stating that "the Government should prohibit the sale of such dangerous preparations." (Journal of the American Medical Association, May 19, 1906.)

WHITESVILLE, N. Y., *April 16, 1906.*

DEAR SIR: In regard to yours of April 1, regarding the death of John Grumley, deceased was an oil-well pumper; went out on the lease to pump the wells about 2 p. m. March 15; was found in power house by his brother the next morning, March 16, at 8.30 a. m. He was in a comatose condition; saw him about 11.30; respiration and pulse slow and irregular; very slight response to stimulation. An empty bromo-seltzer bottle was found by his side in power house; had been in the habit of taking it, and had complained to his brother of prostration on numerous occasions after taking. No marks of violence were found on body, and as no symptoms of apoplexy or thrombus were present, Doctor Vaughn and myself were of the opinion that his death was from the cause stated. No autopsy was held. Barneys Mill is a railroad station on the New York and Pennsylvania, in Steuben County, N. Y.; post-office at Rexville, 2½ miles distant.

Yours, truly, ——— ———.

OFFICE OF COUNTY CORONER, HAMILTON COUNTY, OHIO,
Cincinnati, November 17, 1905.

DEAR SIR: Inclosed please find verdict in the Hilda Keck case, which was given out to-day.

Respectfully, yours, OTIS L. CAMERON.

The testimony shows that the child's mother had given her a dose of the above-named cough sirup, and, thinking it harmless, had placed the bottle on a chair beside the bed. The child, while the mother slept, drank the contents of the bottle with fatal results.

An analysis shows that a bottle of this cough sirup contains 0.48 of a grain of morphia sulphate, or about ⅓ of a grain to the teasponful.

It is reasonable to assume that so potent a drug as morphia can not be used as freely as these sirups are without danger, as the following extract from Stille's Therapeutics and Materia Medica on opium shows:

"Like other medicines, opium acts with peculiar force on very young persons. * * * The uncertainty of its action upon the young has long been known, and has led to the reiteration by medical writers of cautions in regard to its administration."

STATE OF INDIANA,
Madison County, ss:

I, Charles Trueblood, coroner of said county, having examined the body of William H. Hawkins, and heard the testimony of the witnesses, which said testimony is hereto attached, do hereby find that the said deceased came to his death the 9th day of October, 1905, from paralysis of circulation, caused by taking Doctor Davis's Headache Powders. Said William H. Hawkins, a resident of Indianapolis, Ind., had come to Madison County, via Indiana Union Traction Company, on legal business, had transacted said business and reentered a car of Indiana Union Traction Company for Marion, Ind., where he expired while seated in said car.

In witness whereof I have hereunto set my hand and the seal of my office this 12th day of October, 1905.

CHARLES TRUEBLOOD,
Coroner of Madison County.

POWDERS NEARLY FATAL—MRS. L. W. STONE, OF 96 TAYLOR AVENUE, UNCONSCIOUS NEARLY THREE HOURS.

After taking three powders of a package that had been procured for her at a corner grocery, Mrs. L. W. Stone, of 96 Taylor avenue, Saturday, became unconscious and was so thoroughly overcome that her life was at times despaired of. Nearly three hours of work were necessary to bring her out from under the influences of the powerful drug contained in the powder. Yesterday she was much improved, and it is stated that she will recover.

Mrs. Stone had suffered from a severe headache when she arose Saturday morning, and about 9 o'clock she sent to the grocery for a package of headache cure. She took one of the powders; about 10 o'clock she took another, and at 11.30 she took a third. At 1 o'clock members of the family summoned Dr. A. L. Holden, who found Mrs. Stone in an unconscious condition. Her entire body had a purple color, her pulse was so low as to be scarcely distinguishable, her hands and lips were black. Powerful stimulants were administered, and after two hours and a half of diligent work she began to show signs of improvement. During the three hours she was under the influence of the drug she underwent convulsions, and her condition was considered precarious.

The headache powder was "The Forestine Headache Powder," manufactured by T. J. Beebe & Sons, of Albany. The carton states that the powders "contain no opiate and are warranted to cure" a large number of ills, headache included. It is advertised as four cures for 10 cents. Examination of the powders by Doctor Holden showed that it contained acetanelid, one of the deadly poisons, and said to be an ingredient of nearly every headache powder manufactured. The directions on the package say:

"Throw a powder on the tongue and take a swallow of water, if necessary. Repeat in fifteen minutes. Sickness or sourness of stomach relieved in five minutes. Eat and drink sparingly. The grip disappears when one of these is taken. One every four hours." (Utica (N. Y.) Daily Press, May 14, 1906.)

CARTHAGE MO., *April 27, 1906.*

Mr. SAMUEL H. ADAMS,
Collier's Weekly, New York City.

DEAR SIR: In reply to your favor of April 24, 1906, making inquiry as to the cause of death of Matt Cherry upon April 17, 1906, will say that the preparation which he was taking was Miles' Pain Pills. I have been the family physician of this family for a long time, but never had been called upon to prescribe for him. He was a very robust individual, and operated a channeller at a stone quarry. His wife says that he was subject to headache and had been taking a good many of these pills during the past winter. His assistant states that he saw him take some tablets shortly before he complained of being sick. He was dead when I reached him.

Yours, sincerely, C. M. KETCHAM.

MAY 9, 1906.

Mr. S. H. ADAMS,
416 West Thirteenth Street, New York.

DEAR SIR: In answer to your query concerning the name of the tablet that caused the death of Matt Cherry, it was Dr. Miles Anti-Pain Tablet.

Yours, DR. K. E. BAKER.

NEW ORLEANS, LA., *November 27, 1905.*

DEAR SIR: It is with great thankfulness that I at last see a ray of enlightenment going to the public about patents. As a druggist in a humble way, I have been trying to educate people in my immediate neighborhood on the proper way of medication via the physician.

I think acetanilid in its various forms more dangerous even than opium, inasmuch as the people have an inkling of the fact that cough sirups, soothing sirups, and patents in that category contain a certain

amount of opium or morphine, but with headache and antineuralgic preparations no such knowledge is as yet extant.

I would call your attention to the fact that Mr. A. Heiman, an immediate neighbor of mine at that time, very nearly died of a dose of two antikamnia tablets taken fifteen or twenty minutes apart, containing 10 grams in all of this compound. If immediate medical help was not available no doubt the makers of this preparation would have been guilty of another murder. I do not see for the life of me why a law could not be passed prohibiting both the manufacture and sale of such nostrums.

Yours, truly. GEO. A. THOMAS.

GIRL LYING IN SNOWDRIFT—OVERCOME BY HEADACHE REMEDY ON HER WAY TO WORK, SHE WANDERED ALL DAY—BROMO SELTZER.

Charlotte Thompson, 17 years old, of 162 West 116th street, was found lying in a snowdrift about 5 o'clock yesterday afternoon at 188th street and Amsterdam avenue by Policeman Thomas Barry of the West 152d street station, half frozen. She was taken to the Washington Heights Hospital. When stimulants had been given to her, she said that she had been walking the streets since morning, but she could not tell where she had been.

The young woman is a bookkeeper in a furnishing goods store on West 125th street. Going to work, she stopped in a drug store to get a remedy for a headache. After that she says she has no recollection of what happened.

Barry almost stumbled over the girl's body in a pile of snow. At first he thought she was dead.

The young woman was found nearly 5 miles away from her home. The physicians at the hospital said that the girl might have suffered from something in the drug she took. She will be able to go home to-day. (New York paper, April, 1906.)

DALLASTOWN, PA., *March 19, 1906.*

COLLIER'S WEEKLY, *New York.*

MY DEAR SIR: Being interested in your well-directed efforts to stop the slaughter of the innocents by proprietary poisons, I report to you the following:

On February 18, 1906, at Craley, Pa., Ralph E. Kinard, a child of 2 years, died from effects of "Kopp's Baby's Friend." Dr. N. A. Overmiller, of East Prospect, Pa., the attending physician, reported cause of death opium poison.

———.

MR. SAMUEL H. ADAMS, care *Collier's.*

DEAR SIR: Permit me to thank you for having intervened in a well-meant attempt on my part to poison myself. I had already half accomplished the feat when I read in Collier's that Bromo-Quinine contains acetanilide. I had been taking the tablets for a severe cold in the head and should probably have persisted in taking them, as the symptoms, especially the headache, grew worse, and the directions on the box favor persistent treatment until recovery.

Personally, I consider this fraud to be the worse that you have exposed, because the so-called "medicine" is virtually masquerading under the guise of other medicines which are well known and definite in their effects. I would not have taken acetanilide, knowing it to be such, on any account. The quantity, I suppose, I swallowed under the guise of bromine and quinine has made me miserably ill for the last ten days.

———.

CINCINNATI HOSPITAL, *Cincinnati, May 1½, 1906.*

DEAR SIR: Your favor of the 12th to hand. In reply, will state as follows:

On the morning of May 5 a colored man brought in a child about 2 years old and said that it had swallowed the contents of a 2-ounce bottle of Piso's Cough Sirup.

He produced the bottle and it then contained about one teaspoonful, so that if the youngster started with a full bottle (and the father said he had), he must have taken a pretty good dose.

The child was pretty well stupified, but his pupils were not markedly contracted; but I at once had his stomach carefully washed out and in about an hour he was taken home out of all danger.

I spoke to one druggist here, and he said there was no way of telling exactly the contents of the bottle, unless we analyzed; but on looking up some works, we found it stated that each fluid drachm contained one-fourth grain morphine sulphate and cannabis indica in variable amounts.

If that is true the child got enough morphia to kill him very easily or promptly, unless medical aid was at hand.

Personally, I am inclined to doubt there being such an amount of morphia present, because of the absence of the "pin-point pupil;" yet, as cannabis indica generally dilates the pupil, it is possible it may have masked that symptom of morphine poisoning.

———.

CINCINNATI, OHIO, *May 1½, 1906.*

The name of the patent medicine taken by my little boy was Piso's Cough Cure.

I am, MRS. MORRIS KEITH,
322 Genesee Street, Cincinnati, Ohio.

Child taken to Cincinnati hospital May 5, unconscious. Stomach pump used. Recovered. Statement of Dr. A. E. Osmond, of hospital staff.

CHICAGO, *December 8, 1905.*

SAMUEL HOPKINS ADAMS, Esq., *New York City, N. Y.*

DEAR SIR: I have just read your articles on cold cures, headache powders, and the like.

I take the liberty of writing this letter to thank you and Collier's Weekly. These things are a menace to the public and should be driven from the market.

As you are doubtless aware, owing probably to "the lake," catarrh is quite common in Chicago. Some years since some "damned good-natured friend" told me to try Doctor Birney's Catarrh Cure. I did. There was nothing to indicate the presence of cocaine or any other noxious ingredient. I took several bottles, and they, like the immortal Oliver Twist, called for more.

One day I asked an honest druggist for it and he said, "In the name of God, man, do you know what you are taking? That stuff will give you the cocaine habit if you don't cut it out." I "cut it out." And I want to assure you that I had a hell of a time (actually, not figuratively) in doing that same "cutting out."

I truly believe that people are daily using these drugs innocently; they know not what they are.

APRIL 20, 1906.

MR. WILLIAM R. OVERBY,
1½ Kent street, Atlanta, Ga.

DEAR SIR: Will you very kindly let me know the name of the headache powder taken by your daughter, as reported in the newspapers, and also whether it was taken on a physician's prescription?

Thanking you in advance for the information,

I am, SAMUEL H. ADAMS.

SAMUEL H. ADAMS.

DEAR SIR: In reply to your request, I will state it was not a powder I gave my daughter, but a liquid "antimigraine," manufactured by the Antimigraine Company, Savannah, Ga. Our daughter and myself had taken two bottles without any bad effect, and I thought it perfectly safe to give to this one, but it came near proving serious.

Respectfully,

MRS. W. H. OVERBY.

TOO MUCH BROMO SELTZER CAUSED HIS DEATH—FRUIT DEALER DROPS DEAD WHILE TALKING WITH CUSTOMER.

Antonio Tramonte, a fruit dealer, dropped dead in his store at No. 175 Main street at midnight Saturday while talking to two customers. Death was due to an attack of heart disease, Medical Examiner Fuller says, which may have been brought on by the excessive use of bromo seltzer, which Tramonte was in the habit of taking for headaches. Doctor Fuller said that analysis has proved that a teaspoonful of bromo seltzer contains 7½ grains of acetanilid, which tends to weaken the heart action. Tramonte took several spoonsful yesterday, and Doctor Fuller said that in all probability Tramonte had a weak heart and the overdose of the drug stopped his heart action.

Tramonte had been a fruit dealer in Hartford for several years. He was 25 years old and leaves a wife. The funeral will be held Tuesday morning from his late residence at 8.30 o'clock, followed by services in St. Anthony's Church. Burial will be in Blue Hills Cemetery. (From the Hartford, Conn., Courant.)

HEADACHE TABLETS KILL HIM—MAJOR SMITH, WELL-KNOWN OSKALOOSA MAN DROPS DEAD AT THE CRICKET MINES.

OSKALOOSA, IOWA, *November 21.*

Major Smith dropped dead at the Cricket mines to-day from the effects of taking too many headache tablets. (From the Des Moines, Iowa, Register and Leader.)

HEADACHE MEDICINE WAS TOO STRONG.

R. W. Wilkerson, whose home is in Springfield, Tenn., but who is employed as a barber at the Seelbach, was taken to the city hospital about midnight last night. He was ill, it is thought, as the result of some headache medicine he took earlier in the night. His heart is said to be weak, and the powders were too strong, it is thought. He was able to walk to the ambulance from his room in the St. Nicholas Hotel and was never unconscious. Dr. Leo Bloch was called in, but made only a hasty examination and would not say what caused the collapse of the man. He had not been well during the day and complained to the bartender at the hotel before going to his room. He is 24 years old and is unmarried. (From the Louisville, Ky., Journal, January 17, 1906.)

HEADACHE-POWDER VICTIM.

Maud Andrews, a chorus girl, stopping at Beiser's Hotel, opposite the Empire Theater, got some headache powders, with instructions to take one every four hours, last night. Instead of following the directions, the girl took one every half hour, and she finally became unconscious. Doctor Poole, of the dispensary staff, revived her. (From the Indianapolis News, February 15, 1906.)

TOOK A HEADACHE POWDER—DR. H. J. STALKER, OF KENOSHA, WIS., IS PROSTRATED FROM ITS EVIL EFFECTS.

KENOSHA, WIS., *February 7.*

Dr. H. J. Stalker, of this city, a prominent physician, collapsed at Racine while attending a banquet given by Racine physicians in honor of the Kenosha Medical Association. He was removed to his room in the hotel, and is still in a critical condition. The cause of the sudden collapse is thought to be due to what was supposed to be a harmless headache powder. The members of his family were summoned to the scene. (From the Dubuque, Iowa, Journal, February 8, 1906.)

HEADACHE TABLETS ALMOST PROVE FATAL.

MILLVILLE, N. J., *February 14.*

Headache tablets proved almost deadly to Mrs. Emma Rubert, wife of Francien Rubert, yesterday afternoon, and when a physician arrived at her home, 229 South Third street, he found her unconscious and apparently lifeless.

Mrs. Rubert felt somewhat ill at dinner time, and, taking headache tablets, tried to take a nap, but when her husband attempted to arouse her a half hour later he was unable to do so.

Mr. Rubert was badly frightened and thought his wife was dead, but called Dr. Charles B. Neal, who applied restoratives, and, after considerable difficulty, succeeded in resuscitating the woman from the comatose state, so that she is now believed to be out of danger.

The tablets had paralyzed the heart and nerve centers, and had Mrs. Rubert slept an hour longer, it is believed that nothing could have saved her life. (From the Camden, N. J., Courier, February 14, 1906.)

Mrs. Joseph Parfrey, aged 32, of this city, was adjudged insane Monday, and on Tuesday taken to the Mendota hospital at Madison, where she will receive medical treatment. Her insanity is said to be the result of the morphine habit contracted from the use of certain patent

medicines which contained the drug. (From The Richland Center, Wis., Observer, February 1, 1906.)

With a cheery smile, Charles C. Wright, assistant manager of the Colonial Life Insurance Company, in this city, chatted with a bartender in a saloon in Market near Nineteenth street yesterday. A few minutes later he lay dead in the rear yard of the building, a victim of cyanide of potassium, taken with suicidal intent.

Ill health, superinduced by a failing heart weakened by the excessive use of powders to ward off severe attacks of neuralgia, is believed by his family to have prompted him to end his life. (From the Philadelphia Press.)

BEWARE OF HEADACHE POWDERS.

Headache powders continue their deadly operations, here and elsewhere. In this city a clergyman from another town was recently found unconscious and was with difficulty revived. It is thought he was the victim of some form of these powders. At York, Pa., on Sunday, Miss Sadie Kemper, 26 years of age, who was to be married in April, died from the effects of a headache powder. Some of these specific drugs may be innocent, but they are to be taken with caution and it is better to consult a physician before indulging in them. There are many forms of headache, as there are of sore throat, and what may be good for one form may not be effective with another. Moreover, there may be constitutional or organic difficulties which in individual cases would make the taking of these powerful drugs exceedingly dangerous. Life and health are too precious to be trifled with through ignorance and presumption. (From the Rochester, N. Y., Chronicle, March 20, 1906.)

DANGEROUS HEADACHE POWDERS.

Because of having taken an unusual quantity of headache capsules, Eugene A. McColly, a well-known business man of Latrobe, had a narrow escape from death Thursday. A woman in Bradenville had a similar experience, and in both cases prompt medical aid was necessary to pull the patients through. (From the Greensburg, Pa., Argus, January 3, 1906.)

AT POINT OF DEATH—TOOK FREE SAMPLES—HERBERT GREATRIX, OF BELLEVILLE, IS DYING AFTER TAKING SAMPLE CATHARTIC SPECIFIC.

BELLEVILLE, *April 1.*

As a result, it is alleged, of taking patent medicine which had been distributed around the streets in free samples, Herbert Greatrix, aged 24, is at the point of heath in the hospital. On Wednesday night he took a dose of medicine, which was said to be a cathartic, and on Thursday morning was seized with violent diarrhea. Later he was taken with cramp and vomiting, and Doctor Yeomans advised his removal to the hospital. This morning an operation was performed and the young fellow found to be suffering from rupture of the bowels. His life is despaired of. (From the Winnipeg, Manitoba, Telegram, April 2, 1906.)

Lab. No.	Article.	Determination.
7467	Gray's Catarrh Powder	Contains cocaine.
7468	Crown Catarrh Powder	Do.
7469	Cole's Catarrh Powder	Do.
7470	Shiloh's Consumption Cure.	Contains chloroform, prussic acid, alcohol, and a tar product. Test for morphine, negative.
7472	Hood's Sarsaparilla	Contains 17.92 per cent of alcohol by volume.
7473	Paine's Celery Compound	Contains 20.24 per cent of alcohol by volume.
7474	Warner's Safe Cure	Contains 15.40 per cent of alcohol by volume.
7475	Antikamnia	Mixture of acetanilid and sodium bicarbonate.
7476	Orangeine	Do.
7593	Piso's Consumption Cure.	Contains chloroform, alcohol, and apparently cannabis indica. No morphine.
7732	Kopp's Baby Friend	Contains morphine.
7808	Kilmer's Swamp Root	Contains 11.17 per cent of alcohol by volume.
7970	Dr. Bull's Cough Syrup	Contains chloroform and morphine.
8093	Mrs. Winslow's Soothing Syrup.	Contains morphine, 0.027 grain sulphate of morphine per ounce. Each bottle holds 1½ ounces, containing $\frac{1}{25}$ grain. One teaspoonful contains 0.0054 grain of morphine.
8107	Dr. Davis's Anti-Headache Powders.	Sample is composed almost entirely of acetanilid.
8129	Dr. King's Consumption Cure.	Contains morphine and chloroform.
8196	Bromo-Seltzer	Contains bromide and acetanilid. Acetanilid equals 8.35 per cent. One heaping teaspoonful weighs 120 grams, containing approximately 10 grains of acetanilid.
8212	Dr. Harper's Cephalgine Brain Food.	Contains acetanilid approximately 5 grains to the dose of 2 drams.
8213	Laxative Bromo-Quinine.	Contains acetanilid (39.82 per cent.) Each tablet weighs 5 grains, 2 directed to be taken as a dose equals 4 grains acetanilid.
8475	Dr. Boschee's German Sirup.	Morphine present; chloroform, none; hydrocyanic acid present (probably derived from wild cherry); sugar sirup present; tar present.
8540	Dr. Mile's new cure for the heart.	Specific gravity, 1.0214; alcohol by volume, 10.38 per cent; alcohol by weight, 8.05 per cent; residue on evaporation, 12.38 per cent (mainly glycerin); mineral matter, 0.33 per cent (mainly iron, and a small amount of lime). None of the ordinary alkaloids present. No artificial coloring present. Sample has a deep green color and is an alcoholic extract of a leaf drug.
9099	Nurses' and Mothers' Treasure.	One 2-ounce bottle contains a sixth of a grain of morphine, equal to slightly over one-hundredth grain per teaspoonful. Dose prescribed on label for child 6 months to 1 year old, one-fourth to one-half teaspoonful.
10163	Dr. Fenner's Cough Honey	Each teaspoonful contains one-eightieth grain of crystallized morphine.
10743	Morphina-Cura Compound.	Contains morphine.
10745	Orrine No. 4	Specific gravity, 1.0771 per cent; alcohol by weight, 25.15 per cent; alcohol by volume, 34.11 per cent; volatile at 100° C., 59.81 per cent; mineral matter, 0.82 per cent. Remarks: Does not contain opium or its alkaloids. The alcohol is present only in sufficient amount to keep vegetable drugs in solution.

LIST OF POTENT MEDICINAL SUBSTANCES.

The following list of drugs and elementary bodies comprise such substances whose presence in any medicinal compound should require that the label or package of such medicinal preparation or compound should indicate the presence and name the amount of such ingredient:

Acetanilid (0.25).
Aconite (65 mg.) and its principles.
Adrenal gland and active principles.
Amyl compounds and deriv.
Antimony and compounds.
Arsenic and compounds.
Belladonna (65 mg.) and alkaloids.
Bromine.
Cannabis indica (65 mg.).
Cantharides (30 mg.).
Chromium compounds.
Chloral and deriv.
Chlorates (K, 0.25).
Chloroform.
Coca and alkaloids.
Colchicum (0.2) and alkaloid.
Colocynth (65 mg.).
Conium (0.2) and alkaloid.
Copper compounds.
Cresol.
Creosote (0.2) and deriv.
Croton oil.
Curare.
Cyanides.
Digitalis (65 mg.) and active principles.
Dionin.
Duboisine.
Elaterium and its principle (5 mg.).
Ergot (2.0).
Gelsemium (65 mg.) and alkaloids.
Granatum and alkaloid (0.25).
Hyoscyamus (0.25) and alkaloid.
Heroin.
Iodine.
Ipecac and alkaloid (65 mg.).
Lead compounds (Acet. 65 mg.).
Lobelia (0.5) and alkaloid.
Methyl comp. and deriv.
Mercury and compounds.
Naphthalene comp. and deriv.
Nux vomica (65 mg.) and its alkaloids.
Opium (65 mg.), its alkaloids and deriv.
Phenyl comp. and deriv.
Phosphorus (0.5 mg.).
Physostigma (0.1) and alkaloids.
Pilocarpine and salts (0.01).
Picrotoxin (0.01).
Podophyllum, resin (15 mg.).
Saccharin.
Santonin (65 mg.).
Sanguinaria, active principle of.
Scammony resin (0.2).
Scilla (0.12).
Silver, compounds of.
Scopola (45 mg.) and alkaloid.
Scoparius, its alkaloid (0.01).
Stramonium (65 mg.) and alkaloids.
Strophanthus (65 mg.) and its active principle.
Veratrin (2 mg.).
Veratrum (0.12).
Zinc, compounds of.

The figures refer to the average doses in grammes given in the U. S. P.

Mr. HEPBURN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 88—the pure-food bill—and had come to no resolution thereon.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I present a conference report on the fortifications appropriation bill (H. R. 14171) for printing in the RECORD under the rule.

The SPEAKER. The conference report will be printed under the rule.

VIEWS OF MINORITY ON PURE-FOOD BILL.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to print in the RECORD the views of the minority on the pure-food bill. There was a double quantity printed of the majority report.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The views of the minority are as follows:

The undersigned members of the Committee on Interstate and Foreign Commerce, being unable to agree with the report submitted on Senate bill 88, respectfully submit the following reasons why they can not concur in the report:

The power of government to regulate the sale of food products and drugs, prohibit adulteration of the same, prescribe the manner in which they shall be branded, and fix the size and weight of the packages in which such food products and drugs shall be contained is admittedly an exercise of police power. We do not understand or believe, from our conception of the powers of Congress contained and specified in the Constitution of the United States, that Congress has the power or authority to enact police laws for the regulation of the manufacture, sale, or for the prevention of the adulteration of food, except so far as such laws may be made to apply to the District of Columbia, the Territories, and those localities over which Congress has, under the Constitution, exclusive jurisdiction.

While we are in hearty accord with all efforts made for the purpose of having laws enacted to prevent the sale of impure or adulterated foods, or to prevent frauds and impositions upon the people by the sale of impure or adulterated food, we believe that the legislatures of the several States have full power and authority to enact such laws and to protect the people of the various States from fraud and imposition by the sale of impure or adulterated food and drugs. Nearly all of the States have enacted laws on the subject, and are enforcing them. The power to protect the people of the various States in health, in morals, and general welfare is inherent in the States—was reserved to the States by the Constitution, was not delegated to the Congress of the United States, and remains there to be exercised by the States at the will and pleasure of the legislatures of such States.

We do not believe that it is true that the various States have failed or do fail to protect their citizens properly in the matter of impure food. The evidence before the committee is to the contrary. Doctor Wiley, the Chief of the Bureau of Chemistry, and who has been most ardent, insistent, and influential in advocating the passage of a national law on this subject, in his evidence before the Committee on Interstate and Foreign Commerce of the House, pages 308, 309 of the hearings, stated:

"Doctor WILEY. By consent, yes, sir; but in these other cases we get a request for certified copies and send them.

"Mr. BARTLETT. Certified copies of what?

"Doctor WILEY. Of the food standards.

"Mr. BARTLETT. What law makes that admissible?

"Doctor WILEY. It is because they were prepared for the advice of food officials and for the information of the courts. That was in the original act under which these were prepared. It was dropped out of the last act, but it was in the original act under which these were prepared, and it was for the use of food officials and for the information of the courts. That is what they were prepared for. Therefore we had a warrant of law to send them out, and the Secretary does that.

"Now, there is a list of the States that have adopted these standards.

"Mr. TOWNSEND. How many of them are there, do you think—about how many?

"Doctor WILEY. Connecticut, Indiana, Kentucky, Maine, North Dakota, Nebraska, and a number of others that some of these have been adopted in. Perhaps I had better read them.

"Mr. TOWNSEND. Well, no; I do not care about that.

"Doctor WILEY. It is all down here, Mr. TOWNSEND; that is, the States that have adopted them by act of legislature are stated here, and those that have adopted them by authority conferred on the food commissioner are here.

"Mr. TOWNSEND. I thought you could tell us generally.

"Doctor WILEY. Well, I could not without running over this list, because they are arranged here alphabetically; but all that information is there.

"I have also here the attitude of the States in regard to preservatives—those that forbid and those that permit their use. You will find that useful, because they are all classified, and you can get that readily. These are taken from the copies officially sent to us in compiling the State laws.

"Mr. BARTLETT. Most of the States, if not all, have what they call pure-food laws, and most of them have commissioners—how many of the States?

"Doctor WILEY. Nearly all the States have food laws, and about twenty, or perhaps a few more, of them have provided for the enforcement of those laws. The others are just laws without any methods of enforcement; and, in so far as I know, in those States the laws are not enforced. But where the law provides for a machinery to enforce the law, in most States it is enforced very rigidly. That is all brought out in this statement.

"Mr. BARTLETT. That is what I want. So you say that where they have adopted these food laws and appointed food commissioners or officers to watch the enforcement of them, they are enforced very properly?

"Doctor WILEY. Yes, very efficiently, as far as the State can go. And I will say this, Mr. Chairman, that in every State, I believe, where the statute has previously prescribed the standard, and, of course, required an act of the legislature, I believe in every other case these standards have been adopted by the food commissioners in toto. In fact, one State made a great mistake in adopting the preliminary report we sent out for criticism, thinking it contained the official standards, and now they are in a pickle to know what to do about it. They did not notice that it was only sent out as a preliminary suggestion and not as a standard at all; and of course the standards as finally adopted would be very different from those which were at first proposed, because it is remarkable how we get the information that we want when we send these out and ask for criticisms, and thereby are enabled to construct finally a standard of high efficiency, not absolute accuracy, of course."

Another witness, Mr. Williams, made the following statement, page 15:

"Mr. TOWNSEND. You are familiar with the Michigan law?

"Mr. WILLIAMS. Yes.

"Mr. TOWNSEND. Doesn't that prohibit you from manufacturing and selling excepting under that label?

"Mr. WILLIAMS. Yes, sir.

"Mr. BURKE. Did you state in your opening statement that the laws of these three States were substantially the same, and that they conform to the language of this bill?

"Mr. WILLIAMS. I said they were along the same general lines. The principle of the laws to a great extent and the wording of the laws are very similar—or, rather, this being a later production, House bill No. 4527 is very similar to the laws of those three States. The point that I was trying to bring out is that under that language the rulings made by whoever administers the law could be changed in every change of administration. It is not at all likely that any one man is going to live forever and always be at the head of the Department which would administer this law.

"Mr. RICHARDSON. How many of the States have pure-food laws? Don't you know, as a general proposition, that pure-food laws of the different States, as a general practice, are a dead letter in the majority of the States as to the enforcement of them?

"Mr. WILLIAMS. I would not say that.

"Mr. BARTLETT. It does not seem so in Wisconsin.

"Mr. WILLIAMS. It is not a dead letter in the State of Michigan, in Wisconsin, nor Minnesota. It is not a dead letter in North Dakota nor South Dakota. It is not a dead letter in Pennsylvania, nor in Ohio, nor in Illinois, nor in Indiana.

"Mr. RICHARDSON. Is it not a fact that the standards created by the different States with respect to the sale of goods can not be effectually enforced?

"Mr. WILLIAMS. Not without a lot of embarrassment of this kind. You have got to make your goods all alike and label them differently for each State, carrying in your stock of made-up goods a stock for every State in the country doing business. A jobber whose place of business is located on the borders of a State must carry a stock of goods to comply with the laws of those different adjacent States.

"Mr. BURKE. You do not object to the law, but you want it uniform?

"Mr. WILLIAMS. We don't object to it, but we want it so we can comply with it.

"Mr. RICHARDSON. If you had an act of Congress regulating this matter, the States could still enact their own statutes.

"Mr. WILLIAMS. I believe they can.

"Mr. RUSSELL. Do you know of any State where the law is a dead letter?

"Mr. WILLIAMS. I do not know. I would also state that the law is actively enforced in Kentucky.

"Mr. RUSSELL. Is there any difference in the enforcement of the law in the various States where you sell the goods?

"Mr. WILLIAMS. No, sir; no marked difference. They all seem to be very active."

One of the purposes of the bill is to enable the manufacturers of food and dealers in food to disregard and violate the laws of the various States on the subject of pure food, and that has been one of the chief influences that have been advocating the enactment of this bill into law. The bill deals purely with questions of police, such as "adulterations in drugs," "adulterations in confectionery," "adulterations in food," "misbranding of packages of food," etc. The bill undertakes to establish standards for food, to prescribe how and in what manner preservatives for food may be used, and, in other words, undertakes to enact into law nothing save those things that are accepted and regarded as police regulations in the sale of food products. It is true that the bill in one section pretends that it does not interfere with the police regulations of the States, but at the same time the same section declares that foods and drugs which comply with the provisions of this act shall not be interfered with by the State authorities when brought from another State so long as they remain in the original, unbroken packages.

We challenge the right of Congress to enact such a law as this. We deny that Congress has any such power, and insist that under the pretense and guise of regulating commerce Congress can not enact a law which is purely for the purpose of exercising police power within the States. The test which would be applied to the act, if it should become a law, would be whether laws enacted by the States in reference to the subject of food products and drugs which were manufactured in the States or which were brought into the States, whether in original packages or not, for sale could be enforced where such laws conflicted with this act of Congress. The only reason that could be given why the State law would be inoperative would be that this act was passed in pursuance of the power of Congress to regulate commerce and that the laws of the States passed on the same subject were efforts on the part of the State to interfere with commerce.

As we have stated, we do not believe that this bill can be enacted by Congress by reason of its power and authority to regulate commerce among the States, nor do we believe that this act will prevent the States from enforcing such laws as they now have on their statute books, or that they may hereafter pass, for the purpose of protecting the people of the States from fraud and imposition in the matter of impure food or drugs, or prevent the States from themselves establishing standards of foods with which all food products must comply, whether manufactured in the States or brought therein for sale, consumption, or use.

It occurs to us to say that this is but another effort to minimize the powers of the States and to magnify the powers of the General Government, an effort to look to the General Government for the correction of all the ills and evils with which the public may think itself afflicted. We believe that the State legislatures are competent to enact adequate laws on the subject, and that the State officials are both honest and efficient and will enforce the laws. We do not believe that this law will accomplish any more than State laws rigidly enforced would accomplish.

Believing that this is an attempt on the part of the United States to exercise police power within the States, and that it is not a proper exercise of power by Congress under the commerce clause of the Constitution of the United States, we insist that neither the original bill which came from the Senate nor the substitute offered by the committee should pass. Amplifying our reasons, we submit that—

POLICE POWER.

The police power of the States extends to all matters relating to the health, safety, and morals of its citizens and to everything referring to its domestic economy and of the relations of the people to each other and the States.

This was clearly decided by the License cases (5 Howard, 631), per Grier, J., in whose opinion cases on this subject are cited.

See Federalist, No. 45, 216; Passenger cases, 7 Howard, 523, 550;

Groves *v.* Slaughter, 15 Pet., 512; License cases, 5 Howard, 589, 631; 6 Greenl., 412; Holmes *v.* Jennison, 14 Pet., 568; Gibbons *v.* Ogden, 9 Wheat., 203; Mayor, etc., of N. Y., *v.* Miln., 11 Pet., 133; Brown *v.* Md., 12 Wheat., 441, 4 Sandf., 492, 5 Howard, 628, 7 Howard, 414, 7 Howard, 417, 1 Black, 603 (66 U. S., XVII, 191), the case of Conway *v.* Taylor; Austin *v.* Tennessee, 179 U. S., 343.

The principle sustained in the cases above cited is condensed in the head notes to the case of The Mayor and Aldermen of New York *v.* Miln. (11 Peters), as follows:

"A State has the same undeniable and unlimited jurisdiction over all persons and things within its territorial limits as any foreign nation, when that jurisdiction is not surrendered or restrained by the Constitution of the United States.

"It is not only the right but the bounden and solemn duty of a State to advance the safety, happiness, and prosperity of its people and to provide for its general welfare by any and every act of legislation which it may deem conducive to these ends when the powers over the particular subject or the manner of its exercise are not surrendered or restrained by the Constitution of the United States.

"All those powers which relate to merely municipal legislation, or which may be more properly called "internal police," are not surrendered or restrained, and, consequently, in relation to these the authority of the State is complete, unqualified, and exclusive."

In the opinion rendered by Judge Barbour the statement is made that these positions are considered as "impregnable." In defining what is meant by the "police powers" of the State, the court said:

"Every law came within this description which concerned the welfare of the whole people of a State or any individual within it, whether it related to their rights or duties; whether it respected them as men or as citizens of the State; whether in their public or private relations; whether it related to the rights of persons or of property of the whole people of a State or of any individual within it, and whose operation was within the territorial limits of the State, and upon the persons and things within its jurisdiction * * *."

Congress is without power to legislate (except as to the District of Columbia, the Territories, and insular possessions) on this subject.

That Congress can not exercise this police power so as to make it a crime for any citizen to violate the provisions of this bill in any of the States with reference to branding and labeling food products, or for failing to have the same come up to the standard provided by this bill, is, in our opinion, clearly established by the case of United States *v.* Henry C. De Witt. (9 Wallace, 41, 45.) In that case De Witt was indicted under the twenty-ninth section of the internal-revenue act, which made it a misdemeanor punishable by fine or imprisonment to mix for sale naphtha and illuminating oils, or to sell or offer for sale such mixture, or to sell or offer for sale oil made of petroleum for illuminating purposes inflammable at less temperature than 110° F., and the indictment alleged that he offered for sale oil made of petroleum of the description specified in the statute at Detroit, Mich. To this indictment the defendant demurred upon two grounds, to wit: That the first charge in the indictment did not constitute any offense under any valid and constitutional law of the United States, and that the act above quoted was invalid and unconstitutional.

There was a certificate of division of opinion between the circuit judges and the case came to the Supreme Court of the United States upon such certificate of division. The opinion of the court was pronounced by Chief Justice Chase, and the decision is concurred in by all of the judges. In that case the Chief Justice said that the act was so clearly a regulation of police, and that it could only have constitutional operation within the District of Columbia and those localities over which the United States has exclusive jurisdiction, that it was unnecessary to enter into a detailed discussion of it, and that within the State limits the law could have no constitutional operation. This case is so directly in point and so fully sustains the proposition that the provisions of this bill are mere regulations of police and an effort on the part of Congress to exercise police powers within the limits of the State, which power Congress does not possess, that the following quotation from the opinion is given:

"The question certified resolves itself into this: Has Congress power, under the Constitution, to prohibit trade within the limits of a State?

"That Congress has power to regulate commerce with foreign nations and among the several States, and with the Indian tribes, the Constitution expressly declares. But this express grant of power to regulate commerce among the States has always been understood as limited by its terms, and as a virtual denial of any power to interfere with the internal trade and business of the separate States; except, indeed, as a necessary and proper means for carrying into execution some other power expressly granted or vested.

"It has been urged in argument that the provision under which this indictment was framed is within this exception; that the prohibition of the sale of the illuminating oil described in the indictment was in aid and support of the internal-revenue tax imposed on other illuminating oils. And we have been referred to provisions, supposed to be analogous, regulating the business of distilling liquors and the mode of packing various manufactured articles; but the analogy appears to fail at the essential point, for the regulations referred to are restricted to the very articles which are the subject of taxation, and are plainly adapted to secure the collection of the tax imposed, while in the case before us no tax is imposed on the oils the sale of which is prohibited. If the prohibition, therefore, has any relation to taxation at all, it is merely that of increasing the production and sale of other oils and, consequently, the revenue derived from them by excluding from the market the particular kind described.

"This consequence is too remote and too uncertain to warrant us in saying that the prohibition is an appropriate and plainly adapted means for carrying into execution the power of laying and collecting taxes. There is, indeed, no reason for saying that it was regarded by Congress as such a means, except that it is found in an act imposing internal duties. Standing by itself it is plainly a regulation of police; and that it was so considered, if not by the Congress which enacted it, certainly by the succeeding Congress, may be inferred from the circumstance that while all special taxes on illuminating oils were repealed by the act of July 20, 1868, which subjected distillers and refiners to the tax on sales as manufactures, this prohibition was left unrepealed.

"As a police regulation, relating exclusively to the internal trade of the States, it can only have effect where the legislative authority of Congress excludes, territorially, all State legislation, as, for example, in the District of Columbia. Within State limits it can have no constitutional operation. This has been so frequently declared by this court, results so obviously from the terms of the Constitution, and has been so fully explained and supported on former occasions (License cases, 5 How., 504; Passenger cases, 7 How., 283; License Tax cases, 5 Wall., 470—72 U. S., XVIII, 500—and the cases cited) that we think it unnecessary to enter again upon the discussion.

"The first question certified must, therefore, be answered in the negative.

"The second question must also be answered in the negative, except so far as the section named operates within the United States, but without the limits of any State."

This bill by its very title indicates that it is an effort on the part of the United States Congress to enact a police regulation or law, for it is entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein," etc.

If it is a correct statement that this bill is one by which Congress seeks to exercise police power over citizens and property in localities other than those over which it has exclusive jurisdiction, to wit, the District of Columbia, the Territories, and insular possessions, then Congress has no constitutional authority to enact this law. I do not think it can be doubted that under our system of government the police power over citizens and property resides with and belongs to the several States and not to the Federal Government, except so far as Congress can exercise it over the Territories, the District of Columbia, and the insular possessions. It is a power which is inherent in the several States; it is left with them under the Federal system of government; it was reserved to them by the Constitution; it was not granted to the United States by that instrument, nor can it be impliedly conferred upon the General Government, but it is left to the States, and may always be exercised by the State legislatures.

This is so by reason of Article X of the Constitution, which declares that—

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

Nor is this principally affected by the fourteenth amendment, and Congress can not in pursuance of it exercise power over the affairs of police in the States. The exercise of the police power is inherent in the States, resides there, and is not under the control of the Federal Congress, and this has been repeatedly decided by the Supreme Court of the United States.

Some of the cases are the following:

United States *v.* Dewitt (9 Wall., 41), where it is stated that this principle is so well fixed as to be beyond all controversy.

License cases, 5 Howard, 621; Passenger cases, 7 Howard, 283; Barbier *v.* Connelly, 113 U. S., 27; License Tax cases, 5 Wallace, 470; United States *v.* Reese, 92 U. S., 214; United States *v.* Cruikshanks, 92 U. S., 542; Wilkinson *v.* Rahrer, 140 U. S., 545; Gibbons *v.* Ogden, 9 Wheaton, 205.

In the case last cited the court said that this was legislation which "can be most advantageously exercised by the States themselves."

In the case of the United States *v.* Dewitt, supra, which was a case where Congress had passed an act prohibiting the sale of certain kinds of oil, or of oil unable to undergo a fire test, and Dewitt was indicted for the sale of oil prohibited by the act of Congress, it was held that such act was plainly a police regulation relating exclusively to the internal trade of the State and therefore beyond the power of Congress to pass. It could therefore be operative only within the District of Columbia. (See also Civil Rights case, 109 U. S., 3; Slaughterhouse cases, 16 Wallace, 36.)

In the case of Cruikshanks et al. (92 U. S., 542) the Supreme Court say:

"The duty of protecting all its citizens in the enjoyment of an equality of rights was originally assumed by the States and it remains there."

POWER OF THE STATES TO PROTECT THE PEOPLE FROM IMPOSITION OR FRAUDS IN THE MATTER OF FOODS.

The States have the power to punish for a violation of the States' laws prohibiting the manufacture or sale of any article of food made in imitation of the pure or genuine article which it may seek to imitate or which may be made or offered for sale within the limits of the States, whether offered for sale in original packages or not, after being brought into any one State from another State.

In other words, any person offering for sale an article of food made in imitation of the genuine article or falsely branded or marked, brought or transported from one State to another, when it arrives within the limits of a State whose laws prohibit the manufacture or sale of such article, is subject to the laws of the State where he offers such imitation food product for sale, even though he offers it for sale in the original package.

The "commerce clause" of the Constitution of the United States will not protect such a person from being amenable to the police laws of such State.

The case of Plumley *v.* Massachusetts (155 U. S., 461) sustains the exclusive right of the State to pass and enforce laws for the protection of the health and morals of its people and to prevent the sale of articles of food manufactured in or brought from another State. The Supreme Court of the United States decided in that case that the statute of Massachusetts to prevent deception in the manufacture and sale of butter, and which provided that it should be unlawful for any person to manufacture, sell, or offer for sale, or to have in his possession with intent to sell any oleomargarine manufactured in imitation of yellow butter, was clearly within the power of the State to enact.

In that case it was admitted that the article sold had been sent by the manufacturers thereof, in the State of Illinois, to the defendant, who was the agent of the manufacturers in the State of Massachusetts, and that it was sold by him in the original package, and that all the requirements of the act of Congress regulating the sale of oleomargarine had been complied with. Notwithstanding that oleomargarine was authorized to be sold and manufactured by the laws of the United States under the act of Congress of August 2, 1886, and notwithstanding that it was sold by Plumley in Massachusetts in the original package, the Supreme Court of the United States decided that the State of Massachusetts had the right, through its legislature, to make it a crime for anyone to sell oleomargarine manufactured in imitation of butter, even though the sale was had of the oleomargarine while in the original unbroken package.

To quote from the decision:

"If there be any subject over which it would seem the States ought to have plenary control, and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products. Such legislation may, indeed, indirectly or incidentally affect trade in such products transported from one State to another State.

"But that circumstance does not show that laws of the character

alluded to are inconsistent with the power of Congress to regulate commerce among the States. For, as said by this court in Sherlock *v.* Alling (93 U. S., 99, 103): 'In conferring upon Congress the regulation of commerce it was never intended to cut the States off from legislating on all subjects relating to the health, life, and safety of their citizens, though the legislation might indirectly affect the commerce of the country. Legislation, in a great variety of ways, may affect commerce and persons engaged in it without constituting a regulation of it within the meaning of the Constitution. And it may be said generally that the legislation of the State not directed against commerce or any of its regulations, but relating to the rights, duties, and liabilities of citizens, and only indirectly and remotely affecting the operations of commerce, is of obligatory force upon citizens within its territorial jurisdiction, whether on land or water, or engaged in commerce, foreign or interstate, or in any other pursuit.'

"But the case most relied on by the petitioner to support the proposition that oleomargarine, being a recognized article of commerce, may be introduced into a State and there sold in original packages, without any restriction being imposed by the State upon such sale, is Leisy *v.* Hardin (135 U. S., 100).

"The majority of the court in that case held that ardent spirits, distilled liquors, ale and beer were subjects of exchange, barter, and traffic, and being articles of commerce, their sale while in the original packages in which they are carried from one State to another State could not without the assent of Congress be forbidden by the latter State; that the parties in that case who took beer from Illinois into Iowa had the right under the Constitution of the United States, to sell it in Iowa in such original packages, any statute of that State to the contrary notwithstanding; and that Iowa had no control over such beer until the original packages were broken and the beer in them became mingled in the common mass of property within its limits. 'Up to that point of time,' the court said, 'we hold that in the absence of Congressional permission to do so, the State had no power to interfere by seizure, or any other action in prohibition of importation and sale by the foreign or nonresident importer.' (Page 124.)

"It is sufficient to say of Leisy *v.* Hardin that it did not in form or in substance present the particular question now under consideration. The article which the majority of the court in that case held could be sold in Iowa in original packages, the statute of that State to the contrary notwithstanding, was beer manufactured in Illinois and shipped to the former State to be there sold in such packages. So far as the record disclosed, and so far as the contentions of the parties were concerned, the article there in question was what it appeared to be, viz, genuine beer, and not a liquid or drink colored artificially so as to cause it to look like beer. The language we have quoted from Leisy *v.* Hardin must be restrained in its application to the case actually presented for determination, and does not justify the broad contention that a State is powerless to prevent the sale of articles manufactured in or brought from another State, and subjects of traffic and commerce, if their sale may cheat the people into purchasing something that they do not intend to buy, and which is wholly different from what its condition and appearance import.

"At the term succeeding the decision in Leisy *v.* Hardin this court in Rahrer's case (140 U. S., 545–546) sustained the validity of the act of Congress of August 8, 1890 (c. 728, 26 Stat., 313), known as the 'Wilson Act,' and in the light of the decision in Leisy *v.* Hardin, said, by the chief justice, that 'the power of the State to impose restraints and burdens upon persons and property in conservation and promotion of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the General Government, nor directly restrained by the Constitution of the United States and essentially exclusive,' and that 'it is not to be doubted that the power to make the ordinary regulations of police remains with the individual States and can not be assumed by the National Government.'

"In Railroad Company *v.* Huson, above cited, the court, speaking generally, said that the police power of the State extended to the making of regulations 'promotive of domestic order, morals, health, and safety.' It was there held, among other things, to be 'within the range of legislative action to define the mode and manner in which everyone may so use his own as not to injure others,' and that 'the police powers of a State justified the adoption of precautionary measures against social evils,' and the enactment of such laws as would have 'immediate connection with the protection of persons and property against the noxious acts of others.'

"It has therefore been adjudged that the States may legislate to prevent the spread of crime, and may exclude from their limits paupers, convicts, persons likely to become a public charge, and persons afflicted with contagious or infectious disease. These and other like things, having immediate connection with the health, morals, and safety of the people, may be done by the States in the exercise of the right of self-defense; and yet it is supposed that the owners of a compound which has been put in a condition to cheat the public into believing that it is a particular article of food in daily use and eagerly sought by people in every condition of life are protected by the Constitution in making a sale of it, against the will of the State in which it is offered for sale, because of the circumstance that it is an original package and has become a subject of ordinary traffic.

"We are unwilling to accept this view. We are of opinion that it is within the power of a State to exclude from its markets any compound manufactured in another State which has been artificially colored or adulterated, so as to cause it to look like an article of food in the general use, and the sale of which may, by reason of such coloration or adulteration, cheat the general public into purchasing that which they may not intend to buy. The Constitution of the United States does not secure to anyone the privilege of defrauding the public. The deception against which the statute of Massachusetts is aimed is an offense against society, and the States are as competent to protect their people against such offenses or wrongs as they are to protect them against crimes or wrongs of more serious character, and this protection may be given without violating any right secured by the national Constitution and without infringing the authority of the General Government. A State enactment forbidding the sale of deceitful imitations of articles of food in general use among the people does not abridge any privilege secured to citizens of the United States nor in any just sense interfere with the freedom of commerce among the several States. It is legislation which 'can be most advantageously exercised by the States themselves.' (Gibbons *v.* Ogden, 9 Wheat., 1–203.)

"We are not unmindful of the fact—indeed, this court has often had occasion to observe—that the acknowledged power of the States to protect the morals, the health, and safety of their people by appropriate legislation sometimes touches, in its exercise, the line separating the respective domains of national and State authority; but in view of the complex system of government which exists in this country, "presenting," as this court, speaking by Chief Justice Marshall, has said, "the rare and difficult scheme of one general government, whose action extends over the whole, but which possesses certain enumerated powers, and of numerous State governments, which retain and exercise all powers not delegated to the Union," the judiciary of the United States should not strike down a legislative enactment of a State—especially if it has direct connection with the social order, the health, and the morals of its people—unless such legislation plainly and palpably violates some right granted or secured by the national Constitution or encroaches upon the authority delegated to the United States for the attainment of objects of national concern."

CROSSMAN V. LURMAN, 192 U. S., AFFIRMS PLUMLEY V. MASSACHUSETTS, 155 U. S.

The Supreme Court of the United States, in the case of Crossman *v.* Lurman, in an opinion pronounced by Justice White, from which there was no dissent, reaffirmed and upheld the case of Plumley *v.* Massachusetts, in the 155 U. S. R., 462, and although Chief Justice Fuller, Mr. Justice Field, and Mr. Justice Brewer dissented in the Plumley case, neither the Chief Justice nor Mr. Justice Brewer, who were on the bench when the case of Crossman *v.* Lurman was decided, *made dissent.*

It will be observed by reading the dissenting opinion in the case of Plumley *v.* Massachusetts that the dissent of the Chief Justice was placed mainly upon the ground that the State of Massachusetts had excluded from commerce a food product which was wholesome, palatable, nutritious, and in no way deleterious to the public health. In the Plumley case it was decided that "the States did have and ought to have plenary control over the protection of the people against frauds and deception in the sale of food products." "Such legislation may, indeed," said the court, "directly or indirectly affect trade in such products transported from one State into another State, but that circumstances does not show that laws of the character alluded to are inconsistent with the power of Congress to regulate commerce among the States."

The court further said in that case that—

"The power of the State to impose restraints and burdens upon persons and property in the conservation of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the General Government, nor directly restrained by the Constitution of the United States, and essentially exclusive—

and—

"it is not to be doubted that the power to make the ordinary regulations of police remains with the individual States, and can not be assumed by the National Government."

The court also said—

"that legislation forbidding the sale of deceitful imitations of articles of food among the people does not abridge any privilege secured to citizens of the United States, nor in a just sense interfere with the freedom of commerce among the several States. It is legislation which can be most advantageously exercised by the States themselves."

In upholding a statute of the State of New York which prohibited the sale of adulterated food products, and in deciding that it was not repugnant to the commerce clause of the Constitution, and that it was a valid exercise of the police power of the State, the court declared that the assertion that that statute was repugnant to the commerce clause of the Constitution of the United States was devoid of merit, and in so deciding cited with approval the case of Plumley *v.* Massachusetts, in the following language:

"Indeed, every contention here urged to show that the law of New York is repugnant to the Constitution of the United States was fully and expressly considered and negatived by the decision of this court in Plumley *v.* Massachusetts, supra. In that case the law of the State of Massachusetts forbidding the sale of oleomargarine, which was artificially colored, was applied to a sale in Massachusetts of an original package of that article which had been manufactured in and shipped from the State of Illinois. In the course of a full review of the previous cases relating to the subject it was said, page 472:

"'If there be any subject over which it would seem the States ought to have plenary control, and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products. Such legislation may, indeed, indirectly or incidently affect trade in such products transported from one State to another State. But that circumstance does not show that laws of the character alluded to are inconsistent with the powers of Congress to regulate commerce among the States. For, as said by this court in Sherlock *v.* Alling (93 U. S. 99, 103): "In conferring upon Congress the regulation of commerce it was never intended to cut the States off from legislating on all subjects relating to the health, life, and safety of their citizens, though the legislation might indirectly affect the commerce of the country. Legislation, in a great variety of ways, may affect commerce and persons engaged in it without constituting a regulation of it within the meaning of the Constitution.

"'"And it may be said generally that the legislation of a State not directed against commerce or any of its regulations, but relating to the rights, duties, and liabilities of citizens, and only indirectly or remotely affecting the operations of commerce, is of obligatory force upon citizens within its territorial jurisdiction, whether on land or water, or engaged in commerce, foreign or interstate, or in any other pursuit."'

"Again it was said, page 478:

"'And yet it is supposed that the owners of a compound which has been put in a condition to cheat the public into believing that it is a particular article of food in daily use and eagerly sought by people in every condition of life are protected by the Constitution in making a sale of it against the will of the State in which it is offered for sale, because of the circumstance that it is an original package and has become a subject of ordinary traffic. We are unwilling to accept this view. We are of opinion that it is within the power of a State to exclude from its market any compound manufactured in another State which has been artificially colored or adulterated so as to cause it to look like an article of food in general use, and the sale of which may, by reason of such coloration or adulteration, cheat the general public into purchasing that which they may not intend to buy. The Constitution of the United States does not secure to anyone the privilege of defrauding the public.'"

INTERSTATE COMMERCE.

Hon. J. Randolph Tucker, of Virginia, an eminent lawyer and formerly a Member of Congress, in a paper read before the American Bar Association in 1888, on the subject "Congressional power over interstate commerce," said:

"I think to obtain the true view of this difficult class of questions

may justify me in more critical analysis of the related powers of Congress and the States in respect to them.

"Congress has power to regulate, not persons and things, but commerce in them quoad the commerce—traffic, intercourse, etc., Congress has clear power. As to the things and persons when not in commerce, the States have a clearly reserved power. Before things become articles of commerce, interstate or foreign, State power is supreme. After they become such and while they are articles of such commerce Congress has power to exclude State action (Mugler *v.* Kansas, 123 U. S., 623, and Bowman *v.* R. R. Co., 125 U. S., 495). States legislate as to things and persons; Congress only as to interstate and foreign commerce in the things or persons.

"This clear but nice and subtle distinction is as old as Brown *v.* Maryland (12 Wheat.), and Gibbons *v.* Ogden (9 Wheat.).

"The boundary line between State and Federal power is set up by the Constitution; the courts have only to find its location and keep up the fence between them.

"Thus a tax by Congress on the salary of a State judge was held void, because it was not necessary or proper for Congress thus to trench upon State autonomy. (Collector *v.* Day, 11 Wallace.)

"So inspection laws of States operate on things before they become objects of commerce and are beyond the reach of Congressional action. (Gibbons *v.* Ogden, and cases cited supra.) Quarantine laws are for State action and Congress has always conformed to them. Commerce stops with the shore; the reception of the articles is determinable by the State, if within its power, over the health, life, and safety of its citizens.

"In the last decided case, Bowman *v.* Railroad Company, supra, Iowa's right to stop the shipment of goods for transportation from Illinois to Iowa was insisted on. It was defined by the court, because Iowa forbade the *transitus* of an article while a subject of commerce. It was not decided that Iowa might not forbid its use or sale when it reached its terminus and ceased to be in *commercial transition*. When it doffs the commercial garb and dons that of a mere thing of property it ceases to be a subject of commercial regulation by Congress and becomes a subject of State power. As mere property it is under State power. But when it moves toward another State or a foreign country *its transitus* is under Congressional regulation. *Unless* in its motion it violates *the police power of the States* Congress guards, guides, and protects it to its destination. When that is reached it drops again from the hands of Congress into the hands under the power of the State.

"But here it may be asked, Can Congress invest by commercial regulation an article with the quality of property which the State declares shall not have such quality? Could Congress have authorized a slave to be transported into a State which makes slavery illegal? Could Congress authorize dynamite or gunpowder to be carried in open cars through a State which forbids it because a peril to life and property?

"Such questions bring into apparent collision the commerce power and the police power of the States.

"The solution may be found in the fact that no commercial regulation can be constitutional which is not necessary and proper; and none can be necessary or proper which exposes to disease and death or slavery the people who live in a State under the reservation of its protective power.

"And if it is objected that a State upon this view may thus transcend the bounds of its power to protect its people, the answer is that when the judicial department, whose duty it is to keep up the fence between granted and reserved power, finds that a State *mala fide* makes its police power the pretext to regulate or prohibit commerce, or that Congress under the commerce power *mala fide* invades the reserved police power of the State, it shall so adjudge, and maintain in both cases, the supreme law of the land over Congress and the States.

"And this view avoids what, I must with deference say, seems to me to be an inaccurate mode of statement—that a tax on interstate commerce by a State is a regulation of commerce, and therefore void, because of the exclusiveness of the power of Congress to regulate it. * * *

"In the exercise of the police powers as to health and the like; as to bridges, wharves, and the like; as to pilotage, etc., and as to the removal of obstructions in rivers, bays, etc., the State has these powers as a part of its police reservation for the life and property of its people engaged in commerce. In this the State only protects the person and property; it does not regulate the transitus. These it may, as we have seen, exercise freely and bona fide, so as not to obstruct the freedom of commerce secured by the higher authority of the Constitution. To regulate may and should be to help and facilitate commerce, not to obstruct it; and the obstruction, as I have insisted, of free commerce between the States established by the Constitution is not a lawful exercise of the power to regulate commerce by Congress, nor of the police power by the States.

"The Constitution makes trade free between the States. No power can obstruct it. A State can not, nor can Congress, so exercise its powers as to do so. Hence, though a tax by a State on interstate commerce is void, it is so because it obstructs the freedom of that commerce established by the Constitution, and not because it is itself a regulation of commerce. It is not such regulation, for if it were it would follow that Congress could tax it, which, for reasons already urged and hereafter set forth, I deny.

* * * * * * *

"The 'immense mass of legislation' (Gibbons *v.* Ogden, 9 Wheat., 1) which belongs to the States, called police powers, for want of a better name, are limitations upon the commercial power of Congress. These police powers, as I have endeavored to show, are not regulations of commerce. They are distinct and different from these. But the regulations of Congress and these police powers spread over the same objects. But both may exist without repugnance, and must be made to consist in the fair and just efficiency of each. While the police powers must not trench upon the regulations of commerce, these must be made to respect the health and other police laws of the States. Commerce should flourish, but must not carry disease to the people. A State bridge may cross a navigable stream, but so as not to obstruct commerce. These are all cases not of rival commercial regulations, but the constitutional coexistence in consistent force, of the commercial power of Congress and the reserved autonomy of the State as to its internal polity.

"I may venture to say that property in transitu from one State to another through a third could not be obstructed by the laws of the latter; and this seems to be involved in many of the later decisions of the Supreme Court. The State can not obstruct the transitus, for that is commerce; but it may legislate on the thing or person when its transitus being ended it remains within its borders."

Mr. Tuckner was not only an able and eminent lawyer, but also the author of a work upon the Constitution of the United States which is acknowledged and accepted as authority upon that subject by the courts; hence his views on the subject treated of by him herein quoted are entitled to much respect.

Former United States Senator George, of Mississippi, who was admitted to be one of the most learned and eminent lawyers who ever served in the Senate, while a member of the Judiciary Committee, made two reports on the subject of interstate commerce and the police powers of the States. We incorporate them as the views of that most distinguished and able lawyer, and believe that they are entitled to and will receive due consideration.

In the Fiftieth Congress Mr. George submitted the following from the Committee on the Judiciary:

[Senate Report No. 610, Fiftieth Congress, first session.]

The Committee on the Judiciary, to whom was referred the bill (S. 1067) relating to imported liquors, for examination of the constitutional questions involved, beg leave to report:

The object of the bill is to subject to the laws of the several States through whose ports importations of ardent spirits or intoxicating liquors are made the rights of the importer as to the disposition of the same.

If the bill should become a law, it would result that though Congress allows the importation of such liquors upon the payment of the duty levied, yet the right of the importer to sell or dispose of them in the original package would be subject to prohibition or regulation in each State into which the importation may be made, according to its own will. In some States the importer might freely sell; in others he would not be allowed to sell at all; and in others the sale would be restricted by license fees or other taxation, as each State might adjudge was best for itself.

The question whether a State, in the exercise of its police powers, can restrict or prohibit the sale of imported intoxicants is not submitted for our examination. The bill proceeds on the theory that the powers of the States are ineffectual to prevent such importation and subsequent sale by the importer, and seeks the permission of Congress to effect that end. Our inquiry, therefore, is restricted to the ascertainment of the powers of Congress to modify and change the constitutional effect of the laws of the United States authorizing importation so that this effect should be as diverse as the laws the several States might enact.

The theory of constitutional law on which the bill is based is expressed in the following quotation from the opinion of Chief Justice Taney, in the License cases (5 How., 504), in which that great judge stated and affirmed the doctrine announced by the court through Chief Justice Marshall in Ward *v.* Maryland (12 Wheat., 112):

"That an article authorized by a law of Congress to be imported continued to be a part of the foreign commerce of the country while it remained in the hands of the importer, for sale in the original bale, package, or vessel in which it was imported. That the authority given to import necessarily carried with it the right to sell the imported article in the form and shape in which it was imported, and that no State, either by direct assessment or by requiring a license from the importer before he was permitted to sell, could impose any burden on him or the property imported beyond what the law of Congress had itself imposed, but that when the original package was broken up, for use or for retail, by the importer, and also when the commodity had passed into the hands of a purchaser, it ceased to be an import or a part of foreign commerce and became subject to the laws of the State, and might be taxed for State purposes and the sale regulated by the State, like any other property."

The theory of the bill also recognizes the principle that intoxicants are legitimate objects of foreign commerce, and as such are within the power of Congress to regulate. This theory is thus expressed by Chief Justice Taney in the License cases (5 How., 504):

"Spirits and distilled liquors are universally admitted to be subjects of ownership and property, and are therefore the subjects of exchange, barter, and traffic, like any other commodity in which a right of property exists. And Congress, under its general power to regulate commerce with foreign nations, may prescribe what articles of merchandise shall be admitted and what excluded, and may therefore admit or not, as it shall seem best, the importation of ardent spirits. And inasmuch as the laws of Congress authorize their importation, no State has a right to prohibit their introduction."

Assuming this theory to be correct, it results that there is no difference in the power of Congress to regulate foreign commerce on ardent spirits and in their power of regulation over any other article of commerce. All objects of commerce, so far as the power of regulation by Congress is concerned, are exactly on the same footing. We may dismiss, therefore, in considering the constitutionality of the bill, the incident that this particular commodity may be injurious to the health and morals of the people as wholly immaterial. Congress, it is true, in forming a regulation of commerce with reference to intoxicants, may properly consider their injurious effect in use, and may form the regulation with reference to that effect. But having imposed a tax on the importation, and thereby recognized spirits as legitimate commodities of foreign commerce, the regulation of commerce on them must be governed by the same constitutional rules as apply to all foreign commerce.

It has been seen that an imported article remains a part of foreign commerce so long as it remains in the hands of the importer in the same shape and form in which it was imported. A prohibition or restriction on its sale whilst thus conditioned, made by State authority, would therefore be a regulation of foreign commerce by the State, and, as we have seen, would not be permissible under the Constitution. Can Congress give this power of regulation to the States? The answer to this would seem to be too plain for controversy. The dividing line between State and Federal powers is fixed by the Constitution. That instrument, the supreme law of the land, specifies what is granted, and thus fixes also what is reserved. A State can not enlarge the powers of Congress even in its own limits. This would be a surrender to that extent of its constitutional equality with the other States.

The Constitution has formed and was intended to perpetuate a Union of equal States, equal in political dignity and in political power, and no diversity in these respects is possible. If it be true that Congress can not, in pursuance of the Constitution and without any assent of a particular State or States, make a regulation as to the sale of imported goods still remaining a part of foreign commerce, different in some States from the regulation in the other States, it must follow that no such different regulation can be established in the States which shall consent to it.

It is equally clear that Congress can not part with or delegate to a

State any power which has not been reserved to it. Congress can not return to the States a power given by the Constitution to Congress; much more can not Congress delegate or surrender a granted power to any portion of the States, for that would pro tanto invest those States with powers not possessed by the others. We may safely rest, therefore, on the conclusion that this bill is unconstitutional in submitting the foreign commerce named in it to regulation by State laws, unless we find that Congress may, without any aid from State laws, make different regulations as to importations in different States. We are thus brought face to face with this proposition, that Congress has power to enact that a particular imported article, after payment of duties according to law and still in the hands of the importer and in the original package, and therefore still a part of foreign commerce, may be freely sold in some States and in others shall not be sold at all, or sold only with burdensome restrictions.

To that proposition thus expressed we are confident that none would assent. Such a law would not only contravene that provision of the Constitution which requires impost taxation to be uniform throughout the Union, but also that provision which prohibits Congress from giving by any regulation of commerce a preference to the ports of one State over those of another. It would destroy uniformity in taxation, because in one State the payment of the impost tax would include in it as its rightful and necessary effect the right to sell, and in the other it would include no such right.

Taxation to be uniform, as required by the Constitution, must not only be the same in amount on the same thing, but payment of it must be followed by the same legal consequences. A preference is given to the ports of one State over the ports of another by a regulation of commerce when, by a law of Congress, importations into the ports of the one upon payment of the duty may be sold and in the other they may not. That the State discriminated against consents to the discrimination can make no difference, as we have seen. It is not in the power of a State to give force and validity even within its own borders to an act of Congress passed in violation of the Constitution.

There is one other aspect necessary to be considered. It being shown, as we think it has been, that Congress can pass no such law, and that the States can pass no such law, and that Congress can not delegate to the State the power to pass such a law, and that a State can not invest Congress with the power of enacting such a law, to be operative only within its own borders, we have now further to inquire whether the conjoint action of a State and of the Congress can make such a law valid within the limits of the State. There is such a thing in the Constitution as concurrent powers in the several States and in the United States, whereby each sovereignty may legislate independently on the same subject. But these powers are of that kind where conjoint action is not contemplated. The concurrent power of the State is subordinate and can only be exercised when not in conflict with the law of Congress, which is supreme. This is not a case of that kind, for here neither has independently any power whatever.

There are a few conjoint powers specified in the Constitution; that is, certain reserved powers of the States are not reserved to them absolutely, but only to be exercised by the consent of Congress.

Among these is the power to levy imposts and duties, the net proceeds of which are to go into the Treasury of the United States; making compacts between two or more States; laying duties of tonnage; keeping troops and ships of war in time of peace. But among these is not included the power claimed in this bill. The power here claimed is a power denied both to the States and to Congress; and the effect of the bill is to create a constitutional power by the joint action of two parties to both of which it is prohibited. This we confidently assert can not be done.

It is no answer to this reasoning that Congress has enacted section 3247 of the Revised Statutes. The power therein exercised by Congress is in reference to things purely internal and domestic in the States—a power of internal taxation—and not the same power as is attempted to be exercised in this bill. If it is the same power, however, it has been proven to be unconstitutional.

As before stated, we express no opinion as to the power of the States, without any aid from Congress, to prohibit the sale of imported intoxicants by the importers in the original packages. If they have such power, there is no need of this bill, the sole object of which is to confer the power.

The bill is improper, if not unconstitutional, if considered as a declaration merely by Congress that such power exists in the States. That is purely a judicial question. The Congress can enact laws—they can not expound them. Necessarily in enacting a law on any given subject Congress determines that they have jurisdiction and power to legislate over that subject. But this determination is the necessary incident of enacting a statute which of itself becomes a rule of action, the framing of the rule, not the exposition of the Constitution, being the end sought to be attained. The settling of the meaning of the Constitution is not a legitimate object of legislative power.

Besides, the Congress can only exercise the powers granted, and those necessary and proper for carrying into effect the vested powers. If it be conceded, as we have shown it to be, that the power to pass the bill as a rule of action, as a law, is not in Congress, then it is also shown that it may not be passed as a declaratory act, since such act is not necessary or proper for carrying into effect any power granted to the United States.

We repeat, that in the matter submitted to us no question arises as to the extent of the police powers of the States to prevent the introduction of intoxicants, or their subsequent sale by the importer. The bill is framed on the theory, as we have seen, that it may be no such power exists in the States, its sole object being to confer it. Our conclusion goes no further than to deny that such power can be conferred. However desirable it may be to diminish, or prohibit entirely, the use of intoxicants, that end can only be reached by constitutional methods.

It should not be overlooked that the province of State control over what concerns the police regulation of domestic health, peace, and general good order and well-being within each State is, under the Constitution, as secure against intrusion from Federal authority as the regulation of foreign commerce by the General Government is from encroachment upon that province by State authority. It is not desirable that Federal legislation should seem, by inference even, necessary to impart or maintain aid or protection to the State's exercise of its authority within the province of State domestic control. The State and the Federal control in the premises are divided by the Constitution, and neither for its vigor depends upon the other. The experience of the wise administration hitherto of this judicial question, in defining these respective provinces, in the opinion of the committee, makes it best to leave this, as it now is, a judicial question, in the highest interest of both the Federal regulation of commerce and the State control of its police authority.

In the Fifty-first Congress the same bill came before the Committee on the Judiciary of the Senate. That committee made a report favorable to the passage of the bill, and Mr. George submitted his views, as follows:

[Senate Report No. 993, Fifty-first Congress, first session.]

VIEWS OF MR. GEORGE.

In the Fiftieth Congress the bill before us was considered by this committee, and a conclusion reached by a majority that it was unconstitutional. The basis of this opinion as stated in the report was that Congress had no power to grant a jurisdiction to a State which was by the Constitution vested in the Federal Government. The committee thought that the division of power between the States and the Federal Government was fixed by the Constitution and could not be changed either by the action of Congress alone or by the conjoint action of Congress and any State in which it was attempted to vest a part of this power delegated to Congress.

The committee did not consider that any question relating to the power of the State to deal with intoxicating liquors under their reserved power was submitted for their consideration, and for that reason they expressly declined to express any opinion on that subject.

Since that time the Supreme Court has determined that the reserved powers of the States did not authorize them to prohibit the sale of imported intoxicating liquors within their respective limits, and that Congress might grant to a State the power thus denied to them. We are now called upon to act upon this bill after a decision of the Supreme Court overruling the opinion then entertained by the committee as to the power of Congress to donate a power to the States, and also at variance with the views entertained by the undersigned as to the extent of the reserved powers of the States.

Under these differing circumstances, the question of donating this power to the States is presented for our consideration. If we adhere to the opinion expressed in the former report, we do so in direct conflict with the decision of that tribunal appointed by the Constitution to determine authoritatively the extent of the delegated and reserved powers. And so if the undersigned adheres in practice to the opinion that the reserved powers of the States are ample to control and prohibit the sale of imported intoxicants, he would vainly insist on a jurisdiction which, under the decision of the Supreme Court, no State would be allowed to exercise. It is his duty, therefore, to conform his action to the decision of the court.

The court having decided that the power may be delegated by Congress to the several States, the only question left is as to the expediency of the exercise of the power.

The undersigned, though yielding obedience to the decision of the court, entertains the opinion that the States have, under the Constitution, the power yielded by this bill, and that this power in the States is necessary for their welfare and even to the proper working of our complex political system.

It is certain that Congress can not exercise the police power of regulating the traffic in intoxicants within the several States, and the Supreme Court has denied this power to the States, except as to liquors manufactured within their respective limits. So that unless we agree that Congress shall grant this power to the several States as decided by the Supreme Court may be done, then there remains no power by which this police regulation may be made or enforced as far as imported liquors are concerned whilst they are in the original packages.

The Supreme Court has assented to the power of the several States to regulate, control, and prohibit the sale of intoxicants manufactured within their respective limits as a necessary police power, but denies this power as to intoxicants imported from another State or from a foreign country. The result is that however harmful a State may determine the traffic in intoxicants to be, the power to prohibit it is restricted to such liquors only as are manufactured in its borders. Foreigners and citizens of other States may, under this new law, invade a State with their intoxicants, dispose of them in their original packages, and thus carry on a business which the State has determined is destructive to the peace and good order of the community and to the health and morals of the people.

In this singular and anomalous condition has the State been placed by the decision of the Supreme Court.

The court, however, has allowed a means of correction by affirmative action on the part of Congress, granting permission to the State to deal with imported intoxicants in the same way and to the same extent as they may deal with liquors manufactured within their respective limits.

The undersigned believes the true rule to be to concede the power to the States as a power reserved under the Constitution, and not require them, as the Supreme Court has decided, to hold it as a Congressional grant, and therefore subject to the will of Congress to give it in the first instance and afterwards to withdraw it. Yet, as he deems it a power reserved to the States under the Constitution and one necessary to the maintenance of a rightful authority by the States over their own domestic affairs, he feels constrained to support the bill, since only by such legislation can the States, under the decision of the Supreme Court, exercise their rightful and necessary jurisdiction over a subject of the utmost importance to their welfare.

The undersigned expresses no opinion as to the propriety of the exercise of this power by the several States. That is not a matter for Congressional consideration. Whether there shall be a free or a regulated traffic in intoxicants, or total prohibition, is a matter for each State to determine for itself. It is not a matter either of Congressional action or advice.

Believing that the Supreme Court, by its decision in Leisy & Co. v. Hardin, erroneously denied to the States the power conceded to them by this bill, the undersigned gives support to the bill as the only means left whereby the States may exercise their rightful authority over a matter of the utmost gravity and concern to them. The result attained by this action on the part of Congress is the same, so long as Congress shall yield the power, as if the constitutional power of the States to act as they saw proper had been recognized. It is a matter of sincere regret that the States are compelled to rely on Congress for a grant of this essential power. It is also to be deplored that the Constitution has been authoritatively construed so as to reverse the well-recognized rule that Congress is the grantee of powers from the State, and is not the source of power which may be parceled out at its will to the States. Yet, finding the Constitution thus construed as to this particular matter by the tribunal which is appointed as the final arbiter in such matters, the States must submit to hold the power at the will of Congress until such time as the court, upon being better advised, shall reverse its action.

J. Z. GEORGE.

STANDARDS OF FOOD.

The bill provides that the standards of food which may be established shall be fixed by the Secretary of Agriculture, aided by the committee on food standards of the Association of Official Agricultural Chemists and the committee of standards of the Association of State Dairy and Food Departments. This provision, contained in section 9 of the bill, will not accomplish the purpose intended, because if the Secretary of Agriculture should establish a standard for food products and any State into which such food products may be transported should establish a different standard, as the State would have a right to do, the standard fixed by the law of the State where the food is sold or offered for sale would control.

In other words, the Congress of the United States can not, by this bill enacted into law, establish a standard for food products which will prevent the States from enforcing compliance with such standards for food products as the legislatures of the States may prescribe for the several States. Therefore the purpose of the bill—i. e., to have a uniform standard for food—will fail. As has already been stated, the Supreme Court of the United States, in the case of Crossman *v.* Lurman (192 U. S., 189), decided that the standard for food products established by the legislature of New York for the State of New York would prevail over the standard fixed for food products by the act of Congress, and that Congress could not, by fixing a standard for food products imported into the United States, deprive the States of their police power of regulating the sale of food products within the States.

In that case the Supreme Court say:

"It is urged that, even although there was power in the State of New York to legislate on the subject of adulteration of food, such legislation ceased to be operative as regards food products imported into the United States through the channels of foreign commerce after the passage of the act of Congress approved August 30, 1890, 'providing for the inspection of means for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases.' (26 Stat., 414.) The second section of that act, it is insisted, does not exclude from importation adulterated food, but simply adulterated food which is mixed with any poisonous or noxious chemical, drug, or other ingredient injurious to health, which it is urged was not the case with the coffee in question. The language of the section upon which this contention is based is as follows:

"'That it shall be unlawful to import into the United States any adulterated or unwholesome food or drug, or any vinous, spirituous, or malt liquors, adulterated or mixed with any poisonous or noxious chemical, drug, or other ingredient injurious to health.'

"We think it unnecessary to determine whether the statute lends even color to the proposition, since we think it is clear that its effect, whatever be its import, was not to deprive the State of its police powers to legislate for the benefit of its people in the prevention of deception and fraud, and thus to control sales made within the State of articles so adulterated as to come within the valid prohibition of the State's statute."

If it be the law, as was stated in this last-mentioned case, that, notwithstanding the fact that Congress had fixed a standard for food imported into the United States, and notwithstanding that the officials of the United States authorized to inspect the food thus imported had approved of such imported food as having complied with the law, the States have the right under their police power to fix another and different standard, and that food when offered for sale or delivered in the States should come up to the standard fixed by the States, then this bill, which endeavors to fix a national food standard for all food products in the United States when shipped from one State to another must fail in its purpose, because whenever any of the States shall fix or prescribe a different standard the manufacturers of the food products must comply with the laws of the State where such food is manufactured or offered for sale.

Congress has already, by act approved June 3, 1902, authorized the Secretary of Agriculture to establish standards of food and food products, and to determine what are regarded as adulterations therein for the guidance of the officials of the various States and the courts of justice. And the Secretary, in pursuance of that act, on November 21, 1903, issued a circular proclaiming standards for purity of food products, together with their definitions, as the official standards of these food products for the United States. That proclamation is as follows:

Original proclamation of standards and letter of transmittal.

[Circular No. 10, Secretary's Office.]

Whereas the Congress of the United States, by an act approved June 3, 1902, authorized the Secretary of Agriculture to establish standards of purity for food products; and

Whereas he was empowered by this act to consult with the committee on food standards of the Association of Official Agricultural Chemists and other experts in determining the standards; and

Whereas he has, in accordance with the provisions of the act, availed himself of the counsel and advice of these experts and of the trade interests touching the products for which standards have been determined and has reached certain conclusions based on the general principles of examination and conduct hereinafter mentioned:

Therefore I, James Wilson, Secretary of Agriculture, do hereby proclaim and establish the following standards for purity of food products, together with their precedent definitions, as the official standards of these food products for the United States of America.

JAMES WILSON.

WASHINGTON, D. C., *November 21, 1903.*

The various State legislatures have in many instances passed laws to conform to these standards, and doubtless many more will do so. In our opinion, this will be all the law necessary or proper for Congress to pass on the subject.

If anything at all is needed in the way of legislation to enable the States to effectually enforce their laws upon the subject of food, food products, and drugs, and to prevent the sale of impure foods or the fraudulent branding of food products or drugs, then all that is needed is for Congress to enact a law which would subject such food products or drugs to the police laws of the various States whenever they are transported into the States for sale or use in the same way that the act of August 8, 1890, made spirituous liquors and beer subject to the laws of the States when transported therein for use or consumption, and, to that end, we suggest that House bill No. 16248 would meet the present demands for pure-food legislation.

That bill is as follows:

[H. R. 16248, Fifty-ninth Congress, first session.]

"A bill to limit the effect of the regulations of commerce between the several States and with foreign commerce in the case of foods and drugs.

"*Be it enacted, etc.*, That from and after the passage of this act all articles of food or drugs transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory, be subject to the operation of and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such food or drugs had been produced or manufactured in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages.

"SEC. 2. That the term 'food' as used herein shall include all articles used for food, drink, confectionary, or condiment by man or other animals, whether simple, mixed, or compound; that the term 'drugs' shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or pervention of disease of either man or other animals."

We therefore offer this bill as a substitute for both the Senate bill and the House substitute, believing that if Congress shall enact the same it will do all that Congress is authorized to do under the Constitution and will fully protect the people of the United States, or at least will leave to the people of the various States, through their legislatures, the duty of protecting the people of the States from frauds and impositions in the matter of food products. This is where the Constitution of the United States places the power of protecting the people of the States in their health, safety, and morals, and will not destroy the powers of the States, and will not convert Congress into a legislature for the enactment of purely police laws for the various States of the Union.

The Speaker of the House, Hon. JOSEPH G. CANNON, on the 16th of February, 1906, before the Union League Club, of Philadelphia, gave utterance to some views and sentiments which we so heartily approve that we deem it not amiss to incorporate them here. They were as follows:

REPUBLIC'S GREATEST DANGER.

"In my judgment the greatest danger to the Republic comes from the citizen who refuses or neglects to participate in governing in local, State, and national affairs and seeks protection from the government to which he does not contribute according to his ability or means. In my judgment the danger now to us is not the weakening of the Federal Government, but rather the failure of the forty-five sovereign States to exercise, respectively, their function, their jurisdiction, touching all matters not granted to the Federal Government. This danger does not come from the desire of the Federal Government to grasp power not conferred by the Constitution, but rather from the desire of citizens of the respective States to cast upon the Federal Government the responsibility and duty that they should perform.

"If the Federal Government continues to centralize, we will soon find that we will have a vast bureaucratic government, which will prove inefficient, if not corrupt.

"The governor of one of the States has within a few days written to a Senator in Congress that his State is powerless to compel the railways within its borders to extend to its citizens facilities by proper connection, switching, and the furnishing of cars to enable its people to have equal and fair treatment under similar conditions with other favored citizens, and that this condition comes from inability to enforce law in existence and to enact additional necssary legislation, and in effect appealing for relief to the Federal Government.

"There is no adequate remedy for this condition, except by the people of that State clothed with plenary power through the enforcement of the law, and the enactment of additional legislation, if necessary, to exercise the function of government."

W. C. ADAMSON,
C. L. BARTLETT,
GORDON RUSSELL.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had this day presented to the President of the United States, for his approval, the following bills:

H. R. 11787. An act ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School at Alva, in Oklahoma Territory, passed by the legislative assembly of Oklahoma Territory, and approved the 15th day of March, 1905;

H. R. 10133. An act to provide for the annual pro rata distribution of the annuities of the Sac and Fox Indians of the Mississippi between the two branches of the tribe, and to adjust the existing claims between the two branches as to said annuities; and

H. R. 10292. An act granting to the town of Mancos, Colo., the right to enter certain lands.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 18536. An act providing for the subdivision of lands entered under the reclamation act, and for other purposes;

H. R. 9343. An act providing for the resurvey of certain townships of land in the county of Baca, Colo.;

H. R. 16472. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes;

H. R. 18600. An act to amend section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes;

H. R. 3459. An act for the relief of John W. Williams;

H. R. 4580. An act for the relief of Blank and Parks, of Waxahachie, Tex.; and

H. R. 5221. An act for the relief of Edward King, of Niagara Falls, in the State of New York.

The SPEAKER announced his signature to enrolled joint resolution and bills of the following titles:

S. R. 66. Joint Resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. José Martin Calvo, of Costa Rica;

S. 1031. An act granting to the State of California 5 per centum of the net proceeds of the cash sales of public lands in said State;

S. 1649. An act providing for the retirement of petty officers and enlisted men of the Navy;

S. 3263. An act to amend an act entitled "An act to establish a port of delivery at Salt Lake City, Utah;"

S. 3414. An act providing for a public highway on the east side of the Fort Sherman abandoned military reservation, Idaho;

S. 5989. An act to authorize the construction of a bridge across the Missouri River in Broadwater and Gallatin counties, Mont.;

S. R. 47. Joint resolution granting condemned cannon for a statute to Governor Stephens T. Mason, of Michigan;

S. 5512. An act defining the qualifications of jurors for service in the United States district court in Porto Rico;

S. 6451. An act to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River flowing over the dams between St. Paul and Minneapolis, Minn.;

S. 6234. An act to authorize the Chicago, Milwaukee and St. Paul Railway Company, of Montana, to construct a bridge across the Missouri River in Lewis and Clarke County, Mont.;

S. 3743. An act to confirm the right of way of railroads now constructed and in operation in the Territories of Oklahoma and Arizona;

S. 4190. An act to amend an act entitled "An act to amend section 2455 of the Revised Statutes of the United States," approved February 26, 1895;

S. 3044. An act to promote for efficiency of the Revenue-Cutter Service;

S. 1540. An act to increase the efficiency of the Ordnance Department of the United States Army;

S. 2948. An act to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes;

S. 6333. An act authorizing the Secretary of War to acquire, for fortification purposes, certain tracts of land on Deer Island, in Boston Harbor, Massachusetts;

S. 6243. An act to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and provide for a coinage system in the Philippine Islands;"

S. 1697. An act confirming to certain claimants thereto portions of lands known as "Fort Clinch Reservation," in the State of Florida;

S. R. 52. Joint resolution authorizing the Secretary of War to donate to the board of trustees of Vincennes University, Vincennes, Ind., such obsolete arms and other military equipment now in possession of said university, to be used in military instruction;

S. 6462. An act granting lands to the State of Wisconsin for forestry purposes; and

S. 4954. An act authorizing Capt. Ejnar Mekkesen to act as master of an American vessel.

LEAVE TO PRINT.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent that my colleague, Mr. LOUD, who is absent to-day, may have leave to print his remarks in the RECORD upon the naval appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE OVER THE MISSISSIPPI RIVER AT ST. LOUIS.

The SPEAKER laid before the House the bill (H. R. 20210) to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River, with Senate amendments.

The Senate amendments were read.

Mr. BARTHOLDT. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

LEASED LANDS IN COMANCHE COUNTY, OKLA.

The SPEAKER laid before the House the bill (H. R. 16785) giving preference right to actual settlers on pasture reserve No. 3 to purchase lands leased to them for agricultural purposes in Comanche County, Okla., with Senate amendments.

The Senate amendments were read.

Mr. ZENOR. Mr. Speaker, I move that the House concur in the Senate amendments.

PERSONAL REQUESTS.

Mr. ALLEN of Maine, by unanimous consent, was given indefinite leave of absence on account of important business.

Mr. LAMAR, by unanimous consent, was given leave to extend remarks in the RECORD on the naval appropriation bill.

Mr. HEPBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the president of the Spanish Treaty Claims Commission submitting an estimate of appropriation for certain awards of the Commission—to the Committee on Appropriations, and ordered to be printed.

A letter from the Postmaster-General, recommending that the balance of an emergency appropriation for San Francisco be made available for the next fiscal year—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RYAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20248) to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River, to erect and maintain an inlet pier therefrom, and to construct and maintain filter beds for the purpose of supplying the city of Buffalo with pure water, reported the same with amendment, accompanied by a report (No. 4981); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 4256) for the relief of the Alaska Short Line Railway and Navigation Company's Railroad, reported the same without amendment, accompanied by a report (No. 4983); which said bill and report were referred to the House Calendar.

Mr. HERMANN, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 6300) providing when patents shall issue to the purchaser of certain lands in the State of Oregon, reported the same without amendment, accompanied by a report (No. 4988); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 1291) for the relief of James W. Watson, reported the same with amendment, accompanied by a report (No. 4982); which said bill and report were referred to the Private Calendar.

Mr. McGAVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 9109) for the relief of J. H. Henry, reported the same without amendment, accom-

panied by a report (No. 4984); which said bill and report were referred to the Private Calendar.

Mr. MOUSER, from the Committee on Claims, to which was referred the bill of the House (H. R. 12686) for the relief of Edwin T. Hayward, executor of Columbus F. Hayward, and the administrator of Charles G. Hayward, reported the same without amendment, accompanied by a report (No. 4985); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 7960) for the relief of John C. Ray, assignee of John Gafford, of Arkansas, reported the same without amendment, accompanied by a report (No. 4986); which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 17285) for the relief of Second Lieut. Gouverneur V. Packer, Twenty-fourth United States Infantry, reported the same without amendment, accompanied by a report (No. 4987); which said bill and report were referred to the Private Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 4965) authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army, reported the same without amendment, accompanied by a report (No. 4989); which said bill and report were referred to the Private Calendar.

Mr. ROBERTS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 18380) to complete the naval record of Charles W. Held, reported the same without amendment, accompanied by a report (No. 4990); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 4899) granting an increase of pension to Ann Thompson, reported the same without amendment, accompanied by a report (No. 4991); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LITTAUER: A bill (H. R. 20336) to amend section 3740 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. McCLEARY: A bill (H. R. 20337) for the erection of a monument to the memory of John Ericsson—to the Committee on the Library.

By Mr. BABCOCK: A bill (H. R. 20338) to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa"—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 20339) granting an increase of pension to Jose Serafin Valdez—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20340) granting an increase of pension to Jose Maria Martinez—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20341) granting an increase of pension to Charles W. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20342) granting an increase of pension to Refael Chavez—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20343) granting an increase of pension to Juan N. Lujan—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 20344) granting a pension to Delia M. Wilson—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 20345) granting an increase of pension to Henry S. Smith—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 20346) granting an increase of pension to James C. Bullock—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 20347) granting an honorable discharge to Glenn Bennett—to the Committee on Military Affairs.

By Mr. KLINE: A bill (H. R. 20348) granting an increase of pension to Allen T. Blank—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 20349) granting a pension to Livingston S. Dennis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20350) granting a pension to Theodore F. Reighter—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 20351) granting an increase of pension to Peter M. Simon—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 20352) granting a pension to Martha Stevens—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 20353) granting an increase of pension to Silas M. Abers—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Petition of Mid-Continent Oil Producers' Association, against pipe-line clause of rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Medical Association, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Pennsylvania: Petition of William Hogan, for the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of American Medical Association, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mid-Continent Oil Producers' Association, against pipe-line amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: Petition of residents of Porto Rico, for repeal of the joint resolution of May 1, 1900, amending the Foraker Act—to the Committee on Insular Affairs.

By Mr. DRAPER: Petition of American Medical Association, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of American Medical Association, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of the German Alliance, for furtherance of arbitration treaties, settlement of all questions between America and other countries, and special treaty between Germany and the United States—to the Committee on Foreign Affairs.

Also, petition of New Immigrants' Protective League, for commission to investigate immigration problems before enactment of new legislation thereon—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of New Immigrants' Protective League, for better distribution of immigrants—to the Committee on Immigration and Naturalization.

Also, petition of American Medical Association, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petition of Executive Committee German-American arbitration conference for furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

Also, petition of Mid-Continent Oil Producers Association, against pipe-line clause of rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Pennsylvania, for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of W. B. Fraser, for the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of American Medical Association, for Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of The Western Packers' Canned Goods Association, Edinburg, Ind., for certain amendments to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of R. J. Caldwell, against bill H. R. 47, relative to detention of live stock on cars in shipment—to the Committee on Interstate and Foreign Commerce.

Also, petition of American Medical Association, for the Heyburn pure-food and drug bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ZENOR: Paper to accompany bill for relief of Zane Smith—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *June 22, 1906.*

Prayer by Rev. JOHN VAN SCHAICK, Jr., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

LANDS AT MENA, ARK.

Mr. BERRY. Mr. President, there is a House bill on the table that I should be glad to have passed. I ask the Chair to lay it before the Senate.

The bill (H. R. 18529) to authorize the sale of certain lands to the city of Mena, in the county of Polk, in the State of Arkansas, was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell to the city of Mena, in the county of Polk, in the State of Arkansas, at and for the sum of $2.50 per acre, the following-described lands, to wit: The fractional northwest quarter of the northwest quarter of section 6, township No. 2 south, range 30 west of the fifth principal meridian. And upon the payment of said sum the said Secretary is authorized to issue patent for said lands to said city.

Mr. BERRY. I will state that a precise copy of the bill has already passed the Senate, but a House bill was passed at the other end of the Capitol, and I ask unanimous consent for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HALE. I ask for the regular order.

The VICE-PRESIDENT. Petitions and memorials are in order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 16785. An act giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.;

H. R. 19682. An act authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes; and

H. R. 20210. An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

S. 1540. An act to increase the efficiency of the Ordnance Department of the United States Army;

S. 1697. An act confirming to certain claimants thereto portions of lands known as Fort Clinch Reservation, in the State of Florida;

S. 2948. An act to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes;

S. 3044. An act to promote the efficiency of the Revenue-Cutter Service;

S. 3743. An act to confirm the right of way of railroads now constructed and in operation in the Territories of Oklahoma and Arizona;

S. 4190. An act to amend an act entitled "An act to amend section 2455 of the Revised Statutes of the United States," approved February 26, 1895;

S. 4954. An act authorizing Capt. Ejnar Mikkelsen to act as master of an American vessel;

S. 6243. An act to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and provide for a coinage system in the Philippine Islands;"

S. 6333. An act authorizing the Secretary of War to acquire, for fortification purposes, certain tracts of land on Deer Island, in Boston Harbor, Massachusetts;

S. 6462. An act granting lands to the State of Wisconsin for forestry purposes; and

S. R. 52. Joint resolution authorizing the Secretary of War to donate to the board of trustees of Vincennes University, Vincennes, Ind., such obsolete arms and other military equipment now in possession of said university, to be used in military instruction.

PETITIONS AND MEMORIALS.

Mr. BURNHAM presented petitions of sundry citizens of Keene, Alton Bay, Manchester, and Belmont, all in the State of New Hampshire, praying for the adoption of a certain amendment to the sundry civil appropriation bill excluding alcoholic beverages from Soldiers' Homes; which were ordered to lie on the table.

Mr. DANIEL presented the petition of P. M. Jones and sundry other citizens of Buckingham County, Va., praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a memorial of Local Division No. 456, Brotherhood of Locomotive Engineers, of Norfolk, Va., remonstrating against the passage of the so-called "antipilotage bill;" which was referred to the Committee on Commerce.

Mr. PETTUS presented a paper to accompany the bill (S. 3100) for the relief of the St. Louis, Iron Mountain and Southern Railway Company; which was referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 3101) for the relief of the Northern Pacific Railway Company; which was referred to the Committee on Claims.

Mr. HOPKINS presented a memorial of Clark Mills Carr Camp, No. 26, United Spanish War Veterans, Department of Illinois, of Galesburg, Ill., remonstrating against the enactment of legislation authorizing the distribution of medals of honor to such officers and men now serving in the Regular Army, who saw service during the Spanish-American war, the Philippine insurrection, and the relief expedition in China; which was referred to the Committee on Military Affairs.

HISTORY OF THE DELAWARE INDIANS.

Mr. CLAPP. I present a memorial of the Delaware Indians, giving a brief history of their origin. It is a matter of interest and contains a good deal of legislative history. I move that the memorial be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 7099) to amend section 2871 of the Revised Statutes, reported it with amendments.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 12080) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. WARREN, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 6125) for the relief of Gustav A. Hesselberger; and

A bill (S. 1507) for the relief of Herman C. Funk.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 11030) to authorize the counties of Yazoo and Holmes to construct a bridge across Yazoo River, Mississippi, reported it without amendment.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7871) granting an increase of pension to Jerome L. Brown;

A bill (H. R. 7652) granting an increase of pension to Charles W. Timms;

A bill (H. R. 11888) granting an increase of pension to Heman A. Harris;

A bill (H. R. 8215) granting an increase of pension to Ira Palmer; and

A bill (H. R. 19604) granting an increase of pension to Beverly McK. Lacey.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15506) authorizing the patenting of certain lands to school district No. 57, Nez Perces County, Idaho; and

A bill (H. R. 17186) granting to the Territory of Oklahoma, for the use and benefit of the University Preparatory School of the Territory of Oklahoma, section 33, in township No. 26 north, of range No. 1 west of the Indian meridian, in Kay County, Okla.

JOHN E. PHELPS.

Mr. WARNER. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 3535) to authorize

the President to appoint John E. Phelps, late brigadier-general of volunteers, first lieutenant in the United States Army, and place him on the retired list, to report it favorably with amendments. I call the attention of the Senator from Washington [Mr. PILES] to the bill.

Mr. PILES. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the Committee on Military Affairs was, in line 5, to strike out the words "brigadier-general of volunteers" and insert "colonel Second Arkansas Cavalry Volunteers;" so as to read:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, with the advice and consent of the Senate, John E. Phelps, late colonel Second Arkansas Cavalry Volunteers, first lieutenant in the United States Army, and place him on the retired list with the rank and pay of a first lieutenant.

The amendment was agreed to.

The SECRETARY. The next amendment is, at the end of the bill, to change the period to a semicolon, and insert:

And the retired list is hereby increased by one for the said purpose: *Provided*, That no pay, allowances, bounty, or other emoluments shall become due or payable to the said John E. Phelps for any period prior to the passage of this act.

Mr. HALE. Mr. President, I call for the regular order.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 6512) granting an increase of pension to Melende H. R. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CRANE introduced a bill (S. 6513) to promote the circulation of reading matter among the blind; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 6514) granting an increase of pension to Alfred Augustus Stocker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 6515) authorizing the President to appoint William Woolsey Johnson to be a professor of mathematics on the retired list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENT TO PUBLIC BUILDINGS BILL.

Mr. NELSON submitted an amendment intended to be proposed by him to the public buildings bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SYMPATHY FOR HEBREWS IN RUSSIA.

Mr. McLAURIN. I introduce a joint resolution and ask for its immediate consideration.

The joint resolution (S. R. 68) expressing the sympathy of the people of the United States with the Hebrews on account of the massacres of members of their race in Russia, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the people of the United States are horrified by the report of the massacre of Hebrews in Russia on account of their race and religion, and that those bereaved thereby have the hearty sympathy of the people of this country.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. KEAN. Let it be again read.

The Secretary again read the joint resolution.

Mr. LODGE. That is a pretty important resolution. I think it had better go over.

The VICE-PRESIDENT. Objection is made, and the joint resolution goes over.

Mr. LODGE subsequently said: The joint resolution which was introduced and which I asked might go over I have examined, and it seems to me there is no objection to it.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATISTICS RELATIVE TO LIVE STOCK.

Mr. WARREN submitted the following resolution, which was read:

Resolved by the Senate, That the Secretary of the Department of Commerce and Labor cause to be made by the Bureau of the Census, and to present the same to the Senate, a statement compiled from the most recent census returns, showing the number and value of cattle, sheep, horses, and swine in the United States; the number and value exported; the number and value imported; the number of persons employed in the slaughtering of live stock and the preparation of meat products and the amount of wages paid them; the amount of duty collected from imports of live stock for the most recent year for which such statistics have been collected.

Also a statement of the statistics of hides and leather tanned, curried, and finished; the number and value of boots and shoes manufactured in the United States; the number and value exported; the number and value imported; the number of persons employed in the manufacture of leather products, including boots and shoes, and the amount of wages paid them; the amount of duty collected from imports of leather products, including boots and shoes, and the value of hides and leather admitted free of duty, and the value of hides and leather admitted upon which duty is paid, and the amount of the same for the most recent year for which statistics have been collected.

Mr. WARREN. I ask that the resolution may lie upon the table, as I wish to submit some remarks upon it at a later date and before the close of the session.

The VICE-PRESIDENT. The resolution will lie on the table.

COMMERCIAL ORGANIZATIONS AND AGRICULTURAL ASSOCIATIONS.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Interstate Commerce Commission is hereby directed to furnish to the Senate a list of national, State, and local commercial organizations, also national, State, and local agricultural associations of the United States, to such extent as may be practicable, report to be made to the Senate during the month of December next, and that 1,500 copies be printed for the use of the Senate.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 13, 27, 28, 39, 40, 41, 49, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 67, 68, 70, 71, 72, 73, 76, 77, 79, and 80.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 11, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 44, 45, 46, 47, 48, 66, 69, 74, 75, and 82; and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out the word "thirty-five" and insert the word "seventy-two;" and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Strike out "five hundred and fifty-four thousand seven hundred and fifty" and insert "five hundred and ninety-nine thousand one hundred and fifty;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out the word "ninety-four" and insert the words "one hundred and forty-seven;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Strike out the words "one hundred and five" and insert the word "ninety-five;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Strike out the word "eight" and insert the word "six;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: Strike out the words "three hundred and seventy" and insert the words "two hundred and fifty;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: Strike out the words "eight hundred and thirty" and insert the words "eight hundred;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the Postmaster-General shall require all railroads carrying the mails under contract to comply with the terms of said contract as to time of arrival and departure of said mails, and it shall be his duty to impose and collect reasonable fines for

delay when such delay is not caused by unavoidable accidents or conditions."

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For pay of freight or expressage on postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, two hundred and fifty thousand dollars. And the Postmaster-General shall require, when in freightable lots and whenever practicable, the withdrawal from the mails of all postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, in the respective weighing divisions of the country immediately preceding the weighing period in said divisions, and such postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment and other supplies for the postal service, except postage stamps, shall be transmitted by either freight or express."

And the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: Strike out the words "thirty thousand" and insert the words "twenty-seven thousand five hundred;" and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: Strike out the words "thirty-two thousand five hundred" and insert the words "thirty thousand;" and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: Strike out the words "seven hundred and ninety-three thousand six hundred" and insert the words "eight hundred and seventy thousand;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Strike out of the amendment "exclusive of holidays and Sundays," and substitute for the proviso the following: "That in the discretion of the Postmaster-General the pay of any rural carrier on a water route who furnishes his own power boat and is employed during the summer months may be fixed at an amount not exceeding seven hundred and twenty dollars in any one calendar year;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "That hereafter no article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps, shall be admitted to the mails under a penalty privilege, unless such article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps, would be entitled to admission to the mails under laws requiring payment of postage;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: Strike out the word "Committee" wherever it appears and insert in lieu thereof the word "Commission;" and add at the end of said amendment the words "out of any money in the Treasury not otherwise appropriated, to be paid out on the order of the chairman of the Joint Commission;" and the Senate agree to the same.

BOIES PENROSE,
A. S. CLAY,
J. P. DOLLIVER,
Managers on the part of the Senate.
JESSE OVERSTREET,
J. J. GARDNER,
JOHN A. MOON,
Managers on the part of the House.

Mr. PENROSE. I ask that the report may lie upon the table until I can have an opportunity of calling it up after the pending appropriation bill shall have been disposed of.

Mr. GALLINGER. Let it be printed.

Mr. PENROSE. Yes; let it be printed.

The VICE-PRESIDENT. The report will be printed, and lie on the table.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. I move to take up the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

The VICE-PRESIDENT. The pending question is on agreeing to the amendment reported by the Committee on Appropriations, on page 102, after line 9, to insert a proviso relative to the traveling expenses of the President.

Mr. McCUMBER. Mr. President, I can not believe that the President of the United States will concur in this amendment proposed by the committee. Ever since the President has held his exalted position he more than any other man in the United States has promulgated the doctrine of equal rights to all and special privileges to none in the matter of transportation. The railroad rate bill which we have been considering for more than three months at the present session is the result of the persistent effort of the Executive of the United States for equal rights for the traveling public. Following his example and his strong inclination to remedy any wrong whereby any citizen should have any right that would be denied to any other citizen of the United States the Senate and House have passed an act which will undoubtedly become a law, which absolutely prevents any one of the Members of Congress or of the Executive Departments or the judiciary from accepting any special privileges from any transportation company. Now, this amendment seeks to make the author of this legislation an exception. I can not believe that the President who has so strenuously insisted upon equality of treatment will concur in a proposition that he himself is not to be considered as subject to the law which he has advocated for three years.

Those who propose this amendment seek to place it upon the ground that the President as the Commander in Chief of the Army and Navy is compelled to travel about the United States in the performance of his official duties. But, Mr. President, the law now provides for the payment of all the expenses of members of the Army or the Navy in their travels, and if in performing the functions of Commander of the Army or of the Navy the President travels from one place to another there is provision for paying his expenses.

This, Mr. President, does not pertain to a great fundamental doctrine that is established by the Constitution, that the Congress of the United States shall not increase the salary or compensation, nor shall the Congress or any State give any emolument to the Executive that has not been fixed prior to the time of his entry into that official position. It seems to me that this proposition can not be gainsaid.

In the nearly two hours in which I spoke yesterday I felt that I was speaking practically in the time of the Senator from Mississippi [Mr. MCLAURIN], who undoubtedly desires to go on now with the discussion, and the Senator from Georgia [Mr. BACON], for whom I requested yesterday a delay, is now present, and I hope he will have an opportunity to discuss this matter.

Mr. HALE. Mr. President, the Senator from North Dakota for some reason appears to want to delay this matter. I trust that Senators who desire to debate it, who have the right to debate it, will bear in mind that it is very important that the pending bill shall be disposed of to-day as early as possible and sent to the House. I ask Senators who are discussing this matter and who are as much interested as I am in the business of the Senate to bear in mind the importance of getting the bill out of the Senate and over to the House and into conference.

Mr. McCUMBER. Mr. President, I can scarcely rest under the statement of the Senator from Maine that I evidently desire to delay the consideration of this bill. I stated yesterday to the Senator from Maine that nothing was farther from my mind than any intent to delay it. I also stated to him last evening that I would not speak more than ten minutes on the matter this morning. I have reduced that ten minutes to less than three minutes. That being the case, I do not feel that the Senator does either justice to himself or to me in assuming that I am attempting in the slightest degree to delay the consideration of this matter. I presume it will go to a vote in a very short time.

Mr. MCLAURIN. Mr. President, I wish to say, so far as I am concerned, that I have taken up about as little time of the Senate in presenting my views before the Senate as any Senator on the floor. There have been frequently occasions when I have felt like presenting my views on matters, but I have refrained from doing so because I did not want to consume the time of the Senate.

I am as anxious to expedite the business of the Senate so that

we may get an early adjournment as the Senator from Maine or any other Senator in the Chamber, and I would not now say anything further upon this amendment, but rest it upon what I have already said, except for the fact that it might appear I had complained of the allowance to the President of horses and carriages and the yacht which have been used, as I understand, by him, and by his family, for that matter. I make no complaint of that. The fact is that I do not think anyone makes any objection to it. I have not heard anyone make any objection to it. The objection I have made is to singling out the President and making an appropriation to pay his expenses and the expenses of his attendants and of his invited guests, the money to be expended and disbursed according to his discretion, upon any trip that he sees proper to take.

I make an objection to that, not so much on account of $25,000 involved in it, although I do not believe that it is in the rightful province of Congress to expend any money, however small the sum may be, except for the purposes of government, but I make the objection to it because there is a principle in it which draws a distinction between classes in this country. If you start, as I have said before, with the highest officer in the country and give him a preference and discrimination in his favor, after a while it will reach down to the lower offices and officers and on down, until there will be a class between the officers of the country and the private citizen and a discrimination made against private citizens. Against that I protest. Against the principle I protest. No man is required to associate with me who does not desire to do so. A man may select his own associates; but when it comes to the law, I have the same opportunity before the law that any other man has, and I want every other man to have the same opportunity before the law that I have. I therefore do not want any principle established that will make any discrimination or any distinction.

I want to read the syllabus here of a case on the constitutional feature of this amendment, and I shall have very little to say after that. The constitutional question was raised by the Senator from North Dakota [Mr. MCCUMBER], and I think very properly raised, and I think the constitutional proposition he makes is a correct one from a legal point of view. That is ridiculed by the Senator from Indiana [Mr. HEMENWAY], who says that no matter can come up here unless somebody interposes an objection to its constitutionality and that its constitutionality must be questioned and investigated.

Now, will any Senator say candidly that any question ought to be passed by Congress about which there is any constitutional question that should not first be carefully scrutinized to see whether it measures up to the constitutional requirements, whether it squares with the Constitution or not? What Senator would say that the Constitution makes no difference? True it is that I have been sworn to obey the laws and Constitution of the country; true it is that my oath and obligation to my Maker, to my country, to my State, and to myself requires that I should investigate constitutional questions, because I am compelled by that obligation to square my official conduct and legislative enactments by the Constitution, yet any question of constitutionality must be turned out as being ridiculous in the eyes of some Senators.

In the case to which I referred the Senator from North Dakota yesterday, The Queen *v.* Postmaster-General (3 Queen's Bench Division, 428), a case that was appealed from the Queen's bench division to the court of appeals of England, it was held that traveling expenses are emoluments. This is one of the cases where I do not think it was necessary to have a judicial ascertainment of that question or a judicial decision of it, but inasmuch as Senators question it now, inasmuch as it is in the book, I propose to read it. It is on page 1205 of the tenth volume of the second edition of the American and English Encyclopedia of Law:

Traveling expenses.—The English telegraph act of 31 and 32 Victoria, chapter 110, enables the postmaster-general to purchase the undertakings of telegraph companies. By section 8, subsection 7, every officer and clerk of any company, the undertaking of which may be so purchased, who has been a certain time in the service of the company, and who is in receipt of a certain salary, is entitled, if he receive no offer of an appointment by the postmaster-general in the telegraphic department, to receive an annuity, which, under certain circumstances, shall be equal to two-thirds of the "annual emolument" derived by him from his office on a certain date. Under this act, S., an officer of a telegraph company that had been purchased, claimed as a part of his "annual emolument" the traveling expenses allowed him by the company, by reason of which he saved a large part of the money which he would otherwise have expended at home for board and lodging. It was held by the court of appeal, affirming the judgment of the Queen's bench division, that anything which S.'s allowance enabled him to save from his ordinary expenses was an emolument, and therefore a subject for compensation. Brett, L. J., said: "That annual emolument is the value of his appointment. If a person only receives a salary, what is the value of his appointment? If there is nothing to be added to the salary or deducted from it, the value of the appointment is the salary; but if the salary is subject to his finding certain materials, it would be impossible to say that the salary is the proper measure of the value of the appointment or of his emolument. The emolument would be the amount of the salary, less the cost of the materials he had to supply. Then, if he receives a salary and something additional by way of remuneration, the value of the appointment or of the emolument must be the salary and anything which he gains by the remuneration." Reg. *v.* Postmaster-General, 3 Q. B. D., 428. (American and English Encyclopedia of Law, vol. 10, p. 1205. Documents of Title to Emoluments.)

Now, if that is authority in this country, and I believe the English decisions have been held to be authority, as a rule, there can be no question that traveling expenses have been decided to be emoluments. Then, if they are emoluments, the Constitution is so plain that any effort to give these emoluments is unconstitutional.

Even the Senator from Maine says that the salary of the present President of the United States can not be increased—that is to say, it can not be increased by direct legislation; and this seems to me to be indirect legislation to do that which can not be directly done.

Now, I will read from the Federalist, on page 488, what Alexander Hamilton said with reference to the increase or decrease of the emoluments of the office of the President of the United States. I am indebted to my friend the senior Senator from Florida [Mr. MALLORY] for this reference to the Federalist, which I take pleasure in acknowledging:

To the people of the State of New York:

The third ingredient toward constituting the vigor of the Executive authority is an adequate provision for its support. It is evident that without proper attention to this article, the separation of the executive from the legislative department would be merely nominal and nugatory. The legislature, with a discretionary power over the salary and emoluments of the Chief Magistrate, could render him as obsequious as their will, as they might think proper to make him. They might, in most cases, either reduce him by famine or tempt him by largesses to surrender at discretion his judgment to their inclinations. These expressions, taken in all the latitude of the terms, would no doubt convey more than is intended. There are men who could neither be distressed nor won into a sacrifice of their duty, but this stern virtue is the growth of few soils; and in the main it will be found that a power over a man's support is a power over his will. If it were necessary to confirm so plain a truth by facts, examples would not be wanting, even in this country, of the intimidation or seduction of the Executive by the terrors or allurements of the pecuniary arrangements of the legislative body.

And, then, by a note there is a reference to a case where the governor of the State of Pennsylvania was intimidated into doing that which he had promised before his election he would not do.

It is not easy, therefore, to commend too highly the judicious attention which has been paid to this subject in the proposed Constitution. It is there provided that "the President of the United States shall at stated times receive for his service a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them." It is impossible to imagine any provision which would have been more eligible than this. The legislature, on the appointment of a President, is once for all to declare what shall be the compensation for his services during the time for which he shall have been elected. This done, they will have no power to alter it, either by increase or diminution, till a new period of service by a new election commences. He can neither weaken his fortitude by operating upon his necessities nor corrupt his integrity by appealing to his avarice. Neither the Union nor any of its members will be at liberty to give, nor will he be at liberty to receive any other emolument than that which may have been determined by the first act. He can, of course, have no pecuniary inducement to renounce or desert the independence intended for him by the Constitution.

Mr. President, it was said on yesterday that the President of the United States ought to take newspaper correspondents along with him, that the people may know what he is doing; that the people desire to know this. I deny this proposition. A few curious people and people who have curiosity to gratify may like to read, and a good many toadies may like to read what the President is doing, what time of morning he got up, what time of evening he retired, what he ate for breakfast and for dinner and for supper, but the vast mass of the people regard the President as a human being. They do not care anything about the diet of the President or the drinking of the President, so he does not drink to intoxication, nor do they think about the President, except that he shall perform the duties that they elected him to perform.

But it has been said that the people desire that the President shall go among them and see them. Why, sir, if the President were to take up all his time in visiting among the people, not one out of one thousand would have an opportunity to see the President. If he performs the duties of the office confided to him and spends the balance of the time in traveling over the country that the people may have an opportunity to see him, as if he were some show, I doubt, sir, if one man in ten thousand people would have an opportunity to see him. I doubt, sir, whether a great many of the people would have more curiosity to see the President of the United States than they would to see Aguinaldo. The people of the United States elect a man not because they think he is better than anybody else, but because they want somebody and they are compelled to have somebody, according to the form of government that we have, to

perform the duties of the office of the President of the United States. They have respect for him. They honor him. They honor the office. It is proper that the people should honor the President and honor the office. But when it comes to a curiosity to see him, they have no more curiosity to see him than any other man of note or distinction. As many men would have gone to see Gladstone as to have seen the President of the United States. It is on account of the great name that has gone out among the people in the newspapers and about whom the people have read, and it does not make any difference particularly whether he is the President of the United States or any other man of great distinction.

Mr. President, there are a great many more things I should like to say about this matter, but I am admonished by the Senator from Maine that we must cut this debate short, and I can understand his anxiety to get through with the bill that is in his charge. I desire to assist him in expediting it as much as I can, and therefore I propose to refrain from saying but a very few more words with reference to the amendment.

There is one question that I should like to have answered. Does the President desire this? Knowing him as I do, I do not believe that the President does desire it. I believe that if this question were put to the President of the United States alone he would veto a bill of this kind. I do not believe that the President, who has taught us to understand that there should be fair play and a square deal, would want anything else than a square deal with respect to himself. I know that the President, with all his intelligence and learning, must know that this would not be a square deal with all the rest of the people of the United States, unless he thinks that he should be put above them.

It is not any part of the duty of the President of the United States to mold public opinion. If that were so and he were to perform that duty, there would be never any change of political parties in the country, because when the President got in the office he would mold the opinion to suit his party and there would never be but one party. It may be that an opportunity of this kind might give him an opportunity to electioneer for the doctrines of the party to which he belonged; and then in the next term, when Mr. Bryan shall be President of the United States, it would give him an opportunity to do the same thing if he were disposed to do it.

But, Mr. President, it is the business of the President of the United States to execute and administer the will of the people as expressed by their public opinion. He is not expected to be the master who makes public opinion for them. He is to get public opinion from them—not they from him.

Why, sir, where they talk about and advocate and teach and hold to the doctrine of the divine right of kings the monarch gives public opinion to his subjects. He molds public opinion for them; he makes public opinion for them. They get their opinion from him. But in this country every man is a sovereign. The divine right of sovereignty comes to every American citizen equally with every other, and it does not make any difference what his walk in life be; he may eat his bread in the sweat of his face, he may make the money that furnishes him bread by mental effort, he may be a ditcher or a farmer or a merchant or a lawyer or a doctor or a laborer, or in any other condition in life—he is a sovereign, nevertheless, before the laws of this country, equal to every other man. He has a right to form his own opinion. It is not only his right to form and mold his own opinion, but it is his duty to do so; and he owes that duty to the country when he becomes one of the great electorate of this great country. He owes it to himself and to the country to mold an opinion for himself, to study questions of politics and policies and statecraft, so that he may have a voice in the government of the country, if not in a legislative body, or in an executive body, that he may have a voice through his representatives, whether they be executive, legislative, or judicial. It is not for the President to mold the public opinion of this country. It is the duty of the Executive (and if he attends to his duty it will take all his time) to administer the law in obedience to the public opinion that has been formed by all the people of this country by honest, earnest, assiduous study and effort. The wisdom of all the people is to be taken as superior to that of any man. The will of all the people should not be overridden by any one man.

I tell you, Mr. President, that I like a man who is a manly man. A man may be in humble circumstances, but I like that old saying of Robert Burns:

> A man's a man for a' that.

It has been an inspiration to many boys in humble position and in humble condition in this country.

> Give fools their dress and knaves their wine,
> A man's a man for a' that.

Under our form of government the humble boy of obscure origin can make himself a man. Sir, I have more admiration for the boy who ran through flood and flame to rescue his father some nights ago from at least supposed danger, the boy Wilber Coleman, whose name ought to go down in the records of the country—I have more respect for him and he is more of a man, when he is measured by the yardstick of Jehovah and not by the rule of precedence at a banquet, than the sordid individual whose selfish greed feeds upon nothing but money, though he may have accumulated an empire of commerce or peopled the ocean with his yachts. He is more of a man and is worth more to his country.

I say, Mr. President, that this amendment ought not to be adopted. The American people ought not to embark upon an emprise of this kind. Let every man dispossess himself and divest himself of Executive influence and walk up to this question and vote on it as an American citizen who does not desire to see American ideals sacrificed.

> What conscience dictates to be done,
> Or warns me not to do,
> This teach me more than hell to shun,
> That more than heaven pursue.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Appropriations.

Mr. BACON. Mr. President, I did not rise promptly, because I had hoped that some other Senator would have something to say on this subject. I was necessarily absent from the session yesterday, and was not present at the beginning of the debate on this question and am consequently somewhat at a disadvantage in my ability to address what I shall say more directly to what has been already said, and possibly to avoid repetition of some things which have been said by other Senators. It is not my purpose to address the Senate at any length on this subject or to make any elaborate argument. I have glanced over the colloquy which was had yesterday between the Senator from North Dakota [Mr. MCCUMBER] and the Senator from Maine [Mr. HALE] relative to the subject of my desiring to be heard upon this amendment. The Senator from North Dakota drew his conclusion very properly as to my desire to be heard upon the bill from a private conversation with him, in which I expressed myself very emphatically in opposition to this amendment. While I may not realize the expectation which that Senator held forth that I should address the Senate at length upon it, I am very greatly obliged to him for considering it worth while to afford me an opportunity to enter my most earnest protest against this proposed legislation, and to give some few of the reasons why I think it should not be enacted.

In the first place, Mr. President, I am utterly at a loss, so far as I have any ability to judge of a legal proposition, to understand how any Senator, especially any Senator who is a lawyer, can claim that this proposition is constitutional. It is to my mind so plain that it is really beyond the domain of discussion further than a simple statement of the proposition. I presume that every Senator will recognize as a fundamental proposition that we have no right to appropriate money, except in obedience to some authority given to us to appropriate it. When we come to appropriate money for the President of the United States we must do so under authority given us by the Constitution. The authority under which we are to appropriate money for the benefit of the President of the United States is very explicitly given in the second article of the Constitution of the United States, which provides:

> The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

I hope I may have the attention of the Senator from Maine, because I have very great confidence in his judgment, and I want to address myself particularly to him. As he is the Senator in charge of this bill, I hope he may remove from my mind, if he can do so, the constitutional objections which I make to the adoption of this amendment. If it is not constitutional, Mr. President, of course neither the Senator from Maine nor any other Senator will recognize for a moment that we can for any consideration or under any influence adopt it.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. I do, with pleasure.

Mr. HALE. I think, as I said yesterday, Mr. President, that I can understand that Senators may have a doubt whether this in the last resort will be determined to be a constitutional provision or a provision justified by the Constitution. I have seen enough of the literature cited to believe that that is a doubtful

question. Some Senators and some authorities set it clearly out that a provision of this kind is an emolument, and would be unconstitutional, while other authorities and other citations as given state just the reverse.

Now, every Senator must vote on this proposition as his judgment is with reference to this point. But the Senator from Georgia knows that in many cases legislation has been put into appropriation bills and has passed in distinct, separate measures, as to which Senators have had doubts, and it is finally settled by the court. Whether this proposition, if adopted, will get by the Comptroller of the Treasury, is a question; the committee having it in charge, seeing the necessity for it and not being clear that it was subject to constitutional objection, incorporated it in the bill as an amendment.

I shall vote for the proposition on the ground that I am willing that it shall take its chance with the Comptroller and finally with the courts. I am not certain about the point, I will say to the Senator. Some Senators are very certain, and I feel they will not vote for the amendment, while other Senators believe and cite authorities showing that it is not an emolument which is going to the President. But what I have stated is the attitude of the committee which has reported the amendment. I repeat, it will have to take its chance.

Mr. BACON. Mr. President, the learned Senator from Maine has done me the very great favor to answer my argument before I presented it. Nevertheless, I will take the liberty of presenting it, although I greatly regret that the Senator has announced, in advance of hearing it, that he will be not influenced by anything I say, and that he will vote for the amendment.

Mr. HALE. Mr. President, nobody will present the constitutional argument as clearly and as attractively as the Senator from Georgia will undoubtedly present it; but still he will allow me to say that the point he is making is not in any way a new one; it has been already pretty fairly discussed and presented to the Senate, not as well as the Senator can do it, but so that we all have it in mind. Therefore I do not feel that my decision as to how I shall vote on this matter is in any way a reflection on the Senator. I have not heard him, but I have heard the propositions presented, and I have told the Senator what my views are about them.

Mr. BACON. Mr. President, I have very great admiration for the Senator from Maine, and for nothing connected with the Senator from Maine have I greater admiration than for his mental capacity; but to the various reasons which I have had heretofore—good reasons—upon which to base that admiration I now have the additional reason of his power of prescience—his ability to know beforehand what one intends to say. I have not had an opportunity to present to the learned Senator the grounds upon which I base the suggestion that the constitutional point is so plain that I can not possibly see room for much argument upon it, and also the expression of the hope that the Senator from Maine, in charge of the bill, would take the point which I am going to present to him and remove the difficulties, because if we are to follow the lead of the Senator from Maine of course he ought to be able to show us, if we have difficulties interfering with our supporting the measure which he advocates, how those difficulties are not difficulties which should deter us, but difficulties which exist not in good foundation and which should be disregarded.

As I was about to say at the time the Senator interrupted me, the appropriation must rest upon some constitutional authority; and the appropriation for anything connected with money paid to the President of the United States, either directly or indirectly, must rest upon the clause of the Constiution which I have read, and which I will again read in order that I may make direct application of it, far removed as it is now by the colloquy which has been had between the Senator from Maine and myself. The sole clause in the Constitution which justifies any appropriation of money to be paid to the President of the United States, either directly or indirectly, is in these words:

> The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Mr. President, here is a proposition to put $25,000 at the disposition of the President for his expenditure, absolutely within his own discretion, and subject to his own dictation and will. I would ask is that compensation? Senators will say, "No; it is not compensation." If it is compensation, it is undoubtedly unconstitutional to make that appropriation applicable to the President of the United States during his present term of office; and therefore, for the benefit of those supporting this amendment, we may exclude that, and say that it is not additional compensation. We concede that it is not additional compensation, or rather we concede that, if it is additional compensation, it is unconstitutional. Then what is it? Is it an emolument? Is it a perquisite? If so, it is also excluded.

Now, what I want, and I hope the Senator from Maine will give me his answer to it, if he can, and I hope I may have the attention of the Senator, because I desire the Senator's reply, if possible. If this is neither compensation nor——

Mr. SPOONER. Will the Senator repeat his question? I was called out of the Chamber, and I should like to hear it.

Mr. BACON. I am sorry that the Senator has asked me to repeat it, because on account of interruptions I have twice stated it; but I will try to do so again.

Mr. SPOONER. The Senator need not mind.

Mr. BACON. My proposition is that if it is compensation it is unconstitutional. Senators will all admit that. If it is a perquisite or an emolument, it is none the less unconstitutional. I want to know, then, if it is neither a compensation nor a perquisite nor an emolument, what is it? How would Senators who favor this appropriation designate it, and under what head would they classify it when they make the appropriation?

Mr. SPOONER. Will the Senator allow me to answer?

Mr. BACON. With the greatest pleasure.

Mr. SPOONER. What is the money which is appropriated to pay the expenses of any officer of the Government—compensation?

Mr. BACON. For expenses?

Mr. SPOONER. Yes; traveling expenses. Is it compensation or is it emolument?

Mr. BACON. No; that is a part of the expenses of the Government; but this appropriation does not profess to be for the payment of expenses.

Mr. SPOONER. That is what it says.

Mr. BACON. No; I beg the Senator's pardon. It does not profess to be for his expenses. If it were, it would be limited to expenses, and there would be vouchers for it and an accounting, and it would be paid the same as in the case of other expenses.

Mr. SPOONER. It is for traveling expenses.

Mr. BACON. Yes; but this is an amount to be paid to the President of the United States, without regard to any accounting, and not limited to his personal expenses.

Mr. SPOONER. I should like to ask the Senator a question.

Mr. BACON. I will hear it with pleasure, because I am in very much trouble about this, and would like to have the explanation of this constitutional difficulty.

Mr. SPOONER. If the President expended $1,000 of this amount, leaving $24,000, would that $24,000 belong to him or to the Government?

Mr. BACON. Undoubtedly the phraseology of the provision indicates that he shall have only so much of it as he expends.

Mr. SPOONER. Would a dollar of it go into his pocket as compensation?

Mr. BACON. Nobody would suggest that for a minute. That is absolutely without possibility of entertainment for a second. Nobody means to suggest anything of that kind.

Mr. SPOONER. The Senator thinks the word "emolument," as used in this connection, does not mean some financial advantage to the President, the officer, whoever he may be?

Mr. BACON. Whatever "emolument" does or does not involve, the Senator will concede that this is not an emolument.

Mr. SPOONER. I do not think it is an emolument.

Mr. BACON. That is what I say those who support this amendment must necessarily contend. Therefore, it is not necessary for us to discuss as to what is included in "emolument" and what is not, because all agree that if it is intended as emolument, it is an unconstitutional provision, and consequently it is not an emolument, according to the contention of those who favor this appropriation, and it is not a compensation according to those who favor the appropriation. They must contend that it is neither a compensation nor an emolument.

Mr. SPOONER. The Senator agrees——

Mr. BACON. Pardon me a second. I will yield with pleasure in a moment. Then, I want to know, if it is neither an emolument nor a compensation, what it is?

Mr. SPOONER. I should like to ask the Senator, if it is neither compensation nor emolument, how does it violate the provision of the Constitution, to which the Senator has referred?

Mr. BACON. My proposition is that it must be one of the two. I will come to that. I base my argument upon that; that it is one of the two, and Senators all agree that, if it is either, it is unconstitutional——

Mr. SPOONER rose.

Mr. BACON. Pardon me a second. Therefore, I say, contending as I do, that it is compensation or emolument, Senators

must concede that, if it is either, it is unconstitutional. When they say it is neither compensation nor emolument, what is it?

Mr. SPOONER. Traveling expenses.

Mr. BACON. Well, Mr. President, I reply to that, in the first place, that it is not traveling expenses, because if it were traveling expenses, it would be the exact amount spent as expenses by the President, whereas this does not profess to be that. This is an amount to be paid at the discretion of the President and to be spent at his will, not only for his personal expenses, but for the expenses of such other people as he may choose to have share with him the benefit of this appropriation. It is an emolument; it is a perquisite; it is an additional amount of money given for his enjoyment, to be dispensed according as he may prefer that it shall be expended.

If it were the simple matter of the exact expenses of the President of the United States, it would have to be limited to the occasions when he was upon official business. But I would not draw any narrow line on that, because it might be said that the President of the United States whenever he is going about through the country is in a degree looking after public business, although it has frequently happened when a President has been an aspirant for election to a second term that he has "swung the circle" upon a purely personal political tour. This appropriation, however, does not profess to be strictly for the traveling expenses of the President of the United States, and there is no provision under which there can be any distinction drawn in the expenditure of this money between that part of it which goes to the payment of the expenses of the President of the United States and the payment of those whom he may invite to accompany him.

I will ask Senators—and they can reply now or at any other time they see fit—if they understand that the payment of the traveling expenses of those whom the President may see fit to invite to go with him is a payment of part of the personal expenses of the President of the United States? Can any man possibly contend that it is so, and, if he does so contend, is there any man who can give a sound argument upon which to base such a contention?

I want to say further in that regard that the provision of the Constitution to which I have referred was framed in much wisdom. It had a double purpose in saying that the President's compensation should be neither increased nor diminished during the incumbency of a President of the United States. There was a design, in the first place, that the President of the United States should be put beyond and above the possibility of Congress being able to coerce him or constrain him in any way by having control of the amount of money which he should receive for his compensation. That was a great and a wise purpose. There was none the less a great and wise purpose, and as experience shows, in the growing power of the Executive, indeed a greater and wiser purpose, that he should not have the power, by reason of the influence of his office, to secure from Congress an increase of his salary during his incumbency, or that he should have the power by the exercise of such influence to secure from Congress any emolument in addition to his salary.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. BACON. With much pleasure.

Mr. PERKINS. I should like to ask my friend from Georgia how he can reconcile his action in voting for the item in the legislative appropriation bill for the support and care of carriages, horses, furniture, flowers, music, and other luxuries and comforts for the President and occupants of the White House and not call them emoluments, and say that this item for traveling expenses, which the President must pay out in traveling by reason of the action of Congress in not permitting him to travel upon a pass—how does the Senator differentiate between those two purposes?

Mr. BACON. It is perhaps as well that the honorable Senator has called my attention to that, and I will come to it before I conclude, not only as to the President, but as to some of these other gentlemen in the Executive Departments. As the Senator has so pointedly directed our attention to that subject, it is not to be evaded, and I propose to express my opinion on it without hesitation or qualification.

But, Mr. President, before reaching that I will pursue what I was saying, that this provision of the Constitution is one framed in much wisdom. In the first place, by the prohibition against the decreasing of the salary of the President there was thrown around the President this safeguard against any effort on the part of Congress to coerce or embarrass the Executive, and, in the second place, by providing that his compensation should not be increased it was designed to prevent the possibility that the Executive, with his great office and his great influence, should have the power or the opportunity to get from Congress an increase of salary beyond that fixed by law, or any emolument in addition thereto. Mr. President, if Senators will pardon me and not take it offensively, and no Senator take it personally, I think the very fact of this proposed appropriation and the probability that it will be made is an illustration of the wisdom of that provision of the Constitution. I think that Senators, without being conscious of it—not all of them, because I recognize the fact that there are differences of opinion as to the propriety of this provision which would control Senators outside of any influence—but I have not a doubt in the world that there are Senators who unconsciously are influenced in this matter by the fact that it is the desire of the Executive, and by their desire to conform in supporting it to what is generally understood to be the personal wish of the President.

But, Mr. President, I have a much graver reason for opposing this amendment than the unconstitutional feature of the proposed appropriation. Of course, if the feature of unconstitutionality related to the appropriation in the future as well as to this particular time, I could have no graver reason than that suggestion of unconstitutionality; but if this item is unconstitutional, it is unconstitutional simply as regards the next three years, and is not unconstitutional so far as it would relate to other subsequent incumbents of the Presidential office. So I repeat that the unconstitutionality of the proposed appropriation is a much less grave consideration, to my mind, limited as it would be to three years in its operation, than is the general policy which is involved in this matter and as it will affect future administrations.

If the salary fixed by law for the compensation of the President is insufficient we should change the law and make it sufficient. So long as we do not change the law and increase the salary we are practically saying that, in our judgment, the salary is sufficient. And when to a sufficient salary, as we pronounce it to be, we add an emolument of $25,000 a year, we are bestowing a favor upon him, we are exalting him after the manner of other countries, where classes and rank are recognized in the adulatory bestowal of favors and privileges upon them which are denied to others.

Mr. President, if the salary of the President of the United States is not sufficient there is no undue exaltation of the President of the United States in adding to his salary such an amount as will make it sufficient, and no one could be criticised for his desire so to do. But when you say that a certain amount of salary is sufficient for the President, and that is said in fixing his salary at a given amount, and when you segregate him and separate him, not only from all the people of the United States, but from all the officials in and of the United States, and set him up with an unlimited and unqualified power over an expenditure of money, not only for his own transportation, but for the transportation of such people as he may choose to surround himself with on his trips of business or pleasure, you unduly exalt the man who for the time holds the office of President. And when I say the man who for the time holds that office, I am not speaking of this time only, but of any future time as well. There is an exaltation of the officer; there is the setting apart of him; there is an approaching to those things which pertain to and peculiarly characterize royalty, which are inconsistent and inharmonious with the spirit of our laws and the genius of our Government; and for one I will not consent to it.

Mr. President, I am not in favor of exalting any man above his fellows, except so far as his merits may exalt him, or except so far as the dignity of the office in itself may exalt him. When you seek to surround that office with the trappings of royalty, and with the air and assumptions of royalty, and with the methods and practices of royalty, I make my protest against it.

It is not to the interest of those who are in these high offices that they should have around them these trappings, these emblems and privileges and recognitions of superiority, and these unusual favors. As I have had occasion to say before in this Senate, we are in a season of unrest, not only in America, but in other countries. That unrest may be unreasonable, and in many instances it is unreasonable, but in many others it is well founded; and in my humble judgment there is nothing that contributes so much to that unrest, there is nothing which dissatisfies and disturbs the people both in this country and in other countries to such an extent, as the visual evidence that they have in such matters of privilege and display, of the favoritism which throws around some men trappings and attributes of superiority and of power and of special privileges that are denied to other men. These things are irritating and disturbing to men in this country of equality of right and equality of privilege. I say, and I wish to press it home to Senators, that

it is not to the interest of those in high places that the public should have their feelings in this regard and by such distinctions more and more irritated and ruffled and disturbed, and that they should have through such measures greater and greater cause for dissatisfaction and unrest. Everything that savors of royal distinction, everything that smacks of the special privilege of official rank and class, is justly distasteful to our people.

Mr. President, there are different ways in which the power exercised and wielded by high officials has been obtained; there are different sources from which it flows; and this country, above all others, is the one that stands out most distinctly where the source of power is from the people, in contradistinction to other countries, where the power had its origin with the ruler, where the liberties and privileges of the people are dispensations from those in authority that have been granted to the people by the rulers.

This Government was not formed for the purpose of exalting the official. We have no rulers, and the title is a gross misnomer, whether assumed by the official or conferred on him by others. In other countries the official or the ruler first had the power. He had the arbitrary power gathered first in small communities, and then assumed by one who took control of all the communities, and it was with the absolute power in his possession that little by little parts of that power were distributed to the people and enjoyed by them with its privileges as a matter of grace. But in this country the exact reverse of that was the method by which the officials became clothed with power. The power was all with the people. They formed the Government and created the offices and provided for the officials; and whatever of power and emoluments and whatever of attributes and of trappings the official has, came from the people by power given and privilege and advantages of all kinds which they enjoy given by the people to the official.

Senators can not too fully realize the fact that no office was ever created in this country for the benefit of giving power and dignity either to the office or to the man who should fill it. The office was created not to give honor and power to the officer who should fill it, but because the office was necessary to the people. Necessarily it carried power with it. I think the most dignified and powerful office in all the world is the office of the President of the United States, and it is not necessary for the President of the United States to go outside of his legitimate functions or to have bestowed upon him any of the favoritism and privileges and distinctions of a royal class in order that he may still be and remain the occupant of the most dignified and powerful office of all the earth. I would say no word in depreciation of it. On the contrary, within its legitimate functions I honor and magnify it.

It is not necessary in order that this office shall have its full need of dignity and power that we shall clothe it with any of those things with which those who wear crowns assume it their right to be clothed. The legislative department—that department in which is designed in the Constitution to be the principal department, the most influential department, the most powerful department; that which should be the most direct representative in the one branch of the people and in the other branch of the States, and that which should be clothed with almost all the powers, almost all the royal powers—is the branch which has control of these matters.

In this connection I must allude to the matter called to my attention by the honorable Senator from California [Mr. PERKINS], that we sit here session after session and not only vote salaries to these officials of the Executive Departments in excess of those which we vote to ourselves, but that we give them carriages and horses and flowers and other things named by him. I did not know that flowers were provided for in the apropriation bill, but I take the word of the Senator from California to that effect. He is a member of the Committee on Appropriations. I desire to say to the Senator from California that never since I have been in the Senate have I ever voted for any one of the particular things the Senator has mentioned, except in so far as I was compelled to vote for them after they were included in the appropriation bill in voting for the bill in general.

Mr. PERKINS. I desire to say to my friend that during the thirteen years I have been here those items have been enumerated in the Book of Estimates made up and presented every year to your committee, and we have considered them.

Mr. BACON. Undoubtedly, I presume, that is true.

Mr. PERKINS. And I have never heard my friend the Senator from Georgia protest against them.

Mr. BACON. I think there has been something said in the past about executive officers having carriages and horses. I have the highest regard personally for the occupants of the executive offices, and a feeling warmer than regard for some of them. I have high regard for the President of the United States, and would utter no word of disrespect of him or them; and nothing that I say here is personal to him or to any other executive officer. Everything I say relates to these officers, past and future, as well as present. But I am unable to see why it is that we in making appropriations shall be giving carriages and horses to the heads of Departments. Do they need carriages and horses any more than Senators need them? Do they need them half as much? They sit in their offices and have people come to see them. We have to parade this whole town to attend to business, and yet who thinks of an appropriation for the purpose of giving carriages and horses to Senators?

Do not let me be misunderstood, Mr. President. I do not favor the giving of carriages and horses to Senators. But I say there is no reason why in the absence of the one there should be the other. The heads of Departments are the creatures of Congress. They are not the creatures of the Constitution.

We call them, by courtesy, "Cabinet officers," and we are glad to show them this merited courtesy. They are not known to the law as such. They are subject to our will. We can abolish every Cabinet office, every head of a Department, and substitute another for it whenever we see proper to do so. There is no expectation that we will do so, because the system has been framed in wisdom and is satisfactory. But I am simply calling attention to a fact in response to the suggestion of the Senator from California. I do not know that I would have mentioned it, out of delicacy, if he had not called my attention to it. But when he asks me pointedly how I reconcile the appropriation of money for flowers and carriages and horses, I answer him that I do not approve it, but that I condemn it. Whenever the Senator, as a member of the Committee on Appropriations, will bring that question before the Senate and make an issue of it and give those of us in the minority an opportunity to be heard, he will find my vote cast in the negative. I repeat, whatever may be my personal feelings to these officials, I am not in favor of special privileges or undue exaltation for any official.

Mr. President, I was not here yesterday. I do not know what was done. But I wish to call the attention of the Senator from Maine to the rule. However, before I conclude what I have to say on the main merits of this question, I again call upon Senators who say this is neither a part of the compensation of the President nor a part of the emoluments to the President, in neither of which case would it be constitutional, to tell us what it is if it is not either additional compensation or an emolument or a perquisite. When they tell me it is a part of the expenses, I say, in the first place, that if it is a part of the personal expenses of the President of the United States it would be unconstitutional, because it would be a part necessarily either of the compensation or the emoluments.

Of course, if you make it a part of the expense of the Government in the payment of the railroad fare of the President of the United States, you might say that that was not either a perquisite or an increased compensation. When you put in his hands $25,000, to pay the expenses of himself $1,000, and $24,000 to pay the expenses of twenty-four others, I want Senators to tell me whether, when you give the President the power to invite twenty-four gentlemen to go with him and share his hospitality, the expense to be paid by the Treasury of the United States, it is not giving him an emolument; whether it is not a personal perquisite to him. Can it be other than an emolument when, because he is President, he is given $25,000 a year with which to entertain personal friends whom he may invite to accompany him on his tours?

But passing from that and concluding, I repeat I was not here yesterday, and I do not know what was said with regard to the point of order. But I wish to ask the attention of the Senator from Maine to Rule XVI, which I need not read over to him except so far as the specification of exceptions is concerned, with respect to amendments to an appropriation bill. I wish the Senator from Maine to tell me under which of these exceptions this particular appropriation falls:

> No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless—

Now here are the exceptions—

> it be made to carry out the provisions of some existing law—

It is certainly not included in this—

> or treaty stipulation—

It is not included in that—

> or act—

It is not included in that—

> or resolution previously passed by the Senate during that session—

It is not included in that—

or unless the same be moved by direction of a standing or select committee of the Senate——

Mr. HALE. Mr. President——

Mr. BACON. One moment, if you please. It is not included in that.

Mr. HALE. Yes, it is.

Mr. BACON. The Senator will pardon me.

Mr. LODGE. That is exactly where it is included.

Mr. BACON (reading)—

or proposed in pursuance of an estimate of the head of some one of the Departments.

Mr. HALE. The Senator has passed the exception which makes it in order.

Mr. BACON. I understand; but I was entitled to read it through. Now, I will hear the Senator with much pleasure.

Mr. HALE. The amendment is in order, because it is moved by direction of the Committee on Appropriations.

Mr. BACON. Of course, the Senator's superior familiarity with such matters must go against mine, but I understand that to mean a committee outside of the Committee on Appropriations.

Mr. HALE. That has been ruled upon repeatedly.

Mr. LODGE. Over and over again.

Mr. HALE. An amendment may be offered by any committee of the Senate. If an amendment is put in the bill by direction of the Committee on Appropriations that is the action of a standing committee.

Mr. BACON. Very well, I will accept——

Mr. HALE. That has been ruled upon again and again.

Mr. BACON. As the Senator from Maine has so kindly given me the information I desired on that point, of course if he has the information on other points I have asked him about he will be equally kind and give it. Therefore, I hope when I have concluded the Senator from Maine will answer the constitutional question I have propounded: If it is not an increased compensation and if it is not an emolument or a perquisite, what is it? Of course I can not expect the Senator from Maine to answer the question when he did not listen to it while I was propounding it. But I will ask the Senator one other question.

Mr. HALE. I will ask other Senators, inasmuch as the Senator from Georgia is continually appealing to me, not to take my attention from the Senator from Georgia.

Mr. BACON. I hope the Senator's request in that respect will be regarded. I was propounding a direct question to the Senator from Maine.

Now, I will take the liberty of asking the Senator from Maine another question, and that is upon what information does the Senator from Maine or the Committee on Appropriations, which he represents here, base the estimate of $25,000? Is it a guess or has the Senator information as to this being the particular amount; and if so, from whom was it obtained? I hope I may have that information from the Senator.

Mr. HALE. Like a great many other appropriations, it has never been figured with a lead pencil, by adding the different items, that it will amount to just this sum. The House put this proposition on after examination, and it was struck out on a point of order. When it came to the Committee on Appropriations here, the committee moved it and inserted it in the bill. It is believed that $25,000 is ample for this purpose.

Mr. BACON. Upon what does the Senator base that belief?

Mr. HALE. On the expenses of all these trips, the movements of the President, which he has a right to make and which the people want him to make. The committee believes that $25,000 will cover it. It may not. If it is not all spent, it will be returned to the Treasury.

Mr. BACON. If the Senator will pardon me, is it not true that that at last depends upon the number of men whom the President may see fit to invite to accompany him?

Mr. HALE. Undoubtedly. The committee did not think it worth the while to say to the President that he could invite twelve men and could not invite the unfortunate number of thirteen. That is all there is in the provision about the President's discretion. The President never fingers this money.

Mr. BACON. There is no suggestion of that kind.

Mr. HALE. It is in his discretion, when he will take these trips, how many people he will invite. That is left, as it properly must be, to his descretion. The Senate can vote this proposition down, but nobody can with reason ask the committee to say it will be just $25,000 in one year. We can not say that, and do not pretend to.

Mr. BACON. Has the committee any information upon which to base this sum, or is it guided solely by a guess?

Mr. HALE. It is the judgment of the committee.

Mr. BACON. Without any information?

Mr. HALE. I would not say without any information.

Mr. BACON. I hope the Senator will give us the information, in order that we may judge whether or not the appropriation is in proper proportion.

Mr. HALE. If the Senate thinks it too much, it can cut it down.

Mr. BACON. We can not do that unless the Senator gives us the information on which to base our judgment.

Mr. President, everyone recognizes the right——

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. Yes.

Mr. FORAKER. I desire to ask the Senator from Maine, while he is on the floor, whether or not there is a bill making this same provision on the Senate desk now, having passed the House?

Mr. HALE. Undoubtedly. It passed the House after this discussion came up, but it has not become a law. The House of Representatives submitted this proposition, but that does not furnish the information of every sixpence that is going to be spent, for which the Senator from Georgia asks.

Mr. BACON. I do not ask for that. I am asking for some information——

Mr. FORAKER. I had an entirely different thought in my mind. It must be evident—if the Senator from Georgia will bear with me for a moment—that there is serious doubt in the minds of Senators—and many Senators—as to whether this is not an emolument within the meaning of the Constitution. I have that doubt. I do not know whether the President has any doubt about it or not. Lawyers may very well differ about the question, and I think it would be a great deal better—better for the President, for I am sure, if I know the man—and I think I do—he would not want us to unconstitutionally provide a dollar for his use in this or in any other way—I believe it would be a great deal better for us to pass a separate bill rather than to make this provision an item of the appropriation bill.

Mr. BACON. I think so, too.

Mr. FORAKER. If we make it an item in the appropriation bill, the President can not veto it. He can not take anybody's opinion about it before signing the bill. If, on the other hand, we pass the separate bill, the President, in view of the doubt about it, may take the opinion of the Attorney-General upon the subject, and we may have an authoritative determination of the question whether or not this is an emolument within the Constitution.

I am not speaking in my own time, but if I may be indulged further, I have been looking up this question a little in the very short time I have had at my disposal, and I find that, upon authority, this is certainly a very serious question. My own personal belief is that this would probably be held to be an emolument within the meaning of the Constitution, and unless I were entirely free from doubt on that subject I could not vote for the amendment; for I do not think any Senator has a right to vote for a measure which he believes is unconstitutional. I recognize that other Senators do not share that belief. I do not know whether the President has given this question any consideration. But now that the question has been raised, I am sure he would not want to expend this money unless he were sure that it was a constitutional provision of which he had a right to avail himself, and that we shall best serve him by passing a separate bill upon which he can take the advice of the Attorney-General.

The Senator from Massachusetts [Mr. LODGE] says to me that the bill will never pass. The bill has already passed the House, and it may pass here. I do not believe there would be any serious discussion of the measure. Senators might want to register their dissent to the proposition by voting against it.

It is suggested to me that we have an agreement to vote on that measure. I do not know that we could reach such an agreement. I do not know how the Senator from Georgia would view it. He would, perhaps, in view of what he has said, be satisfied, if this item went out of the bill, to join in a unanimous-consent agreement that the bill which has passed the House be passed by the Senate. Then the responsibility would be devolved upon the proper officers of the Government to determine the constitutional question.

Mr. BACON. I would not interpose any factious opposition. Of course I would not agree myself to vote for it.

Mr. FORAKER. I understand that.

Mr. BACON. But I would not attempt to defeat it by delay. If the Senator from Ohio has concluded——

Mr. FORAKER. I want to say another word before I conclude. I wish to make a request for unanimous consent——

Mr. BACON. The Senator will wait until I conclude?

Mr. FORAKER. Certainly. I will not make it without the Senator's permission.

Mr. BACON. The Senator can make it as soon as I finish, which will be in five minutes.

Mr. President, I do not wish in anything I say to suggest that I consider that there is any impropriety in the President of the United States visiting different sections of the country. On the contrary, I think that upon occasions it is a very proper thing for the President of the United States to do. It is an example which was given by Washington himself. Washington, during his incumbency of the office, visited different parts of the country. He came to my own State, and within the past two days I have seen a memento of the visit which he made to Georgia, where he presented to the Chatham Artillery, a military organization which still exists in the city of Savannah, a couple of cannon which had been captured at Yorktown. Those are very highly treasured mementoes and the tradition of that visit is very highly treasured; and with that illustrious example, of course the suggestion of an impropriety is not in my mind at all.

But Washington paid his own expenses, and every other President of the United States from that day to this, who has traveled through the country, has paid his own expenses. There is not, in the case of the present incumbent or of any other probable incumbent, such a want of pecuniary means, either of his own or in his salary, as would debar him from the convenient payment of his expenses.

Mr. LODGE. Does the Senator from Georgia mean to say that when President Cleveland and President Harrison and President McKinley made journeys throughout the United States they paid for their trains?

Mr. BACON. I did not say so.

Mr. LODGE. I understood the Senator to say that precise thing.

Mr. BACON. I simply said they paid their expenses.

Mr. LODGE. It is well known they did not.

Mr. BACON. I said they paid their expenses, meaning by that that there were none paid by the Government. That is what I mean.

Mr. LODGE. They were paid by the railroads.

Mr. BACON. No; they were not paid by the railroads.

Mr. LODGE. The railroads furnished the trains for nothing, and have for years, to all Presidents.

Mr. BACON. The compensation to the railroads——

Mr. LODGE. The railroads will not carry the President in any other way, because the risk is too great.

Mr. BACON. After the passage of this bill they will not carry free the President or any other person.

Mr. LODGE. After the passage of this bill?

Mr. BACON. After the passage of the rate law, I mean, they will not carry the President or anybody else free.

Mr. LODGE. Precisely.

Mr. BACON. That is my view about that. I do not think the President any more than the humblest citizen of the United States ought to have his expenses paid out of the Treasury of the United States.

Mr. LODGE. The humblest citizen is not obliged to pay for a special train.

Mr. BACON. I do not know that there is a necessity for the President to pay for a special train. But if there is, it is not such an absolutely exorbitant amount as to prevent his doing it. He may have a special car without any very great expense, and there is no reason why the President of the United States may not travel in a special car upon a regular train, and it would not involve any such expense as a special train. But this is not limited to the question of paying the expenses of the President. It is giving to the President this large emolument, a fund, with which he can gather around him his friends, and take them through the country at the expense of the Government of the United States. If that is not an emolument, I do not know how to class it.

An emolument is something of value given, something which attaches to the office, that is outside of the regular salary—some advantage, some benefit, something of good. Does any Senator pretend to say, when you say to the President of the United States that in addition to his salary he shall have the privilege and the opportunity, when he seeks to travel through the country, to gather around him his special friends and take them upon a train, and that he shall not be burdened with the expense of the entertainment of his friends, but that the Government of the United States will pay it, that that is no emolument, that that is no advantage? Is that no increased benefit or good attached to the office of the President of the United States? That is what an emolument is. It is some additional good, some additional benefit, some privilege, if you please, some additional advantage, not the salary of the office or the direct compensation of the office, but a good, a benefit, or an advantage which inures by reason of possession of the office. That is an emolument. You might as well say it would be no favor to a private individual or to a Senator if a like advantage were given to him, and that he would receive no additional benefit. But I will not pursue that.

I hope that some of the learned Senators, and especially the lawyers, will answer the question, If this is neither an emolument nor additional compensation, what is it; at least so far as it refers to the expenses of persons other than the President of the United States?

Now, Mr. President, I repeat, I do not wish to suggest any impropriety on the part of the President either of the present or any other time in visiting different sections remote and near; but when he does go, I do not wish, when the train passes through the country along by the toilers in the field and by the laborers in the workshop and at the desk and in the office and behind the counters, that they shall look upon a class of favored people, the guests of the President of the United States, traveling through the country at the expense of the Government of the United States, paid out of money contributed out of the fruit of their toil and their labor.

Mr. HALE. Mr. President, I ask unanimous consent that the House bill upon this subject, which is upon the Secretary's table, may be taken up, and that without debate the Senate vote upon it.

Mr. BACON. If the Senator will omit that part of his request about excluding debate, I will certainly agree to it.

Mr. HALE. Of course that is all there is in it.

Mr. LODGE. That is the only object.

Mr. HALE. It is the only object, because otherwise the debate will be transferred to that bill and would not close on this bill.

Mr. BACON. I would not expect to say another word, so far as I am concerned, but other Senators may want to debate it.

Mr. MORGAN. I wish to inquire of the Senator from Maine what bill he refers to?

Mr. FORAKER. I wish to make a suggestion.

Mr. MORGAN. The bill the Senator refers to is not on the Calendar. What bill does the Senator refer to?

Mr. HALE. The bill which has come from the House of Representatives and is on the Secretary's desk.

Mr. MORGAN. Suppose it be reported, so that we can hear it read.

Mr. HALE. I ask unanimous consent that it may be laid before the Senate, and that a vote be taken upon it without debate.

Mr. MORGAN. Oh, no.

Mr. HALE. Does the Senator object to that?

Mr. MORGAN. I object.

Mr. HALE. Then I have another request that I wish to make.

Mr. BERRY. We do not know what the bill is. It has never been read.

Mr. HALE. The Senator from Alabama has objected. Now, I have another proposition——

Mr. FORAKER. Let me suggest to the Senator from Maine that Senators are objecting because they do not know what the bill is. They tell me they do not know whether it is the same provision, and that is a reasonable ground on which to sustain an objection.

Mr. HALE. Unless some one objects to its being read, I ask that the bill be read.

The VICE-PRESIDENT. The Secretary, without objection, will read the bill.

The bill (H. R. 20321) to provide for the traveling expenses of the President of the United States was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That hereafter there may be expended, for or on account of the traveling expenses of the President of the United States, such sum as Congress may from time to time appropriate, not exceeding $25,000 per annum, such sum when appropriated to be expended in the discretion of the President and accounted for on his certificate solely.

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes authorized by this act for the fiscal year 1907, the sum of $25,000.

Mr. HALE. I ask unanimous consent that that House bill be laid before the Senate, and that a vote be taken upon it without debate.

Mr. MORGAN. I object.

Mr. BACON. That a vote be taken now?

Mr. HALE. Now.

The VICE-PRESIDENT. Objection is made by the Senator from Alabama.

Mr. HALE. If any Senator objects, that ends it.

Mr. CARMACK. Will the Senator permit me to suggest that there will be no more debate on that bill than there will be on this provision in the pending bill, and I do not think there will be as much?

Mr. HALE. I must submit my request, and if the Senator objects, then——

Mr. BACON. The Senator will pardon me a moment. With all deference to the Senator, of course his object, under the suggestion made by the Senator from Ohio, is to have a vote upon this separate bill rather than to have a vote on the amendment. There is not the slightest disposition or intention, so far as I can learn, on the part of anyone to factiously debate the bill or in a manner not consistent with due consideration and action on that bill, nor is there the slightest reason to suppose that there will be any extended debate upon it. There are Senators here who desire to be heard on the amendment if it should still remain before the Senate.

It seems to me that the Senator, looking to the practical accomplishment of a purpose, would be satisfied with the assurance given that there will be no factious opposition and no intentional delay.

Mr. HALE. I can not consent to set aside this most important appropriation bill, in which we are all interested and which will arrest adjournment, to take up a matter simply upon the statement that there will be no factious opposition to it. I have made the proposition. I do not ask Senators to agree to it.

Mr. BACON. Let me make another suggestion to the Senator. It is this, that the Senator ask unanimous consent that when the debate is concluded on this amendment a vote shall then be taken without debate on the bill.

Mr. HALE. If objection is made to my proposition, then I have another proposition, that all debate upon the pending amendment to the appropriation bill now under consideration and any amendment thereto shall close in one hour.

Mr. MORGAN. I object to that.

The VICE-PRESIDENT. Objection is made.

Mr. HALE. Mr. President, I am trying to bring the Senate to a vote, but I can not consent that the appropriation bill shall be displaced and the House bill be brought up with no arrangement about the termination of debate upon it. Therefore I have proposed that all debate upon the pending amendment to the appropriation bill and amendments thereto shall cease in one hour from the present time.

Mr. CARMACK. Will the Senator permit me to make another suggestion? It is that he make that proposition with reference to the House bill, that debate on that bill shall close in one hour.

Mr. HALE. Well, Mr. President, I will ask that the House bill be laid before the Senate, and that after an hour's debate the Senate shall vote upon it.

Mr. McLAURIN. Mr. President, I do not see any necessity for urgency in the passage of this House bill. I do not believe it has been considered by any committee.

Mr. HALE. I am only proposing it to help us out of delay upon the appropriation bill.

Mr. McLAURIN. I am as utterly opposed to the bill that came in from the House as I am to this amendment. All the objections that I have to the amendment obtain equally to the House bill.

Mr. HALE. Undoubtedly.

Mr. McLAURIN. If the position that I hold is correct—that is, the position that was first advanced by the junior Senator from North Dakota [Mr. MCCUMBER], that this legislation is unconstitutional—then that unconstitutionality will just as much apply to the bill that the House passed as it applies to this amendment. I do not think the Senator from Maine can expect the Senate to consider the House bill that has just been laid before the Senate——

Mr. HALE. All the Senator has to do is to object. Does he object to my proposition?

Mr. McLAURIN. I certainly do.

The VICE-PRESIDENT. Objection is made.

Mr. HALE. Now, of course, the debate is to go on.

Mr. MORGAN. Mr. President, I wish to say a word——

Mr. HALE. Let me finish the proposition.

Mr. MORGAN. Certainly.

Mr. HALE. I have tried to relieve the Senate from the delay upon this most important bill by two propositions, both of which have been objected to. I am powerless. I only say that the debate will proceed as Senators choose, and I shall ask the Senate to take a recess from 6 o'clock to 8, not with an agreement that no other matters shall be taken up, but I will expect a quorum of the Senate to be present, and I shall ask when we get into that session, if the Senate grants it, that every Senator shall be here. Otherwise this debate will run on the wide waters of Senatorial talk and it will not be got through for days. If I can, I am going to get this bill out of the way, so that we can adjourn next Thursday or Friday; but if I do not get it out of the way, I notify Senators that we will run into the heats of July. I shall do everything in my power to get it through, and I shall ask the Senate later to take a recess from 6 o'clock, so that we may have a genuine night session with every Senator present.

Mr. McLAURIN. I want to say that at the request of several Senators I withdraw the objection I made to the proposition of the Senator from Maine, but I do not withdraw my opposition to this amendment nor my opposition to the bill from the House. My opposition is as vigorous to the bill and to the amendment as it has been at any other time. I withdraw the objection. If any other Senator desires to make an objection, let him do it.

Mr. HALE. I ask that the House bill be laid before the Senate for consideration and that without debate, at 3 o'clock, a vote be taken upon it.

Mr. MORGAN. Mr. President, it has been my conviction of duty to object to all propositions that have been made about limiting debate upon a bill that has not yet been before a committee of the Senate. The rules of the Senate require that a bill coming over from the House shall be referred to a committee before it is considered by this body and reported upon. I want the Senators on the committee who have to deal with that bill to be responsible for it.

Mr. HALE. I was asking for what waives all rules, and that is unanimous consent. Of course, if the Senator objects that ends it.

Mr. MORGAN. I am stating the ground of my objection. I want a committee of the Senate to be responsible for that bill, with leave of the minority, if there is a minority, to make a report against it. The Senator says he wants to get this bill out of the way. Out of whose way does he want to get it?

Mr. HALE. Out of the Senator's way.

Mr. MORGAN. My way?

Mr. HALE. Of all Senators. Everybody wants to have this bill passed.

Mr. MORGAN. Not out of my way. I have never had a higher duty to perform in the world than to vote upon a sundry civil appropriation bill which carries $125,000,000.

Mr. HALE. Not quite as much as that.

Mr. MORGAN. How much is it?

Mr. HALE. About $100,000,000.

Mr. MORGAN. About $100,000,000. In considering a measure of that kind I am put to the top of my sphere, so far as my sense of duty is concerned, to try to see that the appropriations which are made out of the Treasury of the United States, which have to be collected out of the taxation of the people, should be understood, to say the least of it, and the heats of July are not distressing me any more than they have distressed me for nearly the last thirty years. I have sat even with the Senator from Maine until October and November passing upon measures.

Mr. HALE. So often that I got very tired of it.

Mr. MORGAN. That Senator may have retired; I do not know, but I still stood here at my post, and I am none the worse for it. No man ever wore himself out in the performance of an honest and a sincere duty. It is when they try to shirk it and try to get through that they get fragmentary, get broken up, get unhappy and uneasy, and run through their duty and are distressed.

Mr. HALE. I give way to the Senator. I withdraw my proposition,

Mr. MORGAN. Well, I want the floor.

Mr. President, entirely against my desire, wish, or expectation the coming over of this bill from the House under the peculiar circumstances that have attended its presentation here, this very remarkable proceeding in the Senate requires me, I think, to make some little running commentary upon this proposed legislation, which is entirely new, so far as I have heard, in the history of the United States.

It is peculiar. It is the only one of its kind. There is some emotion or commotion or pressure somewhere that forces this bill to the front, in spite of all the rules that we have adopted, and which puts it as the prime proposition before the Senate and the American people that we must pause and give our attention to it.

First of all, this bill originated in the House as a rider on the sundry civil appropriation bill. So far as I remember, it bore exactly the same language that it bears in the language of the amendment proposed by the Committee on Appropriations of the Senate. A point of order was made against it in the House, and it was sustained. Exactly what that point of order is I have not had the opportunity to ascertain. Whether it was

the constitutional question which the Senator from North Dakota [Mr. McCUMBER] so forcibly presented on yesterday, or whether it was because there was no estimate for it, or whether it was because it was new legislation of a general character upon an appropriation bill, I do not know.

Mr. GALLINGER. The latter was the point.

Mr. MORGAN. New legislation?

Mr. GALLINGER. New legislation.

Mr. MORGAN. Very good. If the legislation was new in the House it is new in the Senate, and we have a rule that prohibits us from putting new legislation on an appropriation bill of any kind. Why does not that rule stand against this bill? Why should we be compelled day after day to debate a question when our rules condemn it, and when the House has enforced the very same rule to condemn it as a proposition of parliamentary law?

Now, there is some pressure about it. Where does it come from? There is no estimate here, we are told. There is no recommendation from the President or from any head of a Department. Then it is a proposition that must originate in one body or the other, among the members of that body or this, on the suggestion of some Member of the House or some member of the Senate.

There is, Mr. President, no pressing public necessity for the existence of this law. The President has not made the excursions or the circuits around the country that are proposed to be paid for in this bill. If it was to compensate the President for losses that he has heretofore sustained or expenditure he has made, or been compelled to make in consequence of his personal popularity, or in consequence of his distinction, of his high office, and the desire of the people to see him, I would not oppose the remuneration of the President after he had expended the money. But we are looking ahead now. We are looking to excursions that are to be made, to trips that are to be performed. What are they? Well, I do not wish to be unkind about anything, but to my mind it is suggested naturally that there will be a great hunt gotten up in the United States, to be conducted in the mountains and on the prairies of the West, and that the scions of royal blood from Europe would be invited over here as guests to see the performance that American sportsmen should engage in and their wonderful success in competition with the emperors and kings of Europe.

I noticed the other day that a shipment had been made from Germany to Spain of certain trophies which had been captured by the King of Spain when he was a visitor to William, amounting to a large number, that were sent for the purpose of complimenting him on the occasion of his wedding.

Well, Mr. President, among the expeditions and travel around the circuit that may take place during the coming summer or winter or next summer—for this $25,000 appropriation is limited to a year, I believe—what are we to have? What are we to expect? What do we know about that? Some gentlemen have been unkind enough to suppose or to suggest that perhaps it is intended for political expeditions. If the President of the United States wanted to get up a company of spellbinders, pay their expenses and their compensation, if necessary, in going around to enlighten the people of the United States upon matters that they know a great deal better than the spellbinders know, as a rule, I think the money would be thrown away in such an expedition as that. But that is entirely within the reach of the appropriation. So is the great hunt, which would be attended, no doubt, by retainers in velveteens red or black or blue, in caps red, black, or white, feathered or otherwise, made to fashion, trophies and fanfaronade of this kind that would lead the great procession out, with the President of the United States at the head of it, and the man appointed to office after his last hunt because he could catch a live wolf and choke him to death with his hands would be there to perform again. He would have that performance going on here, I suppose. At all events it is within the purview of the bill.

There is no great public necessity for that that I can see. The people of the United States have not been educated by object lessons of that kind heretofore, and I do not think the necessity is just now arising for such a kindergarten performance as that in the way of hunting expeditions.

Now, Mr. President, I am treating this subject seriously. I do not say that the President of the United States would take the money of the people, take the labor of 25,000 men one day to earn this money, to be thrown away in an expenditure for journeys and trips that are not necessary for the public welfare.

Why, the President's family is not provided for in this bill. He could not take his wife and children with him. They must be his invited guests, and they could not go along unless he wrote them an invitation to go with him and made them his guests in that way.

Evidently it is not for the purpose of assisting the President in meeting those social duties which are so happily performed by him and have been by all our other Presidents. There is some movement in it outside of the performance of mere social duty. It is either political or else it is a hippodrome that we are providing for—one of the two. It is a hunt or it is a political excursion of some kind. Otherwise the people of the United States could not possibly have any personal interest in it, not to say a national interest in such a performance.

Why was this bill passed through the House after it was ruled out on a question of order? Well, the House saw good reason, no doubt, for passing this bill and appropriating $25,000 for the present fiscal year to provide for such expenditures as the President may choose to incur—not such as he has been obliged to incur or will be obliged to incur, but such as he may choose to incur.

Then the bill comes over from the House, handed in here by the proper officer of the House as having been passed by that body, and is not reported to the Senate, even as is the appropriation bill under examination. It is withheld, and it is only upon the call of a Senator that the provisions of this bill have been made known to the Senate at all. I suppose I will be criticised severely as a sort of barbarian because I insist that under the rules of the Senate that bill shall go to a committee and some committee shall be responsible for reporting it here affirmatively or negatively.

Now, Mr. President, the heat of July does not frighten me into such an abuse as that of the rules of the Senate and of all propriety. This bill would not be popping up on every occasion and in every imaginable form unless there was some pressure behind it that Senators feel is irresistible. Yet nobody avows it. Not a man in this Government has made an estimate for it. The President has not made an estimate for it. The President has not intimated, so far as I know, to any person in the Senate or in the House that he thinks it is necessary for the public good or for his personal advantage or protection that we should vote him $25,000 a year as an emolument in addition to his fixed compensation.

Mr. President, I wish to say a word upon that subject. Both the Senator from North Dakota [Mr. McCUMBER] and the Senator from Georgia [Mr. BACON] have handled it with remarkable power and skill, and they have produced conviction upon my mind that I think nothing in the world could remove. But the Senator from Wisconsin [Mr. SPOONER] yesterday seemed to have some difficulty about what was included within the word "emolument." I take up the Constitution of the United States and read it from end to end and treat it as a progressive work, a work in which stone by stone the great temple was built. In examining each of these I find its relation to the other, to the binding stuff that holds the temple together and to the finish put on it by the architect.

In reading this Constitution, I come across first this provision, on page 197 of the Constitution as printed in the Manual of the Senate:

> No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

The framers of the Constitution first took in the kings and princes or foreign states, and excluded them from the opportunity of granting presents, emoluments, office, or title of any kind whatever, to any person holding office under the United States. They disposed of that subject conclusively, and they used several words for the purpose of indicating what they meant by what they were saying in this Constitution. They used the word "present," to "accept of any present, emolument, office, or title of any kind whatever." They intended to exclude the officeholders of the United States from any participation in the favors and compliments and honors and titles that foreign governments might bestow upon them.

After they had gotten through with that branch of the subject, they came to the President of the United States, and they became a little more stringent in their provisions. Having already included presents, offices, and titles of any kind whatever, in respect of those who might accept them from foreign countries, they came to the President of the United States.

> The President shall, at stated times, receive for his services a compensation—

Compensation. That means full payment. There can not be compensation in respect of any debt or duty that is not a full payment. He shall receive—

> A compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not

receive within that period any other emolument from the United States, or any of them.

Compensation covered the whole of the legislation in regard to the President, so far as Congress is concerned. Congress can not add to his compensation and he can not receive it from Congress. It would not be going too far to say that if Congress should vote $25,000 additional compensation to the President of the United States, and the bill should become a law by his signature, Congress would patently violate the Constitution in adding to his compensation, and the President would be liable to impeachment for a high misdemeanor if he should receive it. The Constitution intended to shut off everything from the President but compensation.

Now, what is compensation? It is that allowance which is made by law for the payment of an officer for the duties that he performs. Whether you call it "salary," or whether you call it "emolument," or whatever you call it, it must still be and is compensation and nothing but compensation. So that the President can not receive an addition to his compensation by the consent of Congress as these other officers may receive titles, emoluments, presents, and gifts from foreign countries with the consent of Congress. Congress must give its consent before they can receive them at all.

Suppose I should propose to put upon this bill a proposition to reward some of our great soldiers or our great scientists by conferring upon them some of those many insignia of proper reward that have been conferred upon them by foreign potentates? Why, Mr. President, the table of the Committee on Foreign Relations almost groans with bills now offered in this body for the purpose of enabling our distinguished and notable people to receive these honors and emoluments and insignia, etc., of the good will and pleasure of foreign countries. Suppose I should go into that committee room and pick up one of those bills and bring it into the Senate and ask, in consideration of the great services performed by the party in question, that the Congress of the United States should put a privilege upon that bill for that man to receive that reward, there is not a Senator on this floor who would not object on the ground that it was out of order, that it was not germane to the subject, that it would be new legislation, that it had not been called for by any estimate, and that no officer of this Government had passed it in review. So it would go out of the bill instantly.

Mr. BACON. If the Senator will pardon me a minute——

Mr. MORGAN. Certainly.

Mr. BACON. I understood the Senator from Maine [Mr. HALE] to insist that during the consideration of this bill there should be a quorum present. There is not now a quorum present, and, in view of the absence of the Senator from Maine, I make the suggestion.

The PRESIDING OFFICER (Mr. WARNER in the chair). The Senator from Georgia having suggested the absence of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allee	Clay	Heyburn	Patterson
Ankeny	Crane	Kean	Penrose
Bacon	Daniel	Kittredge	Perkins
Bailey	Dick	La Follette	Piles
Benson	Dillingham	Latimer	Proctor
Berry	Dolliver	Lodge	Scott
Beveridge	Elkins	Long	Simmons
Blackburn	Flint	McCreary	Smoot
Brandegee	Foraker	McCumber	Spooner
Bulkeley	Frazier	McEnery	Stone
Burkett	Fulton	McLaurin	Sutherland
Burnham	Gallinger	Mallory	Tallaferro
Burrows	Gamble	Martin	Warner
Carmack	Hale	Morgan	Warren
Carter	Hansbrough	Nelson	Wetmore
Clapp	Hemenway	Overman	Whyte

The VICE-PRESIDENT. Sixty-four Senators have answered to their names. A quorum is present.

Mr. MORGAN. Mr. President, I should like to say, in the absence of the Senator from Maine [Mr. HALE], who was in the Chamber a moment since—he has the matter in charge, and of course I suppose he will be here to maintain his own proposition—I should like to say that if the Senator from Maine was willing to take the responsibility of asking the Senate by unanimous consent to lay aside its rule and take up the bill that has come over from the other House, consider it without reference to a committee, and without having the responsibility of a committee interposed between the Senators who oppose the bill and Senators who vote for it, I will not make that objection. He can go ahead and take the responsibility, but I want to shoulder the responsibility of this upon somebody who is willing to take it. I do not want to shoulder it upon the Committee on Appropriations, who have presented this amendment here in the form in which it stands. We do not know and the country does not know who to call in question for this amendment proposed on an appropriation bill. Who is the author of it? Who brought it forward? Who takes the responsibility of trying to defend the proposition that this bill is within the rules of this Senate, when it is amenable to three objections, one of which was stated yesterday with the clearness of light by the Senator from North Dakota [Mr. MCCUMBER]—the constitutional question—and the other two that it is new legislation and that it has not been estimated for? It is traveling through the Senate, and it appears to have traveled through the other House, without anybody being willing to stand godfather for it. Let us know who is sponsor for it. Because some Senator has not espoused and avowed this as his proposition, the world will say that the President of the United States has been doing it, and doing it secretly and in an underhanded way. That is what they will say about it. I do not want to see the onus of this matter upon the President. Let some Senator take it or some committee take it, and let us answer to the American people as men ought to answer for their conduct on this floor.

I do not like the way in which this bill was originated. I do not like the way it has been handled in the other House, where it was first voted off an appropriation bill on a question of order and then pressed through the House and sent here, and when it got here it was not laid before the Senate, but was detained, in the hope that the vote would be taken on this amendment before we knew, officially at least, that the House had acted on the bill.

Now it appears here, and propositions are based upon it, propositions to take it up and act upon it without debate. Of course I would not consent to that, not that I want to speak upon it, but I do not propose to be one consenting to the absolute destruction of the privileges of the Senate to debate within the boundaries of reason any question that comes here. We are asked to pass upon it without debate, and that because it is expected July will be a hot month. It may be colder than June for aught we know.

Mr. President, I was discussing the proposition to show how this measure had passed through the minds of the men who framed the Constitution of the United States, and how they first took up all the officers holding offices of trust or profit under the United States and forbade them from receiving any presents, gifts, honors, titles, or emoluments of any kind whatsoever, says the Constitution, from any foreign potentate or prince or power. Did we suspect that the men who were going to enter into the service of the Government these men were then forming would be misled or influenced improperly by gifts and honors and titles of nobility, and such as that, conferred upon them by foreign people? We then, Mr. President, had very good reason for being very jealous of the power of the British Government and the British people and the British nobility over the people of the United States. There was then a large body of people in this country who were called "Tories," who were the friends of the British Crown and who adhered to it. Many of them fought us in the war of the Revolution and others escaped by going to Canada. After the war was over there was a great collection of those people in Canada. They were high-blooded people, educated people, people of strong convictions, and they preferred the British Government to the new proposition or enterprise that was entered upon, under the leadership of General Washington, by the Army and by the associated or confederated States. They preferred the British Government.

When we came to form a government, our fathers said no man who holds office of trust or profit under the Government of the United States shall ever receive from any foreign prince, power, potentate, or ruler—I do not quote the exact words—any office or emolument or gift or title of any kind whatsoever without the consent of Congress.

In the process of their reasoning they went further, and they found a man who should fill the Presidency of the United States possibly still more amenable to the weakness of human nature, of false pride, and of temptation that might be held out to him by foreign governments, or by even the States, or by the party that he might head in the Government. Thereupon they put an absolute restriction in the Constitution, so that Congress could not relieve against it and Congress could not permit him to receive anything but compensation—compensation for what he engaged to serve the Government for at the time he entered on the office, which should not be changed—either increased or diminished—during his term of office.

They went still further, and they provided as to the compensation of the President that it—

shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

They cut the States out; so that Congress could not permit him to receive, for instance, from the great Empire State of

New York, of which he is a native citizen, some great emolument, some great benefit. Suppose the State of New York should vote him a great palace during the time that his Presidency continues, to be occupied by him officially, whereby the summer capital of the United States would be transferred to New York City. The Congress of the United States would never permit him to enter it, because it had not consented and could not consent to his receiving any such emolument as that from the government of his own State of New York.

Already, Mr. President, we have two capitals in this country; but we are not making any objection about that. One is at Oyster Bay in the summer, and the other is Washington in the winter and during the sessions of Congress. While there is great inconvenience, and perhaps sometimes extreme difficulty in conducting properly the affairs of the Government because the President finds it necessary for the health and comfort of his family to reside at an old homestead at Oyster Bay, where he goes and transacts the public business, nobody complains and nobody challenges his right to do it at all. But still Oyster Bay is the summer capital of the United States unquestionably.

That is as far as we can go. If the Congress of the United States should pass a law for the delectation or for the convenience or for the comfort of the President, that the capital of the United States should be at Washington in the winter and Oyster Bay in the summer, that law would be unconstitutional, because you say that it is for the accommodation of the President and that the emoluments of his office do not reach the proposition that he could go there and establish himself for the summer.

We are traveling upon dangerous ground here, and we are doing it without any necessity. If it could be pointed out that there was any necessity for it; that the Government would in any sense be bettered by it; that it would be anything more than a gratification to the President and his invited friends or to the people who might wish to look upon the pageant that would pass through the country, paid for by an appropriation of Congress—if it were anything more than that; if there were anything in it connected with the Government or its administration in any form whatever, there might be some excuse for the enactment of this provision. But there is none; it is a pure donation for excursion purposes; that is all; there is nothing else to it. It is an appropriation for excursions hereafter to be undertaken and conducted by the President and his invited friends. We can not say that the President should invite all his friends, or that he should invite any of his enemies, if he has any, or that he should invite all the spellbinders of a certain political party and keep the others out, or that he should attend conventions in certain doubtful States and need not attend them anywhere else. It is proposed to give him the discretion to go where he pleases, to spend as much money as he pleases in these outings, provided he limits himself to the invitation of such guests as he may find agreeable. That, Mr. President, has less to do with the future destiny and the conduct of the Government of the United States than anything I can think of connected with one of the great offices of this country.

Suppose we should extend this privilege to the overworked and overtaxed judges of the Supreme Court of the United States; suppose we should provide that they should have $25,000 apiece for going off and recreating themselves and should have the privilege of taking their friends with them when they went. Are they not as much entitled to it as the President? Do they not work as hard as he does? Have they not as much responsibility to God and the people as he has? Do they not take the acts and laws that he may have approved and pass on them and sometimess declare them void and of no avail and of no effect? They stand above him in power when we come to weigh the matter correctly. They do more work than he does. Any one of the nine does more work than the President of the United States. They labor in silence and in quietude and in retirement where their physical energies are drawn upon to the extent of prostration many times. Many of those noble men have gone to early graves simply because they killed themselves working for the people of the Untied States. If they had had this $25,000 a year to go out with their friends, and banquet and attend those great hunts or go to the watering places, it would be very natural to suppose that many of them would be living yet.

When we break over this line, when we commence authorizing the President of the United States, who is absolutely forbidden to receive such gifts or donations or rewards or emoluments, or whatever you please to call them—whenever we transgress this line, then, Mr. President, we will have the States coming here with invitations to the President of the United States saying, "Congress pays your expenses; come to us; we need you; we want you; come to us, enlighten our people; bring your spellbinders along, and in the next Congressional election in November we will roll up a handsome majority for you and your party, or in the next Presidential election we will give you a third term. Come to us." Would anybody expect me as a member of the Senate to offer a bill that the next President of the United States after the present incumbent, if he should be a Democrat, should have his expenses paid at the rate of $25,000 a year to visit Alabama and gratify our people there? Would there be any necessity for that or any propriety in it? Would it not disgust the Senate if I should offer such a proposition as that? And yet it is quite as legitimate as the proposition that is offered here to-day. To my mind, Mr. President, it is all so perfectly plain upon constitutional grounds, upon grounds of public policy, and upon the action that has been taken in regard to this very bill, which seems to have been furtive, at least, in both Houses, satisfies me that it is my duty to vote against the amendment.

Mr. HALE. Now, Mr. President, to see if we can make some progress, I renew my request for unanimous consent that the House bill be laid before the Senate, and that at 4 o'clock, without further debate, a vote be taken upon it. If it carries, Mr. President, I shall on behalf of the Committee on Appropriations withdraw the amendment now pending and we will be able to proceed with other matters. I will say that I do this because it has been suggested to me that in my absence the Senator from Alabama indicated that he would withdraw his opposition to the proposition.

Mr. MORGAN. I will be willing to withdraw my opposition to the proposition, but I want the Senator from Maine to withdraw something, too. I want him to withdraw this amendment.

Mr. HALE. I have stated that at the moment the bill is disposed of I will withdraw the amendment.

Mr. MORGAN. But why not withdraw it now?

Mr. HALE. I will withdraw it now.

Mr. MORGAN. If we are going to vote upon the bill as a proposition of new law, why not say that the amendment is not proper here? If the amendment is withdrawn, I will consent that we take up the original bill.

Mr. HALE. I see the force of the Senator's proposition. I will withdraw the amendment now.

Mr. MORGAN. Very good; if you will do that, I will consent to do almost anything you want to do.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. McLAURIN. Is that amendment withdrawn without reference to whether or not there is consent to take up the other bill? I know the amendment is withdrawn now.

Mr. HALE. Of course if consent is not given to the other proposition to which the Senator from Alabama has agreed, I shall have to renew the amendment.

Mr. McLAURIN. Then it is a withdrawal with a string to it.

Mr. HALE. But I trust to the good sense of the Senate with reference to that. I do not think anybody believes that we will gain anything by the prolongation of this debate. Nobody can suggest anything new about it; and I think we all want to pass this bill and send it over to the House. I am willing to leave that to the good sense of the Senate. I will withdraw the amendment.

Mr. McLAURIN. I wish to say, so far as all of us wanting to pass this bill is concerned, that I for one do not want to pass it, and I will vote against it. I understand the amendment is withdrawn.

Mr. HALE. The amendment is withdrawn. Now, Mr. President, I make my proposition——

Mr. MORGAN. I want to make a suggestion to the Senator from Maine in regard to the amendment I suggested to him to-day. If that goes in, I do not know of any objection.

Mr. HALE. I shall return, then, to the bill, and it will be open to any amendment after that. I shall ask that the bill be passed.

The VICE-PRESIDENT. Will the Senator from Maine complete his request?

Mr. MORGAN. Then I understand, if I gather it correctly—I do not hear very well—that the Senator from Maine withdraws this amendment?

Mr. HALE. I withdraw the amendment and I make the proposition that, in its stead, the House bill on the same subject be laid before the Senate for its consideration, and that at 4 o'clock, without further debate, a vote be taken upon it.

Mr. MORGAN. That is to say, that after the Senator has withdrawn the pending amendment the appropriation bill shall be temporarily laid aside and the House bill taken up?

Mr. HALE. Undoubtedly.

Mr. MORGAN. Debate to close upon it at 4 o'clock?

Mr. HALE. The bill will be open to amendment afterwards.

Mr. MORGAN. Debate to close at 4 o'clock?

Mr. HALE. Yes; undoubtedly.

Mr. MORGAN. I have no objection to that.

Mr. McLAURIN. Let me make a suggestion to the Senator from Maine. The amendment is withdrawn, and I believe there is only one other amendment to the sundry civil bill. It will take very little time, I think, to dispose of it.

Mr. MORGAN. Two.

Mr. McLAURIN. Two amendments. They will take very little time.

Mr. HALE. Very little time. There are no controversies.

Mr. McLAURIN. Why not go on with the sundry civil bill and dispose of it, and let the Senator's request be that we vote upon the other bill immediately after the disposition of this bill? I want to look at the other bill a little while. I do not desire—at least, I do not think I will desire—to say anything. If the Senator asks that there shall be no debate on it, I will consent to that. But I would prefer to have an opportunity to read the bill. I have never seen it. I heard it read. I do not suppose it has been printed. If it has been printed and laid on the desks of Senators, I have not seen it. I should like to examine it a little while, at least. I may want to offer some amendments to it.

Mr. HALE. Then, we will proceed with the consideration of the bill.

Mr. SPOONER. What is the understanding?

Mr. McLAURIN. What objection can there be to that course?

The VICE-PRESIDENT. The Senator from Maine requests that the House bill be now laid before the Senate, and that at 4 o'clock the Senate proceed to vote upon the bill without further debate. Is there objection?

Mr. MALLORY. I object.

Mr. McLAURIN. Why not go on with the sundry civil bill, with the amendment withdrawn, and then, by unanimous consent, vote on the other bill as soon as this bill shall have been disposed of? Can there be any objection to that course? It would give Senators an opportunity to examine the House bill. Surely there can not be any disposition to have it rushed through and to have a vote upon it without an opportunity to examine it.

Mr. SPOONER. The Senators who are opposed to it have had an opportunity to present their observations quite fully, and no one who wishes to reply will have any opportunity whatever.

Mr. McLAURIN. That is the proposition of the Senator from Maine.

Mr. SPOONER. I do not care to take any time.

Mr. McLAURIN. It is the proposition of the Senator from Maine to do that. I do not desire to cut off debate.

Mr. SPOONER. The proposition of the Senator from Maine is to take up the bill now, laying aside the sundry civil bill, as I understand, to discuss it until 4 o'clock, and then to vote on it.

Mr. HALE. Yes.

Mr. McLAURIN. That would give an hour and a quarter. Then suppose you give an hour and a quarter for debate at the termination of the consideration of the bill we now have before the Senate. What would be the difference?

Mr. HALE. There is no objection to that.

Mr. SPOONER. That is all right.

Mr. MORGAN. Mr. President——

The VICE-PRESIDENT. Will the Senator from Maine kindly restate his request?

Mr. MORGAN. Is the amendment withdrawn?

Mr. HALE. The amendment is withdrawn.

Mr. CARMACK. Do I understand that the amendment is withdrawn?

Mr. HALE. The amendment is withdrawn, and we are to proceed with the House bill until 4 o'clock, when a vote will be taken, and after that I shall insist that the appropriation bill be brought to a final vote, with one hour and a half more for debate if Senators want it.

Mr. McLAURIN. That is not my proposition. My proposition was to take up the House bill at the conclusion of the consideration of this bill.

Mr. MARTIN. The sundry civil bill.

Mr. McLAURIN. The Senator from Wisconsin objected, because, he said, it would give no opportunity to Senators in favor of the proposition to be heard. If the proposition made by the Senator from Maine were accepted, it would give only one hour and a quarter to Senators who want to speak on the bill. I say give an hour and a quarter for that purpose after the disposition of the sundry civil bill.

Mr. HALE. Very well. I ask, then, that all debate on the sundry civil bill shall cease at 4 o'clock, and then I will ask the Senate to take up the House bill and vote upon it at half past 5, or not later than half past 5.

Mr. McLAURIN. What is the objection of the Senator to finishing the bill we have before us—the appropriation bill?

Mr. HALE. I am afraid I can not finish it. That is the trouble.

Mr. McLAURIN. It can be finished just afterwards. If, by unanimous consent, the Senate can immediately take it up and limit debate to a particular time——

Mr. HALE. That can be done only by unanimous consent.

Mr. McLAURIN. Why would not that proposition be better? It would certainly give an opportunity to Senators to examine the House bill, which we have not had a chance to do; at least I have not.

Mr. HALE. Is there any objection to my proposition, that debate upon the pending appropriation bill shall cease at 4 o'clock? Then—not that the bill is disposed of—I will ask the Senate to take up the House bill, and at half past 5, another hour and a half, a vote be taken upon it, and after that I shall ask the Senate to pass this bill. There is no reason why it could not be passed then.

Mr. McLAURIN. The Senator does not seem to understand that nobody has had an opportunity to consider or examine the House bill.

Mr. HALE. It will give two hours and a half to that very purpose. I am giving an hour and a half of debate on the bill generally. Then take up the House bill and have another hour and a half on it.

Mr. McLAURIN. The House bill has not been printed.

Mr. HALE. It has been printed and read.

Mr. McLAURIN. I know it has been read. I heard it read. But I have not seen it.

Mr. HALE. The Senator can examine it under my proposition. Otherwise, unless I can have that consent, the debate must proceed, and I shall ask the Senate to come here to-night and settle the whole matter.

Mr. McLAURIN. All right.

Mr. MORGAN. I offered an amendment——

Mr. SPOONER. Is that agreed to?

Mr. HALE. No.

Mr. MORGAN. I offered an amendment on page 176——

Mr. McLAURIN. I did not object to it.

Mr. HALE. I understood——

The VICE-PRESIDENT. Will the Senator from Maine kindly restate his request for unanimous consent?

Mr. McLAURIN. I will state that I was merely trying to get an agreement which would be satisfactory to all of us, but if the Senator from Maine will not accept anything of that kind——

Mr. PETTUS. I think it will be agreed to as the Senator from Maine stated it.

Mr. HALE. I propose that the debate upon the pending bill and amendments shall close at 4 o'clock.

Mr. CLAY. The Senator from Maine says "pending amendments." As the Senator from Maine knows, I have three small amendments which I desire to offer to the bill, and there are three or four letters from the War Department which I wish to have read in support of them. I do not think the amendments will consume more than ten minutes. Now, the Senator's proposition will cut off amendments and cut off any remarks——

Mr. HALE. No.

Mr. CLAY. On amendments not now pending.

Mr. HALE. Of course I must have some limitation. My proposition applies not only to amendments now offered, but to be offered and pending at 4 o'clock. Then I shall ask that this bill be laid aside and the House bill upon this subject be taken up and considered until half past 5, and that then a vote be taken upon it. By that time we will be in such condition that while debate will be shut off, we can consider all other amendments and dispose of this bill before 6 or half past 6, so that I will not be obliged to ask the Senate to have an evening session. My proposition covers not only amendments offered now, but amendments which may be offered before that time.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. BACON. Let me understand the Senator from Maine.

Mr. MORGAN. I am obliged to say to the Senator from Maine that I shall ask consideration of the amendment I suggested to him to-day, which I will read.

Mr. HALE. That will come up naturally as an amendment.

Mr. MORGAN. In the event that the amendment meets with any contest at all, there will necessarily be a much longer debate than two hours. The bill reads as follows:

To be used as an advance to the Panama Railroad Company, to continue the reequipment of the railroad of said company, $1,000,000.

I propose to amend it by striking out the words "as an advance to the Panama Railroad Company;" so that it will read:

To be used to continue the reequipment of the railroad of said company, $1,000,000.

Mr. HALE. I shall not object to the amendment. I am in favor of it.

Mr. MORGAN. Let the amendment go in, and I will make no objection to the request for unanimous consent.

Mr. HALE. Let the Senator move it now.

Mr. MORGAN. I move it.

The VICE-PRESIDENT. The Senator from Alabama proposes an amendment, which will be stated by the Secretary.

The SECRETARY. In line 12, page 176, strike out the words "as an advance to the Panama Railroad Company;" so that the clause will read:

To be used to continue the reequipment of the railroad of said company, $1,000,000.

The amendment was agreed to.

Mr. MORGAN. Now I have no objection to the agreement.

Mr. NELSON. Mr. President——

Mr. HALE. Will the Senator let me get my agreement through, and then the bill will be open to all amendments?

Mr. NELSON. All right.

Mr. HALE. My proposition does not cut off any amendments whatever.

Mr. BAILEY. What would the Senator from Maine say to the suggestion that the appropriation bill be temporarily laid aside, and that the Senate now proceed to the consideration of the House bill respecting the traveling expenses of the President, and consider it until 5 o'clock—that would be two hours—and then take a vote on it, the time to be equally divided?

Mr. HALE. We have never resorted to the proceeding of dividing time in the Senate. There never is any question in the Senate. We trust to the courtesy of the Chair in that regard.

Mr. BAILEY. And the confidence and courtesy of the Senate have never been misplaced. I have never seen any Senator take advantage of it. Perhaps that is a habit I brought with me from the other side of the Capitol. I will withdraw that suggestion and rely——

Mr. MALLORY. The Senate has at times applied the rule of fixing the time to which each Senator shall be confined in the discussion; and inasmuch as it is possible for a Senator to consume the major portion of the time, inadvertently, perhaps, I think it would be very well to limit the time which each Senator shall have to discuss the question in the two hours, if we are to have two hours.

Mr. HALE. What does the Senator from Texas think of that?

Mr. BAILEY. That would be entirely satisfactory. I will say that I prefer myself the House practice. You divide the time equally, and then a Senator on each side yields as he sees fit. But I have no desire myself to introduce in the Senate the methods of the House, though I think it would improve the Senate in some particulars.

Mr. HALE. We have always left that to the presiding officer and his fairness.

Mr. BAILEY. Certainly; but the trouble is——

Mr. HALE. I think the suggestion of the Senator from Florida is a good one.

Mr. BAILEY. I think the suggestion of the Senator from Florida obviates that difficulty. The trouble is if one Senator, without any limitation on the time, gets the floor and becomes engaged in a colloquy—a running debate—he might unconsciously consume more time than he otherwise would.

Mr. MALLORY. I suggest ten minutes.

Mr. GALLINGER. Let the Senator put the time for a vote as not later than 5 o'clock, instead of 5 o'clock definitely.

Mr. BAILEY. Then, I suggest that the appropriation bill be temporarily laid aside; that the House bill be taken up for discussion, and that the debate proceed under the ten-minute rule.

Mr. HALE. That is right.

Mr. BAILEY. And that the vote shall be taken not later than 5 o'clock.

Mr. HALE. That is right.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. HALE. I ask that the appropriation bill be temporarily laid aside.

The VICE-PRESIDENT. It is so ordered.

TRAVELING EXPENSES OF THE PRESIDENT.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 20321) to provide for the traveling expenses of the President of the United States, which was read, as follows:

Be it enacted, etc., That hereafter there may be expended for or on account of the traveling expenses of the President of the United States such sum as Congress may from time to time appropriate, not exceeding $25,000 per annum, such sum when appropriated to be expended in the discretion of the President and accounted for on his certificate solely.

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes authorized by this act for the fiscal year 1907, the sum of $25,000.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HALE. I hope the Senate understands just what has been done. The appropriation bill is temporarily laid aside, and the House bill is before the Senate and is to be debated under the ten-minute rule and voted upon not later than 5 o'clock. It is now open to debate under the ten-minute rule.

The VICE-PRESIDENT. That is correct.

Mr. CARMACK. Mr. President, this matter has been so fully debated that I have only a very few words to say. I simply wish to state my own view and position.

My objection to the appropriation is that it is for no public purpose whatever. It does not facilitate, and is not intended to facilitate, the performance of any public function or any public duty whatever. No case has been stated where the President has ever needed to travel over the country or to leave the capital for the purpose of performing any public duty. Cases have been imagined by Senators where the President might travel about or leave the capital and go to some point or other for the performance of some public duty, but no Senator has been able to state any case where the President ever has been called upon to leave the capital or to travel from one point to another in order more perfectly or correctly to perform his public duty.

Some positions have been stated here, Mr. President, that are remarkable to me. It has been asserted here, as an example and as an illustration of the benefits to be derived from this proposed law and this appropriation, that President McKinley, when he left the capital and went to the city of Buffalo to attend an exposition there and to deliver an address, was engaged in the performance of his official duties. I cheerfully admit, Mr. President, that when Mr. McKinley went to Buffalo and made a speech protesting against the exclusive tariff policy of the Republican party he was engaged in the performance of a duty, of a very high and patriotic duty, but it was not an official duty. It was not a duty performed by him as the Chief Executive of this country.

The speech which he made upon that occasion was not a public document, and his act was not an official or an executive act. You might as well say that any Senator when he is called upon to go back to his home or to any point in this country to deliver a public address is engaged in the performance of an official duty as to say that the President of the United States when he goes to deliver a college address or to make a political speech in any part of the country is engaged in the performance of his official duties.

The Senator from Indiana [Mr. HEMENWAY] stated what I think is the true purpose of this measure when he told us how it was necessary to provide the President with special trains and to have him surrounded by an army of newspaper men and attendants in order that his addresses to the people may be properly reported, and that he may travel about over the country and give the people an opportunity to see him and to come in contact with the Chief Executive of the nation. In other words, we are to pay out of the Treasury in order to give the people of the United States a free show, and I have no doubt that at the next session of Congress the Senator from Indiana will be demanding that, in addition to providing champagne and flowers for the President and his invited guests, we shall provide roasted peanuts and pink lemonade for the people. We have just as much right to do the one as we have the other.

The only official acts of the President of the United States are those which are cast upon him by the Constitution and by the laws of the United States, and we might as well make a direct appropriation of so much money to increase the salary of the present incumbent of the office of President of the United States as to pass a law to diminish the personal expenses of the President when he is voluntarily traveling about over the United States. It seems to me that it is in plain violation of the Constitution. It is giving an additional emolument to the President and practically increasing his compensation during his term of office.

I wish to offer an amendment. I move to strike out lines 8, 9, 10, and 11 of the bill.

The VICE-PRESIDENT. The Senator from Tennessee proposes an amendment, which will be stated by the Secretary.

The SECRETARY. It is proposed to strike out in the blue print lines 9, 10, 11, and 12, as follows:

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes authorized by this act for the fiscal year 1907, the sum of $25,000.

Mr. CARMACK. My reason for offering the amendment is this: On a casual view of it that will remove what I conceive to be the constitutional objection to the bill.

Mr. HALE. If no Senator desires to debate the proposition, let us have a vote upon it.

Mr. SPOONER. What is to be stricken out? I ask that the bill be read.

Mr. HALE. The appropriation is to be stricken out.

The VICE-PRESIDENT. The bill will be read.

The Secretary again read the bill.

The VICE-PRESIDENT. The amendment will again be stated.

The SECRETARY. It is proposed to strike out lines 9, 10, 11, and 12, in the following words:

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes authorized by this act for the fiscal year 1907, the sum of $25,000.

Mr. MCCUMBER. I wish the Secretary would again read the first paragraph. It does not conform with the copy of the bill we have.

The VICE-PRESIDENT. It is not the same print.

Mr. BAILEY. I ask the attention of the Senator from Tennessee to one point. I think the amendment as he sent it to the desk was originally drawn to be offered to the item in the appropriation bill, and I suggest that he examine it with a view to conforming it to the bill now before the Senate.

The VICE-PRESIDENT. The Senator from Tennessee proposes an amendment, which will be stated.

The SECRETARY. It is proposed to strike out lines 9, 10, 11, and 12 of the blue print in the following words:

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes authorized by this act for the fiscal year 1907, the sum of $25,000.

Mr. HEYBURN. The word "authorized" is not in the printed bill.

Mr. HALE. Let us have a vote upon it.

Mr. MCCUMBER. I ask the Secretary to read the first paragraph of the blue print, as it does not appear to be the same as the copy I have, and most Senators are presuming that this printed bill is the bill under consideration.

Mr. GALLINGER. That is the bill as introduced in the House.

The VICE-PRESIDENT. Does the Senator from North Dakota ask that the first paragraph of the bill be read?

Mr. MCCUMBER. The first paragraph.

The VICE-PRESIDENT. As it reads in the House bill?

Mr. MCCUMBER. As it reads in the House bill.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

That hereafter there may be expended for or on account of the traveling expenses of the President of the United States such sum as Congress may from time to time appropriate, not exceeding $25,000 per annum, such sum when appropriated to be expended in the discretion of the President and accounted for on his certificate solely.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Tennessee [Mr. CARMACK].

Mr. FORAKER. What is the amendment?

Mr. HALE. To strike out the appropriation.

Mr. FORAKER. What is left?

Mr. HALE. We will vote it down.

Mr. FORAKER. But what if it is not voted down?

Mr. GALLINGER. But we will.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Tennessee [Mr. CARMACK]. [Putting the question.] The noes appear to have it.

Mr. CARMACK. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. LONG (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS]. I transfer my pair to the junior Senator from Michigan [Mr. ALGER], and will vote. I vote "nay."

Mr. MCCUMBER (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. FOSTER]. He being absent, I withhold my vote.

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. BERRY]. I believe he has not voted. I transfer my pair to the senior Senator from Maine [Mr. FRYE], and will vote. I vote "nay."

Mr. PILES (when his name was called). I understood yesterday that my pair with the junior Senator from Arkansas [Mr. CLARKE] had been transferred to the Senator from Minnesota [Mr. CLAPP], who was absent. That was not the case. The Senator from Minnesota is paired with the Senator from North Carolina [Mr. SIMMONS]. Therefore I withhold my vote. Otherwise I would vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. So I withhold my vote.

Mr. KEAN. I suggest to the Senator from Wyoming that he transfer the pair to my colleague.

Mr. WARREN. Very well. Upon the suggestion of the senior Senator from New Jersey, I make the transfer of the pair, and the Senator from Mississippi [Mr. MONEY] will stand paired with the Senator from New Jersey [Mr. DRYDEN], and I will vote. I vote "nay."

The roll call was concluded.

Mr. PETTUS. The senior Senator from Alabama [Mr. MORGAN] is paired with the senior Senator from Iowa [Mr. ALLISON].

Mr. DILLINGHAM. The senior Senator from South Carolina [Mr. TILLMAN], with whom I have a general pair, is absent this afternoon necessarily, and I withhold my vote. Were he present, I should vote "nay."

Mr. GAMBLE. I voted "nay." I observe that the senior Senator from Nevada [Mr. NEWLANDS] did not vote. I have a general pair with that Senator. I transfer the pair, however, to the junior Senator from Nevada [Mr. NIXON], and will allow my vote to stand.

Mr. OVERMAN (after having voted in the affirmative). Has the senior Senator from California [Mr. PERKINS] voted?

The VICE-PRESIDENT. He has not voted.

Mr. OVERMAN. I have a general pair with that Senator, and therefore withdraw my vote.

Mr. FULTON. I again announce my pair with my colleague [Mr. GEARIN]. In his absence I withhold my vote. If he were present, I should vote "nay."

Mr. KITTREDGE (after having voted in the negative). I observe that the junior Senator from Colorado [Mr. PATTERSON] has not voted. With him I have a general pair. I therefore withdraw my vote.

Mr. CULBERSON (after having voted in the affirmative). Listening to the reading of the names, it appears that the Senator from California [Mr. FLINT] has not voted. I desire to ask if he did, in fact, vote.

The VICE-PRESIDENT. He did not vote.

Mr. CULBERSON. I withdraw my vote, as I have a general pair with that Senator.

Mr. PETTUS (after having voted in the affirmative). I desire to know whether the junior Senator from Massachusetts [Mr. CRANE] has voted.

The VICE-PRESIDENT. He has not voted.

Mr. PETTUS. I withdraw my vote.

Mr. MCLAURIN. My colleague [Mr. MONEY] is paired with the Senator from Wyoming [Mr. WARREN]. If my colleague were present, he would vote "yea."

Mr. MALLORY. The junior Senator from Colorado [Mr. PATTERSON] requested me to state that he was called from the Senate; that he desired to vote on this question, and that if he were here, he would vote against the amendment in the sundry civil bill.

The result was announced—yeas 17, nays 35, as follows:

YEAS—17.

Bacon	Clay	McLaurin	Taliaferro
Bailey	Daniel	Mallory	Whyte
Berry	Frazier	Martin	
Blackburn	Latimer	Rayner	
Carmack	McCreary	Simmons	

NAYS—35.

Allee	Clapp	Hansbrough	Nelson
Benson	Cullom	Hemenway	Penrose
Beveridge	Dick	Heyburn	Proctor
Brandegee	Dolliver	Hopkins	Smoot
Bulkeley	Elkins	Kean	Spooner
Burkett	Foraker	La Follette	Sutherland
Burnham	Gallinger	Lodge	Warner
Burrows	Gamble	Long	Warren
Carter	Hale	Millard	

NOT VOTING—37.

Aldrich	Dillingham	McCumber	Piles
Alger	Dryden	McEnery	Platt
Allison	Dubois	Money	Scott
Ankeny	Flint	Morgan	Stone
Clark, Mont.	Foster	Newlands	Teller
Clark, Wyo.	Frye	Nixon	Tillman
Clarke, Ark.	Fulton	Overman	Wetmore
Crane	Gearin	Patterson	
Culberson	Kittredge	Perkins	
Depew	Knox	Pettus	

So Mr. CARMACK's amendment was rejected.

Mr. CULBERSON. I move to amend the bill by adding after the word "expenses," in line 4, the words "when traveling on

official business," and upon that amendment I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Again I announce my pair with the senior Senator from South Carolina [Mr. TILLMAN], and I withhold my vote.

Mr. FULTON (when his name was called). I have a general pair with my colleague [Mr. GEARIN] who is absent. If he were present, I should vote "nay."

Mr. PETTUS (when Mr. MORGAN's name was called). My colleague [Mr. MORGAN] is paired with the Senator from Iowa [Mr. ALLISON].

Mr. OVERMAN (when his name was called). I am paired with the senior Senator from California [Mr. PERKINS]. If he were present, I should vote "yea."

Mr. PILES (when his name was called). I am paired with the junior Senator from Arkansas [Mr. CLARKE]. I transfer that pair to the junior Senator from New York [Mr. PLATT], and I will vote. I vote "nay."

Mr. WARREN (when his name was called). Under the same arrangement of pairs before stated I will vote. I vote "nay."

The roll call having been concluded, the result was announced—yeas 23, nays 35, as follows:

YEAS—23.

Bacon	Culberson	McCumber	Rayner
Bailey	Daniel	McLaurin	Simmons
Berry	Frazier	Mallory	Stone
Blackburn	La Follette	Martin	Taliaferro
Carmack	Latimer	Patterson	Whyte
Clay	McCreary	Pettus	

NAYS—35.

Allee	Crane	Hansbrough	Nelson
Benson	Cullom	Hemenway	Piles
Brandegee	Dick	Heyburn	Proctor
Bulkeley	Dolliver	Hopkins	Smoot
Burkett	Elkins	Kean	Spooner
Burnham	Foraker	Kittredge	Sutherland
Burrows	Gallinger	Lodge	Warner
Carter	Gamble	Long	Warren
Clapp	Hale	Millard	

NOT VOTING—31.

Aldrich	Depew	Gearin	Penrose
Alger	Dillingam	Knox	Perkins
Allison	Dryden	McEnery	Platt
Ankeny	Dubois	Money	Scott
Beveridge	Flint	Morgan	Teller
Clark, Mont.	Foster	Newlands	Tillman
Clark, Wyo.	Frye	Nixon	Wetmore
Clarke, Ark.	Fulton	Overman	

So Mr. CULBERSON'S amendment was rejected.

Mr. McCUMBER. Mr. President, a very objectionable feature is eliminated from this bill which was contained in the amendment in the appropriation bill. The amendment in the appropriation bill provided, among other things, that not only was the President himself exempted from the operation of the general law prohibiting free traveling in the United States, but he could also exempt any number of persons whom he saw fit to exempt from the operation of that law. He could name one or he could name twenty or he could name a hundred. That makes this bill far preferable to the law which was proposed in the amendment itself.

Nevertheless, Mr. President, the bill is still open, in my candid judgment, to the same constitutional objection and the same objection on principle. I would, if I could, vote to increase the salary of the Executive of the United States. I have great admiration for the President of the United States and great respect for him. But I have equal admiration and equal respect for the American people and the average American citizen, and I would not, by my vote, willingly grant an exemption or a right to the Executive that I would deny to any American citizen. For that reason, on principle, I am necessarily opposed to this bill even as it now stands.

In addition to that there is still the constitutional inhibition against the increase of the compensation of the Execuive during his term of office. In my candid judgment, this provision is not only against the clear letter of the Constitution, but it is also against the spirit of the Constitution and the reasons which guided the framers of that instrument in prohibiting us from changing this compensation during the period of incumbency of the office.

For that reason, on the final passage of the bill, I shall feel that I can not under my obligation to support the Constitution conscientiously vote for the bill.

Mr. SPOONER. Mr. President, I shall vote for this bill. I am as much attached to the Constitution of the United States, as I understand it, as any Senator here. I do not believe this appropriation to constitute an emolument within the meaning of the Constitution. The provision in the Constitution was intended to make Congress independent of the Executive and the Executive independent of the Congress:

> The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any *other*—

They mean something by every word in the Constitution—

> any other emolument from the United States or any of them.

The great object was that the President should not use his patronage to influence the Congress to increase his compensation and that the Congress should not use its prejudice and its power over the purse to starve the President into an agreement with it upon some public policy.

This last clause, in my opinion, Mr. President, was simply inserted by the framers of the Constitution to prevent an evasion of the prohibition upon an increase of compensation during the period for which the President was elected. You have to strike that word "other" out of that sentence, or else, Mr. President, it means inevitably, as a matter of logic and constitutional construction, I think, what I claim it to mean.

Moreover, Mr. President, if the contention of the Senators who oppose this bill be correct, every President of the United States from the beginning has violated the Constitution when he has approved an appropriation bill which allowed anything for the White House outside of the mere *office* accommodations. There is nothing in the Constitution about a White House; there is nothing in the Constitution about an Executive Mansion; there is nothing in the Constitution, construed as Senators construe it, which makes it constitutional to afford a residence for the President's family. That is a financial gain to him, for if it were not provided by the Congress he would be obliged to rent a house or to purchase one for his family. The judges have not houses in which to live, nor have the Cabinet officers, nor the Members of Congress, afforded by law. So the President directly gains financially by having a place of *residence*, as contradistinguished from *office*, for himself and his family.

Mr. HALE. Nobody has ever contended that he should not have it.

Mr. SPOONER. Nobody has ever contended that from the beginning. Since the White House was constructed it has been the home not simply of the President, it has not been simply an office, but an official home for the President and a home for his family. That is a perquisite, that is an emolument, that is a profit derived from the office, if there is any solidity in the construction which is sought to be placed upon this provision of the Constitution.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. SPOONER. No; I can not. I have only ten minutes.

The VICE-PRESIDENT. The Senator declines to yield.

Mr. SPOONER. I do not mean to be impolite.

Mr. President, the Constitution is violated if the President without paying rent for it puts his horses in a stable the property of the United States. Upon what theory do we buy furniture for the White House other than office furniture if this construction of the Constitution be a correct one? Upon what theory do we furnish coal for the White House except simply enough for the office if this construction be a correct one?

That constitutional provision was intended to prevent any appropriation or allowance or fee to be made by the Congress to the President or permitted which should operate to *increase his compensation*. It means inevitably to my mind *profit*. It means income. It does not mean a governmental expense. It is violated by having a flower garden for affording flowers. It was expected that the President of the United States, the Chief Magistrate of this country, must have social duties to discharge, not personally for himself, but as a representative of the Government. It was expected, Mr. President, that he would receive and entertain foreign ministers. That is a part of the diplomacy of the country.

It never was expected when the Constitution was framed and created the office of Chief Magistrate, the exaltation not by Congress but by the people of an American citizen to the highest position in the Government, that he should not live as the executive head of this Government in a manner in harmony with his station. It is in the public interest that he should do so. And so, Mr. President, from the beginning that word has received from Washington down the construction practically in legislation for which I contend.

How many minutes have I, Mr. President?

The VICE-PRESIDENT. Three minutes more.

Mr. SPOONER. The long-continued and unbroken legislative and executive exposition of the word "emolument," as used in

this connection in the Constitution, has the force of judicial construction. Moreover, it is in harmony with the good sense of the American people who are not willing that the President should be treated in a narrow and parsimonious way, absolutely inconsistent with the status of this country internationally. I call attention again to the fact that the Supreme Court, in United States *v.* Hoyt (10 Howard), construed the word "emolument" as I am construing it. They defined it:

Embracing every species of *compensation* or *pecuniary profit* derived from a *discharge of the duties of the office.*

Now, Mr. President, that is neither compensation nor emolument, in my opinion, within the meaning of that clause of the Constitution, the result of which is not to add *one penny* to the *compensation* of the President. If any remains unexpended for traveling expenses, it is not his. It is an unexpended balance, which belongs to the Government.

I have no time to discuss the question of what are his duties, but I am not ready to believe, Mr. President, that the men who framed this Constitution, who were of world-wide knowledge, intended that the hands of Congress should be tied and that the President of a Republic, elected by the people and the servant of the people, should remain a hermit confined to the White House, unless he were a man of fortune and able to travel at his own expense.

It is to be assumed that no political trips will be taken by the President. It is to be assumed by this branch of the Government that the other branches will conduct themselves with due sense of propriety and will not do those things which would obviously shock the sense of propriety of all thoughtful men. I have no constitutional difficulty in voting for this bill.

Mr. McLAURIN. Mr. President, I did not intend to say anything, and I only rise now because I was not permitted to ask a question which I think would answer everything that has been said by the Senator from Wisconsin in reference to the mansion that is provided by the Government for the President. That is about as hollow as I ever heard from the Senator from Wisconsin, and more hollow than I ever expected to hear from him. There is nothing in the Constitution which prohibits the Congress of the United States from saying what the compensation is, provided Congress declares beforehand what shall be the compensation. It may be a salary of $50,000, and in addition to that a residence for the Chief Executive of the United States, for himself and for his family, and offices for himself and for all of his official family.

That may be done in advance, and is done in advance; but there is not anything in the world in that that is an answer to the proposition that if it had not been done, and it is done afterwards, it is an advantage to the President of the United States.

When the present President of the United States was elected and inducted into office, there was a provision for his compensation that he should have $50,000 per annum, and that he should have a residence, which is called "the White House." It is not necessary that the words "White House" should be in the Constitution, but the word "compensation" includes every advantage, every benefit, every help to the President of the United States or any officer who receives compensation. So the White House was included in the compensation that was fixed for him. The people of the United States did prepare a residence for the President; they did prepare offices for him and offices for his official family; but that has nothing to do with the providing by law against the Constitution for emolument to the President in addition to the compensation that was provided when he was elected and inducted into office.

This is not a bounty, the Senator from Wisconsin said yesterday. It is either compensation or emolument or it is a bounty. Now he denies that it is a bounty. Then it must be an emolument. Suppose the President starts out on a bear hunt to the Mississippi swamps or starts out West to hunt buffalo, and the Government of the United States pays his expenses, is that a gain to him? He would otherwise have to pay them out of his own pocket, out of the salary fixed, out of the compensation fixed for him at the beginning.

The White House has nothing to do with it. It is a question what benefit, what gain, what advantage it is to him. Nobody can deny that it is an advantage. I believe the senior Senator from Ohio stated that he was convinced it was an emolument. If it is an emolument, it can not be voted by this Congress constitutionally. Of course, every Senator has to vote upon his own judgment about the matter; but when a Senator comes to the conclusion that it is an emolument, and when the Constitution says there shall be no additional emolument, how is that Senator going to vote for this provision?

I should not have risen, Mr. President, had it not been for the shallow argument—the shallow pretense of an argument—that because compensation is fixed in the beginning of the term of the President by a salary of $50,000 and by a residence in which to live during the incumbency of the office, thereby there is an increase in the emolument if he is permitted to retain that compensation. I think, Mr. President, that can hardly rise to the dignity of an argument.

Mr. CARTER. Mr. President, the Chief of Staff of the Army may travel at Government expense wheresoever he may desire throughout the United States. Almost every chief officer of the respective Executive Departments is provided with an appropriation regularly passed by Congress from which traveling expenses may be paid. Many minor officials are likewise provided with proper appropriations for traveling throughout the country. I have no doubt whatever that if this item should read "$25,000 for contingent expenses of the executive offices, to be disbursed in the discretion of the President," it would not be subject to the objections urged upon constitutional grounds. I have no doubt that as a contingent fund for the executive offices, Senators would refrain from such objection upon the assumption that the item constituted an increase of compensation for the Chief Executive. I believe there is now a certain contingent fund for the executive offices of the President which might be increased to $25,000. This particular item, in specifying traveling expenses, and in that alone, becomes the subject of the criticisms which have been made.

It is not pretended that in any manner, shape, or form would the President of the United States profit to the extent of one farthing by the expenditure of any part or portion of this proposed appropriation.

With reference to restricting its disbursement to strictly official trips, some question has been raised, and that was put in precise language by the Senator from Texas [Mr. CULBERSON] in his amendment, which was disagreed to. I venture to say, in the absence of that amendment, in the face of its rejection by the Senate, that every dollar of the appropriation will be spent in connection with the official business of the United States. I am of the opinion that no greater affliction can come to this country than the election of a man to the Presidency who is not familiar with the country and is not disposed to make himself familiar with it.

I put that view further. It seems to me that every representative of a State in this Chamber and every Representative of a Congressional district in the other Chamber should, as a prerequisite, be fairly conversant with all parts of the United States. If not conversant with the country when elected, either the Senator, the Representative, or the Chief Executive should certainly endeavor as promptly as possible to become familiar with the country whose destiny, in a legislative or executive sense, is in some measure committed to his care.

This great country of ours—speaking not of possessions beyond the seas—extends from ocean to ocean. It has an enormous interstate commerce. It has people engaged in the raising of semitropical crops in the South and persons cultivating fields far to the North. It has every conceivable variety of industrial activities, and these activities are of special character in different sections of the country. We have had many Presidents who have not been familiar with the country and who have not thought proper to familiarize themselves with it by personal observation. Speaking for the section of the country far to the west, I feel that, without any reflection from a partisan point of view, I can justly say that the western portion of the United States has suffered immeasurably by the lack of intimate knowledge on the part of the Chief Executive at one time or another concerning the mighty resources of the country, the character of the people, and their fields of endeavor. We of the West should like to have every Senator, every Representative, and the Chief Magistrate as well, together with members of his Cabinet, visit that mighty region to the west of the Mississippi River.

It it important likewise that we from west of that river should become familiar with the industries and the conditions existing in New England and in the great productive South. Ignorance is but a poor basis upon which to build intelligent statesmanship, and information concerning this country gleaned from books and common report is infirm and unsatisfactory.

I believe that this item which is proposed by the pending bill may be more properly denominated a "contingent fund," to be disbursed upon the order of the President of the United States. The visits of the President to the several sections of the country are not primrose journeys. Those visits involve sleepless nights and tireless effort, and yet the visit of the President to a State or a city or a section is of infinite value to that city, State, or section. He is welcomed there by an outburst of patriotism of refreshing value to the whole country.

Mr. President, we are in the midst of times requiring that confidence in Government and public officials should be fostered

and nurtured by more intimate relations between the people and their public servants, whether in the executive or the legislative branches of the Government. Confidence in the men who administer the law is often inspired by looking officials in the face and hearing their statements of public policy.

The fervid debate on this particular item brings back many old times of excitement over small matters. If anyone will take the pains to read John Bach MacMaster's History of the American People, he will be refreshed and instructed by this class of discussion, replete with ponderous arguments over small items, which has been going on from the foundation of the Government.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. PATTERSON. Mr. President, I do not think the construction given to the paragraph of section 1, Article II, of the Constitution, read a while ago by the Senator from Wisconsin [Mr. SPOONER], is at all logical. He places all of his stress on the two words "any other" that precede the word "emolument." As I understand the Senator, he urges that their use in connection with the word "emolument" means that the word "emolument" is used in the section as meaning "compensation." I think a little reflection will convince him that that is an erroneous view. I agree with him that no body of men ever used the English language more concisely and with a more perfect knowledge of every shade of meaning of every word used in the Constitution than did the framers of the Constitution. I think I will convince—and I think I ought to convince—the Senator from Wisconsin that the words "any other," in connection with "emolument," mean precisely the opposite from that which he contends for. The word "compensation" is the narrower word in its meaning. The word "emolument" has the wider meaning. "Compensation," I suppose, means the money that is paid to an official for his services. "Compensation" means the amount of money paid, and the framers of the Constitution having declared that the compensation to be given the President should "neither be increased nor diminished during the period for which he shall have been elected," then, intending a wider prohibition, used the words "or any other emolument."

Mr. President, compensation is an emolument. It is paid for the services of the office. It is compensation and it is also an emolument of office. When the word "compensation" is read in that sense, then there can be no doubt as to what is meant by the words "any other emolument." The Constitution says the President shall be allowed "a compensation"—the emolument or compensation would be a fair, honest construction of the language—and then he shall be allowed "no other emolument;" which means that the "emolument or compensation" shall be given to him and that he shall receive no other emolument in whatever shape or form an emolument might take.

Mr. President, I would not say a word about this bill were it not that men do not like to be considered mean or parsimonious in dealing with the executive head of this nation, and I am inclined to think that if this were a bill to increase the compensation of the President of the United States, as a matter of course commencing with the successor of the present incumbent of the office, I should vote for it. I do not believe the people of the United States would consider that $75,000 a year would be too much, and, were it not for the constitutional impediment, I believe I would be willing to vote $25,000 additional to the salary of the present President. But we ought not to do things by indirection that we can not do under the Constitution directly, and when it is proposed to allow $25,000 to the present incumbent of the Presidential office—and I refer to the present incumbent in an impersonal way; whoever might happen to occupy the office would be referred to in the same terms—when it is proposed to allow by act of Congress $25,000 additional to be expended by or on account of the President for traveling expenses, without reference to the purpose for which the traveling shall be undertaken, clearly giving the right to the President to travel wherever he will, upon whatever mission, and for whatever purpose, either with or without reference to his official duties, such provision as that, to my mind, is undeniably an emolument that is added to the office of President, and that is attempted by this act to be given to the present incumbent, as I believe, in violation of the express provision of the Constitution.

Mr. McCUMBER. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. PATTERSON. With pleasure.

Mr. McCUMBER. Should not the words "any other" be construed the same as though it read "additional?"

Mr. PATTERSON. I think it means precisely what I suggested. "Compensation" is an emolument of the office, and when they used the term "any other emolument" instead of "any other compensation" it is clear to my mind that the framers of the Constitution intended to prohibit anything additional being given to the President by virtue of the office he held, whether in the shape of compensation or benefits of any other kind or character.

When a law is enacted that states that the President may travel at will on his own pleasure or his own business or on official business, and $25,000 is appropriated to defray his traveling expenses, that is, in my opinion, undeniably an emolument that is attached permanently to the office of the President, and that is intended to immediately benefit the incumbent of the office.

The bill would not be unconstitutional, Mr. President, as to succeeding incumbents of the office, and therein lies a complete answer to everything that was said by the Senator from Wisconsin when he suggested that the use of the White House was an emolument, that money for furnishing the White House was an emolument, if this is an emolument; and yet he triumphantly explains they would be unconstitutional if that which is proposed in this bill is unconstitutional. Mr. President, the present President has a right to those things, because they were emoluments, if we call them emoluments, that attached to the office at the time he was elected, that attached to the office at the time his predecessors were elected, and that will be attached to the office when his successor shall be elected.

Mr. SPOONER. An emolument can not attach to an office in violation of the Constitution.

Mr. PATTERSON. But, Mr. President, the unconstitutional feature of this is not that you vote an emolument to the office of the President, but that you vote an emolument to the present incumbent in addition to the emoluments that he was to receive under the law at the time he was elected. For a succeeding President it would not be unconstitutional. It is unconstitutional because in the teeth of the Constitution it is made applicable to the present incumbent of the office.

Mr. SPOONER. How was it when President Washington occupied the White House with his family when these appropriations began to be made?

Mr. PATTERSON. I do not know, and neither does the Senator from Wisconsin know, the circumstances and conditions under which the first President of the United States went into possession of the White House, but clearly it is an emolument, within the meaning of the Constitution, so far as the present incumbent is concerned.

Mr. DANIEL. Mr. President, a very few words will suffice to indicate the tenor of my mind on this subject. At this stage of the debate I shall attempt no more. I feel constrained by my sense of the meaning and the spirit of the Constitution of the United States to vote against this bill.

I would not deal narrowly with the President or with any of the great officers of our Government. Considering the magnitude of our country, the great responsibility of the office, with the many demands which come to the men who fill them which can not be enumerated in bills against the Government, I do not think that the salaries they now receive are sufficient. I would therefore vote with pleasure and with faith that it would meet the approbation of the American people to increase the salaries paid the President and the Vice-President of the United States. I do not think we can discover in the nature of our people, however critical of public men and public measures some of them may be at times, any sense of indisposition to pay value for what they get. On the contrary, I think their disposition is to reward generously those who assume great tasks and who help them in extending the hand of this nation to foreign nations and administering their own immense affairs. If this were a bill to increase their salary, I would take particular pleasure in voting for it.

If I felt that we could fitly pass this allowance for the traveling expenses of the President of the United States, I would also vote for it; but I have listened carefully to the debate, and I have been convinced, both by the doubts expressed by some who advocate it and by the strong arguments used by those who oppose it, that it is not in line with the thought of the Constitution or the policy therein impressed in clear language, which was intended to embrace and confine the rewards of the President of the United States to the stated salary to be paid at fixed periods. The arguments have been too clear and full on this subject to call for any repetition from me.

I believe travel, Mr. President, to be the most enlightening of all forms of education. In the case of the President of the United States and those who may be, like him, in charge of the great affairs of this nation, the lack of travel is the greatest of all impediments to the broad and comprehensive discharge of

their manifold duties. I wish that the President of the United States could go into every State and city and county of this Union and meet the people. He would learn what can not be learned from books, what can not be learned second-hand by hearsay. "Things seen," says the great poet of England, "are greater than things heard." And to see and know the country and people of the United States is the highest form of education that any of our officials could obtain.

The travels of high officers like the President of the United States are in a measure imposed upon them and not of their own seeking. Whether they would or no, the people desire to see them, and they are overcrowded with invitations from all parts of the domain of this great nation, soliciting them to come and accept the hospitalities of the people and give the people some opportunity to meet and for a time enjoy such sociability with them as circumstances may admit.

When we impose such great duties upon the President of the United States, and when the people spontaneously call for their performance by him, it is a disappointment and pain to me that I do not feel that I can conscientiously vote for this measure, and it is solely in response to my sincere thought as to the meaning of our Constitution that I do not vote for it.

Mr. HEYBURN. Mr. President, it seems to me the word "emolument" applies only to something tangible in the way of a gift or profit flowing to a party. It seems to me the provisions of this bill merely constitute the President a disbursing officer to disburse the money expended by him, for what? For something of a tangible nature that passes to him by which he may profit; that he may keep? No. The thing that passes to the President is the pleasure that he may derive from traveling, if he derives any pleasure from it. He derives no profit whatever through the expenditure of this money.

The word "expense" is a word of limitation in this proposed act, and the word "expended" where it is used of course implies that the President is to receive only so much of the appropriation, whatever it may be, as he expends; that is, as he pays out. Not one cent of it remains with him. He pays it out. It passes through his hands or through the hands of his disbursing officer.

Mr. PATTERSON. May I ask the Senator from Idaho a question?

Mr. HEYBURN. Certainly.

Mr. PATTERSON. Suppose the statute provided that the President should have $50,000 a year for his services and, in addition, that he might have a trip once a year to the Rocky Mountains, the expense of the trip to be paid by the Government. Would not the latter clause grant an emolument of office?

Mr. HEYBURN. It would depend upon the purpose of the trip. But, then, why imagine such a thing? We have always had Presidents in whose honor we could trust. We have not had any man of any political party in that office who would misapply a statute or the benefits to be derived under a statute running in his interest, and we may safely trust him.

This bill merely provides:

That hereafter there may be allowed to and expended by or on account of the President of the United States for traveling expenses—

"Expense" means something that has passed out, something that has been paid out by the President. I see nowhere the element of an emolument, except only such slight pleasure as the President might derive from traveling. An emolument, as contemplated by the makers of the Constitution, was something of a tangible nature that would be a profit to the party receiving it. That is the general acceptation of the term "emolument." What passes to the President under this bill except the privilege of disbursing moneys of the United States? We might provide here that the Treasurer of the United States should pay out this money, or the Comptroller, on account of the expenses of the President. But for the convenience, because of the peculiar circumstances that surround the expenditure of this money, the bill provides that the President shall, upon his certificate, have the payment made.

Does not that answer the constitutional objection that this is an emolument? Is there anything tangible about that which passes to the President that you can term "an emolument," unless it is the mere pleasure, if it be a pleasure, of traveling? Will we for a moment suppose that the President would take advantage of the privileges under this act for the purpose of going on a hunting tour?

The President is acting in an executive capacity every day and every hour of his life. He is acting in an official capacity every hour of his life. There is no moment when he is not President of the United States and acting as such, and it is safe to say that no man will ever occupy that place who would abuse the privileges of the proposed law by charging the expenses of a pleasure trip to the Government of the United States.

Therefore it seems to me the objection I urged against the amendment to the sundry civil bill can not be urged against this bill. Nor can the constitutional objection be urged against it. I should have voted against the amendment to the sundry civil bill, because it permitted the President to invite and take with him others. It is fresh in my mind that on one of the tours of a President of the United States there was in his train a car which was devoted entirely to the members of the press, who traveled at the expense of whoever paid the expenses of the trip. I would not approve of that. I would not approve of granting the privilege to the President of the United States to extend the right of free transportation to any person, except as they travel officially with him. I think the objections I had to the amendment to the sundry civil bill are entirely met by the House bill in this case.

Mr. DOLLIVER. Mr. President, it has struck me as a little unfortunate that the question raised by the amendment to the sundry civil bill and by the pending bill should be magnified into an issue of public policy of a large kind as well as an issue of constitutional government. I am one of those who have regarded the travels of the President as one of the very important services of the Executive office. Our form of government is peculiar in the fact that everybody is concerned in its administration. And one of its weaknesses is the difficulty of bringing to the mass of the people a real sense of the Government of the United States. For the first half of the century of our national life that was exceedingly more difficult on account of local prejudices and sectional conditions. I think the progress of our institutions in the last forty years has been very greatly accelerated by the contact which the public at large has had with the administration of our national affairs; and to that nothing has contributed so much as the appearance among the people of the Chief Magistrate of the Republic.

I have had opportunity during the past twenty years to see the practical value of these excursions into the country of several Presidents of the United States, and we would, I think, do a very serious wrong to ourselves and especially to our children if anything were done to discourage the familiar intercourse of the Chief Magistrate with the people of the United States. There is hardly a community in our country in which the oldest inhabitant does not entertain a friend by telling of his seeing early Presidents of the United States, and I believe patriotism, in a larger sense than we are possibly aware of, has been stimulated by this personal contact of the Chief Magistrate with the people of the United States.

Now, then, that would warrant the expenditure, if it can be made properly, and I do not intend to embark in a discussion of the law of the case. I agree thoroughly with the interpretation given by the honorable Senator from Wisconsin [Mr. SPOONER], and yet I think the Senator from Montana [Mr. CARTER] has placed this appropriation upon its proper ground. I regard it as a contingent expense of the Executive Office. It certainly makes no profit to the President, and in that sense the Senator from Idaho [Mr. HEYBURN] is correct in saying that it is not a compensation or in any sense an emolument personal to the President. It is, however, an expense of the Executive Office. Both Houses of Congress have already passed an appropriation—

For contingent expenses of the Executive Office, including stationery therefor, as well as record books, telegrams, telephones, books for library, furniture and carpets for offices, care of office carriages, horses, and harness, and miscellaneous items, to be expended in the discretion of the President, $20,000.

Will any man say that that list can not be increased next year without encountering the bar of the Constitution of the United States? I think obviously not. I regard this appropriation therefore as a contingent expense of the Executive office, to be disbursed by the President simply because, being in charge of the transaction, he is in a better position than anybody else to disburse it. I should be very glad to see the appropriation promptly made, because everybody knows that it will not be abused either by the present Chief Magistrate or by anybody else likely to become President of the United States.

Mr. MALLORY. Mr. President, I think the attitude occupied, respectively, by the two sides of the Chamber is illustrative of the attitude of the parties on questions of this kind. The Republican party, with its latitudinous construction of the Constitution, is always willing to appropriate money from the Treasury for purposes that may be public or that may in some instances not be public, notably in such measures as the ship-subsidy bill and the high protective tariff and measures of that kind, which indicates a very wide and broad view of the Constitution, whereas on this side we are disposed always to regard it from a very narrow and strict point of view. That is aside from the constitutional question involved in this.

But, Mr. President, the constitutional question is one which has presented the greatest stumbling-block to me in the way of support of this measure. I was at first disposed to vote for it, but after investigating that phase of the subject I came to the conclusion that I could not consistently, with my duty as a Senator, vote for this appropriation. The Constitution prohibits us from increasing the emoluments of the present President, and if this is an emolument, we are necessarily precluded from voting for it. I am perfectly willing—and I have no hesitation in saying so—to admit that, in my judgment, the President's salary is far too small. I would be willing to vote to-day, if I could do so consistently with the Constitution, to double the present salary of the President. I for one am opposed to sending a President back to private life to do as some Presidents have had to do, enter into the very scuffle of life for a living. The office is too exalted for one who has held it to be compelled to rub shoulders against men in the struggle for a livelihood. It is possible we may have Presidents elected so young that at the expiration of their term of office, if they have not adequate fortunes, it will be necessary for them to go to work at whatever profession they may have followed before they were elected to that high office.

But, Mr. President, to come to the point which has given me the most trouble in this matter, the language of the bill is—

That hereafter there may be allowed to and expended by or on account of the President of the United States for traveling expenses not exceeding $25,000 per annum, to be expended in the discretion of the President and accounted for on his certificate solely.

The constitutional inhibition to which reference has been made is in the following language:

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Mr. President, the whole question turns upon the meaning of the word "emolument." The Senator from Wisconsin [Mr. SPOONER] has given us a citation from a Supreme Court decision which defines the meaning of the word "emolument." That definition, I find, is in accord with the definition laid down by Webster and the Standard Dictionary.

I will refer to the case from which the Senator quoted. It is the case of Hoyt *v.* The United States (51 U. S.), decided in 1850. In that case the question came up as to the meaning of the word "emolument" used in a statute, and at the risk of boring the Senate I will read a portion of it embodied in the decision of the court:

By an amendment of this act, April 30, 1802 (2 Stat. L., 172, sec. 3), it was provided that whenever the annual emoluments of any collector, after deducting the expenses incident to the office, shall amount to more than $5,000, the excess shall be accounted for and paid into the Treasury. The act was not to extend to fines, forfeitures, and penalties, a share of which the collector was entitled to, under the twentieth section of the act of 2d March, 1799 (1 Stat. L., 697).

In discussing this the court say:

At the date of the act of 1802 the compensation of the collector was derived from three sources, (1) fees allowed for the services already referred to; (2) commissions on the duties received, and (3) a share of the fines, penalties, and forfeitures. The emoluments of the office were dependent upon the receipts from these sources—

Mark the expression—

The emoluments of the office were dependent upon the receipts from these sources; and the officer was entitled to apply to his own use the whole amount derived from them.

The provision in this act, therefore, that whenever the annual emoluments, after deducting the expenses, exceeded the amount of $5,000, the excess should be accounted for, necessarily embraces in the limitation the fees as well as commissions belonging to the office, and would have embraced also the fines and forfeitures had it not been for the proviso to the act taking them out of the limitation.

The argument would be quite as strong in favor of excluding the commissions as in the case of fees, as the one can in no more appropriate sense be regarded as emoluments of office than the other, and thus the limitation would become a nullity.

These terms denote a compensation for a particular kind of service to be performed by the officer, and are distinguishable from each other, and are so used and understood by Congress in the several compensation acts; they are also distinguishable from the term "emoluments," that being more comprehensive and embracing every species of compensation or pecuniary profit derived from a discharge of the duties of the office; and such is the obvious import of it in these acts.

I suggest that a careful reading of the decision will sustain the contention of those who claim that the word "emolument" means every profit or gain that can be given to the President during his term.

It is said that this is not a profit or gain to the President. The Senator from Idaho [Mr. HEYBURN] a while ago said that the President made no profit out of it; that is was nothing to him. But as a matter of fact this $25,000 a year, if expended, would be a saving of $25,000 a year to the President. It would be a profit to that extent. The fact that the money does not go into his pocket does not alter the fact that he receives the benefit of it. It strikes me as a mere quibble to say that this is not such a benefit or profit as is contemplated by the Constitution in the language of the clause here in controversy.

Therefore, Mr. President, in view of the plain language of the Constitution, in view also of the action of the framers of the Constitution, and contemporaneous interpretations of that action as read here this morning by the Senator from Mississippi [Mr. MCLAURIN] from the Federalist, in one of Mr. Hamilton's articles, by following the history of this clause through the Constitutional Convention, when it was introduced by the State of New Jersey as a provision of the Constitution, in which introduction it contained a provision inhibiting——

The VICE-PRESIDENT. The time of the Senator from Florida has expired.

Mr. MALLORY. I am sorry, Mr. President, I was not allowed to enlighten the Senate on that point.

Mr. DICK. Mr. President, the discussion of this bill is related somewhat to the discussion of the pass amendment to the rate bill, which occupied so much time in the Senate during the present session. It is not my purpose to attempt to settle the controversy with what I have to offer, which is merely in the line of information for the Senate, showing how these matters are handled by other governments. I have on my desk books which confer railway transportation upon certain officials in the government of Canada. This one [exhibiting] is railway transportation issued to members of the House of Commons of Canada. Another [exhibiting] is issued to senators of Canada, and like transportation is issued to other officials, presumably the Governor-General, the premier and his cabinet, and others. It is a part of their law which grants this right. An extract from the railway act of 1903, chapter 58, provides:

The company—

Referring to the railroad companies—

shall furnish free transportation upon any of its trains for members of the Senate and House of Commons of Canada, with their baggage.

And the same provision is made for other officials. Provision is made for its restoration in case of loss, and the list of those to whom the privilege is extended is printed in the book itself. With the permission of the Senate and for its information, these can be furnished to the Reporters and printed in the RECORD.

It does in a sense carry out the suggestion which was made by the Senator from Montana [Mr. CARTER], that because of certain favors which the Government grants these transportation lines favors of this character may be rightfully issued to Government officers.

In time, if not by the legislation now pending, provision will be made either by an appropriation or by an issue of this character from the carrier to public officials as a right for free transportation. It was stated, and I assume with approximate correctness, that we are paying more than $50,000,000 annually in mail contracts to these carriers, admittedly rich and profitable contracts, and we grant them certain privileges and grants and ample protection. We transport our supplies and our troops over their lines at an immense if not an enormous cost. In return it may be considered, and I have no doubt some day will be considered, as but a fair return that this sort of transportation shall be issued to certain Federal Government officials. In a degree it is carried on now, I believe, with certain post-office officials, post-office inspectors being among the number.

I will say in conclusion that in my judgment it would not be an unfair exaction, where we make these generous contracts with carriers, that transportation of this character might reasonally be issued as a matter of right to public officials, from the President down, as might by careful legislation be stipulated.

The matter submitted by Mr. DICK is as follows:

Railway transportation. Members of the House of Commons, Canada, 1905. Names of members of the House of Commons, alphabetically arranged, with number of certificate set opposite each name, in connection with their railway transportation under the railway act, 1903.

FORM OF CERTIFICATE.

[Obverse side.]

No. ——

HOUSE OF COMMONS,
Canada, ——— ——, *1905*.

——— ——— is a member of the House of Commons of Canada, and is entitled by law to free transportation, with his baggage, upon all railway trains in Canada. Railway act, 1903.

Attest:

THOS. B. FLINT,
Clerk of the House of Commons.

Not transferable.

[Reverse side.]

This certificate expires December 31, 1905, when a new certificate will be issued in its place.

———— ————,
(Signature of member.)

NOTE.—In case of resignation or death of a member, notice will be given, so that his name may be scored out and that of his successor entered next to the last one on the list.

Should a member lose his certificate, another one bearing the same

number will be issued to him with the word "Duplicate" written in red ink across its face; the railway companies in each case, being notified accordingly.

[Extract from the Railway act, 1903, chapter 58.]

* * * * * * * *

Subsection 5 of section 275: "5. The company shall furnish free transportation upon any of its trains, for members of the Senate and House of Commons of Canada * * * with their baggage."

* * * * * * * *

MONDAY, *June 12, 1905.*

Order of the House of Commons, "That the clerk of the house do sign and furnish to members of the House of Commons certificates of identification for transportation on railways in Canada."

Names of members, with numbers of certificates.

	Certificate No.
Adamson, A. J., Northwest Territories	01
Alcorn, George Oscar, Ontario	02
Ames, Herbert B., Province of Quebec	03
Archambault, Joseph Eloi, Province of Quebec	04
Armstrong, Joseph E., Ontario	05
Avery, Melzar, Ontario	06
Barker, Samuel, Ontario	07
Barr, John, Ontario	08
Beauparlant, Aime M., Province of Quebec	09
Beland, Henri Severin, Province of Quebec	010
Belcourt, Hon. Napoleon Ant., Ontario	011
Bennett, William H., Ontario	012
Bergeron, Joseph G. H., Province of Quebec	013
Bickerdike, Robert, Province of Quebec	014
Black, Judson Burpee, Nova Scotia	015
Blain, Richard, Ontario	016
Bland, Leonard T., Ontario	017
Bole, David Wesley, Manitoba	018
Borden, Hon. Sir F. W., K. C. M. G., Nova Scotia	019
Borden, Robert Laird, Ontario	020
Bourassa, Henri, Province of Quebec	021
Bourbonnais, Augustin, Province of Quebec	022
Boyce, Arthur Cyril, Ontario	023
Boyer, Gustave, Province of Quebec	024
Brabazon, Gerald H., Province of Quebec	025
Broder, Andrew, Ontario	026
Brodeur, Hon. Louis Philippe, Province of Quebec	027
Brown, James P., Province of Quebec	028
Bruneau, Arthur Aime, Province of Quebec	029
Bureau, Jacques, Province of Quebec	030
Burrows, Theodore Arthur, Manitoba	031
Caldwell, Thomas Boyd, Ontario	032
Calvert, William Samuel, Ontario	033
Campbell, Archibald, Ontario	034
Carney, Michael, Nova Scotia	035
Carrier, Louis Auguste, Province of Quebec	036
Carvell, Frank Broadstreet, New Brunswick	037
Cash, E. L., Northwest Territories	038
Chisholm, Thomas, Ontario	039
Christie, Peter, Ontario	040
Clare, George A., Ontario	041
Clarke, Alfred H., Ontario	042
Clements, Herbert S., Ontario	043
Cochrane, Edward, Ontario	044
Cockshutt, William F., Ontario	045
Conmee, James, Ontario	046
Copp, Albert J. S., Nova Scotia	047
Costigan, Hon. John, New Brunswick	048
Crawford, John, Manitoba	049
Crocket, Oswald S., New Brunswick	050
Cyr, Joseph Ernest, Manitoba	051
Daniel, John Waterhouse, New Brunswick	052
Delisle, Michel Simeon, Province of Quebec	053
Demers, L. Philippe, Province of Quebec	054
Devlin, E. B., Province of Quebec	055
Derbyshire, Daniel, Ontario	056
Desjardins, Samuel, Province of Quebec	057
Dubeau, Joseph Adelard, Province of Quebec	058
Dugas, Francois O., Province of Quebec	059
Dyment, Albert Edward, Ontario	060
Elson, Peter, Ontario	061
Emmerson, Hon. Henry R., New Brunswick	062
Ethier, Joseph Arthur C., Province of Quebec	063
Fielding, Hon. William Stevens, Nova Scotia	064
Finlay, John, Ontario	065
Finlayson, Duncan, Nova Scotia	066
Fisher, Hon. Sydney Arthur, Province of Quebec	067
Fitzpatrick, Hon. Charles, Province of Quebec	068
Forget, Rodolphe, Province of Quebec	069
Fortier, Edmond, Province of Quebec	070
Foster, Hon. George Eulas, Ontario	071
Fowler, George W., New Brunswick	072
Gallery, Daniel, Province of Quebec	073
Galliher, William Alfred, British Columbia	074
Ganong, Gilbert W., New Brunswick	075
Gauvreau, Charles Arthur, Province of Quebec	076
Geoffrion, Victor, Province of Quebec	077
German, William Manly, Ontario	078
Gervais, Honore, Province of Quebec	079
Girard, Joseph, Province of Quebec	080
Gladu, Joseph E. O., Province of Quebec	081
Gordon, David Alexander, Ontario	082
Grant, George D., Ontario	083
Greenway, Thomas, Manitoba	084
Gunn, Benjamin B., Ontario	085
Guthrie, Hugh., Ontario	086
Haggart, Hon. John Graham, Ontario	087
Hall, R. R., Ontario	088
Harty, William, Ontario	089
Henderson, David, Ontario	090
Herron, John, Northwest Territories	091
Hughes, James J., Prince Edward Island	092
Hughes, Samuel, Ontario	093
Hunt, Aylmer Byron, Province of Quebec	094
Hyman, Hon. Charles S., Ontario	095
Ingram, Andrew B., Ontario	096
Jackson, Samuel Jacob, Manitoba	097
Jackson, William, Ontario	098
Johnston, Alexander, Nova Scotia	099
Johnston, Thomas George, Ontario	0100
Kemp, Albert E., Ontario	0101
Kennedy, James Buckham, British Columbia	0102
Lachance, Arthur, Province of Quebec	0103
Lake, Richard Stuart, Northwest Territories	0104
Lalor, Francis Ramsay, Ontario	0105
Lamont, John Henderson, Northwest Territories	0106
Lancaster, Edward A., Ontario	0107
Lanctot, Roch, Province of Quebec	0108
Lapointe, Ernest, Province of Quebec	0109
Laurence, Frederick A., Nova Scotia	0110
Laurier, R. Charlemagne, Province of Quebec	0111
Laurier, Rt. Hon. Sir Wilfrid, G. C. M. G., Province of Quebec	0112
Lavergne, Armand, Province of Quebec	0113
Lavergne, Louis, Province of Quebec	0114
Law, Bowman Brown, Nova Scotia	0115
Le Blanc, Olivier J., New Brunswick	0116
Lefurgey, Alfred A., Prince Edward Island	0117
Lemieux, Hon. Rodolphe, Province of Quebec	0118
Lennox, Haughton, Ontario	0119
Leonard, J. E. Emile, Province of Quebec	0120
Lewis, Edward Norman, Ontario	0121
Logan, Hance J., Nova Scotia	0122
Loggie, William Stewart, New Brunswick	0123
Lovell, Henry, Province of Quebec	0124
Macdonald, Edward M., Nova Scotia	0125
Macdonald, Angus Claude, Ontario	0126
MacLaren, Alexander F., Ontario	0127
Maclean, Alexander K., Nova Scotia	0128
Maclean, William F., Ontario	0129
Macpherson, Robert George, British Columbia	0130
McCarthy, Leighton Goldie, Ontario	0131
McCarthy, Maitland Stewart, Northwest Territories	0132
McColl, John B., Ontario	0133
McCool, Charles Arthur, Ontario	0134
McIntyre, Gilbert H., Ontario	0135
McIsaac, Colin F., Nova Scotia	0136
McKenzie, Daniel D., Nova Scotia	0137
McKenzie, Peter H., Ontario	0138
McLean, Angus A., Prince Edward Island	0139
McLennan, Angus, Nova Scotia	0140
March, Charles, Province of Quebec	0141
Marcile, Joseph Edmund, Province of Quebec	0142
Martin, Alexander, Prince Edward Island	0143
Martin, Thomas, Ontario	0144
Mayrand, Hormisdas, Province of Quebec	0145
Meigs, Daniel Bishop, Province of Quebec	0146
Miller, Henry Horton, Ontario	0147
Monk, Frederick D., Province of Quebec	0148
Morin, Jean Baptiste, Province of Quebec	0149
Mulock, Hon. Sir William, K. C. M. G., Ontario	0150
Northrup, William Barton, Ontario	0151
Oliver, Hon. Frank, Northwest Territories	0152
Osler, Edmund Boyd, Ontario	0153
Parmelee, Charles H., Province of Quebec	0154
Paterson, Hon. William, Ontario	0155
Paquet, Eugene, Province of Quebec	0156
Parent, George, Province of Quebec	0157
Perley, George H., Province of Quebec	0158
Piche, Camille, Province of Quebec	0159
Pickup, Samuel W. W., Nova Scotia	0160
Porter, Edward Gus, Ontario	0161
Power, William, Province of Quebec	0162
Prefontaine, Hon. J. Raymond, Province of Quebec	0163
Pringle, Robert A., Ontario	0164
Proulx, Edmond, Ontario	0165
Ratz, Valentine, Ontario	0166
Reid, James, New Brunswick	0167
Reid, John D., Ontario	0168
Riley, George, British Columbia	0169
Rivet, Louis Alfred Adhemar, Province of Quebec	0170
Roche, William, Nova Scotia	0171
Roche, William J., Manitoba	0172
Ross, Duncan, British Columbia	0173
Ross, Jean Auguste, Province of Quebec	0174
Rousseau, Jeffrey Alexandre, Province of Quebec	0175
Savoie, Francois Theodore, Province of Quebec	0176
Schaffner, Frederick Laurence, Manitoba	0177
Schell, Jacob T., Ontario	0178
Schell, Malcolm S., Ontario	0179
Scott, Walter, Northwest Territories	0180
Seagram, Joseph E., Ontario	0181
Sifton, Hon. Clifford, Manitoba	0182
Sinclair, John H., Nova Scotia	0183
Sloan, William, British Columbia	0184
Smith, Ernest D., Ontario	0185
Smith, George, Ontario	0186
Smith, Ralph, British Columbia	0187
Sproule, Thomas S., Ontario	0188
Staples, William D., Manitoba	0189
Stewart, Robert, Ontario	0190
Stockton, Alfred Augustus, New Brunswick	0191
Sutherland, Hon. Robert F., Ontario	0192
Talbot, Onesiphore Ernest, Province of Quebec	0193
Talbot, Peter, Northwest Territories	0194
Taylor, George, Ontario	0195
Telford, William Patteson, Ontario	0196
Thompson, Alfred, Yukon Territory	0197
Tisdale, Hon. David, Ontario	0198
Tobin, Edmund William, Province of Quebec	0199
Turgeon, Onesiphore, New Brunswick	0200
Turriff, John G., Northwest Territories	0201
Walsh, Robert Nelson, Province of Quebec	0202
Ward, Henry Alfred, Ontario	0203
Watson, Robert James, Ontario	0204
White, Hon. Peter, Ontario	0205

	Certificate No.
Wilmot, Robert D., New Brunswick	0206
Wilson, Norman Frank, Ontario	0207
Wilson, Uriah, Ontario	0208
Worthington, Arthur Norreys, Province of Quebec	0209
Wright, Aaron Abel, Ontario	0210
Wright, William, Ontario	0211
Zimmerman, Adam, Ontario	0212
Bristol, Edmund, Ontario	0213

CERTIFICATE (CARD).

[Obverse side.]

No. ——. HOUSE OF COMMONS,
Canada, ——— ——, 1905.

——— ——— is a member of the House of Commons of Canada, and is entitled by law to free transportation, with his baggage, upon all railway trains in Canada. Railway act, 1903.

Attest:

THOS. B. FLINT,
Clerk of the House of Commons.

Not transferable.

[Reverse side.]

This certificate expires December 31, 1905, when a new certificate will be issued in its place.

——— ———.
(Signature of member.)

NOTICE OF ISSUANCE OF TRANSPORTATION TO TAKE PLACE OF LOST CARD.

HOUSE OF COMMONS,
Ottawa, September 1, 1905.

DEAR SIR: In the absence of the clerk of the House, I beg to state, for the information of your company, that Mr. Louis A. Rivet, M. P., has lost his transportation identification card, No. 0170, and that another one, 0214, has been issued to him in its place.

I am, dear sir, yours, truly,

R. P. KING.
(For clerk of the Commons.)

G. B. COLLINS, Esq.,
Central Ontario Railway Company, Trenton.

Railway transportation. Senators of Canada. 1905. Names of senators alphabetically arranged, with number of certificate set opposite each name, in connection with their railway transportation under the railway act, 1903.

NOTE.—In case of resignation or death of a senator, notice will be given, so that his name may be scored out and that of his successor entered next to the last one on the list.

Should a senator lose his certificate, another one bearing the same number will be issued to him with the word "duplicate" written in red ink across its face, the railway companies, in each case, being notified accordingly.

[Extract from the railway act, 1903, chapter 58.]

* * * * * * *

Subsection 5 of section 275: "5. The company shall furnish free transportation upon any of its trains for members of the Senate of Canada * * * with their baggage."

* * * * * * *

[Extract from the minutes of proceedings of the Senate of May 18, 1905.]

* * * * * * *

With leave of the Senate,

The Hon. Mr. Young moved, seconded by the Hon. Mr. Beique,

That the clerk of the Senate do sign and furnish to members of the Senate certificates of identification for transportation on railways in Canada.

The question of concurrence being put thereon, it was resolved in the affirmative, and

Ordered accordingly.

* * * * * * *

FORM OF CERTIFICATE.

[Obverse side.]

No. 1——. THE SENATE, *Canada, ——— ——, 1905.*

The Hon. ——— ——— is a member of the Senate of Canada, and entitled by law to free transportation, with his baggage, upon all railway trains in Canada.

Attest:

——— ———,
Clerk of the Senate.

Not transferable.

[Reverse side.]

This certificate will expire on the 31st December, 1905, when another certificate will be issued in its place.

——— ———, *Senator.*
(Signature of the senator.)

Names of Senators with numbers of certificates.

	Certificate No.
Baird, Hon. G. T., New Brunswick	1
Baker, Hon. G. B., Province of Quebec	2
Beique, Hon. F. L., Province of Quebec	3
Bernier, Hon. T. A., Manitoba	4
Bolduc, Hon. J., Province of Quebec	6
Bostock, Hon. H., British Columbia	7
Boucherville, Hon. C. E. De, Province of Quebec	8
Bowell, Hon. Sir Mackenzie, Ontario	9
Carling, Hon. Sir John, Ontario	10
Cartwright, Hon. Sir Richard, Ontario	11
Casgrain, Hon. J. P. B., Province of Quebec	12
Casgrain, Hon. C. E., Ontario	13
Choquette, Hon. P. A., Province of Quebec	14
Church, Hon. C. E., Nova Scotia	15
Cloran, Hon. H. J., Province of Quebec	16
Coffey, Hon. T., Ontario	17
Cox, Hon. G. A., Ontario	18
Dandurand, Hon. R., Province of Quebec	19
David, Hon. L. O., Province of Quebec	20
Davis, Hon. T. O., Northwest Territories	21
Dobson, Hon. J., Ontario	22
Domville, Hon. J., New Brunswick	23
Drummond, Hon. Sir G. A., Province of Quebec	24
Edwards, Hon. W. C., Ontario	25
Ellis, Hon. J. V., New Brunswick	26
Ferguson, Hon. D., Prince Edward Island	27
Fiset, Hon. J. B. R., Province of Quebec	28
Forget, Hon. L. J., Province of Quebec	29
Frost, Hon. F. T., Ontario	30
Gibson, Hon. W., Ontario	32
Godbout, Hon. J., Province of Quebec	33
Gowan, Hon. J. R., Ontario	34
Hingston, Hon. Sir William, Province of Quebec	35
Jones, Hon. L. Melvin, Ontario	36
Kerr, Hon. W., Ontario	37
Kerr, Hon. J. K., Ontario	38
King, Hon. G. G., New Brunswick	39
Kirchhoffer, Hon. J. N., Manitoba	40
Landry, Hon. A. C. P., Province of Quebec	41
Legris, Hon. J. H., Province of Quebec	42
Lougheed, Hon. J. A., Northwest Territories	43
Lovitt, Hon. J., Nova Scotia	44
Macdonald, Hon. A. A., Prince Edward Island	45
Macdonald, Hon. W. J., British Columbia	46
Mackay, Hon. R., Province of Quebec	47
MacKeen, Hon. D., Nova Scotia	48
McDonald, Hon. W., Nova Scotia	49
McGregor, Hon. J. D., Nova Scotia	50
McHugh, Hon. G., Ontario	51
McKay, Hon. T., Nova Scotia	52
McLaren, Hon. P., Ontario	53
McMillan, Hon. D., Ontario	54
McMullen, Hon. J., Ontario	55
McSweeney, Hon. P., New Brunswick	56
Merner, Hon. S., Ontario	57
Miller, Hon. W., Nova Scotia	58
Mitchell, Hon. W., Province of Quebec	59
Montplaisir, Hon. H., Province of Quebec	60
Owens, Hon. W., Province of Quebec	61
Perley, Hon. W. D., Northwest Territories	62
Poirier, Hon. P., New Brunswick	63
Power, Hon. L. G., Nova Scotia	64
Robertson, Hon. J. E., Prince Edward Island	65
Ross, Hon. J. H., Northwest Territories	66
Scott, Hon. R. W., Ontario	67
Shehyn, Hon. J., Province of Quebec	68
Sullivan, Hon. M., Ontario	69
Templeman, Hon. W., British Columbia	70
Tessier, Hon. Jules, Province of Quebec	71
Thibaudeau, Hon. A. A., Province of Quebec	72
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CERTIFICATE (CARD).

[Obverse side.]

No. ——. THE SENATE, *Canada, ——— ——, 1905.*

The Hon. ——— ——— is a member of the Senate of Canada, and is entitled by law to free transportation, with his baggage, upon all railway trains in Canada.

Attest:

——— ———,
Clerk of the Senate.

Not transferable.

[Reverse side.]

This certificate expires December 31, 1905, when a new certificate will be issued in its place.

——— ———.
(Signature of Senator.)

The bill was reported to the Senate without amendment.

Mr. McLAURIN. Mr. President, I believe I will offer an amendment to the bill. I do not desire a yea-and-nay vote on it, however.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "solely," in line 7, add the following:

No part of such sum shall be expended for the traveling expenses of any person except the President, members of his family, attendants in the regular service of the Government necessary for his protection, and officials necessary for the President's transaction of official business of the Government on the occasion of such traveling.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

The amendment was rejected.

The bill was ordered to a third reading, and was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. McLAURIN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I am paired with the senior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. KEAN (when Mr. DRYDEN's name was called). My colleague [Mr. DRYDEN] is paired with the Senator from Mississippi [Mr. MONEY]. If my colleague were present, he would vote "yea."

Mr. FULTON (when his name was called). I have a general pair with my colleague [Mr. GEARIN], who is absent. I, therefore, withhold my vote. If I were permitted to vote, I should vote "yea."

Mr. LONG (when his name was called). I again announce the transfer of my general pair with the senior Senator from Idaho [Mr. DUBOIS] to the junior Senator from Michigan [Mr. ALGER], and I will vote. I vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON]. If he were present, I should vote "nay."

Mr. BLACKBURN (when Mr. RAYNER's name was called). The senior Senator from Maryland [Mr. RAYNER] is necessarily absent from the city. He is paired with the junior Senator from Maine [Mr. FRYE]. If the senior Senator from Maryland were present, he would vote "nay."

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I have arranged to transfer my pair to the junior Senator from Maryland [Mr. WHYTE]. I vote "nay."

The roll call was concluded.

Mr. BLACKBURN. The pair of the junior Senator from Maryland [Mr. WHYTE] has just been announced by the Senator from Missouri [Mr. STONE]. I am requested to state that if the absent junior Senator from Maryland were here, he would vote "nay."

Mr. GAMBLE. I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. I will transfer that pair to the junior Senator from Nevada [Mr. NIXON], and vote. I vote "yea."

Mr. BEVERIDGE. I have a general pair with the senior Senator from Montana [Mr. CLARK]. I transfer that pair to the junior Senator from Pennsylvania [Mr. KNOX], and vote. I vote "yea."

Mr. McLAURIN. I wish to state that my colleague [Mr. MONEY] has a general pair with the Senator from Wyoming [Mr. WARREN]. If my colleague were present, he would vote "nay" on this bill.

Mr. DILLINGHAM. I will transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the junior Senator from California [Mr. FLINT], and vote. I vote "yea."

Mr. WARREN. Under the transfer of pairs which has been arranged, by which the Senator from Mississippi [Mr. MONEY] stands paired with the Senator from New Jersey [Mr. DRYDEN], I will vote. I vote "yea."

The result was announced—yeas 42, nays 20, as follows:

YEAS—42.

Allee	Crane	Hemenway	Perkins
Ankeny	Cullom	Heyburn	Piles
Benson	Dick	Hopkins	Proctor
Beveridge	Dillingham	Kean	Smoot
Brandegee	Dolliver	Kittredge	Spooner
Bulkeley	Elkins	La Follette	Sutherland
Burkett	Foraker	Lodge	Warner
Burnham	Gallinger	Long	Warren
Burrows	Gamble	Millard	Wetmore
Carter	Hale	Nelson	
Clapp	Hansbrough	Penrose	

NAYS—20.

Bacon	Clay	McCumber	Patterson
Bailey	Daniel	McLaurin	Pettus
Berry	Frazier	Mallory	Simmons
Blackburn	Latimer	Martin	Stone
Carmack	McCreary	Overman	Taliaferro

NOT VOTING—27.

Aldrich	Depew	Gearin	Platt
Alger	Dryden	Knox	Rayner
Allison	Dubois	McEnery	Scott
Clark, Mont.	Flint	Money	Teller
Clark, Wyo.	Foster	Morgan	Tillman
Clarke, Ark.	Frye	Newlands	Whyte
Culberson	Fulton	Nixon	

So the bill was passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. Under the arrangement, the appropriation bill is now before the Senate.

The VICE-PRESIDENT. It is now before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

Mr. HALE. I have two or three formal amendments to offer. Has the amendment on page 157 been agreed to?

The VICE-PRESIDENT. It has been agreed to.

Mr. HALE. Then I ask a reconsideration of that vote, because I wish to perfect the amendment.

The VICE-PRESIDENT. Without objection, the vote by which the amendment was agreed to will be reconsidered, and the amendment is open to amendment.

Mr. HALE. On page 157, line 13, after the word "capacity," I move to strike out the word "whether."

The amendment to the amendment was agreed to.

Mr. HALE. In line 14, I move to strike out the words "or otherwise" after the words "United States."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. In line 22 of the same page, and line 6 of the next page, I ask to reconsider the vote by which the word "October" was adopted, so as to restore the word "December."

The VICE-PRESIDENT. Without objection, the vote will be reconsidered. The Secretary will report the amendment.

The SECRETARY. On page 157, line 22, the word "December" was stricken out and the word "October" was inserted, and also in line 6, page 158.

Mr. HALE. That has been reconsidered, and if the amendment is rejected, "December" remains.

The SECRETARY. It will then read "on and after December 15, 1906," in the first place, and "on or before said December 15, 1906," in the second.

The VICE-PRESIDENT. Without objection, the amendment inserting "October" in lieu of "December" is disagreed to.

Mr. FULTON. Mr. President, on the amendment which has just been reconsidered, if this change is to be made from October to December, I wish to say a word, if the Senator will permit me.

Mr. HALE. Certainly.

Mr. FULTON. I shall not resist the change, but I think I ought to explain briefly why I asked the amendment to be made in the first instance, and why I believe it ought to be retained.

The bill as it stands at the present time requires the Commission to Revise and Codify the Criminal and Penal Laws of the United States to report by the 15th day of December, 1906. That Commission has had this work in charge for something like eight or nine years. It has been promising, so I am informed by Members of the other House who have been constantly looking after the work, to report year after year. It promised to make a report by December, 1905, and it failed to do so.

Now it is proposed to appoint a joint committee—the resolution has passed the House and come to the Senate—to verify the work that this Commission has done. If that Commission shall conclude its work so as to bring it before the next session of Congress and have the revision acted on at that time, in my judgment, it is absolutely necessary that the committee shall sit in vacation and shall have at least one month prior to the meeting of Congress to devote to an inspection of the work of the Commission.

Therefore I suggested the amendment that the Commission be required to make its report by the 15th day of October, 1906. Then the committee could take it up, put in a month or such a matter before Congress convened, and would be in a position to report to Congress, and Congress could go over it and take up the measure and adopt the report at the next session. Otherwise, it seems to me, that the work will necessarily go over beyond the next session, because any person who has any comprehension of the vast volume of work the committee will have to perform and the importance of the work will understand that it is work which can not be done during the session of Congress. It will have to be done in vacation if done at all. The members who are on other committees can not devote the necessary time during the session to a verification, examination, and inspection of the work of the Commission.

With that explanation, I shall not oppose the restoration of the word if the Senator from Maine thinks it is proper. I felt that I was called upon to give this explanation, because I offered the amendment at the suggestion of Members of the other House who have given it very careful investigation.

Mr. HALE. I think it is better that the House proposition remain, Mr. President.

The VICE-PRESIDENT. The amendment is disagreed to.

Mr. BACON. Mr. President, with the permission of the Senator from Maine, and, as I understand it, with the approval of the committee, I offer an amendment on page 128, after line 14. There are two amendments that I send to the desk.

The VICE-PRESIDENT. The amendment of the Senator from Georgia will be stated.

The SECRETARY. On page 128, after line 14, insert:

For a reenforced concrete bridge over Pea Vine Creek, Georgia, on the road from Reed's bridge to Ringgold, $4,500.

Mr. BACON. I will simply state that both these amendments are recommended by the Secretary of War.

Mr. HALE. Yes; and they are all right

The amendment was agreed to.

Mr. BACON. The second amendment follows the one just agreed to.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary read as follows:

For the partial reconstruction of the Alexandria Bridge over the Chickamauga River on the eastern boundary of the Chickamauga Park, $1,500.

The amendment was agreed to.

Mr. BACON. Both amendments relate to Government roads. I ask permission to have letters from the Secretary of War and the chairman of the Chickamauga and Chattanooga National Park Commission printed in the RECORD, without being read.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WAR DEPARTMENT, *Washington, June 18, 1906.*

MY DEAR SENATOR: I take the liberty of inclosing for your consideration a copy of a letter addressed by the Secretary of War to the President of the Senate, and also a copy of a letter from the chairman of the Chickamauga and Chattanooga National Park Commission, recommending an appropriation of $6,000 for the reconstruction of two bridges, one being within the approaches to and the other on the eastern boundary of the park. In view of the urgent necessity for this work, as set forth in this correspondence, it has occurred to me that you might take a personal interest in the consideration of this matter by the Senate.

Very truly, yours, ROBERT SHAW OLIVER,
Assistant Secretary of War.

Hon. AUGUSTUS O. BACON, *United States Senate.*

WAR DEPARTMENT, *Washington, June 18, 1906.*

SIR: I have the honor to submit, for the consideration of the Senate, the accompanying letter from the chairman of the Chickamauga and Chattanooga National Park Commission, setting forth the necessity for the immediate reconstruction of two bridges, one being within the approaches to and the other on the eastern boundary of the park, involving an increase of $6,000 in the appropriation contained in the pending sundry civil bill for the maintenance of the park during the ensuing fiscal year.

The chairman submits the following clauses of proposed legislation to accomplish these objects, and, in view of his earnest representations as to the necessity for this work, I beg to heartily recommend this additional appropriation, viz:

For a reenforced concrete bridge over Pea Vine Creek, Georgia, on the road from Reeds Bridge to Ringgold, $4,500.

For the partial reconstruction of the Alexander Bridge, over the Chickamauga River, on the eastern boundary of the Chickamauga Park, $1,500.

Very respectfully, WM. H. TAFT,
Secretary of War.

THE PRESIDENT UNITED STATES SENATE.

WAR DEPARTMENT,
CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK COMMISSION,
Washington, June 7, 1906.

SIR: Your attention is respectfully called to the fact that the Pea Vine Creek Bridge, over Pea Vine Creek, and on the road from Reeds Bridge, on the Chickamauga, to Ringgold, is in immediate need of reconstruction. This bridge is on the road made one of the park approaches by act of Congress approved August 19, 1890. It is a very old wooden structure, in the last stages of decay, and we propose to replace it by a reenforced concrete bridge.

There is also in need of immediate partial reconstruction what is known as the Alexander Bridge, over the Chickamauga River, on the eastern boundary of the park.

Our estimate of the cost of proper bridges is $4,500 for the Pea Vine Creek Bridge and $1,500 for the Alexander Bridge. We have not the necessary funds to reconstruct these bridges, nor are they provided for in the sundry civil bill, as reported by the Committee on Appropriations of the House of Representatives for the coming fiscal year, and therefore suggest a proper amendment to the sundry civil bill to be presented in the Senate.

Very respectfully, E. A. CARMAN,
Chairman of Commission.

The honorable the SECRETARY OF WAR.

Mr. HALE. The only amendment reserved is on page 144.

Mr. KEAN. Will the Senator from Maine correct the provision on page 27?

Mr. HALE. There is a correction to be made on page 27.

Mr. KEAN. In line 2.

Mr. HALE. On page 27, line 2, let it read, instead of "two laborers," "one skilled laborer."

The SECRETARY. On page 27, line 2, strike out the words "two laborers" and insert "one skilled laborer."

The amendment was agreed to.

Mr. CARTER. With the permission of the Senator from Maine, I desire to offer a small amendment on pages 148 and 149.

Mr. HALE. On page 148, line 23, after the word "erection," the words "or purchase" should be inserted.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 148, line 23, after the words "for the erection," insert "or purchase;" so as to read:

Court-house and jails in Alaska: For the erection or purchase of a jail, repairs to the court-house, and construction of fireproof vaults for the records of the clerk of the court, all at Nome, Alaska, $10,000.

The amendment was agreed to.

Mr. HALE. Now, the only other amendment is on page 144.

The VICE-PRESIDENT. The Senator from Montana proposes an amendment, which will be read.

Mr. HALE. I think the amendment I have just offered covers the point.

Mr. CARTER. The amendment offered by the Senator covers one of the points, but I should like to have the amendment stated. The amendment of the Senator from Maine covers the first point.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 149, after the word "used," in line 6, insert:

But if the jail building and equipment now being used at Nome can be purchased for less than the cost of remodeling and completely furnishing and equipping said marine-hospital building for jail purposes, such purchase shall be made.

Mr. HALE. I can not agree to that. I think the Senator ought to be content.

Mr. CARTER. I will strike out the word "shall" and put in the word "may."

Mr. HALE. I think the Senator ought to be content with the amendment that I have proposed in line 23.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was rejected.

Mr. HALE. Now, the only remaining amendment to be offered is on page 144.

Mr. NELSON. I move to strike out the following proviso on page 144, beginning in line 7:

Provided, That this appropriation shall be available only under the condition that no bar or canteen shall be maintained at said Homes for the sale of beer, wine, or other intoxicating liquors.

Mr. President, I do not intend to take up the time of the Senate at this late moment in a lengthy discussion of this matter. As an old soldier I feel an interest in the welfare of these veterans. Many of them, as a result of service in the Army and of subsequent life, have to a greater or less extent acquired the habit of occasionally taking a little beer or other stimulant.

In this matter, Mr. President, we are confronted with a condition rather than a theory. I recognize the fact that the good people who are opposed to the canteen in the Army do it for a very good purpose. Their idea is that they can make these old veterans strictly temperate and prohibition. If that could be accomplished, I would heartily join them in that effort, but the experience of all managers of our Soldiers' Homes goes to show that if these veterans can not have a place of entertainment, a place in the Home where they can secure a little mild beverage like beer, or something of that kind, they stray from day to day outside of the Home, go into purlieus where the vilest and meanest kind of saloons are kept, and the poorest and meanest kind of liquors, and there these old fellows become intoxicated, become helpless, and if they happen to have any change they are despoiled of that. The result is that the officers of the Homes have to go and hunt up these old fellows, and bring them back and take care of them and put them through a course of medicine to get them into a sort of fair condition again after they have been out. The parties who have these saloons outside in the vicinity of these Homes are opposed to these canteens, and it happens in this case, as we have often found it, that the prohibitionists and the saloon keepers cooperate.

But, Mr. President, I am unwilling to take up the time of the Senate further. I simply ask to have read a communication from Mr. M. R. Patrick, a late governor of the Soldiers' Home at Dayton, Ohio. This communication puts the case as clearly as can be before the Senate, and I ask that the whole of the communication may be read.

The VICE-PRESIDENT. The Senator from Minnesota asks that the communication sent to the desk by him may be read. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Annual report of Central Branch National Home for Disabled Volunteer Soldiers for the year ending June 30, 1887.

CENTRAL BRANCH,
NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
Dayton, Ohio, August 1, 1887.

GENERAL: I have the honor to submit the following report of this Branch for the year ending June 30, 1887:

Soon after the commencement of this last financial year (July 12) a beer hall was opened here in the Home for the benefit of its members.

As is well known to the Board, it was a matter that had been under discussion for years. In the Army it has been the usage to sell beer certainly for more than half a century, and for several years (I know not how many) at the other Branches of the National Homes.

For some reason, I know not what, a terrible outcry was made through the press, through the mails, and by personal appeals to the governor for the redress of this outrage upon the members of the Central Branch and upon the interests of good order, good morals, and religion generally.

Possibly the fact that the governor had been known for more than

fifty years as an active temperance man, both in military and in civil life, may have had something to do with this onslaught upon him as a renegade. It is very true that the governor would gladly close every saloon in the land if it were in his power, but inasmuch as this Central Branch is hedged in on all sides by saloons, dives, and hells of the vilest character to entrap our men the moment they are outside of the gates, it seemed wise to choose the less of the two evils, either to furnish them with the best article of beer that can be purchased in the Home at a cheap rate, and retain our men under our own control, or suffer them to go outside, get drunk on the vilests drinks of every kind, get robbed of their money and kicked into the street, or secreted in the infamous dives that surround us until their money is exhausted and they are turned out penniless.

The statistics and records of this Branch for the past year speak for themselves:

The official report of Hon. Ira Crawford, mayor of Dayton, gives the number of arrests of our members from July 12, 1885, to July 1, 1886, as 486, while for the same length of time after the beer hall was opened (July 12, 1886, to July 1, 1887), as 274, a difference of 212.

The surgeon reports that the small number treated for alcoholism this year (fourteen), as compared with thirty-eight in 1886 and thirty-five in 1885, is without doubt, in his opinion, to be credited to the less number of members who are given to protracted debauches and bad liquor since the opening of the beer hall. Only such cases as can not with safety be treated out of the hospital are brought to hospital for treatment after a spree, and those treated in camp, especially at the guardhouse, are not one-fifth as many this year as in former years.

That a large number of our men will drink to excess when they have the opportunity is true, and notwithstanding the watchfulness of our employees at the beer hall, these shrewd old topers will manage to get tight; but on leaving the beer hall, if they show intoxication, they are at once sent up to the guardhouse, to remain until the next morning, without having had an opportunity to kick up a row in town or on their way home, or along the avenues of the Home.

Still another result: The beer we furnish is of the very best, and the man who gets intoxicated on it to-day is fit to be turned out to-morrow morning at 8 o'clock with a clear head and ready for duty, whereas a town drunk renders a man unfit for duty two, three, and four days.

Once more: The cry that less money would be sent by pensioners and employees to their families is disposed of by the showing of the treasurer's report and that of the postmaster.

The discipline and good order of the Home have never been as good as now within the last six or seven years at least, nor have the men been as contented.

I am happy to say that candid men and women of the most intense prohibition proclivities, who have been here at the Home and in Dayton making investigation fairly on the spot, have decided that under the circumstances it is best to leave the Home authorities to the exercise of their own judgment in this matter.

It is only theorists and fanatics at a distance, who know nothing of the circumstances, who keep up the cry, "Down with the beer saloon at the Soldiers' Home!" There are those who for their own purposes make statements to the effect that the men of the Home are induced to patronize the beer hall for the pecuniary benefit of somebody, presumably the Home authorities. It is true that the Home authorities and all connected with the Home are benefited by the expenditure of money inside of the Home instead of outside, the profits accruing from the sale of beer within the Home going to the post fund, which, as seen by the treasurer's report, has been very largely increased, thereby enabling the council of administration, of which the governor is chairman, to greatly increase the band, to afford more frequent amusements and of a higher class, to replenish library, reading room, etc., and, in general terms, to expend a large sum of money during the last year with the sole object of giving pleasure, comfort, and enjoyment to the men beyond what is provided for by Congressional appropriations.

It is not to be supposed that it is our object to make money, even for these purposes, at the expense of the health or morals of the men.

As we find it necessary we place restrictions upon hundreds of our men, some being entirely debarred from the beer hall and others being limited to one or two glasses, according to their physical, mental, or moral condition.

It is the opinion of every officer of this Home, whether prohibitionist or otherwise, that under existing circumstances the beer hall has reduced vice, crime, debauchery, sickness, and the waste of money that should go to the families of members in a very marked degree.

Very respectfully, yours,

M. R. PATRICK, *Governor.*

Gen. M. T. MCMAHON,
Secretary Board of Managers,
National Home for Disabled Volunteer Soldiers.

Mr. HALE and Mr. NELSON addressed the Chair.

The VICE-PRESIDENT. The Senator from Maine.

Mr. NELSON. Mr. President, I thought I was entitled to the floor. I had not concluded.

Mr. HALE. I thought the Senator had concluded.

Mr. NELSON. No; I have here certain statements made by Archbishop Ireland before the Committee on Military Affairs of the Senate, bearing on the same subject. I have known Archbishop Ireland for many years. He is one of the best temperance men in the country of whom I have knowledge. I should like to have his views on this subject read.

Mr. HANSBROUGH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from North Dakota?

Mr. NELSON. I will yield for a question.

Mr. HANSBROUGH. I simply want to call the attention of the Senate to a statement in regard to the Dayton Soldiers' Home directly connected with the document previously read.

Mr. NELSON. The Senator can do that in his own time. I am not yet through.

Mr. HALE. I sought the floor, thinking the Senator was through, to move to lay the amendment on the table.

Mr. HANSBROUGH. I can hardly yield to the suggestion of the Senator from Maine that I shall be debarred from a discussion of this proposition.

The VICE-PRESIDENT. Is there objection to the reading of the statement of Archbishop Ireland presented by the Senator from Minnesota? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

Archbishop Ireland and Bishop McGoldrick appeared before the committee.

The CHAIRMAN. The committee understands that you desire to say something on the canteen question?

Archbishop IRELAND. Yes.

The CHAIRMAN. We will be glad to hear you.

Archbishop IRELAND. What I wish to say is based, first, on my general knowledge of the manner of treating the liquor question with any class of people, and, secondly, from what I have heard and observed regarding the working of the canteen at Fort Snelling, Minn.

So far as the general method of dealing with the liquor question is concerned, it has been my experience that it is useless to try to prohibit absolutely the use of liquor, and the world, made as it is, men having the tastes they have, if we are too severe and try to do away altogether with the use of liquor, men will find it in ways illegal and ways more harmful than they otherwise would do. And, so far as I speak of the question of the Army canteen, I have observed myself and have heard it said that the soldiers at Fort Snelling go far more seldom to St. Paul to visit saloons in St. Paul and the saloons immediately bordering on the military reservations now that the canteen is established than they did formerly when there was no canteen. They find in the camp, in the establishment, that they can have beer and wine under reasonable conditions, and they are not tempted to sneak out, as they say themselves, and get drunk.

It was well known formerly they would go into St. Paul, and particularly so after pay day, and the result would be the following day a large number of them would turn up in the police courts. And then I know that along the military reservation it was the custom of three or four miserable saloons to establish themselves expressly and exclusively for the purpose of furnishing liquor to the soldiers—liquor of the worst kind—and not only furnishing liquor, but furnishing everything that makes for iniquity. The soldiers, when under the influence of liquor, are considered a prey for every vice and every iniquity, and much of the immorality to which some of them may be exposed comes from the use of liquor outside the forts, outside the camp grounds. Even if they were to take a little too much within the forts, they are protected against other evils—evils against which there is no protection for them when they are outside.

I know some time ago, some years ago, in the vicinity of Fort Snelling, houses of the most infamous kind were established in the name of saloons, to attract the soldiers. Now there is far less chance for anything of that kind, far less chance for drunkenness, and still further less opportunities for immoralities of a more serious character. And I think for the soldiers it would be better if they were allowed a little beer. There is no use in thinking that they will become total abstainers. Very few of them will become total abstainers. What those in charge of their morals should do is to eliminate danger and reduce their drinking to moderate temperance. I say this, although all my life I have been a total abstainer, and have worked for the last thirty years in the cause of temperance, and have induced people by moral suasion in many cases to take the total-abstinence pledge, and have induced thousands and thousands to do that. But when I am dealing with the people at large I am convinced that the only satisfactory and successful way is to eliminate dangers, as far as possible, and to reduce the drinking to a minimum.

I have advocated high license, gentlemen, in St. Paul and Minneapolis, instead of prohibition, and I have succeeded in reducing the consumption of alcoholic liquors by that policy. I am sure the same plan would work better among the soldiers.

As to Fort Snelling, from what I have heard and observed, drunkenness has been reduced a great deal, and immorality of a worse kind has been reduced yet more, because the soldiers have been kept at home. If they get a glass of beer there they will stay there, and if they are not able to get a glass of beer there they will sneak out, as they themselves say, and become intoxicated. I understand the canteen regulations are very good, and they can be made even more stringent, in the discretion of the Secretary of War.

The trouble with the soldiers has been that there has been no recreation in their camps or in the forts. After drills the soldier is tired and dull, and if he can go into the post exchange and sit down and talk and take a glass of beer right there it is far better than to have him go out and take it in a place where there is no object in view but to rob him.

The CHAIRMAN. We had an officer here who has stated that the savings of the men since the canteen has been established have been very considerable, and that from the fund created they are enabled to give the men magazines and newspapers, and so on?

Archbishop IRELAND. Yes; that is true. Bishop Goldrick, of Duluth, has always worked in the temperance cause. He is here with me to-day. He is a total abstainer himself, and I would like you to hear what he has to say on the subject of the canteen or post exchange.

Senator HARRIS. You spoke of a certain class of vile houses around the Fort Snelling Reservation.

Archbishop IRELAND. Yes, sir.

Senator HARRIS. Has the number of those houses been diminished since the establishment of the canteen or otherwise?

Archbishop IRELAND. I could not answer that directly. The only answer I can give is from the men and officers, who have told me that since the establishment of the post exchange conditions are infinitely better; that the number of such houses has been diminished to a great extent. Of course the exact number I could not myself say. Formerly I was around the fort and I knew about those things. I knew that, while they were ostensibly saloons, those houses were in reality houses of prostitution, and that the object was to get the soldiers there and get them drunk and get their money. And so I say that the canteen is far better for the soldiers and that there is far less immorality under this system.

Senator BURROWS. Just one question, if you please. Some excellent people make this objection, and I would like you to answer it: That the young man who has never been in the habit of drinking at all is tempted to drink by the canteen and led to the curse of drunkenness later on. What do you say about that?

Archbishop IRELAND. My answer is that that man in the Army is rather a rare article.

Senator BURROWS. I wanted your statement to go to the country.

Archbishop IRELAND. And, secondly, if the rare article does turn up, as it may, and he has been able to resist the temptations of the saloon in ordinary life, I think he will resist the temptations of the canteen.

Mr. NELSON. Without taking up the time of the Senate to read it, I ask that the statement of Bishop McGoldrick may be inserted in the RECORD as part of my remarks.

The VICE-PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

STATEMENT OF BISHOP M'GOLDRICK.

Bishop MCGOLDRICK. My experience has been very much like that of Archbishop Ireland. I have been long connected with Fort Snelling; I visited there frequently, and I have spent many days visiting there and around St. Paul and Minneapolis, and I can bear out what Archbishop Ireland says from my own experience. In talking with officers of the Army everywhere I can safely say that I never found anyone acquainted with the workings of the canteen who did not say that it was a good thing, and, gentlemen, officers, I think, are always the best judges of the soldiers' needs. The officers look after the soldiers; they are anxious about their welfare and their standing; they want to see that they do what is best for them; that they take proper exercise and proper care of themselves, and I believe a very large percentage—I do not know how many it would be safe to say, but a very large percentage—of the officers of the Army are on the side of preserving the canteen, and, as I think, with good reason. I believe the opposition to it is more fanatical than anything else.

I know that the idea has gone abroad among a great many that we must not touch or taste any alcoholic liquor; that it is a kind of mortal sin to take a glass of wine even. That idea was spread abroad, and people who are anxious to do away with drinking entirely have spoken of it being a dreadful crime to offer the soldier any opportunity of drinking. I believe that, and, so far as I am concerned, my hearty testimony is in favor of preserving the canteen under wise regulations, such as the Army has established.

Senator WARREN. You have spoken of the officers of the Army being in favor of it. What is your observation regarding the officers of the Army as to their principles of sobriety? Do you find them generally total abstainers or temperate men?

Bishop MCGOLDRICK. I have always found the officers of the Army temperate men.

Senator WARREN. A large percentage of them?

Bishop MCGOLDRICK. A large percentage temperate; yes, sir.

Senator WARREN. And what is their influence; what influence do they seek to exert over their men; is it one in the line of temperance or otherwise?

Bishop MCGOLDRICK. It is in the line of temperance.

Senator WARREN. Both as an example and otherwise?

Bishop MCGOLDRICK. Always.

Archbishop IRELAND. One thing is overlooked, which I alluded to myself, by many people who discuss the canteen question. It is this matter of prostitution, which is, of course, fatal to the soldier—soul and body. They only look at the mere drinking; but when a soldier goes outside to drink, outside the fort or reservation, he is generally tempted to go further. That is the danger.

Senator WARREN. And to gamble?

Archbishop IRELAND. Yes; also to gamble. You will find soldiers arrested in houses of prostitution. They are arrested, and then we ask: "How did you get there?" The explanation is that they went outside and got drunk in some of these vile saloons, and they were induced to go to these houses from the saloons. The agents of these houses are there, and they are there particularly for the purpose of inveigling the soldiers into these houses. The houses that I refer to are on the borders of the fort and are houses of prostitution—all of them. If a soldier does take too much to drink in the fort, he is not exposed of course to this other and greater evil. Outside those two evils go together. When the soldier gets drunk outside the fort he is led to something worse. And so I say, even if the drunkenness itself were not diminished, I would rather that a certain degree of drunkenness were to prevail in the fort than to be allowed to the soldier outside.

But, on the other hand, my own conviction is that the dangers are far less for drunkenness in the fort, and, at any rate, the amount there furnished is regulated, and there is a certain esprit de corps among the men that keeps them from abusing their privilege of taking beer. It is regarded as a respectable place to gather, and the men generally would not like to see the canteen become a place for getting drunk. If the man there takes too much, he is somewhat tabooed.

The CHAIRMAN. And he is restricted in his drinking, he is not allowed to drink too much?

Archbishop IRELAND. Yes, sir; that is better yet. Of course, if people could do away with all evil, it would be better for the world, but my policy is to deal with the world as it is.

Senator WARREN. It is a straight case of choosing the lesser of two evils?

Archbishop IRELAND. Yes, sir. I am a total abstainer myself; but I do not think it is a mortal sin for a soldier to take a glass of beer or for an officer to allow a soldier a glass of beer. I believe in temperance and in suppressing drinking as much as possible, but I can not accept the statement that has been made by others before this committee that it is infamous for the Government to allow the canteen; that this is a nefarious traffic, and that we ought not to sanction it in any way. I can not accept the principle that it is in itself a nefarious traffic.

Mr. GALLINGER. I should like to ask the Senator the date of that testimony?

Mr. NELSON. I do not remember the date. The Senator from Wyoming [Mr. WARREN] can tell the Senator.

Mr. WARREN. That is testimony taken before the Military Committee when the matter of Army canteens was under consideration.

Mr. GALLINGER. If the Senator will permit me, the bishop was discussing the conditions when the canteens existed. They have not existed for several years. He speaks of the lack of the means of recreation; but since then Congress has appropriated $2,000,000 to provide recreation for the soldiers.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Maine?

Mr. HALE. I thought the Senator was through.

Mr. NELSON. I will not further take up the time of the Senate, but will merely ask to have incorporated in my remarks a petition signed by Mrs. J. C. Kelton, representing the Woman's Army and Navy League, relating to this subject.

The VICE-PRESIDENT. Without objection, permission is granted.

The petition referred to is as follows:

STATEMENT OF MRS. J. C. KELTON, REPRESENTING THE WOMAN'S ARMY AND NAVY LEAGUE.

Senator PROCTOR (acting chairman). The clerk will read the petition which is before us.

The clerk read the petition referred to, as follows:

A petition by the Woman's Army and Navy League.

WASHINGTON, *D. C., December 15, 1904.*

We, the members of the Woman's Army and Navy League, an organization composed with few exceptions of women closely related to officers in the Army and in the Navy and in the Marine Corps, do earnestly petition the Congress of the United States to pass the bill (S. 5703) introduced by Senator Proctor on December 7, 1904: "That so much of section 38 of an act entitled 'An act to increase the efficiency of the permanent military establishment of the United States,' approved February 2, 1901, as prohibits the sale of beer in any post exchange or canteen at posts located in States where such sale is not prohibited by the law of the State, is hereby repealed."

We make this petition after a careful study of the effect the prohibition of the sale of beer at post exchanges has had upon the enlisted man since February 2, 1901.

The object of the Woman's Army and Navy League (organized in 1887) is to promote the general welfare and contentment of enlisted men, and judging from the numerous reports of Army officers of all ranks and from every branch of the mililtary service recommending the restoration of the canteen as it existed prior to February 2, 1901, we think that it is quite in order that we should add our voice in the interest of the moral and physical well-being of the soldier.

We therefore beg that the Military Committee in the Senate and the Military Committee in the House of Representatives will give this vital matter their dispassionate consideration.

Mr. HALE. Mr. President, the hour is late. I do not propose to take up any of the time of the Senate upon this question. I have a great mass of papers and of figures, presented in the other House, going entirely in the opposite direction from the amendment offered by the Senator from Minnesota and the statements read at his request. I have a great respect for Archbishop Ireland, whom I know very well, but his testimony has been already taken care of by what the Senator from New Hampshire [Mr. GALLINGER] has said. I do not propose to take up the time of the Senate by submitting these figures and talking about them. My proposition is to leave the matter to the Senate by moving to lay on the table the amendment of the Senator from Minnesota. That presents the whole question to the Senate.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine [Mr. HALE] to lay on the table the amendment of the Senator from Minnesota [Mr. NELSON].

The motion was agreed to.

Mr. NELSON. I have another amendment bearing on the same subject on the next page of the bill.

Mr. HALE. Very well. Let the Senator put that in. Then there is a very important amendment which I wish to withdraw.

Mr. HANSBROUGH. Before the Senator from Minnesota leaves page 144, I desire to say that at the appropriate time, if I am allowed to do so, I shall offer an amendment to the proviso on that page.

Mr. NELSON. On page 145, relating to the appropriation of money for soldiers' homes conducted and carried on by the States, I move to strike out the proviso beginning in line 2, after the word "maintained."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 145, line 2, after the word "maintained," it is proposed to strike out:

And provided further, That no part of this appropriation shall be apportioned to any State or Territorial home that maintains a bar or canteen where intoxicating liquors are sold.

Mr. GALLINGER. I presume the Senator is aware of the fact that that is the existing law, and that it is not a new provision in this bill.

Mr. NELSON. I am aware of that fact, but I will move to strike it out. I think that question should be left to the State authorities of each State to determine.

Mr. HALE. I move to lay the amendment on the table. It is existing law.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine [Mr. HALE] to lay on the table the amendment of the Senator from Minnesota [Mr. NELSON].

The motion was agreed to.

Mr. HANSBROUGH. I offer the amendment which I send to

the desk to take the place of the proviso on page 144, beginning on line 7.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 144, line 7, after the word "dollars," it is proposed to strike out the following proviso:

Provided, That this appropriation shall be available only under the condition that no bar or canteen shall be maintained at said Homes for the sale of beer, wine, or other intoxicating liquors.

And in lieu thereof to insert:

Hereafter there shall not be maintained at any Branch Home of the National Home for Disabled Volunteer Soldiers any bar or canteen for the sale of beer, or wine, or other intoxicating liquors.

Mr. HANSBROUGH. Mr. President, if the Senator from Maine, who seems to have the floor, will permit me to offer a few suggestions, I will be very much obliged to him. I will not unduly take up the time of the Senate.

Mr. HALE. I am willing to leave that entirely to the discretion of the Senator. He understands thoroughly, for he has had long service here, the necessity for getting this bill through. I will not move to lay it on the table if the Senator desires to speak.

Mr. HANSBROUGH. Mr. President, I want to call attention, in the first place, to the condition of the Soldiers' Home at Milwaukee. I have here a statement and diagram in regard to the canteen question. It will be remembered that at the Milwaukee Soldiers' Home there is a canteen; in other words, they sell beer and light wine in the military grounds there. It has been claimed by those who are in favor of the canteen system that when there is a canteen at a soldiers' home or a military post there are no saloons or other resorts of that character about the premises. I have here some pretty good evidence to show that, notwithstanding the fact that there is a canteen at the Soldiers' Home at Milwaukee where the soldiers may get their beer and other intoxicants, there are fifty saloons and resorts of that kind as near to the grounds of the Soldiers' Home as they can get. So that the existence of the canteen at a soldiers' home or at a military post does not do away with dives and groggeries outside.

In regard to the Dayton Soldiers' Home, permit me to call the attention of the Senate to this fact: I find in comparing the question of discipline at the Washington Soldiers' Home, where there is no canteen, with the Dayton Soldiers' Home, where there is a canteen, that the percentage of total offenses of all kinds at the Washington Home in 1905 was 0.218, while at the Dayton Home, where they have a canteen, it was 0.57 per cent.

Mr. President, I will not go into the figures on this question, but I want to insert in the RECORD a statement covering all these National Homes. It is from the report of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and covers a period of six years. The summing up shows that at the Washington Home, where there is no canteen, the percentage of offenses is 0.175 and at the Central Soldiers' Home, where they have a canteen, it is 0.578 per cent. The average for seven Homes where the canteen exists is 0.389 per cent, while at the Washington Home, where there is no canteen, it is, as I have said, 0.175 per cent. I will not go into the subject further, but if I had the time to do so the testimony would be conclusively in favor of the amendment. I ask that the statement which I send to the desk be printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, the statement referred to by the Senator from North Dakota will be printed in the RECORD.

The statement referred to is as follows:

[From Report of Board of Managers of National Home for Disabled Volunteer Soldiers.]

Statistics in relation to National Soldiers' Homes.

PER CENT OF TOTAL OFFENSES OF ALL KINDS.

	Washington.	Central.	Northwestern.	Eastern.	Southern.	Western.	Pacific.	Danville.
1900	0.167	0.603	0.449	0.516	0.255	0.244	0.209	0.763
1901	.13	.619	.412	.35	.885	.219	.12	.496
1902	.16	.527	.395	.282	.611	.209	.081	.262
1903	.183	.565	.438	.227	.608	.143	.102	.32
1904	.197	.584	.625	.202	.51	.212	.092	.349
1905	.218	.57	.524	.31	.524	.282	.399	.317
Average for 6 years	.175	.578	.473	.314	.565	.218	.162	.417

Average for period of seven Homes with canteen, 0.389 per cent.
Average for period of Washington Home, no canteen, 0.175 per cent.

Statistics in relation to National Soldiers' Homes—Continued.

PER CENT FOR INTRODUCING LIQUORS INTO HOME.

	Washington.	Central.	Northwestern.	Eastern.	Southern.	Western.	Pacific.	Danville.
1900	0.003	0.059	0.032	0.037	0.005	0.014	.....	0.059
1901	.002	.061	.026	.049	.017	.002	.....	.04
1902	.003	.055	.023	.041	.012	.002	0.002	.067
1903	.006	.07	.034	.045	.015	.003	.....	.108
1904	.006	.079	.026	.023	.021	.022	.....	.104
1905	.011	.057	.047	.053	.023	.004	.....	.088
Average for 6 years	.005	.063	.031	.041	.015	.012	.002	.077

Average for seven Homes with canteen, 0.034 per cent.
Average for Washington Home, no canteen, 0.005 per cent.

PER CENT OF DRUNKENNESS.

1900	0.111	0.269	0.173	0.288	0.215	0.133	0.057	0.349
1901	.088	.27	.15	.164	.715	.124	.062	.187
1902	.108	.215	.153	.088	.496	.153	.024	.074
1903	.117	.201	.166	.07	.388	.112	.054	.075
1904	.133	.17	.372	.046	.304	.121	.06	.10
1905	.131	.153	.112	.12	.238	.148	.029	.128
Average for 6 years	.114	.213	.187	.129	.302	.131	.047	.152

Average for seven Homes, with canteen, 0.178 per cent.
Average for Washington Home, no canteen, 0.114 per cent.

PER CENT OF ABSENCES WITHOUT LEAVE.

1900	0.046	0.141	0.151	0.126	0.009	0.068	0.132	0.152
1901	.026	.221	.171	.091	.019	.038	.046	.138
1902	.061	.207	.148	.089	.011	.089	.014	.052
1903	.052	.269	.182	.064	.02	.062	.032	.05
1904	.049	.252	.13	.088	.106	.096	.023	.051
1905	.062	.198	.205	.107	.134	.127	.02	.043
Average, 6 years	.044	.214	.164	.094	.049	.078	.044	.081

Average for seven Homes with canteen, 0.103 per cent.
Average for Washington Home, no canteen, 0.044 per cent.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. HANSBROUGH. Yes; for a question.

Mr. PATTERSON. I ask the Senator from North Dakota whether the Washington Soldiers' Home is not peculiarly favorably situated for the maintenance of discipline? Are there any groggeries or saloons in the neighborhood of the Washington Soldiers' Home?

Mr. HANSBROUGH. There are not supposed to be any within a mile of the grounds.

Mr. PATTERSON. Those who visit the Home know that the grounds are unusually large and spacious and commodious. There are no saloons in the neighborhood of the Home, and for that reason, in so far as the absence of liquor altogether will tend to promote discipline and good behavior, it is situated, I imagine, as is no other Soldiers' Home in the country.

A fair comparison, it seems to me, would be to take a Soldiers' Home, situated as a good many of them are at least, with saloons in their immediate neighborhood, and having a canteen, and compare the discipline in it with that in a Soldiers' Home without a canteen. I do not think the comparison of the Washington Home with Homes outside of the District of Columbia gives a fair idea.

Mr. HANSBROUGH. I think it is entirely fair, as the average conditions at the other Homes are very much the same as I understand they are here. At least I am so advised.

Mr. President, I shall not take up the time of the Senate any longer. I desire to have inserted in the RECORD a letter which has been received by Congressman LITTLEFIELD, of the State of Maine, from Mr. E. B. Furbish, chaplain at State Soldiers and Sailors' Home, Bath, N. Y. I will not ask that it be read, but simply that it be inserted in the RECORD in connection with my remarks.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

The letter referred to is as follows:

NEW YORK STATE SOLDIERS AND SAILORS' HOME,
Bath, N. Y., June 21, 1906.

Hon. CHAS. E. LITTLEFIELD.

DEAR SIR: Permit me to express to you my gratitude and the gratitude of my comrades for your wise, efficient, and successful efforts in the House of Representatives toward protecting the Soldiers and Sailors' Home from the degrading influence of the canteen. May I ask you to mail a copy of the CONGRESSIONAL RECORD for June 12,

Tuesday, 1906, containing your remarks in favor of this question, to M. H. Furbish, Portland, Me.?

Sincerely, yours, with gratitude and respect,

E. B. FURBISH,
Chaplain (Protestant) New York State Soldiers and Sailors' Home, Bath, N. Y.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. HANSBROUGH. For a question.

Mr. CLAY. If I understand the Senator's amendment, practically it differs from the House bill only in that the House provision is a prohibition against the canteen during the next fiscal year, while the amendment offered by the Senator from North Dakota means perpetual prohibition.

Mr. HANSBROUGH. It makes it permanent.

Mr. CLAY. That is the only difference between it and the House bill?

Mr. HANSBROUGH. I think it ought to be made permanent, in view of the fact that the Congress of the United States has repeatedly declared in favor of prohibiting the canteen. I think it ought to become the permanent policy of the Government. That is all I have to say, Mr. President.

Mr. GALLINGER. Mr. President, I had intended to submit some observations and to place in the RECORD some protests from churches and other religious organizations against striking from the bill this provision which the House in its wisdom has inserted. But I will refrain from that, and simply ask that some brief extracts from a statement made by Mr. Joshua L. Baily, a very distinguished citizen of Philidelphia, who visited all these National Soldiers' Homes, may be placed in the RECORD.

I also ask to have inserted in the RECORD a letter I received yesterday from Joseph H. Bradley, of One hundred and fifteenh street and Broadway, New York City, who signs himself "Late Chaplain at Southern Branch, N. H. D. V. S." On those documents I will rest the case.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

Hampton.—The beer hall was the subject of careful investigation at each of my visits. The approach to it was indicated by a pile of empty barrels, as well as by the file of men returning from their drink, whose breath, as it were, seemed to blaze the way. It is a one-story building about 35 by 130 feet in dimensions, but notwithstanding its spaciousness one has some difficulty in getting inside because of the crowd. The bar extends the full length of the interior, and behind it stands a cashier and three bartenders, who appear to be kept constantly employed. At one of my visits I found men in line, not only fronting the bar, but extending outside the door and standing close together for a distance of at least 150 feet, waiting their turn to be served. They paid their money to the cashier, who gave to each a ticket of the value of 5 cents, which they handed to one of the other of the bartenders, and each getting his mug of beer passed on to the other end of the building and outside.

There were about 200 men in line.

A CEASELESS ROUND OF DRINKS.

I noticed that many of them, after passing out, joined the line again to go in for a further supply, and I learned that it was possible for a man to get as many as three mugs of beer in the course of an hour. Indeed, I could discover nothing to prevent a man from keeping this up as long as his money held out. There are twenty tables on one side the hall at which from four to six men could sit, and these are occupied by the old and infirm, and the tables, as well as the men, are usually pretty full so long as the hall is open. And this is nearly all the day, excepting an hour and a half interval for dinner. Indeed, such is the eagerness for the drink that the men form in line even before the doors are open, and often, as I was informed, as many as 100 to 200 may be seen impatiently waiting the opening. I learned that it was not at all unusual for men to drink four or five beers in the morning and as many more in the afternoon, and that some drink even more than that. There is practically no restriction as to the quantity, so long as they can pay for it and not become so intoxicated as to be disorderly. That they do become intoxicated several men were in evidence whom I met on the grounds. I had a conversation with a surgeon in one of the hospitals and learned from him that not all of the inmates of the Home were drinking men, but that there were a certain number who were habitual drinkers, and these could be found with almost undeviating regularity every day at the canteen, and that the supply of the invalids in the hospitals came largely from that class, but he added these significant words: "Poor fellows, they don't live long."

At one of my visits (March, 1901) I went directly from the beer hall to the police quarters and there found fifty-seven old soldiers waiting trial for misdemeanors. The cases were all heard and disposed of by the governor of the Home, Capt. P. T. Woodfin. The court sits twice a week. These were represented to be the accumulation of three days.

* * * * * * *

BEER WHETS THE TASTE FOR STRONGER DRINKS.

Do the facts admit of any other conclusion than this, that the inside beer hall is a constant stimulant to appetite, an appetite which becomes insatiable and seeks its further indulgence on the stronger liquors to be had outside; and is there not a grave inconsistency in the position of the Government, which, in maintaining a liquor saloon, encourages the men in the very misdemeanors for the commission of which the Government punishes them.

* * * * * * *

DOES NOT LESSEN OUTSIDE DIVES.

The apologists for the canteen contend that by the sale of beer and light wines to the soldiers at the Home and on military reservations they prevent them from going outside to get stronger and more injurious liquors. This is their theory, and it is honestly held by many. But their theory has not stood the test. It is contradicted by the actual results. The inside supply of the milder kinds does not prevent them from going outside for the stronger. The ever-present facility by which they can obtain the one is an ever-present stimulant, which, instead of satisfying, quickens the appetite for the other and sends them outside to seek its indulgence.

* * * * * * *

From the conditions which I have attempted to describe we can draw at least this conclusion—that is, that the Government in maintaining the canteen inside the grounds of the Home is responsible for the mischievous results. The appetite for drink is continually nurtured, and the desire for stronger liquor is created and seeks its indulgence when the men are at liberty to go outside the grounds, with the resulting drunkenness, which is of daily occurrence. The most practicable if not the only remedy would seem to be the abolition of the canteen and the prohibition of beer as an intoxicant, not now included in the interpretation of the prohibitory rule as to intoxicating liquors.

ONE HUNDRED AND FIFTEENTH STREET AND BROADWAY,
New York, June 21, 1906.

Hon. JACOB H. GALLINGER,
United States Senate.

DEAR SIR: Most earnestly desiring to see the canteen abolished from the National Soldiers' Home (and all military posts) I beg leave to give facts from my nine years' service as chaplain at the Southern Branch, Virginia.

The efforts to promote temperance among my needy and weak comrades were made almost hopeless and ineffectual by the counter influences of the canteen. Intemperance has brought the great mass of the members of the Home to shame and destitution. Such seek refuge in the Home as a harbor where they can with comparative impunity indulge their evil appetites and devote their pension money to their gratification.

The great body of the drinking men are not satisfied with beer from the canteen, but form a procession from morning till night going out to the neighboring saloons. The presence of the canteen encourages the propensity to drink, and inflames the thirst for stronger liquor, and sends the victim outside to satisfy it. While a great many confirmed inebriates have been brought under good influences, and shown a desire to refrain (often resisting the temptation for months, or a year, and have solemnly pledged themselves to abstinence) yet the constant presence of the canteen, and the sight of their intimate friends and associates frequenting it, bringing the smell of it into the common quarters, talking about their drinking, etc., almost certainly soon overcomes the good resolution to reform, and these go back to their old habits, they become discouraged and disheartened, and give up in despair.

Drunkenness is the vogue in the Homes, and every effort to reform brings ridicule on the individual who shows this disposition, and his failure encourages contempt for the religious influences under which he sought in vain for help. Thus the canteen is the chief stumbling block to the reformation of the drinking, weak, old soldier.

Thus the canteen pollutes the whole moral atmosphere of the Homes. It so greatly encourages intemperance that membership in the Home is in itself a common byword of contempt in the neighboring communities. The men of respectable character brought there by misfortune are forced into close association with a multitude who glory in the shame of their degradation by drink, and instead of finding a peaceful, respectable retreat in their old age and necessity, are thrust into close contact with a mass of humanity which provokes only disgust and misery; their natural and just sensibilities are hourly offended and constantly outraged. The maintenance of the canteen under the authority of the Government practically offers a premium for intemperance, and contravenes every religious effort that a chaplain can put forth. It is made the duty of a faithful chaplain to denounce the influence which the Government maintains through the operation of the canteen. This is unmilitary, as it is also illogical.

There is no more crying need in the National Homes than to put intemperance truly under the ban; instead of which it is encouraged and supported. The care of the nation for its weak, helpless, and dependent veterans and saviors is misnamed and not in evidence in maintaining the canteen in the Home.

I am, very respectfully, yours, JOS. H. BRADLEY,
Late Chaplain at Southern Branch, N. H. D. V. S.

Mr. HALE. I move to lay on the table the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH].

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine to lay on the table the amendment proposed by the Senator from North Dakota. [Putting the question.] By the sound the noes have it.

Mr. HALE. If the Senate desires that, I have nothing to say. I think it is very unsafe to put the matter into conference. We had better retain the House provision as it was sent over. I do not know what will happen if it goes into conference.

The VICE-PRESIDENT. The Chair will again put the question. The question is on agreeing to the motion of the Senator from Maine to lay on the table the amendment proposed by the Senator from North Dakota. [Putting the question.] In the opinion of the Chair the noes have it. The noes have it, and the motion is lost.

The question recurs on agreeing to the amendment proposed by the Senator from North Dakota. [Putting the question.] By the sound the ayes have it. The ayes have it, and the amendment is agreed to.

Mr. HALE. Mr. President, I do not think Senators understood the proposition. I myself voted——

The VICE-PRESIDENT. The Chair will have the Secretary again state the amendment.

The SECRETARY. On page 144 of the bill, line 7, after the word "dollars," it is proposed to strike out:

Provided, That this appropriation shall be available only under the condition that no bar or canteen shall be maintained at said Homes for the sale of beer, wine, or other intoxicating liquors.

And insert:

Hereafter there shall not be maintained, at any Branch Home of the National Home for Disabled Volunteer Soldiers, any bar or canteen for the sale of beer, or wine, or other intoxicating liquors.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has just been stated.

The amendment was agreed to.

Mr. HALE. On page 175 I wish the amendment reported by the committee to be disagreed to because the question was settled by the Senate by its vote yesterday.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 175, line 7, after the word "two," the committee proposes to strike out the following:

Provided, That no part of the sums herein appropriated shall be used for the construction of a canal of the so-called sea-level type.

Mr. HALE. Let that be disagreed to in order to conform to the action of the Senate.

The amendment was rejected.

Mr. HALE. I hope the bill may be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. Mr. President, I present a conference report on the District of Columbia appropriation bill. I trust there will be no objection to action upon it at the present time.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18198) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 12, 13, 14, 15, 26, 39, 40, 43, 44, 45, 46, 53, 60, 61, 62, 63, 69, 71, 72, 74, 79, 81, 85, 91, 92, 93, 96, 97, 99, 100, 103, 104, 117, 119, 122, 123, 125, 127, 128, 129, 148, 150, 157, 159, 163, 168, 170, 172, 178, 188, 193, 196, 199, 200, 202, 208, 209, 211, 212, 213, 216, 237, 240, 245, 246, 248, 250, 258, and 261.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 7, 8, 10, 16, 17, 18, 19, 21, 22, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 41, 47, 49, 54, 55, 56, 57, 58, 59, 64, 65, 66, 67, 68, 70, 73, 75, 78, 80, 83, 84, 87, 89, 94, 95, 98, 101, 102, 108, 109, 111, 113, 114, 116, 120, 124, 126, 130, 131, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 151, 152, 154, 155, 156, 160, 161, 162, 165, 171, 174, 176, 177, 179, 180, 181, 182, 183, 184, 186, 187, 190, 197½, 201, 204, 205, 206, 207, 210, 215, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 230, 231, 232, 236, 241, 242, 249, 252, 253, 254, 255, 256, 257, 260, 262, 263, 264, 265, 266, 267, 268, and 269; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$98,359;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: At the end of said amendment, after the word "five," insert "and the Commissioners of the District of Columbia are hereby authorized to refund any excess taxes paid on such returns by reason of such penalty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert $15,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$178,687;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,020;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Omit from the matter inserted by said amendment the words "chief of circulating department, one thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,060;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "by the Commissioners for any other purposes than to visit such points within the District of Columbia as it may be necessary to visit in order to enable them to inspect or inform themselves concerning any public work or property belonging to the said District, or to do any other act necessary to the administration of its affairs;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the erection of suitable tablets to mark historical places in the District of Columbia, to be expended under the direction of the Joint Committee on the Library, five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "where," insert the words ", on account of the character of the work;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following; "Girard street, between Twelfth street and Brentwood road, northeast, grade, $4,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Insert after said amendment as a paragraph the following: "Massachusetts avenue, from S street to Belmont road, grade and improve, $5,900."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$123,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

Add after said amendment as separate paragraphs, the following:

"For purchase or condemnation of an approach to the Anacostia end of the new Anacostia Bridge, and the grading and improving of such approach, and grading and improving the extension of Monroe street to the Eastern Branch of the Potomac River, and for constructing a suitable bridge to carry said extension of Monroe street over the tracks of the Baltimore and Ohio Railroad, all in accordance with plans approved by the Commissioners of the District of Columbia, $54,000, or so much thereof as may be necessary, and the said Commissioners are authorized to enter into a contract with the said railroad company or other parties for the construction of such bridge and approaches; and the Commissioners of the District of Columbia are hereby authorized and directed to acquire, by purchase or condemnation, the land necessary for the extension of Monroe street with a width of sixty feet from Harrison street northward to the Anacostia River, and of the south approach to the new Anacostia Bridge, with a width of sixty feet, to connect with said

extension of Monroe street by a curve passing over the tracks of the Alexandria branch of the Baltimore and Ohio Railroad; and such condemnation proceedings as may be necessary for this purpose shall be conducted under the provisions of subchapter one of chapter fifteen of the Code of Law for the District of Columbia, and such sums as are necessary to pay the expense of said condemnation proceedings and to pay any damages or excess of damages over benefits that may be allowed to owners of land taken is hereby appropriated: *Provided*, That such portion of this cost shall be borne by the Baltimore and Ohio Railroad Company as is provided in section ten of an act entitled 'An act to provide for a Union Railroad Station in the District of Columbia, and for other purposes,' approved February 28, 1903, and said sum shall be paid by the said company to the Treasurer of the United States, one half to the credit of the District of Columbia and the other half to the credit of the United States, and the same shall be a valid and subsisting lien against the franchises and property of the said Baltimore and Ohio Railroad Company and shall be a legal indebtedness of said company in favor of the District of Columbia, jointly for its use and the use of the United States as aforesaid, and the said lien may be enforced in the name of the District of Columbia by bill in equity brought by the Commissioners of the said District in the supreme court of the said District, or by any other lawful proceeding, against the said Baltimore and Ohio Railroad Company: *And provided further*, That the Anacostia and Potomac River Railroad Company shall pay toward the balance of the cost of the construction of said approaches and bridge over the said tracks of the Baltimore Railroad Company the sum of $3,750, to be collected in the same manner as the cost of laying pavements between the rails and tracks of street railways, as provided for in section 5 of 'An act providing a permanent form of government for the District of Columbia,' approved June 11, 1878, and paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

"And the Anacostia and Potomac River Railroad Company is hereby authorized and directed to construct and operate a double-track street railway along the said south approach and extension of Monroe street provided for herein to intersect with its existing tracks at Monroe and Harrison streets, said line to be completed and equipped by September 13, 1907, and within thirty days thereafter the said Anacostia and Potomac River Railroad Company shall remove its rails from and restore the paving on the portion of its line hereby directed to be abandoned, to wit: along Harrison or Bridge street, lying west of Monroe street and on the present Anacostia or Navy-Yard Bridge: *Provided*, That the said Anacostia and Potomac River Railroad Company shall within sixty days after the completion of its new line herein specified, pave that portion of the approaches to the Anacostia bridge now being constructed and Monroe street extended lying between lines two feet exterior to the outer rails of its track, said paving to be of such character as the Commissioners of the District of Columbia may determine: *And provided further*, That when in the judgment of said Commissioners they shall deem it safe and proper to construct over the newly filled approach to said bridge the necessary conduits and appurtenances to operate a street railway by the underground or conduit system they are hereby authorized and directed to notify said Anacostia and Potomac River Railroad Company to construct such necessary conduits and appurtenances over so much of its lines between the said new bridge and Franklin street, Anacostia, and upon failure or neglect of said railroad company to complete the work of installing such conduits and appurtenances within six months after the date of such notification said railroad company shall be subject to a fine of not less than twenty-five dollars for each and every day during which it fails or neglects to install such conduits and appurtenances, which fine shall be recovered in any court of competent jurisdiction at the suit of said Commissioners.

"And the Anacostia and Potomac River Railroad Company is hereby required to pay a final sum of $15,000 toward the cost of construction and the use of the new Anacostia River bridge, in addition to any sum to be paid or expended by said Anacostia and Potomac River Railroad Company for approaches, and in addition to any sums required to be expended by said railroad under existing law for construction, maintenance, and repairs, and the said sum of $15,000 is hereby declared a valid and subsisting lien against the franchises and property of said street railroad company and shall be a legal indebtedness of said company in favor of the District of Columbia jointly for its use and the use of the United States. And the said sum when paid or collected shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia."

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,040;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"For officers: For superintendent of public schools, $5,000; two assistant superintendents at $3,000 each; secretary, $2,000; clerk, $1,400; two clerks at $1,000 each; one messenger, seven hundred and twenty dollars; in all, seventeen thousand one hundred and twenty dollars; and members of the board of Education shall serve without compensation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"For teachers: For one thousand five hundred and seventy-seven teachers, to be assigned as follows:

"For director of intermediate instruction, two thousand six hundred dollars;

"For thirteen supervising principals, at two thousand two hundred dollars each;

"For supervisor of manual training, two thousand two hundred dollars;

"For principals of Central, Eastern, Western, Business, and M Street high schools, five in all, at $2,000 each;

"For principals of McKinley Manual Training School and Armstrong Manual Training School, two at $2,000 each;

"For principals of Normal School Number One and Normal School Number Two, two at $2,000 each;

"For principal at Jefferson School, $1,920;

"For twelve heads of departments in high schools, at $1,900 each;

"For principal of Stevens School, $1,890;

"For principal of Franklin and Thomson schools, one, at $1,830;

"For director of primary instruction, $1,800;

"For principals of Force, Peabody, Dennison, and Lincoln schools, four in all, at $1,710 each;

"For principals of Wallach and Van Buren and Annex schools, two in all, at $1,650 each;

"For principal of Abbot School, $1,620;

"For two high school teachers, at $1,600 each;

"For principals of Seton, Henry, Webster, Grant, and Gales schools, five in all, at $1,590 each;

"For directors of music, drawing, physical culture, domestic science, domestic art, and kindergarten instruction, six in all, at $1,500 each;

"For principals of Towers, Jackson, and Blake schools, three in all, at $1,470 each;

"For assistant director of primary instruction, and one manual training school teacher, two in all, at $1,400 each;

"For principals of Johnson and Annex, Brookland, Emery, Garnet, Randall, and Birney and Annex, six in all, at $1,390 each;

"For principal of Mott School, $1,330;

"For assistant directors of music, drawing, physical culture, domestic science, domestic art, and kindergarten instruction, principals of Berret, Curtis, Sumner, and Cook schools, five high school teachers, three manual training school teachers, and two normal school teachers, twenty in all, at $1,330 each;

"For principals of Adams, Morgan, Hubbard, Polk, Phelps, Morse, Twining, Hilton, Maury, Edmonds, Lenox, Brent, Smallwood, Bradley, Sayles J. Bowen, Addison, Fillmore, Corcoran, Weightman, Toner, Ludlow, Blair, Taylor, Madison, Webb, Wheatley, Pierce, Takoma, Tenley, Brightwood, Monroe, Con-

gress Heights, Cranch, Buchanan, Carbery Hayes, Eckington, Briggs, Montgomery, Banneker, Logan, Jones, Lovejoy, Wilson, Garrison, and Bell schools, forty-six in all, at $1,270 each;

"For principal of Bruce School, two high school teachers, and three manual training school teachers, six in all, at $1,230 each;

"For principal of Garfield School, $1,210;

"For one high school teacher, $1,200;

"For principals of Ross and Gage schools, two in all, at $1,190 each;

"For principals of Harrison, Dent, Arthur, Amidon, Wormley, Patterson, Langston, Slater, Giddings, and Ambush schools, ten in all, at $1,160 each;

"For principals of Reservoir, Benning, Hamilton, Woodburn, Stanton, Langdon, Chevy Chase, and Petworth schools, eight in all, at $1,150 each;

"For principals of Greenleaf, Tyler, Phillips, Magruder, Anthony Bowen, Syphax, and Cardoze schools, twenty-three high school teachers, five manual training school teachers and six normal school teachers, forty-one in all, at $1,100 each;

"For principal of Industrial Home and Reno schools, two in all, at $1,070 each;

"For principals of Blow, Douglass, Payne, and Simmons schools, seven manual training school teachers, three teachers of music, one teacher of drawing, and one teacher of physical culture, sixteen in all, at $1,040 each;

"For one grade teacher, $1,030;

"For principal of Military Road school, $1,010;

"For teachers of normal, high, and manual training schools, eighty-nine in all, at $1,000 each;

"For four, at $990 each;

"For five, at $980 each;

"For eleven, at $950 each;

"For one, $925;

"For four, at $920 each;

"For eleven, at $900 each;

"For one, $890;

"For four, at $875 each;

"For eighty, at $860 each;

"For six, at $850 each;

"For two, at $845 each;

"For eleven, at $830 each;

"For fourteen, at $825 each;

"For two hundred and seventy-eight, at $800 each;

"For five, at $775 each;

"For twelve, at $750 each;

"For sixteen, at $725 each;

"For two, at $700 each;

"For one hundred and fifty-five, at $675 each;

"For two hundred and forty-one, at $650 each;

"For twenty, at $625 each;

"For three hundred and nineteen, at $600 each;

"For three, at $575 each;

"For three, at $550 each;

"For nineteen, at $525 each;

"For thirty-four, at $500 each;

"In all, $1,281,015.

"*Provided*, That when a salary in any class or group shall be vacated by resignation or otherwise the salary required to be paid to the teacher or officer promoted to fill such vacancy under the provisions of an act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia, approved June —, 1906, may be substituted therefor: *Provided further*, That in assigning salaries to teachers no discrimination shall be made between male and female teachers employed in the same grade of school and performing a like class of duties; and it shall not be lawful to pay, or authorize or require to be paid, from any of the salaries of teachers herein provided, any portion or percentage thereof for the purpose of adding to salaries of higher or lower grades.

"Night schools: For night schools for pupils—and teachers of night schools may also be teachers in the day schools—$12,000.

"For contingent and other necessary expenses of night schools, $700.

"Kindergarten supplies: For kindergarten supplies, $2,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$96,700;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: At the end of line 1 of said amendment, after the word "at," insert "or near;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$44,255;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,740;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,220;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$100,360;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and on page 52 of the bill, in line 9, after the word "For," insert the word "brick;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$67,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-eight thousand five hundred and sixty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$480;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,980;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment, insert the following: "bailiff, six hundred dollars; three charmen, at three hundred and sixty dollars each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$23,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,700;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with

an amendment as follows: In lieu of the sum proposed insert "$14,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,360;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,480;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 227, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$14,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$8,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 229, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$8,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 235, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 238, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 239, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$81,320;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 243, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,468;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 244, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,144;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 247, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 251, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,700;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 259, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$3,000;" and the Senate agree to the same.

J. H. GALLINGER,
GEORGE PEABODY WETMORE,
Managers on the part of the Senate.

FREDK. H. GILLETT,
WASHINGTON GARDNER,
A. S. BURLESON,
Managers on the part of the House.

The report was agreed to.

MENOMINEE INDIAN LANDS, WISCONSIN.

Mr. LA FOLLETTE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment as follows: In the forty-eighth line strike out "five" and insert "four;" and the Senate agree to the same.

ROBERT M. LA FOLLETTE,
ROBERT J. GAMBLE,
WM. J. STONE,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
WILLIAM T. ZENOR,
Managers on the part of the House.

The report was agreed to.

OSAGE INDIAN LANDS, OKLAHOMA.

Mr. LONG submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15333) entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11 and 24.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out the words inserted by the Senate, restore the matter stricken out, and insert, after "members," "subject to the approval of the Secretary of the Interior;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Following the word "Oklahoma," in said amendment, insert "*Provided*, That the surplus lands shall be nontaxable for the period of three years from the approval of this act, except where certificates of competency are issued or in case of the death of the allottee, unless otherwise provided by Congress; and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Strike out the word "ten" and insert "forty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Strike out the word "ten" and insert "forty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the Senate amendment insert: "*And provided further*, That no mining of or prospecting for any of said mineral or minerals shall be permitted on the homestead selections herein provided for without the written consent of the Secretary of the Interior: *Provided, however*, That nothing herein contained shall be construed as affecting any valid existing lease or contract;" and the Senate agree to the same.

CHESTER I. LONG,
WM. J. STONE,
MOSES E. CLAPP,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
WM. T. ZENOR,
Managers on the part of the House.

The report was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I desire to call up the conference report on the Post-Office appropriation bill.

The VICE-PRESIDENT. The Chair understands that it has gone to the Government Printing Office and has not been returned.

Mr. PENROSE subsequently said: My attention has been called to the fact that the conference report on the Post-Office appropriation bill is printed in full on page 8785 of the RECORD, and as there is no controversy over the report I ask unanimous consent that the conference report may be taken up for consideration and disposed of.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The report will be read.

[The Secretary read the report, which appears elsewhere in to-day's Senate proceedings.]

The VICE-PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

SURVEY OF CONEY ISLAND CHANNEL, NEW YORK.

Mr. GALLINGER. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 19680) directing the Secretary of War to cause an examination and survey to be made of Coney Island channel, to report it favorably without amendment, and as it is a very brief bill I ask unanimous consent for its consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

APPALACHIAN AND WHITE MOUNTAIN FOREST RESERVES.

Mr. BRANDEGEE. I ask unanimous consent for the present consideration of the bill (S. 4953) for the purpose of acquiring national forest reserves in the Appalachian Mountains and White Mountains, to be known as the Appalachian Forest Reserve and the White Mountain Forest Reserve, respectively.

Mr. CULLOM. I wish to give notice that when this bill shall have been disposed of, I shall move an executive session.

The VICE-PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 13 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 23, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 22, 1906.

PLACED ON RETIRED LIST.

Under the provisions of an act of Congress approved April 23, 1904, I nominate Col. Oswald H. Ernst, Corps of Engineers, to be placed on the retired list of the Army, with the rank of brigadier-general from the date on which he shall be retired from active service.

PENSION AGENT.

Selden Connor, of Maine, to be pension agent at Augusta, Me., his term having expired December 10, 1905. (Reappointment.)

REGISTERS OF LAND OFFICES.

George W. Wilson, of Minot, N. Dak., to be register of the land office at Williston, N. Dak., a new office. Original vacancy.

Clarence C. Schuyler, of North Dakota, to be register of the land office at Fargo, N. Dak., his term having expired March 19, 1906. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

Victor Chaffee, of Grand Forks, N. Dak., to be receiver of public moneys at Williston, N. Dak., a new office. Original vacancy.

Judson J. Jordan, of North Dakota, to be receiver of public moneys at Fargo, N. Dak., vice De Witt C. Tufts, term expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 22, 1906.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Herbert H. D. Peirce, of Massachusetts, now Third Assistant Secretary of State, to be envoy extraordinary and minister plenipotentiary of the United States to Norway.

THIRD ASSISTANT SECRETARY OF STATE.

Huntington Wilson, of Illinois, now secretary of the legation at Tokyo, Japan, to be Third Assistant Secretary of State.

CONSULS-GENERAL.

Ernest A. Man, of Florida, now consul at Breslau, to be consul-general of the United States at Copenhagen, Denmark.

William Haywood, of the District of Columbia, former secretary of legation and consul-general at Honolulu, to be consul-general of the United States of class 4 at Seoul, Korea.

Henry W. Diederich, of the District of Columbia, now consul at Bremen, for promotion, to be consul-general of the United States of class 4 at Antwerp, Belgium.

George Horton, of Illinois, now consul at that place, to be consul-general of the United States of class 7 at Athens, Greece.

Church Howe, of Nebraska, now consul-general at Antwerp, for promotion, to be consul-general of the United States of class 3 at Montreal, Canada.

Frank R. Mowrer, of Ohio, now consul at Ghent, for promotion, to be consul-general of the United States of class 6 at Adis Ababa, Abyssinia.

Edward H. Ozmun, of Minnesota, now consul at Stuttgart, for promotion, to be consul-general of the United States of class 3 at Constantinople, Turkey.

Alban G. Snyder, of West Virginia, now secretary of the legation and consul-general at Bogota, for promotion, to be consul-general of the United States of class 5 at Buenos Ayres, Argentine Republic.

Samuel M. Taylor, of Ohio, now consul at Glasgow, to be consul-general of the United States of class 5 at Callao, Peru.

Jay White, of Michigan, now consul at Hanover, for promotion to be consul-general of the United States of class 6 at Bogota, Colombia.

Gabriel Bie Ravndal, of South Dakota, now consul at Dawson, to be consul-general of the United States of class 5 at Beirut, Turkey.

Willard D. Straight, of New York, now vice consul-general at Seoul, to be consul-general of the United States of class 5 at Mukden, China.

CONSULS.

Joseph M. Authier, of Rhode Island, now commercial agent at that place, to be consul of the United States of class 9 at St. Hyacinthe, Quebec, Canada.

Julean H. Arnold, of California, a student interpreter to China, to be consul of the United States of class 7 at Tamsui, Formosa.

James S. Benedict, of New York, now commercial agent at that place, to be consul of the United States of class 9 at Campbellton, New Brunswick, Canada.

Richard W. Austin, of Tennessee, to be consul of the United States at Glasgow, Scotland.

William P. Atwell, of the District of Columbia, now consul at Roubaix, for promotion to be consul of the United States of class 7 at Ghent, Belgium.

William Harrison Bradley, of Illinois, now consul-general at that place, to be consul of the United States of class 2 at Manchester, England.

Casper S. Crowninshield, of the District of Columbia, now commercial agent at that place, to be consul of the United States of class 9 at Castellamare di Stabia, Italy.

Gustave Beutelspacher, of Ohio, now commercial agent at that place, to be consul of the United States of class 9 at Moncton, New Brunswick, Canada.

George C. Cole, of West Virginia, now consul-general at Buenos Aires, for promotion to be consul of the United States of class 3 at Dawson, Yukon Territory, Canada.

Henry S. Culver, of Ohio, now consul at London, Ontario, Canada, for promotion to be consul of the United States of class 8 at Cork, Ireland.

Chapman Coleman, of Kentucky, former secretary of legation at Berlin, to be consul of the United States of class 8 at Boubaix, France.

E. Haldeman Dennison, of Ohio, now commercial agent at Rimouski, for promotion to be consul of the United States of class 5 at Bombay, India.

William T. Fee, of Ohio, now consul at Bombay, for promotion to be consul of the United States of class 3 at Bremen, Germany.

Alfred J. Fleming, of Missouri, now commercial agent at Stanbridge, for promotion to be consul of the United States of class 8 at Aden, Arabia.

Charles M. Freeman, of New Hampshire, now commercial agent at that place, to be consul of the United States of class 9 at St. Pierre, St. Pierre Island.

Fred D. Fisher, of Oregon, now consul at Tamsui, for promotion to be consul of the United States of class 5 at Harbin, Manchuria.

Roger S. Greene, of Massachusetts, now commercial agent at that place, to be consul of the United States of class 6 at Vladivostok, Siberia.

Wilbur T. Gracey, of Massachusetts, now vice and deputy consul-general at Hongkong, to be consul of the United States of class 5 at Tsingtau, China.

Edwin N. Gunsaulus, of Ohio, now consul at Cork, for promotion to be consul of the United States of class 6 at Rimouski, Quebec, Canada.

Joseph E. Haven, of Illinois, now commercial agent at that place, to be consul of the United States of class 9 at St. Christopher, West Indies.

John E. Hamilton, of Kentucky, now commercial agent at that place, to be consul of the United States of class 9 at Cornwall, Ontario, Canada.

George Heimrod, of Nebraska, now consul-general at that place, to be consul of the United States of class 6 at Apia, Samoa.

Perley C. Heald, of Michigan, now commercial agent at Wallaceburg, for promotion to be consul of the United States of class 9 at Saigon, Cochin China.

Alexander Heingartner, of Ohio, now consul at Guelph, for promotion to be consul of the United States of class 9 at Riga, Russia.

George N. Ifft, of Idaho, now consul at Chatham, for promotion to be consul of the United States of class 7 at Annaberg, Germany.

John Edward Jones, of the District of Columbia, now consul-general at that place, to be consul of the United States of class 6 at Dalny, Manchuria.

John F. Jewell, of Illinois, now consul at Martinique, for promotion to be consul of the United States of class 7 at St. Michaels, Azores.

George B. Killmaster, of Michigan, now commercial agent at that place, to be consul of the United States of class 9 at Port Rowan, Ontario, Canada.

James A. Le Roy, of Michigan, now consul at Durango, for promotion to be consul of the United States of class 8 at Madrid, Spain.

William C. Magelsson, of Minnesota, now vice and deputy consul-general at Beirut, to be consul of the United States of class 9 at Bagdad, Turkey.

Robert E. Mansfield, of Indiana, now consul at Valparaiso, to be consul of the United States of class 6 at Lucerne, Switzerland.

William W. Masterson, of Kentucky, now consul at Aden, to be consul of the United States of class 8 at Batum, Russia.

Chester W. Martin, of Michigan, now consul at Amherstburg, for promotion to be consul of the United States of class 8 at Martinique, West Indies.

George W. Shotts, of Michigan, now commercial agent at that place, to be consul of the United States of class 8 at Sault Ste. Marie, Ontario, Canada.

John H. Shirley, of Illinois, now commercial agent at Goderich, for promotion to be consul of the United States of class 9 at Suva, Fiji Islands.

Alfred A. Winslow, of Indiana, now consul-general at Guatemala, for promotion to be consul of the United States of class 4 at Valparaiso, Chile.

Philip Carroll, of New York, now commercial agent at Greenville, for promotion to be consul of the United States of class 9 at Manzanillo, Mexico.

Edwin S. Cunningham, of Tennessee, now consul at Bergen, for promotion to be consul of the United States of class 6 at Durban, Natal.

George A. Chamberlain, of New Jersey, late vice and deputy consul-general at Rio de Janeiro, to be consul of the United States of class 5 at Pernambuco, Brazil.

William F. Doty, of New Jersey, now consul at Tahiti, for promotion to be consul of the United States of class 7 at Tabriz, Persia.

Maxwell K. Moorhead, of Pennsylvania, now consul at St. Thomas, Ontario, to be consul of the United States of class 9 at Belgrade, Servia.

Henry H. Morgan, of Louisiana, now consul at Lucerne, for promotion to be consul of the United States of class 5 at Stuttgart, Wurttemberg.

Milton M. Price, of South Dakota, now commercial agent at that place, to be consul of the United States of class 8 at Jeres de la Frontera, Spain.

Nicholas R. Snyder, of Pennsylvania, now commercial agent at that place, to be consul of the United States of class 7 at Port Antonio, Jamaica.

Augustus G. Seyfert, of Pennsylvania, now consul at Stratford, for promotion to be consul of the United States of class 9 at Durango, Mexico.

Nicholas C. Schlemmer, of Texas, now vice-consul at Mannheim, to be consul of the United States of class 8 at Bergen, Norway.

John S. Twells, of Pennsylvania, now commercial agent at that place, to be consul of the United States of class 7 at Carlsbad, Austria.

SURVEYORS OF CUSTOMS.

John R. Puryear to be surveyor of customs for the port of Paducah, in the State of Kentucky.

Frank B. Posey to be surveyor of customs for the port of Evansville, in the State of Indiana.

UNITED STATES ATTORNEY.

George Du Relle, of Kentucky, to be United States attorney for the western district of Kentucky.

MARSHALS.

Leo V. Youngworth, of California, to be United States marshal for the southern district of California.

Charles T. Elliott, of California, to be United States marshal for the northern district of California.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet James Louis Ahern to be a third lieutenant in the Revenue-Cutter Service of the United States.

APPOINTMENT IN THE NAVY.

Paul J. Dashiell, a citizen of the State of Maryland, to be a professor of mathematics in the Navy from the 21st day of June, 1906.

PROMOTIONS IN THE NAVY.

To be lieutenants (junior grade) in the Navy from the 7th day of June, 1906, upon the completion of three years' service:

Ernest J. King.
William Norris.
John P. Jackson.
Arthur P. Fairfield.
John H. Furse.
Charles T. Hutchins, jr.

To be lieutenants in the Navy from the 7th day of June, 1906, to fill vacancies existing in that grade on that date:

Ernest J. King.
William Norris.
John P. Jackson.
Arthur P. Fairfield.
John H. Furse.
Charles T. Hutchins, jr.

Midshipman Omenzo C. F. Dodge to be an ensign in the Navy from the 2d day of February, 1906.

Capt. William T. Burwell to be a rear-admiral in the Navy from the 6th day of June, 1906.

PROMOTIONS IN THE ARMY.

Col. Samuel R. Whitall, United States Army, retired, to be placed on the retired list of the Army with the rank of brigadier-general from June 15, 1906.

Lieut. Col. William L. Pitcher, Twenty-eighth Infantry, to be colonel from June 15, 1906.

Maj. Bernard A. Byrne, Thirteenth Infantry, to be lieutenant-colonel from June 15, 1906.

Capt. Harry C. Hale, Fifteenth Infantry, to be major from June 15, 1906.

First Lieut. Garrison McCaskey, Twenty-fifth Infantry, to be captain from June 15, 1906.

RECEIVERS OF PUBLIC MONEYS.

Neil B. Morrison, of Duluth, Minn., to be receiver of public moneys at Duluth, Minn.

Charles B. Timberlake, of Colorado, to be receiver of public moneys at Sterling, Colo.

John Jones, of Michigan, to be receiver of public moneys at Marquette, Mich., to take effect June 24, 1906.

Darius M. Amsberry, of Broken Bow, Nebr., to be receiver of public moneys at Broken Bow.

John Reese, of Broken Bow, Nebr., now receiver of public moneys at that place, to be register of the land office at Broken Bow, Nebr.

C. Frost Liggett, of Colorado, to be receiver of public moneys at Lamar, Colo., his term having expired February 20, 1906.

REGISTER OF LAND OFFICE.

John A. Williams, of Colorado, to be register of the land office at Lamar, Colo., his term having expired March 10, 1906.

POSTMASTERS.

ARIZONA.

Albert L. Smith to be postmaster at Prescott, in the county of Yavapai and Territory of Arizona.

ARKANSAS.

G. H. Taylor to be postmaster at Morrillton, in the county of Conway and State of Arkansas.

CALIFORNIA.

John N. Newkirk to be postmaster at San Diego, in the county of San Diego and State of California.

Alfred A. True to be postmaster at Highland, in the county of San Bernardino and State of California.

COLORADO.

Clark Z. Cozens to be postmaster at Littleton, in the county of Arapahoe and State of Colorado.

CONNECTICUT.

Henry Dryhurst to be postmaster at Meriden, in the county of New Haven and State of Connecticut.

FLORIDA.

Guy Gillen to be postmaster at Lake City, in the county of Columbia and State of Florida.

Alexander W. Jackson to be postmaster at White Springs, in the county of Hamilton and State of Florida.

Oliver S. Oakes to be postmaster at Fernandina, in the county of Nassau and State of Florida.

Henry J. Ritchie to be postmaster at St. Augustine, in the county of St. John and State of Florida.

Joseph L. Skipper to be postmaster at Lakeland, in the county of Polk and State of Florida.

ILLINOIS.

Holly C. Clark to be postmaster at Mount Morris, in the county of Ogle and State of Illinois.

George W. Dicus to be postmaster at Rochelle, in the county of Ogle and State of Illinois.

Frank E. Eckard to be postmaster at Vandalia, in the county of Fayette and State of Illinois.

James F. M. Greene to be postmaster at Hillsboro, in the county of Montgomery and State of Illinois.

Edward Grimm to be postmaster at Galena, in the county of Jo Daviess and State of Illinois.

William H. Hainline to be postmaster at Macomb, in the county of McDonough and State of Illinois.

James H. Lincoln to be postmaster at Franklin Grove, in the county of Lee and State of Illinois.

James R. Morgan to be postmaster at Maroa, in the county of Macon and State of Illinois.

William E. Nipe to be postmaster at Mount Carroll, in the county of Carroll and State of Illinois.

Joel S. Ray to be postmaster at Arcola, in the county of Douglas and State of Illinois.

INDIANA.

William T. Baker to be postmaster at Alexandria, in the county of Madison and State of Indiana.

E. T. Botkin to be postmaster at Farmland, in the county of Randolph and State of Indiana.

William C. Gordon to be postmaster at Summitville, in the county of Madison and State of Indiana.

Charles H. Kuester to be postmaster at North Judson, in the county of Starke and State of Indiana.

INDIAN TERRITORY.

Ulysses S. Markham to be postmaster at Caddo, in District Twenty-five, Indian Territory.

IOWA.

Frank E. Fritcher to be postmaster at Nashua, in the county of Chickasaw and State of Iowa.

Lew I. Sturgis to be postmaster at Oelwein, in the county of Fayette and State of Iowa.

G. L. Van de Steeg to be postmaster at Orange City, in the county of Sioux and State of Iowa.

KANSAS.

James A. Arment to be postmaster at Dodge City, in the county of Ford and State of Kansas.

Frank C. Bevington to be postmaster at Jewell, in the county of Jewell and State of Kansas.

James Frey to be postmaster at Enterprise, in the county of Dickinson and State of Kansas.

Theodore Griffith to be postmaster at Great Bend, in the county of Barton and State of Kansas.

Samuel C. Lobaugh to be postmaster at Harper, in the county of Harper and State of Kansas.

L. C. McMurray to be postmaster at McPherson, in the county of McPherson and State of Kansas.

Samuel R. Peters to be postmaster at Newton, in the county of Harvey and State of Kansas.

George W. Watson to be postmaster at Kinsley, in the county of Edwards and State of Kansas.

MAINE.

Perham S. Heald to be postmaster at Waterville, in the county of Kennebec and State of Maine.

MASSACHUSETTS.

William E. Freese to be postmaster at East Walpole, in the county of Norfolk and State of Massachusetts.

Joseph A. West to be postmaster at Provincetown, in the county of Barnstable and State of Massachusetts.

MICHIGAN.

Minnie L. Hall to be postmaster at Lawton, in the county of Van Buren and State of Michigan.

Charles G. Kellow to be postmaster at Painesdale, in the county of Houghton and State of Michigan.

Horace G. Prettyman to be postmaster at Ann Arbor, in the county of Washtenaw and State of Michigan.

MINNESOTA.

Theodore P. Fagre to be postmaster at Blooming Prairie, in the County of Steele and State of Minnesota.

Charles E. Callaghan to be postmaster at Rochester, in the county of Olmsted and State of Minnesota.

MISSOURI.

Alexander F. Karbe to be postmaster at Neosho, in the county of Newton and State of Missouri.

Albert C. Krog to be postmaster at Washington, in the county of Franklin and State of Missouri.

MONTANA.

Ira L. Kirk to be postmaster at Bozeman, in the county of Gallatin and State of Montana.

NEBRASKA.

James M. Beaver to be postmaster at Scribner, in the county of Dodge and State of Nebraska.

Frank D. Reed to be postmaster at Shelton, in the county of Buffalo and State of Nebraska.

NEW JERSEY.

Edwin Cadmus to be postmaster at Bayonne, in the county of Hudson and State of New Jersey.

L. W. Cramer to be postmaster at Mays Landing, in the county of Atlantic and State of New Jersey.

NEW YORK.

Robert H. Bareham to be postmaster at Palmyra, in the county of Wayne and State of New York.

Charles E. Sheldon to be postmaster at Sherman, in the county of Chautauqua and State of New York.

Claude L. Wilson to be postmaster at Little Valley, in the county of Cattaraugus and State of New York.

NORTH CAROLINA.

B. G. Green to be postmaster at Warrenton, in the county of Warren and State of North Carolina.

William H. Jenkins to be postmaster at Henderson, in the county of Vance and State of North Carolina.

OHIO.

Oakey V. Parrish to be postmaster at Hamilton, in the county of Butler and State of Ohio.

Edwin P. Webster to be postmaster at Gambier, in the county of Knox and State of Ohio.

OKLAHOMA.

Alfred F. Deming to be postmaster at Snyder, in the county of Kiowa and Territory of Oklahoma.

PENNSYLVANIA.

David M. Graham to be postmaster at Mahanoy City, in the county of Schuylkill and State of Pennsylvania.

James E. Karns to be postmaster at Springdale, in the county of Allegheny and State of Pennsylvania.

Burd R. Linder to be postmaster at Orwigsburg, in the county of Schuylkill and State of Pennsylvania.

Jesse H. Roberts to be postmaster at Downingtown, in the county of Chester and State of Pennsylvania.

George W. Schmeltzer to be postmaster at Pine Grove, in the county of Schuylkill and State of Pennsylvania.

SOUTH CAROLINA.

Charles E. Carman to be postmaster at Aiken, in the county of Aiken and State of South Carolina.

James O. Ladd to be postmaster at Summerville, in the county of Dorchester and State of South Carolina.

TEXAS.

William C. Smith to be postmaster at Bowie, in the county of Montague and State of Texas.

UTAH.

John W. Dougall to be postmaster at Springville, in the county of Utah and State of Utah.

Peter Martin to be postmaster at Park City, in the county of Summit and State of Utah.

VIRGINIA.

Alexander McCormick to be postmaster at Berryville, in the county of Clarke and State of Virginia.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 22, 1906.*

The House met at 11 o'clock a. m.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF RAILROAD SIDINGS IN DISTRICT OF COLUMBIA.

The SPEAKER laid before the House, from the Speaker's table, the bill (H. R. 19682) authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes, with Senate amendments.

The Senate amendments were read.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. CLARK of Missouri. Is this the bill that enables the street-car lines to extend their tracks to the Union Depot?

Mr. CAMPBELL of Kansas. No; it relates to another local matter, and imposes no burden on anyone.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had further insisted upon its amendments to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendments of the House to the amendments of the Senate numbered 6, 7, and 10, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 544. An act to provide for the erection of a public building in the city of Great Falls, Mont.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 1326. An act granting an increase of pension to Ora P. Howland.

The message also announced that the Senate had excused Mr. DUBOIS and Mr. CLAPP from further service on the conference committee on the bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, and the Vice-President had appointed Mr. GAMBLE and Mr. STONE in their places.

PURE-FOOD BILL.

The SPEAKER. Under the order of the House the House is in Committee of the Whole House on the state of the Union for the consideration of the pure-food bill, and the gentleman from New Hampshire [Mr. CURRIER] will take the chair.

Mr. CURRIER took the chair.

Mr. ADAMSON. Mr. Chairman, it is unfortunate that in the practice and history of legislation misleading names, sometimes high-sounding, moral, and even pious names, are used to deceive the people as to the character of vicious and pernicious legislation. I do not mean to declare that this legislation per se is vicious in all respects, but in some respects I regard it as exceedingly so. People are expected to believe that, being lined up against this legislation, we are against pure food; but this is a false position, in which the strategists have sought to place those who oppose this bill and demand regular and orderly legislation for the government of the people in a proper manner. The talk about arraigning us and aligning us as opposed to pure food is foolishness. We are used to good food. We do not know anything about all that pile of corrupt and adulterated misbranded stuff that the propagandists working up this bill have succeeded in piling up in the last ten years, industriously gathered from every quarter, throughout the length and breadth of the United States. I would like to improve the food of some sections of the United States. I would like for the philanthropists who are looking out for the health and comfort of the people to start somebody out to teach people to make good, honest biscuits, and how to make good, honest corn bread. [Laughter and applause.]

They can then do good in a great many places not far from here by teaching people how to cook vegetables by boiling decent bacon with them instead of old ham or beef, and how to make honest coffee. [Applause.] But they start at the wrong place. The truth is, they get wrong ideas in their heads—some people do—and in other cases rival interests start fights on one another. They naturally go to Congress, and people who go to Congress are usually those with sinister purposes or conflicting business interests. They follow it up by getting up a literary bureau and scattering literature and petitions and stirring up agitation all over the country, getting up a hysteria that, under the misleading name of "purity," will scare people into asking Congress to do something it has no business to do. You may just as well get the traditional boy with his sore toe and hold it up in an aggravated form and let my brother the gentleman from Illinois [Mr. MANN] speak about the horrible condition of that sore toe for two hours and say that therefore Congress ought to do something to cure that sore toe. It is just as logical and sensible and fully as constitutional.

Mr. Chairman, the history of this bill has been a varied and checkered one. It was originated, in my memory, by a venerable statesman now dead. He worked upon it with but little progress. Upon his demise it was inherited by the beloved chairman of our committee, and in one form or another it was before our committee for a good many years, and all these old familiar bottles and jugs and packages have been before our committee time out of mind, endeavoring to run us into hysteria. They are no strangers to us members of the committee. At first I had one ally, and then another, and then another. I remember in the outset my ablest coadjutor, in opposing this legislation as absolutely unnecessary and unwise, was my friend and esteemed colleague from Illinois [Mr. MANN], who made such an able and beautiful and lovely speech about the horrors of those commodities that I could not eat last night nor this morning. [Applause.] Somehow or other he was conciliated; I don't know how; I don't know what constituents were pleased or anything about that; but I know I lost his able support forever, that a great "change came over the spirit of his dream" and he is now leading the hosts of error.

My next coadjutor was my beloved friend the gentleman from Massachusetts [Mr. GARDNER]. He fought manfully. He was a Hercules in the fight, but the committee placated him by giving him codfish and beans; and there is a monument in this bill to his reconciliation and victory over the majority of our committee in the shape of a provision that wherever preservatives are used which must be removed mechanically or by maceration in water, the purity or impurity of the article shall not be judged until the preservative has been removed by maceration or otherwise and is ready for use. Beautiful provision, beautiful! Wise diplomat! Any man can go in and say the fool cook did not know how to macerate it, that the fool cook did not know how to remove the preservative, and anybody can escape. My noble friend must laugh over his triumph. He can be happy with his codfish and beans. My next coadjutor was the refined and elegant and distinguished gentleman from Michigan [Mr. CORLISS], but he stuck in the bark and never did reach the core of the bill. My beloved friend from Missouri [Mr. SHACKLEFORD] was another who stood by me, and the last, but he was the same way. As far as he got would be to say "I object to some things in the bill as sumptuary legislation." The only two allies I have ever had on the committee who helped me oppose the bill on correct principles and stuck to them are my present associates in the minority views, Mr. BARTLETT and Mr. RUSSELL.

The legislation has been as fickle and uncertain as my changing associates. The Senate worked on it all the time, and somebody over there have their own ideas. In the hands of the present sponsor in the House the legislation suffered mutilation until the shades of Statesman Brosius would not have recognized it at all. The lobbyists of all sections pulled and hauled at it, every interest and faction seeking selfish ends in the legislation complimented one another as lobbyists and enemies to the bill until they secured changes without number and some without character; so that the present distinguished sponsor appeared disgusted enough to cast off his adopted bantling.

And finally when the Senate bill came over, the renovated Brosius, Hepburn, Taylor, and Hough, doctor and drug store and patent medicine, patent legalized makeshift to disappoint its friends and delude the people, was substituted for the Senate bill, I confess nothing was lost. I do not think there is ever any danger of losing by substituting one of these bills for another. If you could lose both in the swap, it would be lucky for the people. So you see the course and current of this legislation has been as uncertain and irregular as the shifting silt that disturbs navigation in a sandy stream. It requires a wary pilot and constant soundings to hold the current, and even then the boat runs aground. When people and associations, moved by the lobbyists agitating the various interests at stake, try to write Congressmen advocating support of the legislation, they actually do not know what to call it. The lightning changes, worthy of a professor of legerdemain, keep them in

the dark, and they sometimes call it the "Heyburn bill" and sometimes the "Hepburn bill."

The truth about it is, Mr. Chairman, the bill from first to last violates every principle of our Government by proposing to go into sumptuary legislation for the regulation of the table menu, and I suppose the next step will be to prescribe the table etiquette and dress. The bill does not, even in its title or caption, pretend to rise to the dignity of Congressional jurisdiction. There is not one word in the title about interstate commerce. You can read it, and you will find that it simply proposes to do certain things to prevent the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, etc., and after going through all the folly of all the pages of the bill, with all the committee amendments, even down to the last on page 28, the committee then takes another whack at the title and tries to amend it, and yet do not say that it has anything in the world to do with interstate and foreign commerce. The first section of the bill provides for the punishment of adulteration and misbranding, and it has this peculiarity, really a legal curiosity:

It provides that if a man does a thing knowingly he may be imprisoned, but if he does a thing without knowing it he shall simply be fined. That is another innovation in the way of law. It has always been the popular belief among lawyers and courts that the severity of the punishment was regulated according to the enormity of the crime. If the essential elements of guilt are there, it is a question for the court, according to the circumstances of the crime itself, how much or whether the guilty party may be fined or imprisoned. But a crime is a violation of penal law in which there must be a joint operation of act and intention, and if a man does not know that he misbrands or adulterates, he is not guilty at all. In the second place, the provision in that first section provides to treat all foreign countries with more decency than the States of our Union. It is provided that if a man, no matter how he packs and prepares commodities for shipment to foreign countries, no matter whether in compliance with this law or not, if he complies with the law of the foreign country it shall be sufficient. We demanded that courtesy for the States. We say the Constitution requires it for the States and the Constitution will preserve it regardless of what Congress can do. We tried in the language of the Supreme Court of the United States to amend this bill to limit it to the District of Columbia and the Territories. The Supreme Court, in cases cited in the minority report, have expressly declared that in the District of Columbia and the Territories alone can the provisions of this bill be constitutional, and in a case similar to those that would arise under this bill it was distinctly held that a demurrer to an indictment should be sustained.

Now, Mr. Chairman, there is no use to have hydrophobia against State lines nor talk about a man marching in red-handed rebellion because he says there are some things that Congress ought not and can not do. We are talking about the Constitution of the United States and the legislation by Congress thereunder. So far as the purposes of this bill are concerned, the only purposes and uses of State lines are simply to separate geographical divisions of parts of the country which are charged with local self-government, to attend to their own business instead of piling it upon Congress, and I say to you, Mr. Chairman, after listening to all the witnesses, listening to the speech of the gentleman from Illinois [Mr. MANN], hearing all the tales of woe about these things that affect the stomach and affect the pockets of the people, I have never yet heard presented a solitary case that any State in this Union in its own courts can not punish if you will just produce the evidence. The trouble is, gentlemen make this mistake: Venue is the same in all courts, whether Federal or State. You must allege an act to be within the jurisdiction and prove it within the jurisdiction. You can do that in one court as easily as in the other, but the coon in the woodpile, in my judgment, is this: In the State courts people are in the habit of attending to their own business and looking after their cases. In the Federal court sometimes, as provided in this bill, the entire expense and trouble of hunting up the cases and conducting the prosecution is piled upon the Government. And right here you will find the great inducement to a great many interests to support this bill that it is provided that after this arbitrary standard-making concern that we are creating over here shall have discovered or think they have grounds for prosecution the Government shall take the matter up and prosecute it without expense to anybody, with all the attendant evils of spies and informers and pestiferous agents running around meddling with the business of the people.

Mr. GAINES of Tennessee. Mr. Chairman, will my friend yield?

Mr. ADAMSON. Yes.

Mr. GAINES of Tennessee. Let me suppose this case, which is pertinent to your argument. You say people will go and prosecute in the State courts. My information is that these wholesalers go to, say Brown & Co., and say "Now, you agree to sell my goods and not to sell any other competitive goods;" and he makes that kind of an agreement, and he does sell no other goods except what that manufacturer makes. Do you think Brown & Co. would go before the grand jury and indict the firm or manufacturer who proved to be their friend in such a contract as that?

Mr. ADAMSON. If I understand you, even this law would not be effective in that case.

Mr. GAINES of Tennessee. You say the Government furnishes agents whose business it is, and we compel and pay them to go and look up evidence against parties to indict manufacturers—to indict Brown & Co.—and if they are particeps criminis——

Mr. ADAMSON. I can not tell the gentleman from Tennessee who will or who will not in any jurisdiction assume the trouble of the prosecution. What I say is this: That the men who are injured ought to feel interest enough in it, as we do in the States in other matters under police regulation, to get after the fellow who swindles them.

Mr. GAINES of Tennessee. This firm of Brown & Co. would be very slow to say *they* are injured in such a case. They could say they buy from the manufacturer, their friend, and sell to the people a thing the manufacturer sells to them, and unless the people complained the chances are there would be no complaint.

Mr. ADAMSON. I think, Mr. Chairman, the people are the ones who should complain.

Mr. McNARY. Mr. Chairman, I desire to say to the gentleman from Georgia [Mr. ADAMSON] and the gentleman from Tennessee [Mr. GAINES] that under the State law of Massachusetts the last few years a similar condition he has described has been dealt with and the parties prosecuted and the practice broken up under the State law——

Mr. ADAMSON. No doubt about that——

Mr. GAINES of Tennessee. What business is that—the tobacco matter?

Mr. McNARY. Yes.

Mr. ADAMSON. The gentleman from Tennessee further reminded me of a feature that has struck me throughout this entire investigation, and that is these complaints, so far as I know, have not come from the consumer, except in an artificial way—sending back literature—but the movements and the hearings have all been in behalf of the business interests.

Mr. GAINES of Tennessee. Will my friend yield?

Mr. ADAMSON. Certainly.

Mr. GAINES of Tennessee. The plain people, who are not scientists, who are not doctors, who are not fine lawyers and judges, and have not the information, intelligence, and experience of my friend from Georgia, they can not tell whether these things are deleterious or not. Here is a little child that is sick, here is a man's wife sick, or all are sick, and he does not know the cause. The doctor comes, and he can not tell the cause. He just says: "GAINES, you are sick; you are bad off, and I do not know what has caused your illness. I will get you soon," etc.——

Mr. ADAMSON. I know a great many good lawyers and good doctors outside of Washington or the present service of the Government. I knew a great many before I came to Congress, and I think all of my constituents and all of the gentleman's constituents know where to get doctors and where to get lawyers, and I think they get them when they need them. And I desire to say now that people are expecting too much from the idea hinted at by the gentleman as to scientific knowledge as to accuracy and safety on all questions. I believe there are millions of old women, white and black, all over my country, who know more about good victuals and good eating than my friend Doctor Wiley and all of his apothecary shop. [Applause on the Democratic side.]

Now, the feature about which I was talking when my good friend from Tennessee interrupted was the pestiferous feature of the bill. It is provided here that after this board constituted to create standards, a thing that can not be constituted by legislation, a thing that only the experience and wisdom of mankind through ages and ages of observation can establish—after they have established artificial or bureau standards and sent out spies, those spies may go and say to a man, "I want to buy something that you have got that I believe is wrong. I want to buy it for the purpose of proving that you are acting in a rascally way in your business. And if you give it me and I find it is so, I will put you in jail, and if you will not give it to me, I will have you put in jail anyhow."

It places the grocer in the fix described by my old friend Joe Cobb:

I can and I can't, I will and I won't, I'll be damned if I do, and I'll be damned if I don't.

That is the proposition to add to the pestiferousness of the administration of law and multiply the troubles of the people without a corresponding benefit.

Now, I respectfully submit that there is likely to be crime enough in the world, according to the description of my distinguished friend from Illinois [Mr. MANN] yesterday, without the Government preparing and attuning its machinery to produce the perpetration of more crime.

Mr. GAINES of Tennessee. Does not my friend believe that the Federal Government should aid the States, in policing the trouble in the States, by excluding deleterious foods from going into the States?

Mr. ADAMSON. I do not; and the Supreme Court says that they absolutely have no authority to do it.

Mr. GAINES of Tennessee. Did my friend vote for the Lacey bird law?

Mr. ADAMSON. No, sir; I fought my friend from Iowa on that.

Mr. GAINES of Tennessee. You are opposed to the Federal Government helping the States to do anything?

Mr. ADAMSON. I oppose everybody whom I conceive to be attempting to violate the Constitution of the United States in this House.

Mr. GAINES of Tennessee. If my friend had been in Congress he would have voted for the Sherman antitrust law.

Mr. ADAMSON. I do not know about that. I suppose so. I have been trying to think about the matter under consideration for the last few minutes. [Laughter.]

Mr. GAINES of Tennessee. You would have been for that, and I know it. That aids the States in policing the troubles in the States.

Mr. ADAMSON. I am in favor of enforcing every law that is valid; and if it is not valid, I am in favor of enforcing it until the Supreme Court breaks it and gets it out of the way.

Mr. HENRY of Texas. The gentleman from Tennessee [Mr. GAINES] talks about the Federal Government aiding the States. Now, the gentleman from Georgia has given a great deal of thought to this bill, and I will ask him if it is not the legal effect of this act to repeal the pure-food laws in States like Massachusetts and other States that have very good food laws, instead of aiding them? Is it not taking the jurisdiction from them instead?

Mr. ADAMSON. I will say to my friend that it is absolutely impossible to add to or take from the police powers of the State of Massachusetts or any other State by any act of Congress. We might make trouble and confusion; we might enact unconstitutional laws; and the Administration in attempting to enforce those unconstitutional laws might make trouble, might cause confusion, might cause endless litigation; but it is utterly impossible to add one iota to the strength of the Constitution or take one iota from it. It is construed in a number of cases by the Supreme Court, cited by the minority in their report, that the Federal Government has nothing to do with the police regulations of the State. It has been expressly declared that in case of misbranding, adulteration, and fraud being charged, the original packages could have nothing to do with it even when coming from other States. In the regular course of trade they say that the original packages are inviolate if no fraud or cheat be alleged.

Mr. SULLIVAN of Massachusetts. I would like to ask the gentleman a question, Mr. Chairman. As the result of his study, I should like to have his opinion as to whether there is any food regulation that could not be as well provided by the legislature of Massachusetts as by the Congress of the United States?

Mr. ADAMSON. The Supreme Court in trying a case from your State has expressly said that it can not only do it as well, but better than any other authority, and it is the only authority that can do it. I say they said that.

Mr. SULLIVAN of Massachusetts. I wish to reenforce it by stating that the various officials charged with enforcing the various food laws of the State give it as their opinion that their laws will operate better for the protection of the people in the matter of foods than laws of the United States.

Mr. ADAMSON. In the case from your State oleomargarine had been shipped from Illinois. Your State provided against selling it under false name and color. And this simply puts oleomargarine on all fours with the cases made in this bill. The laws of Massachusetts, the Supreme Court stated, were adequate to deal with that case, and they went further, and said nobody else could do it, and they said the original package has nothing to do with it. They said requiring it to be respected in original packages was a regulation of interstate traffic, where no question of fraud or deceit as to its character had been raised, but in this case the question was squarely raised, and the Supreme Court declared emphatically that in a case where the question is raised, as had been raised there, that the original package was no exemption, constituted no exemption from the police power of the State, and then they went on and indulged in other language, and said the people who imagined that the commerce clause of the Constitution was intended to promote fraud and abrogated the police powers of the State were badly mistaken.

Mr. SULLIVAN of Massachusetts. So that as a result of that it appears that the State law was operating better for the protection of these consumers than the national law.

Mr. ADAMSON. I have no doubt of it.

Mr. GILBERT of Kentucky. Will the gentleman allow me to ask him a question?

Mr. ADAMSON. Certainly.

Mr. GILBERT of Kentucky. Do you take the position that the Federal Government has no power to limit the importation of poisonous substances into a State designed to be consumed as food?

Mr. ADAMSON. I take the position that the Supreme Court has declared in numerous cases that the police power of a community was to be exercised by a State, not by the Federal Government; and then they proceeded to an argument, and they said that although some of these provisions did appear to interfere with interstate commerce to a large extent, that yet it could not be helped; that the complete police power of the communities was reserved in the States by the Constitution.

Mr. GILBERT of Kentucky. But the gentleman does not answer my question, which is this: Has not Congress absolute and full jurisdiction to prohibit the transportation of poisonous commodities for food from one State to the other?

Mr. ADAMSON. Well, I have told you my views of the law.

Mr. GILBERT of Kentucky. Can the State prevent it?

Mr. ADAMSON. Yes; it can.

Mr. GILBERT of Kentucky. Suppose I order a barrel of sugarhouse molasses at New Orleans and the merchant delivers to the common carrier, instead——

Mr. ADAMSON. He sells you one thing and delivers another.

Mr. GILBERT of Kentucky. Yes. The offense is consummated by delivering the wrong thing to the common carrier. Now, where is there any remedy for a citizen of Kentucky or Georgia in a case of that kind?

Mr. ADAMSON. The gentleman has stated where the venue is, and the remedy would be where the offense was committed.

Mr. GILBERT of Kentucky. And it has been decided that the delivery to the carrier is delivery to the consignee.

Mr. ADAMSON. Wherever the sale is consummated is the venue, and the venue is the place to prosecute.

Mr. GILBERT of Kentucky. How can any Kentucky or Georgia citizen be protected in that kind of a case?

Mr. ADAMSON. I believe he would have to go to the State where the offense was committeed or trade in some other market.

Mr. COCKRAN. If the gentleman will permit me, I am intent on obtaining information here; I understand the gentleman's position to be that there is abundant power in the State to protect the commerce of the country from poisonous, dangerous, or fraudulent goods passing from one State to another?

Mr. ADAMSON. It has been so decided time and again.

Mr. COCKRAN. And that is the only authority, as I understand the gentleman?

Mr. ADAMSON. That is as much as I want.

Mr. COCKRAN. I did not ask the gentleman how much he wanted, because I know the gentleman's desires are modest; but what I wanted to ask him was his conception of the powers of the State and of the Federal Government. Do I understand the gentleman to assume that the only power is the power of the State?

Mr. ADAMSON. I understand that the police powers are reserved to the States.

Mr. COCKRAN. I beg the gentleman to get away from the phrase "police power," which it seems is an elastic one, in which a great many of us manage to find that our footsteps become lost.

Mr. ADAMSON. My apology to the gentleman is that I have acquired that language from the Supreme Court of the United States, in deciding cases exactly like this.

Mr. COCKRAN. I understand that perfectly, and it is to get away from that limitation on the gentleman's intellect, and upon the procedure of Congress, that I ask his judgment on a specific state of facts, regardless of the formula.

Mr. ADAMSON. What is that?

Mr. COCKRAN. Is there any power outside of the State to protect other States from the sending of impure, dangerous, or fraudulent goods into them from one State?

Mr. ADAMSON. I will state to the gentleman, if he insists on my getting away from the Supreme Court——

Mr. COCKRAN. From the formula only.

Mr. ADAMSON. Well, then, I will go by analogy, and say that if I had read the Constitution of the United States, without having heard of the Supreme Court or what it has decided, I would still be of the opinion that the States have the exclusive power to punish these things, and they ought to do it or give up their charters.

Mr. COCKRAN. Now, does the gentleman deny the existence of the abuses which the gentleman from Illinois [Mr. MANN] described so vividly here yesterday?

Mr. ADAMSON. Well, I think there is something in it; yes.

Mr. COCKRAN. Now, is the gentleman's position this, that there being abuses, to some extent at least, of the character described by the gentleman from Illinois, and the States having clearly refused or failed to prevent the continuance of the abuses, does the gentleman say there is no remedy in the hands of the American people?

Mr. ADAMSON. I do not admit the premises of the gentleman from New York.

Mr. COCKRAN. I thought the gentleman did a moment ago.

Mr. ADAMSON. No.

Mr. COCKRAN. Let me go back, then.

Mr. ADAMSON. Here is this premise you make, as one of your premises, that the States do not meet this difficulty.

Mr. COCKRAN. Well, these evils exist.

Mr. ADAMSON. I wish to say to the gentleman that there is no law on any statute book that is not violated to a greater extent than that accumulation of ten or twelve years there would indicate in these cases.

Mr. HENRY of Texas. Will the gentleman from Georgia yield for a suggestion there? If the gentleman from New York [Mr. COCKRAN] will read the Coffee case, in 192 United States, dealing with impure coffees, he will find that the Supreme Court decided that the State of New York had plenary, absolute, and exclusive authority to deal with this particular question.

Mr. ADAMSON. It has been decided three times.

Mr. COCKRAN. The question I am trying to get light upon is a pure question of fact, and the gentleman's position as to the respective powers of the State and of the Federal Government. I decline to engage in a competition of attorneyship here.

Mr. ADAMSON. I understood the gentleman to say that the States were not doing their duty.

Mr. COCKRAN. I am asking you.

Mr. ADAMSON. That was one of your premises.

Mr. COCKRAN. Oh, no; I have no premises. I am putting hypothetical questions upon the statement of the gentleman from Illinois [Mr. MANN] and of the gentleman from Georgia [Mr. ADAMSON]. I understand this to be his position, and if so, we can discuss it, that there is no power anywhere outside of the State to prevent the circulation of fraudulent or poisonous commodities throughout the Union; and I understand that he concedes the statement of the gentleman from Illinois [Mr. MANN], that these abuses do exist, to be correct, to some extent. Now, my question is, Does the gentleman contend that there is no power anywhere to remedy this abuse, except a power that, as matter of fact, does not remedy it nor prevent it?

Mr. ADAMSON. I think I have answered that several times, but I will attempt to do it again to the gentleman's satisfaction, or my own at least. I know of no power, except the State whence shipped, to prevent anybody from shipping any kind of a package into a State. When that package reaches the State (that is, if it is permitted by the State in which it originates to start), when it enters the confines of another State, if it is a regular, unimpeached article of commerce, in an original package, it is sacred; but when any man impeaches it, and discloses that it is adulterated or misbranded or accompanied with any deceitful guise or practice, then the State authorities have ample and exclusive power to deal with anybody who sells it or offers it for sale.

Mr. COCKRAN. The gentleman and I do not differ on the statement he has made. There is no question whatever that the gentleman's statement is correct. I still come back to the one question I have not had light upon. Does the gentleman take the position that there is no power to remedy these abuses except the power which has not remedied them and in spite of which the abuses have gone on?

Mr. ADAMSON. If I am unable to satisfy the intellect of the distinguished gentleman, I am sorry. If the State has ample and exclusive power to punish where the goods are manufactured or whence they are shipped, and if the State where they land has exclusive power to punish after they arrive, I can not see any necessity of further legislation. What you need is somebody to go and prosecute.

Mr. COCKRAN. The question still remains unanswered. There is the abuse, as the gentleman admits. What power is there to deal with it?

Mr. ADAMSON. You have laws against robbery and adultery and murder, and yet for ages the annals have been full of the violations of those statutes.

Mr. COCKRAN. There has never been any doubt about the power of prohibition in any State, but here is an abuse which has grown up in the very teeth of the State, and I ask the gentleman now if he says there is no other power than that which is shown by his own statement to be inadequate?

Mr. ADAMSON. I must respectfully dissent from that statement. I have not confessed that it is inadequate. It is adequate. The Constitution says it is adequate, the Supreme Court says it is adequate, and time and again its power and efficiency has been shown by the people of the States, notably in Georgia and Massachusetts.

Mr. COCKRAN. One moment, if the gentleman will pardon me. The gentleman is stating his position, perhaps, correctly. If all the States were as efficient as Massachusetts, and their laws as well administered, there would be no danger to public health. That is a statement nobody can question. But suppose States are negligent and remiss and deliberately permit such manufactures and such circulation of these articles, I ask the gentleman does he think and contend that there is no power in the Federal Government to protect the citizens of one State from assaults upon their health permitted by lax legislation of another State? That is the question.

Mr. ADAMSON. Without admitting the correctness of the gentleman's statement——

Mr. COCKRAN. Assuming it.

Mr. ADAMSON. Without admitting the condition in any particular State, I wish to say that Congress has no right nor power to interfere in these cases. But to the gentleman's proposition that some States do not do their duty in the matter, I call the gentleman's attention to this observation—that complaints have not come from these States admitting their inability to cope with the situation, but from business men and dealers who sing the song that the gentleman from Illinois sang yesterday, that they desire uniformity, an impossible condition convenient in commerce, and contrary to law and nature; they want to break down the requirements of the various sections of the country so they will have less trouble in scattering their business throughout the land and less danger of detection and punishment.

Mr. COCKRAN. Assuming the gentleman's statement of facts to be correct, which I am far from doing——

Mr. ADAMSON. That is my opinion.

Mr. COCKRAN. I put the question, Assuming that a State has, as in the case of the State of Illinois and the slaughterhouses, deliberately permitted the circulation in other States of food products dangerous to public health, is there no power in the Federal Government to save the people of the other States from such an invasion?

Mr. SULLIVAN of Massachusetts. If the gentleman from Georgia will allow me, there is a power which resides in the legislature of each State in the Union to protect its inhabitants. The mere fact that it has not been exercised efficiently does not argue that it will not be. If the State of Massachusetts under its reserved powers has passed pure-food laws and has enforced them, will the gentleman tell me that the State of Massachusetts should be compelled to accept the standard Congress raises simply because South Dakota or some other State has not passed and enforced pure-food laws? I remember not long ago that the gentleman from New York stood on this floor and asked that the taxing power of the Federal Government be exercised in order to prevent abuses in insurance, upon the theory that the sovereign State of New York did not have sufficient power or virtue to deal with those abuses. And since the gentleman made his speech the great State of New York has acted, and its legislature has vindicated the wisdom and the virtue of its people by regulating those abuses to the satisfaction of everybody, thus demonstrating that there was no need of Federal regulation.

Mr. COCKRAN. Mr. Chairman, I hope the gentleman from Georgia [Mr. ADAMSON] will indulge me for a moment to say a word in reply to that. My position on the question of insurance is exactly the same as my position on this proposal.

Mr. SULLIVAN of Massachusetts. Yes; exactly.

Mr. COCKRAN. I believe in the absolute power of the State

to deal with everything that concerns the people of that State exclusively. Its police power is unlimited; its right to regulate the movements of every citizen inside its borders can not be questioned. But when any action of that State, whether it be permissive or directory, empowers a citizen of it to affect the condition of people in another State by circulating in the channels of their commerce anything dangerous to their health and to their welfare, there is no excuse for the existence of a Federal Government if under such a condition it can not step in and say, "All the powers of sovereignty you may use as you please inside your own borders, but all the powers of the Federal Government will be employed to see that you use them with due regard to the rights of others, when anything made under sanction of your laws passes beyond your borders and affects their daily lives." [Applause.] Now, Mr. Chairman, one moment with reference to what has been said about the great State of New York. I did say that the taxing power of this Government ought to be exercised so as to limit the operations of insurance companies to the State chartering it, as savings banks are limited now, and that nothing else would remedy the evils of which complaint was had. When the gentleman says the great State of New York has dealt with the insurance frauds, I will tell him how it has dealt with them. It has confirmed the hold of the thieves on the treasure that they have been plundering. The inefficient agents of plunder, who were dismissed because they were so inefficient as to permit discovery, are replaced by more skillful tools of the same gang that planned all the infamy and profited by most of it. [Applause.]

Mr. ADAMSON. Mr. Chairman, I always like to hear my distinguished friend from New York——

Mr. SULLIVAN of Massachusetts. Mr. Chairman, will the gentleman from Georgia yield me just one minute?

Mr. ADAMSON. Mr. Chairman, I was about to say that I loved to hear my eloquent friend from New York [Mr. COCKRAN], but I did not know the discussion of insurance was germane to this bill.

Mr. COCKRAN. But I did not bring it in.

Mr. GAINES of Tennessee. Why, insurance is not even commerce.

Mr. ADAMSON. I desire to be courteous to all gentlemen, but I have already spoken twice as long as I intended to speak, because I want to yield to others. I shall continue to yield to gentlemen as long as they wish to ask questions, but I will ask them to confine themselves to questions.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I just wanted to say briefly in reply to the gentleman from New York [Mr. COCKRAN] that there is not now in the National Government, or in any State, any power which will prevent men from appointing corrupt officers, but the abuse has been dealt with so far as the law is concerned, for the legislature has dealt with those abuses by revising the law. Unquestionably corrupt officials may be appointed. That can never be dealt with by law.

Mr. COCKRAN. Not one has been disturbed. In two of these companies at least they are in power now, more firmly intrenched than ever.

Mr. HENRY of Texas. Mr. Chairman, the gentleman from New York [Mr. COCKRAN] seems to be disturbed about the term "police power." In a case from his own State of New York, where the pure-food law of that State was involved, decided by the Supreme Court in 1903——

Mr. ADAMSON. That is the coffee case?

Mr. HENRY of Texas. Yes; the coffee case. By unanimous opinion the Supreme Court answered the gentleman's question. He would have this House to believe that there is an original police jurisdiction of the Federal Government. The Supreme Court has said over and often and reaffirmed that there is no such power in the Federal Government; that it resides in the States.

Mr. COCKRAN. There is no doubt about that. Nobody doubts that.

Mr. HENRY of Texas. And I want to read a sentence or two which answers the gentleman's question. The lawyers were taking the position that he is taking, and the court said:

> We are unwilling to accept this view. We are of the opinion that it is within the power of a State to exclude from its markets any compound manufactured in another State which has been artificially colored or adulterated so as to cause it to look like an article of food in general use, and the sale of which may by reason of such coloration or adulteration cheat the general public into purchasing that which they may not intend to buy. The Constitution of the United States does not secure to anyone the privilege of defrauding the public.

The Supreme Court in that case sustained the pure-food law of the State of New York.

Mr. COCKRAN. There is no question about that.

Mr. GAINES of Tennessee. Mr. Chairman, I want to ask the gentleman whether Congress has not the power to exclude that foul article from going to another State.

Mr. HENRY of Texas. The other State can exclude it.

Mr. ADAMSON. Mr. Chairman, I think I can answer that as I answered the gentleman from New York. The State ought to prevent its being manufactured and packed and shipped, and the other State ought to prevent its being disseminated if it is shipped into it.

Mr. GAINES of Tennessee. Can not Congress help to do that?

Mr. ADAMSON. The Supreme Court says not.

Mr. GAINES of Tennessee. Can not Congress prohibit——

Mr. ADAMSON. Mr. Chairman, I must get through, and I am using the time of other gentlemen.

The CHAIRMAN. The gentleman from Georgia declines to yield.

Mr. ADAMSON. I do not want to be harsh and say I will not yield, but I want to ask gentlemen to let me conclude and yield to some other gentleman. The gentleman from Mississippi [Mr. WILLIAMS] yesterday asked my friend from Illinois [Mr. MANN] about the twelfth section. I want to say as to the latter part of that section, which declares "that food and drugs fully complying with all the provisions of this act shall not be interfered with by the authorities of the several States when transported from one State to another, so long as they remain in original unbroken packages, etc.," that that is absolutely unconstitutional, according to the Supreme Court of the United States in the three cases cited, in one of which they sustained a demurrer to indictment, and in every case which arises under this bill a demurrer can be sustained, I believe, or habeas corpus would lie, because we can not add to nor take from the constitutional rights and powers of the States.

Now, here is a section in this bill which I suppose will please my friend the gentleman from Tennessee. A long time the question has been mooted at to what our friends on the other side would do with the elephants they acquired from the Spanish war—a lot of islands that no other nation would have for four hundred years and never will want for centuries to come. The fifteenth section settles that. It is the first authoritative, legislative, administrative declaration on the subject. "That the term 'territory' as used in this act"—before I go any further, what does it mean as used in this bill? One of the divisions of the United States, treated as a State in every respect, the only difference is one has not been admitted to statehood and the other has, but in all other respects it is a political division of the recorded domain and official operation of the United States. "That the term 'territory' as used in this act shall include the insular possessions of the United States." That settles the question. But if they are right about it, instead of being a pure-food law they will find it to rise to curse them in the shape of a very impure piece of legislation which, to be consistent, will require them to ask for a Delegate from the Territories in the Philippine Islands and the other possessions just as in the Territories mentioned in the United States.

Now, I want to allude to the credit system in this bill. That is another beauty. The original bill gives a credit of twelve months. And they say it shall go into force and effect at once, and yet no penalty shall be visited until twelve months. It is in force, but how? Who is enforcing it? It amounts to nothing. You can not punish anybody. Like all people who leave the beaten track and get lost, the more you flounder and wander the more you are lost, and seeing the utter incongruity of the section they attempted to remedy it by offering a committee amendment, and, bless your soul, how do they improve it? They provide by an amendment which they are going to offer that as to adulteration there shall not be any credit. The fellow who is adulterating they punished at once, but they extend the bonded period to the people who misbrand and do what my friend so eloquently was complaining of, send it off and swindle their neighbors. For eighteen months after the bill passes the constituents of my New York friend could make and send to Georgia and Mississippi misbranded swindling stuff without punishment. It is more ridiculous than it was before; the section is without proper reason, in my judgment.

Well, there are one or two other sections I want to call attention to, but time will not permit. I want to talk about the celebrated drug section, but I talked about that before. They require everything compounded of alcohol or poisonous drugs—opium, morphine, and others—to be plainly labeled. But they got up a fight between the doctors and the druggists and they seesawed, whipsawed, up and down, right and left, day in and day out, week in and week out, and changed and changed and changed it until they finally got it so that druggists could put 2 grains of opium or a quarter of a grain of morphine in a fluid ounce or in a solid ounce and sell it, or put alcohol enough in it to dissolve

any ingredients, even resin, which requires 100 per cent of alcohol, enough to make drunkards by the wholesale. The committee have gotten ashamed of that, and they have stricken out all except alcohol and now propose to let them brand everything except alcohol. You can put a piece of rosin in the bottle, say that it requires 100 per cent of alcohol, and dissolve it, and you can make all the alcohol drunkards you want all over the country, although you can not so freely make morphine and opium drunkards. They propose for Congress to go down into the middle of the State and talk about whether you should sell a man a quarter of a yard, or an infinitesimal quantity less, and say that it is necessary to invoke the great power of the great Republic of the United States to teach the people in the community all these little matters of private and everyday dealings and concern among themselves. It is ridiculous.

The argument of reductio ad absurdum ought to knock it out of the consideration of this House. Now, the committee amendment so amends that, and provides and provides and provides, until they have provided it into a new provision, that this new tribunal, erected over here by the mandate of this House, in this act, if it is ever done at all, may fix up according to the custom of the trade a certain package that all these fellows may use and get around the weights and measures entirely. Bless your soul, would not that be certainty with a whiz?

The only other section that I propose to notice is what they call the "whisky section." Whisky is bad enough at its best. It is an old saying that "Though you get the best of booze, booze will get the best of you." Folks use it for various purposes and various reasons, and in this free country no law will ever successfully prevent it. If it is going to be used it ought to be as good as it can be made.

I remember the time when it was denied that Congress ought to fool with it. When they set up the internal-revenue system, every Democratic legislature in the United States memorialized Congress at every session to repeal it on account of its character. But now it is found that under the revenue system they do not look after all the imperfections and impurities that rectifiers may produce; and this bill attempted to correct rectifiers. Let me show you how they manage to let them knock it out in that section. They came in and put the language in which says that they shall not blend, except by blending articles of a similar character and purity, which meant two whiskies of different age, but they got these words slipped in, "not excluding harmless coloring matter or flavoring extracts," which experts tell me may be available to help dishonest rectifiers, if there are any such, to manufacture any amount of deceptive liquors, with nothing in them beneficial, even if not deleterious. If they put nothing but water into it, it may be that more water and less whisky will be better for the consumer; but when they propose to sell whisky of a certain character, they ought not to be permitted, under the guise of a pure-food law, by these words being put in it, to use flavoring extracts and coloring matter and to make quarts and gallons of liquor out of only a few ounces of genuine spirits. Even the bill that makes so much pretense about pure food and honesty is sadly lacking in all the essential particulars, and the most impure thing about it, the vilest thing about it, the wickedest and most criminal thing about it, is that it seeks to encroach upon the liberties of the people in violation of the Constitution, which guarantees the just, fair, and equal protection of all the States and citizens of this great Republic by allowing them, under the reserved rights, to govern themselves.

How much time have I occupied?

The CHAIRMAN. The gentleman has used fifty-four minutes.

Mr. ADAMSON. I yield to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. Mr. Chairman, I think it is right and proper for me at the beginning of my remarks to congratulate the friends of pure food in this body, as well as throughout the country, for the decided and manifest progress that Congress has made in the last eight years in the identification of food and drink.

I refer to the acts called the "filled-cheese" act, to the "mixed-flour" act, to the "bottled-in-bond" act, to the "mixed-flour" law. I also refer to the provisions of the agricultural bill excluding and prohibiting misbranded products from foreign countries entering our ports, and to the oleomargarine law, where Congress resorted to its extraordinary power of taxation without the expectation of revenue in order to break down "imitation butter." All of these acts are certainly in line with a pure-food bill. We are now approaching the consummation of our labors—the enactment of a national pure-food law. I am led to believe, Mr. Chairman, that the majority of the Members of this House are in favor of pure-food legislation. I judge that simply from the favorable action taken by the Fifty-seventh Congress as well as the Fifty-eighth Congress on that subject. And now, the Senate having for the first time passed such a bill, we should act promptly.

I do not mean to be understood, Mr. Chairman, by that remark, as saying that all of the friends of pure food are agreed upon the scope or the character of this measure. I know that there are gentlemen on this floor who are really and truly the friends of pure food who would like to have this bill amended in some respects. Indeed, it is the part of frankness on my part to say that while I have stood unfalteringly in the Fifty-seventh and Fifty-eighth Congresses and now for the doctrine of pure-food legislation, yet there is a feature in this bill to which I do not agree and to which I will hereafter call attention, that I have reserved the right to criticise and comment on. It is unworthy and unwarranted to say that anyone on the floor of this House, for or against this bill, is actuated by any other than worthy and patriotic motives.

Pure-food legislation, Mr. Chairman, is a very difficult subject to handle, as we have found out in our strenuous labors in the Committee on Interstate and Foreign Commerce for the past six months. It embraces and relates to such a great variety of the foods and drinks of the people that it is very difficult to establish any rule upon that subject that does not apparently seriously interfere with special interests. Why, you take, Mr. Chairman, for instance, the canning interests, which I incidentally refer to—a very great and very important interest throughout this country, and an industry that we desire to uphold—and they contend, and contend with a great deal of earnestness and sincerity, that we ought not to compel them to put upon their cans the weight that is in there or other identification. Why? They say, among many other things, because the product evaporates and is variable. They say you lay yourself under the charge of the officer and liable to a prosecution in a Federal court because the contents have diminished by one process or another. Why, the answer to that, Mr. Chairman, is that there are different grades of the product that are put up in these cans; one, the first gathering of the snaps and other vegetables, is the better grade; the second is somewhat inferior; and the third is the lowest grade of any of them; but the manufacturer sells the first and last grade to the purchaser at the same price. Now, why is it that we can not under these circumstances hold them not to sell the inferior products at the same price of the first grade? To do otherwise is to encourage a fraud. Why can not they separate these different grades and sell the first as being the first, the second as the next best, and the third as the most inferior? What objection has a man to such a proposition as that? I would say that in considering the object and purpose of this bill, we must not forget that simply wholesomeness is not all we are looking after. While this is important, it is not all.

While that is one of the objects and ends of the bill, yet there is another and a more important one, in my judgment, than that. It is that when a man offers to sell a commodity that he ought to be required to state what is in it. Does such a requirement hurt an honest manufacturer or dealer—have him tell what he offers for sale? If he is going to sell me a keg of New Orleans molasses, and three-fourths of it is glucose, he ought to be required to state it on the label on the barrel or on the jug. Why should we encourage him to perpetrate a falsehood? Why should the purchaser be deceived and imposed on? Is that right? Is it honest to act under a false representation and deceive the purchaser? I tell you, Mr. Chairman and gentlemen, it is only the man, in my judgment, after an experience of years on this committee, who looks to his own personal gain and advantage over the seller who is unwilling to label his goods and say just exactly what they are. That is the honest man.

Mr. UNDERWOOD. Will my colleague permit me to ask him this question? Does this bill provide that all goods shipped as interstate food shall be labeled so as to state what are the contents of the packages?

Mr. RICHARDSON of Alabama. It must state the contents.

Mr. Chairman, I briefly refer to the minority report; and I take occasion to say here, after having heard this discussion of States rights, that, according to my teaching, the man who has studied the true principles and theories of our republican form of government can never deny honor and respect for the rights of the States. I say that is my general view. For myself I am a strict adherent of States rights as defined by the Constitution or reserved by the States. No pure-food bill that this House has ever passed, coming as it did from the Interstate and Foreign Commerce Committee, has ever failed to provide explicitly and as plainly as the English language is susceptible of being written that it does not intend to nor does not interfere with the rights of the States. Under our Constitution this can

not be done. I have almost, Mr. Chairman, despaired, after so many efforts we have made in the Interstate Commerce Committee, to convince my friend from Georgia [Mr. ADAMSON] that while the State has its rights that no one wishes to disturb the Federal Government has also its rights and prerogatives. It looks like he will persistently insist on his untenable views, however honest and sincere he is in the same.

Mr. GARRETT. Do you mean that the present bill does not interfere with the States?

Mr. RICHARDSON of Alabama. I do.

Mr. GARRETT. I am very much interested in that question, and I would like to call your attention to section 12, I think it is.

Mr. RICHARDSON of Alabama. Section 12 is the one.

Mr. GARRETT. Now, there can not be a pure-food law without power to have standards. Our observation in life has led us to observe that it will be very hard to determine as to what shall be the standard. Now, suppose under this bill the department which you provide shall establish one standard, and suppose your State or my State passes a pure-food law and establishes another standard——

Mr. RICHARDSON of Alabama. It does not interfere with the several rights of the State at all.

Mr. GARRETT. Now, this bill reported by your committee says that no package which meets the requirements of that act, and therefore the requirements of the standard of purity that is to be established by that act, shall be interfered with by the State so long as it is in the original package. Now, a can of oysters, or a can of beans, or a jug of molasses, or anything of that kind, is in the original package after it gets into the hands of the retail man, and until it gets into the kitchen of the consumer, is it not?

Mr. RICHARDSON of Alabama. Yes; that is correct.

Mr. GARRETT. Now, is there not room for a conflict between the powers of the State and the powers of the Federal Government?

Mr. RICHARDSON of Alabama. Oh, you can not make any law which does not give room for conflict. That can not be accomplished. This section 12 says plainly that "this act shall not be construed to interfere with commerce wholly internal in any State." How do you answer that?

Mr. GARRETT. I will not take the gentleman's time——

Mr. RICHARDSON of Alabama. Why, Mr. Chairman, it seems to me these gentlemen who are discussing the question of States rights lose sight of the great aim and object that this bill has of inducing the States to cooperate with the Federal Government, or inducing the Federal Government to cooperate with the States, in order to destroy an evil that the States have been unable to conquer. That is the whole theory of the bill and the whole case. Does the decision which has been read by the gentleman from Texas [Mr. HENRY], contain any prohibition of that doctrine? The Constitution can not be construed by the strictest advocate of States as not possessing the power to cooperate with the States in suppressing an evil that the State can not control.

Why, Mr. Chairman, it is simply amusing to hear all the theories that have been advanced here this morning about interfering with the culinary department, about interfering with the cook and the good housewife in what she will put upon her table. Is that argument to be applied to this great bill—a bill, Mr. Chairman, so momentous to all our people?

Why, there was a gentleman before our committee, an intelligent man, a large dealer in canned goods, and so forth, and I asked him this question:

> Is it not a fact that standards created by different States with respect to the sale of goods can not be effectually enforced?
> Mr. WILLIAMS. Not without a lot of embarrassment of this kind.

What was the embarrassment? He was sending his goods into three great States of the North, and he was required to put certain labels on them that were adapted to the laws of each State. Each food commissioner gave the same label a different construction, and he had to label them according to the laws of each State, and it resulted in all kinds of trouble and embarrassment to his business. This law intends to invite the States, when Doctor Wiley and his associates, composed of our ablest men, agree upon a standard, to induce them, not to force or compel them, but for their own public good and their interest and the interest of the trade, to invite them to adopt the same standard. Does anyone pretend to say that in doing that we are ignoring or disregarding the laws of the States or the police regulations of the States? Why, it is the most sacred province of this Government to come to the aid of the States when they are unable to enforce effectively laws that relate to health, such as laws relating to food and drink. I am aware, Mr. Chairman, that some of my southern brothers disagree with me, yet I am a sincere believer that the Constitution properly construed can come to the relief of the States when the States are unable to protect the people thereof.

Now, Mr. Chairman, look at this minority report. I am amazed that my good and distinguished friend from Georgia [Mr. ADAMSON] should have ever put his name to a declaration contained in this minority report. He says:

> One of the purposes of the bill is to enable the manufacturers of food and dealers in food to disregard and violate the laws of the various States on the subject of pure food, and that has been one of the chief influences that have been advocating the enactment of this bill into law.

Mr. Chairman and gentlemen, I say, with all respect to my distinguished friend, there is not a shade of that kind of spirit that has ever entered into the consideration of this bill. He is mistaken. We have sought in this bill to make it simply an interstate bill.

Mr. ADAMSON. Mr. Chairman, I wish to call the attention of the gentleman to the latter part of section 12, which was the last thing I read while on the floor, where it is expressly provided that after a package has reached the State it shall not be interfered with by the State authorities. It is true it is absolutely void, but yet it is an attempt to meddle with State affairs.

Mr. RICHARDSON of Alabama. Mr. Chairman, this provision has been fully explained—the right of the Government to inspect before a product leaves the State for a destination outside of the State—but I will say that no fair construction of this bill makes any interference with the police or other rights of the States.

Mr. GARRETT. Would my friend mind stating his construction of this language? Let me put a concrete case: Suppose tomatoes are canned in the State of Tennessee.

Mr. RICHARDSON of Alabama. I will answer the gentleman. The qualification was put there partly in relation to theories of the Hepburn-Dolliver bill. I do not believe that a package of whisky ought to be sent into a prohibition section and violate the laws of that prohibition locality. But if a package unlabeled or unmarked is about to be shipped from one State to another in violation of law, does he say that the Federal Government is powerless to prevent such shipment?

Mr. GARRETT. That exception is well put in there. I am talking about the language before that. Let me put this case briefly: Suppose tomatoes are canned in the State of Tennessee and they meet the requirements of law and they are shipped into the State of North Carolina to a retail man. Now, so long as they are on the road to North Carolina—on the way to the retail man—they can not be touched by State law. When they have reached the retail man they are still in the original package. Now, what about the right of the State to take them, supposing they do not meet the standard of the North Carolina law?

Mr. RICHARDSON of Alabama. In no instance or condition has the State a right to enact an interstate law. That belongs to the Federal Government, and that is the only answer I can give the gentleman, save that your question implies the right for a State to interfere with interstate commerce—that I do not concede.

Mr. Chairman, the distinguished chairman of our committee [Mr. HEPBURN], for his own good reason, unknown to me, asked me as a member of his committee to give my special attention to the question of the adulteration or imitation of whisky. Why he asked me that I do not know, unless he meant and believed that I was a temperance man and wanted to do all things in my power to promote temperance; unless he believed that I thought that pure whisky, unadulterated and genuine, guaranteed by the Government as to its purity, would promote temperance as the people of France thought that pure wines would promote it in their nation.

Mr. SHERLEY. Will the gentleman tell us whether there is any existing law that guarantees the purity of whisky?

Mr. RICHARDSON of Alabama. I will with pleasure answer the question. I am going to discuss that question; I know what the gentleman from Kentucky [Mr. SHERLEY] thinks about it.

Mr. SHERLEY. I am delighted to know that the gentleman knows my mind, but I am speaking not for myself nor for him, but for the benefit of the House. If the gentleman does not want to yield, all right.

Mr. RICHARDSON of Alabama. Oh, I will yield to the gentleman without hesitancy.

Mr. SHERLEY. Is it not a fact that the present bottling-in-bond law guarantees simply these facts, the distiller, the place of distillation, the age, the proof, and that $1.10 a gallon has been paid; and that only——

Mr. RICHARDSON of Alabama. I am going to answer that question specifically, but I am not going to do it now. I am going to answer it when I get to it, and I will call the gentleman's attention to it if he is in his seat. The chairman of our committee, as I was saying, might have thought that I was a man peculiarly adapted to peace and order in the walks of life, and that is why he wanted me to discuss "whisky," because he knows and I know that it is the spurious concoction, the adulterated stuff in this country that puts the very devil into men, and which results in murder and the breaking up of happy families. He knew that I had great respect and honor and reverence for the home life that is fostered around the family hearthstone. Yet, Mr. Chairman, you and I and all citizens have seen discord and strife enter these happy abodes and the peace of families disrupted by these drugged and adulterated mixtures miscalled "whisky." Why, I hold here in my hand a paragraph taken from one of the leading papers of the city of New York, which says that wood alcohol, a deadly poison, had been used in whisky and drank at a saloon, and as the result two women and one man were killed.

But I desire, Mr. Chairman, to show the haughty spirit that has characterized the dictatorial bearing and conduct that is visited upon one who asserts the right to oppose the demands of those interested in foisting on the public adulterated and misbranded whisky. I know that I have endeavored since I have been a Member of this House to conduct and demean myself in an orderly, courteous, proper manner.

I never tried to browbeat, run over, or insult a witness in any of our hearings. I hold in my hand a letter which would have justified me, Mr. Chairman, at any moment on the floor of this House, to rise to a question of "personal privilege." But I thought it best to answer it as I am now doing. It is a statement referring to what I said on the floor of the House on this subject on the 7th of May. It was written by one Warwick M. Hough, who styles himself "attorney for the National Wholesale Liquor Dealers' Association of America."

I shall not, Mr. Chairman, characterize this communication in the manner it deserves, for if I did I would infringe upon the rules of this House, which require me to be respectful when I refer to another person. I have the advantage of the writer. I can speak on the floor of this House, and he has no right to reply to me. While I have sufficient provocation to do this, yet it would be unmanly to avail myself of such advantage. I state that the language that he used, and that I will read to you, was unwarranted, unprovoked, and unbecoming, and revealed the fact that the writer was unacquainted with the ordinary civilities and amenities of life. The conviction that it carried to my mind was that his reckless and intemperate denunciation that the statement which I made previously on the floor of the House, and which he quotes in his letter, was "absolutely and unqualifiedly false" was a convincing evidence of the weakness of his case, and he was arrogantly seeking to bolster it with the manner and tone of an insufferable egotist and ordinary braggart. His conduct denominates him as being an unfit and unsuitable representative of any association. He can not escape the conviction of rudeness by the qualification he attempts to give to the meaning of the word "pure." Such sophistry and word juggling but expose the essential poverty and insincerity of his position. Mr. Hough calls any concoction "whisky" which masquerades under that name, no matter how it is made and what it contains.

I appeal to every member, Republican or Democrat, on the Interstate and Foreign Commerce Committee, if Mr. Warwick M. Hough was not allowed as much time to give his views as any other man that appeared in that hearing.

During his statement, as it appears in the printed hearings, commencing at page 96 and ending on page 118, on February 19 and 20, 1906, he was courteously treated and listened to with respect by every member of the committee. I will now read enough of Mr. Huff's letter to enable me to comment intelligently on the same, and I ask, Mr. Chairman, unanimous consent that the full letter and the answer to the same by Mr. Edmund W. Taylor, of E. H. Taylor, jr., & Sons, of Frankfort, Ky., be inserted, as a part of my remarks, in the RECORD. These two letters, in my opinion, will give valuable information on this important subject:

ST. LOUIS, *May 11, 1906.*

Hon. WILLIAM RICHARDSON,
House of Representatives, Washington, D. C.

DEAR SIR: You appear in the CONGRESSIONAL RECORD of the 7th instant to have made the following statement to the House:

"I desire the House to understand that we had uncontradicted and reliable testimony before the Interstate and Foreign Commerce Committee on this one article, that there were 60,000,000 gallons of whisky made in the State of Kentucky annually, and that only 15,000,000 of it was pure. The rest is altogether adulterated."

If there was no categorical and specific denial and contradiction of such a statement before the Interstate and Foreign Commerce Committee, it was due to the fact that when I requested an opportunity of replying to what had been said on the whisky question, the opportunity was denied me. If, however, the opening statement which I made on the whisky subject was understood, there was ample therein to refute the statement which you repeat.

For your information, therefore, I will say that such a statement is absolutely and unqualifiedly false, unless the word "pure" is used in a perverted sense and indicating something different from what the public generally understands the meaning of such word to be, and unless the word "whisky" is also used in a perverted sense, as applying to a product which was never entitled to be called "whisky" during a period of over six hundred years after the term "whisky" originated. As a matter of fact, the article which you refer to as whisky under the 15,000,000 classification is an article which is not fit to be given to a stevedore—it is neither whisky, in the strict meaning of that term, nor is it pure—and if it ever becomes fit to drink or ever becomes entitled to be called "whisky," it is due solely to a subsequent process to which it may be subjected after distillation, which has the effect of purifying and refining the article, and adding thereto coloring and flavoring; but no matter what the process to which it may be subjected after distillation, if it does not accomplish rectification and purification, and if it does not result in the addition of both coloring and flavoring, it not only is not pure, but it is not whisky in the correct meaning of the term. That which you refer to under the classification of 60,000,000 is real whisky, and while the degree of purity varies in whisky, the statistics show that it is not only more pure, if I may use such an expression, but more wholesome than the article which you refer to as pure whisky, which no intelligent physician would ever prescribe to an invalid.

It will be seen that he asserts that the opportunity of replying to what had been said about whisky was denied him. The record, as I have referred to, overthrows that statement. "False in one thing, false in all" is an underlying principle of ethics and law. The statement he assails was found on the following colloquy, page 182, of hearings before the Interstate and Foreign Commerce Committee of the House:

Mr. RICHARDSON. What is the average sale of whisky in Kentucky; I mean all kinds?
Mr. TAYLOR. All kinds?
Mr. RICHARDSON. Yes; all kinds.
Mr. TAYLOR. It is estimated at about 60,000,000 gallons a year.
Mr. RICHARDSON. How much of that is real whisky?
Mr. TAYLOR. I suppose there is about 15,000,000 gallons of it which is real whisky.
Mr. RICHARDSON. And the balance is spurious?
Mr. TAYLOR. Yes, sir.

Mr. Hough, with the same self-satisfied "know-all" air that he assumed before the committee, declares that the article that I referred to, 15,000,000 gallons, was "not fit to be given to a stevedore," because he says it is "neither whisky" nor "is it pure." Let us test the accuracy of his boasted knowledge as to his definition of "whisky." Dr. Joseph Y. Remington, the president of the Pharmacopœia of the United States of America, whose letter I will read, says plainly that the article called "whisky" and made out of "neutral spirits" is not whisky, and is not so recognized as whisky by the Pharmacopœia. There is no denial that the whisky Mr. Hough defends is made of "neutral spirits" and is not whisky, but is a mixture of straight whisky with pure alcohol diluted to a proof suitable for drinking, with what the rectifier chooses to fictitiously age, flavor, color it and give it smoothness, and then label as he pleases, and he always pleases to call it "pure whisky." I wrote to Doctor Remington, and I read my letter and his reply:

WASHINGTON, D. C., *June 9, 1906.*

Dr. JOSEPH P. REMINGTON,
Revision Committee, United States Pharmacopœia,
Philadelphia College of Pharmacy, Philadelphia, Pa.

DEAR SIR: On page 418 of the last revised edition of the United States Pharmacopœia, which I understand was revised by your committee, and has been the official edition since September 1, 1905, I find the definition of "whisky" officially set forth.

Will you kindly advise me if I am correct in construing the terms of this official definition of "whisky" to positively exclude the recognition by the Pharmacopœia of "neutral spirits" as whisky?

I have taken it that I was correct in my understanding that this definition does not recognize "neutral spirits" as whisky, but I would appreciate your reply.

Yours, respectfully, WILLIAM RICHARDSON.

PHARMACOPŒIA OF THE UNITED STATES OF AMERICA,
Philadelphia, Pa., June 18, 1906.

Hon. WILLIAM RICHARDSON, *Washington, D. C.*

DEAR SIR: In reply to your letter of June 9, I would state that you are correct in construing the terms of the official definition of whisky to exclude the recognition by the Pharmacopœia of "neutral spirits" as whisky. This is not the first that I have heard of this proposition, but neutral spirits is a thoroughly understood product, and it can not be said to be whisky. There are tests in the United States Pharmacopœia description which would exclude neutral spirits.

Very truly, yours, JOSEPH P. REMINGTON.

Doctor Wiley, the distinguished gentleman at the head of the Chemical Bureau of the Government, in our hearings, on page 331, said:

Mr. BARTLETT. That bottle there is Overholt whisky. That is straight whisky?

Doctor WILEY. That is straight whisky, and when you buy that you know what you are getting. You are getting a certain quantity and a certain strength, made at a certain date. That was made in 1896, ten years ago, and the date it was bottled is given there.

Mr. TOWNSEND. What, in short, is it that you think ought to go into the bill on that subject?

Doctor WILEY. I think the bill as it passed the Senate is a very good bill on that subject. I have always told Mr. Hough that, as far as I am concerned, if their people would put on their bottles the fact that it was a mixture or compounded article I would be satisfied.

What fair and logical reason exists for not following Doctor Wiley's suggestion as to what should be put on the bottles? Is the Government of the United States expected to condone a palpable fraud in the false branding and adulterating whisky? That is what the proposition is reduced to. No honest and fair dealer is hurt under this bill who sells his goods labeled and branded truthfully.

This eminent scientist, the head of the committee Pharmacopœia that fixes the standards of pure foods, says the article called whisky by Mr. Hough "can not be said to be whisky."

Before going any further, I will now answer my distinguished friend the gentleman from Louisville, Ky. [Mr. SHERLEY], the question that he propounded to me. What evidence is there that there is any guaranty of pure whisky in the bottled-in-bond? I went back, Mr. Chairman, to the origin of this question. I went back to the report from the Committee on Ways and Means submitted with the bill H. R. 8582 on May 2, 1896—a committee of able men. I send to the Clerk's desk and ask that this report be read.

The Clerk read as follows:

[House Report No. 1595, Fifty-fourth Congress, first session.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 8582) entitled "A bill to allow the bottling of distilled spirits in bond," having carefully considered the same, report it back to the House with the recommendation that it pass when amended as follows:

Substitute the word "or" for the word "nor" at the close of line 8 on page 2.

Insert a comma after the word "prescribe" in line 18 on page 2.

Strike out the word "of" and the word "thereof" in line 13 of page 3.

Strike out the comma after the word "discretion" in lines 6 and 7 on page 4.

Add the following section, to wit:

"SEC. 8. That nothing in this act shall be construed to exempt spirits bottled under the provisions of this act from the operations of chapter 728 of the public laws of the Fifty-first Congress, approved August 8, 1890."

The bill as amended has the approval of the Secretary of the Treasury and the Commissioner of Internal Revenue, who have carefully scrutinized its provisions.

The obvious purpose of the measure is to allow the bottling of spirits under such circumstances and supervision as will give assurances to all purchasers of the purity of the article purchased, and the machinery devised for accomplishing this makes it apparent that this object will certainly be accomplished.

The interests of the Government and the revenue are carefully guarded, so that there will be no expense or loss to either.

The passage of the bill will enable American producers to supply a very large home and foreign demand which is now supplied, greatly to the injury of the home manufacturer, by Canadian producers, so that persons who desire to purchase bottled goods under a stamp must get the Canadian instead of the American article, and instead of having the option to obtain either.

We are not permitted to export to Canada in packages of less than 100 imperial gallons (equal to 120 of our gallons), while we permit the importation of bottled Canadian spirits, thus putting our manufacturers at a great disadvantage, especially as the bottled spirits thus imported are supposed to be guaranteed by the Government label and stamp, placed thereon under a law somewhat similar to the pending measure.

It is believed that the enactment of the bill will give our home producers a large market for their goods which is now given to Canadian or other foreign spirits.

These considerations lead the committee to recommend the passage of the bill.

Mr. RICHARDSON of Alabama. Now I shall ask the gentleman from Kentucky [Mr. SHERLEY] what he has to say to that.

Mr. SHERLEY. Mr. Chairman, I desire to ask the gentleman this question: First, is there one line upon the statute books to-day that requires any inspection as to the quality of the particular grain, whether it be corn, rye, malt, barley, or any other grain that is used?

Mr. RICHARDSON of Alabama. Yes.

Mr. SHERLEY. If the gentleman will show me that there is a line as to the quality, not the quantity, I will agree to vote with him for this bill. [Applause.]

Mr. RICHARDSON of Alabama. Mr. Chairman, I say that the great Government of the United States, by inspectors, follows that bottled-in-bond whisky from the time the grain is ground until it is aged and put in bottle, and puts a green stamp on that bonded whisky. It guarantees exactly the quantity. He knows the alcoholic strength; it is bound to be 50 per cent alcohol 100 proof. You know who made it and when, and it is free from added adulterations under the law.

Mr. SHERLEY. I will ask the gentleman to answer the question.

Mr. RICHARDSON of Alabama. It goes under the inspection of its officers from the time it leaves the distillery and during the time it stays in the bonded warehouse, for four years, it is under lock and key and the key in the pocket of a Government official, and then when it is taken out of the warehouse it goes under the guidance and control of an inspector who sees every bottle of it filled and sees the green stamp put upon it. What other guaranty is required or could be given? Why, does not the gentleman know—and he ought to know, and I think he does know—that when you take the ethyl alcohol, with its secondary products, carry it into the charred barrel of the bonded warehouse, and it stays there four years before it comes out with a dark amber color and an age that the people on the other side—the blended—try to imitate, it carries with it into the charred barrel the ethyl alcohol and the secondary products; nothing is added to or taken from it?

Mr. SHERLEY. Can the gentleman state one single line of existing law that requires any inspection of the yeast that goes into the making of whisky, anything in regard to whether the meal is sour or the grain musty or whether the whisky as it runs out and is put into the barrel has been properly distilled or not?

Mr. RICHARDSON of Alabama. Mr. Chairman, the guaranty that the Government has supervision of it is an assurance. These men who made this report had some sense when they said that "Government supervision will give to all purchasers assurance of the purity of the article purchased," etc.

In the Fifty-second Congress, March 1, 1893, the Judiciary Committee by resolution of the House was directed to investigate "whether rectifiers under license granted by the Government adulterate, pollute, or otherwise drug the product produced or distributed by them, and if so adulterated, whether such product when so adulterated is sold and distributed throughout the country to be used as a beverage."

For the special edification and instruction of the gentleman from Kentucky [Mr. SHERLEY] I will read him some few of the conclusions of that Judiciary Committee as reported in House Report 2601:

These compounds are now being extensively made by mixing with new spirits certain oils, ethers, and coloring fluids, now extensively manufactured in the United States. The manipulation and composition of these goods is done by dealers under authority and direction of a license granted to them as rectifiers. The license for that purpose is now used by wholesalers to enable them to "blend" and "compound" goods. (See page 111.)

Again on the same page:

The compound goods which are now forcing the straight product in the market can be produced in a much shorter space of time, therefore at less cost.

And again on the same page:

Neutral or cologne spirits possessing the same strength as whisky and being susceptible to the most delicate flavor and color can easily and with little expense be given the odor and appearance of aged whisky, which may be and no doubt are extensively disposed of in the open market as straight goods.

The committee then said:

The straight goods are unquestionably preferable, and in so far as the Government has the power it should protect the public against the deception that is now being practiced.

Mr. SHERLEY. Does not the gentleman know, as a matter of fact, from the time the grain is ground until the whisky is run into the barrel and put into the bonded warehouse the Government's inspection is entirely a revenue inspection, looking to see that $1.10 is paid on each gallon of whisky?

Mr. RICHARDSON of Alabama. No; I can not say that I do.

Mr. SHERLEY. Then the gentleman does not know the revenue law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON of Alabama. I will ask the gentleman from Georgia if he will yield me five minutes more?

Mr. ADAMSON. I yield to the gentleman five minutes more, because he is a good friend of mine and because he is on the other side, but I shall have to take it away from somebody else.

Mr. RICHARDSON of Alabama. That is very kind in my friend.

Mr. GAINES of West Virginia. Mr. Chairman, I would like to ask a question here if the gentleman will permit.

Mr. RICHARDSON of Alabama. Yes; certainly.

Mr. GAINES of West Virginia. I would like to ask the gentleman from Kentucky [Mr. SHERLEY] what inference he desires to be drawn from the questions which he asks. In other words, suppose that straight distilled whisky may sometimes, and even generally—I don't know the facts—be impure, does he believe that the still further polluting of it by blending or otherwise ought to be discouraged?

Mr. RICHARDSON of Alabama. All right; let him answer. It is true I have but five minutes more.

Mr. SHERLEY. If the gentleman from Georgia [Mr. ADAMSON] will yield me two minutes, so as not to be taken out of your time, I will answer.

Mr. RICHARDSON of Alabama. Mr. Chairman, the blenders who can not bottle in bond concoct spurious whisky that is made of neutral spirits. Why, the fact is, and I have given the proof here, they take a small quantity of real pure whisky, 6, 7, or 8 years old, and mix with that, under section 3244 of the Revised Statutes, whatever they please—all kinds of coloring and flavoring extracts, prune juice, and oils—and between sunset and sunrise they will bring out what they call "pure Kentucky whisky, 8 years old." I do not say that all rectifiers do this, but it is done, and under section 3244 of the Revised Statutes spurious, imitation, or compound whiskies are allowed.

Mr. RYAN. Will my colleague yield, just for a question on that point?

Mr. RICHARDSON of Alabama. If you get my time extended, I will.

Mr. RYAN. I will try to do so.

Mr. RICHARDSON of Alabama. All right; go on.

Mr. RYAN. I want to ask the gentleman if whisky, whether bottled in bond, straight whisky, or blended whisky, is not colored and flavored? Every article that is sold on the market as whisky, I will ask the gentleman, Is it not colored and flavored?

Mr. RICHARDSON of Alabama. Yes; but in a different way from which the imitation, spurious, compounded whisky is colored. Straight whisky is colored by age, by the charred barrels, and it has ethyl alcohol in it and all of its secondary products, and they are mellowed down by the lapse of age; and when that is taken out of the warehouse at the end of four years that is what the parties who do not desire labels endeavor to imitate. You know that no flavoring or coloring ingredients are added to the whisky taken from a bottle-in-bond warehouse at the end of four years. The inspector is there and sees that nothing is taken from or added thereto.

Mr. RYAN. If the gentleman will permit. Would it be possible, if they did not have the white-oak barrel and its being charred, for them to get the flavor that they now get in so-called "straight whisky?"

Mr. RICHARDSON of Alabama. I fear that I do not fully understand my colleague's question. It is said that the charred barrel gives a better flavor than any other vessel.

Mr. RYAN. There is only one character of barrel you can char, and it is northern white oak; and this produces the color and flavor found in straight whisky; one is put in by the barrel stave, and the other is put in by an individual adding coloring and flavoring ingredients.

Mr. RICHARDSON of Alabama. Then, as I understand you, the whisky in the charred barrel, whether under the bottle-in-bond law or not, after remaining in that barrel for some time acquires color and flavor, which color and flavor is given to the straight whisky you speak of "by adding coloring and flavoring ingredients." That is certainly imitation whisky if added to it is coloring and flavoring ingredients, which flavor, coloring, and age the genuine, real, pure whisky acquires by staying in a charred barrel for four years.

I think it quite suitable for me to read to you a certain reply found in the hearings before our committee, made by Mr. Hough, as to "aging whisky."

The CHAIRMAN. Does pure ethyl alcohol and water in proportions constitute whisky?

Mr. HOUGH. It does; that is, with the proper flavor. That was the only original whisky. The term whisky has never been properly applied to all of the products of distillation, but it has been applied only to the rectified products—the purified or refined products. The straight distillate was high wine.

The CHAIRMAN. Then that is just as much whisky the moment after it is made as it is ten years after it is made?

Mr. HOUGH. Not a particle of doubt about that, and the Government brands it whisky.

The CHAIRMAN. And it is just as valuable, just as pure, at the age of one day as it is at the age of ten years, except as it may draw something from the receptacle in which it is placed?

Mr. HOUGH. Excepting that and excepting that it may get rid of something which has been left in it.

The CHAIRMAN. How does it get rid of that something that may be left in it?

Mr. HOUGH. By the process of oxidization, evaporation, and aeration.

The CHAIRMAN. What is there in pure ethyl alcohol that it ought to get rid of?

Mr. HOUGH. Nothing in pure ethyl alcohol.

The answer that Mr. Hough gives is the true essence and best analysis of the blender. It takes him no time to give age, color, or flavor. He needs no bottle-in-bond warehouse for his product to stay there for several years to acquire age, flavor, or color. He substitutes all that in a few hours.

The CHAIRMAN. The gentleman's time has again expired.

Mr. RYAN. I yield five minutes of the time given to me. I ask the gentleman in charge to yield five minutes of the time due me.

Mr. ADAMSON. I understand all that, but I admonish the gentleman from New York not to expect to give away his time and to also use it.

Mr. RYAN. I will state to the gentleman from Georgia, I am entitled to more than the five minutes I have yielded.

Mr. RICHARDSON of Alabama. I am very much obliged to the gentleman from New York [Mr. RYAN] for his kindness.

Mr. RYAN. Will the gentleman answer this: What percentage of the whisky sold in this country is of the bottled-in-bond variety?

Mr. RICHARDSON of Alabama. But little over 1½ per cent, I think, and that is why the people are so much aroused about it being imitated by the blenders.

Mr. RYAN. Just one more question: What, if anything, is in this bill or the gentleman's proposed amendment that will in any way affect the new straight whisky that is sold in bulk—that is, whisky less than four years old?

Mr. RICHARDSON of Alabama. The amendment that I propose to offer is not intended to injure an honest dealer or manufacturer. If what you call "straight" whisky is pure and genuine and you are willing to label it just what it is, then that is all right.

Mr. RYAN. Why, the gentleman does not understand me. I am talking about——

Mr. RICHARDSON of Alabama. If you mean by "straight whisky" whisky not subjected to the bottled-in-bond process, then I do not hesitate to say that if it is labeled and branded as to its contents, when, where, and by whom made, and the quantity, then it would not fall under the condemnation of this bill, for the purchaser would be advised as to what he was buying, and let him buy it if he wants to. You misunderstand me. I am not contending that there is no genuine whisky in this country outside of the bottled-in-bond article. That is not my position.

Mr. RYAN. Just one more question. The gentleman did not understand me again: The bottled-in-bond whisky is straight whisky. Now, all straight whisky that is consumed in this country is not bottled. I ask him what it is proposed to do to protect the people against young straight whisky being sold—whisky that is not 4 years old?

Mr. RICHARDSON of Alabama. If it is labeled and marked just what it is. If it substantially informs the purchaser what its ingredients are; if it is marked "blended," then state the age of the blends, colorings, and flavor.

Mr. RYAN. If the gentleman had examined the revenue laws, he would know that a barrel containing whisky must be labeled and branded.

Mr. RICHARDSON of Alabama. Yes; a whisky made in a garret or cellar between sunset and sunrise, with a fraction of real whisky mixed with adulterants, and comes out eight years old the next morning, is whisky that ought to be condemned and ought not to be imposed upon an innocent purchaser as pure whisky.

Mr. SHERLEY. Now, will the gentleman yield? Water is made of hydrogen and oxygen; whisky is composed of ethyl alcohol or neutral spirits and certain by-products. If to the neutral spirits is added the other elements that go to make whisky, do you not get whisky?

Mr. RICHARDSON of Alabama. No; not in the way the blenders fix it. No. You do not get it. The secondary products are absent and you substitute them by flavorings and colorings that pretend to give age, bead, smoothness, and flavor.

Mr. STANLEY. Will the gentleman yield for a question?

Mr. RICHARDSON of Alabama. In just a moment. I was informed, and reliably informed, that while there were 60,000,000 gallons of this imitation whisky from the great State of Kentucky, that not more than 10,000,000 gallons of it was taxed by the Federal Government. The Government tax is imposed on the proof gallon and by manipulation the rectifier multiplies the quantity that escapes revenue taxes. I refer to the action of the Kentucky legislature on that subject, and they ought to know something about it, and will do so later on. I will read one or more of the speeches of distinguished senators there that condemned it in the roundest and most emphatic terms and are seeking to drive the spurious imitation whisky trade beyond the borders of their State. I am aware that the question before the Kentucky legislature was one of taxation, but the whole question of spurious or imitation whisky was discussed.

Mr. RYAN. Perhaps they were drinking a little of this whisky that you were talking about and may be excused.

Mr. ADAMSON. I will ask the gentleman from Alabama if he agrees with me, then, that the words "not excluding harmless coloring or flavoring extracts" ought to be stricken out?

Mr. RICHARDSON of Alabama. Yes; I emphatically do, for that permits the blender to continue his imitation. I would be very glad indeed to discuss that if I had the time. I made the motion in the Committee on Interstate and Foreign Commerce that the words the gentleman refers to, "not excluding coloring and flavoring ingredients," should be stricken from this bill.

Mr. RYAN. And the committee did not take that action.

Mr. RICHARDSON of Alabama. I know that; and I will make a motion before this House at the proper time to have the provisions of this bill as to adulterating and misbranding food apply to whisky, just as they apply to other food products. I have heard no good reason why a discrimination should be made. Understand me, I do not charge that all sections are engaged in the business of imposing a spurious whisky on the public, but the door is open to do that.

Mr. SHERLEY. Is the gentleman supporting the committee bill?

Mr. RICHARDSON of Alabama. While I am truly an advocate of a pure-food bill, I am unable to get everything in the bill that I want. I intend to support the bill But I have the right to criticise any feature of the bill, and perfect it if I can. I have the right to point out a defect and ask that it be removed. I would not be frank and honest if I did not do it.

I will now briefly refer to the proceedings touching this subject before the general assembly of the State of Kentucky. I do this, Mr. Chairman, simply for the reason that the workings of the advocates of blended whisky is forcibly and truthfully portrayed. I will here refer to the resolution of the Kentucky Distillers' Association, adopted a few days since at the city of Louisville, Ky., and which was forwarded to the House committee of Congress, as follows:

Resolved, That the Kentucky Distillers' Association, comprised, as it is, of bona fide distillers and bottlers in bond, does now, and has always, earnestly favored the pure-food bill and heartily condemns the mislabeling, misbranding, or adulteration of whisky or any other food product. This association is not in sympathy with the alleged efforts of a national organization of wholesalers to defeat the pure-food bill.

This action was taken by the distillers to correct the impression created by certain published items that the Kentucky Distillers' Association was opposed to the pure-food bill.

For better information as to what the real contention in this great question is as to misbranding and adulteration, as to what you offer to the public for sale, I will quote section 3244 of the Revised Statutes of the United States. It is:

Any person who rectifies, purifies, or refines distilled spirits or wines by any process other than as provided for on distillery premises, and every wholesale or retail liquor dealer who has in his possession any still or leach tub, or who keeps any other apparatus for the purpose of refining in any manner distilled spirits, and every person who without rectifying, purifying, or refining distilled spirits shall, by mixing such spirits, wine, or other liquor with any materials, manufacture any spurious, imitation, or compound liquors for sale under the name of whisky, brandy, gin, rum, wine, spirits, cordials, wine bitters, or any other name is to be regarded as a rectifier and as being engaged in the business of rectifying.

It will be observed that by the provisions of this statute that any person "who rectifies, purifies, or refines distilled spirits" is not the person who concocts imitation or spurious spirits, but it is the person who does not rectify, purify, or refine distilled spirits, but who by mixing such spirits with any materials and thereby manufactures any spurious imitation or compound liquor under the name of "whisky" is the man chiefly that the law is after. He has the anomalous authority under the law to concoct a spurious whisky by putting anything in it he pleases, such as wood alcohol or anything else that his cupidity may suggest. What does the term "spurious" mean as used in this statute? It means "not proceeding from the true source or from the source pretended—not genuine—counterfeit—false—adulterated—bastard.

I admit that this is a remarkable statute. The Government, while it protects the distillers who avail themselves of the advantages of the "bottled-in-bond act," yet licenses a rectifier, who needs no distillery or warehouse in his business, and is authorized under a blanket license to set up his business 600 feet from a distillery and by artificial means imitate, corrupt, and adulterate the quality of the pure whisky that the Government has guaranteed and by false label send this spurious article to the public as being "pure whisky." It is a gigantic fraud, and any bill purporting to be a "pure-food bill" will fail in its mission if it does not invoke the strong hand of the law against such hypocrisy and deception.

On the 13th of March the regular session of the Kentucky legislature adjourned. The bill to tax the rectifiers $1.50 per wine gallon for their products had failed of passage. Kentucky taxed her railroads and all other interests, but the products of the blenders substantially escaped State taxation. Governor Beckham, with a courage aided by an irresistible sense of right and justice, within a few hours after the term of the regular session of the legislature adjourned, issued his proclamation for the general assembly to reconvene at once in extra session. It was a brave and commendable act on the part of the governor of Kentucky. I do not hesitate to say that such men as Beckham, LA FOLLETTE, Folk, and Cummins are the men that the people are turning to to protect and uphold their interests. In his proclamation recalling the legislature Governor Beckham said:

A powerful interest present with its astute and capable representatives has been able for a week or more to block all legislation upon the important question of your revenue affairs, and as chief executive I give you this opportunity to determine whether or not this industry shall bear its just proportion of the burden of taxation. Its power has been so great that the whole system of our revenue, the condition of the State treasury, and the welfare of the Commonwealth have been threatened by its opposition to the recent revenue bill.

It was declared in bold words during that extra session that the rectifiers, the blenders, who imitate the genuine Kentucky whisky and prostitute the proud name of the State, are as much counterfeiters and forgers as the men who utter spurious coin or premeditatedly inscribe the name of another on an unauthorized check. It is true that the direct issue before Governor Beckham and the legislature was the levying of a State tax on an escaped and untaxed article.

The governor called the legislature back to levy this tax, and the country rejoices that the victory he won over the rectifiers and blenders was notable and magnificent in its results. It is said that more than one hundred millions of this spurious whisky—blended—are put on the market from some thirty-four States in the Union. The people of Kentucky and other States are being rapidly educated to know what spurious imitation is, as compared with the whisky to which nothing is added and nothing taken from, and they intend to destroy and break down the counterfeiter and his business. I hope, Mr. Chairman, that I can, in my humble efforts, contribute something to this great and beneficent work. I will read to the committee just a few extracts from notable speeches that were made in that extraordinary session of the Kentucky legislature as giving a good evidence of the esteem in which the business of the "rectifier" and "blender" is held in that State. Listen:

"I would be ashamed to go back to my people," said Senator Chinn, as his lifted voice rang through the senate chamber, "and tell them that I had voted against a tax on this counterfeiting business. The rectifiers may be considered reputable business men by some of the senators here, but as for me, I consider that the deception which they are forcing upon the public by labeling their new mixtures, which they can make in a few minutes, as famous old Kentucky whisky, 8 or 10 or 12 years old, puts these gentlemen in the class of the 'bunko steerer,' the 'green-goods men,' and the 'gold-brick' fakir, who are all outlawed by the good people of Kentucky."

The man who sells you a gold brick, gilded like it was gold and which by chemical test shows that it was brass, is put into State prison as soon as the law can get hold of him; but the man who sells you a bogus whisky gets rich on the trick and becomes an influential citizen. If I had my way I would require them to tell the truth about these mixtures they are labeling like real whisky, and stop committing this fraud upon the public.

I want every man, woman, and child in my district to know what these rectifiers are doing. When a woman goes to a drug store for pure whisky for a sick infant, I don't want her to get rectified dope.

Senator Campbell, the orator of the Kentucky senate, flayed the rectifiers, branding them as counterfeiters of the worst type.

Senator Campbell told the senate that the facility with which some rectifiers produce any sort of liquor on a moment's notice had a striking parallel in Goethe's Faust. "The devil," said Senator Campbell, "asked the good people of the village what sort of drink each desired. Some asked for Tokay wine; some asked for champagne; some asked for port; some asked for sherry, and, lo and behold, the devil proceeded to draw all these different beverages from one and the same cask."

This was pretty good work, but the rectifier beats the devil. He can not only draw you brandy, rum, gin, and whisky from the same vat, but he can make them all eight years old for you while you wait.

I now submit, Mr. Chairman, the letters of Mr. Hough and Mr. Taylor, which I consider instructive contributions on this question.

KLEIN & HOUGH,
St. Louis, May 11, 1906.

Hon. WILLIAM RICHARDSON,
House of Representatives, Washington, D. C.

DEAR SIR: You appear in the CONGRESSIONAL RECORD of the 7th instant to have made the following statement to the House:

"I desire the House to understand that we had uncontradicted and reliable testimony before the Interstate and Foreign Commerce Committee on this one article that there were 60,000,000 gallons of whisky made in the State of Kentucky annually and that only 15,000,000 of it was pure. The rest is altogether adulterated."

If there was no categorical and specific denial and contradiction of such a statement before the Interstate and Foreign Commerce Committee, it was due to the fact that when I requested an opportunity of replying to what had been said on the whisky question the opportunity was denied me.

If, however, the opening statement which I made on the whisky subject was understood, there was ample therein to refute the statement which you repeat.

For your information, therefore, I will say that such a statement is absolutely and unqualifiedly false, unless the word "pure" is used in a perverted sense, and as indicating something different from what the public generally understands the meaning of such word to be, and un-

less the word "whisky" is also used in a perverted sense, as applying to a product which was never entitled to be called whisky during a period of over six hundred years after the term "whisky" originated.

As a matter of fact, the article which you refer to as whisky under the 15,000,000 classification is an article which is not fit to be given to a stevedore. It is neither whisky in the strict meaning of that term nor is it pure, and if it ever becomes fit to drink or ever becomes entitled to be called whisky it is due solely to a subsequent process to which it may be subjected after distillation, which has the effect of purifying and refining the article, and adding thereto coloring and flavoring; but no matter what the process to which it may be subjected after distillation, if it does not accomplish rectification and purification, and if it does not result in the addition of both coloring and flavoring, it not only is not pure, but it is not whisky in the correct meaning of the term.

That which you refer to under the classification of 60,000,000 is real whisky, and while the degree of purity varies in whisky, the statistics show that it is not only more pure—if I may use such an expression—but more wholesome than the article which you refer to as pure whisky, which no intelligent physician would ever prescribe to an invalid.

Everything which was said derogatory to the so-called "blended" or "rectified" whisky hinged upon a play of words in which terms are used in a different sense than that in which they are commonly understood.

If I should be given authority to establish a definition for flour, I could establish such a definition as would make it apply only to a product made by certain patented machinery, in the light of which it could then truthfully be said that no flour is manufactured, either in the State of Alabama or the State of Minnesota; in consequence of which, if anyone in either of those States, making in the old-fashioned way what has heretofore been regarded as flour, should ship the product into another State, labeled flour, he could be prosecuted under the provisions of a Federal pure-food bill as shipping something not honestly labeled.

Is this the kind of legislation which the country wants or would sanction under the title "Pure food?"

If the so-called "pure-food bill" only incorporated the idea of "honest labeling," it would contain much of merit, and I presume there would not be heard a voice raised in opposition to it.

But when, in addition to the principle of honest labeling, there is incorporated an authority to establish definitions and standards, and the denial of the right to ship from one State to another an article which is adulterated or misbranded within the meaning of the bill as it shall be construed by a Department of the Government, in the light of the definitions and standards to be established by it, there is injected into the measure a most objectionable element, offensive alike to our sense of propriety and our theories as to the right of the individuals of each community to determine for themselves what they shall eat and drink.

The bill is not an honest measure, because nothing can be honest which sails under false colors; and under the guise of regulating interstate commerce, the bill undertakes to determine what the people of each State shall eat and drink, irrespective of their own views on the subject, by "preventing the manufacture, sale, or transportation" of articles of food and drink which are adulterated or misbranded according to the views of a certain bureau.

How can there be any interstate commerce in something the manufacture, sale, or transportation of which is prohibited or prevented? And how can a person in any State be said to exercise the right of choice if an article which he might choose is prohibited from being shipped to him?

The theory of State rights has been trailed in the dust by the hands of those who should be expected to uphold it; but surely those hands will not upraise the standard of paternalism in its place.

The people of each State should be entitled to determine for themselves what they should eat or drink.

The Supreme Court of the United States, in Gibbons *v.* Ogden, said:

"It is legislation which can be most advantageously exercised by the States themselves."

And in the case of Crossman *v.* Lurman (192 U. S., 197) the same court said:

"If there be any subject over which it would seem the States ought to have plenary control, and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products."

It has been asserted that the necessity for Federal legislation of this character was due to the fact that the States could not protect themselves against adulterated and misbranded articles in an original package, but on this subject the Supreme Court said in the case of Plumley *v.* Massachusetts (155 U. S., 479):

"And yet it is supposed that the owners of a compound which has been put in a condition to cheat the public into believing that it is a particular article of food in daily use and eagerly sought by people in every condition of life are protected by the Constitution in making a sale of it against the will of the State in which it is offered for sale because of the circumstance that it is an original package and has become subject to ordinary traffic. We are unwilling to accept this view."

If it were true that the States were unable to cope with the question by virtue of the original-package theory, there might be some excuse for adopting the Jesuitical maxim that "the end justifies the means," and enacting police regulation under the guise of regulating interstate commerce; but in view of these clear and unequivocal expressions of the highest tribunal in the land, how can any man, North or South, justify his support of a measure in the form of the pending pure-food bill?

Respectfully,

WARWICK M. HOUGH.

FRANKFORT, KY., *May 21, 1906.*

HON. WILLIAM RICHARDSON,
House of Representatives, Washington, D. C.

DEAR SIR: It is highly interesting to read the dispassionate opinion of Attorney Hough, of the National Wholesale Liquor Dealers' Association of America, dated May 11, 1906, to the effect that the rectified and blended Kentucky product is the real Kentucky whisky, in the light of the action of the Kentucky legislature at a special session called by the governor of the Commonwealth on March 14, 1906, for the express purpose of levying a tax upon the rectified or blended so-called "Kentucky whisky," which session closed after one of the most elaborate exposures of the rectifying and blending fraud ever given to the public or made by any legislative body on any commodity of food or drink.

The Kentucky whisky which you represented as appearing in the markets to the extent of about 15,000,000 gallons per annum, already taxed by the State of Kentucky prior to the call of the governor, was exploited in speech after speech as possessing every virtue, whereas the 45,000,000 gallons of the rectified or blended article was denounced in speech after speech as a spurious imitation of the genuine Kentucky product, and on March 26, 1906, this spurious Kentucky whisky was taxed as an adulterated article—the bill so classifying it.

The subject-matter upon which Attorney Hough offers you his dispassionate opinion appears to us, therefore, as res ajudicata.

It is highly entertaining to read the dispassionate opinion of Attorney Hough, of the National Wholesale Liquor Dealers' Association of America, an association of rectifiers and blenders, on May 11, 1906, to the effect that for six hundred years the rectified and blended product has been exclusively entitled to the name of "whisky," when one of the greatest court cases ever tried in the United Kingdom of Great Britain and Ireland on the subject of a food commodity resulted in an opinion by Magistrate Fordham, of the North London police court, on February 26, 1906, by which the integrity of Scotch and Irish whiskies was up-held against the sophistication of the rectifiers and blenders, and it was decided that nothing could be Scotch or Irish whisky to which had been added a single foreign ingredient.

The dispassionate views of Attorney Hough gratuitously conferred upon you on May 11, 1906, therefore, I might suggest, are ex post facto, and I might further suggest that, whatever colorable plausibility similar statements made by him before your committee on February 19, 1906, may have had, they lost that colorable plausibility when, on the 26th of the same month, seven days afterwards, the good news was cabled to this country giving the decision of the London magistrate.

The importance of this Scotch and Irish whisky case is only understood when it is known that the entire trade of the United Kingdom was involved in the issue, and that the specific prosecutions were made merely as a test case, and that the blenders and rectifiers had as their counsel the Hon. Frederick Moulton, perhaps the leading barrister of London, to whom they paid a fee of $50,000 for his unsuccessful effort to prove that the fictitious Irish and Scotch whiskies of the blenders and compounders were the real articles.

In delivering his decision from the bench, Justice Fordham said, among other things:

"The misrepresentation with regard to Irish and Scotch whisky has become very usual, and its adulteration by the addition to it of patent still spirits—neutral spirits—made largely from maize, has been greatly increasing for years, and the result has been taken by the unsuspecting public until the so-called 'blenders' have dared to concoct, place upon the market, and sell to the retailers raw, new patent still spirits with a mere dash of Irish or Scotch whisky in it as 'Irish whisky' or 'Scotch whisky.' The retailer has, in fact, sold this effort of adulteration to the public under the description by which it was sold to him. It is time the fraud upon the public in the matter of the sale of whisky was stopped, and though doubtless these prosecutions are very costly to those who engage in them, the information obtained and published in the course of the hearings of these two summonses is most valuable, and the result of this trial seems to me to afford ample justification for the prosecution. Great blame attaches, in my opinion, to the blenders who supplied Wells and Davidge. I do not think that much moral blame attaches to the defendants themselves, as I believe they trusted to those who sold the articles to them."

It strikes the writer as unfortunate for the argument of Attorney Hough that he should have chosen and elected to use flour in order to illustrate to you the unfairness of the propsed national pure-food legislation.

It is in connection with this commodity of flour that the Federal Government has one of its best precedents for all that it proposes to enact into law through the pending pure-food bill.

Sections 35 to 49, inclusive, of the act of June 13, 1898, entitled "An act to provide ways and means to meet war expenditures, and for other purposes," provides that whenever wheat flour is sophisticated or "blended"—the statutes use the word "blended"—it must be marked, note you, not "blended flour," but "mixed flour," in plain black letters not less than 2 inches in length, together with the true weight of such package, the names of the ingredients composing same, the name of the maker and the packer, etc. (See sec. 36 and sec. 37.)

This mixed-flour law and the regulations of the Commissioner of Internal Revenue are set forth in series 7, No. 25, of that Bureau under the title of "Regulations concerning mixed flour under the internal-revenue act approved June 13, 1898."

If the Federal Government will pattern after its action as to flour, now that Attorney Hough has called your attention to it, it will make the blenders, compounders, and rectifiers of spirits mark their spurious imitation with the word "mixed," and it will make them tell upon the labels in letters that he who runs may read every ingredient which they have used in the concoction of the artificial substitutes.

It is interesting to note in reading over the unsuccessful argument of the great attorney, Mr. Frederick Moulton, who lost the test case for the blenders and compounders in the London court, that he presented to the magistrate the same arguments about flour which Mr. Hough has kindly presented to you.

Mr. Moulton did this on December 18, 1905, and on the 6th day of the hearing before the magistrate. Mr. Hough must have been embarrassed for an argument when he had to take one from the unsuccessful speech of the English defender of the rectifiers and blenders across the water.

There is even a greater similarity, however, in the fact that the magistrate of the North London police court could not appreciate the value of the views of the Attorney Moulton, and the Kentucky legislature can not appreciate the value of the views of Attorney Hough as to what constitutes Kentucky whisky.

It is interesting to place in juxtaposition the views of Attorney Hough on Kentucky whisky and the solemn decision of the highest court of the Commonwealth, the Kentucky court of appeals, on the same subject-matter.

Said court, on March 17, 1905, having adjudicated as follows:

"The proof shows that the rectifiers and blenders take a barrel of whisky and draw off a large part of it, filling it up with water, and then adding spirits or other chemicals to make it proof and to give it age, bead, etc. The proof also shows that from 50 to 75 per cent of the whisky sold in the United States is blended whisky. It is a cheaper article and there is a temptation to simulate the more expensive whisky."

In the April term, 1905, the attorney-general of the State of Kentucky filed with the Kentucky court of appeals a brief in behalf of the Commonwealth against the rectifiers and blenders for the collection of the tax levied upon them by an act of March 24, 1904.

While this suit of the Commonwealth involves only the issue as to the constitutionality of the act entirely upon the question of its having originated in the Senate, the attorney-general went into the subject-matter of taxation, and as chief legal defender of the Commonwealth of Kentucky, explained that it was a spurious imitation of the genuine Kentucky whisky.

The attorney-general set forth to the court its own decision in a previous case. He quoted from volume 9, page 616, bottom of right-hand column, of the Twelfth Census of the United States, as follows:

"Most of the distilled liquors consumed as a beverage by the American people pass through rectifying houses. The different classes of rectified spirits range from the cheapest concoctions of neutral spirits and drugs to the simple blending of young and old whisky."

He quoted from the Courier Journal market report of September 28, 1903, as follows:

"A trade publication calls attention to the fact that 8,000 barrels of whisky leave Louisville every week, though much of this is compounded goods made in the rear of rectifying houses or upstairs out of Peoria spirits and drugs and about 20 per cent of pure whisky added to give it flavor."

He stated in his brief to the court of appeals that in the State of Kentucky during the fiscal year ending June 1, 1904, there were in operation, as shown by the report of the Commissioner of Internal Revenue, 200 distilleries, and during the same period of time there were eighty-one rectifying plants in full operation, and that, due to the fact that there is an enormous profit in the rectifying of whisky, and to the fact that the business is easily operated, it requires no great outlay of money in the building and equipping of a plant, as, on the other hand, is the case with the distilleries.

The attorney-general further says in his brief:

"The rectifier, in a small cellar and with the proper materials, can turn out a greater quantity of whisky in a day than can the distiller in many months of labor. The Federal statutes permit a rectifier to spuriously imitate whisky, but require him to keep at a distance of 600 or more feet from a distillery. A rectifier in Kentucky needs no distillery plant, nor does he need a bonded warehouse, for under the law he can not carry the business on in either.

"As has been stated, give the rectifier a small room, a vat for mixing his spurious imitation, and then by the right given him under section 3244 of the Federal Statutes he brings into Kentucky his neutral spirits from Illinois, oil of bourbon from Ohio, prune juice from New York, bead oil from Massachusetts, and aging oil from Michigan, and with a few drops of real whisky in an incredibly short time he turns out barrel after barrel of his imitation whisky and labels it 'Kentucky whisky, 20 years old,' although the *whisky* used is not one-fiftieth of the volume of such liquor turned out, and instead of being 20 years old, the age of the mixture may be only a few days."

It appears to this writer that if any Member of the National House of Representatives will read the conclusions of the Committee on the Judiciary, as set forth in its formal report to the House, No. 2601, Fifty-second Congress, he can not fairly remain in ignorance of the status of the rectifier, blender, and compounder, since the investigation covered by this report was made under a resolution approved by the House itself and for the purpose of ascertaining "whether rectifiers, under license granted them by the Government, adulterate, pollute, or otherwise drug the product purchased or distributed by them."

It is interesting to note that the committee disagreed with the opinion of Mr. Warwick M. Hough, and has formally given the National House of Representatives the benefit of its conclusions, after making the investigations imposed upon it by a vote of the House.

Among the important conclusions of the Committee on the Judiciary, as officially reported to the House in the above-mentioned document in 1893, on page 3, are the following:

"These compounds are now extensively made by mixing with the spirits certain oils, ethers, and coloring fluids now extensively manufactured in the United States." "The manipulation of these goods is done by dealers under authority and protection of a license granted to them as rectifiers." "Neutral or cologne spirits possess the same alcoholic strength as whisky, and, being susceptible to the most delicate flavor and color, can easily and with little expense be given the odor and appearance of aged whisky, which may be, and no doubt are, extensively disposed of on the open market as straight goods. With the alcoholic basis, bourbon and rye whisky, cognac brandy, Jamaica rum, gin, cordials, etc., by the use of oils, essences, and coloring mixtures, are produced from the same tank."

On page 4 we find a conclusion of the committee which would seem to embarrass the contention of Mr. Hough entirely.

The committee reports to the House as follows:

"The straight goods are unquestionably preferable, and in so far as the Federal Government has the power it should protect the public against the deception that is now being practiced."

The committee's idea of the significance of the word "pure" and the idea of Attorney Hough seems to differ, with the committee in the majority.

Even the Deputy Commissioner of Internal Revenue testified before this committee that "the making of any spurious imitation was rectifying or blending."

The question of the therapeutic value of genuine whisky to which Mr. Hough refers in connection with the 15,000,000 gallons made in Kentucky was thoroughly discussed before this committee, and Doctor Wiley made the following statement in his testimony:

"I do not consider that any mixture can imitate the straight goods perfectly, and for that reason when used for medicinal purposes it would be better and preferable in every case to have the straight goods."

The same point was insisted upon by the physicians who testified before the North London police court, and their contentions were upheld by the decision of the magistrate above referred to. (See mention of Pharmacopœia further on.) I do not think it a perversion of the word "pure" to say that certain arsenic, free from sophistication, is pure, although in its purity it may be toxic.

I do not think that certain vinegar, free from sophistication, can be denied the title of "pure" because it contains acetic acid—without which it can not exist—because of the fact that acetic acid is toxic.

I do not think it is a perversion of the word "pure" to apply it to a whisky, when such whisky exists in its original integrity, free from sophistication, because that whisky possesses the secondary products which came over in distillation, and without which it would not be whisky.

Doctor Wiley has explained his use of the word "pure" again and again in the press as being properly applied to a natural or genuine article, free from sophistication.

Mr. Hough says in his letter to you that all of the 60,000,000 gallons is pure in a varied degree.

The Kentucky legislature does not agree with him.

The North London police court in its decision as to what constitutes Scotch and Irish whisky does not agree with him.

The Committee on the Judiciary of the House in its report of 1893, above referred to, does not agree with him.

The State chemist of Kentucky, who read an exhaustive paper on the subject of whisky before the International Pure-Food Congress at St. Louis in 1904, does not agree with him.

The State chemist of Minnesota, Dr. Julius Hortvet, upon whom has been perpetrated a bogus interview, does not agree with him, as is shown by Doctor Hortvet's formal description of the rectifier or blender (as he is found in the State of Minnesota) in the tenth biennial report to the governor of Minnesota, under date of 1905, in which he says:

"The well-known quick methods of imparting age to liquors are among the most aggravating forms of sophistication. According to one method, the result is said to be attained by adding 4 to 8 ounces of ammonia water to 40 gallons of spirits, and in the production of rums, whiskies, and brandies an addition of about 1 ounce of a so-called 'raisin essence' to 1 barrel of 40 gallons is claimed to have an aging effect. The manufacturer of compounded liquors asserts that he has discovered the 'rational method.' He characterizes the method of the distiller as 'crude' and 'old fashioned,' and claims for his own products certain advantages as to purity, quality, and delicacy of aroma. Granting all these advantages, as many, in fact, as he may choose to enumerate, the fact can not be overlooked that the manufacturer of spurious liquors has the supreme advantage of being an expert advertiser. His products are all 'old-time favorites;' they bear the names of localities long famed for genuine products, and their labels specify the number of years during which they have been stored for the purpose of aging." (See pp. 433–435.)

The food commissioner of Pennsylvania does not agree with Mr. Hough. On page 24 of his report for the year 1904 appears the following:

"Investigations made demonstrate the fact that so-termed 'pure rye whisky' is almost a myth, as raw alcohol, prune juice, and chemicals constitute the main ingredients of many of the 'compounded' or 'blended' pure rye (?) brands. This mixture may suit some palates, but the purchaser is deceived and pays for what he does not receive. We have need of some stringent laws regulating the sale of alcoholic beverages," etc.

The assistant food commissioner of Illinois, in an address before the international pure-food congress at St. Louis in 1904, said:

"It is stated by authority of the Government that some 80 per cent of all whiskies now on the market in the United States are adulterated, base imitations, and injurious decoctions. Figures from Pennsylvania alone show that 93 per cent of the whisky sold there is what is technically termed 'blended whisky.' This means that for a barrel of 48 gallons some 40 gallons of cologne spirits are used, which has no taste, but has a pernicious effect upon the human system. To this 40 gallons of cologne spirits are added about 4 gallons of straight whisky, 2 gallons of prune juice, 2 gallons of peach juice, and some flavoring extract. The decoction is stirred up, bottled, given a fancy name, and sold for from 75 cents to $2 and even more per bottle."

I regret that Mr. Hough has not seen fit to give some other authority than himself in support of his contention about the word "pure."

Attorney Hough says if his "opening statement" before the committee on the whisky subject was understood you would be set right.

I have referred to the record to find out what his "opening statement" was, and I find it to be as follows:

"I appear as attorney for the National Wholesale Liquor Dealers' Association of America."

This "opening statement" does, in fact, shed some light.

The light it sheds is augmented by the statement which immediately follows it, said statement being made by Chairman HEPBURN, viz: "We will ask you to stand aside, as we are endeavoring to get facts. We will have lawyers when we need them."

It is noticeable in this record also that the chairman did not even put the attorney for the National Wholesale Liquor Dealers' Association under oath.

But for fear that we might miss something of value of Attorney Hough's contention, let us go a little further into his "opening statement." He says:

(1) "The bill does not apply to all kinds of liquors.

(2) "The term 'whisky' was applied originally to the blended or compound article, and never applied to the straight distillate at any time in the first six hundred years during which the term was a part of the vocabulary of the English language."

If by statement (1) he meant to convey the idea that the bill as it stood drafted at the time did not embarrass the pure whisky of the legitimate distiller when the bill required same to be deemed adulterated, "if any substance has been mixed and packed with it, so as to reduce or lower or injuriously affect its quality or strength," and he considered that the pure whisky of the distiller was not affected thereby, he paid that product the compliment of saying that it had not been mixed and packed with any substance so as to reduce or lower or injuriously affect its strength and quality.

When he took the position that it was not embarrassed by the bill when that bill said "that it shall be deemed adulterated if any substance has been substituted wholly or in part for the article," and maintained that this requirement did not attach to genuine whisky, he paid it a compliment.

He paid it a compliment again in assuming that no valuable constituent of the article had been wholly or in part abstracted.

He paid it a compliment again when he assumed that it had not been mixed, colored, coated, or stained in a manner whereby damage or inferiority was concealed.

With regard to the word "added," Mr. Hough appeared before the Senate Committee on Manufactures in 1904 and plead with it to strike out the word "added" from the pure-food bill then under discussion.

The Senate committee turned him down.

Senator FORAKER on February 19, 1905, offered an amendment to the Heyburn bill to strike out the word "added."

On page 2690 of the CONGRESSIONAL RECORD, of February 19, 1906, you will find Senator HEYBURN'S statement that "the word 'added,' after very mature consideration by your (the Senate) committee, *was adopted*, because of the fact that there is to be found in nature's products as she produces them," etc., and his masterful defense of this word "added" in the bill.

You have, of course, noted that when the amendment came to the vote the Senate turned it down by an overwhelming vote and kept the word "added" in the bill, although Senator FORAKER had had the clerk at the desk read a letter from an unknown party at Cleveland, Ohio, setting forth the views of a famous expert as to why the

word "added" should come out, said expert being described in the letter as one *Warwick M. Hough*.

I think the London magistrate has disposed of the issue raised by (2).

I note that Attorney Hough does not question the correctness of your figures, so that the only real question he leaves us to determine is the true character of the 15,000,000 gallons and the true character of the 45,000,000 gallons of Kentucky whisky.

He says that the species represented by your 45,000,000-gallon classification is purer than the species represented by your 15,000,000-gallon classification.

This is one of the nicest illustrations of ipse dixit that the writer has ever noticed before in polemic correspondence.

Against this ipse dixit of Attorney Hough I have now placed for you the Kentucky legislature, the Kentucky court of appeals, the Kentucky attorney-general, and the Kentucky State chemist, and think that I can afford to rest my case.

In my statements before your committee I said:

"If you take the rectifier and discuss with him before any body of men the comparative values or qualities of the output of the distiller and that of the compounder or blender or rectifier, he will tell you in the course of the argument, as Mr. Hough said before the Pure-Food Congress, that the rectified, blended, or compounded article is superior to the distiller's output which has been aged, because this distiller's output which has been aged possesses certain secondary products which are obnoxious and deleterious, and when you say to him, 'Then, in the name of fair play, won't you allow the privilege to be accorded to you to parade the superiority of your product before the public by identifying it in such a way as to distinguish it and free it from any confusion with the output of the distiller, which you decry; won't you accept that privilege?' you will find that there is always a reason why he does not want to do it."

I have met Mr. Hough three times before various bodies. He went before the International Pure-Food Congress, at St. Louis, and made the same argument which he is making to you.

He decried the whisky of the distiller, but notwithstanding his disparagement, that congress unanimously indorsed the bottling-in-bond law.

Now, as Mr. Hough understands it, the pure-food bill will require the compounders and blenders to put out a pure article and notify the public of its virtues.

Mr. Hough tells us that it is going to allow the straight whisky of the distiller to retain the secondary products, which he disparages, and he agrees that it is going to put the compounder and blender on a pedestal where the great Government of the United States will virtually say to the people: "This product has no poison added to it. This product comes to you now sanctioned by the officials of the Government under the operation of the national pure-food bill. This product is not the distillers' product. This product was not made at one of those distilleries and aged in one of those bonded warehouses, having all the secondary products left in it that came over in distillation and were oxidized by age. No! No! It is the synthetic product of a great blender, or a great rectifier, or a great compounder, who has discovered and has long known and practiced the superior methods of producing beverages."

Why should Mr. Hough have placed the bar of inviolate State rights against this blessing to himself, his association, and the American public?

He says the theory of State rights has been trailed in the dust by the hands of those who should be expected to uphold it.

I see in the CONGRESSIONAL RECORD of May 7 (page 6629) your language on this particular subject, and in answer to Mr. Hough I will say in a paraphrase of your words:

"I have been taught, Mr. Speaker, just as thoroughly as my friend from the bosom of the rectifiers and blenders, what are the rights of State; I have been taught at the same time that the Federal Government, in the exercise of its lawful and constitutional functions, has some rights also."

The writer could pursue the points raised by Mr. Hough still further, but apprehends that he should not trespass upon your patience at greater length.

There is one point, however, which I shall incidentally make.

On page 21, lines 22, 23, 24, and 25, there is what I consider a vicious amendment in the bill as it came from committee.

While the general clauses of the bill forbid imitation, this amendment on page 21 fully relieves the blenders, compounders, and rectifiers from the operation of those clauses, in that by specifically stating what a blend is it opens up the path for imitation ad infinitum, and exempts this class of imitation from the operation of the bill by describing a blend.

Attorney Hough says in his letter to you that everything which was said derogatory of the so-called "blended" or "rectified" whisky hinged upon a play of words.

I was not conscious of the fact that in my speech before your committee I was playing upon words when I endeavored to explain the difference between the genuine whisky of the distiller and the artificial imitation of the rectifier and blender.

I doubt if Doctor Wiley thought he was playing upon words when he showed your committee how the rectifiers operate.

I do not think that the members of the Kentucky legislature were playing upon words when they called the output of the blender or rectifier a "Kentucky counterfeit;" and I do not think that the magistrate of the North London police court was playing upon words when he said, "The so-called 'blenders' have dared to concoct, place upon the market, and sell to the retailers raw new neutral spirits, with a mere dash of Irish or Scotch whisky in it, as 'Irish whisky' or 'Scotch whisky.'"

I do not think the Judiciary Committee of the House was playing upon words when it concluded that rectifiers adulterate, pollute, and otherwise drug their product.

The United States Pharmacopœia does not even recognize the so-called "whisky" of the compounder, rectifier, or blender. Its definition and standard for whisky exclude the product which Attorney Hough makes whisky by his ipse dixit.

It may interest you to know that in order to reassure myself beyond any possibility of a doubt as to the exact attitude of the revision committee of the Pharmacopœia I addressed a letter to Professor Remington, of Philadelphia, chairman of said committee, and asked him to state in categorical terms whether or not the Pharmacopœia recognized neutral spirits as whisky.

He replied that the Pharmacopœia did not recognize neutral spirits as whisky, and, in fact, did not recognize it at all, because it was simply a neutral product. He called my attention then to the terms of the definition of whisky used by the Pharmacopœia.

These terms, as stated above, rigidly exclude the bogus product defended by Attorney Hough.

With kind regards and high respect,

EDMUND W. TAYLOR.

P. S.—It is interesting to note some of the further language used by the Kentucky court of appeals in its whisky decision of March 17, 1903, viz: "The appellee advertised his whisky extensively, and we think that one reading these advertisements, who is not familiar with the whisky trade, would understand that it was a straight whisky, and without going into the minutæ of the evidence, we deem it sufficient to say that we are satisfied from it that the appellee intentionally labeled and advertised his whisky as he did to pass it off not as blended goods, but as the whisky of appellant, which had attained a very high reputation as pure Kentucky distilled whisky, and that his thus selling his blended whisky was a violation of appellant's rights. Appellee's whisky was a cheaper article and could be sold at prices at which appellant could not afford to sell his whisky. The selling of the cheaper goods under labels and advertisements which to the uninitiated would indicate that it was appellant's whisky, so well advertised as a first-class article, can not be sanctioned."

The whisky which the Kentucky court of appeals described as the pure Kentucky distilled whisky belonged to the 15,000,000-gallon classification.

The stuff passed off not as blended goods, but advertised and sold as straight whisky, was an excellent sample of the 45,000,000-gallon classification which Attorney Hough champions as the real pure Kentucky article.

Mr. ADAMSON. Mr. Chairman, in my anxiety to conclude my remarks and yield to others, I omitted to call attention to an unanswerable reason why this bill should not pass, and that is, that the act for the support of the Agricultural Department is a law which carries all necessary and constitutional provisions. It is repeated in the act that is now certain to become a law. I will ask the Clerk to read to the House from line 7, on page 62, to line 20, on page 64 of the bill.

The CHAIRMAN. The section will be read in the gentleman's time.

The Clerk read as follows:

To investigate the composition, adulteration, false labeling, or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture advisable, and also the effect of cold storage upon the healthfulness of foods; to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use, and to publish the results of such investigations when thought advisable; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries. To investigate, in collaboration with the Bureau of Animal Industry, the chemistry of dairy products and of adulterants used therein, and of the adulterated products; to determine the composition of process, renovated, or adulterated and other treated butters, and other chemical studies relating to dairy products, and to make all analyses of samples required for the execution of the law regulating the manufacture of process, renovated, or adulterated butters. To study, in collaboration with the Weather Bureau, the Bureau of Plant Industry, and agricultural experiment stations, the influence of environment upon the chemical composition of wheat and other cereals, with especial reference to the variation in the content of gluten, and the suitability of barley for brewing and other purposes. To investigate the chemical composition of sugar and starch producing plants in the United States and its possessions, and, in collaboration with the Weather Bureau, the Bureau of Plant Industry, and agricultural experiment stations, to study the effects of environment upon the chemical composition of sugar and starch producing plants. And the Secretary of Agriculture, whenever he has reason to believe that any articles are being imported from foreign countries which are dangerous to the health of the people of the United States, or which shall be falsely labeled or branded either as to their contents or as to the place of their manufacture or production, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis, and the Secretary of the Treasury is hereby authorized to open such original packages and deliver specimens to the Secretary of Agriculture for the purpose mentioned, giving notice to the owner or consignee of the sampling of such articles, who may be present and have the right to introduce testimony before the Secretary of Agriculture, or his representative, either in person or by agent, concerning the suitability of such articles for entry; and the Secretary of the Treasury shall refuse delivery to the consignee of any such goods which the Secretary of Agriculture reports to him have been inspected and analyzed and found to be dangerous to health or falsely labeled or branded, either as to their contents or as to the place of their manufacture or production, or which are forbidden entry or to be sold, or are restricted in sale in the countries in which they are made or from which they are exported.

Mr. ADAMSON. Mr. Chairman, how much time have I consumed or yielded?

The CHAIRMAN. The gentleman has eighty-one minutes remaining.

Mr. ADAMSON. I yield to the gentleman from Texas.

Mr. HENRY of Texas. Mr. Chairman, in addressing the committee this morning on this bill I do not apprehend that I will change the mind of any gentleman here. I realize the fact that the American people and the Congress of the United States have drifted further this year from the old landmarks than ever heretofore. I recognize the futility at present of discussing abstract questions of State rights, and am not here for that purpose. We have reached that period in our history when

the President of the United States says, in a letter to a Member of this body, "I am willing to accept so and so from Congress;" "We are willing for you to do so and so." And Members of this body, who ought to have some independence, abdicate their functions to the Chief Executive. [Applause.] The fact is freely recognized by me that it is not fashionable to discuss the Constitution of the United States in this day and generation, and I am sorry to say that even among some gentlemen on this side of the House that instrument is not as popular as it should be. At every session of Congress we have sent to our desks a copy of the Constitution carefully annotated, construed by the decisions of the court. We have uplifted our hands and sworn to support it. And so far as I am concerned, as long as I am a Member of this body, when it becomes apparent to me that a bill is in flagrant violation of the Constitution, I intend to keep my oath of office as a Representative of the people. [Applause.]

The people have a fashion of coming to the General Government for everything. Soon they will be coming here for uniform laws upon the subject of divorce and marriage, on the subject of suffrage. Shortly they will come here inviting the Federal Government to invade the State of Mississippi and other States and pass uniform suffrage laws because the States will not do so.

Mr. Chairman, I read a very clever editorial yesterday morning in the Washington Post, stating that there was a movement in Kansas to elongate 1 inch the nether extremities of cotton shirts. Now, if under this bill it is constitutional to regulate pure food, it does seem to me that an amendment would be proper and in order providing that cotton shirts going into interstate and foreign commerce shall be extended at least 1 inch at the nether extremity for the health, comfort, and preservation of the people using them would be in order. [Laughter and applause.] Besides, such amendment would serve a double purpose. It would appreciate the price of cotton to the Southern States. It has been said by some one that if the Chinaman would only lengthen his shirt 1 inch, the price of cotton would immediately go up throughout the world. This reasoning is perhaps correct, and such legislation would not be much more ridiculous legislation than that before us.

Mr. Speaker, this bill has the following provision, which is at variance with the fundamental principles of this Government. Sections 10 and 11, on pages 23, 24, and 25, are radically vicious. In those sections it is provided that a Federal official and inspector may go into any manufacturing establishment in any State manufacturing products for shipment to other States and foreign markets, and may demand a sample of the manufacture of that factory; and if it is denied, the Federal Government can prosecute the owner of this factory for failing to furnish the sample. And such person may be fined not exceeding $100 and imprisoned not exceeding one hundred days or both. In addition, the expenses of inspection may be placed upon him. Was ever such monstrous doctrine contained in a bill passed by Congress? In the South we have canning factories everywhere. We have cotton-seed oil mills. We have flouring mills in almost every locality. By the provisions of sections 10 and 11 of this bill a Federal officer is authorized to go into any of these local establishments and demand a sample of their manufacture, and if it is refused the owner may be prosecuted, fined, and imprisoned. And that is not all. The expenses of every inspection at the hands of the Federal Government by further provisions of these two sections may be taxed against the owner of that institution.

Let me for a minute call attention of gentlemen to some of the fundamental principles long since established by judicial decision. Ah, gentlemen in one breath contend for a broad construction of the Federal Constitution, when they wish to pass a high protective tariff or other measures violative of the Constitution; but when the people call for control of railroads, when they demand that Federal judges shall not issue injunctions, that such judges shall not issue temporary restraining orders, you flee to the Constitution as a city of refuge and ask for its protection!

If we are going to regard the Constitution, if we intend to follow the decisions of the Supreme Court of the United States, we should certainly square our legislation in accordance with the settled law as thoroughly adjudicated. We have a great tribunal to determine and construe these questions. If we are going to follow them, let us pass laws in conformity therewith. If we are not going to respect them, why the necessity of a tribunal to adjudicate constitutional and legal questions?

A Federal officer can go into any local canning factory or cotton-seed oil mill, or flouring mill, or any other local establishment that intends to ship its products to another State or foreign country. Any advocate of this measure is defied to demonstrate that I am not literally correct. Let him speak out. No one answers and denies my proposition. Let us take the sugar trust case decided a few years ago by the Supreme Court.

That decision was right as a matter of law. Take that case, decided in 156 United States, where the American Sugar Refining Company purchased four sugar companies in Philadelphia, and combined them into a trust under one management. They were prosecuted by the United States for forming a trust. Yet when the cause went to the Supreme Court it decided that the four factories being in the city of Philadelphia and in the State of Pennsylvania were subject to the domestic laws of that State, engaged in manufacture and not subject to the laws of Congress; that Congress has no jurisdiction to legislate concerning them until their product became interstate or foreign commerce, although the products of the factories were intended for shipment to other States or foreign countries; that Congress had no power to touch manufacture in any State; that manufacture was not commerce, but "commerce succeeded to manufacture."

Mr. GAINES of Tennessee. Will the gentleman yield right there for an inquiry?

Mr. HENRY of Texas. Just one moment.

Mr. GAINES of Tennessee. Suppose they sell in that factory a hogshead of sugar to be shipped to Europe.

Mr. HENRY of Texas. Yes.

Mr. GAINES of Tennessee. It is actually sold and paid for.

Mr. HENRY of Texas. Yes.

Mr. GAINES of Tennessee. And the foreigner is there ready to ship it.

Mr. HENRY of Texas. Yes.

Mr. GAINES of Tennessee. Do you contend that the Federal Government has no right to go there and examine that hogshead to see that it is in proper sanitary condition to be shipped and to come in contact with the instruments of Federal and foreign commerce?

Mr. HENRY of Texas. I contend that we have power to regulate interstate commerce. We have plenary power in that respect; but until an article becomes interstate commerce it is not subject to the jurisdiction of the Federal Government. Nothing is clearer or more firmly established.

Mr. GAINES of Tennessee. I put a concrete proposition to you. Here it is, sold to the foreigner. He is there ready to cart it out onto the pavement and put it on the ship. Now, has the Federal Government a right to send an agent there to see that that hogshead is in a sanitary condition, so as to avoid smallpox, and things of that sort, in carrying it across the ocean?

Mr. HENRY of Texas. The decisions are just as clear and well defined on that proposition as is the intellect of the gentleman from Tennessee. They are perfectly plain. Whenever the article begins its journey as a part of interstate commerce then the jurisdiction of the Federal Government attaches, but not until that moment, not until it starts as interstate or foreign commerce.

Mr. GAINES of Tennessee. Has it not become an object of Federal commerce? Here is a complete contract, and the man ready to start with it.

Mr. HENRY of Texas. Then it would undoubtedly be subject to the jurisdiction of the Federal Government.

Mr. GAINES of Tennessee. I think so too.

Mr. HENRY of Texas. It would be well for us to return to the Constitution occasionally and refer to the decisions of our court. It seems as though there are some gentlemen even on this side of the House who do not care to refer to the opinions of the Supreme Court, and I will admit that there is getting to be a little prejudice against lawyers even on the floor of the House of Representatives. We have drifted far away from the old moorings, and while I realize that I am in a minority in opposing this bill, and perhaps the majority of the people of my State favor a pure-food bill, I shall cast my vote against it, because it not only strikes down States rights, but it demolishes the Constitution of the United States and nullifies every vestige of the decisions on questions we are discussing this morning. Let me commend to the gentleman the language——

Mr. GILBERT of Kentucky. Before the gentleman begins that may I interrupt him?

Mr. HENRY of Texas. Just for a moment.

Mr. GILBERT of Kentucky. The most difficult feature of the bill to me is this, that the man who violates the law and subjects himself to punishment is the man who does not violate the terms of any act of Congress, but who violates the terms of some rule prescribed by an Executive Department. Now, is not that of itself a pernicious feature?

Mr. HENRY of Texas. I was coming to that, and I had a note to make an argument on it.

Mr. Chairman, this bill provides that the Secretary of Agri-

culture, the Secretary of Commerce and Labor, and the Secretary of the Treasury Department may make rules in regard to this subject and may enforce those rules, and a citizen of any State violating the rules may be tried and punished before a Federal court for violating rules made by this trio of Cabinet officials.

Mr. GILBERT of Kentucky. And these rules may be changed by these officers?

Mr. HENRY of Texas. Of course they may all be changed. Here is an opinion, unanimously decided by the Supreme Court, where it held the State of Iowa had the right to prevent a brewery doing business in that State, and not only that, but to tear it down and literally destroy it, although it was making beer to be shipped to foreign countries and to other States. That the Federal Government had not and could not have any jurisdiction to prevent it, although every particle of beer made in the brewery was to go into interstate commerce.

And yet in this bill you provide that a Federal officer may go into a local factory, a little institution in which the citizens and the community may be interested, and demand samples there, levy taxes and inspection fees upon the owners, and they can be punished under the law if they refuse to submit to the jurisdiction of the Federal Government. If this bill had nothing else in it except that one provision I should vote against it.

The line is well defined between domestic commerce and foreign commerce, and between the jurisdiction of the Federal and the State governments. Until this year no one in either branch of Congress ever thought of police jurisdiction being lodged in the Federal Government. Never before did anyone contend that the police jurisdiction was not reserved to the respective States when the Constitution was adopted.

Now let me read from this decision, and I commend it to the gentleman from Tennessee [Mr. GAINES] and others, for it is directly on the question asked by him. The opinion was delivered by Justice Lamar, that great intellect from the State of Mississippi. He uses this language:

> No distinction is more popular to the common mind, or more clearly expressed in economic and political literature, than that between manufacture and commerce. Manufacture is transformation—the fashioning of raw materials into a change of form for use. The functions of commerce are different. The buying and selling and the transportation incidental thereto constitute commerce; and the regulation of commerce in the constitutional sense embraces the regulation at least of such transportation. * * * If it be held that the term includes the regulation of all such manufactures as are intended to be the subject of commercial transactions in the future, it is impossible to deny that it would also include all productive industries that contemplate the same thing. The result would be that Congress would be invested, to the exclusion of the States, with the power to regulate not only manufactures, but also agriculture, horticulture, stock raising, domestic fisheries, mining—in short, every branch of human industry. For is there one of them that does not contemplate, more or less clearly, an interstate or foreign market? Does not the wheat grower of the Northwest or the cotton planter of the South plant, cultivate, and harvest his crop with an eye on the prices at Liverpool, New York, and Chicago. The power being vested in Congress and denied to the States, it would follow as an inevitable result that the duty would devolve on Congress to regulate all of these delicate, multiform, and vital interests—interests which in their nature are and must be local in all the details of their successful management.

And then the learned justice proceeds along those lines, in which he is sustained by other judges, drawing a broad line between *commerce* and *manufacture*. It is as clear as the noonday sun in the heavens. It has been reaffirmed in many decisions. Yet this pure-food bill wipes out every vestige of these decisions. It means there shall be no line between *manufacture* and *commerce;* that the Federal Government can march across State lines and can seize articles of manufacture. Still the Knight case and others hold to the contrary. But if this were a constitutional measure I would not support it and give it the sanction of my vote. It is bad policy to centralize everything in this Government here; and the policy of this legislation is as odious to me as the constitutional objections. It is not popular to take that stand when everything is not only centralized in the Congress of the United States, but we can say conscientiously and deliberately that practically all governmental power is concentrated in the rough riding President now inhabiting the White House. You have permitted him to ride rough shod over you. Ah, gentlemen, it is time to call a halt. Section 12 of this bill repeals the pure-food laws of every State. It is intended to repeal them, and if you press the gentleman from Illinois [Mr. MANN] and the gentleman from Alabama [Mr. RICHARDSON], who preceded me, they will not deny it. Their intention is studied and deliberate. Let me demonstrate it. Section 12 has in it, among other words, this language:

> But food and drugs fully complying with all the provisions of this act shall not be interfered with by the authorities of the several States when transported from one State to another so long as they remain in original unbroken packages.

There you send the original package into the State under the chaperonage of the Federal Government to keep it there *under the jurisdiction of that Government* until it goes into the hands of the consumer. This section is intended to shield it and prevent the State from touching it until it is sold and in the hands and possession of the consumer.

Why was this language embodied in the section? Because the Supreme Court had decided in the Masachusetts pure-food case (155 U. S.) that manufacturers of Chicago could not ship an original package from Illinois into Massachusetts and sell it to the people of Massachusetts against the laws of that State. The Supreme Court decided that the Massachusetts law under which the agent of the Illinois manufacturer was prosecuted was constitutional, was proper, and the agent could be prosecuted under the pure-food law of the State of Massachusetts; that the original package from Illinois could be excluded from Massachusetts if it was poisonous or *fraudulent*. The decision was plain, bold, and precise.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. HENRY of Texas. Yes.

Mr. GAINES of Tennessee. Could not Congress have prohibited the transmission of that impure product from Illinois to Massachusetts under the commerce clause of the Constitution, and in that way aided the State of Massachusetts in enforcing her food law?

Mr. HENRY of Texas. No; because that clause was put in the Constitution not for the purpose of suppressing commerce, but for the benefit and the freedom of commerce. Congress can not put an embargo on commerce. It must be free when legitimate. Questions of murder, larceny, poison, etc., were left to the jurisdiction of the States.

Mr. GAINES of Tennessee. I grant you that, though not entirely; but this is diseased, rotten commerce, poison commerce, and it is not the commerce contemplated by the Constitution. Congress has stopped that sort of commerce and can do it again.

Mr. HENRY of Texas. If that sort of commerce has gotten into the State of Tennessee, all I can say is that the people of Tennessee ought to be more watchful and keep it out. It is within their power to exclude it. The jurisdiction of Tennessee is plenary and exclusive on the subject.

Mr. GAINES of Tennessee. And I want to say that we do that, and we have kept out the diseased Texas cattle, but we always welcome her great men.

Mr. HENRY of Texas. That may be very true. Then if you have kept out diseased cattle, why can you not also keep out poisonous foods? The gentleman complains of impure foods and yet he has fattened on the diet in Washington, and is conceded to be the strongest, healthiest, and handsomest gentleman on the floor.

Mr. GAINES of Tennessee. Oh, that is simply because the devil can't kill me and I can't be poisoned very easily.

Mr. HENRY of Texas. I hope the gentleman may never be killed and may always escape the devil. He never will be killed by impure foods that go into the State of Tennessee if that State is as watchful of its own interests as it ought to be and utilizes its interest, sovereignty, and powers.

Mr. Chairman, I was referring to the Massachusetts case. That was not a unanimous opinion, but was sustained by a unanimous court in the New York "coffee case," in 192 United States Reports. In this case it was held that the State of Massachusetts had plenary, absolute, and exclusive power to punish a person for selling oleomargarine colored as butter in the State of Massachusetts.

Mr. GILBERT of Kentucky. Is there any decision of the Supreme Court that holds that notwithstanding Congress has the power to regulate commerce, a commodity that Congress permits to become an article of interstate commerce can be prohibited and eliminated from commerce by the legislature of a State?

Mr. HENRY of Texas. Why, yes; the books are full of decisions of that sort. If this body should say that poisonous articles could be shipped through the States from one State to another, if they should say that impure foods could be shipped into Massachusetts or Kentucky, the gentleman's State has *exclusive power* to meet them at the border and destroy them and prevent their entrance within the borders of his State.

Mr. GILBERT of Kentucky. Undoubtedly; but is the converse of that proposition true?

Mr. HENRY of Texas. I have not the time now to go into a discussion of that. I am stating the other side of that proposition, which has been thoroughly decided.

Mr. COCKRAN. Does the gentleman contend that the State of New York or the State of Massachusetts could prohibit goods from coming into that State merely because of the fact that it

was not satisfied with the general system of inspection established in the State from which the goods came?

Mr. HENRY of Texas. Because the State of New York was not satisfied with it?

Mr. COCKRAN. Yes.

Mr. HENRY of Texas. It undoubtedly can, as was decided in that case to which I referred the gentleman this morning, where the coffee was simply colored and did not come up to a certain standard.

Mr. COCKRAN. The gentleman assumes a totally different state of facts from the one that I state. The gentleman quotes a case where the law was sustained because certain coffee on actual inspection did not come up to a certain standard of color. I ask the gentleman whether the State of New York would have the power to prevent any goods coming in from the city of Chicago simply because they came from the city of Chicago and the State of New York was not satisfied with the system of inspection established in the State of Illinois?

Mr. HENRY of Texas. It could not, because it has been decided over and often that no State can put an embargo upon legitimate commerce.

Mr. COCKRAN. Exactly. Now let me ask the gentleman one more question.

Mr. HENRY of Texas. Oh, I must decline to yield. If I had the time I would yield, but I have not the time. Mr. Chairman, I wish I could discuss three other sections in this bill that are just as vicious as the one providing for the inspection of local institutions by Federal officers. Let any gentleman who has sworn to support the Constitution read this bill and analyze it, and he will come to the conclusion that it does go further than any measure this body has ever yet approved.

If we give this power to Congress, we usurp it. We rob the States of their inherent sovereignty. An adjudication of the Supreme Court is worth nothing here to-day. We are throwing law, precedents, and authority to the winds. Still I deliberately flaunt the following language in your face: "In none of the above cases is there to be found a suggestion or intimation that the Constitution of the United States took from the States the power of preventing deception and fraud in the sale within their respective limits of articles in whatever State manufactured, or that that instrument secured to anyone the privilege of committing a wrong against society." Thus spoke the Supreme Court in 1894. It has never departed from that doctrine. Over and over again it has reaffirmed it. In vigorous and unequivocal language did that great court decide that the States had supreme, plenary, and exclusive power to prevent the introduction of poisonous or impure foods into their midst; that such power has not been surrendered, impaired, or abated in the least. This language is plain, and if judicial interpretation is entitled to any sanctity whatever it should be followed.

A little further along the same opinion proceeded: "If there be any subject over which it would seem the States ought to have plenary control, and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products." The court adds: "Laws of that character are not inconsistent with the power of Congress to regulate commerce among the States." In 1903 the Supreme Court quoted and approved the same language, yielding not to the wild clamor and hysteria of the hour. I take my stand with judges who announce this sane, wholesome, and correct doctrine.

It will be developed that the potentiality of the Constitution is not exhausted. That the real sovereignty and rights of the States are not a hollow mockery and sham. There is coming a time in this Republic when the people will return to the constitutional government which the bravery, the wisdom and patriotism of our fathers, who were wiser than we, gave us in the beginning of our glorious history. [Applause.] If we are to overturn that written instrument, disregard it, and say it means nothing but the mere parchment upon which it is written, let us throw it to the four winds of the earth, tear down the temple of justice where it has been sanctified and construed more than a thousand times. And let us tear down the pillars of constitutional government and mock their shallow foresight.

But, Mr. Chairman, I have not lost confidence in this body and the American patriotism that has characterized our glorious past. Our consciences will be quickened and hearts fired with a new glow. In patriotic fervor American freemen will rise up and supplant the constitutional usurper and iconoclast with America's greatest citizen, who now commands the respect, admiration, and love of other peoples as he journeys in their midst. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 18529. An act to authorize the sale of certain lands to the city of Mena, in the county of Polk, in the State of Arkansas.

The message also announced that the Senate had passed joint resolution of the following title; in which the concurrence of the House of Representatives was requested:

S. R. 68. Joint resolution expressing the sympathy of the people of the United States with the Hebrews on account of the massacres of members of their race in Russia.

PURE-FOOD BILL.

The committee resumed its session.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Arkansas.

Mr. ROBINSON of Arkansas. Mr. Chairman, a careful study of the so-called "pure-food bill" now under consideration by the House has convinced me that the proposed legislation is wholesome and ought to be enacted.

The principal grounds of opposition to the bill are clearly and forcibly expressed in the minority report filed by the gentleman from Georgia [Mr. ADAMSON], the gentleman from Texas [Mr. RUSSELL], and the gentleman from Georgia [Mr. BARTLETT]. The ability and recognized integrity of these gentlemen as Representatives and as lawyers cause me to hesitate before expressing views radically opposed to their opinions. As members of the Committee on Interstate and Foreign Commerce they have doubtless studied every phase of the proposed legislation, and their opinions, based upon painstaking deliberation, are entitled to receive and will command the respect of their colleagues. Nevertheless, Mr. Speaker, in the discharge of my duty as a member of this body I am led to the conviction that, however conscientious the conclusions of the gentlemen making this minority report, my duty lies along the path of support to the purposes of this legislation, and, with the deference due their superior learning and great familiarity with the subject, I desire to set forth the grounds of my support of the pending bill.

The contention of those opposed to the bill is that Congress has no power under the commerce clause to enact this measure and that the policy of the proposed legislation is vicious. It is asserted with great earnestness that the passage of this bill is not "regulating commerce" within the meaning of the Federal Constitution; that it is an unwarranted and illegal attempt to exercise police powers belonging to the States by the Federal Government; that these police powers are peculiarly within the reserved powers of the States, and Congress ought not to interfere in their free exercise by the States by attempting, under the guise of regulating commerce, to exercise functions which are peculiarly local. The legislation is not only branded as unconstitutional because it is not "regulating commerce" and is an illegal encroachment upon State authority, but, in the second place, the opponents of this bill assert that

THE POLICY OF SUCH LEGISLATION IS VICIOUS.

That the States have ample power to deal with the subject; that under its police powers each State can prevent the sale within its limits of any article deleterious to its citizens and can, by the right of inspection, investigate and ascertain whether articles of interstate commerce are either adulterated or misbranded; that it is peculiarly within the province of the State to protect its citizens from fraud and misrepresentations; that for Congress, under the authority delegated in the Constitution to attempt to prevent the importation from one State to another of articles which, under arbitrary rules of government inspection, might be deemed prohibited, would be to arouse antagonisms between State and Federal authorities and to occasion needless confusion and countless conflicts between the States and the Federal Government; that, even if Congress has the power under the Constitution to pass such a bill as that now under consideration, it ought not to do so, because there is no real necessity for so doing, and existing evils which are sought to be remedied by the bill may be abolished by other means.

It is perfectly apparent that if Congress has no power to pass the measure the policy of such legislation need not be considered. On the other hand, if it should be determined that the passage of the bill would be constitutional, yet unnecessary, one could not justify himself in supporting the bill.

I am convinced that the proposed legislation is within the province of Congress; that it is not unconstitutional, and that it is wholesome and much-needed legislation. Recent agitation of questions relating to meats and meat food products illustrates the necessity for Federal action in the matter of foods

entering interstate and foreign commerce. A misapprehension has arisen among some of my colleagues as to what really are the provisions of the bill with reference to manufacture.

The only provisions relating to manufacture contained in this measure are found in sections 10, 11, and 12. Read them and analyze them for yourselves. Section 10 requires every manufacturer for interstate shipments, etc., to furnish, upon demand and tender of the price, samples of his products for analysis. This, of course, is for the purpose of determining whether the article so manufactured is misbranded or adulterated; for ascertaining whether the article should be recognized as of proper commercial character. Section 11 merely punishes the manufacturer for refusing to comply with this demand for samples and for manufacturing without doing so. He can manufacture all he pleases provided he furnishes the samples. He can manufacture for sale within the State without furnishing the samples; but if he manufactures for shipment and sale to other States than that in which he manufactures he must furnish the sampes or render himself liable to prosecution. The requirement that the manufacturer furnish for inspection samples of his products is a reasonable one. It will facilitate the determination of the issue as to whether his goods are entitled to recognition as articles of interstate commerce. The bill says if he refuses to furnish these samples he should pay a fine. It further says if the manufacturer produces goods for interstate shipment without furnishing these samples he shall pay a fine. Both sections are in aid of procuring the means to determine whether the articles produced are within the terms of this measure. Nowhere in the bill is manufacture forbidden.

Section 12 does not expressly relate to manufacture, but does provide that the act shall not be construed as interfering with commerce wholly internal in any State nor with the exercise of the police power by the several States. It is as follows:

SEC. 12. That this act shall not be construed to interfere with commerce wholly internal in any State nor with the exercise of their police powers by the several States; but foods and drugs fully complying with all the provisions of this act shall not be interfered with by the authorities of the several States when transported from one State to another, so long as they remain in original unbroken packages, except as may be otherwise defined by law or provided by statutes of the United States.

The prevention of the manufacture of articles being a police power, and Congress, as I understand it, having no power under the commerce clause to prevent the manufacture of goods within the States, for the reason that the character of commerce does not attach to an article when it is manufactured with the intent of shipment to another State, but only when it is produced for shipment, as clearly appears from the Knight case (156 U. S.) and the Addyston Pipe case (175 U. S.), this section, construed with all the others, eliminates from my mind any thought that this measure seeks to forbid manufacture. Of course it will affect it incidentally. Many regulations of commerce may do that, just as many police regulations may indirectly affect interstate commerce, as especially when exercised to prevent manufacture; but nowhere in this measure is it provided that manufacture in any State shall be prohibited, nor is it within the province of Congress to so provide. The provisions relating to manufacture are in aid of the investigation to determine the character of the article. The bill only deals with manufactured products as articles of commerce. It has the greatest superiority over some other measures I have examined of a similar character in that particular. Congress certainly has the power to deal with the subject in this way.

The constitutional provision under which Congress seeks to exercise this power is Article I, section 8, clause 3, and provides:

Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

COMMERCE DEFINED BY THE COURTS.

It is difficult to frame a definition that would accurately and fairly express, in a few words, the meaning of the term "commerce" as defined by our courts, but it includes every species of commercial communication between the United States and foreign countries, between the several States of the Union, and with Indian tribes. It is held in many cases to embrace trade or traffic and the interchange of commodities, but it also embraces commercial intercourse between nations and parts of nations in all its branches. (Gibbons *v.* Ogden, 9 Wheat., 189; Brown *v.* Maryland, 12 Wheat., 447; Groves *v.* Slaughter, 15 Pet., 449; United States *v.* Holiday, 3 Wall., 417; Mitchell *v.* Steelman, 8 Cal., 363; People *v.* Brooks, 4 Denio., 469; United States *v.* Bailey, 1 McLean, 234; The Daniel Ball, 10 Wall., 557; Wabash, etc. Rwy. *v.* Ill., 118 U. S., 573; Leisy *v.* Harden, 135 U. S., 11.)

It has been repeatedly held that "commerce" does not consist in transportation only, but includes also the contracting for the sale of the articles and their delivery in another State. (Addystone, etc., Co. *v.* U. S., 175 U. S., 246.)

In Brown *v.* Maryland (12 Wheat., 447) it was asserted that sale is an ingredient of intercourse.

THE POWER OF CONGRESS "TO REGULATE COMMERCE."

All the cases hold that this power committed to Congress is without limitation, save that prescribed by the Constitution itself.

In Addystone Pipe case (175 U. S., at 228) the Supreme Court said:

The power to regulate interstate commerce is, as stated by Chief Justice Marshall, full and complete in Congress, and there is no limitation in the grant of the power which excludes private contracts of the nature in question from jurisdiction of that body. Nor is any such limitation contained in that other clause of the Constitution which provides that no person shall be deprived of life, liberty, or property without due process of law. It has been held that the word "liberty" as used in the Constitution was not to be confined to the mere liberty of person, but included, among others, the right to enter into certain classes of contracts for the purpose of enabling the citizen to carry on his business. But it has never been, and in our opinion ought not to be, held that the word included the right of an individual to enter into private contracts upon all subjects, no matter what their nature and wholly irrespective, among other things, of the fact that they would, if performed, result in the regulation of interstate commerce and in the violation of an act of Congress upon that subject. The provision in the Constitution does not, as we believe, exclude Congress from legislating with regard to contracts of the above nature while in the exercise of its constitutional right to regulate commerce among the States. On the contrary, we think the provision regarding the liberties of the citizens to some extent limited by the commerce clause of the Constitution, and that the power of Congress to regulate interstate commerce comprises the right to enact a law prohibiting the citizen from entering into those private contracts which directly and substantially and not merely indirectly, remotely, incidentally, and collaterally, regulate to a greater or less degree commerce among the States.

We can not so enlarge the scope of the language of the Constitution regarding the liberty of the citizen as to hold that it includes, or that it was intended to include, a right to make a contract which in fact restrained and regulated interstate commerce, notwithstanding Congress, proceeding under the constitutional provision giving to it the power to regulate that commerce, had prohibited such contracts.

In Champion *v.* Ames (188 U. S., 346), the court said:

The leading case under the commerce clause in the Constitution is Gibbon *v.* Ogden (9 Wheat., 1). Referring to that clause, Chief Justice Marshall said: "The subject to be regulated is 'commerce;' and our Constitution being one of enumeration and not of definition, to ascertain the extent of the power it becomes necessary to study the meaning of the word. The counsel for the appellee would limit it to traffic, to buying and selling or the interchange of commodities, and do not admit that it comprehends navigation. This would restrict a general term, applicable to many objects, to one of its significations. Commerce undoubtedly is traffic, but it is something more; it is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches, and is regulated by prescribed rules for carrying on that intercourse. Commerce among the States can not stop at the external boundary line of each State, but may be introduced into the interior. It is not intended to say that these words comprehend that commerce which is completely internal, which is carried on between man and man in a State or between different parts of the same State and which does not extend to or affect other States. Such a power would be inconvenient and is certainly unnecessary. Comprehensive as the word 'among' is, it may very properly be restricted to that commerce which concerns more States than one. The genius and character of the whole Government seems to be that its action is to be applied to all the external concerns of the nation and to those internal concerns which affect the States generally, and not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of the Government.

"Again, we now arrive at the inquiry, What is that power? It is the power to regulate—that is, to prescribe the rules by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. These are expressed in plain terms. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States."

That the regulation may sometimes assume the form of prohibition is also illustrated by the cases of diseased cattle transported from one State to another.

Congress, in its power to regulate commerce, may either provide for their being inspected before transportation begins or, in its discretion, may prohibit their being transported from one State to another.

Certainly, if Congress has the power, as the court here asserts, to provide for the inspection of cattle before transportation begins, it also has the power to provide for the inspection of any other article of commerce between the States which, in its judgment, may require inspection, and it also has the right and power to provide reasonable means to enable it to effectually carry out this power of inspection. There can therefore be no objection to the requirement of the manufacturer who proposes to ship from one State to another articles of commerce for sale to assist in facilitating this inspection by furnishing samples of the goods to be inspected before transportation begins, since this is the most convenient way to do it. As to whether he could be compelled to furnish such information in a criminal proceeding brought by the Government authorities against him for shipping articles prohibited under the

law is a question I do not here assume to discuss, as it has no intimate relationship with the power of Congress to enact this legislation or its effects on interstate commerce when it has been enacted.

Continuing, in the case of Champion *v.* Ames (above cited), the court said:

Under this grant of power to Congress, that body, in our judgment, may enact such legislation as shall declare void or prohibit the performance of any contract between individuals or corporations where the natural and direct effect of such contract will be, when carried out, to directly, and not as a mere incident to other and necessary purposes, regulate to any substantial extent interstate commerce. The power to regulate interstate commerce, as stated by Chief Justice Marshall, is full and complete in Congress, and there is no limitation in the grant of the power which excludes private contracts from the jurisdiction of that body.

The court sustained an act of Congress forbidding the transmission of lottery tickets from one State to another, but refused to pass upon the question as to whether Congress might arbitrarily except from commerce among the States any article, however valuable and useful, which it might choose, saying:

It will be time to consider the constitutionality of such legislation when we must do so; but, as often said, the possible abuse of a power is not an argument against its existence.

Quoting further from Chief Justice Marshall, in Gibbon *v.* Ogden, the court said:

The wisdom and discretion of Congress, their identity with the people, and the influence which their constituents possess at elections, are, in this as in many other instances, the sole restraint upon which they have relied to secure them from its abuse. They are the restraints upon which the people must often rely in all representative government.

This power of Congress "to regulate commerce" embraces every instrument of commerce, as well as the articles carried. (Weldon *v.* Missouri, 91 U. S., 280; Schollenberger *v.* Pennsylvania, 171 U. S., 24.)

It also includes the negotiations leading up to interstate commerce. (Addyston Pipe Co. *v.* United States, 175 U. S., 246; Robbins *v.* Shelby County Tax District, 170 U. S., 497; Gunn *v.* White Sewing Machine Co., 57 Ark., 35.)

A STATE CAN NOT REGULATE INTERSTATE COMMERCE UNDER ITS POLICE POWERS.

In Bowman *v.* Chicago, etc., Ry. Co. (125 U. S., 501) we find the following declarations of law:

What is an article of commerce is determinable by the usages of the commercial world, and does not depend upon the declaration of any State. The State possesses the power to prescribe all such regulations with respect to the possession, use, and sale of property within its limits as may be necessary to protect the health, lives, and morals of its people; and that power may be applied to all kinds of property, even that which in its nature is harmless, but the power of regulation for that purpose is one thing and the power to exclude an article from commerce by a declaration that it shall not thenceforth be the subject of use and sale is another and very different thing. If the State could thus take an article from commerce, its power over interstate commerce would be superior to that of Congress where the Constitution has vested it. The language of Mr. Justice Catron on this subject in the License Cases, quoted in the opinion of the court, is instructive. (5 How., 504, 600.) Speaking of the assumption by the State of power to declare what shall and what shall not be deemed an article of commerce within its limits, and thus to permit the sale of one and prohibit the sale of the other, without reference to congressional power of regulation, one of the learned justices said: "The exclusive State power is made to rest not on the fact of the state or condition of the article, nor that it is property usually passing by sale from hand to hand, but on the declaration found in the State laws and asserted as the State policy, that it shall be excluded from commerce, and by this means the sovereign jurisdiction in the State is attempted to be created in a case where it did not previously exist. If this be the true construction of the constitutional provision, then the paramount power of Congress to regulate commerce is subject to a very material limitation, for it takes from Congress and leaves with the States the power to determine the commodities or articles of property which are the subjects of lawful commerce. Congress may regulate, but the States determine what shall or shall not be regulated. Upon this theory the power to regulate commerce, instead of being paramount over the subject, would become subordinate to the State's police power, for it is obvious that the power to determine the articles which may be the subject of commerce, and thus to circumscribe its scope and operation, is, in effect, the controlling one. The police power would not only be a formidable rival, but, in a struggle, must necessarily triumph over the commercial power, as the power to regulate is dependent upon the power to fix and determine upon the subjects to be regulated."

In Schollenberger *v.* Pennsylvania (171 U. S., 12) is announced a proposition which seems thoroughly supported by many decisions of our highest court. In that case the court said:

The general rule to be deduced from the decisions of this court is that a lawful article of commerce can not be wholly excluded from importation into a State from another State where it was manufactured or grown. A State has power to regulate the introduction of any article including a food product, so as to insure purity of the article imported, but such police power does not include the total exclusion even of an article of food.

The court further said:

In Minnesota *v.* Barber (136 U. S., 313) it was held that an inspection law relating to an article of food was not a rightful exercise of the police power of the State if the inspection prescribed were of such a character or if it were burdened with such conditions as would wholly prevent the introduction of the sound article from other States. This was held in relation to the slaughter of animals whose meat was to be sold as food in the State passing the so-called "inspection law." The principle is affirmed in Brimmer *v.* Rebman (138 U. S., 78) and in Scott *v.* McDonald (165 U. S., 58, 97).

In Leisy *v.* Hardin (135 U. S., 100, 125), overruling Peirce *v.* New Hampshire (5 How., 504), it was said:

Whatever our individual views may be as to the deleterious or dangerous qualities of particular articles, we can not hold that any articles which Congress recognizes as subjects of interstate commerce are not such, or that whatever are thus recognized can be controlled by State laws amounting to regulations while they retain that character, although, at the same time, if directly dangerous in themselves, the State may take appropriate measures to guard against injury before it obtains complete jurisdiction over them. To concede to a State the power to exclude, directly or indirectly, articles so situated without Congressional permission is to concede to a majority of the people of a State represented in the State legislature the power to regulate commercial intercourse between the States by determining what shall be its subjects, when that power was distinctly granted to be exercised by the people of the United States represented in Congress, and its possession by the latter was considered essential to that more perfect union which the Constitution was adopted to create.

Pabst Brewing Company *v.* Crenshaw (198 U. S., 17), fairly construed, supports the general doctrine that a State can not regulate interstate commerce by means of statutes enacted under its police powers. It expressly reaffirms the general doctrine asserted here *except in so far as it had been modified by the Wilson Act, which made fermented, distilled, or other intoxicating liquors transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent as though such liquors has been produced in such State or Territory, and also expressly provided that the same should not be exempt therefrom by reason of being introduced in original packages or otherwise.*

Quoting from In re Rahrer (140 U. S., 545), the court said in the Pabst Brewing Company case:

Congress has now spoken and declared that imported liquors or liquids shall, upon arrival in a State, fall within the category of domestic articles of a similar nature.

And further:

No reason is perceived why, if Congress chooses to provide that certain designated subjects of interstate commerce shall be governed by a rule which divests them of that character at an earlier period of time than would otherwise be the case, it is not within its competency to do so.

The Wilson Act was again passed on in Rhodes *v.* Iowa—

Says the Supreme Court in the Pabst Brewing Company case—

Reiterating the ruling made in the Rahrer case, it was decided that whilst the Wilson Act caused liquors shipped into Iowa from another State to be divested of their character as articles of interstate commerce after their delivery in Iowa to the person to whom consigned, nevertheless the act did not authorize the laws of Iowa to be applied to such merchandise while in transit from another State and before delivery in Iowa.

Vance *v.* Vandercook (170 U. S., 438) is also quoted in the Pabst Brewing Company case with approval:

Considering the Wilson Act and the previous decisions applying it, it was decided that the South Carolina law, in so far as it took charge in behalf of the State of the sale of liquor within the State and made such sale a source of revenue, was not an interference with interstate commerce. In so far, however, as the State law imposed burdens on the right to ship liquor from another State to a resident of South Carolina, intended for his own use and not for sale within the State, the law was held to be repugnant to the Constitution, because the Wilson Act, whilst it delegated to the State plenary power to regulate the sale of liquors in South Carolina, shipped into the State from other States, did not recognize the right of a State to prevent an individual from ordering liquors from outside of the State of his residence for his own consumption and not for sale.

Quite recently, in American Express Company *v.* Iowa and Adams Express Company *v.* Iowa (196 U. S., 133, 147), the construction affixed to the Wilson Act in the previous cases was applied, and the power of the State of Iowa to control the sale of liquors shipped from another State into that State, after their delivery to the consignee, was upheld.

Thus it appears that the rule applied in many cases decided by our highest court, to the effect that the States can not interfere with any article recognized by Congress as being a proper article of interstate commerce, either while in transit or held by the importer for sale in the original package, under its police powers; that Congress by the Wilson Act has made liquors subject to the police powers of the States upon their arrival there, thus divesting them of the character of interstate commerce. Having unlimited control of the subject, as decided in Ogden *v.* Gibbon and many subsequent cases, Congress can make any regulation it chooses. It can define what articles shall be transported, when the character of interstate commerce shall attach, and when it shall terminate.

Bowman *v.* Chicago, etc., Railway Company (125 U. S.) held void an Iowa statute imposing a fine upon transportation companies for knowingly bringing into that State any intoxicating liquors without having first been furnished with a certificate, under the seal of the county auditor of the county to which the liquor was to be transported, certifying that the person to whom

the same was to be delivered was authorized under the law to sell such liquors in that county. It was regarded as an interference with interstate commerce and not within the State's police power. In this case the court quoted approvingly the definition of police power in Robbins *v.* Shelby Taxing District (120 U. S., 489), as follows:

It is also an established principle, as already indicated, that the only way in which commerce between the States can be legitimately affected by State laws is when, by virtue of its police powers and its jurisdiction over persons and property within its limits, a State provides for the security of the lives, limbs, health, and comfort of persons and the protection of property, or when it does those things which may otherwise incidentally affect commerce, such as the establishment and regulation of highways, canals, railroads, wharves, ferries, and other commercial facilities; the passage of inspection laws to secure the due quality and measure of products and commodities; the passage of laws to regulate or restrict the sale of articles deemed injurious to the health or morals of the community; the imposition of taxes upon persons residing within the State or belonging to its population, and upon avocations and employments pursued therein not directly connected with foreign or interstate commerce or with some other employment or business exercised under authority of the Constitution and laws of the United States; and the imposition of taxes upon all property within the State mingled with and forming part of the great mass of property therein. But in making such internal regulations a State can not impose taxes upon persons passing through the State or coming into it merely for a temporary purpose, especially if connected with interstate or foreign commerce; nor can it impose such taxes upon property imported into the State from abroad or from another State, and not yet become a part of the common mass of property therein; and no discrimination can be made by any such regulations adversely to the person or property of other States; and no regulation can be made directly affecting interstate commerce. Any taxation or regulation of the latter character would be an unauthorized interference with the power given to Congress over the subject. * * * In a word, it may be said that in the matter of interstate commerce the United States are but one country and are and must be subject to one system of regulation, and not to a multitude of systems. The doctrine of the freedom of that commerce, except as regulated by Congress, is so firmly established that it is unnecessary to enlarge further upon the subject.

In this case the court referred approvingly to the doctrine of Brown *v.* Maryland (12 Wheat., 419), where it was held that the right of importation necessarily implied the right to sell in original packages. Mr. Justice Field, concurring in the majority opinion in the Bowman case, said:

That the right of importation carries with it the right to sell the article imported does not appear to me doubtful.

So in the present case it is perhaps impossible to state any rule which would determine in all cases where the right to sell an imported article under the commercial power of the Federal Government ends and the power of the State to restrict further sale has commenced. Perhaps no safer rule can be adopted than the one laid down in Brown *v.* Maryland, that the commercial power continues until the articles imported have become mingled with and incorporated into the general property of the State, and not afterwards. And yet it is evident that the value of the importation will be materially affected if the article imported ceases to be under the protection of the commercial power upon its sale by the importer. * * * Thus the absence of regulations as to interstate commerce with reference to any particular subject is taken as a declaration that the importation of that article into the State shall be unrestricted. It is only after the importation is completed and the property imported has mingled with and become a part of the general property of the State that its regulations can act upon it, except so far as may be necessary to insure safety in the disposition of the import until thus mingled.

Mr. Justice Field cited in support of this doctrine the following cases, which from a casual reading appear to support the point: Cooley *v.* Board of Wardens of the Port of Philadelphia (12 How., 299, 319); State Frt. Tax Case (15 Wall., 232, 271); Weldon *v.* Missouri (91 U. S., 275, 282); Railroad *v.* Husen (95 U. S., 465, 469); Mobile *v.* Kimball (102 U. S., 691, 697); Gloucester Ferry Company *v.* Pennsylvania (114 U. S., 196, 203); Brown *v.* Houston (114 U. S., 622, 631); Walling *v.* Michigan (116 U. S., 446, 455); Pickard *v.* Pullman So. Car Co. (117 U. S. 34); Wabash, etc., Railway Company *v.* Illinois (118 U. S., 557); Robbins *v.* Shelby County Tax District (120 U. S., 489).

It is uniformly held that while an article ceases to be a subject of commerce when importation is complete (People *v.* Huntington, 4 N. Y. Leg. Obs., 187), yet importation is never complete (except in the case of liquors transported from one State to another under the Wilson Act) so long as the article remains in the importer's hands in the original package. (Leisy *v.* Hardin, 135 U. S., 108; Bowman *v.* Chicago, etc., Ry., 125 U. S., 506; Brown *v.* Maryland, 12 Wheat., 442.)

An article loses its character as an article of commerce if the importer so handles it as to mix it with the mass of property in the State. (May *v.* New Orleans, 178 U. S., 507; Ex parte Brown, 48 Fed., 436; Brown *v.* Maryland, 12 Wheat., 441.)

Crosman *v.* Lurman (192 U. S., 189) is frequently quoted by those opposed to this bill as authority for the contention that Congress is without power to pass such a measure as that now under consideration under its power to regulate commerce, and also as an authority that the States can by statute fully protect their citizens from impure and adulterated foods and other deleterious articles often the subject of interstate commerce. This was a case where the court found that imported coffee had been "*adulterated for the purposes of fraud and deception*," and the court sustained a statute of the State of New York forbidding its sale, as not being an interference with commerce. Furthermore, I think that coffee "adulterated for the purposes of fraud and deception" was not a legitimate article of commerce within the meaning of the act of Congress of August 30, 1890, which contained among other provisions the following:

That it shall be unlawful to import into the United States any adulterated or unwholesome food or drug, or any vinous, spirituous, or malt liquors, adulterated or mixed with any poisonous or noxious chemical, drug, or other ingredient injurious to health.

Moreover the State act merely forbade the sale of, or having for sale, any adulterated food or drug. There is not now, nor has there ever been in my mind any question as to the power of the State to forbid the sale of adulterated or fraudulently branded articles for the protection of its citizens from danger of disease and from fraud. These subjects are peculiarly within the province of the States. The fact that the States have the power to enact such legislation in no sense detracts from the power of Congress to deny the instrumentalities and privileges of interstate commerce to articles which, if consumed, might injure the health of the citizens. The State can not do this, for it has nothing to do with interstate commerce. The only influence it can exert upon interstate commerce is that incidental to its police regulations regarding inspection after an article has been imported, and forbidding its sale if deemed deleterious. Nowhere has it been held that Congress is without power to divest an article, adulterated or misbranded, designed for transportation and sale in another State than that in which it was manufactured, of its character as an article of commerce. I am not now discussing the policy of the exercise of this power, but the existence of it, and I say that if, according to the many authorities cited and others which I have not had an opportunity of presenting, Congress has plenary power over interstate commerce, over its instrumentalities, its subjects, and can determine what articles are proper articles of commerce, subject only to the limitations imposed by the Constitution itself, it can certainly deny to an article found to be adulterated or misbranded the right to be transported to another State.

If it has not this power, then what is the power delegated to Congress in the Constitution? What mean the words "to regulate commerce * * * among the States?" If Congress can not prescribe what articles shall be deemed proper articles of commerce, if it can not deny that character to any article adulterated or misbranded, then its "power to regulate commerce" is indeed a limited and useless one. Clearly the line between State and Federal authority in this matter is well drawn, although confusion may arise in attempting to trace it in some instances. The States have power to prescribe all needful rules for the protection of its citizens from frauds and misrepresentations and from injury therefrom by forbidding the manufacture within its own borders and the sale within its limits of any article deleterious to the health of the citizens, and in the matter of articles imported from other States, under its police power, a State may provide for the inspection of all articles imported, and if found unsound, may forbid their sale. But no State can define what articles shall be imported or forbid the importation of any recognized article of commerce, and, except for purposes of inspection, as a general rule, the State can not interfere with any article of interstate commerce while it is in the hands of the importer in the original package unless the importer has mixed it with the general property of the State. No State has any power to regulate interstate commerce. In the exercise of its police powers it may effect the transportation of articles in interstate commerce, but such effect is merely incidental to the right of inspection.

The respective powers of State and of the Congress are in the main independent of each other, and neither can add to nor take therefrom. The decisions sustaining the Wilson Act of 1890 do not proceed upon the theory that Congress has added to the police power of the States by making liquors subject to State laws with reference thereto upon their arrival in the State, but rather on the idea that Congress, in the exercise of its power to regulate commerce, can, since that power is unlimited, save by the Constitution itself, divest an article of interstate commerce of its character as such upon its arrival in a State, and that in doing so Congress does not add to the police power, but merely facilitates and aids it, and in that way regulates commerce. The distinction may not be altogether clear, and it may seem to many, as it sometimes has to me, that if Congress has the power to say that an article of interstate commerce shall be divested of its commercial character immediately upon arriving in another State than that from which it was shipped, that it can also provide that such articles shall be divested of their character from the time they are shipped, and thus totally destroy interstate commerce as such. But perhaps it will be time enough to consider this proposition when it arises. We have here no question of the power of Congress to suspend or

destroy interstate commerce or to delegate its powers of regulation and control conferred in the Constitution to State tribunals and police powers. The question here is, Has Congress the power to define, within reasonable limitations, what foods and drugs shall be deemed adulterated and misbranded and to deny the character of interstate commerce to articles which are so adulterated and misbranded? I have no shadow of doubt that Congress has such power, and I find, fairly considered, the theory supported by a long line of decisions from our highest court. Moreover, I have found no case fairly construed that minimizes that doctrine. The line of demarkation between State and Federal authority in such matters is not always easily followed, but it is there, and neither Congress nor the States can make a new line. The power is vested exclusively in Congress to regulate interstate commerce, and this bill seeks to deal with articles of interstate commerce as such. It nowhere interferes with the right of the State to pass any law it desires with reference to the sale of such articles, except that it forbids interference with original packages, and since the States can only interfere with them for purposes of inspection, on the theory that they may be dangerous to the health of its citizens, I see no objection to that feature of the bill, because every article so transported will be recognized as an article of interstate commerce, and the States to which it is imported would have no occasion to interfere with it, except for such purposes as the protection of the lives and health of their citizens, and the power to do this can not be taken from them.

I have carefully examined the principal cases cited by gentlemen opposing this measure, and do not find that they are inconsistent, upon the whole, with the position here sought to be maintained. Some of these cases have already been discussed at length.

Crosman *v.* Lurman (192 U. S., 189), strongly relied on by opponents of this bill, was a case where a State statute forbade the sale of adulterated food and drugs, and coffee which the court found to be adulterated for purposes of fraud and deception was not permitted to be sold. The Supreme Court held that the Constitution of the United States does not secure to anyone the privilege of defrauding the public and that the statute was within the police powers (p. 198).

Pabst Brewing Company *v.* Crenshaw (198 U. S., 17) is governed by the Wilson Act of August, 1890, which has several times been upheld. In this case the court sustained the statute of Missouri providing for an inspection of liquors shipped from other States upon their arrival, no discrimination being made between home and foreign manufactured goods. This doctrine of the Wilson Act, making liquors shipped into a State subject to the laws of the State upon their arrival, is sustained by Rahrer's case (140 U. S., 545) and many other cases.

1851.—Fitch *v.* Livingstone (6 Sandf., 492) involved an action for damages occasioned by a steamboat collision on the Hudson River, based upon a State statute requiring steamboats to carry two signal lights in the usual manner on the river, while the act of Congress on the subject provided: "Every steamboat shall carry at night one or more signal lights." The statute was sustained as not in violation of any act of Congress, implying that such legislation is within the recognized power of the States when not in conflict with any act of Congress.

1837.—City of New York *v.* Miln (11 Peters, 102). Held valid a New York statute requiring the master of every vessel, within twenty-four hours after arriving, to make a report, in writing, of the names, ages, settlement, etc., of all passengers, as not violating the Constitution; that persons are not the subject of commerce, and neither the clause regulating commerce nor that prohibiting the States from imposing duty on imported goods apply. That portion of the opinion which questioned the exclusive power of Congress to regulate commerce was never authorized. (7 How., 429.)

1840.—Holmes *v.* Jennison (14 Pet., 568) was a habeas corpus case, and merely decided that a State court can not surrender to a foreign power a fugitive from justice, but can make punishable within its own courts crimes committed in foreign countries if jurisdiction is obtained of the criminal. (7 How., 427.)

1841.—Groves *v.* Slaughter (15 Pet., 449, 512) merely decided, after much discussion of many irrelevant points, that a provision in the Mississippi constitution of 1832, providing that after May 1, 1833, the introduction of slaves from other States should be prohibited as merchandise or for sale, was not effective without legislative enactment. Under Article I, section 9, Constitution of the United States, there is implied the right of the States to exclude slaves until Congress should forbid.

1847.—The License cases (5 How., 589, 631) involved the validity of statutes enacted by Massachusetts, Rhode Island, and New Hampshire relating to the sale of liquor. There was no opinion of the court as such (see reporter's statement, p. 504); but each of the judges rendered a personal opinion. The authority of Gibbons *v.* Ogden and Brown *v.* Maryland, now universally recognized, was questioned by some of the judges, approved by others, and disputed by others still. While these discussions are illuminating, they can not be regarded as controlling. Long ago the Supreme Court established firmly the doctrine of the exclusive power of Congress to regulate commerce between the States, and that the character of commerce is retained by an article imported from another State until sold by the importer in the original package or otherwise commingled with the general property of the State, and the only case which involved the power of the States to regulate commerce within their own limits in the absence of Congressional action (the New Hampshire case) was overruled in Leisy *v.* Hardin.

1849.—The Passenger cases (7 How., 283) held statutes enacted by the respective legislatures of New York and Massachusetts taxing alien passengers upon their arrival from foreign countries at the ports of these States void. There was no authentic report—that is, the court as such rendered no opinion—but each of the judges expressed his views concerning the subject. Mr. Justice Wayne, in his opinion, firmly declared that so much of the alleged opinion of the court in New York *v.* Miln (11 Peters, 102) as expressed any doubt that Congress has exclusive power to regulate interstate commerce was never agreed to. He also strongly reaffirmed Gibbons *v.* Ogden (9 Wheat.) and Brown *v.* Maryland (12 Wheat.).

Lunt's case (6 Greenl. (Me.), 412) relates to the right of a State legislature to regulate the sale of liquor, no question of interstate commerce whatever being involved. It merely holds that the privilege of selling liquor as a retail dealer is not a constitutional right, and may be licensed by a State.

Conway et al. *v.* Taylor (1 Blackford, 603) was a ferry case. It holds that a State may grant a valid and exclusive privilege to transit from her own shores, leaving the other States to regulate the same rights on their own sides. It does not directly enlighten any issue in this controversy.

United States *v.* Reese (92 U. S., 214). This was an election case involving the fifteenth amendment to the Constitution and relating to the power of Congress to legislate concerning elections in the States, and holding that power to be limited to cases where the wrongful refusal to permit one to vote is on account of race or color.

United States *v.* Cruikshanks (92 U. S., 543) is an election case, in which was at issue the validity of an indictment charging in general terms a conspiracy to deprive a colored citizen of his rights, privileges, and immunities under the Constitution, and to prevent and hinder him in the free exercise thereof on account of his race or color. The court, of course, held that the indictment was indefinite because it did not state what right, etc., was sought to be invaded.

Austin *v.* Tennessee (179 U. S., 343) held cigarettes to be articles of interstate commerce, and that the importer has the right to sell in original packages without regard to the Tennessee statute, but that this right does not extend to subterfuge original packages.

We next have to consider the propriety of exercising this power of Congress and passing this bill. For, as has often been observed, the power to do a thing and the propriety of doing it are quite different questions, and it may often be well not to exercise a power that plainly exists. The failure to exercise a power of Congress does not rob the national legislative branch of the Government of authority conferred upon it by the Constitution, and Congress possesses many powers that it does not habitually exercise. So it will be well to examine into the question whether the passage of this bill, conceding the power of Congress to enact it, is to be desired.

The policy of this legislation is not vicious, but, on the contrary, it is wholesome. The first consideration that leads me to the conviction that Congress, having the power to do so, should enact this bill or some similar measure, is the failure or inability of the States, in the main, to exercise their police powers to protect their citizens from frauds and injuries occasioned by impure and adulterated foods and drugs, and this failure or their inability to do so, or both, accentuates the necessity for the exercise by Congress of its powers to deny the character of commerce to articles so misbranded or adulterated.

As heretofore shown, the line between State and Federal authority is reasonably distinct. The State, for the protection of the lives and health of its citizens, can forbid the sale of deleterious articles; Congress can forbid their importation, and thus materially aid in protecting the public from the avarice of manufacturers who practice frauds in the introduction and sale of their products. The powers of the State and nation are distinct and independent, and the existence of the one does not question the existence of the other. The legislation enacted

by the various States does not indicate organized effort to prevent the imposition of frauds in the sale of food products and drugs. This fact urges upon my mind the consideration whether Congress can rightfully refuse also to act within the scope of its powers. The Government has a power which the States can not exercise. That is the power to regulate commerce, to deny commercial character to fraudulent or misbranded, adulterated, and unwholesome articles. Why and how would the exercise of this power deprive any citizen of any right or any State of any power? The power of the State is separate from the power of the nation. The State can not exercise the national function, which is to regulate commerce between the States. The nation can not lessen the inherent power of every State to preserve peace and health among its citizens. How can it be wrong for Congress to say to manufacturers, "You can not use instrumentalities under our control to rob and oppress the public; you shall not claim protection under the Constitution from the enforcement of any State statute which seeks to prevent fraud and deception; neither will the strong arm of this Government be extended to make heavier the burden of the States in the exercise of their rights and in the discharge of their duties?" The power to regulate commerce gives Congress the right to deny the instrumentalities and benefits of interstate commerce to persons and organizations who, for profit or other purpose, misrepresent their products and thus mislead and defraud the public. How can any honest man who wants to brand his goods object to branding them honestly? Is it claimed that the Constitution was designed to shield fraud and encourage deception?

If one brands his goods falsely, upon what principle can one demand of the Government the use of agencies under its control to assist in perpetrating frauds on innocent purchasers of his goods? The so-called "pure-food laws" of the States are, in the main, failures. I admit that if Congress did not have the power to pass a law forbidding impure foods from being carried as articles of commerce that the failure or inability of the States to do their duty could not create that power. But Congress having such power, the inability or failure of the States to exercise such powers as they possess only makes the duty of Congress to act more imperative. Its action does not create power. That power exists, and has always existed since the Constitution was adopted. The question of whether a power shall be exercised is independent of the existence of such power, for it involves considerations of public policy. As has often been said heretofore, power exists for the protection of the public, and it is not always true that every existing power should be exercised, but when the public is oppressed, defrauded, deceived, robbed, the time has come for the Government, in the exercise of its powers, to do its part in the prevention of such abuses. Why should the Government not exert its agencies to the suppression of the carrying as articles of interstate commerce fraudulent, misbranded, or adulterated articles? It must, indeed, be a peculiar mind that objects to the enactment of legislation on the ground of public policy when that legislation is designed to suppress widespread and long-continued abuses, evils which all decry and none condone.

STATE LEGISLATION ON THE SUBJECT IS VARIED AND INEFFECTIVE.

Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, and other States have food laws, but there is an almost total lack of uniformity among them, and in most instances no agencies are provided for the enforcement of the statutes that have been enacted, so that the laws in the main are mere dead letters.

Alabama, in her criminal code, has a general statute against the adulteration of foods by merchants or their sale after they have been so adulterated, and other provisions relate to selling unwholesome bread, adulterated butter, confectioneries, and meats, but no machinery is provided for its enforcement, save that the commissioner of agriculture is required to investigate sales of oleomargarine and report violations of the law to prosecuting officers. There seems to be no legislation relative to misbranded or adulterated drugs, and, from the best information obtainable, the statute is rarely enforced.

Arkansas, by act of April, 1893, has provided, with reference to general foods:

Whoever shall knowingly sell or offer or expose for sale, or bring or cause to be brought into this State, or shall have in his or their possession with intent to sell for food, the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased; or shall sell or offer for sale the flesh as of one animal, knowing it to be of another species, or shall offer for sale or sell any tainted, diseased, corrupted, decayed, or unwholesome meat, fish, fowl, vegetables, produce, or provisions of any kind whatever, without making the same fully known to the purchaser, or shall sell or offer to sell the meat of any calf which was killed before it had attained the age of six weeks, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $500 or by imprisonment in the county jail not exceeding six months.

The following provisions with reference to oleomargarine or butter are found in Kirby's Digest, sections 1702, 1703, 1704, 1705, and 1706:

BUTTER.

Oleomargarine to be labeled and marked.—Whoever shall sell any article, substance, or compound made in imitation or semblance of butter, or as a substitute for butter, and not made exclusively or wholly of milk or cream, or containing any fats, oils, or grease not produced from milk or cream, shall have the words "adulterated butter," or, if such substitute is a compound known as "oleomargarine" or "butterine," or if it is known by any other name, the word "oleomargarine," "butterine," or such other name as shall properly describe it, shall be stamped, labeled, or marked in printed letters of plain roman type not less than 1 inch in length, so that said word or words can not be easily defaced, upon the top and side of every tub, firkin, box, or package containing any of said article, substance, or compound; and in case of retail sales of any of said article, substance, or compound, the seller shall attach, or cause to be attached, to each package so sold at retail, and deliver with said package to the purchaser, a label or wrapper, bearing in a conspicuous place upon the outside of said package the words "adulterated butter," or the word "oleomargarine," "butterine," or such other word or words as will correctly describe the article, substance, or compound sold, as hereinbefore provided, in printed letters of plain roman type not less than one-half inch in length.

Defacing of labels, etc., on butter substitutes; penalty.—Whoever shall sell or expose for sale, or has in his possession with intent to sell, any article, substance, or compound made in imitation or semblance of butter, or as a substitute for butter, except as provided in section 1586, and whoever shall deface, erase, cancel, or remove any mark, stamp, brand, label, or wrapper provided for by this act, or change the contents of any box, tub, article, or package marked, stamped, or labeled as aforesaid, with intent to deceive as to the contents of said box, tub, article, or package, shall be guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than $50 nor more than $500.

Hotels, etc., must indicate nature of butter substitutes.—If any hotel, inn, restaurant, or boarding-house keeper shall set before his guests at any meal any of said article, substitute, or compound, the dish or plate holding the same shall have clearly and indelibly marked on some prominent part thereof the words "adulterated butter," or the word "oleomargarine," "butterine," or such other word or words as may correctly describe the article, substance, or compound in said dish or plate.

Penalty.—Whoever shall violate the provisions of section 1588 shall be guilty of a misdemeanor and, on conviction, shall be fined in any sum not less than $5 nor more than $100.

Definition.—The term "butter" shall be understood to mean the product usually known by that name, which is manufactured exclusively from milk and cream.

Other provisions are found regarding the manufacture and sale of poisonous candies. With reference to native wines it is permissible to sell in original packages, provided the same shall be honestly labeled and contain no poisonous ingredients. (Kirby's Digest, secs. 5096, 5097, 5098, 5099, 5100, 5101, 5102, 5103.)

No provision whatever is made for the enforcement of these laws, except in so far as the law relates to wines. An inspector of wines is provided for. In all my experience as a lawyer, and from my information as a citizen, I have known of no instances in which these statutes are enforced, save, perhaps, in conjuction with city ordinances in the case of the sale of adulterated butter and milk.

Many citizens in that State desire the passage of this bill. I have received a large number of letters and petitions from my constituents asking my support of this measure. The State Association of Pharmacists, while in session at Hot Springs, sent me the following telegram:

HOT SPRINGS, ARK., *May 11, 1906.*

Hon. JOSEPH T. ROBINSON, M. C.,
Washington, D. C.:

The Arkansas Association of Pharmacists in session here request the support of all the Arkansas Congressmen to the Mann bill. Please advise them of our request.

W. H. SKINNER, *President.*

California has passed statutes against falsely labeling drugs, false weights, brands, adulterated foods, drinks, and drugs, and defines the words "drug," "food," "adulteration," etc. It also has a provision preventing the manufacture of poisonous candies; requires oleomargarine to be so labeled; renovated butter to bear brand clearly indicating its character to the purchaser; a record is required to be kept of brands and grades of cheese. It regulates the use of imitation products in hotels and boarding houses. The California statute is full, and enforced in conjunction with some such act as that proposed by Congress now, so as to assist the State by simplifying its difficulties and keeping out of the channels of interstate commerce articles of a clearly objectionable nature, it would, in my judgment, avail the citizens of that State much. No special officer, however, is charged with the duty of enforcing these statutes, except in so far as they relate to dairy products, and this duty is vested in the State dairy bureau.

Colorado has made criminal the sale of diseased or adulterated meat, poisonous foods, adulterated and counterfeit foods, tainted and unwholesome food, and has forbidden the adulteration of drugs and foods under severe penalties. The manufacture of adulterated liquors is made unlawful, and the importation of spurious, poisonous, adulterated, or drugged liquors, or liquors mixed with poisonous substances is punishable with a grave penalty. The manufacture and sale of adulterated

liquors is strictly forbidden. The statutes of Colorado contain many provisions relating to dairy products and the enforcement of the law in regard to the same, but no provision is made for the enforcement of other food drug laws.

Connecticut has enacted general pure-food and pure-drug laws after which this bill seems in many particulars to be closely modeled. The manufacture of adulterated and misbranded foods is forbidden, and these terms are defined much the same as in the proposed bill. Other provisions relate to alcoholic beverages, use of injurious drugs in brewing, the sale of adulterated liquors, and the inspection by the Secretary of Agriculture of sample packages to be procured from the manufacturer. The whole subject seems to be covered in the Connecticut statute, the provisions relating to water and milk being not the least important.

Delaware has confined her legislation on this subject principally to breadstuff, butter, candy, and fruit, and no officer is charged with the duty of enforcing these laws, with the exception of those relating to breadstuffs (principally for exportation), and the further exception that provision is made for the sampling and inspection of products suspected to be deleterious.

Florida forbids the sale of diseased, corrupted, or unwholesome food by any person without making known to the purchaser its condition. False packing is also forbidden. The statutes cover adulteration of alcoholic beverages, bread, butter, candy, and drugs. Here, as in many other States, no provision whatever is made for the enforcement of the food laws.

Georgia makes the sale of unwholesome foods a misdemeanor, and authorizes an action for damages by the person injured against the seller in case of injury from the same. The sale of adulterated food or drink without giving a true analysis of the article so adulterated is also a misdemeanor. Careful provision is made in regard to the sale of drugged liquors, inspection being required monthly or whenever desired by either buyer or seller. Other provisions in the Georgia statute relate to candies and dairy products. Impure, unwholesome, or adulterated milk, imitation butter or cheese, the use of coloring matter in cheese and butter, the sale of oleomargarine without notice that it is oleomargarine, and the use of the same in hotels without notice to guests that the product is oleomargarine are some features of the law. Enforcement of the laws relating to liquor is provided for, but no special provision is found for any of the remaining statutes.

Idaho forbids the adulteration of foods and drugs, the sale of tainted or diseased food and drugs, the sale of famished animals as food, the sale of imitation or adulterated butter, the manufacture or sale of adulterated or poisonous candy, the manufacture or sale of vinegar containing certain ingredients alleged to be injurious to health; forbids the handling of adulterated vinegar, and requires all receptacles to be marked with kind and standard of strength. No officer is provided to enforce the Idaho laws.

Some of the Territories, including the District of Columbia, Alaska, Hawaii, and Arizona, have enacted pure-food laws, but most of them are without the facilities for enforcing them.

This brief review of State legislation on the subject reveals the fact that with the exception of three or four of the States, legislation in regard to pure food is meager, and that which has been passed, in most instances goes unenforced. Thus the public, in the very vital matter of the food they consume and the medicine they use, is left at the mercy of avaricious manufacturers and dealers, who are constantly poisoning the springs of existence by adulterating the food we eat; by selling as pure and wholesome poisonous substances that kill rather than sustain, and by practicing many forms of fraud and deception which, whether forbidden by State laws or authorized, ought not to be countenanced by the National Government in the control of interstate commerce.

Even if the States had demonstrated a disposition to deal efficiently with the subject, the great expense that is occasioned them by the failure and refusal of Congress to aid in the consummation of the laudable purpose of protecting the public from the injurious effects of poisonous, unwholesome, and adulterated foods, makes necessary this or similar legislation on the part of Congress.

Without the aid of Congress in regulating the transportation of foods and drugs among the States, no State can adequately enforce its statutes enacted under the police powers for the security of the life and health of its citizens. When one considers the multiplied avenues of interstate commerce entering and passing through every State in the Union, the countless express and freight offices where delivery is made of articles shipped from other States, the innumerable points on every railroad, the many wharves and landings to which goods are shipped from foreign States, it is at once apparent that the States can not maintain an effective system of inspection (without great expense), that will enable its officers to ascertain whether the State laws are being evaded or complied with; when we remember that daily jobbers and merchants are selling, over their counters at every market in the State, products which may impair the health of the purchaser, it would be difficult in the extreme to estimate the cost and inconvenience to the State authorities of maintaining and effectively enforcing statutes designed to afford security to the public from the dangers of impure foods and adulterated drugs, if at the same time the railroads and express companies are permitted to carry as commerce every article offered from another State. As already observed, the States can not act extraterritorially; they can not regulate interstate commerce; they can not prevent the importation of recognized articles of commerce.

It is this circumstance, the fact that Congress has failed to do its part in this matter by exercising its power to keep out of the channels of commerce articles that are not to be properly recognized as entitled to that privilege—this failure of Congress to exercise its power has made the State laws relating to impure foods ineffective.

The uniformity that would result from the passage of this bill would be a great benefit to the public. This is a subject peculiarly admitting of uniformity, not in its every detail, indeed, but in its most important particulars. No State ought to want to encourage the manufacture and sale of poisonous and adulterated food, and no State should encourage a manufacturing industry which bases its prosperity upon misbranding and falsely labeling its products. Under the practical operation of every reform difficulties arise which can not be anticipated. Some of these difficulties are latent, while others are devised by the opposition to reform and designed to discountenance and defeat it. I should be glad to see the day when every State shall forbid, by statutes fairly uniform, the manufacture and sale within its limits of all poisonous, adulterated, and misbranded foods, and when the National Government shall deny the character of interstate commerce to all such commodities. This legislation will hasten the coming of that day.

In many of the States there have grown up industries which are so far-reaching in their influences that the States fostering them have refused to regulate them. Some of these industries ship habitually into the different States through the common carriers of interstate commerce tainted food, meats of animals slaughtered while dying from loathsome diseases, the flesh of animals which have died before slaughter. Others manufacture large quantities of beverages which they have grown accustomed to adulterate for market in the various States. Others still have made, and are making, fortunes by the sale to a credulous public of simple food stuffs misbranded and adulterated with worthless substances. Others are deliberately and wickedly placing upon the markets of the States for use by the unfortunates who suffer chronic miseries entailed by heredity and other afflictions which cause them to seek remedies everywhere and apply everything recommended, in the hope of getting relief, alleged medicines, loaded with poisonous drugs, which temporarily allay pain and thus give promise of curative effects. Do you tell me that it is wrong for Congress to forbid the transportation, as articles of interstate commerce, of such products? Do you assert that any State could resent the assistance which Congress would thus give to existing statutes on the ground that it was an interference with the rights of the States? Why should the doctrine of State rights be invoked in justification of indifference to the public welfare?

Do gentlemen here profess that the prevention of the sale to the millions of our population (who have neither the time nor the facilities for analyzing their foods) of adulterated, misbranded, fraudulent, and poisonous foods by denying the commerce character to such articles is an invasion of State rights? What right of any State will be thus invaded? What privilege or right of any State, inherent or reserved, will be restricted? Will not each State still retain its power to pass whatever statutes it chooses for the protection of the lives, the health, the morals of its citizens? Does any gentleman here oppose the passage of this measure because it refuses to lend respectability to fraud, because it denies the designation of "interstate commerce" to substances which none can claim should longer mask behind that name? I yield to no man in my regard for the doctrine of local self-government. But that expression means a government under the laws and Constitution of my country by the exercise of every power, whether State or national, or both if necessary. It does not mean license. The failure of Congress to pass this measure, or one similar, and to thus deny the character of interstate commerce to articles

tainted with fraud or loaded with poison will not strengthen or increase the right or power of any State, but it will weaken the confidence which the public has in this Congress.

We are called upon, not to exercise any power reserved to the States, but to exercise the power delegated to Congress to regulate commerce. The exercise of a power does not create it, nor does the nonexercise of it destroy a power that exists. The sphere of Congressional action is circumscribed. It can not invade the States and nullify valid State laws. It can not forbid manufacture for sale within a State where an article is manufactured nor forbid a sale there. But it can prevent the transportation, by common carriers as interstate commerce, articles recognized to be unwholesome, and prevent their sale by the importer in the original package, just as it has forbidden the importation of unwholesome tea. Congress has the same power over commerce between the States that it has over foreign commerce. Practical experience may develop necessity for changes in this measure. It may not be doubted that some difficulties will be met in its enforcement. But when the importance of the subject is considered, the necessity for Congressional action contemplated, those difficulties do not appear insurmountable. It must be something worthy of consideration by this body, that we are permitting the Government, through agencies within its absolute control, to distribute poisons as foods and adulterated products as genuine. I must, indeed, study a new code of morals before I can justify my failure to combine with the power of the States the strength of the nation in protecting the public from the greed of those who count profit above honor and wealth above the rules of fair dealing.

The citizens of every State are entitled to the combined action of State and nation, each operating within its sphere, to ward off the physical and moral degeneracy that must result from the long-continued consumption of impure, adulterated, and poisonous foods. The citizen has little opportunity for personal inspection of the products he consumes and is without the means of accurately determining the genuineness of the articles he feeds upon. In practical life we rarely see the articles we consume until they are served in the most attractive way that can be devised. Is it incumbent on the Government to admit to the character of interstate commerce every commodity offered, without regard to its purity or wholesomeness? To ask the question is to answer it. Admittedly the States can not regulate interstate commerce. The Congress can. Private enterprises in some localities may suffer from the enactment of this law, but an enterprise that thrives by fraud, and poisons while it pretends to feed, does not deserve to prosper and can not demand the aid of government to continue its existence. Neither can it invoke the police powers of the State to compete with honest, legitimate enterprise through interstate commerce and thus cheat the public. A fair application of the principles of this proposed law can not harm any legitimate business. It is unfair to assume that the law will not be properly enforced. It is begging the question to assert that the agents of the Government intrusted with the enforcement of the law, if it be enacted, may be partial and unjust. There is, practically speaking, no such thing as exact justice. But there is a sense of equality before the law, of fair dealing and reasonable application, that underlies all our institutions and statutes, and makes possible the maintenance of order and the development of industry. The health and comfort of American citizens is above any consideration of private gain. Colossal profits, based on frauds, can not offset the detriment of a poisoned and degenerated citizenship.

The real source of opposition to this measure is the fear that it will operate partially, discriminate against legitimate industries, and thus become a means of oppression, while affording no remedy for the evils against which it is directed. But such objection may be made to any statute. The possibility of impartiality in the enforcement of a law is inherent in every law that can be enacted. Law can not make officers honest, nor can it always compel efficiency. There is nothing unfair in this bill, nothing oppressive, although some features of it may be and doubtless are imperfect. But experience and the wisdom of future Congresses, in my judgment, may be relied upon to correct such mistakes as we may make. I have no fear that legitimate industry will suffer by the passage of this bill. Manufacturers and jobbers who make and sell as genuine adulterated products, who place upon our markets as wholesome poisonous foods and drugs, are commercial brigands who rob the citizen of both his health and his money, and one must be cross-eyed in his moral vision to see merit in their claims. It is far from any thought or purpose of mine to oppress any citizen, to discourage any proper business, to restrict any authority in the States, and if I believed that such would be the effect of passing this bill, I would most assuredly oppose it. But, honestly believing that legislation of this character is needed, that it is within the province of Congress to enact it, that it does not impair the right of the States to govern themselves in all matters of local concern, and that it will aid the States in protecting their citizens from the irreparable injuries of impure foods and drugs, I cheerfully give it my support. [Loud applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired. [Loud applause.]

Mr. ROBINSON of Arkansas. I would ask, Mr. Chairman, leave to revise and amplify my remarks.

The CHAIRMAN. Without objection, it is so ordered. The Chair hears no objection. The Chair understands the gentleman from Georgia [Mr. ADAMSON] yields ten minutes to the gentleman from Maryland.

Mr. ADAMSON. The gentleman from New York [Mr. GOULDEN] desires to be recognized for a moment.

Mr. GOULDEN. Mr. Chairman, we were all deeply interested yesterday in the able and instructive speech of the gentleman from Illinois [Mr. MANN].

The exhibition of adulterated and short-weight goods now shown on the floor of the House speaks in language unmistakably for the adoption of a remedy.

I shall call attention to the salient points in the pending bill now under discussion, beginning with section 7.

Section 7 of the House bill relates to the subject of "misbranding," and is the section the provisions of which have given rise to the greatest controversy. It provides that the term "misbranded" shall apply to all drugs or articles of food, or articles which enter into the composition of food, which bear any statement, design, or device on the package or label regarding the ingredients or substances contained therein, or the article as a whole, which shall be false or misleading in any particular; and to any food or drug product falsely branded as to the State, Territory, or country in which it is manufactured or produced; that also a drug shall be deemed "misbranded" if it be an imitation of or offered for sale under the name of another article, or if the contents of the original package have been removed in whole or in part and other contents substituted, or if it fail to bear a statement on the label of the quantity or proportion of alcohol, or of opium, cocaine, or other poisonous substance contained therein.

It is proposed to offer an amendment to this provision, which in effect will provide that the quantity of alcohol or narcotic need not be stated upon a pharmacopœia remedy prepared in accordance with the pharmacopœia formulary, but that on other preparations of drugs the amount of alcohol and of opium, morphine, cocaine, heroin, alpha and beta eucaine, acetanilid, and chloral hydrate shall be stated, so that people may be informed who purchase prepared medicines whether they are taking habit-forming drugs or alcoholic compounds.

"Food" shall be considered as adulterated if it be an imitation of or offered for sale under the distinctive name of another article, or if labeled or branded so as to deceive the purchaser, or falsely purport to be a foreign product, or, if in package form, the quantity of the contents of the package be not plainly and correctly stated in terms of weight and measure on the outside of the package.

An amendment will be offered to the package provision somewhat modifying the arbitrary provision, but still protecting the purchaser and the honest manufacturer from the fraud of those who wish to cheat and swindle by short weight or measure.

It ought also to be considered as misbranding of food if the contents of the original package shall have been removed in whole or in part and other contents placed in the package, or if the package fails to bear a statement on the label of the quantity or proportion of any of the narcotic drugs.

The section provides that an article of food not containing added poisonous or deleterious ingredients shall not be deemed adulterated or misbranded in case of mixture, or compounds known as articles of food under their own distinctive names and not imitations, if the name be accompanied on the label with a statement of the place where the article has been manufactured or produced, and also that food shall not be deemed adulterated or misbranded in case of articles labeled, branded, or tagged so as to plainly indicate they are compounds, imitations, or blends, provided that the term "blend" as used therein shall be construed to mean a mixture of like substance, not excluding harmless coloring or flavoring ingredients.

The provisions in the House bill which covers the subject of liquor, as well as other articles of food and drink, is that an article shall not be deemed misbranded when labeled, branded, or tagged so as to plainly indicate that it is a compound, imitation, or blend, provided that the term "blend" as used therein shall be construed to mean a mixture of like substance, not excluding harmless coloring or flavoring ingredients.

Section 13 of the House bill and of the Senate bill provides for seizing and confiscating adulterated or misbranded articles by process of libel for condemnation.

Section 14 of the act proposes to put in permanent statute the provisions which have been carried in the agricultural appropriation bill for several years, authorizing examinations to be made of imported articles of food and drugs and directing the Secretary of the Treasury to refuse entry and delivery when found to be adulterated or misbranded.

The most remarkable thing about the bill under consideration is the state of affairs which it intends to correct, to use a paradox. We are so used in these days to having deception practiced on us, we have grown so accustomed to it, that we no longer realize its enormity. It is taken as a matter of course, as part of the status quo of the things we are born heir to, and as having perhaps some right to exist.

Yet when we stop to take thought of the matter, we realize that a state of things exists which should bring the blush of shame to the cheek of every honest man and woman or to one who is inclined to raise truth and fair dealing only slightly above the mad greed for the mighty dollar. [Applause.]

It would seem that wherever we turn in the business or manufacturing world we meet with deception in many cases on a mighty scale. Not only is the very spirit of competition driving out all respect for honest representation of wares, but it tends to the imposition of dishonest wares upon an unsuspecting public. Perhaps the spirit of competition is held responsible for too much, and its back is broken with the heavy burden of misplaced blame; we might therefore be somewhat lenient and endeavor to rightfully place a part of the blame.

But in the endeavor to do so we are obliged to fall back upon the worst elements in human nature, which impel men to squeeze a profit from every trade. We are all familiar with the famous horse deals so liberally sprinkled in popular literature, and with the efforts of trusts and millionaires, as elaborated by the sensational press. These are only samples of what is taking place in almost every trade and industry, in manufacturing and business, even at times in the professions and arts. And that is the sad part of it, that in the endeavor to live and to pursue their lives in a Christian fashion, men will stoop to questionable methods, adopting as their motto that rule which has always been falsely attributed to the Jesuits, "that the end justifies the means."

And this is the state of affairs which is disclosed after a careful and cold-blooded analysis, and which the bill under discussion is endeavoring to correct in certain lines of trade and manufacture. Prepared foods and food products are so adulterated as to either reduce the quality or increase the quantity for the purpose of saving cost of production on the one hand or to increase the cash income on the other. Valuable ingredients in the natural foods are cleverly, ingeniously substituted by chemicals, with the same object in view. Drinks and condiments are treated in the same way. But when we take up the matter of drugs and chemicals themselves the field grows so vast that the mind of no man here is able to grasp it all or to go to the bottom of the subject.

Enough has been shown during all the years that pure foods have been under discussion by State legislatures and Congress to prove that the enormity exists; that a cancerous growth of giant proportions has been built up on a foundation of fraud and deceit, and that the public has been the victim for so long that it might be said to have grown accustomed to it, and to have thrived on it; at least so those who have profited by it might claim. This was developed in the recent meat investigation, so fresh in the minds of the people of the world. [Applause.]

But the one phase of the subject that has received no attention is, of course, the moral one. We are so busy hunting evidence that we do not stop long enough to remember how repugnant all of it is; that misrepresentation has been elevated into a virtue of business; that men grow rich by stuffing false foods into the stomachs of their fellow-citizens, and by trying to cure their ills by medicines that produce new ills or which fail to cure.

The bill under consideration aims to put a stop to at least some of this fraud and deceit as it may exist in the District of Columbia and the Territories and in interstate commerce. After years of agitation Congress has at last decided to interfere in the interests of the people and to really do something in their behalf. It might be interesting to know why it takes so many years for a measure of this kind to receive the sanction of the people's Representatives, but the reasons have been given so often by advocates of tariff-reduction bills and other acts for the real people's benefit that it would be idle and useless to go over them now. It is sufficient to say that the powerful manufacturing interests are always more potent with some of these Representatives than the people themselves—another illustration of the intrenched power of the trusts and industrial combinations and the lack of organization on the part of the consumers.

However, Congress has at last decided to do something, and that something, as embodied in the bill under consideration, is so worthy that no one should hesitate about supporting it. The only regret is that its provisions are not applicable to the internal commerce of the States. We might say that this is an instance where constitutional limitation prevents us from doing something good for the public; but the bill carries a remedy for this regret by suggesting that the States may follow the action of Congress by enacting uniform laws upon the pure-food question, and that the officials intrusted with the enforcement of the law, in both nation and State, may frequently consult for the purpose of fixing exact standards of food products and drugs. As a first step in the right direction the bill is excellent, and it gives me pleasure to raise my voice in its behalf and to cast my vote for its passage.

I have but one objection to the bill, and that is to the provision which exempts foods and drugs intended for foreign commerce from the restriction and penalties of the measure. Now that we have made up our minds to protect our own citizens from fraud and deception—to do a little needed house cleaning, as it were—we should not continue to believe that the foreigners are still fit subjects for such practices and that we can broom onto them that which we would not accept ourselves. It makes us look ridiculous when we stop to make such distinctions, and it tends to make our foreign customers look with suspicion upon all of our commerce. We take no means to conceal the fact that fraud can be practiced upon them; that anything can be palmed off on them so long as it looks and tastes well and a stiff price is charged for it.

While about it we might as well have gone that much further and forbidden our manufacturers from selling to the foreigner for genuine what we forbid them selling to our own citizens. It requires no stretch of imagination to know why this step was not taken. It shows that the protected interests have not lost all their influence, even though Congress has at last decided to pass a pure-food bill.

But as half a loaf is better than none, and charity begins at home, I am most willing to support this present bill as amended in spite of my objection to the foreign-commerce exemption; and I shall hope that it may not be very long before Congress will remedy the matter and relieve itself and the American people from the reproach of perpetrating fraud upon our customers abroad who like and need our products.

And how strange it is that a measure of this kind, aiming to do so much good to the people and to prevent so much unfair dealing, should meet with opposition. Of course every reform that the world or a nation, or even a community or a single family, has inaugurated has been bitterly fought and has only been accomplished after incredible struggles and heartburnings. It is one of the traits of human nature to stick to the things that are, however ill, rather than fly to the new things—the ills that may be. And in the present instance we have no exception to the rule. And yet, I repeat, it seems so strange that a good can only be accomplished after a determined fight. I believe that if a movement was started to abolish the kingdom of Satan that the usual mighty opposition would at once arise, even in this House.

Fortunately, the character of the evil and the suggested remedy are so plain and simple that the opposition can be easily concentrated and analyzed for what it is worth. We find that it consists only of those interests which have fattened for years upon fraudulent goods imposed upon a patient people, of interests which have grown so large and powerful that they resent interference as an impertinence, as a meddling with sacred property rights. Although they enjoy no special franchise or privilege, they feel that the superstructure which they have erected upon the gullibility of the people is sacred by reason of its mere existence; and we have the novel spectacle of a cancer being spared from the knife, even though the body on which it festers should die. That some necessary amendments will be adopted before the bill passes goes without saying.

It is always the same class of people, however, who object—the protected interests, clamoring for a continuance of the protection, of the aids which have given them life, strength, and wealth, and without which they could not thrive at the expense of the people. It would be too much to expect governments to go back to the "laissez faire" days, the days of the "hands-off" doctrine; but if we could only adopt a little of it in these

times, how many trusts would fall to the ground at once, how many frauds would be exposed and driven out of business? In other words, the people demand a "square deal" all around.

The Interstate Commerce Committee has listened to many people on the subject of pure food, and most of them have been in opposition; but, of course, they have represented manufacturing interests, who felt that their business would be injured by the passage of such an act. Representatives have been liberally supplied with literature from similar sources, with the object of convincing them that the interests of their constituents demanded the defeat of the bill. And no stone is left unturned if it can be made an obstacle to its progress.

I would like to read a letter received from my friend, Dr. Thomas Darlington, the present commissioner of health in the city of New York, a man well known all over the country for his efficient services in making New York one of the healthiest cities and one of the best in which to live in the world:

CITY OF NEW YORK, DEPARTMENT OF HEALTH,
OFFICE OF THE COMMISSIONER OF HEALTH,
New York, March 8, 1906.

Col. J. A. GOULDEN,
180 Broadway, New York City.

SIR: I wish to call your attention to the patent-medicine clause in the pure-food bill which is now before the House of Representatives, since it will be on this clause that one of the serious attacks upon the bill will be made. The clause provides briefly, as you will see by a reading of it, that all poisons contained in patent medicines be stated upon the label, and that any patent medicine shall be deemed misbranded which carries on its label any misstatement.

This seems to me, and I believe will appeal to you, as an eminently fair and honest proviso. The Proprietary Association of America has its representatives in Washington working against the provision, and ready to work against the whole bill in case the clause is permitted to remain in it. You have undoubtedly received their literature and heard from them in other ways.

Therefore I urge you to take into account, no matter what their arguments may be, that the patent-medicine section as it stands is simply a requirement of fair play, such as to safeguard the public and to let the purchaser know what he is purchasing in the field of proprietary medicines.

Very sincerely, yours, THOMAS DARLINGTON,
Commissioner.

This is a sample of the opposition that has been raised to the pure-food bill. But as we have listened to it for many years now and have seen how hollow and selfish it all is, we have at last determined to ignore it and to do a little something for the people. It is a pleasure to be able to say that the people's representatives are really representing them and not the interests that have been greedily preying on them, and I am proud to be able to aid by my vote the passage of so worthy an act.

The distinguished gentleman from Missouri [Mr. CLARK] has set a fashion in tombstone inscriptions by desiring his vote on the Philippine annexation question duly carved on his. Let me ditto his sentiments as to my vote on the pure-food and good-meat questions. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. STERLING having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 20321. An act to provide for the traveling expenses of the President of the United States.

PURE-FOOD BILL.

The committee resumed its session.

Mr. ADAMSON. Now, Mr. Chairman, I yield to the gentleman from Maryland [Mr. GILL] ten minutes.

Mr. GILL. Mr. Chairman, there is unquestionably a demand for the enactment of constitutional legislation by Congress, under the interstate-commerce clause, by which it shall cooperate with the several States in protecting the health and lives of our citizens against the ravenous greed of those who would injure or destroy them in their unholy and criminal efforts to secure wealth through disease-breeding and poisonous adulteration of both food and drink. It is my desire to aid as far as possible in securing the passage of such legislation as will promote the preservation of the purity of food and drink for both man and beast. But in considering such legislation we should not permit ourselves, under the hysteria of the moment, to enact imperfect measures which may be fraught with greater harm to our true interests than the evils which we are seeking to remedy. In my opinion, danger signals have been hoisted in this Congress, warning us of governmental rocks upon which our country may be stranded if the tendency to enact extreme, crude, ill-considered, and preferential legislation is not curbed. These signals admonish us to seek more persistently and to observe more carefully than in the past the line of demarcation between the powers reserved to the States and those granted to the Federal Government. In this body, by reason of its rules, we are fast reaching, if we have not already reached, a method of legislation which in the future will be known as "committee autocracy." By the extraordinary increase, within a very short time, of departments and bureaus we are beginning to emulate, in the executive branch of our Government, those States which history denominates as "Governments of bureaucracy." "Committeeautocracy" and "bureaucracy" are both departures from the methods of our democratic forefathers and are grave dangers to republican institutions. The one fosters preferential legislation for the benefit of privileged classes; the other creates an army of officeholders so great as to threaten with destruction our party government.

Senate bill No. 88, commonly known as the "pure-food bill," which has been passed by the Senate and for which the House Committee on Interstate and Foreign Commerce has proposed a substitute, is now before us. This substitute is a striking manifestation of the tendency to which I have tried to draw your attention.

In section 10 of the committee's bill it is provided, among other things, that—

> Every person * * * who manufactures or produces for shipment * * * from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to any foreign country, any drug or article of food, and every person who * * * exposes for sale * * * any drug or article of food received from a State, Territory, or the District of Columbia other than the State, Territory, or the District of Columbia in which he exposes for sale * * * such drug or article of food, etc.—

Shall be required to furnish a sample of such commodity to the authorized agent of the Government for the purposes of analysis, and by section 11 it is further provided that any such person who fails to comply with the terms of section 10 shall be guilty of a misdemeanor.

Even a superficial reading of this section (10) of the committee's bill brings home the conviction that through it Congress is seeking to regulate manufacturing within the States and sales purely intrastate, a function which it is powerless and never was intended to exercise. It is a firmly established principle of constitutional law, that under the interstate clause the jurisdiction of Congress extends only to the regulation of commerce among the several States, with the Indian tribes, and with foreign nations. By seeking to compel a person "who manufactures for shipment" or "exposes for sale" any drug or article of food to furnish a sample thereof to an agent of the Government, which sample might furnish the basis of a criminal prosecution against him, Congress is trying to trench on the police powers of the State.

One of the many instructive cases in which this principle is lucidly stated and the boundaries between the reserved power of the States and the powers granted to the Federal Government clearly defined is In re Greene, 53 Federal Reporter, 104.

In this case the court uses the following language:

> It is equally clear that Congress has no jurisdiction over and can not make criminal the aims, purposes, and intentions of persons in the acquisition and control of property which the States of their residence or creation sanction and permit. It is not material that such property, or the products thereof, may become the subject of trade or commerce among the several States or with foreign nations. Commerce among the States, within the exclusive regulating power of Congress, "consists of intercourse and traffic between their citizens, and includes the transportation of persons and property, as well as the purchase, sale, and exchange of commodities." (County of Mobile *v.* Kimball, 102 U. S., 691–702; Gloucester Ferry Co. *v.* Pennsylvania, 114 U. S., 203, 5 Sup. Ct. Rep., 826.)
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> In the application of this comprehensive definition, it is settled by the decisions of the Supreme Court that such commerce begins and the regulating power of Congress attaches when the commodity or thing traded in commences its transportation from the State of its production or situs to some other State or foreign country and terminates when the transportation is completed and the property has become a part of the general mass of the property in the States of its destination.
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> When the commerce begins is determined, not by the character of the commodity, nor by the intention of the owner to transfer it to another State for sale, nor by his preparation of it for transportation, but by its actual delivery to a common carrier for transportation or the actual commencement of its transfer to another State. At that time the power and regulating authority of the State ceases and that of Congress attaches and continues until it has reached another State and becomes mingled with the general mass of property in the latter State; that neither the production nor manufacture of articles or commodities which constitute subjects of commerce and which are intended for trade and traffic with citizens of other States, nor the preparation for their transportation from the State where produced or manufactured, prior to the commencement of the actual transfer or transmission thereof to another State, constitutes that interstate commerce which comes within the regulating power of Congress, and, further, that after the termination of the transportation of commodities or articles of traffic from one State to another and the mingling or merging thereof in the general mass of property in the State of destination, the sale, distribution, and consumption thereof in the latter State forms no part of interstate commerce. (Pensacola Tel. Co. *v.* Western Union Tel. Co., 96 U. S., 1; Brown *v.* Houston, 114 U. S., 622, 5 Sup. Ct. Rep., 1091; Coe *v.* Errol, 116 U. S., 517–520, 6 Sup. Ct. Rep., 475; Robbins *v.* Taxing Dist., 120 U. S., 407, 7 Sup. Ct. Rep., 592, and Kidd *v.* Pearson, 128 U. S., 1, 9 Sup. Ct. Rep., 6.) In the latter case the Supreme Court pointed out

the distinction between commerce and the subjects thereof, and held that the manufacture of distilled spirits, even though they were intended for export to other States, was not commerce falling within the regulating powers of Congress.

Clearly, then, that part of this bill which seeks to regulate the manufacture of a commodity within a State where made, or to regulate its disposition or sale after its transportation has been completed and it has become part of the general mass of the property in the State of its destination, is valueless legislation and beyond the power of Congress to enact.

This imperfection, however, is not the only one in this bill. In my judgment the House Committee on Foreign and Interstate Commerce has most seriously weakened the Senate measure by its attempt to incorporate in this bill an imperfect provision safeguarding fair trade by weight and measure. Certainly fair trade by weight and measure is not germane to pure food. A pure-food measure is framed to protect men's stomachs and, through their stomachs, their health and lives. A requirement for fair trade by weight and measure is designed to promote bona fides in matters of contract and the observance of a higher standard of morality in commercial transactions. But even if the subject of fair trade by weight and measure were relevant in a pure-food measure, it seems to me that with the three lines which the committee has inserted on this subject it would be impossible to cover so vast a field. It is to be hoped that in the consideration of this weight-and-measure provision of the bill the House will not, as it did with the rate bill, assume the infallibility of the Committee on Interstate and Foreign Commerce, in the end only to have the Senate reform it with eighty amendments.

So far as I have been able to ascertain, there has been no demand for a law insuring fair trade by weight or measure. But granting that there were, this paragraph, by which it is sought to satisfy such a demand, fails utterly to do so. It reads as follows:

In the case of food, if in package form, the quantity of the contents of the package be not plainly and correctly stated in terms of weight and measure on the outside of the package—

it shall be deemed misbranded. This paragraph is vitally defective in three respects: First, it imposes upon a large and important class of our population duties and obligations which are onerous and foreign to them and which, as the paragraph now stands, do not compensate the consumer with any corresponding benefits. Secondly, the word "package," as used in this section, conveys no such legal signification of the term as would render it possible to enforce the penalties provided for a violation of this part of the proposed law. Thirdly, there is no national standard of weights and measures, none having ever been established by Congress, nor is any provided for in this bill.

Section 5 of this bill provides "that the term 'food,' as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound." This provision is so comprehensive, so all-embracing that in its application it affects the business operations of a large class of our people and all kinds of articles of foods and drugs. It includes the products of our fisheries, the products of almost every garden and farm in the land, and every modification of the natural product when these products enter into interstate commerce. It affects every farmer, every fisherman, every canner, every preserver or modifier of foods, as well as every other person who may become the shipper of any article of food as defined in this bill. Indeed, the magnitude and vastness of its application is commensurate only with our population and the volume of our food production.

The State of Maryland alone, with a population of a little over a million, exported last year upward of 2,000,000 bushels of oysters in cans, buckets, and barrels. There were preserved and exported by the farmers and canners of that State about 250,000,000 tins of agricultural products, including vegetables and fruits of every kind and description grown in the State of Maryland and the surrounding States. Food products and the modifications thereof gave to the carriers in Maryland a greater amount of freight than any other class of commodities. Hence the interest of the people of our State in this measure, which they believe will impose upon them onerous obligations without any corresponding benefits to the consumer.

What did the framers of this weight and measure provision intend its phraseology to embrace? Those who have been impelled to study this provision by the belief that it will affect them in their business or occupation labor under the impression that it seeks to compel the shipper or manufacturer of drugs or articles of food to mark on every single unit which may be used in making up a package the quantity of its contents in terms of weight or measure; that the farmer who ships a crate of strawberries must brand on each small box in the crate the weight or measure of its contents; that the farmer who ships a crate of eggs containing a number of baskets or boxes is required to have weighed the quantity of eggs in each box or basket which goes to make up the crate and mark each box or parcel therein in order to comply with the requirements of this provision; that the canner who puts up his goods in tins and sells them by sample is required to mark each tin, which may be the units of a larger package, in terms of weight or measure. But does the language of this paragraph, judicially defined, really mean this? And if it does not mean this, does it avail us anything to insert this provision in the bill?

In Guckenheimer *v.* Sellers (81 Fed. Rep., 997) the court said:

Where bottles or packages are fastened together and marked, or are placed in a larger box, barrel, or crate, or other receptacle, and shipped therein, the outside box, bundle, or receptacle, and not any bottle or package contained therein, constitutes the original package.

In the well-known case of Commonwealth *v.* Schollenberger (Pa.) (27 Atl. Rep., 33) the court uses this language:

Such packages put up with a view to the convenience and security of transportation and handling in the regular course of trade are the original packages of commerce. * * * "Original" means pertaining to the beginning or origin; the first or primitive form of a thing. "Package" means a bundle or parcel made up of several smaller parcels combined or bound together in a box, crate, or other form of package. An original package is such form and size of package as is used by the producers or shippers for the purpose of securing both convenience in handling and security in transportation of merchandise between dealers in the ordinary course of actual commerce. Such packages are not always made up by putting smaller packages or bundles together, but may include any form of receptacle that shall hold a fixed quantity, as a barrel of sugar or salt, a bag of coffee, a chest of tea, and the like. (Approved in Parson's case, 27 Southwestern Rep., 1104; also in Haley *v.* State (Nebr.), 27 American State Rep., 723.)

The court has here defined separately the word "original" and the word "package," and its definition of "package" is not controlled or affected by the adjective "original" prefixed thereto, which merely serves to identify the package as the one primarily placed in the hands of the carrier and by the carrier delivered to the consignee.

The definition of "package" in this case applies equally to the word "package" as used in the paragraph I am now discussing, and would unquestionably permit a manufacturer to label, under the requirements of this section for branding, the outside box, bundle, or receptacle with the weight or measure of its contents, and such labeling would be a compliance with the terms of this paragraph. It would not be necessary for him to mark any of the parcels or bundles which go to make up this package. As to the packages which the court has defined as containing a fixed quantity—such as a barrel of sugar—in contradistinction to those which are made up of or contain a number of smaller parcels or bundles, of course there is no question as to where the label should be put. It is almost a universal custom and practice to ship a number of smaller parcels in a package for convenience in handling in interstate transportation. The small parcel, which is the one that reaches the consumer and which it would be proper to mark with the information of value to the consumer, is by the terms of this paragraph exempted from its operation. We may shed a little more light on this subject by placing together the language of the first part of the first section and the language used in the paragraph under discussion. Thus placed together it reads: "Shipment of food in package form." Can the word "package," as used here, mean any other package than that which is delivered for shipment to the carrier to be by him "introduced" into another State or Territory? If not, then this package, which is delivered to the carrier to be transported to another State or Territory, is the one which, under this paragraph, should be branded with the weight or measure of its contents, and not the parcels or packages which it contains, though they may number a thousand. If the framers of this paragraph had intended that the parcels or bundles which are the units that make up this package—such as the small boxes of strawberries in a crate or cans of preserved fruits or vegetables in a box—should each bear the weight or measure brand, then the language employed to convey that meaning is unquestionably vague, uncertain, and capable of a different interpretation. As it now stands it is a trap for the wary as well as for the unwary. Certainly such a foundation is too flimsy and insecure upon which to rear the structure of a penal offense.

Though this vagueness as to the term "package" may give way to words more specific and definite, there is, in my judgment, a graver difficulty to be dealt with in this paragraph for fair trade by weight and measure—one more organic than the defect which I have just been discussing. Congress has never fixed a standard of weights and measures for the United States, notwithstanding its constitutional authority to do so. It has authorized the adoption of standards for the custom-house and in various acts has defined certain standards of weights and

measures to be used in the custom-houses in the levying of duties on certain classes of goods. Complete sets of the various weights and measures in use in the Treasury Department and the custom-houses have been furnished to all the States and Territories, and, with certain modifications, have been adopted by nearly all of them as their standard of weights and measures. But the modifications to which these standards of weights and measures of the various States have been subjected are so great and universal that practically there is a different standard of weights and measures in every State. In addition to the weights and measures prescribed for the use of the custom-houses, Congress has legalized a metric standard of weights and measures and authorizes the use of this system in the custom-houses, the Government offices, and by the citizens of the several States.

This act, however, does not undertake to prescribe a system of weights and measures for the United States, so that we have this condition: The Government has adopted a standard of weights and measures for the custom-houses, has prescribed the use of another standard—the metric system—in the custom-houses, and has legalized the use of the metric system so far as the citizens of this country may choose to use it. Fifty-one States and Territories, including the District of Columbia, have each adopted a standard of weights and measures. The use of these standards is compulsory upon the citizens of these States and Territories, except in so far as the act of Congress of July 28, 1866, making it lawful to employ the weights and measures of the metric system, may have modified the State laws on this subject. The acts and resolutions of Congress bearing out my statement that Congress has never established a standard of weights and measures for the United States are as follows: Resolution of May 19, 1828; resolution of June 14, 1836; act of July 28, 1866; resolution of July 27, 1866, which read as follows:

And be it further enacted, That, for the purpose of securing a due conformity in weight of the coins of the United States * * * the brass troy pound weight procured by the minister of the United States at London, in the year 1827, for the use of the Mint, and now in the custody of the mint at Philadelphia, shall be the standard troy pound of the Mint of the United States, conformably to which the coinage thereof shall be regulated.

Resolved, etc., That the Secretary of the Treasury be, and he hereby is, directed to cause a complete set of all weights and measures adopted as standards and now either made or in progress of manufacture for the use of the several custom-houses, and for other purposes, to be delivered to the governor of each State in the Union, or such person as he may appoint, for the use of the States, respectively, to the end that a uniform standard of weights and measures may be established throughout the United States.

Be it enacted, etc., That from and after the passage of this act it shall be lawful throughout the United States of America to employ the weights and measures of the metric system, and no contract or dealing or pleading in any court shall be deemed invalid or liable to objection because the weights or measures expressed or referred to therein are weights or measures of the metric system.

SEC. 2. *And be it further enacted,* That the tables in the schedule hereto annexed shall be recognized in the construction of contracts and in all legal proceedings as establishing the terms of the weights and measures now in use in the United States the equivalents of the weights and measures expressed therein in terms of the metric system; and said tables may be lawfully used for computing, determining, and expressing in customary weights and measures the weights and measures of the metric system.

Be it resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to furnish to each State, to be delivered to the governor thereof, one set of standard weights and measures of the metric system for the use of the States, respectively.

Now, let me submit this question to the framers of this weight and measure paragraph of the bill. There being no national standard of weights and measures, what standard of weights and measures have you adopted in this bill? Clearly none. Hence this weight and measure paragraph is utterly void and valueless, and should be stricken from the bill. No attempt should be made to impose conditions requiring weight or measure on the interstate commerce of the country until Congress has exercised its constitutional function of prescribing a uniform standard of weights and measures for the United States.

But if by any possible interpretation the language of this weight and measure paragraph may be made to imply the use of the standards adopted in the different States and Territories under their laws and those adopted by Congress for its custom-houses, its effect on interstate commerce would be disastrous and deplorable. The wide and almost universal differences between the various State standards of weights and measures would breed endless confusion.

A Maryland shipper of a bag of potatoes labels it as containing 1 bushel, which must weigh 56 pounds in Maryland. He ships it to a commission merchant in Virginia, where the same bag of potatoes, marked a bushel, to be correctly marked, should weigh 60 pounds. In Virginia the sale of this bag of potatoes, as marked in Maryland, would be illegal and fraudulent. Again, a barrel of turnips, marked 3 bushels in Wisconsin, need only contain 42 pounds to the bushel. Shipped to the State of South Dakota, it should contain 60 pounds to the bushel. Its sale in South Dakota as 3 bushels of potatoes would also be illegal and fraudulent. If marked by weight, what weight would be compulsory, avoirdupois or troy, between which there is a well-known difference? If by measure, by the dry quart or by the liquid quart? A commodity might be composed of a liquid and a solid, which measure would be compulsory in such a case? Indeed, the difficulties that present themselves are so great, so complex, that, unless Congress prescribes the adoption of the metric system or some other uniform system of weights and measures throughout the United States, they would be absolutely insurmountable.

In conclusion, Mr. Chairman, let me ask why a weight and measure paragraph is incorporated in and is insisted upon by the framers of a pure-food bill. There is no public clamor for it either in the press or by petitions to this body. There is even no ordinary demand for it. It could not subserve the purposes of preserving the purity of food. Indeed, it threatens to overload the whole structure of this bill and to topple it over into the slough of defeat. I do not believe the proposers thereof seek to impose additional burdens on the agricultural and piscatorial classes of our people, but they certainly will if this provision is adopted. It requires them, directly and indirectly, to purchase labels, weights, and measures, and to employ additional labor. Are they not already sufficiently taxed? Is not their real and personal property subjected to State and county taxation? Does not Congress mulct ample tribute from them by levying tariff duties on their clothing, their food, and their implements? Does Congress not exact more from them through its internal-revenue tax on the grain and tobacco products of the land? Yet, insatiate, you seek further of their substance through this delusive weight and measure clause. Are you impelled by an uncontrollable desire to breed new trusts in this country? Do you wish to foster a weight and measure trust by creating an inordinate demand for their products, or do you want to provide more spoils with which to fatten an overprotected paper trust at the expense of the toilers of the deep and the tillers of the soil?

Mr. ADAMSON. Mr. Chairman, the gentleman from New York [Mr. GOLDFOGLE] desires to be recognized for five minutes.

The CHAIRMAN. The gentleman from New York [Mr. GOLDFOGLE] is recognized.

Mr. GOLDFOGLE. Mr. Chairman, if Congress will enact this pure-food bill into law it will be entitled to the everlasting gratitude of the American people. [Applause.] The distinguished gentleman from Illinois [Mr. MANN] gave us yesterday a splendid demonstration of the frauds and artifices practiced in the use of deleterious and unhealthful food adulterants. He ably demonstrated, too, how the public are deceived by the use of short weight and measures, and after that interesting exhibition and lucid explanation no one in the House can longer doubt the necessity of a pure-food law.

We have been told by some of the distinguished lawyers in our body that the bill is unconstitutional. Others of equal legal ability have declared that it is valid, and does not conflict with any constitutional provision. True, Mr. Chairman, in the enactment of statutes we ought to exercise care in their framing, and reasonable caution that none of their provisions contravene the fundamental law of the land. We ought to proceed with care not to infringe upon the restrictions and limitations imposed by the supreme law of the land. But I see nothing here which would make the measure before us invalid. If the doubt as to the constitutionality is as great as that expressed on the one hand, and the belief in the validity is as strong as that asserted on the other, let us in the interest of the public health, in the interest of honest dealing, in the interest of life itself, resolve that doubt in favor of the bill and let the courts settle the disputed questions. Let Congress do something now, here at this moment, that may lend protection to the health of the citizen; that may put a stop, so far as Federal legislation can do it, to the frauds practiced on an unsuspecting public, and that may help to preserve the life of our fellow-countrymen. [Applause.]

The recent disclosures of the packing-house scandals, and those which prove the putting on the market of unwholesome, adulterated food and drink have weakened the confidence of the public. We have been shocked at these disclosures, and from every section of the country comes a demand for a pure-food law. Its passage will restore public confidence; it will tell the fraud and the evil doer that the day of money getting at the expense of life and health of the consumer is at an end. Let us enact such legislation that we may not again be nauseated by such reports as we have had from the meat-packing houses. The bill will in some measure insure to the public protection against the oil they ought not to have palmed off on them—cotton-seed oil. When they buy honey they ought not to have palmed

off on them prepared glucose, with a dead bee cunningly thrown in to convey the idea they are getting the real product of the bee. When they buy canned salmon they ought not to be given canned codfish artfully prepared to resemble the salmon; and so on. And when they buy canned goods they ought to be sure that punishment is in store for the dishonest canner who would put up unwholesome or rotten food treated with preservatives.

Without going further into the details that require this legislation, let me express the hope that we shall proceed speedily to give to the country a law that will make for honesty of dealing and for protection of the life and health of our citizens. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ADAMSON. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Georgia has thirty-one minutes remaining and the gentleman from Illinois [Mr. MANN] has fifty minutes.

Mr. GOLDFOGLE. Mr. Chairman, I yield back my unexpired time if I have any.

The CHAIRMAN. The gentleman has none.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Maryland [Mr. SMITH] fifteen minutes.

Mr. SMITH of Maryland. Mr. Chairman, one of the great industries of Maryland is the packing of its home products.

The Secretary of Agriculture, Hon. James Wilson, has recently said that Maryland is the best State in the Union for agriculture and horticulture.

I believe that Maryland offers greater opportunities for the successful and profitable growth of diversified crops than any other State in the Union, with locations obtainable to suit the tastes of the most fastidious, even though they be as many and as varied as the varieties of the products that so delightful and uniform a climate as Maryland can produce. It matters not whether they prefer the mountain slope, the hillside, the valley, or plain, each can be found in Maryland, either washed by the waves of the Atlantic, the waters of the great Chesapeake Bay, the placid rivers flowing therein, or the cool rivulets and babbling mountain brooks, all of which are in unison for the promotion of the growth of crops in spring and summer and the protection of the delicate fruit buds of the vine and tree during the winter's frost, which season but for the rarefication of the atmosphere by these waters, might prove to be blasting.

Everything in the shape of grasses, grains, fruits, and vegetables that grow under similar climatic influences flourish in Maryland soil, whether indigenous or otherwise; hence the greatest possibility for diversification exists, the advantages of which are clearly apparent to the intelligent farmer, for he knows full well that if his planting is confined to one or two crops, and the season should prove adverse to these, his profits would be very small, or, perhaps, the balance on the wrong side of the account; when, on the other hand, if he sowed wheat, planted corn, strawberries, blackberries, raspberries, canteloupes, melons, potatoes, tomatoes, and other cereals, fruits, and vegetables as commend themselves to the market and his taste of culture, within the scope of his ability to properly cultivate and handle, there can be no total failure with him any year, because there is never a season in this State so unpropitious but that some of these crops mature and are profitable, and in most cases the great majority of them.

Among the Maryland products most commonly canned in the State are tomatoes, corn, peaches, pears, strawberries, raspberries, blackberries, lima beans, sweet potatoes, pumpkins, and oysters, the last named being the product of the great Chesapeake Bay and its tributaries. Pineapples, while not a Maryland product, are also largely canned in Baltimore. Baltimore has been called "the cradle of the canning industry," and according to the best authorities, Maryland not only leads in oyster canning business, but is also among the first States in the Union in the canning of fruits and vegetables.

The first patent for a tin can for hermetically sealed food was granted to Peter Durand, in England, in 1810. It was brought to America shortly after, and Maryland, or more particularly Baltimore, was the first place in the United States where the packing of fruits, vegetables, and oysters in cans was successfully carried on, although glass was used before tin. Previous to 1850 the cans were made by hand; subsequently machinery took the place of hand labor.

The packing of fruits and vegetables extended until the industry has grown to such immense proportions that it has become important to every State in the Union and to almost every farmer in the States. Probably the greatest development of canneries in Maryland occurred between 1885 and 1895. Great increase in machinery, the novel and improved methods of processing, and the rapid growth of the industry resulted in largely cheapening the price of the product.

According to the history of the packing industry, in 1894 there were 1,900 known canned-goods packing firms in 42 States who operated over 2,000 canneries, of which 25 per cent were in Maryland; and the total output for that year was computed to have been about 700,000,000 cans. The total aggregate value of canned goods for 1894, as estimated, was $71,250,000, and would have required 58,750 box cars to carry the pack at 500 cases to the car and two dozen cans to the case. It would have required at that time 2,000,000 boxes of tin plate, 30,000,000 cases, and 700,000,000 labels to complete the pack for shipping. The growth of the packing business in Maryland is estimated to have amounted to fully 40 per cent in the decade of 1890 and 1900.

In Maryland tomatoes are more largely canned than any other product of the State, and, indeed, some seasons Maryland furnishes at least one-tenth of the pack of the United States.

In the season of 1902 Maryland packed of this commodity alone over 4,000,000 cases of an average standard size of No. 3 cans, 2 dozen to the case, making a grand total of over 96,000,000 cans.

If Maryland furnished 25 per cent of the pack of this country in 1894, as claimed, and as statistics seem to show, and has increased 40 per cent since, then the pack of all the commodities in the State of Maryland to-day should be at least 245,000,000 cans. So far as canning fruit and vegetables is concerned, Maryland has made a gratifying increase in variety, quantity, and quality.

Now, Mr. Chairman, the bill under consideration proposes to impose upon this great industry, not only in the State of Maryland, but in every other State and Territory of this country, a hardship and blow that is not only detrimental to the packer, but is also an absolute injury to the farmer who grows the crop and the consumer alike, without being a particle of benefit to anybody, as intended by this bill—namely, protecting the purity thereof and the quantity the can contains.

The weight of canned fruits and vegetables would not necessarily have anything to do with the purity or impurity of the goods. In other words, canned fruits and vegetables are about on a parity with water, as far as weight is concerned, and a can of water would weigh about the same as a can of vegetables packed as solidly as is possible with the vegetable matter as grown (the skin and cores being removed), the cans being the same size; and especially is this so of tomatoes and most other packable agricultural and horticultural products. The tomato, for instance, is made up of cells and globules whose chief component parts are water; hence the greatest care is exercised by the practical, up-to-date canner, in order that the tomato may be crushed as little as possible consistent with the required and necessary rapidity in handling and packing, for the more the vegetable or fruit is crushed the less solid and more watery it appears.

Tomatoes honestly packed and subjected to severe freeze would deteriorate in appearance, and upon being opened they would have a ragged, spongy look, and be much more watery, but would not be affected thereby as to weight. This might happen after the goods had passed the packer and even the jobber and while in the hands of the retailer, and would simply be no fault of the packer. The provisions of clause 3 of section 7 of this bill are entirely impracticable so far as canned goods are concerned, and would benefit no one, but would render a successful management of the canning business almost impossible. In the first place, the weight of the solid material put into cans does not always mean the quality. For instance, some fruits, such as strawberries, peaches, and, in fact, we might say all fruits and tomatoes, if they happen to be a little soft when put into cans, would not "cut out," in technical phrase, after processing in so good a condition, and would not be so valuable to the customer as if a lesser weight of fruit that was in a firmer condition had been put into the cans. And, as I have said before, some articles are made up of a greater percentage of water, and although the can was packed full of the solid material and nothing else was put into it, yet after processing there would be quite a percentage of water or juice in the can, which must vary from day to day, and no living man could put on his label what weight or measure of solid material is contained in the can. He might weigh into a can 32 ounces of tomatoes, and then after processing and opening the can the solid tomato, when poured out and the liquor drained off, might weigh anywhere from 18 to 26 ounces, and if squeezed a little would still keep emitting juice and might go down to 15 or even 14 ounces. It would all depend upon the condition of the fruit.

Other articles would be affected in a similar manner, and I respectfully submit to you that the proposed law would be asking the packers to do something that would be absolutely impossible. Honest canners have no objection to a pure-food law if it guarantees to the consumer what its name implies, but this section would not accomplish that result, and its adoption would be a serious handicap to one of the most important industries in this country. Every honest canner and packer would welcome any practicable law that would protect and guarantee the purity of the article and the honesty of the pack, but they do not want a law that practically cripples one of the greatest industries in this country, and places additional cost on the already overburdened consumer in the purchase of many of the necessaries of life, and that without a particle of benefit to anyone in any conceivable way. Such a "tariff" would not even benefit a trust.

Canned goods as packed in Maryland—or anywhere else, so far as I know—are not sold on a weight or measure basis. The tin cans in which the goods are packed are properly known by numbers; for instance, tomatoes are packed in No. 3 Maryland standards and in No. 3 Jersey standards and in No. 10 standards, the latter for use in large quantities. Peas and corn are usually packed in No. 2 cans, though sometimes when packed for large consumers—hotel and restaurant trade—they are put in No. 10 cans; and this is the case with other Maryland-packed products, and I presume it is the rule throughout the country; and the can itself, seen by the consumer, is sufficient evidence of its capacity, sale being made at a convenient retail price per can. Just here, too, I wish to speak of preserves, jellies, and jams, packed in glass jars, which is also a great industry in Baltimore city and elsewhere in the country. The manufacture of glassware is not such a fine and exact art that the glass manufacturers can produce vessels of equal and uniform capacity, and each container would have to be weighed and marked separately as to weight and measure, under this bill, before it is filled as well as after, or the packers would be constantly laying themselves liable for statements which, in the nature of things, would be a technical violation of the proposed law. I am credibly informed that variations occur in weight or measure from evaporation and consequent shrinkage. A statement might be correct when made and incorrect six months later.

The case as it stands in the nine agricultural counties of the First district of Maryland, Mr. Chairman, is simply this: Our farmers depend largely, in most sections, upon the canneries for disposing of the products of the soil which I have already referred to as finding a natural home in Maryland; in the canneries our laboring people find well-paid work for a considerable period of the year; the value of canning property is a factor in the taxable basis; for material and labor the packers annually distribute large sums of money in the towns and rural communities, which is spent at home and stimulates all branches of industry, and upon the operation of the packing houses depends, to a great degree, the progress and prosperity of my district, as of other districts in my State and in two score of States in this Union. If the packer is putting on the market a 3-pound can, say, of tomatoes, and selling it through the broker or middleman to the consumer for a 3-pound can, and it is short in weight, there might be some excuse for requiring him to go to the expense and inconvenience of branding each separate can; but he does not do this. He packs a No. 3 can and two dozen of these are put in a wooden case and this case is marked "Two dozen No. 3 Maryland standard," or "New Jersey standard," as the case may be. Why should his business, now conducted under fixed and recognized methods, be suddenly revolutionized and every detail of it be required to be readjusted, because the groceryman and the department store advertise 3-pound cans that are not 3-pound cans? Certainly no fraud or dishonesty has been imputed to the packer. The gentleman from Illinois [Mr. MANN] were he familiar with the packing business would not lay such stress upon the varying sizes of No. 3 cans. The Maryland No. 3 is as uniform as it can be made. The Jersey No. 3 is slightly larger and is also as uniform as can be made. The dealer who retails canned goods knows that when he buys No. 3 Maryland he is getting a can that holds, of tomatoes, an average of about 40 ounces; and should a packer not give honest weight, and should his No. 3 Maryland or his No. 3 Jersey—and I use these standards because they are the ones most generally followed in the East—not come up to the standard for which he sells them, the inexorable laws of trade would doubtless punish him by making it impossible for him to get the market price for No. 3 cans. As the gentleman from Maryland [Mr. GILL] has said, Congress has never fixed a standard of weights and measures, and the entire effect of this part of the pure-food bill will simply result in damage and confusion to the canned-goods industry, without, so far as I can see, any benefit whatever to the consumer. Should it be enacted into law, the increase in cost of canned goods to the consumer will be considerable, and we all know he will have it to pay.

The law would tend to destroy the value of individual labels and packages which now have a recognized standing among consumers, and the copyright of special designs now possessing a large monetary value would be destroyed without any corresponding benefit to either manufacturer or consumer. Such a provision is not properly a part of a pure-food law, so far as it concerns the canning industry, for which I speak, and is unnecessary, as the goods are sold at a given price per can or container, and not by weight or bulk, nor is any claim made for weight or bulk. The language of subdivision 4 (page 21) of the bill in itself fully protects the purchaser from fraud or deception in all respects, weight and measure included, by prohibiting any labels false or misleading in any particular.

I want to say in regard to labels that every provident canner has already purchased his labels for this season's pack, at least, and it is frequently twelve or eighteen months before his goods are all out of his possession, hence at the proper time I shall offer an amendment to the provision in section 16, so far as it may pertain to canned fruits and vegetables.

Now, let us return to the canned goods themselves. In so far as it relates to purchase and sale, the goods are neither sold nor bought by weight or measure, and the only thing that does enter vitally into the purchase or sale is the number of the can and the quality of the goods. The cans, being standard sizes and as nearly uniform as it is possible to make them, show for themselves as to quantity of contents, and samples are opened by the salesman or broker and quality exposed to the purchaser by dumping or otherwise, examination being thoroughly made by him, and the sale is conditioned upon the fact that the bulk lot when received shall open up and be fully as good as the sample by which purchase was made, a part of the original sample being retained by the broker and purchaser for comparison and decision. Hence you can readily see that the marks upon the goods have no part whatever in the sale as to quality or quantity, and a fairer way of doing business between the purchaser and the dealer, and hence the retailer and consumer, could not be conceived; and since there is no benefit to be derived by the packer, dealer, or consumer by the operation of subsection 3 of section 7 of the bill, and since it would entail an increased price to the consumer and a useless added expense to the packer, as well as a practical paralysis of a legitimate business, and no good of any kind or character can possibly be produced by it, I will ask that lines 3, 4, and 5, on page 21, be stricken from the bill. [Loud applause.]

Mr. MANN. I yield to the gentleman from Minnesota.

Mr. STEVENS of Minnesota. Mr. Chairman, the able and exhaustive argument of my colleague, the gentleman from Illinois [Mr. MANN], last evening completely covered the whole field and represented the views of the majority of the Committee on Interstate and Foreign Commerce upon the importance and scope and detail of this legislation.

But there are a few facts of general importance which, in this connection, should be a matter of record.

It is recognized now that the welfare of people and their ability to accomplish something for themselves and their families and for the public depends, for a very large extent, upon proper nutrition for their bodies. The experience of this Government in the Tropics, in the Philippines, in Porto Rico, Cuba, and Panama shows conclusively that as soon as men can secure proper food in sufficient quantities they are capable of doing much more and efficient work and become far better and more valuable citizens. But it is needless to go to the Tropics to ascertain the truth of such a self-evident fact. One great source of the incapacity, poverty, suffering, and degradation in our own land, in both cities and country, has been the imperfect nutrition of body and brain, caused by deficient quality or quantity of foods.

Nearly all the civilized governments realize this fact, and have enacted laws, more or less stringent, designed to correct, so far as possible, the evils of this adulteration and deterioration of foods. The majority of the States in the Union have laws, more or less wise, and more or less well enforced. About twenty-five States of the Union have good laws, very well enforced, which have been productive of untold benefits to the people. If all of the States had good pure-food laws, well administered, and adapted to the varying conditions of their localities, there would be little need for a national pure-food law for interstate commerce. But it is because there are so many States which have no laws at all, or are not enforcing the laws they do have wisely and efficiently, and there is such a woeful lack of uniformity and protection to the people and to the business inter-

ests that it now seems to be necessary that Congress should exercise its power under the interstate-commerce clause of the Constitution for the purpose of protecting all of our people against the admitted and manifest dangers of adulterated and misbranded foods and drugs.

The State authorities themselves, the food departments of many State governments, have urged the enactment of this legislation. The great business interests of the country—manufacturing, jobbing, and retail—have urged it strongly for their own protection, while the great mass of consumers seem to look for relief to the Federal Government more than to their local authorities for protection from conditions and evils as to food products. This situation may be unfortunate under our form of government, but it exists, and we have to meet it.

The present legislation is not designed to supplant any State legislation on the subject of pure food, but to supplement it and make it the more effective. The State authorities desire it, first of all, because it can enable them by cooperation to reach the principal offender, who is generally some powerful manufacturer outside of the State. The business interests desire it, because it will tend to produce a uniformity of standard foods, of preparation and distribution, and will tend toward uniformity of method and practices in the laws themselves and in their administration.

The pending legislation will tend to encourage honesty and fair dealing in the great mass of food products and discourage the fraud and swindling which has not only tended to impoverish the masses of our people, but to threaten their lives, health, and happiness. Under existing conditions a national pure-food law will inspire confidence among producers and consumers, and this will improve methods, encourage development along proper lines, and decrease prices of good foods to consumers.

Unless one has examined the matter he will not appreciate the immensity of the interests affected by this legislation. The United States census for 1900 shows there were 16,187,715 families in the United States, and by the increase of population during the last six years there has doubtless been a proportionate increase of families, so there must now be at least 18,500,000 families in the United States. The average income per family in this country is estimated at something over $500 per annum, and nine-tenths of the families spend about three-fifths of their annual income for food and drink. Conservatively estimated on this and other bases, it is fair to assume that fully $6,000,000,000 is expended in this country every year for foods, as defined in this bill.

The census of 1900 also shows that there was annually produced at that time of manufactured foods $2,273,880,879, and of liquors and beverages $425,504,167; total, $2,699,385,041.

The vast increase of all of these industries during the last six years would probably now disclose an annual production of at least $3,500,000,000. This does not include drugs or animal foods, also affected by this bill, whose production will also aggregate many millions of dollars. The popular notion as to the vast extent of fraud and adulterations in foods is not sustained by the facts. A fair estimate would be that not over one-fourth to one-fifth of the food products are susceptible of being so treated, so that probably a billion and a half dollars of annual production would come within the province of adulteration. There will be inserted in the RECORD some of the articles found to be most adulterated by the official food chemists of the various States. Competent authorities have estimated the pecuniary losses to consumers caused by adulteration, but the calculation has never been very satisfactory. They vary from minimum of $150,000,000 to a maximum of $500,000,000 per annum.

It seems to be fairly safe to assume that if the provisions of this bill can tend to produce the good results hoped for it and bring about uniformity of laws and administration between the Federal Government and the States, and also bring about an improvement and economy of methods and development among the business interests affected, that there can be an annual benefit to the people of at least $300,000,000.

This shows the great importance of this measure and why there has been such an insistent demand for it among our people. As I have before stated, the amount of harmful adulterations of food has been exaggerated, but, at the same time, the situation is very aggravating. The official reports show that it has ranged from an estimate of 26 per cent in some States to fully 70 per cent in other places, depending upon the amount of consumption and also on a proper enforcement of the local law. A fair estimate is that from 40 to 50 per cent of products which can be adulterated are so treated in the country as a whole and would be affected by the provisions of this act; so the results of this legislation may not only save $300,000,000 or more to our people, but, more important still, preserve their health, increase their capacity for enjoyment, for labor, and good work in public and private life.

In the limited time allotted to me I only wish to particularly discuss one paragraph, which has excited much interest on this floor, and that is the package provision, so called, being the third paragraph on page 21 of the House amendment. The members of this committee all realize, from the scope of this discussion, the many troubles which the Interstate Commerce Committee have had in the preparation and discussion of this bill. We have been overwhelmed with all sorts of advice; and the one thing which has astonished us is this—the unanimity of the one opinion—that everybody is strongly in favor of a proper pure-food bill. Everybody has favored the enactment of some proper measure. The singular feature to which I wish to call your attention in connection with this remarkable unanimity is that nearly everyone has a little amendment which he knows will greatly improve the bill and which generally excepts from the operaton of the act the particular business or product in which he is interested. The vender of rotten eggs was strongly in favor of a pure-food bill, but he wanted an amendment excluding his business. The gentleman who manufactured Jamaica ginger out of wood alcohol was in favor of a pure-food bill, but he wanted an amendment excluding his business. The gentlemen who make adulterated pepper all favor a pure-food bill, but they want an amendment excluding their business.

The gentlemen who manufacture catarrh cures with cocaine and like substances, or who manufacture cough cures with opium and morphine, or who vend stomach cures or bitters or various nostrums with percentage of pure alcohol in them far greater than is contained in good whisky—all of these reputable gentlemen are very loudly in favor of a proper pure-food bill, but they all want a little amendment which shall not affect their particular business.

The gentlemen also who sell short-weight canned goods as full-weight product all favor a pure-food bill, but like the rest of them they want an amendment excluding their business. It is the same with nearly everyone in connection with this legislation. Your committee was confronted with this sort of condition. From the nature of the subject-matter this bill is necessarily divided into two entirely distinct and different divisions. One has reference to adulteration, the other has reference to misbranding. The gentleman from Illinois told you truly that the amount of adulteration of foods in the United States was not as large as many people imagined. It is decreasing somewhat in proportion to what it used to be on account of the rigid enforcement of wise pure-food laws in many of the States. But the amount of misbranding, of cheating, of swindling by means of imitation foods, by means of fraudulently prepared foods, by means of short-weight preparation, by means of various devices compelled by competition, is increasing in the United States; and if there is one thing which needs legislation, it is upon that evil which is constantly increasing.

We find this condition, too, in reference to the preparation of foods: There is a revolution in the manufacture and distribution of foods for consumption. Many foods which were formerly sold in bulk are now sold in prepared packages. Many people prefer it in that way, and the manufacturer certainly does. It is prepared cheaper and better in some respects. It comes to the consumer cleaner and fresher in some respects. It is certainly very convenient and attractive and worthy of encouragement. So that there is great competition between the bulk products and the package products.

Now, the package products are prepared by large concerns, having ample capital, able to push their business, having great skill, and they are able to do to the best advantage that which is necessary to prepare their products for the market. We have received many circulars from these manufacturers of the various products; and it is a little unfortunate for them that they do not agree. The Western Canners' Association send us a circular which was alluded to by the gentleman from Illinois, in which they stated that the cans were prepared as one-pound regular, one pound tall, one pound and a half, etc.—not that such was or would be the contents of the can, but that such was the trade name. Others have sent us circulars in which they stated that cans were prepared by standard sizes, that the sizes were numbered 1, 2, and so forth; showing that there is a vital difference between them as to the names or terms they use in describing the size of the cans. But no matter what they call the cans, none of them hold the weight of goods to which the term of weight is affixed.

Now, as a matter of fact, Mr. Chairman, these cans are not prepared in pound sizes or in any size which will hold the amount of the product which the trade term designates. The circular which was sent to us by the canners' association states

the fact that they do use cans of various sizes which they call pound cans, but as a fact can not contain that amount of goods. It is absolutely impossible to find a can known as No. 1 pound regular, prepared for fruit and vegetables which will hold a pound of prepared fruit or vegetables. Any statement that such is a pound can is a false statement; and yet these canners notify this House that they desire the privilege of sending that can out in the market and hold it before the public as one-pound can, which never was made for a one-pound can, and can not hold a pound of any kind of fruit or vegetables. Now, what do they actually do? As a fact, they prepare it as a standard can, containing less than a pound, yet they call it a pound can and it is sold to the public as a pound can. You examine the newspapers of this country; you take any daily paper in any State in the Union; you examine any weekly paper, and look at the advertisements of some of the grocers, and especially of the grocery department of the great department stores in the largest cities and the catalogues of the great supply houses and you will find that the majority of the advertisements are of package products described to be sold by weight and measure, and nearly every single description is misleading, is a deception to the public, because the public does not get the amount set forth in the advertisement.

Mr. TALBOTT. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. TALBOTT. Are these advertisements inserted by the canner or the dealer?

Mr. STEVENS of Minnesota. Of course they are inserted by the local dealer. Our point is this: The canners want the privilege to prepare these cans and sell them by weight, as pound cans. They ask the privilege of selling them as pound cans, when, as a matter of fact, they are not pound cans. And the principal reason for this deception is that by such means they can better supplant the bulk products which the consumer might in some cases use if he thought he was getting a full weight.

Mr. MANN. This circular that you have there was not gotten out by a dealer.

Mr. STEVENS of Minnesota. This circular was prepared by the Western Canned Goods Association and sent to us over the signature of its officers. In it they ask the privilege of preparing what they term a pound can, which is not a pound can, and the privilege of selling it to retail dealers, who will advertise to the public that the goods are pound cans, when as a matter of fact they are not. Now, that practice is increasing in this country. That is the way these package men are trying to extend their business in competition with the bulk trade. Now, we have no right to discriminate as between the package men on the one side and the bulk people on the other. All we want to do is to require that each one tell the truth—tell the people just exactly what their goods are, no more and no less.

Mr. McCLEARY of Minnesota. May I ask my colleague a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. McCLEARY of Minnesota. If a can is made which for a certain product would be a 1-pound can, would it be a 1-pound can for another kind of product?

Mr. STEVENS of Minnesota. Probably not; but I will come to that in a moment. Now, the committee amendment simply provides that goods shall be sold by weight or measure of the contents of the can (and now comes the point that is important to the canners), provided that the board of secretaries designated in the bill shall have authority to make regulations concerning the standard sizes of these cans; and all that is necessary then to be labeled on the can is the standard size that it actually purports to be, so that a standard size No. 1 shall be labeled "Standard size No. 1," and shall not be labeled a 1-pound can.

Mr. NORRIS. I want to ask the gentleman if it is the theory of the committee that by virtue of this provision of the bill this board of secretaries, as you call them, will make a definite stipulation by rule as to the exact contents that shall be contained in these different sizes?

Mr. STEVENS of Minnesota. I will tell the gentleman.

Mr. NORRIS. And if that is the theory, why would it not be a good idea so to state in the law itself, so that there may be no possibility of a misunderstanding?

Mr. STEVENS of Minnesota. Mr. Chairman, I hardly believe it is necessary to set forth all the details in the bill. It would be embarrassing by making too rigid rules for a matter which may need to be changed from time to time; but according to our idea they would work out something along this line: All of these package manufacturers, or nearly all of them, are organized into different associations. This one is the Western Packers' Canned Goods Association. Thirteen or fourteen States are represented in this association. These powerful organizations would agree upon a standard size can, a No. 1 can, containing so many cubic inches, or such a weight of water, and so forth; a No. 2 can, holding so many cubic inches or such a capacity, and a No. 3 can with a certain described capacity, and so on. Those would be the standard-size cans—one set for tomatoes, another for peaches, another for berries, and so forth. That is what is really done now, but if provided by law would accomplish two things: First, that a standard-size can could not be sold as a pound can, and when people called for a pound can or saw one advertised as a pound can, the chances are it would be one instead of a can 25 per cent short of such weight, and if a can was not sold as a pound can, everyone would gradually learn it was a standard-size can and would buy it for what it actually was. That would prevent fraud and swindling by the advertisements of the department stores and catalogue houses and those box-car merchants in our Western States.

Again, that standard-can size could not be cut down, could not be diminished, as is now so often done, without violating the law. The gentleman from Illinois [Mr. MANN] yesterday showed you, and you can see for yourselves right there, that there are different sizes of these cans of any one standard, and that difference in size is increasing, because the temptation to cheat is increasing. That is, the increased competition tends to diminish the size of the can, as many reputable dealers are forced to provide the two sizes—standard size and diminished size—in order to hold their trade. So there is a constant opportunity and almost a necessity sometimes in holding or building up a trade for diminishing the size of the can, and thus meeting an unscrupulous competitor and engage with him in deluding the public. You may take a No. 3 can for an article in one place and compare it with a No. 3 can in another place and you will find a considerable difference in the sizes of those cans.

Mr. NORRIS. I want to say to the gentleman that I am not asking the question with a view to criticising——

Mr. STEVENS of Minnesota. I understand that. I am very glad to give the gentleman the information.

Mr. NORRIS. I want the information, and am only seeking light. This agreement between the different manufacturers of cans would have no legal effect until approved by this board of secretaries.

Mr. STEVENS of Minnesota. The views of the manufacturers or dealers would have no effect except advisory. Any legal rule would have to be promulgated by this board—made a formal regulation by them. Such a rule would be the action of the board, and hence a law of Congress, but these things are always done upon consultation with the trade which is affected by them.

Mr. NORRIS. Under this bill now, would there be any way by which the dealer or manufacturer of cans who did not want to make any such agreement could go on just as he pleased?

Mr. STEVENS of Minnesota. Certainly. We do not undertake to restrict him, except he must not sell an undersized can for a standard can or a pound can.

Mr. NORRIS. I understand that, but by the use of this word he would not need to come clear up to the standard, would he?

Mr. STEVENS of Minnesota. I am glad the gentleman has spoken of that, for I want to explain. I am responsible, I suppose, for the insertion of that word "approximate." Some word like that was necessary in the bill in reference to weight and measure, not as to size of package. We have been criticised because we left the door wide open. To my mind it was disclosed last evening by the gentleman from New York and the gentleman from Massachusetts that a slight difference in weight necessarily occurs in packing and preparing these cans and packages. Now, that slight and natural difference in weight is met by the word "approximate." This word, as used in the committee amendment, only refers to weight and measure and not to the size of the package. Approximate would be defined in the dictionary and, I think, by the court and jury as the nearest possible under the circumstances. That leaves a small latitude, where a latitude is necessary. If we attempt to make a rigid standard, it would burden, it would greatly injure, the packing business of the country. We have no desire to do that, but, on the contrary, desire to help it. What we want to do is to make an elastic system which will not injure anybody, that will accomplish something, and that will fix some standard; that will encourage the honest dealer to set forth exactly what he has, since he knows that the honest man can not then unfairly compete by surreptitiously diminishing the size of the packages.

Mr. GILBERT of Kentucky. Does the gentleman admit that it is left to the jury and the judge in each particular instance to say whether the law has been violated or not?

Mr. STEVENS of Minnesota. Under the Constitution that is the only thing we can do.

Mr. GILBERT of Kentucky. That is the very thing you can't do. Take a case that occurred in my city——

Mr. STEVENS of Minnesota. My time is limited to twenty minutes, and I can not allow the gentleman to consume it.

Mr. GILBERT of Kentucky. The supreme court of my State say that leaving it to the jury to say whether or not the law has been violated makes the law unconstitutional.

Mr. STEVENS of Minnesota. I do not see how it can be escaped that no man can be convicted of violating any law except by a trial at law. But that is not this case. We lay down the law, we provide that a package shall have such a weight, which shall be fixed upon it, with a certain exception, and we provide that there may be a little necessary variation.

The inspector only ascertains whether the law has probably been violated, and it is his business to try and enforce the law as passed by Congress. Under the Constitution the only way a man can be tried for violating the law is by the court. If the inspector thinks your man has violated the law, he brings him before a court and the court decides whether the man has violated the law. If it decides he has not, that settles it, and he is discharged. If it decides that he has violated the law, it finds him guilty, and that settles it. Whether we did or not have the word "approximate" in this paragraph, it must be for the court to determine whether the man had violated the law.

Mr. GILBERT of Kentucky. Will the gentleman pardon just one question?

Mr. STEVENS of Minnesota. I will yield for a question.

Mr. GILBERT of Kentucky. We have a Jew butcher in my town, and the inspector comes along and says: "You have got too much of a certain acid in that sausage, and you are a criminal." The next inspector comes along and inspects precisely the same sausage, and says: "You have not got too much in there, and it is not a violation of the law." So he is a criminal one day for selling certain sausage, and he is not a criminal the next day for selling precisely the same sausage.

Mr. STEVENS of Minnesota. Oh, Mr. Chairman, that does not meet the situation at all. The man is not a criminal until the law by its constitutional processes adjudges him a criminal. The inspector can't do that; he can only bring him before the court.

Mr. THOMAS of North Carolina. Let me ask the gentleman would the canner have a choice of one of three things—to state on the package the approximate weight in the first place, the approximate quantity in the second place, or to use a standard can in the third place?

Mr. STEVENS of Minnesota. Yes; that is the situation exactly.

Mr. HOAR. I would like to make a suggestion to the gentleman.

Mr. STEVENS of Minnesota. I will yield to the gentleman.

Mr. HOAR. It is not the court which decides whether your can is approximately up to the standard. If it were the court you would have the same decision in each case, but it is the jury which settles whether the can is "approximate" or not. As I followed the gentleman from Illinois here yesterday, he had several cans which he exhibited to us which would not balance each other on the scales, and from which he argued that there had been a fraud, because instead of being a 3-pound can, it only weighed 2 pounds and ten and a half ounces. Now, there is not one of these cans that the jury would not say was approximately of that weight, and that illustrates the danger of your standard in that connection, whereas if you provide that the cans should be of the same size, you have a definite test from which nothing can depart. If you provide that the can, whatever it is, shall contain not less than a certain amount you have a minimum standard.

Mr. STEVENS of Minnesota. These cans are not designed to be made by weight, but by size, and that is exactly what this paragraph provides shall be done, but the trouble is that the canners and these dealers desire to sell a size can as a weight can. That we desire to forbid, but we believed it necessary that in their weight and measure packages we should provide that there may be allowed to be a slight difference on account of natural and unavoidable difficulties. If they attempt to make and sell a can by weight, there necessarily must be left a little leeway, so to prevent opportunities for blackmail of honest men, which might come from too strict a rule as to such matters.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEVENS of Minnesota. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I yield ten minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, it is with some hesitation that I even undertake to assert my right as a Member and to get into this debate at all. Legal subtleties have been dealt in by members of the learned profession to such an extent that I think they have confused the minds and obscured the thinking of certain gentlemen whom I have always esteemed learned men. I shall devote myself to the consideration of this question from the point of view of one of the common people, as a Representative of the common people, who wants to be neither swindled nor poisoned.

The country and the Congress have just gone through a period of hysteria provoked by a fiction writer's description of what he saw in Chicago. Those days of excitement were marked by reports from a special committee sent out to Chicago by the President, by messages from the President to Congress, and by letters to individual Members of Congress, as well as by broadsides of hot indignation from the newspapers. The House fairly fell over itself in its anxiety to yield to a clamoring constituency as broad as the country. Legislation on new lines, and drastic to a degree, was put through this body by an almost unanimous vote. We were determined, at all hazards, to protect the meat-eating public from the chance of contaminated food. Now, we have another opportunity, on the same general line of legislation, to protect the people, and Members of this House who voted for that bill balk at this. I fail to see why.

I believe that it is susceptible of proof that for every case of ptomaine poisoning caused by the eating of unclean meat there have been a hundred or more cases of poisoning and death from the use of hurtful drugs masquerading as harmless remedies for disease. No man who ever ate tainted meat willingly returns to it. It is so repulsive that it can not get to be a habit. But many drugs that destroy the moral sense and enslave the bodies and minds of men are eagerly sought for after they have been tried a few times. The people will avoid unclean meat as pestilence, but once they have the habit men who otherwise are truthful and honest will lie and steal to gratify their debased appetites for drugs. The horror of this drug situation is that unfortunates who are ill, or fancy they are, unwittingly get into habits that bring misery to themselves and ruin to their families.

There seems to be a poison adapted to every age, sex, and condition. There are soothing sirups that poison the infant and make opium fiends out of babies in arms. There are alcoholic beverages in the guise of medicines for women's diseases, the use of which, it has been proven, have had a prenatal influence for evil. Drunkards and drug fiends have been made during the period of gestation by mothers too stupid to comprehend the effect of their habits.

Men who would scorn a toddy and can not be persuaded by a pleasing compound of mint and other things, honestly and frankly presented, will surrender to "bitters" that are recommended for the stomach's sake.

If one may believe what he sees in the portrait gallery of the newspapers, those Members of Congress who have not been restored by somebody's celery compound have been rejuvenated by Peruna. Indeed Peruna seems to be the favorite Congressional drink. [Laughter and applause.] I happen to know that it is also a favorite prescription in certain prohibition sections. The fact that it makes men drunk quickly, violently, and sometimes viciously has not hurt its standing as a family medicine.

Mr. Chairman, in common fairness to this medicine, or this drink, whatever it may be, that I have just referred to, I think I ought to tell the House the only good thing I ever heard of it. Last summer in Texas on a railway train one day I overheard a conversation between two gentleman who had met, who were friends. It seems that one of them resided under the same roof with his mother-in-law, and the dove of peace had not always roosted on that rooftree. His friend knew that, and when he came up, after making the usual inquiries as to his health, he asked him how things were going in the domestic line. The other replied, "Oh, fine, fine! I introduced the old lady to Peruna two months ago, and she has been drunk and happy ever since." [Prolonged laughter and applause.]

It is notorious, Mr. Chairman, that the opposition to this measure is largely controlled, inspired, and directed by a tre-

mendous lobby representing the manufacturers of so-called "patent or proprietary medicines." It was stated by Mr. Adams a writer in Collier's Magazine, in that remarkable series of articles which he printed last year, and which did more, in my judgment, to advance this very much to be desired reform than the work of any other single man in the country, that that association had between thirty and fifty millions of dollars to spend each year in protecting the rights of the people who make it, to protect the rights of the people who belong to the association to poison the people of this country, and to make drunkards out of those dupes who thought they were taking harmless drugs. Whether those figures are correct or not, I do not know, but it is evident, Mr. Chairman, to every man who has studied the course of this legislation that there has been somewhere back in the dark a tremendous power which has been able to stay the hands of the reformer time and time again, when the people were demanding protection to their health and their bodies and their minds and seemed on the point of getting it. Somewhere back of it all there has been a power that seemed irresistible.

Mr. Chairman, what will be the effect of this bill, and what is its purpose? I believe that it will promote honesty in trade, which is certainly desirable, and cultivate the habit of telling the truth, which, I take it, is equally desirable. It will not deny men the privilege of getting drunk on bitters, if they choose to do so; but it does say that they shall not be deceived into intoxication in the belief that they are taking harmless medicines. It will not take away from the cocaine or opium victim the privilege of his poison, but it does say that a man not addicted to these drugs shall not be seduced into the habit unknowingly. It does not even deny those who have a taste for such things the right to buy adulterated foods and drinks, but it does say that those who prefer honest food and drink shall not be swindled with adulterants nor poisoned without knowing it by an article of interstate commerce.

And that reminds me, Mr. Chairman, that there are gentlemen in this body who are concerned because they think this bill, if it should become a law, will trespass upon the rights of the States. They do not believe that section 12, which expressly disavows any intention by the act to infringe the prerogatives of the States, is a sufficient guaranty. I can not agree with that view. The Constitution gives to Congress the right to regulate commerce between the States, and if adulterated food or drink made in Chicago and shipped to Texas is not interstate commerce I would like to know what it is. But, sir, even if we should make a mistake in this matter, which we don't want to do and don't think we are doing, the question is sure to be raised and carried to the Supreme Court, and that body, I think, can be relied upon to set the matter right.

My colleague [Mr. HENRY of Texas] this morning stated that it was not popular to refer to the decisions of the Supreme Court, and then did so, and showed that the Supreme Court had protected the constitutional rights of the States. I had hoped to have time to say a little something further about his argument, but my time is about exhausted, and I can only remind my colleague, for whose character and judgment and knowledge of the law I have profound respect, that that court is still doing business, and its doors wide open to litigants, and that every right of the individual or of the Commonwealth of Texas can be determined there.

I am as jealous of the rights of my State as any man can be, but I am even more jealous of the rights of the individuals who compose the State. One of the rights, one of the dearest and most valued rights, of the individual is not to be poisoned or swindled by some knave who resides in another Commonwealth. I want to be protected against the conscienceless greed of the rascal who sells poison under the label of health-giving drugs.

I think I heard the gentleman from Illinois [Mr. MANN] say yesterday that since this agitation began there has been an appreciable decrease in the adulteration of food. It was a cheering piece of information, and I hope that it is merely the beginning of a great reform. I have observed from time to time advertisements in the newspapers in which great stress was laid on the fact that the commodity offered for sale was pure. If we pass this bill, I believe that in a very few months the newspapers will all be full of advertisements of good, honest, sound, and wholesome articles of food and drink. I do not believe that the newspapers will eventually lose anything by the expulsion of the nostrums from their columns, and I know that the people will be gainers. [Applause.]

I heard it stated yesterday that olive oil was adulterated by mixing with it a percentage of cotton oil. Some gentlemen from the South may incline to the view that it will hurt one of our great industries if these blenders of the two vegetable oils are forced to quit their lying claim that it is all pure olive oil. I can not take that view. Cotton-seed oil is an honest, wholesome product and has merit enough to stand on its own inherent worth. Certainly we ought not to foster the trade by telling lies about it. It should be sold for what it is, and if as good as we think it is, it will soon be established on a higher plane as a food product than it has ever had and will command a better price. But whether it is or not, I want to see square dealing in food and drink, and for more than 200,000 Texans I declare here and now that we want no trade based on dishonesty in weight, measure, or quality. [Prolonged applause.]

Mr. WALLACE. Within less than a week I heard a scientific gentleman under oath say that cotton-seed oil was a fair substitute for olive oil.

Mr. ADAMSON. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] has seventeen minutes, and the gentleman from Georgia [Mr. ADAMSON] has sixteen minutes.

Mr. ADAMSON. Mr. Chairman, before yielding the remaining portion of my time I wish to make a statement. My colleague, Mr. BARTLETT, of Georgia, is absent. He is very seldom absent from this House, and the House knows the reasons of his absence now, that it is to attend the funeral of a deceased colleague. I do not myself remember when he has been absent before. He requested me to ask the House, if he did not return, permission to extend his remarks in the RECORD. Before closing the general debate I wish to modify that request a little, and I now request that in the event he returns during the reading of the bill under the five-minute rule he may be permitted to deliver his remarks, and that otherwise he be permitted to extend them in the RECORD.

Mr. MANN. Mr. Chairman, I hope the gentleman will not make his request at this time. If the gentleman from Georgia returns during the course of the five-minute debate at a time when it would be possible to accommodate him, I think there would be no doubt about giving him the time; but the House might not wish to make an agreement to give him the time now and then have him consume the last half hour.

The CHAIRMAN. The Chair suggests to the gentleman from Georgia that he make this request during the consideration of the bill under the five-minute rule.

Mr. ADAMSON. That is perfectly satisfactory to me, but I thought before closing general debate I ought to call attention to the matter. I now yield to the gentleman from New York [Mr. RYAN] such time as I have left.

Mr. RYAN. Mr. Chairman, I favor the enactment of a pure-food law. I will not enter into a discussion of all of the provisions of this bill, as it has been ably presented to the House by the gentlemen who have preceded me. There is a demand for this legislation. The recent discussion, by the press of the country, brought about by the investigations of the packing industry in Chicago and elsewhere have aggravated the demand. The people are demanding pure food. They are demanding that articles of food shall be correctly labeled and that Congress prevent, by the enactment of this bill, the adulteration or misbranding of foods or drugs.

In order to fully carry out the purposes of this bill it is hoped that the different States of the Union will enact laws to conform with the Federal laws, and thus fully protect the people of this country from the dishonest manufacturers of foods and drugs.

Mr. Chairman, after the decision of the Committee on Interstate and Foreign Commerce to place a more drastic provision in section 7 of the bill in relation to the labeling of medicines or drugs containing any poisonous substances than originally decided upon, I communicated with the manufacturers of proprietary medicines in Buffalo, N. Y., and I received, among others, a reply from Mr. D. E. Foster, of Foster, Milburn & Co. It is so different from most letters received by Members of Congress under similar circumstances that I will insert it in my remarks. The letter is as follows:

BUFFALO, N. Y., *June 21, 1906.*

Hon. W. H. RYAN,
House of Representatives, Washington, D. C.

DEAR MR. RYAN: Your message advising us as to what your committee had cut out of the Lovering amendment was duly received.

We thank you very much for your kindness in this matter. We believe your committee acted on their best judgment and conscientiously in cutting out of the Lovering amendment "opium" and "morphine," and of course it is useless for us to make any comment.

We might say, however, after all these years of brain work you have put in while at Washington, if you do pass the pure-food bill it will certainly be a great relief to you and entitle you to a holiday. The writer is just starting on a fishing trip about 400 miles north of Toronto, away up in the Canadian forests.

Mercy sake, Mr. RYAN, what fun I shall have compared with the

hard work you are putting in in Washington trying to please everybody and in the end get nothing but "cusses."

Thanking you again for your kindness, we remain,

Yours, very truly,

FOSTER MILBURN CO.
D. E. FOSTER, *Prest.*

Mr. Chairman, I will now discuss briefly the provisions of the bill relating to whisky, referred to by the gentleman from Alabama [Mr. RICHARDSON]. A few words concerning the origin of whisky may aid somewhat to a clearer conception of the subject. Even the name itself is not devoid of interest.

EARLY HISTORY OF DISTILLED SPIRITS.

It is quite probable that the knowledge of distilled spirits corresponding somewhat closely to whisky was known to the ancient Egyptians. When the Arabians overran Egypt they acquired, among other useful information concerning the Egyptian arts and sciences, the knowledge of the art of manufacturing distilled spirits from sprouted grain. This knowledge they carried back with them to their academies in Spain, from whence it spread over Europe. The introduction of the art of making whisky into Ireland has been traced to the ancient Phoenician traders. When the English invaded Ireland they found the manufacture of whisky a well-understood art, carried on as a household operation by the inhabitants. The Irish called the spirit they distilled "Uisque beatha." This name itself smacks of the aims and traditions of those ancient alchemists who were seeking the water or elixir of life. "Uisque beatha" means water of life. This term was corrupted by the English into "Uisquebaugh." Finally the last syllable was altogether dropped, thus shortening the name into "uisque," or whisky, as it is now spelled.

Distillation was practiced a thousand years before the term "whisky" originated.

When the term "whisky" was first used it was applied exclusively to distilled spirits made from grain which had been purified and refined as much as the primitive methods then known could accomplish purification, *and to which coloring and flavoring matters were added.*

All products of distillation which are entitled to be called "whisky" have had coloring and flavoring added to them *in one way or another.*

The so-called "straight whisky" of to-day is a distillate from grain which has been *partially* rectified, purified, and refined and which is put into a barrel especially prepared to give it *both coloring and flavoring.*

If any law is to exclude the addition of coloring and flavoring from so-called "blends," then it should also exclude all processes intended to give coloring and flavoring to so-called "straight whiskies."

Distillation alone does not produce whisky, and therefore a distiller, as such, does not produce whisky.

It is what is done to a distilled spirit *after distillation* that determines whether it is entitled to be called whisky or not.

The gentleman from Alabama states that at the proper time he will move to strike out the proviso beginning on line 22 and ending on line 25, page 21, or to strike out the words "not excluding harmless coloring or flavoring ingredients."

I believe that I will show that the distiller obtains his flavor, in part, by a mixture of grains before fermentation and from the charred barrel. The blender obtains his flavor by a mixture of whiskies after distillation.

NOW AS TO COMPOUNDED OR BLENDED WHISKY.

A compounded or blended whisky is neither an imitation nor a spurious whisky if sold merely as whisky, and it becomes spurious or an imitation only if sold under some other trade name in connection with the word "whisky." This construction was placed upon this section in 1869, when it was enacted.

The words "spurious," "imitation," or "compound" liquor are used in the statute in the disjunctive and not in the conjunctive; but if there were any doubt as to whether they were used as synonymous terms, it would be disssipated by a contemporaneous departmental construction of the law which was made by the then Commissioner of Internal Revenue, Mr. Delano, under date of September 16, 1869, which may be found in Volume X, Internal-Revenue Record, page 121, and from which I quote the following extracts:

To mix any material with distilled spirits, wine, or other liquor, which does not result in producing either a spurious imitation or compound liquor is not rectification.

To determine whether the mixing is rectification or not under this clause of the statute, you must, therefore, look to the result to see whether either of the three kinds of liquors named is manufactured by the mixing. A spurious liquor is an imitation of and held out to be genuine.

An imitation liquor is one that is an imitation of the genuine and held out as such imitation.

A compound liquor is any liquor composed of two or more kinds of spirits mixed with any material which changes the original character of either so as to produce a different kind as known by the trade.

It follows, therefore, that the mixing of liquors identical in kind, as known by the trade, does not constitute rectification.

For instance, a party may mix a material with spirits, wine, or other liquor, which will not produce either a spurious, imitation, or compound liquor, but such mixing is nevertheless rectification if it results in either purifying or refining the spirits, wine, or other articles thus mixed.

From the foregoing it is apparent that a compound liquor is neither a spurious nor an imitation liquor, and that rectified whisky is neither a spurious, an imitation, nor a compound liquor.

What is described as compound liquor is known in the trade as applied to whisky, as a blend, which usually includes the addition of harmless flavoring and coloring matter.

A mixed whisky is a mixture of two straight whiskies without the addition of anything else, and a rectified whisky is a whisky made by freeing the high wines from fusel oil and adding thereto coloring and flavoring.

GOVERNMENTAL INSPECTION OF RECTIFIERS AND BLENDERS.

There is as much governmental inspection and supervision, if not more, thrown around the business of the rectifier, blender, and wholesale liquor dealer as there is around the business of the distiller.

Section 3319, Revised Statutes of the United States, limits the persons from whom a rectifier or wholesale liquor dealer may purchase distilled spirits. Penalty, $1,000.

Section 3317a, Revised Statutes of the United States, provides that when a rectifier expects to rectify or compound distilled spirits he shall, before emptying any package of distilled spirits for that purpose, give notice in duplicate to the collector and submit such package for the inspection of the United States gauger, who weighs, gauges, and makes return thereof to the collector.

Section 3320, Revised Statutes of the United States, provides that when a package is filled on the premises of a rectifier, it shall first be inspected and gauged by a United States gauger, who shall affix a stamp thereto, etc.

Section 3318, Revised Statutes United States, as amended, provides that every rectifier and wholesale liquor dealer shall provide a book, to be kept in a form prescribed by the Commissioner of Internal Revenue, and that he shall on the same day on which he receives any spirits, and before he touches them or alters them in any way, enter in such book the name of the persons or firm, from whom and where received, by whom distilled, rectified, or compounded, and when and by whom inspected; the number of wine and proof gallons, the kind of spirits and the number and kind of stamps thereon; and before he sends any spirits away from his premises he shall make similar entries, thus keeping a perfect account with the Government of everything which he receives in and everything which he sends out. He is furthermore required to keep this book open for inspection, and on or before the tenth day of each month he must send to the collector a transcript covering the preceding month. Any false entry or failure to keep the book is severely punished.

Section 3277, Revised Statutes United States, requires rectifiers to furnish facilities to internal-revenue officers to examine and gauge any vessel or utensil on the premises, and to supply all the necessary assistance for inspecting the premises, stocks, and apparatus applying to such persons, and for that purpose he must open all doors, boxes, packages, and casks for examination, under a heavy penalty.

Section 3456, Revised Statutes United States, provides that if any rectifier or wholesale liquor dealer fails to do any of the things required by law or does anything prohibited by law, and no specific punishment is mentioned by any other provision, he shall pay a penalty of $1,000 and forfeit all the liquors owned by him or in which he may have any interest.

There are about 1,000 real rectifying houses, and a Government guager is assigned to each, and in addition there is quite a large number of special agents and assistants who continually inspect these places.

From the foregoing, which, however, are not all the provisions of law relating to the inspection and supervision of the business of the rectifier and wholesale liquor dealer, it is apparent that it is not possible for him to do any of the disreputable things which have been charged to him. It is no more profitable for him to add anything deleterious or poisonous than it is for the distiller; and the worst thing which it is possible for him to add is the purest and most wholesome thing from the standpoint of the distiller.

Nothing which he could add could possibly be worse than the fusel oil, which may be in excessive quantities in immature straight distillates.

The Lord did not put fusel oil into straight whisky any more than he made a suit of clothes which you wear. Both are manufactured articles, and neither is a natural product. When

fusel oil is in whisky in excessive quantities, it is there because of the carelessness or the cupidity of the distiller.

DECISION OF ENGLISH COURTS.

The British Parliamentary commission, after taking testimony for two years, decided in 1891 that what I have described as a blend was whisky; and the issue of the recent whisky trials in London was not, as has been stated, What was whisky? But the issue was whether a distillate made from corn was entitled to be called "*Scotch*" or "*Irish*" whisky, and it was very properly decided that it was not.

The old-fashioned name for the raw whisky as it comes from the receiving cistern at the distillery was "wines" or "high wines," in contradistinction from the first run, which was called "low wine." In the case of United States *v.* Eight Barrels of Whisky (25 Fed. Cases, 982), a United States court, in 1867, stated as follows:

Pouring the wines into the vat was the first act toward rectification, which was followed by the rectifying process, thereby changing the wines into whisky.

And it is pertinent to inquire that if that person produced whisky in 1867, and prior thereto, why does it not still produce whisky? At that time there was no bonded period, no bonded warehouses, no charred-barrel process of refination and purification, and no whisky of the bottled-in-bond variety; yet there was whisky.

A WORD ON THE PRODUCTION OF ALCOHOL.

Alcohol is produced by fermentation of a mash—something like a mush—and distillation only serves to separate the volatile from the nonvolatile matters in the mash.

This separation takes place by converting the volatile matters into steam and then condensing it. The result is termed "spirit of wines."

As the result of the first distillation, the product is about one-third alcohol and two-thirds water, and hence is called "low wines."

By the second distillation of these low wines there is produced what is called "high wines," which contain all the way from a little over half alcohol and less than half water to about two-thirds alcohol and one-third water.

If the product is to be put into a charred barrel, it is reduced to one-half water and one-half alcohol by the addition of more water.

The product is then approximately one-half water and one-half ethyl alcohol, with about 0.50 of 1 per cent of fusel oil.

If you should remove the fusel oil, there would remain just the water and the ethyl alcohol, about half and half, and this is called "neutral spirits" or "cologne spirits." If you should then take out all the water, there would then remain nothing but alcohol, or what is sometimes called "double-proof spirits."

Usquebaugh, from which the word "whisky" is derived, means "water of waters," which indicates that you can not have whisky unless you add water to alcohol.

When the word "whisky" was first used by the Irish and the Scotch, it referred exclusively to a *compounded beverage*, consisting of water and alcohol, to which coloring and flavoring were added; and that is true even to this day, for no matter by what process whisky is made, it contains coloring and flavoring which has been added in some way.

THE COLORING OF WHISKY.

The coloring of whisky, of the bottled-in-bond variety, is due to caramel and tannic acid which it extracts from the barrel which has been prepared to enable it to do so. The controlling flavor in such whisky is obtained from the same source, for if the same whisky should be put into a barrel made of some other kind of wood than northern white oak which has been charred, the flavor would be entirely different.

In this connection I submit a clipping from the St. Louis Post-Dispatch of March 21, 1906:

WHISKY TO LOSE DARK-BROWN TASTE—WHITE OAK SCARCE, COOPERS MUST USE INFERIOR WOOD FOR BARRELS.

If the fears of the National Coopers' Association, now in session at the Southern Hotel, are realized, whisky drinkers must prepare themselves for a radical change in the color and taste of their favorite beverage.

The delegates say that the northern white oak, now regarded as the only timber suitable for making whisky barrels, is rapidly disappearing, and that soon some other material must be used. The barrel of white oak is charred inside, which causes the formation of a resinous gum between the clear and the solid wood. This gum, it is said, gives whisky much of its well-known color and long-remembered taste.

The association has appealed to the United States Government to preserve the white oak timber from destruction, and at the session Wednesday Dr. Herman Von Schrenk, in charge of the Government Bureau of Agriculture, located at Shaw's Garden, touched on this topic in a talk on forestry.

The officers of the association are: A. S. Ray, Chicago, president; James E. Tyler, Baltimore; J. R. Kelly, Kansas City, Kan., and W. J. Murray, St. Paul, vice-presidents, and Walker L. Wellford, secretary and treasurer. Sixty delegates are present.

All whisky equally pure, whether straight, blendid, rectified, or mixed, consists only of ethyl alcohol and water plus a flavor, and with the limitation that the things used to produce the flavor shall not be harmful or deleterious, the interest of the public is fully protected.

My purpose in this matter is that any law enacted shall be made to apply to all whiskies equally and to discriminate against none. This Congress should not take a stand for or against the distillers of whisky known as "straight whisky" or the rectifier of the blended or compounded article.

No provision is made to prevent the sale of new straight whisky, that is concededly unfit for consumption. Whisky of the bottled-in-bond variety can not be put up and placed on the market unless it is 4 years old, but straight whisky in barrels can be put on the market at the owner's discretion.

All of the articles made of silent spirits, water, and the so-called "aging oil," "beading oil," and the various essences, and put on the market as whisky are not the blended or rectified article and should not be confounded with it.

The paragraph in this bill in relation to whisky as reported to the House by the committee is, I believe, the best solution of the question.

Mr. RYAN. Mr. Chairman, in order that another phase of the question may be discussed, I yield the balance of my time to my colleague from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Chairman, I venture somewhat reluctantly and quite unexpectedly to obtrude myself in this debate, owing to the direction which it has taken. I shall address myself particularly to this side of the House in an endeavor to point out the reason why I do not believe the Constitution should be invoked, especially by Democrats, against such a measure as this.

I am one of the firmest believers in State rights upon this floor. I believe that our Constitution is the most perfect product of human capacity. But why? Because its operation has resulted in the most perfect scheme of government ever established on this earth. Now, what is a perfect government? A perfect government manifestly is one which affords complete—absolutely complete—protection to the life, the health, the liberty, and the property of every person subject to its jurisdiction. To the extent that it fails in furnishing this complete protection it falls short of excellence. Wherever through any complexity in its structure a wrong is shielded or a rogue sheltered from punishment, then an injury to justice is perpetrated by the very agency established to protect justice, and that government stands discredited. When gentlemen, without the slightest attempt to meet or explain these evidences of crime and fraud placed upon that table by the gentleman from Illinois [Mr. MANN], yet declare that this measure, by which it is proposed to deal with those abuses effectively, is unconstitutional, and that the police power of the State, which has not been able to prevent these wrongs, is the only power to which we can appeal, they write down a condemnation of our whole constitutional system graver than any I have ever heard leveled against it.

Mr. Chairman, I do not believe that our Constitution was intended by the framers to furnish an effective shield for wrong or a refuge for criminals, and yet for the last twenty years (I think since the Supreme Court acted upon the reconstruction laws) I do not remember having heard the Constitution invoked upon this floor except to obstruct some measure of redress against a wrong that all conceded to exist and which no one could venture openly to defend.

The late Speaker Reed, who had an epigrammatic way of stating philosophic truths, used to say when any person declared a measure was unconstitutional, that meant he did not like it; when there was no reason that one could afford to avow for opposing a bill, it was always safe to try and block its progress by declaring that it violated the Constitution. And recent experiences all prove the truth of that statement. Every rogue at the head of a railroad system who gave rebates, and shared them, always insisted that he railway rate bill was unconstitutional. Not one of them would venture to defend the villainies which perverted the naturally beneficent operations of commerce into schemes by which some men plundered all their fellows, but every one begged you to consider the Constitution. When pursued in the State courts they profess the most tender concern for the integrity of the Union, begging us to guard jealously the authority of this Federal Government, whose existence had been maintained in blood and carnage on every battlefield from Bull Run to Appomattox. When the Federal Government pursues them then they profess deep, tearful, and vociferous concern about State rights, declaring that for themselves they care nothing—their rogueries are, of course, not to be excused—but what is the roguery of one rascal, however

depraved, when weighed in the balance against the reserved powers of the States which would be invaded and imperiled if these infamies were checked and their perpetrators punished. No one on this floor denies that these outrages on health and these wrongs on common honesty described by the gentleman from Illinois [Mr. MANN] have been perpetrated, but several gentlemen declare that the States alone have the power to deal with them, and all this in the face of these impressive and numerous evidences that the States have actually failed to prevent them piled up before our eyes on yonder table.

Mr. Chairman, if the arguments in opposition to this measure be well founded, if the Constitution is indeed a bar to the redress of these grievances and the prevention of these crimes, then the Constitution itself stands discredited. If every contention of the gentleman from Texas were sustained by the decisions of the Supreme Court, the result would be conclusive proof that a change or amendment of the Constitution was absolutely necessary to the safety of the citizen. I don't believe any change is necessary, advisable, or permissible. I believe the Constitution as it stands approaches perfection already, because I believe its distribution of powers, instead of being pitfalls for justice and sanctuaries for criminals, is the most effective scheme ever devised for preventing wrong by assigning to each Department the jurisdiction which it can exercise most effectively, and placing in the arsenal of each the weapon it can wield with greatest effect for the protection of the citizen in all his rights of life, health, and liberty. For that reason, sir, I believe the Federal Government has ample authority to deal with everything by which citizens of one State can affect the well-being of citizens in another through the operation of commerce. And there is not a decision of the Supreme Court in conflict with that position. That feature of the Constitution constitutes its chief title to excellence. When you deny it you impeach the Constitution, and declare it to be not an agency of civilization, but a barrier to progress, not a protection to life, a shield to health, and a rampart to property, but a disturbance to order and a menace to morals.

Mr. Chairman, let us examine closely the contention of opponents to the bill. The gentleman from Texas [Mr. HENRY], in voicing the opposition, has quoted certain decisions of the Supreme Court which have established beyond all question the power of a State to take any measures inside its own borders that it may deem essential to the safety and welfare of its own people. That is what is known as the police power of a State. But while the State is absolutely free to deal with its own internal concerns as it pleases, it is an essential feature of our system that no State can by law or otherwise interfere with commerce or restrict communication between its citizens and those of all other States. The citizen of each State and the products of his industry can circulate in every other State on exactly the same terms as its own citizens and their property. No discrimination can be made, either in the laws or the enforcement of laws by any State between its own citizens and those of other States or their wares. The gentleman has quoted a case where a certain quantity of coffee which had been brought into a State and found to be discolored was condemned by a State official under authority of a State law and destroyed with the sanction of the United States Supreme Court. Why, of course, any article found inside a State is subject to its laws no matter from whence it may have come. The source of its origin does not give it any right to exceptional treatment. But it must be treated exactly the same as any other coffee or meat within the borders of the same State. But, suppose the State of Texas or the State of New York to-day, finding that the inspection of meat products established by the State of Illinois was inadequate, or finding that although the provisions of law in Illinois were adequate yet, nevertheless, corruption on the part of the local official nullified the restraining statute and permitted goods that were poisonous to be sent from Chicago into either State, neither State could exclude from its territory canned goods prepared in Illinois.

Now, my friend from Texas [Mr. HENRY] will say, "Why can not the State of New York examine these products when they come into its borders?" I answer because effective examination at that stage is wholly impracticable. There is only one place where inspection can be made effective, and that is at the source of the danger. Canned goods when opened are destroyed. There is no way by which you can examine the contents without opening the cans, and therefore you can not inspect them except by destroying them. Suppose now—and I put it to my friend from Texas, who is so good a lawyer that even his ardor in controversy could not betray him into the assertion of an unsound legal principle—suppose that the State of New York, in view of recent exposures in Chicago, should pass a law—he has admitted that no State could pass a law excluding goods coming from another State merely because the system of inspection in that other State was considered imperfect, but the State could investigate, he says, each separate package—suppose New York State should pass a law based on that theory, providing that every kind of meat entering its limits—not necessarily from Chicago, but from any foreign city—should be opened and examined, while meat prepared in its own canning factories, under an inspection at the time and place of preparation by its own officers, should be exempt from any further examination, does anybody believe the Supreme Court of the United States would tolerate such a law? Would it not be held upon this mere statement of its character a restraint, a prohibition of this branch of commerce between New York and Illinois, and under the doctrine laid down by Marshall, which has been the strongest force in maintaining peace between the States——

Mr. HENRY of Texas. Will the gentleman yield?

Mr. COCKRAN. With great pleasure.

Mr. HENRY of Texas. Does the gentleman contend that the State of New York would not have the authority to provide for the punishment of any individual in New York who should import or sell an article of impure food or poisonous matter?

Mr. COCKRAN. But, Mr. Chairman, we are not speaking here of punishment, but prevention.

Mr. HENRY of Texas. That is prevention.

Mr. COCKRAN. Now, the gentleman must excuse me——

Mr. HENRY of Texas. That is the identical question you asked me. And if you will yield to me one moment I will give you an instance.

Mr. COCKRAN. I do not want a colloquy with the gentleman; I can not allow an extraneous discussion between him and me to be interposed in an argument which I am addressing to the committee. The gentleman has made a splendid argument, and I am trying in less time and with much less ability to make an imperfect one. When the gentleman realizes how I am handicapped in time and qualification——

Mr. HENRY of Texas. I will not interrupt the gentleman, because he evidently does not wish to answer.

Mr. COCKRAN. You have asked me a question, and I have answered. The gentleman evidently regards prevention and punishment as synonymous. I hold them to be radically different, absolutely incompatible and inconsistent with each other. Prevention obviates any necessity or reason for punishment. Punishment is inflicted only where prevention has failed. I will ask you this question now, and you can answer it, yes or no.

Suppose canned meats were prepared in New York City; could the State of New York, having established a system of inspection at the time and place of preparation which it believed entirely sufficient for the safety of its own citizens, pass a law declaring that every package of canned meat coming into that State from any other State should be opened and inspected in order to make sure that it conformed to the standard established for similar products in its own jurisdiction?

Mr. HENRY of Texas. I will answer that question this way—by saying that the State of Massachusetts passed a law prohibiting the importation or sale of oleomargarine in Massachusetts, and the Supreme Court sustained that law of Massachusetts; which answers your question.

Mr. COCKRAN. Well, if the gentleman please, he does not answer my question. The case which he quotes has no relevancy whatever to the situation, I am assuming. If the State of Massachusetts had permitted the manufacture of oleomargarine inside its own limits, and then had undertaken to prohibit such merchandise coming in from another State, that would be unconstitutional, and the gentleman knows it. Where a State prohibits the manufacture of goods, it can of course prohibit importation of the same goods. Whatever system a State establishes for its own products it can apply to the products of other States within its own borders. The commodity it will not allow to be produced within its own borders it can prevent being brought into its limits from without its borders. Canned meats prepared in its own territory it can inspect at the time of preparation. Canned goods brought from other States it can inspect only by opening each can, and such inspection is destruction, as the gentleman knows. The brilliant rhetoric of the gentleman from Texas invites us to vindicate the Constitution by destroying the commerce which the Constitution is established to protect. Canned meats have become an important feature of food supply in every State of the Union. The development of that industry has cheapened the cost of living and largely improved its condition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I yield the gentleman the balance of my time.

The CHAIRMAN. The gentleman is recognized for seventeen minutes more.

Mr. COCKRAN. I do not know that I will need that much

time. But I would like to say to the gentleman from Texas and to other gentlemen who have taken a similar position that as no effective precaution can be taken by one State against poisonous or dangerous canned meats coming from other States—except an inspection of each package, which would involve destruction of the commodities against which the precaution is taken—that fact alone justifies this measure. Nay, more, it makes the passage of this bill an imperative necessity of our national well-being. The gentleman knows that if the State of New York had a law permitting meats to be canned under conditions of inspection considered adequate to protect the health of the State and its people, it could not constitutionally provide that similar goods coming in from outside should be opened for inspection when the opening would destroy their value, for that would be a discrimination against foreign commerce. Yet, that is the only method of inspection that could be effective, for clearly one State can not enter another for the purpose of inspecting the manner in which food products are prepared by its citizens even when they are intended for interstate commerce. I ask again, Is there any other way by which we in New York can protect ourselves? There is but one, and that is for the Federal Government itself to undertake inspection at the time and place of preparation of all canned meats or inclosed packages of food intended for commerce between the States. Yet this system the opponents of the measure insist is in violation of the Constitution. Are we to be told that one city, through the avarice of its government, or the corruption of its officials, can imperil the health of every other community because the Constitution of the United States limits the power of any State to impose restrictions on commerce with another State? That salutary restraint made effective on each State by the decision of John Marshall was one of the most valuable among the four leading principles established by him, which furnish foundations for the four constitutional pillars that sustain this noble governmental structure under which we live.

Mr. HENRY of Texas rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from Texas?

Mr. COCKRAN. I yield to a question, if the gentleman will put it.

Mr. HENRY of Texas. I hold, briefly, that the inspection laws do not come from the commerce clause of the Constitution——

Mr. COCKRAN. I do not yield to the gentleman to answer a question and ask it afterwards.

Mr. HENRY of Texas. If you are unwilling for me to ask it in my own way, I will adjust myself to that.

Mr. COCKRAN. If you wish to ask a question, put it; but I beg that you will not answer it first and ask it afterwards.

Mr. HENRY of Texas. I yielded to you.

Mr. COCKRAN. I yield if you are ready to put the question.

Mr. HENRY of Texas. Now, the inspection laws do not come from the Constitution, but they were reserved to the State. My contention is that in the inspection the State has the right to provide for the inspection of any article that is deleterious to the health of the people that come into that State, and by absolutely destroying that article if necessary; but they have no power to put unreasonable impediments on the commerce coming from another State. That fairly states my position.

Mr. COCKRAN. I am delighted to hear this account of the gentleman's position. His statement has probably shed some light upon his own mind, but I do not know that it has helped make clear my pathway.

Mr. HENRY of Texas. I have been endeavoring to state my position for the benefit of the committee, not exclusively for the benefit of the gentleman.

Mr. COCKRAN. I have no doubt at all that it will edify the committee to understand the gentleman's position. I resume now the effort to state mine. The gentleman insists the State should exercise the power of inspection and the only mode of effective inspection open to it is one that involves destruction of the commodity inspected. If such a method of inspection would not be an unreasonable impediment on commerce I am a poor judge of impediments. If this view of the gentleman from Texas be sound, our Government in its distribution of power, instead of being the most efficient plan ever devised for the suppression of wrong and the vindication of justice, is a complex, puzzling, incomprehensible series of labyrinths where the footsteps of justice when pursuing crime go astray, and where the wrongdoer finds an asylum where he can plan in security the perpetration of fresh enormities. [Applause.] That is not my conception of the Constitution under which I live, and which I love. We all believe that the State can do what it pleases inside its limits on all matters affecting its own citizens. But when by the corruption of its officers or the laxity of its laws any State through its commerce endangers you in Texas or me in New York, if we admit there is no power anywhere adequate to our full protection, then we write down the condemnation of our whole system.

But, sir, I believe that the power exists and that it is ample. I believe it is at our hands here in this body and in the Senate. Wherever the Constitution denies a State the right to exercise any power for its own protection it is always because the protection can be secured more completely by the Federal Government. If my State has not itself power to take effective precaution against the rottenness of Packingtown, it is because the Federal Government steps in with its own legislation for my protection, and when it throws the shield of its protection around me I feel vastly more secure than if New York were exhausting all its power in my behalf. For the sword wielded by the United States is long enough to reach from the banks of the Hudson or of the Rio Grande to Chicago, or anywhere else within the country, and is strong enough to thwart, defeat, strike down any nefarious enterprise conceived in cupidity, maintained in corruption, and menacing your safety or mine. [Applause.] Mr. Chairman, I protest against any narrow, short-sighted conception of our Constitution which, while professing reverence for its words, thwarts its purpose and by making it a barrier and an obstacle rather than an effective aid to justice, perverts its spirit and discredits its character. If the Federal Government should undertake to interfere with the personal conduct of the citizen, to declare what I may eat or do personally in my own city of New York, it would be an invader and an intruder in the lawful domain of the State, and that stretch of its power would destroy or at least impair its value. But while it stands at the frontier of every State leaving it absolutely free to regulate all its internal affairs, but preventing it from impairing by the operations of commerce the security of health or property in any other State—while it occupies that attitude, I admire its perfection as much as I appreciate its protection.

The legislation proceeds exactly upon these lines. I am sure every Democrat believing in States rights should be the first to sustain and assert every lawful power of the Federal Government, as he should be the last to sanction any stretch of its authority beyond those bounds fixed by the Constitution to maintain State and nation as agencies of the highest efficiency for the protection of every citizen in the safety of his life, health, liberty, and property. And the limits of each are not difficult to ascertain or define. As I said in the course of a colloquy here this morning, wherever a condition affects the people of a State, the government of that State must deal with it. Wherever, by the disposal of its products through trade, it affects directly the conditions of people in other States, it touches that commerce between States which the Constitution empowers the Federal Government to regulate, and which it must have full power to regulate, or else its authority is a sham and a snare. The gentleman admits the Federal Government can regulate interstate commerce. Surely he will not pretend that it can regulate commerce between the States so as to require railways to put brakes on certain trains and to fix rates for the transportation of goods for the promotion of my convenience and yet be without power to regulate it for the protection of my existence. I submit, Mr. Chairman, that this statement of the proposition renders further argument in its favor entirely superfluous.

Mr. HENRY of Texas. Will the gentleman allow me to ask him a question?

Mr. COCKRAN. With pleasure. I yield to the gentleman for a question.

Mr. HENRY of Texas. Then you say that Congress has the power to regulate interstate commerce. If it has (and I admit that it has to regulate interstate commerce), has it the power to send into another State an article admitted to be poisonous and injurious?

Mr. COCKRAN. Has Congress the power to do it?

Mr. HENRY of Texas. Yes.

Mr. COCKRAN. I do not think Congress has any such thing as a poisonous article of food within its possessions.

Mr. HENRY of Texas. Under the power to regulate, I contend——

Mr. COCKRAN. Why, certainly it has. You can not give power to anybody, that it may not be possible——

Mr. HENRY of Texas. I thought a moment ago you argued that it had not the power to poison the people, and yet you admit it has the power to send in a poisonous article under its power to regulate.

Mr. COCKRAN. I do not know how anyone can draw such an inference from anything that I said; but much that has occurred in the course of the day has given me a high opinion of the luxuriance of the gentleman's imagination. [Laughter.] I do not say this in disparagement or criticism. The orator

must be luxuriant in imagination or he could not be so fervid in speech. I do not think anything that I said justifies his statement. But misapprehension of my words has been so persistent I will repeat the proposition I have been trying to establish. The State being without power to interfere with interstate commerce, and being also without power to protect its citizens against the invasion of poisionous goods by inspection at the place where they are canned, which is the only protection that would be effective, the power to protect it must be in Congress, or else the whole constitutional system is radically and fatally defective. You and I believe that perfection in any constitutional system must consist in its adequacy to protect every essential right of the citizen. The gentleman asks if Congress itself could permit poisonous articles to be sent through the channels of commerce. Since Congress has the power to protect, of course it can abuse this power. All power may be abused. The possibility of abuse is an essential and available incident of government. You can not place a gentleman in the chair of this House to enforce order but that he himself may become an agent of disorder. You can not establish a court to administer justice between parties but that it may become corrupt and make itself an engine to perpetrate the grossest injustice. This power of Congress to regulate commerce between States so that it may not be perverted from a beneficent system of mutual cooperation and improvement into a scheme of mutual injury and wrong may be abused. To say that is simply to say that our Government is the product of imperfect human nature and necessarily shares the limitations of its source. But it is the best system ever yet established by the ingenuity of man. It never yet has sent a poisoned article into any State, as the gentleman seems to apprehend it may. It sees poisoned articles now on their way into all the States from many different sources of fraud, injury, and poison flourishing in several States either by toleration of the State governments or by laxity in the enforcement of their laws. By this bill the Federal Government standing at the frontier of each State will say to the sender of goods from other States: "Hereafter when you undertake to enter these markets with a package about the contents of which there is any mystery you must do so with its character written plainly over its surface." [Applause.] That is the sum total of this legislation, and we who support it are the true upholders of State and National rights, for by asserting each to the widest limit we uphold the power and maintain the complete security of both. [Applause.]

Mr. MANN. Mr. Chairman, I yield six minutes to the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. SULLIVAN of Massachusetts. Mr. Chairman, no man can attempt to discuss the Constitution in two or three minutes, but I think I shall be successful in that brief space of time in disposing of at least one of the arguments of the gentleman from New York [Mr. COCKRAN]. I have heard only two reasons advanced for this bill. One is the convenience of manufacturers who, by reason of conflicting State laws, would be obliged to put up goods in different ways in order to meet the requirements of these States. That is an argument of convenience only. The other argument has been made by the gentleman from New York [Mr. COCKRAN], and it is this, that with respect to one class of goods, namely, canned goods, the States have no power to protect themselves against the impositions of canners in other States, because he asserts that if such canned goods are opened for inspection they will be destroyed. He asserts that as a consequence that would be regarded as a discrimination by the law of one State against the citizens of another which would not stand the test of the Constitution.

Mr. COCKRAN. Provided——

Mr. SULLIVAN of Massachusetts. I must decline to yield, as I have only three minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. SULLIVAN of Massachusetts. Now, then, let us analyze the argument of the gentleman from New York. He must concede that the canner in the State of New York selling his goods to the inhabitants of New York can lawfully be subjected to an inspection of such goods. The State of New York may place its inspectors in his factory, thus compelling him to put up and sell pure goods to the people of New York.

The argument of the gentleman from New York [Mr. COCKRAN] therefore amounts to this, that although the citizen of New York engaged in the packing or canning business must submit to inspection, his competitor in the State of New Jersey need not, forsooth, because to inspect his canned goods is to destroy them and therefore to discriminate unlawfully against him! By what logic can it be maintained that a State may discriminate against its own citizens in that manner? If you concede the argument of the gentleman from New York you must admit that any goods coming from one State into a second State in a can, in a bottle, in any package of that kind, can not be inspected, and therefore that the State is powerless to resist the frauds of canners, packers, and shippers in other States. To state the proposition is to answer it. It is simply monstrous. I do not believe that the Supreme Court would hesitate for a single moment to uphold a law of the State of New York which submitted canned goods from other States to inspection by the officers of the State of New York at some point of time in order to protect the health of the inhabitants of the State of New York.

Mr. COCKRAN. Mr. Chairman, I will ask the gentleman from Illinois to yield to me for a moment.

Mr. MANN. I yield to the gentleman the balance of the time.

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. COCKRAN. Mr. Chairman, the gentleman from Massachusetts [Mr. SULLIVAN] has made a most admirable argument against a thing I did not say. It is the easiest thing in the world to establish a man of straw and then, without serious damage to your shoe leather, kick him into the gutter. I did say this, and the gentleman, by his evasion of the question, confesses the strength of the position. I said that if the State of New York established a system of inspection for canned goods—for goods canned inside its own limits—at the time and place of preparation, and then provided that every article of canned goods entering its borders should be opened for inspection, that in effect would be ordering them destroyed, and the Supreme Court would hold such a provision to be a restriction upon commerce with another State, and therefore unconstitutional. If the gentleman, weighty though his authority may be, should dissent from this view, I must still hold to the same opinion, and I do not believe any lawyer beside himself would differ from me.

Mr. SULLIVAN of Massachusetts. Mr. Chairman——

Mr. MANN. Mr. Chairman, if I have any further time I shall be very glad to add to the gayety of nations by yielding it to the gentleman from Massachusetts.

The CHAIRMAN. The time fixed by the rule adopted by the House for general debate in the committee has expired, and under the rule the bill will be read through as a single paragraph. At the conclusion of the reading amendments will be in order to any part of the bill. The Chair desires to state that if gentlemen desire to make points of order against any part of the substitute they should do so immediately upon the conclusion of the reading and before amendments are acted upon, since after an amendment has been offered and acted upon it will be too late to make a point of order. The Clerk will report the bill.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Under the rule adopted, is it necessary to read the bill, or only the committee amendments?

The CHAIRMAN. The Chair thinks the rule provides that the committee amendment in the nature of a substitute shall be read. Without objection, it will be read.

Mr. ADAMSON. What is the proposition, Mr. Chairman?

The CHAIRMAN. That the substitute be read in lieu of reading the Senate bill, and the Chair is of the opinion that the rule so provides.

Mr. GAINES of Tennessee. I understood the Chair to say that this whole amendment would be read as one section.

The CHAIRMAN. The Chair so stated, and the Chair understands that it is required by the rule.

Mr. GAINES of Tennessee. Will it be read as one paragraph?

The CHAIRMAN. Yes; as one paragraph.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the gentleman from Illinois a question.

The CHAIRMAN. Without objection, the gentleman may proceed.

Mr. COOPER of Wisconsin. I notice that there are two prints of the proposed committee amendment—one begins on page 18, lines 8 and 9, and the other begins on page 19, line 3. Which of these is the correct print?

Mr. MANN. The one that begins on page 19, line 3.

Mr. SHERLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHERLEY. At what time will points of order to amendments be in order?

The CHAIRMAN. When the amendments are offered.

Mr. SHERLEY. Are they to be offered at any time after the reading?

The CHAIRMAN. Only one amendment is to be pending at a time.

Mr. TALBOTT. Are they to be offered as the paragraphs are read?

The CHAIRMAN. No; not until the reading of the substitute is concluded. Then gentlemen will be recognized to offer amendments to any part of the substitute.

Mr. TALBOTT. I understood the Chair to say that the bill would be read through as one paragraph.

The CHAIRMAN. The Chair so stated.

Mr. TALBOTT. When will points of order to the sections be in order?

The CHAIRMAN. Points of order should be made immediately upon the conclusion of the reading of the whole bill.

Mr. CLARK of Missouri. Mr. Chairman, is the substitute going to be read clear through and then be read again by sections for amendment?

The CHAIRMAN. No; the amendments will then be in order to any part of the bill.

Mr. GROSVENOR. Mr. Chairman, I suppose that following the usual custom, these amendments that are proposed by the committee will be first in order.

The CHAIRMAN. The members of the committee will be first recognized, as usual. The Clerk will read the substitute.

The Clerk read as follows:

That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, or who, having received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding $200 for the first offense, and upon conviction for each subsequent offense not exceeding $300 or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided, however*, That no person shall be liable to the penalty of imprisonment as provided herein unless he knowingly committed the offense charged: *Provided further*, That no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of all the other provisions of this act.

SEC. 2. That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country.

SEC. 3. That the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article, duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

SEC. 4. That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia, shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

SEC. 5. That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

SEC. 6. That for the purposes of this act an article shall be deemed to be adulterated:

In case of drugs:

First. If, when a drug is sold under the standard recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of the investigation.

Second. If its strength or purity differ from any other professed standard or quality under which it is sold.

In the case of confectionery:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health.

In the case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 7. That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement regarding the ingredients or substances contained in such article, which statement shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

That for the purposes of this act an article shall also be deemed to be misbranded:

In case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the original package shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any alcohol therein, or of any opium, cocaine, or other poisonous substance which may be contained therein.

In the case of food:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so.

Third. If in package form, the quantity of the contents of the package be not plainly and correctly stated in terms of weight or measure, on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends: *Provided*, That the term "blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 8. That no dealer shall be convicted under the provisions of this act when he is able to prove a guaranty of conformity with the provisions of this act in form approved by the rules and regulations herein provided for, signed by the manufacturer or the party or parties from whom he purchased said articles: *Provided*, That said guarantor resides within the United States. Said guaranty shall contain the full name and address of the guarantor making the sale to the dealer, and said guarantor shall be amenable to the prosecutions, fines, and other penalties which would otherwise attach in due course to the dealer under the provisions of this act.

SEC. 9. That it shall be the duty of the Secretary of Agriculture to fix standards of food products when advisable for the guidance of the officials charged with the administration of food laws and for the information of the courts, and to determine the wholesomeness or unwholesomeness of preservatives and other substances which are or may be added to foods; and to aid him in reaching just decisions in such matters he is authorized to call upon the committee on food standards of the Association of Official Agricultural Chemists and the committee of standards of the Association of State Dairy and Food Departments, and such other exports as he may deem necessary. And upon request made to the Secretary of Agriculture prior to reaching any decision as provided for in this section, by any manufacturer or other person interested, asking for the appointment of a board to determine the wholesomeness or unwholesomeness of any preservative or other substance which is or may be added to foods, and concerning the use of which the person making the request has an interest, it shall be the duty of the Secretary of Agriculture to appoint a board of disinterested experts, which board shall consist of five members, one of whom shall be an expert toxicologist, one an expert physiological chemist, one an expert bacteriologist, one an expert pathologist, and one an expert pharmacologist, which board shall meet at the city of Washington, D. C., or elsewhere, at the call of the Secretary of Agriculture, and pass upon such questions after proper notice and hearing granted to the person

making such request. The compensation of the members of such board shall be fixed by the Secretary of Agriculture.

SEC. 10. That every person who manufactures or produces for shipment and delivers for transportation within the District of Columbia or any Territory, or who manufactures or produces for shipment or delivers for transportation from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to any foreign country, any drug or article of food, and every person who exposes for sale or delivers to a purchaser in the District of Columbia or any Territory any drug or article of food manufactured or produced within said District of Columbia or any Territory, or who exposes for sale or delivers for shipment any drug or article of food received from a State, Territory, or the District of Columbia other than the State, Territory, or the District of Columbia in which he exposes for sale or delivers such drug or article of food, or from any foreign country, shall furnish within business hours and upon tender and full payment of the selling price a sample of such drug or article of food to any person duly authorized by the rules and regulations herein provided for to receive the same, and who shall apply to such manufacturer, producer, or vendor, or person delivering to a purchaser, such drug or article of food, for such sample for such use, in sufficient quantity for the analysis of any such drug or article of food in his possession.

SEC. 11. That any manufacturer, producer, or dealer who refuses to comply, upon demand, with the requirements of section 10 of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding $100, or imprisoned not exceeding one hundred days, or both. And any person found guilty of manufacturing or offering for sale, or selling, an adulterated or misbranded article of food or drug in violation of the provisions of this act may, in the discretion of the court, be adjudged to pay, in addition to the penalties hereinbefore provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated articles which said person may have been found guilty of manufacturing, selling, or offering for sale.

SEC. 12. That this act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States; but foods and drugs fully complying with all the provisions of this act shall not be interfered with by the authorities of the several States when transported from one State to another so long as they remain in original unbroken packages, except as may be otherwise defined by law or provided by statutes of the United States.

SEC. 13. That any article of food or drug that is adulterated or misbranded within the meaning of this act, and is transported or being transported from one State to another for sale, or if it be sold or offered for sale in the District of Columbia or any Territory of the United States, or if it be imported from a foreign country for sale, or if intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found and seized by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, within the meaning of this act, the same shall be disposed of as the said court may direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any State contrary to the laws of that State. The proceedings of such libel cases shall conform as near as may be to proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case; and all such proceedings shall be at the suit of and in the name of the United States.

SEC. 14. That the Secretary of Agriculture is authorized to investigate the character and extent of the adulteration of foods and drugs, and whenever he has reason to believe that articles are being imported from foreign countries which by reason of such adulteration are dangerous to the health of the people of the United States, or are of kinds which are forbidden entry into or forbidden to be sold or restricted in sale in the countries in which they are made or from which they are exported, or which shall be falsely labeled in any respect, either by the omission of the name of any added ingredient or otherwise, or in regard to the place of manufacture, or the contents of the package, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis; and the Secretary of the Treasury is hereby authorized to open such original packages and deliver specimens to the Secretary of Agriculture for the purpose mentioned, giving due notice to the owner or consignee of such articles, who may appear before the Secretary of Agriculture and have the right to introduce testimony; and the Secretary of the Treasury shall refuse delivery to the consignee of any of such goods which the Secretary of Agriculture reports to him have been inspected and analyzed and found to be any of the kinds mentioned in this section: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods, pending examination and decision in the matter, on execution of a penal bond of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for other purposes, said consignee shall forfeit the full amount covered by the bond.

SEC. 15. That the term "territory" as used in this act shall include the insular possessions of the United States.

SEC. 16. That this act shall be in force and effect from and after its passage: *Provided, however*, That no penalites herein named shall be imposed until after the expiration of one year from the passage of the act.

The CHAIRMAN. The Chair will first recognize gentlemen who desire to make points of order.

Mr. TALBOTT. Mr. Chairman, I intended to make a point of order against the paragraph, or section 7, but I shall not do so now. I desire to state, however, that at the proper time I will move to amend by striking out the paragraph.

The CHAIRMAN. The gentleman will be recognized for that purpose.

Mr. ADAMSON. Mr. Chairman, I understand that all points of order were reserved.

The CHAIRMAN. No points of order are reserved at all. Unless points of order are made before the first amendment is acted upon, the points of order will not be considered.

Mr. ADAMSON. Then, if it is necessary, I desire to reserve all points of order.

The CHAIRMAN. The Chair does not think that that can be done, unless by unanimous consent.

Mr. MANN. I object.

Mr. ADAMSON. I have no points of order myself; I only desire to hold it open for my colleague.

Mr. MANN. Mr. Chairman, by direction of the committee, I offer the following amendment:

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 19, line 3, after the word "health," insert "or any vinous, malt, or spiritous liquor or compound or narcotic drug.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CLARK of Missouri. Mr. Chairman, I want to find out what it is.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. MANN. Mr. Chairman, I can explain the amendment in a word. This is the provision of the bill that relates to confectionery, and the amendment which I offered, by direction of the committee, will forbid putting into confectionery or candy vinous or spirituous liquors or narcotics.

Mr. FITZGERALD. Is it for the purpose of doing away with the so-called "rock-and-rye drops?"

Mr. MANN. I do not know whether they are "rock-and-rye drops," but I have here a collection, which I will be glad to let the gentlemen of the House sample, where intoxicants are sold to children in the form of candy, which ought not to be tolerated. This amendment is also offered at the request of the Treasury Department, which has called attention to the considerable importation of candies recently filled with alcoholic spirits in bonbons and chocolate candies, and the committee thought it was desirable not to permit the children to eat candy containing narcotic drugs, cocaine, opium, or alcohol in any form.

Mr. GROSVENOR and Mr. GAINES of Tennessee rose.

Mr. MANN. Does the gentleman from Ohio wish to ask a question or to take the floor?

Mr. GROSVENOR. To take the floor.

Mr. GAINES of Tennessee. One moment, then. Does this bill prohibit the making of candy, say, in the city of Nashville, containing these ingredients, or does it prohibit such candy from being sent from one State to another?

Mr. MANN. It simply forbids sending it from one State to another.

Mr. GROSVENOR. Mr. Chairman, the very interesting debate which has progressed in this House for six hours has developed some singular and phenomenal ideas in regard to the operation of the Constitution of the United States and its effect upon interstate commerce and is effect upon intrastate commerce. The gentleman from New York [Mr. COCKRAN], who is always eloquent and sometimes logical [laughter], has planted himself upon a proposition that is far-reaching and in the highest degree important if true. The proposition is that if there is carried on in one State of the Union a business in the form of manufacturing or any other business that in its consequences is likely to be deleterious and injurious to the common weal of the country in the matter of health or peace or any of the interests of citizenship, and the legislature of that State fails to suppress the evil and fails to prevent the spread of that evil to other States, then it is the duty of Congress to legislate for the destruction of the evil and to invade by law the State which is delinquent and put an end by legislation to the wrong being done. If that be so, Mr. Chairman, then we are truly at the end of even the police power by the State being exclusive. It has occurred to me to give an illustration of where the gentleman has landed in the pursuit of this eloquent chimerical proposition of his. There is carried on in the city of New York a business that is recognized by civilization as an evil and vice that permeates its victims and carries evil and contamination in its wake wherever it goes.

These houses in New York are contiguous to the States of Connecticut and New Jersey. The State of New York fails in its duty to suppress those houses, and that business is spreading disease into the States of New Jersey and Connecticut that are entitled to be protected by the General Government under the proposition of the gentleman from New York, but the State of New York is delinquent. It does not suppress the wrong or does not shut up those houses. It does not prevent the spread of that contamination of morals and health, and therefore, said the gentleman from New York logically, because that is the inevitable logic to which he is driven, it is the duty of the

Congress of the United States to at once proceed to regulate that business in the city of New York and to suppress the places and destroy the evil.

Now, there is the whole of it and that is where we are inevitably driven to by such logic as the gentleman has used.

Mr. COCKRAN. I would like to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. GROSVENOR] has expired.

Mr. COCKRAN. Mr. Chairman, can I move to strike out the last word?

The CHAIRMAN. The gentleman can not. The substitute we are considering is an amendment in the first degree; the amendment proposed by the committee is an amendment in the second degree, and a motion to strike out the last word would be an amendment in the third degree.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent that my time may be extended for two minutes so that I can answer that question.

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] asks that his time may be extended two minutes. Is there objection?

There was no objection.

Mr. COCKRAN. I did not hear the beginning of the gentleman's remarks, but as to the portion I did hear, I desire to ask him if he does not make a distinction between the personal conduct of individuals and the commerce between States as affecting the jurisdiction of the Federal Government?

Mr. GROSVENOR. I do not when it comes to applying it to the logic of the gentleman from New York [Mr. COCKRAN]. I do not believe any of it, not only of the gentleman's argument, but what I argued myself.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 20 strike out lines 16, 17, 18, 19, 20, and 21 and insert in lieu thereof the following:

"Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if, when the article contained be not described in the United States Pharmacopœia or National Formulary, and be not the prescription of a regular licensed physician, the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein: *Provided, however,* That it may be proven as a complete defense to any accusation or prosecution for failure to state the quantity or proportion of alcohol as above required that the quantity or proportion of alcohol contained in any package does not exceed the quantity or proportion prescribed by the United States Pharmacopœia or the National Formulary as a solvent or preservative of the active necessary constituents of the medicine or preparation in such package."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BRICK. Mr. Chairman, I move to amend the amendment proposed by the committee.

The CHAIRMAN. The amendment of the gentleman from Indiana [Mr. BRICK] is not in order. The gentleman's amendment would be an amendment in the third degree. He can be recognized later on to offer his amendment.

Mr. GAINES of Tennessee. I want to make an inquiry of the gentleman from Illinois [Mr. MANN].

Mr. PAYNE. I suppose this amendment is debatable?

The CHAIRMAN. The gentleman is not in order to make an amendment.

Mr. PAYNE. I asked if the amendment was debatable.

The CHAIRMAN. The Chair will first recognize the gentleman from Illinois [Mr. MANN].

Mr. PAYNE. The Chair was about to put the question, and that was the reason I took the floor.

The CHAIRMAN. Nobody had risen when the Chair put the question.

Mr. MANN. Mr. Chairman, this amendment provides that in all medicines not included in the Pharmacopœia or National Formulary there shall be on the package or label the quantity or proportion of the narcotic or habit-forming drug. The National Formulary is made up each year by committees of the various medical and pharmaceutical societies of the United States and is a recognized standard, recognized by statute in almost if not every State of the Union. The Pharmacopœia is the decennial report covering the same substance, and in the Pharmacopœia and the National Formulary appear the records of these distinguished gentlemen constituting this commission or board making up the Formulary as to the value of these different medical properties for different things, and among other things the necessary amount of alcohol as a solvent or preservative.

Mr. GAINES of Tennessee. Who appoints them?

Mr. MANN. They are appointed by the medical societies and the pharmaceutical board, not Government appointees in any sense whatever, although some of the Government officials are on the board. But all of the State statutes recognize the Pharmacopœia, and we thought it was proper that Congress should follow the same line and also recognize it. The vital feature of the proposition is that morphine, opium, cocaine, choloroform, cannabis indica or hasheesh, choloral hydrate, and other remedies named therein shall be made known if included in the article.

I inserted in the RECORD of yesterday a large number of cases, partly of deaths caused by opium in medicine and partly of habit formed by the use of medicine where the person had no knowledge that opium, morphine, or cocaine was included in the medicine. I think it is only fair to the public that all of these substances shall be made known in these remedies We do not provide that they shall be made known in the pharmacopœial remedies, because they are all published and fully known to the trade, and it is only the trade which makes use of these pharmacopœial remedies.

Mr. BRICK. May I interrupt the gentleman for a question?

Mr. MANN. I yield to a question.

Mr. BRICK. As I understand the gentleman from Illinois, this amendment would allow a proprietary medicine to be made from the Pharmacopœia and from the National Formulary, and that when they are so made they need not be published on the label, even though they contain opium or anything else of the character mentioned in this amendment. Is that true?

Mr. MANN. That is true, Mr. Chairman, and it is also true that it can only be sold under the name in which it appears in the Pharmacopœia, and can not be sold as patent medicines are often now sold, under high-sounding names, tending to make the people believe that there are substances in them which will cure the disease, when it is pure fancy. We do not want to interfere with the sale of proprietary pharmacopœial remedies under their own proper names. That is all.

Mr. BRICK. But a person might have taken opium and cocaine or any of these deleterious drugs and not know it if the patent medicine used was constructed out of the Pharmacopœia. Is that true?

Mr. MANN. Well, the gentleman——

Mr. BRICK. Is not that the fact?

Mr. MANN. There is no doubt that people can buy cocaine and buy opium in pharmacopœial remedies; but it is practically impossible for them to use pharmacopœial remedies as proprietary. Nobody, in the first place, will pay four prices for a pharmacopœial remedy because it happens to be sold as a patent medicine, when at the first drug store they meet they can find identically the same thing under the same name at 25 per cent of the cost of the proprietary article. Now, the gentleman comes in here, not himself, but his proposition, from the people engaged in the proprietary-medicine business, wishing to prevent what they think would be an injury to their business.

Mr. BRICK. I ask the gentleman this question: Would it not be a benefit for any proprietary medicine, whether it was made from the pharmacopœial remedies or from any other remedy, that the amounts of these drugs should be put upon the label, and without injuring anybody? Would it not be good for everybody to have that upon the label, and would it not be fair to everybody? I ask the gentleman from Illinois that.

Mr. MANN. It would be of benefit if the amount of opium contained in every proprietary medicine is put upon the label, and I believe it will be if this provision becomes law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PERKINS. I would like to ask the gentleman this question: His provision provides that if it be a prescription of a regular physician, then, as I understand, this section does not apply?

Mr. MANN. It does not apply.

Mr. PERKINS. Well, now, of course, there are regular licensed physicians by hundreds of thousands.

Mr. MANN. We put the provision in reference to regular licensed physicians in because the only place where it would affect

anybody is either the District of Columbia or the Territories of the United States. It does not affect and could not affect the regular trade in cities. It would not affect putting up a prescription in New York, St. Louis, or any other town in the country, because it is not interstate commerce. We did not think there was any reason for making a different rule in reference to the District of Columbia or with reference to the Territories. We found no special reason for requiring that the amount of narcotics should be put upon every physician's prescription. It would be a matter of considerable burden both to the pharmacist and the physician and without any practical value; and we did not believe there was any occasion for making an exception with reference to the District of Columbia.

Mr. PERKINS. I should like to ask another question.

Mr. MANN. Certainly.

Mr. PERKINS. Suppose a man makes a patent medicine and sells it largely, but the prescription for it is prepared by a regular licensed physician. Why, under this provision, could he not sell it, not one prescription, but hundreds of thousands of prescriptons, and be protected, because his patent medicine would be the prescription of a regular licensed physician?

Mr. MANN. Oh, not at all.

Mr. PERKINS. Why not?

Mr. MANN. Simply because it is not the prescription of a regular licensed physician.

Mr. PERKINS. A regular licensed physician makes the prescription for a cure for consumption, we will say. Can not that be sold to a thousand people as well as to one person?

Mr. MANN. It can not. A physician's prescription is the prescription in a particular case. That has been decided in the State courts.

Mr. FINLEY. I should like to ask the gentleman from Illinois, in charge of the bill. Do you think it would be a hardship on the maker of proprietary and patent medicine to print on the label the ingredients contained in the medicine?

Mr. MANN. We gave consideration to that question, as to whether we should report in favor of requiring that every proprietary medicine offered for sale should contain a printed statement of the formula. We did not see any reason why it should be done, and we could see a number of reasons why it should not be required that a man who had a proprietary medicine should disclose to his competitors and to the trade his formula.

Mr. FINLEY. Is it not true that in some countries, notably in Germany, this is required to be done in all cases?

Mr. MANN. I am not able to inform the gentleman.

Mr. FINLEY. That is my information, and I only wished to draw out the fact if the gentleman did not think that the policy was a good one.

Mr. MANN. Well, personally, I do not know, but I would think so. Personally, I do not know but what I would stop most doctors' prescriptions; but I am very confident that the country has not yet reached the point where it wishes to have that done.

Mr. JONES of Washington. What is the real purpose of having this statement on the label? Is it to advise the purchaser as to the amount of alcohol or these different ingredients contained in the package?

Mr. MANN. Undoubtedly.

Mr. JONES of Washington. Why is it that if this article is contained in the National Formulary you do not require the ingredients to be stated on the outside? Not one person in a thousand will ever see the National Formulary. I never saw one.

Mr. MANN. I presume not, and probably the gentleman never bought a National Formulary article.

Mr. JONES of Washington. I do not know whether I did or not.

Mr. MANN. No; that is something that is sold to the trade. The medicine is bought by the druggists. They know what they are. The gentleman does not buy those except on a physician's prescription.

Mr. JONES of Washington. Oh, I see. I wanted to understand it.

Mr. UNDERWOOD. What is the objection to having a statement of the contents on these National Formulary articles as well as the others?

Mr. MANN. I do not know that there is any special objection. The pharmacists have a national association. They have a council, and that council has agreed to require that there shall be stated upon the label of the packages, not only these narcotic medicines, but a great many other articles, so that the physician and the druggist may know what is contained in the article. I am not certain but that ought to be in the law, but it is a great deal broader than the provision we have brought in, and the provision we have brought in is exciting more opposition than anything else we have had.

[Here the hammer fell.]

Mr. PAYNE. Mr. Chairman, I think this is the most important subject in this bill. I refer to the adulteration of drugs, more particularly to what are known as "patent medicines." The revelations made by Mr. Samuel Hopkins Adams, who has thoroughly investigated this subject, are simply appalling. I know the man very well. He is a constituent of mine, and he is a reliable man as well as a most thorough and painstaking investigator.

Mr. MANN. Will the gentleman permit me to interrupt him long enough to add my voice to indorse his sentiment upon that question?

Mr. PAYNE. I am most glad to get the gentleman's indorsement. Now, the original text of this bill is plain. We can all understand what it means:

> Second. If the contents of the original package shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any alcohol therein, or of any opium, cocaine, or other poisonous substance which may be contained therein.

There is no loophole there. It seems to me that there are some loopholes in the committee amendment. For instance:

> And be not the prescription of a regular licensed physician.

Now, I understand the gentleman from Illinois to state that it had been held over and over again that that meant a personal prescription to a patient and nothing more. But it seems to me we can not assume that. There are doctors and doctors. There are some rascals among the most noble of professions, the profession of the law. [Laughter.] There are doctors that will do most anything for money. There are doctors that will make most any kind of prescription, and in the investigation that Mr. Adams made he showed that when these patent medicine venders needed somebody to testify as to their respectability or to testify as to the propriety of the remedies which they were advertising they found doctors not only willing to testify that they were adequate and not harmful remedies, but to come up and father the prescription by which the remedies are foisted on the public. People take these without knowing what substances are contained in them or how much poison. They take it sometimes for the alcohol contained in it, and they found that there was more alcohol in the medicine than in the ordinary bottle of whisky of the same size.

Here they leave a loophole by the committee amendments for the prescription of a physician. Why not adhere to the original language of the bill, which seems to be plain and fully covers this proposition, rather than go out into the unknown field? I do not believe that these amendments were suggested by anyone who was anxious to have proper remedies when advertised as medicines.

I do not believe these amendments were suggested by those friendly to the medical profession; they were suggested by the friends of these infamous remedies that are often advertised and foisted on the public. I do not know where they came from, but I fear—the gentleman from Illinois points to his own brain. I can hardly credit his statement; and still he is the last man in the world whose statement I would not take. If he is the author of this, I hope he understands it fully, and I hope he is prepared, as far as he is concerned, to show that it fully covers the subject. I appeal again to the sober moment when he first framed the second section of this committee substitute, because I believe he has a plainer bill and has one that will cover and answer all the purposes, and in which there is no apparent loophole. [Applause.]

Mr. MANN. Mr. Chairman, I ask unanimous consent for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he have five minutes. Is there objection?

There was no objection.

Mr. MANN. The original provision in the bill which the gentleman praises was one which I drew. After it was drawn, it seemed to me at first, as it does now to the gentleman from New York, to be unequivocal, to be without question or without doubt, and yet when I commenced to make inquiries of people who are not interested in the matter in any way as to what a poison was, I ascertained that no one knew what "other poisonous substances" would cover. Doctor Wiley, of the Bureau of Chemistry, and other gentlemen high in the profession told me that the expression was one itself of doubt, which from the start would lead not only to litigation unending, but to a confusion worse confounded in the drug trade; that nobody would know what was covered by the words "other poisonous substances," because the question of a substance being poisonous or not might depend on the quantity which was taken.

Mr. PAYNE. That explains the first part of the gentleman's amendment, but it does not throw any light on the other.

Mr. MANN. I haven't got to that yet.

Mr. HUMPHREY of Washington. Mr. Chairman, if there is so much difficulty in determining what poisonous substances are, why not strike out the word "poisonous" and let everybody know all the substances in medicine, whether poisonous or otherwise. The gentleman made the assertion that we want to know what we are drinking and what we are eating. Why not let us know what we take for medicine?

Mr. MANN. Well, Mr. Chairman, permit me to say that this is the first time that any provision looking in this direction has ever been brought before the House. There never has been a suggestion made, so far as I know, in Congress covering this question until this provision was brought in. All at once some of our good friends who have had their attention called to it want to go to the ends of the earth when they ought to know that reforms like this move somewhat slowly and that the attempt to get too much means that you get nothing. I would rather have the substance of the meat than to drop my meat while seeking for the shadow in the waters beneath me. [Laughter and applause.]

The other provision was suggested to me by an inquiry as to the effect when I asked various pharmacists of the city in reference to a provision of this sort, without their knowing anything about what was in the bill or what was proposed to be in the bill, and they said in making up the ordinary physician's prescription it would be practically impossible to place upon the little box or the label the whole quantity or contents each time, and that there was no occasion for it, in their judgment.

Mr. PAYNE. There would not any of that go into interstate commerce; that would be entirely local.

Mr. MANN. It would be controlled in the District of Columbia. The gentleman could not get a physician's prescription filled in the District of Columbia without having stated on the box or the label all of these things. And I say to the gentleman that that is the only reason this appears.

Mr. PAYNE. Why not, then, put in the language limiting it to physicians' prescriptions in the District of Columbia?

Mr. MANN. I don't know that there would be any objection to that.

Mr. PAYNE. That would carry out the gentleman's idea, and it would close this loophole which I think exists.

Mr. MANN. Mr. Chairman, I am frank to say to the gentleman that I did not believe personally, and I hardly believe yet, there is any loophole there. I certainly have no desire to leave any loophole of that kind, if there be such.

Mr. PAYNE. Of course the gentleman does not. We all understand that.

Mr. MANN. I may say to the gentleman on that point that that part of the amendment did not come from anybody interested in the matter of proprietary medicines. The Proprietary Medicine Association did present to the committee an amendment which would have permitted them to use any of these narcotics in small quantities without placing that fact upon the label. We declined to accede to that request, but the rest of the amendment was never suggested by the association, and the Proprietary Medicine Association is bitterly opposed to that provision in the proposed amendment.

Mr. PAYNE. Will the gentleman modify his amendment by inserting the words "in the District of Columbia?"

Mr. MANN. Oh, I do not think so at this time. Let that wait until we see what we can do in conference.

Mr. PAYNE. After this amendment is voted in there is no power to amend it. It would not then be in order. If it is done at all, it must be done now.

Mr. MANN. I think it is safer to let that wait. I am willing to consider the matter. It can be fixed in conference, if necessary.

Mr. PAYNE. It should be considered now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Chairman, if the gentleman from Illinois refuses to accept that amendment, I submit to the committee that there is no other way except to vote his amendment down, and then he can offer it again with those words excluded, because if we vote this amendment into the bill it is out of order to try to amend it afterwards. A motion could be made to strike it out, but no other motion would be in order, and it can not be amended. If we accept the amendment just as the gentleman has written it, and he will not agree to modify it, the only way is to vote it down and see if the committee can not amend it.

Mr. GAINES of West Virginia. Mr. Chairman, I ask unanimous consent to be permitted to offer a suggestion to the gentleman from New York.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to proceed for a moment. Is there objection?

There was no objection.

Mr. GAINES of West Virginia. Mr. Chairman, I would like to offer this suggestion to the gentleman from New York, as to whether an amendment of this sort would meet his objection, to insert, after the words "licensed physician," the words "to a person actually his patient?"

Mr. PAYNE. Possibly that would cover it.

Mr. MANN. Mr. Chairman, I will ask unanimous consent to modify my amendment by inserting the words just suggested by the gentleman from West Virginia.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to modify his amendment by inserting the words suggested by the gentleman from West Virginia, and the Clerk will report the amendment.

The Clerk read as follows:

Insert, after "licensed physician," the words "to a person actually his patient."

The CHAIRMAN. Is there objection to the gentleman's modifying his amendment as requested? [After a pause.] The Chair hears none, and it is so ordered.

Mr. ADAMS. Mr. Chairman, I want to say just a word to the House about the committee amendment. I appreciate the good work which has been done by the committee, and I appreciate the intelligence and industry and the ability which the gentleman from Illinois has manifested; but it seems to me that his first opinion was far better, as the gentleman from New York [Mr. PAYNE] has said, than his last. That is a perfectly simple, straightforward amendment, designed to compel every manufacturer of patent and proprietary medicines in the United States to put labels upon the packages stating that they contain poison, if they do contain poison. I desire to add to the tribute which the gentleman from New York [Mr. PAYNE] has paid to Samuel Hopkins Adams, who, in Collier's Weekly, has given the result of the most careful, painstaking, intelligent, and valuable work in the study of a great evil that has ever been given to any similar subject in the history of the United States.

I know Mr. Adams. I know that he indorsed this bill in the language in which it came from the committee. As dairy and food commissioner of our State, I have had some experience in analyzing these medicines, and had occasion to know something about them, and I know that it is absolutely true that many of them were worthless, and a great number of them are of great damage to the public health, and that hundreds and thousands of the graves of this country have been filled because of the use of poisons which they contained, which the people have taken not knowing that they contained them. The general purpose of this bill is to protect the public health, and it is to secure honesty in trade and to enable people to know just exactly what they get.

This bill as originally reported from this committee provides for that, and I want to say another thing, that of the numerous poisons which are given in the committee amendment now before the House, not all the poisons that enter into these medicines are named. I have the authority of one of the best chemists in the United States for this statement. This bill as a whole is infinitely superior to the Heyburn bill, as the gentleman has said. Let us not take from it one atom of its excellence and virtue, and I ask this committee to vote down the committee amendment and accept the phraseology of the bill as the Interstate Commerce Committee first framed it in wisdom and in good faith.

Mr. UNDERWOOD. Mr. Chairman, I think that the present section of the bill that the House is considering is the most important section in the whole bill. There is nothing that the people of the United States need protection against more than they do the poisons in proprietary medicines. Now, I think the gentleman from Illinois, in offering his amendment, has weakened his bill. I think it is leaving the door wide open to deceive the people and allow the people of the United States to be sold poisonous drugs. Now, as the matter has been illustrated to me, and as I understand it, it is simply this: That if a woman goes to a drug store to get medicine for her child and the druggist offers to sell her, after the passage of this bill, Mrs. Winslow's soothing sirup that has got opium in it, he would have to paste across that bottle a label stating that there is

opium in that bottle, and she will refuse to buy it because she will not give the child opium, but the druggist will turn around and say, "Here is paregoric, which is just as good." Paregoric is one of those formulas that he can sell that is made up by the National Formulary.

Under the terms of the amendment of the gentleman from Illinois, although paregoric has opium in it, the very substance she does not want to give to her child, yet under the terms of this amendment there will be no guard against that; there will be nothing on the bottle to warn her that if she gives the child paregoric she will be giving it opium, and I say this amendment ought to be voted down and the door closed to any deception of that kind.

Mr. BRICK. Mr. Chairman, I understand, as a parliamentary inquiry, that if this amendment is adopted, presented by the committee, that no other amendment can be made under the rule. Is that right?

The CHAIRMAN. If this amendment is voted in, then this particular amendment can not be amended.

Mr. BRICK. Then it must stand as voted.

The CHAIRMAN. It stands unless that, including other distinct matter, should be stricken out.

Mr. BRICK. Under those circumstances, Mr. Chairman——

Mr. KEIFER. Mr. Chairman, in the same line I want to make an inquiry. I want to know if the Chair's attention has been specially called to the special rule under which we are acting when he suggests we can not offer any amendment except such as comes from the committee? The Chair has already held we are to consider the committee amendments first, but shuts off our offering any amendment at all until they are through, and when they are through we will have confirmed that part of the bill and that will shut out offering any amendment unless to some other part of the bill. Now, that is not contemplated. I understand by the rule that we are to be allowed to try first and perfect the substitute. My point is, we are to perfect a substitute and then have the right (I agree we may do it in this way) to offer amendments.

The CHAIRMAN. The Chair will state after the committee amendments are offered, after members of the committee have been recognized who desire to offer amendments, the Chair will recognize any other gentleman desiring to offer an amendment.

Mr. KEIFER. To any part of the bill?

The CHAIRMAN. To any part of the bill.

Mr. KEIFER. Well, I have no objection to that.

The CHAIRMAN. The Chair can not recognize gentlemen to offer amendments to strike out language that has been inserted in an amendment from the floor.

Mr. KEIFER. That would be the general rules, Mr. Chairman, but under the rule that we are acting we are shut out from offering an amendment. We have either got to vote it in or vote it out when it comes from the committee.

The CHAIRMAN. The Chair is of that opinion.

Mr. KEIFER. That excludes us in having any voice at all in perfecting any amendment coming from the committee, which I think is not contemplated by the rule of day before yesterday.

Mr. DALZELL. It is very easy for the committee to vote down this certain amendment, and then the original text may be perfected as the committee may see fit.

Mr. BRICK. That was just what I was asking the question about, which I think the House fully understands at the present time, and while one particular item here might have been perfected, there are several others, so for that reason I ask that the House vote down this amendment.

The CHAIRMAN. If the amendment should be voted down, other amendments may be offered.

Mr. OLMSTED. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. OLMSTED. This amendment is to strike out lines 16 to 21 and substitute other matter in the place of those lines. Now, that being done, would it be in order to strike out all from lines 11 to 21, including the part amended, and insert new matter?

The CHAIRMAN, The Chair is of the opinion that it would.

Mr. HEPBURN. Mr. Chairman, I think that if the gentleman from New York [Mr. PAYNE], who criticised the committee amendment, had given more attention to this subject he would not have been so hurried in his commendation of the text and his reprobation of the amendment. The trouble with the gentleman is that he has only taken a cursory glance at the text of this amendment. It provides:

Or if it fails to bear a statement on the label of the quantity or proportion of any alcohol therein.

Every tincture that is to be found in a drug store contains alcohol. Alcohol is necessary for the preservation of the drug. It is necesary as a solvent, in order that solution may be had. Now, under the original provision that the gentleman thinks is so admirable it was necessary to state the quantity or proportion of that alcohol in every one of those tinctures. Do you desire that? In the great majority of instances it is entirely unnecesary.

Probably the gentleman has in mind the purpose of preventing the sale of those drugs that beget and create the alcoholic habit. Under the provision as we have it in the amendment it seems to me that we can accomplish that purpose without putting the druggist and chemist to the necessity in every instance of stating the quantity of alcohol that is in the tincture, yet, if we follow the advice of the gentleman from New York [Mr. PAYNE], that is what will have to be done.

Mr. DALZELL. Will the gentleman allow me?

Mr. HEPBURN. Certainly.

Mr. DALZELL. Would not the objection the gentleman now suggests be met by adding the proviso contained in the committee amendment to the original text?

Mr. HEPBURN. No; I think not, for the reason that was given by the gentleman from Illinois. Who is to define what is a poison? The dangerous poisons, those that we most frequently come in contact with, are named in this amendment of the committee, and we will have the good result of having them named here.

Mr. PAYNE. Now, they might be named in the original text and they might be inserted by the committee in the original text and still not leave this loophole about physicians.

Mr. HEPBURN. That is one of the difficulties which the committee met. All of the physicians jumped onto the other provision at once, and said that we were putting upon the chemists the necessity of stating the contents of their prescriptions in every case.

Mr. PAYNE. Would any physicians put it on?

Mr. HEPBURN. Very few, I think.

Mr. DALZELL. Why not insert in the original text the poisons that are named in your committee amendment?

Mr. HEPBURN. There is still another objection to the provision of the amendment. The burden of proof will be upon the defendant to establish the fact that no more of alcohol is used than is necessary as a solvent of the real ingredients.

Mr. PAYNE. I want to suggest to the gentleman—he has seen advertisements, and I have, of people selling patent medicines who desire the people to write to them confidentially, state their symptoms, etc., and they will prescribe. It is very easy to have a physician to prescribe, and prescribe the formula that is meant by the advertisement, which is a patent medicine. Now, under this provision, I do not see why they would not go on without any label showing what the contents are.

Mr. HEPBURN. Well, is not the number of those cases very rare?

Mr. PAYNE. Oh, I do not know but one single manufacturing house of that kind doing that kind of business now, but if they have got to say that on the label before going into business, why, there may be a great many of them.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to make a suggestion to the committee. Before the gentleman from Pennsylvania and the gentleman from New York made their suggestions covering this paragraph, I had written out an amendment which I think will meet every objection. Vote down the committee amendment—the last amendment—and adopt the following in its stead:

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if it shall fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucane, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivation or preparation of any of such substances contained therein: *Provided, however*, That it may be proven as a complete defense to any accusation or prosecution for failure to state the quantity or proportion of alcohol as above required, that the quantity or proportion of alcohol contained in any package does not exceed the quantity or proportion prescribed by the United States Pharmacopœia or the National Formulary as a solvent or preservative of the active necessary constituents of the medicine or preparation in such package.

Mr. Chairman, this amendment would preserve all of the better features of the last amendment proposed by the committee, and it would also remove from it the vitally objectionable feature relating to physicians' prescriptions, so forcibly pointed out by the gentleman from New York [Mr. PAYNE]. I can not conceive of a valid reason why any physician in the United States should be permitted upon his mere prescription to send to anybody anywhere cocaine or cannabis indica, or chloral hydrate, or acetanilide, or any other of the drugs which are lumped under the general head of poisons in the bill as originally presented unless there be a label on the package telling exactly what it contains. The trouble with the original bill is that it contains the words "or other poisonous sub-

stances." It thus leaves the prosecuting officer, or the jury, or somebody else to determine what would be properly included under the expression "other poisonous substances." The last amendment proposed by the committee omits the general language "other poisonous substances" and specifies what these substances are. Now, strike out "physicians' prescriptions," which words, in my judgment, should never have been in the bill, enumerate these poisons, and put in the proviso concerning the quantity or proportion of alcohol prescribed by the Pharmacopœia or the National Formulary as a solvent or preservative, etc., and you have what would help to make an effective law.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein: *Provided, however*, That it may be proven as a complete defense to any accusation or prosecution for failure to state the quantity or proportion of alcohol as above required that the quantity or proportion of alcohol contained in any package does not exceed the quantity or proportion prescribed by the United States Pharmacopœia or the National Formulary as a solvent or preservative of the active necessary constituents of the medicine or preparation in such package.

Mr. PAYNE. I notice that you leave out the words "or other poisonous substances." I presume there is a good reason for it.

Mr. MANN. Mr. Chairman, the amendment which I have now offered is the same amendment which I offered before, leaving out the provision with reference to the Pharmacopœia and prescription of a regular licensed physician, so that it will provide that the label must state the quantity or proportion of the drug contained. The gentleman from New York inquired why we leave out the words "other poisonous substances." I will say to the gentleman from New York that I have asked a great many persons who are familiar with such matters, who gave me a list of all the drugs the taking of which becomes a habit. These names include that entire list.

The reason we did not insert "other poisonous substances," as I have said before, is because no one knows what are poisonous substances. It might and would give rise to a great deal of litigation, not about anything that injures anyone at all, but possibly in the prosecution of the law, for the purpose of defining what were the poisonous substances. It could do no good. We have included by name all those which are habit forming, as I believe; at least, I consulted with the distinguished gentleman referred to by the gentleman from New York, Mr. Samuel Hopkins Adams, and have inserted more names of medicines than he could furnish to me. I consulted with a member of the National Council of Pharmacists in reference to the same matter. The number has been somewhat enlarged beyond the number of poisons originally given to us by the Bureau of Chemistry, and I think it includes all those which in any way become deleterious by their use.

Mr. PAYNE. I am well satisfied with the explanation of the gentleman.

Mr. ADAMS. I hope that the House will stay by the original language of this act. There is on reason on earth why that law can not be enforced. There are no practical difficulties in the way. I want to say to my friend from Wisconsin [Mr. COOPER] that the method of procedure, under this bill as originally drawn, is this: That an officer of the Government arrests somebody engaged in interstate commerce selling a proprietary medicine which contains poison of some kind, and he must go into court and establish that fact, and you have got to establish any fact in court when you take a man there.

Mr. COOPER of Wisconsin. The language of the original act is—

Or any opium, cocaine, or other poisonous substance.

Mr. ADAMS. That is correct.

Mr. COOPER of Wisconsin. Do you not think it is a great deal better to make the enumeration?

Mr. ADAMS. I do not think it is when the enumeration does not cover all possible contingencies, and the phrase "or other poisonous substance" does cover it; and if the administrative officers of this law have reason to believe that some article not enumerated here is poisonous, and they think they can prove it in court, then we have a law which can be enforced.

Mr. MANN. The gentleman from Wisconsin [Mr. ADAMS] is one of the strongest advocates of pure food and drugs, not only in this House, but in the country; but in this case he is mistaken. The original provision of the bill as we reported it, before we had given it as full consideration as we did afterward, is:

Opium, cocaine, or other poisonous substance.

Now, the patent medicine men claim that the amount of these other substances which they use in their medicines is not poisonous, and it would become the duty of the Government under the original bill not only to establish the amount in them, but to establish, for instance, that the one-sixteenth of a grain of heroin to the ounce, which patent medicines use, is poisonous. They would need to establish that before each jury that tried a case, whereas, as the provision which we propose reads, the fact of guilt is established when you establish by analysis the presence of any portion of the drug in the medicine. That was the reason for the change; and although I know that the gentleman from Wisconsin [Mr. ADAMS] has no heart or sympathy with the proprietary medicine people engaged in the sale of opium or cocaine and these other poisonous substances, the people who are now selling acetanilid as headache medicine pray that the original amendment shall prevail.

Mr. YOUNG. I should like to ask the gentleman a question for information. As I understood the reading of this amendment, it went into the bill at page 21, at the end of line 2. Is that correct?

Mr. MANN. No; at page 20, line 16.

Mr. YOUNG. Then it is in lieu of the amendment that you formerly offered?

Mr. MANN. Yes.

Mr. ADAMS. I want to say that the statement of the gentleman from Illinois [Mr. MANN] with reference to the attitude of the proprietary-medicine and patent-medicine people of the United States regarding this clause is a very great surprise to me. I know absolutely that if there is anything they fear in this bill it is the clause under discussion as first reported. There is no reason why an officer of the Government, administering that law, if he has reason to believe that any medicine of any kind contains poison, can not produce the specific evidence upon which he bases that reason, and there is no reason why he should not go into court and give it; and if he is right, the court will sustain him, as it should, and if he is wrong, the court will turn down his case, as it ought to do. This language is simple, direct, specific, possible of enforcement, will do injustice to no particular interest, and I hope every amendment will be voted down and the language of the original bill enacted into law.

Mr. OLMSTED. I should like just a moment to ask the gentleman from Illinois, the member of the Interstate Commerce Committee in charge of the bill, as it does not seem likely that within the time allowed under the rule any of us outside of that committee will have the opportunity to offer any amendments——

Mr. MANN. I think there will be opportunity.

Mr. OLMSTED. Not at this place in the bill, if the committee amendment shall be adopted. I ask whether you would have any objection to incorporating this as a part of your amendment:

That the quantity or proportion of opium or morphine need not be stated unless the proportion in such package contains more than two grains of opium or one-fourth grain of morphine to a fluid ounce, or, if a solid preparation, to an avoirdupois ounce.

I will say that this was suggested to me by an eminent and respectable druggist, for whose judgment and fairness I have a very high regard.

Mr. MANN. I will say to my friend from Pennsylvania that that amendment, and even more along the same line, have been suggested to a great many people by a great many very eminent and respectable people engaged in the making of proprietary medicines, each one satisfied if the proportion of narcotics which he puts in his medicine is excepted from the bill. The committee is not willing to agree to the amendment which the gentleman suggests or to anything along that line.

Mr. OLMSTED. Where the amount is so small that it would do no harm, my proposition is to specify so small a proportion that any statement would be unnecessary.

Mr. MANN. That is exactly what the proprietors of these medicines say. Acetanilide would be another, and they claim that that is not a poison and it is used in more than 300 different remedies.

Mr. OLMSTED. My suggestion relates only to opium and morphine. It is a little unjust to the proprietors of medicines to say, in broad terms, that this contains poison if there is only a trace of it in it, and the limit can readily be so fixed.

Mr. MANN. We do not require them by the bill to say—although I am not sure that we ought not to do so—that it contains poison; we only require them to say that it contains, say, opium, and state the amount or proportion that they put in the medicine.

Of all the drugs of this kind put in medical preparations the two worst by long odds are morphine and opium, which the gentleman's amendment would except.

Mr. OLMSTED. Well, that depends on the quantity—on the proportion contained in the medicine.

Mr. KEIFER. If the gentleman will allow me, I understand that strychnine is a poison.

Mr. MANN. Yes; I believe so.

Mr. KEIFER. Would it be governed by your amendment as it is now? If anyone wanted to fall into the strychnine habit, would it be covered by this amendment?

Mr. MANN. One never falls into the strychnine habit unless he is getting ready to go to the grave.

Mr. KEIFER. Oh, yes; they take it for the complexion, and use it all over the country. [Laughter.]

Mr. MANN. It is certain that the gentleman from Ohio does not need to use either strychnine or arsenic for the best complexion in the House. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer the following committee amendment:

The Clerk read as follows:

On page 21, at the end of line 2, insert "or, if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or, if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein."

Mr. MANN. Mr. Chairman, this is simply a proposition to insert practically the same amendment as to narcotic drugs, so as to provide that if they are put in food they shall be labeled to show the contents, it being feared that if they were driven out of the medical field they might attempt to put it up in the form of food and sell it in that way.

The CHAIRMAN. The question is on the amendment.

The question was taken; and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 22 strike out lines 19 and 20 and insert in lieu thereof the following:

"That for the purpose of carrying out the provisions of this act it shall be the duty of the Secretary of Agriculture, from time to time, to determine and make known standards of the various articles of food in compliance with the definitions and provisions of this act."

Mr. MANN. Mr. Chairman, most of the Members on the floor have a copy of the committee amendments. I did not offer the package amendment next because that would give rise to considerable debate, and I thought it might be well to run through some of the other amendments that probably would not cause debate.

The provision in the bill makes it the duty of the Secretary of Agriculture to fix standards of food products when advisable for the guidance of officials. Now, there was a fear that that provision of the bill as it was framed was conferring a legislative authority upon the Secretary which might render the provision unconstitutional, and hence we propose to say, following the opinion of the Supreme Court in the tea case, that for the purpose of carrying out the provisions of the act the Secretary shall fix the standards in accordance with the provisions of the bill.

The CHAIRMAN. Does the gentleman from Illinois ask that the amendment which has been reported shall stand over?

Mr. MANN. Oh, no; I offer the amendment to be considered now.

Mr. CRUMPACKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRUMPACKER. Is it in order to offer a substitute for the amendment proposed by the gentleman from Illinois?

The CHAIRMAN. The Chair thinks not. The matter that we are considering is a substitute for Senate bill No. 88.

Mr. CRUMPACKER. It is a motion to strike out and insert.

The CHAIRMAN. A motion to strike out and insert is in order.

Mr. CRUMPACKER. The amendment, I understood, offered by the gentleman from Illinois is a motion to strike out and insert, and my recollection is that under the rule an amendment in the form of a substitute in the third degree is in order.

The CHAIRMAN. It is not in order.

Mr. CRUMPACKER. I desire to be recognized in opposition to the amendment, just briefly. Mr. Chairman, the substitute I proposed to offer, if it had been in order, would have provided that the food provisions contained in the bill shall relate only to food for human consumption. I do not believe that the stringent provisions of this bill ought to be extended to hay and corn and oats, and numerous other kinds of foods for cattle, horses, hogs, dogs, and cats. Now, there is a provision in the bill that makes a bale of hay, for instance, that may contain any percentage of decomposed hay or any small percentage of decomposed oats adulterated within the meaning of the law. In section 5, page 18, in defining the term "food," defines it as follows:

The term "food" as used herein shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

It seems to me that provision will bring on all kinds of embarrassment. Among other provisions an article is declared to be adulterated if any substance has been mixed or packed with it so as to lower or reduce its quality or strength. I know something about the science of farming. If a little oat straw should be mixed in with a bale of hay, the food would be adulterated, and the farmer who produced it would be liable to prosecution under the provisions of this law, if he undertook to ship any of it out of the State. The sixth subdivision provides that if a product consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, etc.

Now, if there should be a small percentage of hay decomposed, like all farmers find at the bottom of a stack when they get ready to bale their hay, or in the threshing, it is adulterated within the meaning of this law, and the farmer that undertakes to send hay out of the State prepared in bales of that kind would be guilty of a crime. I do not believe this bill, with its stringent provisions, ought to be made applicable to food for horses, cattle, dogs, and hogs. I do not believe that the situation in the country requires any such drastic legislation to protect the food for farm animals, live stock, other animals aside from man. I was somewhat surprised to find that provision in the bill—"by man or other animals," and subsequent provisions seemed to lose sight of "other animals," but no exception whatever is made. I shall at the proper time offer a motion to strike out the words "or other animals," in the fifth section of the bill, and it was my purpose when I rose in opposition to this amendment to attempt to work in a substitute providing that the food provisions of the bill shall not be applicable to any kinds of foods except those for human consumption.

Mr. MANN. Mr. Chairman, the argument of the gentleman has nothing to do with this amendment, and I call for a vote.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. SHERMAN. Mr. Chairman, I do not know what the gentleman is about to amend, but I submit that he should take these amendments up in order. The rule under which we are operating says we should operate under the five-minute rule, and therefore except by unanimous consent the gentleman can not go from page 22 to page 21 and then to 19 and then to some other page. I submit they should be taken up seriatim.

Mr. MANN. I understand the gentleman to be wrong.

The CHAIRMAN. Under the rule, as the Chair understands it and as the Chair has suggested, the gentleman can do that.

Mr. MANN. If it be the desire of Members of the House to take up the package amendment now, I am perfectly willing to do so, but I did not think the House would care to take that up to-night.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 23, in line 13, after the word "Agriculture," insert the following: "for the purpose of aiding him in determining as to the wholesomeness or unwholesomeness of any such preservative or substance."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CRUMPACKER. Mr. Chairman, I would like to know the scope of the amendment.

Mr. MANN. Mr. Chairman, there was some question as to whether under the bill as it stood it became the duty of the board provided for in the bill to determine and finally settle the question as to the wholesomeness of preservatives or whether that board was merely advisory. It was the intention of the committee when first reporting the bill that the language meant that the special board appointed was merely advisory to the Secretary of Agriculture. The amendment that I offer now simply provides that without question.

Mr. CRUMPACKER. This is a very important section—one of the most important administrative sections in the bill—and I would like to know whether it is the understanding of the gentleman in charge of the bill that the standards provided in

section 9, the section under consideration, are to be accepted as official and constitute the basis of criminal prosecution in the courts, or is the question of fact open for consideration in the courts?

Mr. MANN. Why, it is certainly open for consideration in the courts, but this is the basis for the criminal prosecution. It is absolutely necessary that there should be some standard fixed before anybody can determine on the part of the Government whether prosecution shall be inaugurated or not, but, of course, it finally rests with the court to determine whether, as a matter of fact, the article is adulterated or is unwholesome, under the provisions of the act.

Mr. CRUMPACKER. Then, an indictment or information would not be good under this bill, if it charged simply that a person failed to comply with the food or drug standard, as fixed by the law?

Mr. MANN. It would not.

Mr. CRUMPACKER. What does the phrase mean, in line 22, "and for the information of the courts?" If the standard is to be fixed officially and it is not to constitute a basis of an indictment or a penal prosecution, why do you say "for the information of the courts?"

Mr. MANN. That it may be introduced in evidence in the courts.

Mr. CRUMPACKER. It is to be admissible in evidence, is it?

Mr. MANN. That is what it amounts to.

Mr. CRUMPACKER. I do not believe this section makes it admissible. It does not provide it shall be admissible in evidence.

Mr. MANN. I think "for information of the courts" will admit it in evidence when presented in proper form. I have no doubt of that.

Mr. CLARK of Missouri. I would like to ask the gentleman, Does the gentleman undertake to make a certificate of the Secretary of Agriculture evidence against a defendant in a criminal case?

Mr. MANN. Evidence that that is the standard which has been fixed by the Secretary of Agriculture; not evidence that the person is guilty of a misdemeanor.

Mr. PAYNE. That is not involved in this amendment, is it?

Mr. MANN. It is not particularly involved in it.

Mr. PAYNE. Now, the gentleman from Indiana is talking about that which seems to be harmless. See if we can not get time to amend the other part of it.

Mr. CRUMPACKER. That is not harmless; it has a good deal of significance when read in connection with other provisions.

Mr. PAYNE. It does not make much difference whether we get at this or not if we leave the other in——

Mr. CLARK of Missouri. Mr. Chairman, if the gentleman will permit me, when we get to that part of the bill I will move to strike it out, because it is contrary to the Constitution of the United States and the constitution of every State in the Union.

Mr. CRUMPACKER. And of every individual in the country.

Mr. GROSVENOR. If the gentleman will allow me a word, I think I can say to my friend——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRUMPACKER. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. The text as it stands; I would like to have the gentleman from Missouri take a copy of the bill and look at page 23: "It shall be the duty of the Secretary of Agriculture, for the purpose of aiding him in determining as to the wholesomeness or unwholesomeness of food." Now, that is all there is of it. It need not have been put there at all. He might have used their advice for any purpose. But in order to limit the Secretary of Agriculture so that he should not permit the board to become a finality the limitation is put and——

Mr. CRUMPACKER. It seems, by implication at least, to provide that the Secretary of Agriculture is to fix a standard which shall be a basis for criminal prosecutions——

Mr. GROSVENOR. That is true.

Mr. CRUMPACKER. The text as it stands will not bear that construction, in my judgment—will not bear that interpretation. I certainly do not believe we ought to confer upon the Secretary of Agriculture the power to fix a standard and then convict a man of crime, fine him, and send him to prison because he does not comply with the standard. That would be department-made law.

Mr. ADAMS. Will the gentleman permit me?

Mr. CRUMPACKER. I believe the law ought to provide that whoever sells forbidden kinds of foods or drugs or medicines may be amenable to the penal provisions in the bill,

Mr. ADAMS. Will the gentleman allow me to offer a suggestion?

Mr. CRUMPACKER. I will.

Mr. ADAMS. The object of this bill is to frame a law which will enable the Secretary of Agriculture to get all possible information, so that when he desires to prosecute he will have all of the information he can get. It does not confer any additional authority of law upon him.

Mr. CRUMPACKER. It authorizes the Secretary of Agriculture to collect this information and fix standards for foods and drugs, among other things, for the information of the courts. What is the business of the courts in this connection? To try criminals, men who are put on trial for violating its provisions.

Mr. ADAMS. Will the gentleman permit me to answer the question? It does not make any difference whether the phrase "for the information of the court" goes in or not. This commission is established for the purpose of endeavoring to arrive at a series of correct standards as nearly as possible by scientific judgment for the information of the Secretary and for the purposes of prosecution. Now, when the Secretary of Agriculture goes into court and undertakes to try a case, the opinion of that commission comes in there simply as a part of the evidence, just as the gentleman from Illinois says. It is not conclusive. You can not make it conclusive.

Mr. CRUMPACKER. If the gentleman from Wisconsin is correct in his interpretation of the law, I have no criticism to make of it, but if this section of the bill will authorize the Secretary of Agriculture to fix a standard, the violation of which shall subject citizens to fine and imprisonment, then I object to it.

Mr. ADAMS. It does not.

Mr. PAYNE. Why does not my friend from Indiana [Mr. CRUMPACKER] let the amendment pass? It has no effect upon his proposition. After the committee amendments are agree to he can then make a motion.

Mr. CRUMPACKER. I will let it pass. I do not think I can help it in any way.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 23, at the end of line 23, insert the following:

"Foods complying with the standards fixed by the Secretary of Agriculture, as provided in this section, may bear upon the label the inscription 'United States Standard,' but such inscription, or words of similar import, shall not be used as descriptive of any article of food which does not comply with the standard so fixed, under penalty of being deemed misbranded under the provisions of this act."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 26 strike out section 14 and insert as section 14 the following:

"The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee."

Mr. MANN. Mr. Chairman, the amendment is substantially an amendment that is already in the bill, but redrafted in conformity with the opinion of the Treasury Department in connection with various provisions.

Mr. CRUMPACKER. I understand under this provision the Secretary of Agriculture has power to decide whether a cargo of goods imported from a foreign country is adulterated or misbranded, that his decision is final, and that the goods must be destroyed or exported and returned without any further investigation or power of review. That is true, is it not?

Mr. MANN. The gentleman has about the same understanding of the matter that I have. That is the existing law.

[Cries of "Vote!"]

Mr. COOPER of Wisconsin. Who fixes the invoice value?

Mr. MANN. The invoice value is first fixed by the person who makes the entry and, second, by the board of appraisers, which determines the invoice value if it is requested.

Mr. COOPER of Wisconsin. Then, if he gives a bond for the invoice value with the duty added, he takes the goods and sells them, provided he will pay the bond?

Mr. MANN. He may.

Mr. COOPER of Wisconsin. Although the goods are misbranded and fraudulent in every way, as well as poisonous?

Mr. MANN. It is within the discretion of the Secretary of Agriculture to advise that that be done.

Mr. COOPER of Wisconsin. Does not the gentleman think that that bond, in view of the fact that the undervaluation was apparently indulged in by the importer's false invoicing, ought to be very much larger than the face value, when it will permit him to take false, fraudulent, and poisonous goods and sell them at that invoice value?

Mr. MANN. I do not think that if it were made ten times more than the value we could recover any more than the value. The amount was stated by the Agricultural officials who have charge of the existing law which covers the case, and the form of the proposition was suggested by the Treasury Department, which deals with the matter.

Mr. PAYNE. If the gentleman will allow me to suggest, "appraised value" would be better than "invoice value."

Mr. MANN. The "invoice value" is the suggestion of the Treasury Department.

Mr. PAYNE. With all due deference, "appraised value" would be better.

Mr. MANN. I am not familiar with that.

Mr. FITZGERALD. In the investigations the gentleman made, does he know of any instance in which food was delivered under the provisions of this existing law, the bond given, and the product sold, and the goods were afterwards adjudged to be improperly imported?

Mr. MANN. The law as it now exists does not provide for the delivery of the goods; but the Agricultural Department requested that provision be inserted in the law, because they said in many cases it was a great hardship to hold goods in storage instead of delivering them to the parties.

Mr. HINSHAW. I would like to ask the gentleman a question, because I do not know that I understand this provision yet. If these goods are refused admission, then the entryman may give a bond, and the bond stands in lieu of the goods. Now what may he do with the goods?

Mr. MANN. He may do whatever he pleases with them.

Mr. HINSHAW. He can not bring them into this country.

Mr. MANN. They are already in the country, provided the Secretary of the Treasury delivers them to him, which he is not required to do, and probably will not do, unless it is suggested that it should be done by the Department which has charge of that matter; and the Agricultural Department and the Treasury Department have authority under this section to stop the goods. If the Agricultural Department advises the goods be turned over by the Secretary of the Treasury to the consignee, it will be done upon giving a bond; and if the goods finally, for any reason—usually misbranding—are held not to be subject to import, the man must either return the goods or pay to the Government the full value. I think it sufficiently guards against bringing goods into the country which are adulterated.

Mr. HINSHAW. In the meantime the adulterated goods may have been sold.

Mr. MANN. That is true.

Mr. HINSHAW. As pure goods.

Mr. MANN. That is true. We take that chance.

Mr. HINSHAW. This is simply a penalty, but that does not protect the man that bought them.

Mr. MANN. That is true.

The question was taken and the amendment was agreed to.

Mr. MANN. I offer the following amendment.

The Clerk read as follows:

On page 28 strike out section 16 and insert as section 16 the following:

"SEC. 16. That this act shall be in force and effect from and after its passage: *Provided, however,* That no penalties herein named for misbranding shall be imposed until after the expiration of eighteen months from the passage of the act, except the penalties provided in section 14."

Mr. GAINES of Tennessee. I would like to ask the gentleman a question about a provision here. The section, in effect, says that when the goods have been properly examined and passed with the regular label on the package, and the package gets into the State and comes in there in the regular, original, unbroken package, would it interfere with the power of the State to take charge of it if it had spoiled? Suppose that in transmission it becomes deleterious; suppose it has undergone some change by reason of the atmosphere or otherwise; suppose it is in a condition of fermentation, or from any condition that you may discover by looking at it or otherwise examine it it had become deleterious. Is there anything in this bill that prevents the State from absolutely taking charge and destroying it?

Mr. MANN. I would suggest to my friend from Tennessee that if it becomes fermented or deleterious to health it at once becomes subject to the provisions of the act, and is covered by that provision of the section.

Mr. GAINES of Tennessee. What provision?

Mr. MANN. It is deleterious goods.

Mr. GAINES of Tennessee. Suppose it becomes deleterious of its own act while in transmission?

Mr. MANN. Then it does not fully comply with the provisions of the act.

Mr. GAINES of Tennessee. In that condition, does the State take charge of it, or the Federal Government?

Mr. MANN. Either one.

Mr. GAINES of Tennessee. I am afraid your section does not say that.

Mr. MANN. We do not need to say that to the State authorities. They have control, although the section does expressly provide against interfering with the police powers of the State. The United States authorities would have control of it if they obtain possession of it first. It would be a violation of both the Federal and State law, if there be a State law on the subject. It is a violation of this law, in any event.

Mr. GAINES of Tennessee. With that explanation I feel more satisfied than I was. I want to help the gentleman.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 88, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 16290. An act to modify the requirements of the act entitled "An act to promote the education of the blind," approved March 3, 1871;

H. R. 15513. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;"

H. R. 20210. An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River;

H. R. 118. An act to amend sections 713 and 714 of "An act to establish a code of law for the District of Columbia," approved January 31 and June 30, 1902, and for other purposes;

H. R. 20119. An act to authorize the village of Oslo, Marshall County, Minn., to construct a bridge across the Red River of the North;

H. R. 19181. An act to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes; and

H. R. 16785. An act giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4109. An act to increase the efficiency of the Bureau of Insular Affairs of the War Department; and

S. 6146. An act to authorize the Back River Bridge Company to construct a bridge across the west or smaller division

of the Ohio River from Wheeling Island, West Virginia, to the Ohio shore.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 544. An act to provide for the erection of a public building in the city of Great Falls, Mont.—to the Committee on Public Buildings and Grounds.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 3459. An act for the relief of John W. Williams;

H. R. 4580. An act for the relief of Blank & Parks, of Waxahachie, Tex.;

H. R. 5221. An act for the relief of Edward King, of Niagara Falls, in the State of New York;

H. R. 18600. An act to amend section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes;

H. R. 18536. An act providing for the subdivision of lands entered under the reclamation act, and for other purposes;

H. R. 9343. An act providing for the resurvey of certain townships of land in the county of Baca, Colo.; and

H. R. 16472. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

MASSACRES OF JEWS IN RUSSIA.

Mr. COUSINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for present consideration Senate joint resolution 68, expressing the sympathy of the people of the United States with the Hebrews on account of the massacre of members of their race in Russia.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the following Senate joint resolution and consider the same at this time. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the people of the United States are horrified by the report of the massacre of Hebrews in Russia, on account of their race and religion, and that those bereaved thereby have the hearty sympathy of the people of this country.

Mr. COUSINS. I move the adoption of the joint resolution.

The SPEAKER. Is there objection to its present consideration?

There was no objection.

The joint resolution was ordered to a third reading; and it was accordingly read the third time.

[Mr. GOLDFOGLE addressed the House. His remarks will appear hereafter.]

The joint resolution was passed.

On motion of Mr. COUSINS, a motion to reconsider the last vote was laid on the table.

WATER SUPPLY, BUFFALO, N. Y.

The SPEAKER laid before the House the bill (S. 6493) to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River, to erect and maintain an inlet pier therefrom, and to construct and maintain filter beds for the purpose of supplying the city of Buffalo with pure water; a similar House bill being on the Calendar.

The bill was read, as follows:

Be it enacted, That it shall be lawful for the city of Buffalo, in the State of New York, to construct and maintain a tunnel under Lake Erie, Niagara River, Black Rock Harbor, and the United States lands known as Fort Porter, extending from a point 1,000 feet, more or less, southeasterly of the Horseshoe Reef light 11,000 feet to the present pumping station of the city of Buffalo, and to erect and maintain an inlet pier therefrom, said inlet pier to be located not more than 1,100 feet southeasterly of the present Horseshoe Reef light. Also to construct and maintain filter beds between the new channel in Black Rock Harbor and Bird Island pier, and extending from the northerly line of Hudson street produced, along the line of the new channel not more than 3,300 feet: *Provided*, That the top of the said tunnel shall be located at least 40 feet below mean lake level, and that the city of Buffalo shall maintain a light from sunset to sunrise on the inlet pier at its own expense.

Mr. BURTON of Ohio. I should like to ask by what committee that bill is reported?

Mr. RYAN. It is reported by the Committee on Interstate and Foreign Commerce, and is approved by the Secretary of War.

Mr. BURTON of Ohio. Are the suggestions of the Department embodied in this bill?

Mr. MANN. They are.

Mr. BURTON of Ohio. And there were no objections by the War Department?

Mr. MANN. There were none.

Mr. ALEXANDER. The bill was put in form by General Mackenzie, the Chief of Engineers.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the last vote was laid on the table.

By unanimous consent, the corresponding House bill (H. R. 20248) was ordered to lie on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GILLETT of Massachusetts. Mr. Speaker, I present a conference report and statement on the District of Columbia appropriation bill (H. R. 18198) for printing in the RECORD under the rule.

The SPEAKER. The conference report and statement will be printed under the rule.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I call up the conference report on the fortifications appropriation bill (H. R. 14171) and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Iowa calls up the conference report on the fortifications appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14171) "making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 5, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five hundred thousand dollars;" and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum named in the last line of said amendment insert "one hundred and sixty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred thousand dollars;" and the Senate agree to the same.

WALTER I. SMITH,
J. WARREN KEIFER,
JOHN J. FITZGERALD,
Managers on the part of the House.

GEO. C. PERKINS,
F. E. WARREN,
JNO. W. DANIEL,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14171) making appropriations for fortifications, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on each of the Senate amendments, namely:

On amendment No. 1: Appropriates $500,000 instead of $600,000, as proposed by the Senate, and $310,000, as proposed by the House, for the purchase, manufacture, and test of mountain, field, and seacoast cannon.

On amendment No. 2: Inserts the provision proposed by the Senate, making available an unexpended balance of $39,302.16 for the alteration and maintenance of seacoast batteries.

On amendment No. 3: Appropriates $165,000 instead of $125,000, as proposed by the Senate, for the erection and equipment of a powder factory.

On amendments Nos. 4 and 5: Appropriates $260,000 for the

construction of seacoast batteries in the Hawaiian and Philippine islands, instead of $600,000, as proposed by the House, for seacoast batteries in said islands.

On amendment No. 6: Appropriates $400,000, instead of $565,000, as proposed by the Senate, and $200,000, as proposed by the House, for seacoast cannon for coast defense for the insular possessions.

The bill as finally agreed upon appropriates $5,053,993, being $215,000 more than as it passed the House, $225,000 less than as it passed the Senate, $1,693,900 less than the law for the current year, and $3,899,119.90 less than the estimates submitted to Congress.

WALTER I. SMITH,
J. WARREN KEIFER,
JOHN J. FITZGERALD,
Managers on the part of the House.

Mr. UNDERWOOD. Mr. Speaker, is this a complete and unanimous agreement?

Mr. SMITH of Iowa. It is.

The conference report was agreed to.

On motion of Mr. SMITH of Iowa, a motion to reconsider the last vote was laid on the table.

OSAGE INDIANS IN OKLAHOMA TERRITORY.

Mr. CURTIS. Mr. Speaker, I present conference report and statement on the bill (H. R. 15333) for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes, for printing in the RECORD under the rule.

The SPEAKER. The conference report and statement will be printed under the rule.

LANDS OF THE MENOMINEE INDIANS, WISCONSIN.

Mr. CURTIS. Mr. Speaker, I present conference report and statement on the bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, for printing under the rule.

The SPEAKER. The report and statement will be printed under the rule.

PURE-FOOD LEGISLATION.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent to print in the RECORD an opinion of the attorney-general of the State of New York on pure-food legislation.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The opinion is as follows:

STATE OF NEW YORK, ATTORNEY-GENERAL'S OFFICE,
Albany, March 21, 1906.

To the honorable the COMMISSIONER OF AGRICULTURE,
Albany, N. Y.

SIR: You have called to my attention the details concerning certain food products, and requested by opinion in regard to the provisions of article 11 of the agricultural law, familiarly known as the "pure-food law."

Several hearings have been held, at which your department has been represented, as well as attorneys for manufacturers and grocers, and also committees of wholesale and retail grocers' associations.

The interpretation of this statute is of importance for the purpose of appropriately enforcing the law, and also in order that the public, whether manufacturers, venders, or purchasers, may have settled rules by which they may be guided.

I may say at the outset that it is not possible to lay down any fixed rules of interpretation which would be applicable to every case, in connection with this statute, for the reason that in practical operation there are so many different propositions presented in relation to the adulteration or misbranding of food products.

However, I shall endeavor to analyze the statute to the extent, at least, of expressing my opinion on certain general lines, so that the uncertainty which now exists may in some degree be relieved.

The act is entitled "An act to amend the agricultural law relative to the sale, adulteration, or misbranding of food and food products." (Laws 1903, chapter 524.)

It deals with food which is adulterated and food which is misbranded.

It has for its two general purposes, first, the prevention of the manufacture and sale of food which is injurious or deleterious, and second, the safeguarding of the public against misrepresentation or deception.

ADULTERATION.

The statute describes an article of food shall be deemed to be adulterated. Briefly stated, the purpose is to prevent (1) the addition of injurious or deleterious ingredients; (2) the reduction in quality or strength of an article of food so that such product thus reduced shall deceive or tend to deceive the purchaser; (3) substitution for purposes of deception, and (4) the abstraction of a valuable constituent of an article of food for purposes of deception.

In other words, section 165, from subdivision "first" to "sixth," inclusive, has to do with the quality, strength, character, and genuineness of food. The subdivisions of the section to which I have just referred are not difficult of interpretation. If an article of food contains any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it, or if it consists of decomposed animal or vegetable substance or contains methyl or wood alcohol or methylated preparations therefrom, such article is to be deemed adulterated under the statute, and it is necessary only to show the existence of these injurious ingredients or substances in order to establish an offense against subdivisions fourth, fifth, and sixth of section 165.

If the substance be reduced so as to injuriously affect its quality or strength, or be substituted wholly or in part for an article of food, or if any valuable constituent of an article has been wholly or in part abstracted, then, in order that an article of food shall be deemed adulterated within the meaning of the statute, it must also appear that the article or product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Without giving an illustration under each of these subdivisions, I may call your attention to the case of People *v.* Park (60 App. Div., 255). Here a substance was sold under the name of Eiffel Tower Lemonade. The box, circulars, and advertisements were such as to lead purchasers to believe that they were buying a preparation which, when dissolved, would be a lemonade, and, therefore, that the juice of the lemon was a substantial ingredient of the preparation.

It appeared that such was not the case, and that there was but 5 per cent of oil of lemon, which is made from the yellow rind, and not made from the juice. Thereupon the court held that this preparation was "an imitation or simulation of lemonade" calculated to deceive the purchaser, and therefore adulterated within the provisions of section 41 of the health law then in force.

MISBRANDING.

The statute sets forth under what circumstances an article of food shall be deemed to be misbranded.

An article may be both misbranded and adulterated, but I shall consider under this heading only the question of misbranding.

The purpose of this part of the statute was to prevent fraud and deception in regard to articles which do not necessarily contain injurious or deleterious ingredients, but which are so placed before the public that the public is led to believe that it is purchasing one thing, when, in fact, it is purchasing something else, or something of the same kind, but inferior in character and quality.

After defining under what circumstances an article of food shall be deemed to be misbranded, the statute provides for certain exceptions in the following language:

"*Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

"First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition first of misbranded articles of food in this section.

"Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends: *Provided*, That the same shall be labeled, branded, or tagged so as to show the character and constituents thereof: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation."

The difficult question, at the outset, is to determine the meaning of the exception numbered "first," and this involves an interpretation of the phraseology "their own distinctive names" when read with the rest of the statute.

It is a familiar rule of construction that the intention of the legislature must be ascertained from the whole structure of the act, and that is the rule which must be here applied.

It will be noted that this exception applies not only to mixtures or compounds, which may be now known as "articles of food" under their own distinctive names, but also to those which may be so known from time to time hereafter.

It is evident, therefore, that the legislature realized that, after the enactment of the law, names would be invented for compounds or mixtures which would designate a particular preparation which the public could distinguish by name from any other preparation. It is likewise to be remembered that the legislature was not referring to fundamental foods, such as milk, beef, fruit, vegetables, etc., but to compounds or mixtures of different articles of food.

It seems to me that the exception, therefore, was intended to apply to compounds or mixtures having arbitrary names of a character which would not, in any way, mislead, but which, by usage, were intended to indicate a food that could be distinctly identified by name in the public mind.

For instance, to coin a word for purposes of illustration, let us assume that "Sahara" was a name used for a powder. Assume that the ingredients of this powder were not harmful or deleterious in any way, and that, by the addition of some water, the powder could be made into a jelly dessert. The word "Sahara" would not deceive any person. It would not indicate the constituent parts of the food and the person purchasing "Sahara" would purchase merely a powder composed of harmless ingredients which could be made into a dessert upon the addition of water in the proportions and in the manner described upon the package.

It is urged that, assuming these premises to be correct, nevertheless, the public should be advised as to the contents of this powder. It is said, even though the powder may be composed of harmless ingredients, such, for example, as sugar, calves'-foot jelly, and a wholesome herb, that the public should know these ingredients, because, for instance, some person may be nauseated by anything containing sugar. (This combination may not be scientifically correct, but I use it for lay illustration.)

It seems to me, however, that a State health law can not be sustained upon any such theory. The police power of the State is exercied to safeguard public health and prevent deception, but that does not mean, where no misrepresentations are held out and no deception is practiced, that a statute can go to the extent of legislating for the exception rather than for the rule. In considering foods (as distinguished from medicines) we must have in mind that a food is regarded as healthful which can be safely eaten by the mass of the people, and although sugar, for instance, may be unhealthful or distasteful to some, it is recognized as healthful food for all but the exceptions.

When, therefore, a harmless article is sold under an arbitrary name and put up with labels or in packages in such a way as to make no misrepresentations, such an article is sold under "its own distinctive name" and comes within the exception of the statute.

At the time of the enactment of this statute many such foods, known to the public by their peculiar names, were on the market, and it was doubtless intended that the property rights thus acquired should not be disturbed wherever these foods were not composed of ingredients which were in any manner injurious or deleterious, and provided they were sold under names which were not misleading.

In any event, the question is not so clear as to authorize a construction which might do grave injustice in the case of products not misleading and not harmful to the public health.

So far as I can ascertain, the words "own distinctive name" in this connection have not been judicially construed. The same language is used in substance in the bill now pending in Congress, and even the committee to which it was referred has not a settled view of the meaning of this term. (See Report of Committee on Interstate and Foreign Commerce No. 2118, House of Representatives, 59th Cong., 1st sess., under date of March 7, 1906.)

It seems to me, therefore, that the interpretation to be given to the phrase "their own distinctive names" is the one which I have heretofore indicated.

The exception "Second," relating to articles labeled, etc., so as to plainly indicate that they are mixtures, etc., applies, in my opinion, to mixtures, compounds, combinations, imitations, or blends which have not a distinctive name in the sense of an arbitrary name, or which from their name, label, brand, or tag indicate that the constituent element of the mixture, compound, combination, imitation, or blend is some known substance.

The object of this portion of the statute was that where a person was buying a mixture, compound, etc., represented by label, brand, or tag to be composed in part of a known food, that such person should be informed as to the constituent elements of such mixture, compound, etc.

To illustrate, using the word "Sahara" above referred to: As I have previously stated, "Sahara" standing by itself could deceive no one, but if the preparation of "Sahara" was sold as "Sahara calves' foot jelly," and the labels or brands were calculated to convey to the mind of the purchaser that with the addition of water "Sahara" would make calves' foot jelly, then the purchaser should be informed that in addition to the calves' foot jelly there were also, as constituent elements of the food, sugar and a wholesome herb, naming it.

If goods are sold as "Sahara strawberry jam," and there was only a certain percentage of strawberry juice in the preparation, the intent of the statute was that the purchaser should know what other constituents entered into the compound or mixture, to wit, the jam.

Thus, for instance, it should be shown that the jam consisted of strawberries, granulated sugar, and apples. Some other strawberry jam, so called, might consist of strawberries, granulated sugar, and peaches, and the purchaser would thus be informed, in accordance with the statute, as to "the character and constituents" of the compound, mixture, etc.

The addition of the word "Sahara" to the other words "strawberry jam" does not make "Sahara strawberry jam" a distinctive name within exception "First" of the statute. The point is that strawberry jam, with whatever prefix or other description, conveys to the mind of the ordinary purchaser that the mixture or compound is made of strawberry juice and sugar, and does not convey to the mind of the purchaser that there is another constituent or ingredient, to wit, apple or peach or whatever it may be.

I have endeavored to make clear that when the public buys "Sahara," a jelly powder, no representation is made as to the contents of that food, and so long as the food is harmless it can be sold without disclosing the constituents thereof, because it has its own distinctive name within the meaning of the statute. When, however, the public buys "Sahara strawberry jam," the purchase is made because it is a strawberry jam, and the word "Sahara" merely indicates a particular brand of the compound or mixture, strawberry jam.

Let me illustrate further. Suppose that upon the package in which "Sahara," a jelly powder, is sold there is also added the word "strawberry" or the words "strawberry flavor." The intention is to convey to the public mind that the flavoring is obtained from the strawberry. If, as a matter of fact, no strawberry is used, but the flavoring is acquired through some vegetable compound or chemical process, then it becomes the duty of the vender to give the constituents of the flavoring or to otherwise make clear by label, etc., that the strawberry flavoring is artificial.

It is difficult to elaborate with illustrations. Suffice it to say, that the general rule on this branch of the subject may be stated as follows: That where the article of food is held out to the public in such manner that the ordinary purchaser would be deceived, then that such article is misbranded within the meaning of the statute.

In relation to the disclosures of trade formulas the statute provides that these formulas need not be disclosed in the case of proprietary foods which contain no unwholesome added ingredients, except in so far as the provisions of the act may require it to secure freedom from adulteration or imitation. A proprietary food may be defined as a food which is the property of a particular person or persons by virtue of character of combination, or name or method of presenting to the public by label, brand, tag, etc.

It is difficult to define under what circumstances it would be necessary, under the act, to disclose a trade formula. Such disclosure would depend upon the facts of each particular case. It might be that the food preparation had an acid, which in very small quantities might be harmless, and yet be harmful in large proportions, and it might be necessary, in order to protect the public, to require the disclosure of the formula.

There is another illustration of importance which may be made in connection with this part of the act. Let us take the constituent elements of "Sahara" above referred to, to wit, sugar, calves' foot jelly, and a wholesome herb. Suppose that the herb had the flavor of the strawberry and the preparation was sold as "Strawberrine." The public would be thus led to believe that the strawberry flavor in the preparation came from the strawberry fruit.

Although the preparation itself was not deleterious to health, yet there would be a deception, against which the statute is intended to safeguard, and thus the same preparation, which could be sold under the arbitrary name of "Sahara," could not be lawfully sold under the name of "Strawberrine" unless the character and constituents of "Strawberrine" were so clearly indicated upon the label, brand, or tag as to prevent deception.

PRESERVATIVES.

I am of the opinion that it was the intention of the statute that the character and constituents should be given of all preservatives.

COLORING MATTER.

When artificial coloring is used and such coloring is composed of harmless substances, I am of the opinion that the label, brand, etc., should show that the coloring is artificial, and that in such case the manufacturer has the choice of using some such phrase as "artificially colored," or of setting forth on the label, tag, etc., the constituents of the coloring matter. In any event, it must be made clear by either of the methods just referred to that the coloring is artificial and not natural.

I think that the foregoing sets forth with sufficient detail the general propositions in relation to the interpretation of this statute. Of course whether an article is misbranded within the terms of the statute, as construed herein, must depend upon the whole situation—the name, the label, the brand, the tag, the advertisement—in brief, the manner in which the article of food is held out to the public.

I may say, in conclusion, that, if it is practicable, it would be wise for your Department to pass upon the names, labels, brands, tags, etc., wherever request is made, in good faith, so to do by manufacturers or venders of foods.

In view of the uncertainty which has prevailed in regard to the interpretation of this statute, I think you are entirely justified in giving dealers a reasonable time to recall any misbranded goods, provided that such goods are not adulterated so as to contain ingredients harmful to health or are not imitations or substitutions of other foods calculated to deceive the public.

Opinions of this office from time to time in specific cases will serve to make clear the general propositions here set forth.

Yours, respectfully,

JULIUS M. MAYER,
Attorney-General.

NIAGARA FALLS.

Mr. BURTON of Ohio. Mr. Speaker, I ask for the reprint of the bill H. R. 18024, with Senate amendments numbered, the Niaraga Falls bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

RIVER AND HARBOR IMPROVEMENTS.

Mr. BURTON of Ohio. Now, Mr. Speaker, I call up the bill H. R. 20266, an act to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvements at the expense of persons, companies, or corporations," approved May 16, 1906, on the Speaker's table, and I move that the House nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. BURTON of Ohio, Mr. BISHOP, and Mr. BANKHEAD.

REPRINT OF IMMIGRATION BILL.

Mr. HAYES. Mr. Speaker, I ask unanimous consent for the reprint of the bill H. R. 4403, as last reported, and of the last report. It is the immigration bill, and the supply is entirely exhausted.

The SPEAKER. The gentleman from California asks unanimous consent for the reprint of the bill and report referred to. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. LITTLEFIELD, by unanimous consent, was given leave of absence indefinitely.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting a copy of the journal of the House of Delegates of Porto Rico, for the second session of the third legislative assembly—to the Committee on Insular Affairs.

A letter from the Commissioners of the District of Columbia, submitting a report on the improvement of the Anacostia Flats—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Delaware*, James Dunphy master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Nancy*, James Stephenson, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ———, ———, master—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 6355) concerning licensed officers of vessels, reported the same with amendment, accompanied by a report (No. 4993); which said bill and report were referred to the House Calendar.

Mr. BURNETT, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16804) providing for the use of $3,000,000 of the money that would otherwise become a part of the reclamation fund for the drainage of certain lands in North Carolina and Virginia, and for other purposes, reported the same with amendment, accompanied by a report (No. 4994); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ROBINSON of Arkansas: A bill (H. R. 20354) for the enlargement of the public building at Hot Springs, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. VOLSTEAD: A bill (H. R. 20355) to authorize drainage of certain lands in the State of Minnesota—to the Committee on the Public Lands.

By Mr. HAMILTON: A joint resolution (H. J. Res. 178) providing for the improvement of the harbor at South Haven, Mich.—to the Committee on Rivers and Harbors.

By Mr. BURTON of Ohio: A joint resolution (H. J. Res. 179) providing for the improvement of a certain portion of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. GILL: A resolution (H. Res. 601) requesting the President of the United States to transmit to the House of Representatives such official information as he may secure concerning the details of the recent massacre of the Jews in Bialystok, Russia—to the Committee on Foreign Affairs.

By Mr. KENNEDY of Nebraska: A resolution (H. Res. 602) requesting the Secretary of State to obtain certain information touching operations of savings banks in foreign countries, for presentation at the second session of the Fifty-ninth Congress—to the Committee on Foreign Affairs.

By Mr. SOUTHARD: A resolution (H. Res. 603) providing for the consideration of the bill H. R. 8444—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 20356) granting an increase of pension to Mary T. Mathis—to the Committee on Pensions.

By Mr. BEALL of Texas: A bill (H. R. 20357) granting an increase of pension to Jane Auldridge—to the Committee on Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 20358) granting an increase of pension to Charles Rea—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: A bill (H. R. 20359) granting an increase of pension to Malissa Thomas—to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 20360) granting an increase of pension to Henry S. Webb—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 20361) granting an increase of pension to George T. Wetherell—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 20362) granting a pension to Hartford Matherly—to the Committee on Invalid Pensions.

By Mr. MOORE: A bill (H. R. 20363) granting an increase of pension to Otis E. Rush—to the Committee on Pensions.

By Mr. MURPHY: A bill (H. R. 20364) to correct the military record of V. B. Gatewood—to the Committee on Military Affairs.

By Mr. RHODES: A bill (H. R. 20365) for the relief of William Nevin—to the Committee on War Claims.

Also, a bill (H. R. 20366) for the relief of Adaline Cole—to the Committee on War Claims.

Also, a bill (H. R. 20367) granting a pension to John G. Schacht—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20368) granting a pension to Robert V. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20369) granting a pension to Willis Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20370) granting an increase of pension to Jonas Mathews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20371) granting an increase of pension to Thomas Russ—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20372) granting an increase of pension to Andrew J. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20373) granting an increase of pension to Thomas H. G. Lester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20374) granting an increase of pension to James Gillam—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 20375) for the relief of the estate of William Joslin, deceased—to the Committee on War Claims.

By Mr. WALDO: A bill (H. R. 20376) granting an increase of pension to Michael McDermit—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20377) to correct the military record of Daniel Reardon—to the Committee on Military Affairs.

By Mr. WEISSE: A bill (H. R. 20378) granting a pension to Rosina Stoll—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Paper to accompany bill for relief of Mary T. Mathis—to the Committee on Pensions.

By Mr. BARTHOLDT: Petition of Henry Donaldson et al., for Senate bill 3638, relative to retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps—to the Committee on Military Affairs.

Also, petition of A. Gray, of St. Louis, Mo., for the heirs of Cyprian Claymorgan, praying for action to secure to these heirs the property ceded to said Claymorgan under Spanish land claims—to the Committee on Private Land Claims.

By Mr. BEALL of Texas: Paper to accompany bill for relief of Jane Auldridge—to the Committee on Pensions.

By Mr. BENNET of New York: Petitions of several thousand persons in New York, New Jersey, and Pennsylvania, against the Dillingham-Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. BURKE of Pennsylvania: Petition of citizens of Pennsylvania, against additional restrictive legislation relative to immigrants—to the Committee on Immigration and Naturalization.

By Mr. CROMER: Petition of Joseph G. Leffler et al., of Muncie, Ind., for an amendment to Gardner bill, relative to restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DALE: Petition of Michael Bosak, against certain sections of the immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Chicago Federation of Labor, for bill H. R. 18752 (the Pearre bill)—to the Committee on the Judiciary.

Also, petition of Washington Camp No. 430, Patriotic Order Sons of America, Scranton, Pa., for the immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Municipal Art League of Baltimore, for a Federal art commission—to the Committee on the Library.

Also, petition of Chicago Federation of Labor, for anti-injunction laws—to the Committee on the Judiciary.

Also, petition of Fleetville (Pa.) Grange, No. 1199, for pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. U. Hopewell, for amendment to post-office laws making legal all paid paper subscriptions—to the Committee on the Post-Office and Post-Roads.

Also, petition of Grange Association of Pennsylvania, for pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Master Plumbers' Association of Scranton, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of National German-American Alliance of Philadelphia, against further action on pending immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Hon. P. A. Philbin, publisher of the Citizen, for making all paid paper subscriptions legal—to the Committee on the Post-Office and Post-Roads.

Also, petition of The New Immigrants' Protective League, for better distribution of immigrants—to the Committee on Immigration and Naturalization.

By Mr. DAWSON: Petition of Hawarden (Iowa) Commercial Club, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of United German Societies of New York, for furtherance of arbitration treaties—to the Committee on Foreign Affairs.

Also, petition of American citizens of German descent adopted at Cooper Union, New York, favoring negotiation of arbitration treaties—to the Committee on Foreign Affairs.

By Mr. DRISCOLL: Petition of New York State Canned Goods Packers' Association, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. FLOOD: Petition of Charles W. Straughan, for redress of grievances suffered in courts of the District of Columbia—to the Committee on the District of Columbia.

By Mr. FULLER: Petition of Grand Lodge, Independent Order Good Templars of the United States, for prohibition of liquor selling in all public buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of heirs of Alexander C. Stockard—to the Committee on War Claims.

By Mr. GOEBEL: Petition of citizens of Cincinnati, against the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of Order of Knights of Labor, against Senate bill 4403, relative to increase of head tax on immigrants—to the Committee on Immigration and Naturalization.

By Mr. GROSVENOR: Petitions, in form of letters, protesting against the passage of the eight-hour bill, from the following cities: Jacksonville, Fla., Chicago, Ill., and Battle Creek, Mich.—to the Committee on Rules.

By Mr. LAMB: Petition of Methodist Preachers' Meeting at Richmond, Va., and vicinity, East Hanover Presbytery, Baptist Conference in Richmond, Va., and Y. M. C. A. mass meeting, Richmond, Va., for Sunday closing of the Jamestown Exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. McKINLEY of Illinois: Petition of Ralph Jefferus et al., of Charleston, Ill., against pipe-line amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE: Paper to accompany bill for relief of Otis E. Rush—to the Committee on Pensions.

By Mr. SPIGHT: Paper to accompany bill for relief of estate of William Joslin—to the Committee on Claims.

By Mr. WEISSE: Petition of The New Immigrants' Protective League, for better distribution of immigrants—to the Committee on Immigration and Naturalization.

Also, petition of National German-American Alliance, for furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

Also, petition of Board of Trade of Chicago, for efficient inspection of meat-packing products—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *June 23, 1906.*

Prayer by Rev. JOHN VAN SCHAICK, Jr., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

UNLADING OF BONDED MERCHANDISE.

Mr. LODGE. I ask unanimous consent to take from the Calendar the bill (H. R. 7099) to amend section 2871 of the Revised Statutes.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Commerce with amendments.

The amendments were, on page 1, line 7, after the word "steamship," to insert "or other conveyance;" in line 8, after the word "steamship," to insert "or other conveyance;" on page 2, line 1, after the words "license to," to insert "lade or;" in line 2, after the word "vessel," to insert "or other conveyance;" in line 5, after the word "vessel," to insert "or other conveyance;" in line 11, after the word "steamship," to insert "or other conveyance;" in line 12, after the words "from her," to insert "or other conveyance;" and, in line 22, after the words "superintend the," to insert "lading or;" so as to make the bill read:

Be it enacted, etc., That section 2871 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"SEC. 2871. Upon arrival at any port in the United States of a steamship or other conveyance from a foreign port or place, or upon the arrival of a steamship or other conveyance from another port in the United States belonging to a line designated by the Secretary of the Treasury as a common carrier of bonded merchandise, the collector of customs, with the concurrence of the naval officer, where there is one, upon or after the issuing of a general order, shall grant, upon proper application therefor, a special license to lade or unlade the cargo of said vessel or other conveyance at night—that is to say, between sunset and sunrise; but before any such special license is granted the master, agents, or consignees of the vessel or other conveyance shall execute and deliver to the collector a good and sufficient bond, to be approved by him, conditioned to indemnify and save the collector harmless from any and all losses and liabilities which may occur or be occasioned by reason of the granting of such special license. And any liability of the master or owner of any such steamship or other conveyance to the owner or consignee of any merchandise landed from her or other conveyance shall not be affected by the granting of such special license or of any general order, but such liability shall continue until the merchandise is properly removed from the dock whereon the same may be landed. The collector, under such general regulations as the Secretary of the Treasury may prescribe, shall fix a uniform and reasonable rate of compensation for like service, to be paid by the master, owner, or consignee whenever such special license is granted, and shall collect and distribute the same among the inspectors assigned to superintend the lading or unlading of the cargo."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOURNAL OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a copy of the journal of the house of delegates of Porto Rico for the second session of the third legislative assembly of Porto Rico; which was referred to the Committee on Pacific Islands and Porto Rico.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Nancy*, James Stephenson, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Delaware*, James Dunphy, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 6493. An act to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River, to erect and maintain an inlet pier therefrom, and to construct and maintain filter beds for the purpose of supplying the city of Buffalo with pure water; and

S. R. 68. Joint resolution expressing the sympathy of the people of the United States with the Hebrews on account of the massacres of members of their race in Russia.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 13372. An act to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin;

H. R. 14171. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 15333. An act for the division of the lands of the Osage Indians in Oklahoma Territory, and for other purposes; and

H. R. 16953. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 20266) to

amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvements at the expense of persons, companies, or corporations," approved May 16, 1906, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURTON of Ohio, Mr. BISHOP, and Mr. BANKHEAD managers at the conference on the part of the House.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 4109. An act to increase the efficiency of the Bureau of Insular Affairs of the War Department;

S. 6146. An act to authorize the Back River Bridge Company to construct a bridge across the west or smaller division of the Ohio River from Wheeling Island, West Virginia, to the Ohio shore;

H. R. 118. An act to amend sections 713 and 714 of "An act to establish a code of law for the District of Columbia," approved January 31 and June 30, 1902, and for other purposes;

H. R. 1326. An act granting an increase of pension to Ora P. Howland;

H. R. 14171. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 15513. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;

H. R. 16290. An act to modify the requirements of the act entitled "An act to promote the education of the blind," approved March 3, 1871;

H. R. 16785. An act giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.;

H. R. 18529. An act to authorize the sale of certain lands to the city of Mena, in the county of Polk, in the State of Arkansas;

H. R. 19181. An act to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes;

H. R. 19682. An act authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes;

H. R. 20119. An act to authorize the village of Oslo, Marshall County, Minn., to construct a bridge across the Red River of the North;

H. R. 20210. An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River; and

H. R. 20321. An act to provide for the traveling expenses of the President of the United States.

PETITIONS.

Mr. GAMBLE presented petitions of sundry citizens of Avon, Hurley, Hecla, Chancellor, Freeman, Centerville, Canton, and Ferney, all in the State of South Dakota, praying for the passage of the so-called "pure-food bill," and also for the Government inspection of all meat products; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Parker, Bonesteel, Evarts, Oacoma, Fort Pierre, and Presho, all in the State of South Dakota, and of Sioux City, Iowa, praying for the adoption of a certain amendment to the argicultural appropriation bill providing for the Government inspection of all meat products; which were referred to the Committee on Agriculture and Forestry.

Mr. PLATT presented a petition of the Union Stock Yards Bank, of Buffalo, N. Y., praying for the enactment of legislation granting protection to the live stock industry of the country; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. DILLINGHAM, from the Committee on Immigration, to whom was referred the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States, reported it with an amendment and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 18911) granting an increase of pension to Frances Becker;

A bill (H. R. 19043) granting an increase of pension to Sarah V. Malone;

A bill (H. R. 19047) granting an increase of pension to Susan C. Smith;

A bill (H. R. 19130) granting an increase of pension to Larsey Bolt;

A bill (H. R. 19177) granting an increase of pension to Jane Elizabeth Kerr;

A bill (H. R. 19221) granting an increase of pension to Emma Byles; and

A bill (H. R. 19253) granting an increase of pension to Charles H. Thompson.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 5402) granting an increase of pension to C. M. Lyon, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 19659) granting an increase of pension to Margaret S. Miller, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14163) granting an increase of pension to Jerome Lang;

A bill (H. R. 1549) granting an increase of pension to Louis H. Gein;

A bill (H. R. 17732) granting an increase of pension to Joseph Scott;

A bill (H. R. 18544) granting an increase of pension to John W. Coates;

A bill (H. R. 18606) granting an increase of pension to Maria A. Maher;

A bill (H. R. 19118) granting an increase of pension to Effingham Vanderburgh;

A bill (H. R. 6201) granting an increase of pension to George W. Laking;

A bill (H. R. 18657) granting an increase of pension to Nicholas Schue;

A bill (H. R. 19317) granting an increase of pension to Samantha B. Marshall;

A bill (H. R. 19352) granting an increase of pension to Philip Killey; and

A bill (H. R. 19686) granting an increase of pension to Orrin S. Rarick.

MISSISSIPPI RIVER BRIDGES.

Mr. BERRY. I report back from the Committee on Commerce, without amendment, the bill (S. 6483) to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," and I submit a report thereon. This is a bill the senior Senator from Wisconsin [Mr. SPOONER] is very anxious to have passed. In his name I ask unanimous consent that it may be considered at this time.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON AND WESTERN MARYLAND RAILROAD.

Mr. WHYTE. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 12086) to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company," to report it favorably without amendment, and I submit a report thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER DAM.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 19431) permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota, to report it favorably without amendment, and I submit a report thereon. I ask for its present consideration.

The Secretary read the bill; and there being no objection, the

Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRED DICKSON.

Mr. SMOOT. I report back favorably from the Committee on Claims, without amendment, the bill (H. R. 9528) to reimburse Fred Dickson for loss of his tools during the fire which destroyed the engine house at Fort Duchesne, Utah, September 19, 1902, and I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay Fred Dickson $155.65.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CODE PREPARED BY THE STATUTORY REVISION COMMITTEE.

Mr. FULTON. I am directed by the Committee on the Revision of Laws to report favorably the concurrent resolution of the House of Representatives, which was referred to that committee on the 20th instant.

I desire to say that there is a provision in the resolution providing for the payment of the expenses from the contingent funds of the Senate and of the House. I understand, therefore, that the resolution will have to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. The Committee on the Revision of the Laws recommends an amendment, striking out "four" and substituting "five," in line 3; so as to make it read "five Senators." I wish to inquire whether the amendment can be acted on before the resolution goes to the committee.

The VICE-PRESIDENT. Without objection, the amendment will be read.

The SECRETARY. On page 1, line 3, before the word "Senators," strike out "four" and insert "five."

The amendment was agreed to.

The concurrent resolution as amended was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That a joint special committee be appointed, consisting of five Senators to be appointed by the Vice-President and five Members of the House of Representatives to be appointed by the Speaker, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the Statutory Revision Commission heretofore authorized to revise and codify the laws of the United States; and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary clerical and other assistance; to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be deemed necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

GRAND LODGE INDEPENDENT ORDER OF ODD FELLOWS OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 6448) to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate, to report it favorably without amendment. I ask for its present consideration. It will take but a moment.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESA VERDE NATIONAL PARK.

The VICE-PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 5998) creating the Mesa Verde National Park was read twice by its title.

Mr. PATTERSON. I have called the attention of the Committee on Public Lands to that bill, and I am authorized by the committee to request its immediate consideration and passage. I desire to say in addition that a similar bill passed the Senate on the 9th of April and is in the House. If this bill passes I will then ask the recall of Senate bill 3245 and its indefinite postponement.

The VICE-PRESIDENT. The Senator from Colorado asks unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PATTERSON. I ask that Senate bill 3245, creating the Mesa Verde National Park, be recalled from the House of Representatives.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. PATTERSON. I enter a motion to reconsider the vote by which the bill was passed, with a view to its indefinite postponement when it is returned.

GUN CARRIAGE FOR RIPLEY, TENN.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 160) authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn., to report it favorably without amendment. I call the attention of the Senator from Tennessee [Mr. CARMACK] to the joint resolution.

Mr. CARMACK. I ask unanimous consent for the present consideration of the joint resolution.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 6516) for the relief of the estate of Q. K. Underwood, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 6517) granting an increase of pension to William C. Hall; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6518) granting an increase of pension to William H. Stiles; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 6519) to revise and amend the United States Statutes relating to the commitment of United States prisoners to reformatories of States; which was read wice by its title, and referred to the Committee on the Judiciary.

Mr. MALLORY introduced a bill (S. 6520) to correct the naval record of Francis F. Thuellin, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. BRANDEGEE introduced a bill (S. 6521) granting a pension to Abbie J. Daniels; which was read twice by its title, and referred to the Committee on Pensions.

FIVE CIVILIZED TRIBES.

Mr. CARTER submitted an amendment authorizing the Secretary of the Interior to reexamine the enrollment records of the Five Civilized Tribes, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

KLAMATH INDIAN RESERVATION.

Mr. FULTON submitted an amendment proposing to appropriate $3,000 to complete the surveys of the lands in the Klamath Indian Reservation, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (H. R. 15506) authorizing the patenting of certain lands to school district No. 57, Nez Perces County, Idaho.

Mr. LONG. Is the morning business finished?

The VICE-PRESIDENT. It has not been concluded.

Mr. PROCTOR. I shall have to object to the consideration of anything but the routine morning business. The agricultural appropriation bill has been waiting for some time.

Mr. HEYBURN. A number of bills have been passed by unanimous consent.

Mr. PROCTOR. I shall have to object until the agricultural appropriation bill is sent to conference.

The VICE-PRESIDENT. Objection is made.

DEBTS OF SANTO DOMINGO, HAITI, AND COSTA RICA.

Mr. MORGAN. Mr. President, at the last session of Congress the Senate passed a resolution for the printing as a Senate document of certain statements made from the Thirty-first Annual Report of the Council of the Corporation of Foreign Bondholders for the years 1904 and 1905. That related more particularly

to the debt of Santo Domingo and Haiti, and perhaps of Costa Rica.

I have now extracts from the same paper of a later date and some other extracts, which I desire to have printed in the RECORD and also as a document, for the purpose of bringing to the attention of the Senate the opinion and the attitude assumed by the highest financial authorities in Europe in respect of our situation in regard to the debts of what we might call the "bankrupt States of America."

The paper that we printed last year was of immense service, I think, to the Government and people of the United States and the Senate, and I wish now to print in the RECORD and also to have printed as a document the following:

COSTA RICA DEBT.

1. Extract from the Times, London, June 2, 1905. Money market article. (Page 13.)
2. From the Financial News, London, June 3, 1905. Editorial entitled "Costa Rica external debt." (Page 4.)
3. From the South American Journal, London, June 3, 1905. City office article headed "The Costa Rica debt." (Page 604.) Further article headed "Costa Rica debt." (Page 605.)

Tabular statement of amount (which is in pounds sterling) of the debt; prices during 1904, highest and lowest; name of bonds, latest quotations therefor. (Page 624.)

4. From the Thirty-second Annual Report of the Council of the Corporation of Foreign Bondholders for the years 1904–5, issued October, 1905. London.

I think it is very important, Mr. President, that the attitude assumed by the great financial powers of Europe in respect of our obligations already assumed, or pretended on their part that we have assumed, for the guarantee of the debts of these smaller American Republics, should be known to the Senate, because in our action here upon anything that occurs of a financial character relating to any of these Republics we must be governed in a large degree by what these financial authorities assert are our obligations, as we must either accept them or we must refuse to accept them.

My opinion is that the time has arrived when it is necessary for the Government of the United States to take a definite stand on that subject and not to permit any foreign government, such as Costa Rica, by its negotiations, by the stipulation of its financial arrangements with bondholders of London, to fix a liability upon the United States for the redemption of their debt. Of course it is a presumptuous act, an outrageous thing to do, but it is done by Costa Rica, for instance, in recent negotiation, and these men accept it abroad and their highest financial authorities quote these acts as if they were obligatory upon the United States.

Now, what I want to do, and all I want to do, is to get this information from these sources before the Senate. It has required a good deal of work on my part to get these things from the highest official financial sources in Europe. I think the Senate will find that it is of very great advantage to have these papers printed.

It is nothing to me; I care nothing about it personally at all; but I have felt it was my duty, being a member of the Committee on Foreign Relations, to bring this subject to the attention of the Senate. The print, when made, will not be long. It will be a short print. Perhaps it will cover three or four pages of the document, and altogether, perhaps will not cover more than three columns in the RECORD.

Mr. SPOONER. I have just come into the Senate Chamber. Will the Senator kindly indicate just what these papers are? I have no doubt he has already stated it.

Mr. MORGAN. I will read the list I have here.

1. Extract from the Times, London, June 2, 1905. Money market article (p. 13).
2. From the Financial News, London, June 3, 1905. Editorial entitled "Costa Rica external debt" (p. 4).
3. From the South American Journal, London, June 3, 1905. City office article headed "The Costa Rica debt" (p. 604). Further article headed "Costa Rica debt" (p. 605).

Tabular statement of amount (which is in pounds sterling) of the debt; prices during 1904, highest and lowest; name of bonds, latest quotations therefor (p. 624).

4. From the Thirty-second Annual Report of the Council of the Corporation of Foreign Bondholders for the years 1904–5, issued October, 1905. London.

Mr. SPOONER. That is only for information?

Mr. MORGAN. Entirely for information.

I ask, Mr. President, that the papers I have referred to may be printed in the RECORD and also as a document.

The VICE-PRESIDENT. Without objection, it is so ordered.

The papers referred to are as follows:

[Extract from the Times, London, June 2, 1905.]

THE MONEY MARKET.

The council of foreign bondholders communicate the summary of an agreement made between the Government of Costa Rica and Messrs. Speyer & Co., of New York, with reference to the settlement of the debt of the Republic. The proposals were considered by the committee of Costa Rica bondholders at a meeting held to-day, and the committee unanimously resolved to recommend their acceptance by a public meeting of the bondholders, to be convened as soon as the agreement has been ratified by the Costa Rican Congress. The agreement is remarkable for the fact that the United States makes itself responsible for fulfillment of the terms. The following are extracts from the summary:

"The Republic will create and issue its 5 per cent refunding bonds for $11,500,000 (United States gold), dated July 1, 1905, and carrying interest from that date. The loan may be increased to $13,239,000 for the purpose of exchange for the outstanding 6 per cent Pacific Railway gold bonds for $1,449,000.

"The bonds are exempt from all taxes, and will be repayable on July 1, 1955, or previously, by the operation of a cumulative sinking fund of at least 1 per cent of the nominal amount of the loan, to be payable as from January, 1910, by monthly installments.

"The loan will be secured by a first charge on all customs receivable by the Republic, whether imposed on imports or exports, and also secured, if the customs receipts prove insufficient to meet the necessary monthly payments for interest, sinking fund, and expenses, and if such deficiency be not paid by the Republic, by a first charge, subject only to the charge in respect of the $1,449,000 Pacific Railway bonds, on the amounts receivable by the Republic on the sale of liquors.

"Holders of the refunding bonds and Messrs. Speyer & Co. shall be entitled to apply to the United States of America for protection against any violation of and for aid in the enforcement of the agreement and the refunding bonds.

"Arrangements have been made with Messrs. Speyer & Co. whereby the latter will act in the conversion of the series A bonds and series B bonds of the present exterior debt of the Republic, and whereby provision will be made for the retirement for cash of the certificates in respect of arrears of interest on such bonds from January 1, 1895, to January 1, 1897, on the basis of the agreement of 1897, and for payment in cash of the interest accruing from April 1, 1901, to July 1, 1905, on the same basis on such bonds as shall be tendered for conversion.

"The holders of both the A and B bonds will upon conversion be entitled, in addition to payment in cash of the arrears of interest, to receive such a nominal amount of the 5 per cent new bonds as will produce an income equivalent to that payable in respect of the A and B bonds under the arrangement of 1897."

[Extract from the Financial News, London, June 3, 1905.]

COSTA RICA EXTERNAL DEBT.

One of the most striking features in recent stock exchange business has been the upward movement in the market valuations of the bonds of defaulting South and Central American States. In particular, Costa Rica "A" and "B" bonds rose in the past account 11½ and 8½, respectively, and since the commencement of the current year the quotations of both have considerably more than doubled. The appreciation is now to a large extent accounted for by the agreement which has been made between the Government of Costa Rica and Messrs. Speyer & Co., of New York (of which we published a summary in our issue of yesterday), subject to ratification by the Congress of the Republic, on the one hand, and acceptance by the external bondholders, on the other hand. After the experience of the unfortunate holders of city of Cordoba bonds, it would not be absolutely safe to count upon the congressional ratification; but, so far as it is possible to judge, there will be neither difficulty nor undue delay upon that score; while the external bondholders are likely the more readily to adopt the recommendation of the council of foreign bondholders since the agreement has in it two highly important clauses, making for something like finality in the settlement.

The clauses we refer to are as follows:

"If the amounts received from customs are at any time insufficient and default is made by the Republic either in payment or otherwise, then, upon the request of either party to the agreement or of the President of the United States of America the Republic is to forthwith submit the matter for arbitration to The Hague tribunal or, in case that tribunal should cease to exist or decline to act, or the Republic and the United States President should so agree, the matter can, on request of such President, be submitted to three arbitrators to be appointed by them as provided in the agreement."

The phraseology of the clause is a little vague, but that of the next one is quite explicit:

"It is also provided that the holders of the refunding bonds and Messrs. Speyer & Co. shall be entitled to apply to the United States of America for protection against any violation of, and for aid in the enforcement of the agreement and the refunding bonds."

It is obvious that these clauses would not have been inserted in the agreement without the sanction of the United States Government, and that, in accordance with the latest interpretation of the Monroe doctrine, that Government will only protect Costa Rica from foreign pressure so long as she fulfills her engagements with her creditors. The agreement thus marks a new departure which may have highly important results for defaulting Spanish-American States and for their creditors.

In the past the treatment which Costa Rica has meted out to her external creditors has been, of course, utterly discreditable and flagrantly dishonest; but in that respect she has been no worse, but rather better, than the majority of the Spanish-American republics. For practical purposes, as Lord Avebury reminded the bondholders in January last year, the public debt of Costa Rica had its origin in 1871–72, when two loans were issued, one for £1,000,000, with interest at 6 per cent and 2 per cent sinking fund, placed by Messrs. Bischoffsheim & Goldschmidt, and the other for £2,400,000, bearing 7 per cent interest and 1 per cent sinking fund, for which Messrs. Knowles & Foster were sponsors. The first loan was issued in moieties at 72 per cent and 74 per cent, respectively, and it is probable that Costa Rica got a much smaller percentage of the second loan, judging from the curious evidence given before the foreign loans commission some thirty years ago; but that was a matter between the Government and its agents—the bondholders were in no way responsible for any diversion of the proceeds of the loans from their proper purpose. In 1874 default took place, and for eleven weary years the bondholders received nothing; and in 1885 they made the most liberal concession to Costa Rica, on the principle that half a loaf would be better than no bread. The principal of the debt outstanding was reduced by 50 per cent, to £2,000,000, divided into £525,000 of A bonds and £1,475,000 of B bonds, the interest being permanently cut down to 5 per cent instead of 6 per cent and 7 per cent, while for each £100 of interest in arrears the bondholders accepted £22 10s. in shares of the Costa Rica Railway Company. The rate of amortization was lowered to 1 per cent.

As some compensation for these reductions, the bondholders were given the special security of "customs notes," which the Government undertook to issue each year up to the sum required to provide for the debt service, the "notes" being preferentially acceptable in payment of customs duties. It was also provided that the old bonds should be retained as collateral security until July 1, 1904. For eight years in succession the 1885 agreement was observed; but no sooner had the old bonds been handed over to the Government than default again took place, and, concurrently, the Government discontinued the issue of the "customs notes."

Two years later, in 1897, a fresh arrangement was sanctioned, under which the interest on the A and B bonds was reduced from 5 per cent to 3 per cent in the former case and 2½ per cent in the latter; the sinking fund was suspended for twenty years, and the coupons in arrear, amounting to £250,000, were funded into noninterest-bearing certificates for £100,000, redeemable in twenty years by a sinking fund of £5,000 per annum. The debt payments were to be (but, in point of fact, never were) paid in monthly installments, and in the event of default for six consecutive months the rights of the bondholders under the 1885 agreement were to be ipso facto revived. The latest default has continued since October, 1891, despite every effort on the part of the council of foreign bondholders and its representatives to induce the Government of Costa Rica to act honestly toward the bondholders. Under all the circumstances, those bondholders would be perfectly justified in insisting that the arrangement of 1885 should be reverted to; but to do so would be to prolong the default for a quite indefinite period, and, upon careful consideration, we are confident that they will accept the terms of settlement proposed. The total indebtedness of the Republic, funded and unfunded, amounts to $15,284,000, while the new issue is to be 5 per cent refunding United States gold bonds for $11,500,000; but it may be increased to $13,239,000 for the purpose of exchange for the outstanding 6 per cent Pacific Railway gold bonds for $11,449,000.

Principal and interest is to be payable in New York, or, at the holder's option, at a fixed rate of exchange of $4.85 per £1, in London. The sinking fund has been fixed at 1 per cent (at least), payable in monthly installments, and to be applied by Messrs. Speyer & Co., in the purchase of bonds, at not exceeding par and interest, or by drawings at par and interest. The loan is to be secured by a first charge on all customs receivable by the Republic, whether on imports or exports, any deficiency being made good by the amounts receivable on the sale of liquors. The customs revenue has risen steadily from $1,238,000 in 1900 to $1,676,000 last year, while the liquor revenues have fallen in the same period from $424,000 to $335,000, after being as low as $301,000 in 1903. There is ample security for the loan if the Government chooses to act honorably, and, as the holders of the A and B bonds are to be entitled, in addition to payment in cash of the arrears of interest, to receive such a nominal amount of the new 5 per cent bonds as will produce an income equivalent to that payable under the 1897 arrangement, they have reason to feel very grateful alike to the council of foreign bondholders and to Messrs. Speyer & Co. for bringing about a welcome, if tardy, termination of what threatened to be a permanent default.

[Extracts from the South American Journal, London, June 3, 1905.]

THE COSTA RICA DEBT.

Fluctuating between 29 as highest and 17½ as the lowest, and opening this year at 28, Costa Rica A bonds have this week advanced to 58½, much of this improvement having taken place quite recently. Undoubtedly the current quotation is a record one, and has, I understand, been brought about by heavy purchases on behalf of Messrs. Speyer in connection with the funding arrangement announced yesterday. Costa Rica has been in default so long that bondholders are to be congratulated on a deal which gives such a high value to their bonds, for which they are greatly indebted to Messrs. Speyer. Of course, this great American firm are not philanthropists, and it is believed that behind them they have, at least, the moral support of the United States Government. Several clauses in the agreement would seem to point to this, for it would appear that the new loan is to be specially secured upon the Republic's customs receipts, which are to be collected through a customs agency to be designated by Messrs. Speyer, but should default take place then designations may be made by the President of the United States, who, in another clause, also has the right to request Costa Rica to submit any disputes or questions arising to arbitration. The holders of Costa Rica B bonds will get £50 of the new 5 per cent funding bonds, plus arrears of interest in cash, which should justify even a better price than that now ruling. They are expected to command a price of fully 80, and in some quarters par is looked for. It is believed that Messrs. Speyer have other Central American defaulting states in hand. (City office.)

The council of foreign bondholders communicate the summary of an agreement made between the Government of Costa Rica and Messrs. Speyer & Co., of New York, with reference to the settlement of the debt of the Republic. The proposals were considered by the committee of Costa Rica bondholders at a meeting held on Thursday, and the committee unanimously resolved to recommend their acceptance by a public meeting of the bondholders to be convened as soon as the agreement has been ratified by the Costa Rican Congress.

The following is a summary, in United States gold, of the indebtedness of the Republic:

(a) Bonded debt (outstanding April 1, 1905):		
1. Exterior debt		$11,690,925.00
2. Interior debt		693,315.00
3. Pacific Railway bonds		1,449,000.00
(b) Unfunded debt (outstanding January 1, 1905):		
1. Floating debt	$991,928.24	
2. Consolidated debt	458,382.44	
		1,450,310.68
		15,283,550.68

The Republic will create and issue its 5 per cent refunding United States gold bonds for $11,500,000 in denominations of $1,000 and $500, payable to bearer, and dated July 1, 1905, and carrying interest from such date. The loan may be increased to $13,239,000 for the purpose of exchange for the outstanding 6 per cent Pacific Railway gold bonds for $1,449,000.

Principal and interest of refunding bonds payable at Messrs. Speyer & Co., New York, or, at the holders' option, at a fixed rate of exchange of $4.85 per £1, in London, at Messrs. Speyer Brothers, and at 2.50 guilders per dollar in Amsterdam, at Messrs. Teixeira de Mattos Brothers.

The bonds are exempt from all taxes, and will be repayable on July 1, 1955, or previously, by the operation of a cumulative sinking fund of at least 1 per cent of the nominal amount of the loan, to be payable as from January, 1910, by monthly installments, and to be applied by Messrs. Speyer & Co. in the purchase of bonds at not exceeding par and interest, or by drawings at par and interest, thirty days' notice at least of the drawings to be given. The Republic reserves the right to at any time pay any further sums to the credit of the sinking fund.

The loan constitutes a direct obligation of the Republic, and will be secured by a first charge on all customs receivable by the Republic, whether imposed on imports or exports, and also secured (if the customs receipts prove insufficient to meet the necessary monthly payments for interest, sinking fund and expenses, and if such deficiency be not paid by the Republic) by a first charge (subject only to the charge in respect of the $1,449,000 Pacific Railway bonds) on the amounts receivable by the Republic on the sale of liquors.

A customs agency (to be designated by Messrs. Speyer & Co. until default shall have been made by the Republic, when the designation may be made by the President of the United States of America, and, failing him, by Messrs. Speyer & Co.) is to be established, and is to have the sole right to issue (1) certificates with which all customs upon imports and exports receivable by the Republic are alone to be paid, and (2) (if the proceeds of the issue of the above certificates shall in any month be insufficient, and such deficiency shall not be met by the Republic) certificates in which alone the purchase price of all liquor sold by the Republic shall be payable.

The agency is monthly to remit to Messrs. Speyer & Co., of New York (who are to act as agents and bankers of the Republic in America, Great Britain, and the continent of Europe), for the service of the loan, one-twelfth of the amount necessary to provide for interest, sinking fund, and expenses.

The Republic is under obligation so long as any of the bonds remain outstanding not to create any further charge or hypothecation in priority or to ranking pari passu with the bonds, and also not (without the assent of Messrs. Speyer & Co., after notice to them) to vary or change the customs on exports or imports, or assign, pledge, or otherwise deal with the right of manufacture of liquor.

If the amounts received from customs is at any time insufficient, and default is made by the Republic, either in payment or otherwise, then, upon the request of either party to the agreement, or of the President of the United States of America, the Republic is to forthwith submit the matter for arbitration to The Hague Tribunal, or in case that tribunal should cease to exist or decline to act, or the Republic and the United States President should so agree, the matter can, on request of such President, be submitted to three arbitrators, to be appointed by them as provided in the agreement.

It is also provided that the holders of the refunding bonds and Messrs. Speyer & Co. shall be entitled to apply to the United States of America for protection against any violation of and for aid in the enforcement of the agreement and the refunding bonds.

Arrangements have been made with Messrs. Speyer & Co. whereby the latter will act in the conversion of the series A bonds and series B bonds of the present exterior debt of the Republic, and whereby provision will be made for the retirement for cash of the certificates in respect of arrears of interest on such bonds from January 1, 1895, to January 1, 1897, on the basis of the agreement of 1897, and for payment in cash of the interest accruing from April 1, 1901, to July 1, 1905, on the same basis on such bonds as shall be tendered for conversion.

The holders of both the A and B bonds will upon conversion be entitled, in addition to payment in cash of the arrears of interest, to receive such a nominal amount of the 5 per cent new bonds as will produce an income equivalent to that payable in respect of the A and B bonds under the arrangement of 1897.

The Republic is to primarily apply any balance of the proceeds of the bonds received by it to the payment off of the floating and consolidated debts of the country.

Stock and share list—South American stocks, bonds, etc.

COSTA RICA.

Issue price.	Present amount.	Sinking fund.	Prices during 1904. Highest.	Prices during 1904. Lowest.	Name of stock.	Last week's quotations.		Latest quotations.	
	£.	P. ct.							
-------	525,000	------	28¼	17½	Bonds A—3 per cent	52	53	58	59
-------	1,475,000	------	25½	13½	Bonds B—2½ per cent	46	47	50	51

Dividends paid April and October.

[Extracts from the thirty-second annual report of the council of the corporation of foreign bondholders for the years 1904–5.]

(Page 10.)

At the time of the publication of the last report there were six Spanish-American debts in default, viz, those of Colombia, Costa Rica, Guatemala, Honduras, and Venezuela, and the Buenos Ayres Cedulas. It is satisfactory to state that two of these debts, the Colombian and Venezuelan, have been settled on terms which, all things considered, may be regarded as fair, especially in the case of the former. Negotiations are proceeding for a settlement of the Costa Rica debt and of the Buenos Ayres Cedulas, and it is to be hoped that arrangements may be effected in both cases in the near future.

Although rumors have been afloat that the two worst of the defaulting States—Honduras and Guatemala—are about to make proposals to their creditors, no offer has been submitted by either of them to the council. It is certain, however, that sooner or later these defaulting countries will realize that the absence of all credit, and the fact that the money markets of the world are closed to them, outweigh any sacrifices they might have to make in order to pay their obligations to the bondholders.

The past year has witnessed a very remarkable appreciation in the market value of Spanish-American securities. The following table, showing the comparative prices of the bonds of eight of these

countries at the end of September of each year from 1901 to 1905, inclusive, is of interest:

	1901.	1902.	1903.	1904.	1905.
Colombia	14	18	24½	24	44
Costa Rica A	16½	24	22	26	56
Costa Rica B	15	19	19	19½	46
Guatemala	13	27½	21	24	39½
Honduras	5	5½	5½	6	13
Nicaragua	57½	66½	60½	59	79
Paraguay	23	27	29	35	50
Uruguay	49½	55½	58½	59½	72
Venezuela	26	29	32½	42	51

The appreciation in value between 1901 and 1905 has been approximately as follows:

	Per cent.
Colombia	215
Costa Rica (average)	223
Guatemala	200
Honduras	160
Nicaragua	37
Paraguay	120
Uruguay	45
Venezuela	97

It is understood that the increase in values is largely due to the idea that the recent utterances of President Roosevelt with regard to the Monroe doctrine were intended to indicate that the United States Government would not allow the Spanish-American Republics to take advantage of the protection afforded them by the United States in order to evade the payment of their liabilities to their foreign creditors, and that if they did not, in the President's words, "act with decency in industrial and political matters, keep order, and pay their obligations," the United States would take steps to compel them to do so. It is sincerely to be hoped that this may prove to be the case. The attitude of the United States Government in connection with Panama, Santo Domingo, and Guatemala, which is dealt with in the appendix of this report, can not, however, be regarded as affording the English bondholders much cause for congratulation.

(Pages 16 and 17.)

Costa Rica.—In June last Messrs. Speyer Brothers informed the council that a provisional agreement, which included the settlement of the external debt, had been arrived at between their New York house and the Government of Costa Rica. The agreement provided for the issue of a new debt of $11,500,000 United States gold, bearing interest at 5 per cent, and with a sinking fund of 1 per cent to commence in 1910, which was to be applied to the conversion of the existing external debt and of a portion of the internal debt, and to the payment in cash of all the arrears of interest on the external debt and of stamp duties, etc., in connection with the new issue. The holders of A and B bonds were to receive 60 per cent and 50 per cent, respectively, in new bonds on account of their capital, besides the cash payment for arrears, amounting in the case of A bonds to £12 15s. and in that of B bonds to £10 12s. 6d. The new loan was to be secured by a first charge on the customs receipts and collaterally by a second charge on the receipts on the liquor revenue. A customs agency, charged with the issue of certificates by means of which all duties were to be paid, was to be established and designated by Messrs. Speyer & Co., of New York, and the agreement contained a provision that in the event of a default taking place, this agency might be designated by the President of the United States.

The proposals were considered by the committee, who resolved that they would be prepared to recommend them to the acceptance of the bondholders, provided that they were first ratified by the Costa Rican Congress. Unexpected difficulties have, however, arisen, and as far as the council have been able to ascertain, no decision has been arrived at by Congress. It is understood that a new government will shortly come into office, and that no further progress can be made until Congress reassembles in the spring of next year.

(Pages 118 and 119.)

COSTA RICA.

A bonds	£525,000
B bonds	1,475,000
	2,000,000
Coupons in arrears:	
January, 1895, to January, 1897, inclusive	200,000
October, 1901, to April, 1905, inclusive	400,000
	2,600,000

COSTA RICA COMMITTEE.

Right Hon. Lord Avebury, chairman.
Sir G. Barham.
Claud Bishop, esq.
Hon. Sir C. W. Fremantle, K. C. B.
D. G. Bruce Gardyne, esq.
Walter Hentley, esq.
F. G. Horne, esq.
F. Praed, esq.
M. Van Raalte, esq.
Cecil Sharp, esq.
C. Surgey, esq.
R. E. Tomkinson, esq.
Right Hon. R. E. Wodehouse, M. P.
J. W. Phillips, esq., M. P.
Secretary, James P. Cooper, esq.

Area—square miles	23,000
Population (January 1, 1905)	331,340
Capital, San Jose—population	24,500
External debt per head (including arrears of interest)	£7 16s. 11d.

President, Don Ascension Esquivel.

[Pages 122–126.]

REPORT.

The service of the external debt of Costa Rica has remained in total default during the past year.

Although the Government of Costa Rica has several times intimated to the council that they would shortly submit an offer of settlement, no such offer was forthcoming, but in June last the council were informed by Messrs. Speyer Brothers that an ad referendum agreement had been entered into by the Government with their New York house. The following epitome of the agreement was handed to the council by Messrs. Speyer Brothers:

The Republic of Costa Rica. Epitome of agreement dated 18th of May, 1905, made between the Republic of Costa Rica and Messrs. Speyer & Co., of New York, bankers.

OBJECT OF AGREEMENT.

The agreement (which is subject to ratification by the Congress of the Republic, and if not duly ratified before the 1st July, 1905, and a duplicate filed within 30 days after ratification with the Department of State of the United States of America, can be determined by the bankers) has for its object the readjustment of the external debt of the Republic by the issue of refunding bonds.

The following is a summary, in U. S. A. gold, of the indebtedness of the Republic as set out in schedule "A" to the agreement:

PRESENT INDEBTEDNESS OF THE REPUBLIC.

(*a*) Bonded debt (outstanding April 1st, 1905):		
1. Exterior debt		$11,690,925.00
2. Interior debt		963,315.00
3. Pacific Railway bonds		1,449,000.00
(*b*) Unfunded debt (outstanding January 1st, 1905):		
1. Floating debt	$991,928.24	
2. Consolidated debt	458,382.44	
		1,450,310.68
		15,283,550.68

And the following is a summary (in United States of America gold taken at 46½ cents per colon) of the statement contained in Schedule "B" of the agreement of gross customs receipts, including receipts from customs on imports of liquor for the year 1900 to 1904, viz:

1900	$1,238,452.44
1901	1,301,640.49
1902	1,319,888.26
1903	1,648,000.97
1904	1,675,527.43

And also of the statement in such schedule of the net revenues from sales of liquor taken at 46½ cents per colon for the same years, viz:

1900	$424,063.26
1901	365,049.18
1902	317,585.70
1903	301,203.19
1904	334,800.00

AMOUNT OF NEW REFUNDING LOAN.

The Republic will create and issue its 5 per cent refunding United States gold bonds for $11,500,000 in denominations of $1,000 and $500, payable to bearer, and dated July 1, 1905, and carrying interest from such date. The loan may be increased to $13,239,000 for the purpose of exchange for the outstanding 6 per cent Pacific Railway gold bonds for $1,449,000.

Principal and interest of refunding bonds payable at Messrs. Speyer & Co., New York, or, at the holders' option, at a fixed rate of exchange of $4.85 per £1 sterling in London, at Messrs. Speyer Brothers, or at 2.5 guilders per dollar in Amsterdam, at Messrs. Teixeira de Mattos Brothers.

AMORTIZATION OF BONDS.

The bonds are exempt from all taxes and will be repayable on the 1st of July, 1955, or previously, by operation of a cumulative sinking fund of at least 1 per cent of the nominal amount of the loan to be payable as from January, 1910, by monthly installments, and to be applied by Messrs. Speyer & Co. in the purchase of bonds at not exceeding par and interest, or by drawings at par and interest, thirty days' notice at least of the drawings to be given. The Republic reserves the right to at any time pay any further sums to the credit of the sinking fund.

SECURITY FOR THE LOAN.

The loan constitutes a direct obligation of the Republic, and will be secured by a first charge on all customs receivable by the Republic, whether imposed on imports or exports, and also secured (if the customs receipts prove insufficient to meet the necessary monthly payments of interest, sinking fund, and expenses, and if such deficiency be not paid by the Republic) by a first charge (subject only to the charge in respect of the $1,449,000 Pacific Railway bonds) on the amounts receivable by the Republic on the sale of liquors.

COLLECTION OF CUSTOMS.

A customs agency (to be designated by Messrs. Speyer & Co. until default shall have been made by the Republic, when the designation may be made by the President of the United States of America, and failing him, by Messrs. Speyer & Co.) is to be established, and is to have the sole right to issue (1) certificates with which all customs upon imports and exports receivable by the Republic are alone to be paid, and (2) (if the proceeds of the issue of the above certificates shall in any month be insufficient, and such deficiency shall not be met by the Republic) certificates in which alone the purchase price of all liquor sold by the Republic shall be payable.

REMITTANCES BY AGENCY FOR SERVICE OF LOAN.

The agency is monthly to remit to Messrs. Speyer & Co., of New York (who are to act as agents and bankers of the Republic in America, Great Britain, and the Continent of Europe), for the service of the loan, one-twelfth of the amount necessary to provide for interest, sinking fund, and expenses.

REPUBLIC NOT TO VARY CUSTOMS, ETC., WITHOUT ASSENT.

The Republic is under obligation so long as any of the bonds remain outstanding not to create any further charge or hypothecation in priority to or ranking pari passu with the bonds, and also not (without the assent of Messrs. Speyer & Co., after notice to them) to vary or change the customs or exports or imports, or assign pledge or otherwise deal with the right of manufacture of liquor.

ARBITRATION IN CASE OF DEFAULT ON PART OF REPUBLIC.

If the amount received from customs is at any time insufficient, and default in made by the Republic either in payment or otherwise, then, upon the request of either party to the agreement or of the President of the United States of America, the Republic is to forthwith submit the matter for arbitration to The Hague Tribunal, or, in case that tribunal should cease to exist or decline to act, or the

Republic and the United States President should so agree, the matter can, on request of such President, be submitted to three arbitrators to be appointed by them as provided in the agreement.

It is also provided that the holders of the refunding bonds and Messrs. Speyer & Co. shall be entitled to apply to the United States of America for protection against any violation of and for aid in the enforcement of the agreement and the refunding bonds.

CONVERSION OF EXISTING A AND B BONDS.

Arrangements have been made with Messrs. Speyer & Co whereby the latter will act in the conversion of the series A bonds and series B bonds of the present exterior debt of the Republic, and whereby provision will be made for the retirement for cash of the certificates in respect of arrears of interest on such bonds from January 1, 1895, to January 1, 1897, on the basis of the agreement of 1897, and for the payment in cash of the interest accruing from April 1, 1901, to July 1, 1905, on the same basis on such bonds as shall be tendered for conversion.

The holders of both A and B bonds will upon conversion be entitled, in addition to payment in cash of the arrears of interest, to receive such a nominal amount of the 5 per cent new bonds as will produce an income equivalent to that payable in respect of the A and B bonds under the arrangement of 1897.

The Republic is to primarily apply any balance of the proceeds of the bonds received by it to the paying off of the floating and consolidated debt of the country.

Dated June 1, 1905.

The committee, having considered the terms as above proposed for the settlement of the external debt, resolved that, provided the agreement was ratified by the Costa Rican Congress, they would recommend the proposals to the acceptance of the bondholders.

Messrs. Speyer Brothers were hopeful that the agreement would have been ratified by Congress before the end of June, but unexpected difficulties and delays arose, and, as far as the council have been able to ascertain, the further consideration of the matter has been postponed until after the elections, which are to take place toward the close of the present year.

Judging from the account given by the President and the finance minister of the financial condition of the country and the large sum expended on the payment of internal obligations, the conduct of the Costa Rican Government in allowing the external debt to remain for so long a period in total default is deserving of the strongest condemnation.

E. G. RATHBONE.

Mr. DICK. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the petitions in the case of E. G. Rathbone, and all the accompanying papers, including Senate Document No. 367, now in the files of the Secretary of the Senate, be temporarily withdrawn from said files, and 500 copies of the same be printed as a document for the use of the Senate.

Mr. HOPKINS. Ought not those matters to be looked into a little before they are printed as a document?

Mr. DICK. The matter has been looked into by the committee of which the Senator from Illinois is a member. They are in the files of the Senate, and the request is in part following a resolution by the Ohio legislature asking that this matter be inquired into. I hope the Senator from Illinois will not insist upon an objection to so fair and reasonable a request.

Mr. WARREN. My attention was distracted in another direction. I will ask the Senator what the proposition is.

Mr. DICK. The proposition is to print 500 copies of the petition and papers in the case of E. G. Rathbone, a matter in which the files are very complete but which have never been printed. These are for the use and information of Senators during the recess, since it is now too late in this session to take the matter up by the committee to which it was referred.

Mr. WARREN. Is it anything that has been presented to a committee of the Senate heretofore?

Mr. DICK. How does the Senator mean?

Mr. WARREN. Has the subject-matter been before any one of the committees of the Senate?

Mr. DICK. Not in this Congress.

Mr. WARREN. I will say to the Senator, I recall that in the Committee on Military Affairs a full hearing was had on a subject which brought up the so-called "Rathbone matter." Major Rathbone was present and the report of the hearing then had was printed. I think before that the matter in part or as a whole had been considered by the Committee on Cuban Relations. Perhaps the Senator from New Hampshire [Mr. BURNHAM], the chairman of that committee, can tell us something about it.

Mr. DICK. The matter at the present time by proper reference is with the Committee on Cuban Relations, and not with the Committee on Military Affairs.

Mr. WARREN. I understand the Senator then refers to what was before the Committee on Cuban Relations.

Mr. DICK. I am not familiar with what was before the Committee on Military Affairs. At the present time this whole matter is with the Committee on Cuban Relations.

Mr. WARREN. I will ask the Senator if it will suit his purpose as well to let the resolution lie over a day until the chairman of the Committee on Cuban Relations can look at it, also the chairman of the Committee on Military Affairs?

Mr. DICK. I will say in response that the chairman of the Committee on Cuban Relations is entirely familiar with the matter, and with my request. He offers no objection to it.

Mr. WARREN. I should be glad to look at it, if there is no objection, and it will come up in the morning hour at our next session.

The VICE-PRESIDENT. Objection is made, and the resolution will go over.

SUITS UNDER ANTITRUST LAW AND INTERSTATE-COMMERCE LAW.

Mr. LONG. I offer a resolution and ask unanimous consent for its present consideration.

The resolution was read, as follows:

Resolved, That the Attorney-General be directed to furnish the Senate with a statement of all suits instituted by the Department of Justice under the Sherman antitrust law and the interstate-commerce law, and the disposition made of such suits.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. CULBERSON. I ask the Senator from Kansas from what time does he propose to call for this information?

Mr. LONG. I did not understand the Senator's inquiry?

Mr. CULBERSON. The resolution proposes that the Attorney-General shall be directed to send to the Senate information as to suits instituted under the Sherman law. From what time shall he begin to state the suits?

Mr. LONG. All suits.

Mr. CULBERSON. By every Attorney-General since the act?

Mr. LONG. Certainly. A part of this information is in a certain document, and the purpose is to complete that statement.

Mr. CULBERSON. Let the resolution be read again.

The Secretary again read the resolution.

Mr. CULBERSON. Upon reflection, I am inclined to think that it is the proper construction of the resolution that it covers all suits instituted by the Department of Justice under the acts.

Mr. LONG. Certainly; that is the purpose of it.

Mr. FORAKER. Mr. President, I am very glad the Senator from Kansas has offered the resolution, but I want to offer an amendment to it. I will state it:

Also a separate statement of suits brought under the so-called "Elkins law," giving date when suits were brought, character of the suits, and the final disposition of the same.

Mr. LONG. That will be included.

Mr. FORAKER. It might be included under the reference to the interstate-commerce act, but I want to have it included particularly.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Ohio.

The SECRETARY. Add at the end of the resolution the following:

And also suits brought under the so-called "Elkins law," including their character, dates, and final disposition.

Mr. FORAKER. "When brought, the character, and final disposition."

Now, Mr. President, before that is agreed to, while it is before the Senate, I wish to make a few remarks upon it.

I want that information because I think it will show, when it is brought to the attention of Senators, what I have been contending for here without very much success for the last five or six months, that we have got all the law now on the statute books, or would have if amended as I proposed, if it be only properly enforced, that is necessary to correct every evil that anybody has made complaint of in this Chamber since the rate bill discussion commenced.

I wish in this connection to call attention to the fact that under the Elkins law there was first the Wichita case, as it was called, reported in 189 United States, where the Supreme Court of the United States held that under the Elkins law a community could maintain a suit against a railroad for an injunction to enjoin a discrimination against it in the making of rates for it and other communities with which it may be in competition for markets.

Then that was followed by the Fairmount coal case. I do not want to be tedious about this, and I will therefore indicate just enough to show the character of these cases. That was a West Virginia case, a suit in mandamus, where the complaint was that a mine operator was being discriminated against in the allotment of cars. A mandamus was allowed and the proceeding was sustained. The court made a finding of what his proper allotment of cars was and made an order in accordance with it. The case went to the circuit court of appeals, and there, with the Chief Justice of the Supreme Court of the United States presiding, that decision of the circuit court was affirmed.

So in those two cases you have, first, the fact established that

you can maintain an injunction suit to protect a locality from discrimination; and, in the second place, that you have a legal remedy, a prompt, efficient one, that you can avail yourself of at any moment when you can go to the court-house with the proper pleading and file it to protect you against discrimination in the allotment of cars.

Then that was followed by the Chesapeake and Ohio and the New Haven coal case, as it is termed. That was the case in which it was held by the Supreme Court of the United States that rebates could not be given under the guise of fixing a price for a commodity which the railroad company itself was assuming the right to sell and make delivery of; that under the provision of the Elkins law which prohibits discrimination by any device whatever that kind of a practice was prohibited.

Then came the Pabst Brewery case, decided only a few weeks ago at Milwaukee, where it was held that private car lines, refrigerator cars, icing charges, brokers' commissions, and all such devices as those were prohibited by the Elkins law, and that upon the filing of a bill of complaint the court would immediately, if the bill stated a case, allow a temporary restraining order, as they did in that case, which could be made final, as it was in that case a few months later when the case was fully heard.

And now come the last cases, which were decided a few days ago at Kansas City, the cases of the C., B. and Q., where it was charged that the shippers and the railroads were violating the interstate-commerce law and were liable under the Elkins law to an injunction to restrain them, and that they were guilty of a conspiracy, for which they have been convicted and sentenced only yesterday, as shown by to-day's newspapers.

That was a very interesting case, and I want to call attention to it and have it go into the RECORD, so that Senators may see how completely—as completely as the glove fits the hand—the Elkins law fits every one of these cases. In the C., B. and Q. cases at Kansas City, Senators will remember, an agreement was entered into between the railroad and the shippers by which a certain rate of freight was to be paid. This rate and the published rate at the date of the contract were the same. Later, after that agreement had gone into effect, the railroad saw fit to increase its published rate, so that the contract rate and the published rate after that increase differed; to allow the contract rate was therefore to allow a concession below the published rate. The court held that the contract was no defense, but only a device, and that these shippers were guilty of getting and the railroad of granting a rebate or an unlawful concession, or whatever it may be thought fit to call it, and that it was in violation of the Elkins law, which prohibits any such advantage by any device whatever. It was also found upon the trial of the shippers and the brokers who made that arrangement that they were guilty criminally under the conspiracy act, and yesterday the shippers and the railroad were each fined $15,000 under the Elkins law, and two of the defendants—the brokers who negotiated the arrangement—were fined heavily, one being fined $6,000 and the other being fined $4,000; and in addition one was sentenced to four months in the penitentiary and the other to three months in the penitentiary.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. Could there have been a conspiracy to violate the laws of the United States without all of those people being guilty? I think the Senator will agree that there could not. What I have not been able to understand from reading the account in the morning paper is that some of them seem to have been punished criminally and others were not.

Mr. FORAKER. Well, Mr. President, I have not a full account of the case. I am familiar only with that which appears in the newspapers, and I observed what the Senator from Texas has called attention to; but the fact remains that all who were punished were found guilty of violating the Elkins law, and that the shippers and the railroads were all alike fined each in the sum of $15,000, and that, too, under the Elkins law.

If anybody has escaped, it was not the fault of the law.

Mr. BAILEY. And that will give the country great satisfaction. Now, if they will follow that by putting every man who violated the Elkins law into prison for conspiracy to violate it, they will have done very much to vindicate the authority of the Government.

Mr. FORAKER. Yes, indeed, Mr. President; and that is precisely what I have been calling attention to for the last five or six months. I have been saying that the Elkins law prohibits every discrimination, no matter what the character of it may be, no matter whether it be against a locality or against an individual; and that it prohibits not only every discrimination, but it also prohibits every kind of rebate; and I have been contending that the only legislation that we needed to enact was legislation that would broaden and strengthen the Elkins law, so as to make it more available and more effective than it already is. I have been contending that all that was necessary was that the Department of Justice should enforce that law, as they are now doing day by day, and as they have enforced it in the cases which I have just cited.

In the Washington Post of this morning we have in the first column the following headlines—I am not going to read the article, but only the headlines to indicate the character of what follows:

WAR ON STANDARD BEGUN BY MOODY—CRIMINAL PROSECUTIONS OF OIL-TRUST OFFICERS UNDER THE ELKINS ACT—JAIL SENTENCES WILL BE SOUGHT IF CONVICTION RESULTS—MORE PROBING ORDERED—ATTORNEY-GENERAL SUGGESTS CRIMINAL PROCEEDINGS AGAINST OFFICIALS AND EMPLOYEES OF THE STANDARD OIL COMPANY FOR ALLEGED VIOLATIONS OF LAWS REGULATING INTERSTATE COMMERCE AND PROHIBITING REBATES AND OTHER UNLAWFUL DISCRIMINATIONS—SPECIAL INVESTIGATION OF AFFAIRS OF THE "OCTOPUS" TO BE CONDUCTED BY SPECIAL COUNSEL.

That is in the first column of the first page; we have also, in the last column on the same page of to-day's Washington Post, the following headlines:

BOTH FINE AND JAIL—SENTENCE PRONOUNCED IN RAILROAD REBATE CASES—DEFENDANTS MAKE APPEAL—COURT MENTIONS OTHERS AS SUBJECT TO INDICTMENT.

What is meant by that part of the headline "others subject to indictment" is this: The court, in rendering its decision, announced that not only those who were before the court and who had been shown to have been guilty of violating the law were liable to the fines and to the punishment that it was imposing, but still others, according to the testimony which had been introduced, were equally liable, and that it was the duty of the officers of the law to indict all of those others. He was proceeding upon the assumption that they all would be indicted. Now, what I want to bring to the attention of the Senate is that to strengthen that law as I proposed is a very simple proposition. It is something that involves no constitutional question; something that does not involve the conferring of new power upon the Commission; something that involves no experiment; something that conforms to the rules that have governed us in the prohibition of offenses against public policy and in the punishment of offenders. By simply doing that which would injuriously affect nobody we could perfect a law that we are already familiar with, that has already been upheld, so admitted, and with its enforcement all over the country there could not be any doubt about the breaking up of all these evil practices that have been complained of. What I call attention to further is that all this good work is being done under existing law.

This completely vindicates all that has been said in that respect. Therefore it is, Mr. President, that when I read in this morning's paper that the conferees had not reached an agreement upon the railroad rate bill I was not disturbed. I think it would be a great blessing if they should be unable to agree; or, they agreeing, that we would exercise our judgment and condemn it and prohibit it from ever becoming a statute; for a more unnecessary law, or a more mischief-making law was never placed upon the statute book than this will be if we place if there, and it will not take more than twelve months longer for every Senator here to find it out.

Mr. BACON and Mr. LONG addressed the Chair.

The VICE-PRESIDENT. The Senator from Georgia is recognized.

Mr. BACON. Mr. President, if the Senator from Kansas desires to speak to the resolution, I shall yield to him.

Mr. LONG. I will yield to the Senator if he desires to speak.

Mr. BACON. I merely wish to offer an amendment to the resolution. Does the Senator desire to speak to the amendment offered by the Senator from Ohio [Mr. FORAKER]? If he does, I will yield that he may do so.

Mr. PROCTOR. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Vermont?

Mr. BACON. I do.

Mr. PROCTOR. I wish to appeal to the Senator from Kansas that he ask that his resolution be laid aside, as it is evidently going to lead to some discussion, and it will be easy to get it up later. It is very important that the agricultural appropriation bill should be sent to conference. We have other business—executive business at 3 o'clock—and it will be very doubtful, if this discussion goes on, if the agricultural bill can be sent to conference to-day. If the Senator will consent to lay the resolution aside, I will then move that the agricultural appropriation bill be laid before the Senate.

Mr. LONG. Mr. President, of course I am aware that the resolution, having been introduced to-day, is subject to objection. I had no idea that it would lead to discussion, and I have no objection to laying it aside. I therefore ask that it go over until after the disposition of the agricultural appropriation bill.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. The Senator from Georgia [Mr. BACON] is entitled to the floor. Does he yield to the Senator from Indiana?

Mr. BACON. I understood I had the floor, although I have not had the advantage of it.

The VICE-PRESIDENT. The Chair had recognized the Senator.

Mr. BACON. I only yielded to the Senator from Vermont [Mr. PROCTOR]. I do not desire to interfere with the purpose of the Senator from Vermont, and will not occupy the time of the Senate further than to offer an amendment to the resolution, and then I shall be perfectly willing that it shall go over, if that be the desire of the Senator who offered the resolution.

Mr. FORAKER. Before the resolution goes over, I desire to say a word.

Mr. BEVERIDGE. I desire to say, Mr. President——

Mr. BACON. I hope I may have an opportunity to offer the amendment.

Mr. BEVERIDGE. I do not intend to object to the amendment being offered, although if the Senator does not permit me to say what I want to say I shall raise the point of order against it. I merely wish to say that after the amendment is reported I shall ask that the whole matter go over.

Mr. BACON. I have no objection to that.

Mr. FORAKER. Before it goes over I want to say a word.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Georgia [Mr. BACON] will be stated.

The SECRETARY. At the end of the resolution it is proposed to add the following:

The Attorney-General is further directed to report to the Senate what portion of the special appropriation of $500,000 heretofore made to enforce said laws has been disbursed and the manner of such disbursement.

Mr. BACON. Mr. President, I simply desire to say, in order that my offering of the amendment may not be misconstrued, that it was with no purpose of criticism, but simply that we may have the necessary information to guide us in whatever future appropriation we may find it necessary to make.

Mr. FORAKER. Mr. President, I merely want to add a sentence or two to what I said a moment ago; and that is that the Interstate Commerce Commission is now doing the best work it has ever done in all its history in prosecuting as an executive board or commission the work of investigation. That is the kind of work to which such a board is properly adapted—to "take off the lid" and let us see what there is under it. As they have progressed in the investigation of the Pennsylvania Railroad not one thing has been disclosed that the Elkins law does not fit and prohibit and punish if that law be only properly enforced. So, too, it is with the Standard Oil Company. Mr. Garfield made a report recently in which he detailed a great many things of which he made complaint. I do not know what the facts are, for his statements are denied, but assuming that they are all true, the Elkins law would punish that company for all those things, and the law we are about to pass will not reach one of them. I will venture to say, further, that the Elkins law applies to every one of them; and no man here or elsewhere has suggested an offense that the Elkins law does not fit.

Mr. LONG. I desire to ask the Senator from Georgia if he desires to discuss the amendment? I have no objection to it.

Mr. BACON. I have no such desire. The statement I desired to make was that I did not offer the amendment in criticism, but simply with a desire to get information.

Mr. LONG. With a slight modification of the amendment presented by the Senator from Ohio, I think the resolution might be adopted.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Ohio.

Mr. LONG. I suggest to the Senator from Ohio a modification of his amendment to the resolution. I think the resolution includes what the Senator has offered in his amendment; and I have no objection to it with a slight modification.

The VICE-PRESIDENT. It may be better for the Secretary to read the entire resolution as it will read if amended.

The Secrefary read as follows:

Resolved, That the Attorney-General be directed to furnish the Senate with a statement of all suits instituted by the Department of Justice under the Sherman antitrust law and the interstate-commerce law and the disposition made of such suits, including all suits brought under the so-called Elkins law, when brought, character, and final disposition thereof.

The Attorney-General is further directed to report to the Senate what portion of the special appropriation of $500,000 heretofore made to enforce said laws has been disbursed and the manner of such disbursement.

Mr. BEVERIDGE. Mr. President, let the resolution go over.

The VICE-PRESIDENT. Under objection, the resolution goes over.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I move that the agricultural appropriation bill be now laid before the Senate.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Wisconsin?

Mr. LA FOLLETTE. Mr. President, I rise to claim the floor as a matter of privilege.

Mr. PROCTOR. I can not yield for any other business.

Mr. LA FOLLETTE. Under this order of business——

The VICE-PRESIDENT. The Senator from Vermont moves that the Senate proceed to the consideration of the agricultural appropriation bill. That is within his right; and the question is on his motion.

Mr. LA FOLLETTE. One moment, if the Chair will pardon me. Under this order of business, as I understand the rule, it is my right to call up a privileged resolution lying on the table. I have been on my feet here for some time trying to do that.

The VICE-PRESIDENT. The Chair is of the opinion that the Senator from Vermont is in order. The Senate can either adopt his motion or reject it. It is a matter for the Senate to determine. The question is on agreeing to the motion of the Senator from Vermont.

Mr. PROCTOR. There is an absolute necessity of considering the matter of referring this bill to a committee of conference immediately, and I regret very much that I can not yield to the Senator from Wisconsin.

Mr. BACON. Mr. President, the Senator from Wisconsin desires to call up a resolution which is on the table subject to call in the morning hour, and of course, while the Senate can displace that, that, as I understand, would be the business in order, in the absence of any direct vote of the Senate to the contrary.

The VICE-PRESIDENT. The Chair understands that the right to call up is merely a matter of courtesy, and that a motion would take precedence.

Mr. LA FOLLETTE. Mr. President, if such a motion is submitted it must be put to a vote, I take it, and the Senate so order.

The VICE-PRESIDENT. It must be put to a vote. The Senator from Vermont moves that the Senate insist on its amendments to the bill disagreed to by the House of Representatives and disagree to the amendment of the House to the amendment of the Senate No. 29, and agree to the conference asked for by the House.

Mr. LA FOLLETTE. If it becomes necessary for me to do so, I shall take the time in discussing that motion which I would have taken in calling up the resolution. I sought the recognition of the Chair to say to the chairman of the Committee on Agriculture that I would yield for the present, because I had been assured by the chairman of the committee that the agricultural appropriation bill would take probably not more than thirty minutes. I sought recognition to say to the chairman of the committee that I would yield any right which I had to claim the floor before 2 o'clock if I might have unanimous consent at 2 o'clock to take up and discuss the resolution lying upon the table.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Wisconsin?

Mr. GALLINGER. What is the request?

The VICE-PRESIDENT. That at 2 o'clock the Senate take up and proceed to discuss the resolution lying on the table.

Mr. KEAN. Let the request be modified so that the resolution will be taken up after the conclusion of the agricultural appropriation bill.

Mr. PROCTOR. I would vote for a motion to take up the resolution to which the Senator from Wisconsin refers immediately after the appropriation bill is sent to conference.

Mr. LA FOLLETTE. Ah, Mr. President, but at 3 o'clock there is already a unanimous-consent agreement that we go into executive session.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. LA FOLLETTE. I do.

Mr. CULBERSON. I desire to ask the Senator from Vermont if his only purpose is to move a reference of the agricultural appropriation bill to conference?

Mr. PROCTOR. Certainly. I made the motion several days ago, but there was some debate upon several items in amendment No. 29, and so the bill has not been sent to conference. There is something more—I hope not a great deal—to be said on that matter. No time will be taken by me. I hope the bill will be sent to conference within the hour. I had hoped that it might be disposed of immediately. The motion to send it to conference is pending.

Mr. CULBERSON. I simply rose, Mr. President, thinking that perhaps the motion of the Senator from Vermont might be adopted without further discussion, and that the Senator from Wisconsin could proceed with his resolution. I did not suppose that the motion of the Senator from Vermont would provke further discussion.

Mr. BEVERIDGE. It will.

Mr. CULBERSON. That is the reason I made the inquiry. If it will provoke discussion, however, of course the suggestion will not hold.

The VICE-PRESIDENT. The Chair understands the Senator from Vermont to move that the Senate insist on its amendments to the bill disagreed to by the House of Representatives, and disagree to the amendment of the House to the amendment of the Senate numbered 29, and agree to the conference asked for by the House.

Mr. LA FOLLETTE. I understood the Chair to submit to the Senate my request for unanimous consent, and I have not understood that any objection had been interposed to it.

The VICE-PRESIDENT. The Chair will again submit the request. Is there objection to the request?

Mr. BEVERIDGE. I object to the request, and I wish to suggest to the Senator from Wisconsin that in making this objection it is not made in the least in any spirit of antagonism to his resolution at all; on the contrary, I want his resolution considered as much as anybody else does. But, Mr. President, I suggest, as a way out of this difficulty, that we agree that as soon as the motion of the Senator from Vermont is considered and concluded and the appropriation bill is sent to conference, the resolution of the Senator from Wisconsin shall be taken up and discussed and disposed of, if possible, by 3 o'clock.

Mr. LA FOLLETTE. I would not, Mr. President, have submitted even a request for unanimous consent this morning, interposing it before the consideration of the motion to send the agricultural appropriation bill to conference, if the resolution which I introduced, and which has been lying on the table, was not nearly, if not quite, as important as the consideration of the matters which provoke debate in the agricultural appropriation bill, as I shall make entirely plain to the Senate when I have the opportunity to submit the evidence in my possession.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wisconsin?

Mr. GALLINGER. I object to any agreement.

Mr. LA FOLLETTE. If objection is made to that request, I submit this——

Mr. GALLINGER. I rise to a point of order. I ask if the motion of the Senator from Vermont is debatable?

The VICE-PRESIDENT. The Chair holds that the motion to take up the message of the House requesting a conference is not; but the motion to agree to the conference asked by the House is.

Mr. GALLINGER. That is my opinion.

The VICE-PRESIDENT. Unless by unanimous consent.

Mr. LA FOLLETTE. I am not debating the motion; I am submitting a request for unanimous consent, to which I do not believe any Senator will object.

The VICE-PRESIDENT. The Chair will state that to the request for unanimous consent an objection was interposed.

Mr. LA FOLLETTE. I so understood; but I wish to submit another request.

The VICE-PRESIDENT. The Chair holds that the only thing before the Senate is the motion made by the Senator from Vermont. The Senator from Vermont moves that the Senate insist on its amendments disagreed to by the House of Representatives, and disagree to the amendment of the House to the amendment of the Senate numbered 29, and agree to the conference asked for by the House.

Mr. BAILEY. Mr. President, do I understand the Chair to hold that that motion is not debatable?

The VICE-PRESIDENT. No; the motion is debatable.

Mr. BAILEY. Then, Mr. President, if it is debatable, I want to occupy the floor for a moment to call the attention of the Senator from Vermont [Mr. PROCTOR], in charge of the bill, to what I believe the courts would hold to be a fatal defect. It authorizes the Secretary of Agriculture to have made—

> An examination and inspection of all cattle, sheep, swine, and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment in which they are to be slaughtered and the meat and meat food products thereof are to be used in interstate or foreign commerce.

I am deeply anxious to see this Congress enact a law that will restore confidence at home and abroad in the cleanliness of our methods and in the wholesomeness of our meats. Whatever may be said about the origin of this controversy and wherever the blame should be placed, there can be absolutely no doubt that nothing except a drastic inspection law can now rescue the beef industry as related to the farm and the packing industry as related to the great cities from almost utter demoralization. Nothing can do that except a law which shall give the public confidence in what they are to eat. Therefore, it seems to me of the very greatest importance not only that we pass a law, but that we pass one that shall stand the test of the courts.

It looks to me as if the provision to which I have just called the attention of the Senate—and that same vice, if vice it be, runs through every provision of this amendment—is bringing this case precisely within the rule laid down in the case of the United States *v.* The Knight Company, to the effect that you can not go into a manufacturing establishment—and, after all, that is what these packing houses are—to determine what particular part of their manufactured articles would enter into interstate and foreign commerce and what particular part of them would be confined to intrastate commerce.

This amendment assumes that the inspector can do that. Congress has no power to authorize any such procedure; but Congress does possess a power, clear, undisputed, and ample, to accomplish the very purpose which all of us have in our mind under its power to regulate commerce among the States and with foreign nations. It is entirely competent for Congress to say that a given article, except in a given condition, is not a fit subject for interstate and foreign commerce. Even that power may be grossly abused, but that power, in my judgment, exists.

It is, in my opinion, a simple matter to provide an inspection law which will be unassailable in any court. If I were to draw it, I would provide that hereafter it shall be unlawful to transport from any State to any other State, Territory, or the District of Columbia, or from any State to any foreign nation, any meat or meat products unless they have been inspected in the following manner—and I would then prescribe regulations to which every packer must conform in order to have his product become the subject of interstate commerce.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Indiana?

Mr. BAILEY. I do.

Mr. BEVERIDGE. In the suggestions the Senator made, by whom would he have this beef inspection?

Mr. BAILEY. Precisely as you are going to have it done in this amendment.

Mr. BEVERIDGE. Then even under the Senator's provision it would be inspected by a Federal inspector?

Mr. BAILEY. Undoubtedly.

Mr. BEVERIDGE. In the packing establishments?

Mr. BAILEY. Undoubtedly.

Mr. BEVERIDGE. So that, after all, the matter would come back to an inspection of the meat in the place, if you choose to call it so, of manufacture by a Federal inspector.

Mr. BAILEY. Very true.

Mr. BEVERIDGE. Then I can not see the difference between that and the method provided in the bill.

Mr. BAILEY. Mr. President, the manner in which you do a thing frequently determines your right to do it. No Senator here will contend that the Federal Government could send an inspector into one of these packing houses to make an inspection and punish the packer if he denied access to this inspector.

The power to superintend the cleanliness of a manufacturing establishment in any State of this Union is a State and not a Federal power. The power to prescribe the rules by which manufacturing is governed is a State and not a Federal power. But the power to determine what may enter into interstate commerce is a Federal and not a State power. When you provide that a product shall not enter interstate commerce except after it has been inspected according to your laws, what happens? Every packer who seeks to engage in interstate and foreign commerce must allow his meat to be inspected; but the only penalty you can put upon him is to deny him access to interstate and foreign commerce if he refuses or fails to comply with your law. You can not make it a crime. You can not say that he must open his doors to inspection and authorize the inspectors to superintend the interstate and foreign commodity, as distinguished from the intrastate commodity; but you can say: "Unless you permit this man to inspect this meat as we

prescribe, you shall not be permitted to engage in interstate and foreign commerce with your product."

Mr. President, I do not think that distinction is a mere refinement. There will be Senators and there will be great lawyers outside of this body who will contend with great force of reason that even the provision as I suggest it can not be sustained in the courts. With all due deference to them, I express the confident opinion that the Federal Government can exclude from it any article which it deems unfit to enter interstate and foreign commerce, but the Federal Government can not assume the police supervision over the canneries and packing houses of this country.

I merely venture to suggest to the conferees that even if they do not entirely agree with my apprehension as to the constitutionality of the amendment as it comes from the House, they will agree that the form I have suggested relieves the question from legal difficulty, so far as it can be relieved.

Mr. PROCTOR. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Vermont?

Mr. BAILEY. I do.

Mr. PROCTOR. I think I understand the point the Senator from Texas makes, and it strikes me favorably. I should like to ask, as a personal favor, if he will put in form, in writing, the change he would propose, and I will promise that it shall have earnest consideration by the conferees. I do not see that it would materially interfere with the purpose of the measure or its efficiency.

Mr. BAILEY. It would not interfere in the least, because I would provide the inspection almost exactly like that provided here, and you could not provide it too drastic to suit me; but I would still save the point that the only punishment to a packer who refuses is that he can not engage in interstate and foreign commerce.

The Senator from Vermont will permit me to illustrate my view. If the people of Illnois are willing to allow the packers in the city of Chicago to prepare meats out of diseased animals or in an unclean way, it is not a matter in which the people of Texas or Vermont have any concern, unless those citizens of Illinois undertake to ship that unwholesome meat to Vermont or to Texas. Then we do have an interest, and it is the very fact of that interstate interest which gives jurisdiction to the General Government. If the State of Illinois sees fit to allow these packeries to be conducted in a wrong way, and if the packers choose to confine themselves to intrastate commerce, they put themselves beyond the jurisdiction of the General Government, and we must let them pursue their own way in Illinois, according to the law of Illinois.

I am as ardent an advocate of States rights as any man living. It is sometimes a question in my own mind whether I do not carry my doctrine to an extreme limit. But earnestly as I advocate the doctrine of States rights, I will never insist that in a matter which concerns the people of the several States the Federal Government is powerless to act.

Mr. WARREN obtained the floor.

Mr. McCUMBER. I wish to ask the Senator from Texas a question, if the Senator from Wyoming will yield.

Mr. WARREN. Certainly.

Mr. McCUMBER. If I understood correctly the statement of the Senator from Texas, it was to the effect that the Federal Government has no authority to punish for the offense of shipping goods that have not been inspected, except to prohibit the producers from shipping them out of the State.

Mr. BAILEY. The Senator did not quite understand me correctly, if he understood me to say that. I say that the Federal Government, first determining that a given article is not a fit subject for interstate commerce, has the power to make it a crime for any man to make that article the subject of interstate sale or transportation.

Mr. McCUMBER. The Senator will agree, will he not, that while the General Government can not make it an offense to produce any article in any State unless an inspection is had, yet it can make it an offense, punishable by fine or imprisonment, for the producer to attempt to introduce such an article into interstate commerce without such inspection?

Mr. BAILEY. Undoubtedly.

Mr. McCUMBER. I understand that is what this bill intends to do.

Mr. BAILEY. Let the Senator read this provision.

Mr. McCUMBER. I admit that as it was read it seemed to me that this bill attempted to punish production without inspection, and I agree with the Senator, if that is true, it must be unconstitutional.

Mr. BAILEY. It not only attempts to punish the production, but it assumes a supervision over production.

It may be contended that it is an attenuated distinction between supervising the production as a matter of right, and supervising it as a condition precedent to engaging in interstate commerce. Suppose the bill gets into court—and it is very apt to go there—it would not go there in the present condition of the public mind; my own opinion is that the packers will now submit to anything which will restore public confidence in the wholesomeness of their products. But after it has been on the books a while, and public excitement and the public horror at these astonishing disclosures have subsided, and some man dressed in the authority which this gives him—and it is a most extraordinary authority in some particulars—will seek even to abuse this authority, and then this question will go to the courts. If the Senator will read the amendment he will find that it says:

> For the purpose of preventing the use in interstate commerce or foreign commerce, as hereinafter provided, of meat and meat food products which are unsound, unhealthful, unwholesome, or otherwise unfit for human food, the Secretary of Agriculture, at his discretion, may cause to be made, by inspectors appointed for that purpose, an examination.

And then follows the authority which I referred to a moment ago that assumes the power of the Federal Government to make the inspection first. It has no power to do that, because when the inspectors come to exercise that power and to determine which one of the sheep they are charged with the duty of inspecting is to go into interstate and which into intrastate commerce—when they come by the carload, sheep and swine and cattle—it is simply impossible to determine, and that impossibility, the court has said, is sufficient to prevent Federal jurisdiction over such a question. But as they all go in without reference to whether they are to become the subject of interstate or intrastate commerce, the Federal Government can say that not one of these shall ever become the subject of interstate transportation unless everything killed in this slaughterhouse is killed under this specific and definite inspection.

Mr. WARREN. Mr. President, I do not intend to use much time. This matter comes before us in what seems to be a rather unusual way, and I may say that I am sorry that it comes up in this form. We have a rule, or if not a rule, a custom, which provides that matters in disagreement between the House and Senate upon the passage of a bill by both Houses shall first go to a committee of conference without instructions; that subjects shall be submitted for a full and free conference. But this matter having been brought up in this irregular or informal way, and having been discussed a couple of hours with arguments on only one side of the question, I deem it necessary in the interest of the live-stock men to take up at least one point which has been under discussion.

As to the packers, I have neither authority nor disposition to in any way stand or speak for them. They are ordinarily able to take care of themselves, I assume. The cattlemen and the packers are always at variance and upon different sides of the equation. It is true they are engaged in a business in which both are interested, but it is also true that one is the seller and the other the purchaser, which involves them constantly in rivalry. The live-stock men of this country believe, and I believe as firmly as I believe that any bill has passed this Congress at the present session, that if this charge is made against the packers, such charge—every dollar of it—will be collected from the cattlemen and also collected from the consumer, thus giving the producer less for his product and making the cost higher to the consumer. The injustice of such a result is obvious. We have legislated here for years, and the agricultural bill is full from start to finish this year, as always before, of appropriations for investigations concerning various products and things, every last one of which is at the expense of the Government.

Why should the poor cattlemen, because they may be in remote sections and not sufficiently represented in the halls of legislation, be made a sacrifice in this case and charged up with $3,000,000 for the next year for general meat inspection of the United States?

This whole matter of the meat-inspection amendment to the annual agricultural appropriation supply bill has been most unusual. It is a matter of great and vital interest. It is a matter which I am glad to have considered and legislated for; and, as I was remarking two days since, when I was taken from the floor by the expiration of the morning hour, we are all alike agreed as to certain points—cattlemen, packers, and consumers alike. We only disagree as to some of the minor ones. We all agree that this inspection is necessary, and that we are bound to provide for it.

But, Mr. President, Senators will recall that the meat-inspection amendment was put into the agricultural appropriation bill without a word of discussion. A measure of many pages

was presented, and by an individual Senator, who moved its insertion as an amendment in the agricultural bill. The measure had not been before any committee for consideration—a most unusual proposition. I suppose if I had been present—unfortunately I was away—I should perhaps have done exactly as other Senators did—let it pass, because the object sought was a very meritorious one. But I should have expected then, as I expect now, that, after the matter was once inserted, it should have consideration at the other end of the Capitol, and then further consideration by the conferees, and possibly still later consideration on this floor, if the conferees should report a disagreement.

When I first saw the account of this in the newspapers I was on a railroad train en route to Washington and could not, of course, be influenced by the cattlemen or by the packers, and when I read it and the action of the Senate I was immediately convinced in my mind that there was a portion of the amendment which would have to be remedied somewhere and at sometime during the consideration of this legislation, and that we would have to put the charge for inspection upon the United States as a whole rather than to impose it upon the cattlemen. Why should the cattleman be called upon to pay more than his part for the examination of this meat? He stands in the same position as the consumer, for he is himself a consumer. If the Government pays it, he pays his full part, and if it comes in the way of direct taxation, all his property bears it in just proportion. Why should he pay all the expense when he and the consumer are alike interested? The consumers are far more interested, for that matter, in this question than are the cattlemen. And yet you would have the cattleman, after his product has left him and gone to the manufactory—you practically do it in this amendment—charged with the entire expense of the inspection of raw and finished product, and you would provide everywhere else, in all other industries of every nature and kind, that the United States shall pay the cost of all inspections, excepting alone live stock and its products.

Mr. President, we now have in our bill appropriations for investigations of the white fly and the brown-tailed gnat and the bobtailed beetle, and the Lord only knows what else, all at the expense of the United States. There are large appropriations for investigating losses caused by these insects. Since when, after expending a hundred thousand dollars or more upon the brown-tailed gnat, is it wrong to charge the United States a matter of two or three million dollars for the examination of the immense meat product, which is the greatest industry of the entire line of American industries? It amounted last year to nearly a thousand million dollars. What is an expense of $3,000,000 to that? A mere bagatelle.

The Senator from Indiana [Mr. BEVERIDGE] day before yesterday seemed quite excited about the probability that hereafter we should not provide for this inspection, if left to Congress to do it. Is that a fair proposition? Is it fair to presume that those who come after us will be less honest and less liberal and less decent than we are?

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. WARREN. I do.

Mr. BEVERIDGE. It is not an imputation upon the honesty of those who may come after us. It is merely a statement of a well-recognized truth, and perhaps a wise one, all things considered, that the last thing a Congress can be gotten to do is to increase an appropriation. I will ask the Senator if he does not think, from his long and useful experience as a practical legislator and a Senator who has had a great deal to do with appropriations for many years, that it will be many a year before Congress can be induced to raise the $3,000,000 permanent appropriation provided for in this bill?

Mr. WARREN. I am glad the Senator has asked me that question. The history of the Senate and of Congress ever since I have had any connection with it proves that it is always ready to make adequate appropriations for manifestly proper purposes, and would be ready to extend this $3,000,000 to $30,000,000 if necessary; if the industry became large enough and the necessities were great enough.

Mr. BEVERIDGE. The answer to that is the fact which is now before us, to wit, that for years the present appropriation has been notoriously and admittedly inadequate. The facts have been placed before the committee, but notwithstanding that we have not been able to get an appropriation above $750,000. This is proved by the fact that now the bill proposes to increase that appropriation at one single stroke 400 per cent. If it be right now to appropriate $3,000,000, certainly it was wrong heretofore to appropriate only $750,000.

Mr. WARREN. Mr. President, I have——

Mr. PROCTOR. Mr. President——

Mr. WARREN. I beg pardon.

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Vermont?

Mr. WARREN. I do.

Mr. PROCTOR. It strikes me there is a little weakness in the Senator's comparison between the gypsy moth, the brown-tailed moth, and beef. The brown-tailed moth comes to us as a sad dispensation from Providence, while the beef comes from the packers, and we can hardly hold Providence responsible for the latter.

Mr. WARREN. One is the act of God and the other is the act of the packers—is that it?

Mr. PROCTOR. But we can hold the packers responsible for good beef.

Mr. WARREN. I fail to see the difference, because both are expenditures to protect and better the condition of the industries of the United States.

As to the question asked by the Senator from Indiana, I want to say to him that I have served longer on the Senate Committee on Agriculture than any other man now in the Senate. I have had under consideration—together with other Senators—every bill since the annual agricultural appropriation bills have been sent to that committee, with the exception of this year, when I was absent a part of the time. I do not remember that there has been any time when the Department of Agriculture has asked of the committee a certain amount for certain expenditures in the way of inspection that it has not received it. The Department did not estimate for $3,000,000 this year——

Mr. BEVERIDGE. I will say in reference to that, so that I may not be misunderstood, that I think, from the information I have upon the subject, no criticism whatever can be made of the Committee on Agriculture; that it, I understand, at all times has met the demands of the Department when the facts were laid before it.

What I point out to the Senator is this: Taking Congress as a whole, there has not been a large enough appropriation secured, and the fact that we are now appropriating $3,000,000 a year permanently instead of $750,000 is absolute proof of that. If, as the Senator says, hereafter the business requires it, we will appropriate $30,000,000 for this inspection, the very serious condition arises which the Senator himself foresees, that as this business grows the appropriations must grow; and if the system of making appropriations for inspection for every industry that requires inspection is to be applied to all the country, it will soon become such a drain upon the Treasury that it can be reckoned only by the tens of millions. The scientific and just way is that every industry which needs inspection ought to pay for that inspection.

Mr. WARREN. When that time comes let the tail go with the hide, let this industry go with the others, but do not now single this out as the only one industry that must pay for an enforced Government inspection, and thus lay a burden upon a class of people but for whom many great stretches of country would still be a howling wilderness, a people who have not the influence in the halls of Congress which other interests have, to be sure, but a deserving, loyal people nevertheless. Congress should not, in the examination of their products, make them pay the cost, through the packers, of this Government inspection, while every other industry in the United States—fruit and vegetables and all other products which farmers and others raise—are inspected at the expense of the United States.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. WARREN. I yield for a question. I hope the Senator will not go into extensive speech making.

Mr. BEVERIDGE. If the Senator objects——

Mr. WARREN. I yield.

Mr. BEVERIDGE. I wish to call his attention to this fact: The Senator's passage is eloquent, but not convincing. But I can not permit the Senator to state, without showing him the error of his statement, that this industry is singled out, because national banks must pay for their inspection, and immigrants pay for their inspection, and oleomargarine pays for its inspection, and others. I shall not interrupt the Senator again.

Mr. WARREN. The Senator is at the end of his list. The "and others" will not appear, for there are no more.

And none of those mentioned is in the slightest degree parallel with the case at issue. The Senator from Indiana says that immigrants pay a head tax upon entering this country. Well, why shouldn't they? They pay the ocean steamship fare to get here, and there is no reason why a man from another country who wishes to come here and avail himself of all the benefits of this Government, this great rich Republic, should not

pay an entrance fee. The Senator pays an entrance fee when he goes to a circus. I pay an entrance fee when I go to the theater, but all these things, like the flowers that bloom in the spring, have nothing to do with the case; have no parallel, no similarity, no intelligent comparison.

Take national banks: They are not examined for their sanitary condition or wholesomeness, but they are checked up by accountants, and it is true that the banks pay for this accounting work. The banks pay in the first instance, but now let us see from whom they collect it. Why, from everybody; from the body politic. National banks are everywhere in the United States. All classes do business with them. Therefore, if they charge the cost of this inspection up to their various customers, by including it in their running expenses, and by making their business pay a certain profit above expenses, just as a merchant charges up the freight when he estimates the cost he will charge his customers for his goods, they touch each and every one just as if the Government levied the tax directly upon all the people, whereas in this live-stock inspection the men upon whom it falls are a little handful, comparatively speaking—those who furnish animals for slaughter—so there is no parallel, or level, or comparison in this case.

Again, as to oleomargarine: On this you collect the fine imposed for the permission to manufacture a counterfeit, an adulterant, if you please, the intention being to have it fall upon the one who furnishes the raw material—which in this case, to some extent, is the packer—but more especially upon those who have rancid, spoiled butter, which ought to be thrown into the sewer, but instead is furnished to the oleomargarine makers for renovation. The consumer, through this Government inspection, is informed of what he is buying, knows that he has a tax to pay, and pays it, because even then, with the tax, he can buy an adulterant, wholesome, perhaps, in his estimation, but still less expensive than the genuine.

Mr. BEVERIDGE. To show how inaccurate the Senator is, the Senator from North Dakota gives me another illustration—that of grain.

Mr. WARREN. And its inspection is paid for in this very appropriation bill. The grower may pay for State inspection, but the United States inspection is paid for by the United States.

Mr. BEVERIDGE. Yes; by a special tax for that purpose.

Mr. WARREN. No; this bill directly appropriates for the purpose of inspection of wheat, and the bill, as it lies here before me, is irrefutable proof of what I say.

Mr. BEVERIDGE. The Senator can have his quarrel upon this subject with the Senator from North Dakota. I shall not interrupt the Senator again, except to say this: The Senator is making his speech upon the assumption that the "poor cattleman" will pay the cost of inspection. That is a statement which I deny. In my opinion, and in the opinion of many other men who have studied this question, the packers will pay, and the truth of it is found in the fact that Mr. Wilson, their representative before the House committee, said that the cost of inspection would come out of the packers' pockets.

Mr. WARREN. Ah, he stated that in a technical sense. I have looked it up. Of course they will pay it in the first instance, and Mr. Wilson is not going to expose his hand or purpose in his testimony.

Mr. BEVERIDGE. May I interrupt the Senator? I promise him not to take his time any more. If it be true that the cattlemen must pay for this inspection, as those who represent them say, and if it be true that the consumer must pay the cost of the inspection, as some others say, then why is it, if the packers are not going to be injured, that the packers chiefly have objected to this payment?

Mr. WARREN. That is the assertion of the Senator from Indiana. I have not the slightest scintilla of proof that the packers have had anything to do with it except to object in general terms. It was stated here yesterday that these various telegrams asking that the Government and not the growers pay this inspection charge probably originated in Chicago with the packers, and as proof of that the fact of their similarity was cited. The Senator from Vermont read from four or five different types which it was said originated in Chicago. I have not any evidence to sustain that. I have evidence, on the contrary, that they originated with stock associations. The different live-stock associations would send out to their members the shortest form they could. Take the telegrams as they come to me. There are many scores of them—several hundred, in fact. They do not bear the earmarks of having been instigated by the packers or of having originated in Chicago. Mr. President, I will come back to that point a little later with some telegrams I have here.

I would state right here that if the stock raisers and farmers of the country knew that this inspection fee could be collected from the packers, and at the same time something—anything—could be put into this legislation to absolutely prevent the packers from recouping themselves from the stock raisers and consumers, they would not raise a finger or file a telegram or write a letter to prevent the enactment of the proposition to make the packers pay the fee. The stock raisers of this country have not been making the profit they should have made during the past ten years, when the price paid by the consumer for beef, mutton, and pork is considered. In fact, the stock raiser of the West dependent upon that industry alone has not been able to keep out of debt. He does not blame the consumer; he does not blame the general policy of the Government in reference to the live-stock industry, but he does blame the packer, the middleman, who, as he believes, has through combinations beaten down the price paid for the live animal and put up the price of meat to the consumer. As stated before, the stock raiser is not asking to have this inspection fee paid by the Government through any love he bears for the packer.

Now, as to the matter of appropriations, I have served a few years upon the Senate general Appropriations Committee, and I am not willing that the Appropriations Committee or that Congress shall stand under the accusation that they are not willing to provide for every reasonable expense of the United States, and especially so in respect to anything that provides for better sanitary conditions, more wholesome food, or a higher standing of our industries, in the way of Government inspection or otherwise.

The Senator expressed some alarm that if we should need more than $3,000,000 hereafter we would not appropriate it. Does the Senator know how fast our annual appropriations are growing? I looked last night at a few figures. Going back but ten years, the sundry civil bill has grown during that time from about $35,000,000 to about a hundred and five million dollars. It is true $25,000,000 of the sum appropriated in the present sundry civil bill is for the Panama Canal, but even then we have a bill more than twice as large as it was ten years ago.

Look at the miscellaneous appropriations. We find that then we had a third of a million or less, and they are now reaching over three and one-third millions. Look at the deficiencies, and you will find that you are appropriating many, many times as much in deficiencies as you were ten years ago. Look at your Navy. You then appropriated $29,000,000 annually, and now you appropriate over $100,000,000. Look at the Army. You appropriated then $23,000,000 for the Army, and you now appropriate over $72,000,000. For the Post-Office establishment you then appropriated $87,000,000, and you now appropriate nearly $200,000,000, or at least something like one hundred and ninety-odd million dollars. The Agricultural Department appropriations were then three and one-third million dollars, and now, without this proposed addition, they are about $8,000,000. Here are the District of Columbia appropriations, which also have been growing, and if not in the same proportion, they have more than doubled in that length of time.

Does that look as if Congress does not provide for the agricultural and other interests of the nation? Is the charge fair that there is any disposition on the part of Congress toward cheeseparing in the appropriations, or that Congress itself is actually doing that?

These are the approximate figures, which need be glanced at only to show how little foundation the Senator has for the belief that Congress does not keep pace in appropriations of public funds with the growth of the country:

	1895.	1906.
Sundry civil	$35,000,000	$105,000,000
Navy	29,000,000	100,000,000
Army	23,000,000	72,000,000
Post-office	87,000,000	200,000,000
Agricultural	3,300,000	8,000,000
District of Columbia	5,700,000	10,000,000
Miscellaneous	300,000	3,300,000
Total	183,300,000	498,300,000

Thus for these items alone we appropriate more than twice and nearly three times as much money as we did ten years ago.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. WARREN. I do.

Mr. BEVERIDGE. The Senator knows, as we all know, that the appropriations are growing enormously. Why, then——

Mr. WARREN. So is the country growing enormously in its industries.

Mr. BEVERIDGE. Why, then, should we add to these enormous appropriations, which are mounting on the upward scale, this new appropriation? It is $3,000,000 now, but if the principle be once admitted no one can tell how much it will be in the future.

Mr. WARREN. I have confidence that those who come after me will be as wise as I am, and that those who come after the Senator may possibly be as wise as he is, and that as the industries of this country grow and the expenses required to conduct them grow they will be met. It is nonsense, arrant nonsense, to express a fear of what those who will come after us are going to do or not do when we know that the country has stood for a hundred years and more, and it has been respectably solvent all the time.

I was about to say when interrupted by the Senator that the peculiarity of the original introduction of this measure suggests that we ought not to be too stiff-necked in our adherence to the verbiage of that first production.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Montana?

Mr. WARREN. I do.

Mr. CARTER. The Senator suggests that this inspection shall be made as a matter of economy—economy of a very high order. From my observation and such information as I have been able to obtain, if the packers were required to pay 6 or 8 cents per head for the inspection of stock they would deduct a dollar from the man from whom they purchased and add about $5 to the person to whom they sold. I have not any doubt whatever that this fee would be deducted from the price paid to the stock raiser.

Mr. WARREN. There is no doubt of it.

Mr. CARTER. Multiplied by ten and added to the man who consumed or purchased the product multiplied by a larger sum.

Mr. BEVERIDGE. Will the Senator from Wyoming permit me to ask the Senator from Montana a question?

Mr. WARREN. Certainly.

Mr. BEVERIDGE. I understand that the packers are not averse to making a profit.

Mr. CARTER. No suspicion has arisen in our section of the country that they are.

Mr. BEVERIDGE. I think they would not be particularly opposed to any scheme by which they could increase their profits. If this is an admirable scheme for increasing their profits, a scheme by which they can take from the price they pay the cattleman and add to the price they charge the consumer, it will swell their profits by millions. If that be true, then why is it that the packers are so earnestly resisting the putting of the fees upon them? From the very first of this controversy until now the packers have vigorously, almost savagely, resisted the payment of the fees for inspection, and it was so stated——

Mr. WARREN. I can tell the Senator why.

Mr. BEVERIDGE. It was stated that that was their position by their representative before the House committee, Mr. Wilson, who objected to the system of the packers paying the fees.

Mr. WARREN. I can tell the Senator why.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Montana?

Mr. WARREN. I do.

Mr. CARTER. The Senator from Indiana well knows that the packers, in and out of season, have opposed this inspection scheme entirely.

Mr. BEVERIDGE. And this particular provision.

Mr. CARTER. The opposition to the payment of the inspection fees was the stand made in the last ditch. The stock raiser understands what the fixing of fees means in the market price of the animal he offers for sale. I have no doubt that for a time, intimidated somewhat by public clamor, desirous of recovering a market lost through alleged abuses, the packer would, perchance, not apply to the farmer the full penalty that would ultimately be applied; but unquestionably in due time the farmer would pay the freight, and the consumer would pay it also.

Mr. WARREN. Mr. President, the Senator from Montana, in describing what may happen with the charge for all the inspection expenses, reminds me of the old story of the miller in ancient times when every grist of grain was tolled at the neighboring custom gristmill for the expense of grinding. The miller had nine sons, and on reaching the mill when the grist was grinding, he would say, "Sam, did you toll Deacon Brown's wheat?" "Yes, father." A little later, "Robert, did you toll that grist?" "Yes, sir." "Dan, did you toll that grist?" "Yes, sir." And so on down through the line, until all nine sons had said they had tolled the grist. Then the old man would say, "You are all a pack of darned liars, and I will toll it myself." [Laughter.] That is probably about what the packers would do if you collect fees from them. We would all pay.

But the Senator from Indiana asks why the packers object to paying for the inspection providing they can recoup themselves from the live-stock men? Now, this is the condition, and everybody ought to see it. An inspection made at the expense of the Government, by the Government inspectors, and under the United States stamp will pass current everywhere without suspicion, with nations and individuals, while on the other hand let those people in Germany and elsewhere who have been fighting for years against the introduction of our meat products have the advantage of saying to their customers, "this inspection amounts to nothing, because it is simply another way of cheating us; the packer hires these inspector men; they are under his pay and under his influence"—and therefore the stamp of the United States would not carry what it ought to in the way of a guaranty and what it does carry in the other industries where the United States places the examination under men hired by itself and paid from the common fund.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. WARREN. I do.

Mr. BEVERIDGE. I wish to say to the Senator from Wyoming that I will withdraw the question I asked him, and I shall not ask him any other questions, because I want to see the bill go to conference to-day. We have a unanimous-consent agreement made to take up another matter at 3 o'clock, and, therefore I hope he will not answer the question I have asked him.

Mr. WARREN. I think that is an invitation to cut my remarks short.

Mr. BEVERIDGE. Not at all. I do not object if the Senator speaks until 3 o'clock, only I want to get the bill into conference.

Mr. WARREN. I will say I am very sorry to have to appear in this case at all. I think the Senator from Indiana has done a great service to the nation in introducing this subject and getting it into the agricultural appropriation bill, but I think it was one of those escapades, one of those elopements in the night, where haste forbade very much clothing, or very much forethought or deliberate consideration; and therefore you should not ask the Senate to wink at it and stick to it in conference as a wise, sound, well-considered, seasoned measure in all its terms and language, when, as a matter of fact, it never has been considered in committee, and you should not ask us to swallow it whole as originally presented, notwithstanding the House of Representatives, the Speaker of the House, the President of the United States, and many Senators believe that the bill introduced by the Senator from Indiana, as good as it is, and as much as it means, can possibly be helped a little by amendment.

Mr. BEVERIDGE. The Senator is not going to provoke me to an answer to that, because I want to get the bill to conference to-day.

Mr. WARREN. I notice the Senator's haste, and that is what brings him to his feet. Ordinarily I say the Senate and its conferees should stand for the work of the Senate; but there is certainly no rule of honor, none of practice applicable, that would prevent our conferees from immediately receding from certain points, and accepting amendments which the House has made to the amendment. This especially because of the non-consideration of the amendment by this body.

I had supposed from reading the newspapers that we had arrived at a complete all-around understanding as to this bill, and that we had what might be called a "Roosevelt-Beveridge-Cannon-Wadsworth bill." The Senator from Indiana ought to have gone to conference without a word of debate with his measure. He ought to thank those who have improved his bill. There would be honor enough for all, and the Senator from Indiana should not object to being one of four gentlemen of that class, and he should not expect it to go thundering down the ages of time as the Beveridge bill alone when he could as well have accompanied with him the President of the United States, the Speaker of the House, and the chairman of the Agricultural Committee on the other side as compatriots in this great and admittedly meritorious measure. We have had a Bland-Allison and a Hepburn-Dolliver law. Why not, then, a Roosevelt-Beveridge-Cannon-Wadsworth act?

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. WARREN. With pleasure.

Mr. BEVERIDGE. I want again to say to the Senator that he is not going to induce me to make any reply at all, for it is necessary to get this bill to conference at once.

Mr. WARREN. I observe that.

Mr. BEVERIDGE. That brings no answer from me. I want this bill to go into conference to-day.

Mr. WARREN. I observe that

Mr. BEVERIDGE. I am going to say that two or three times more to the Senator, if necessary.

Mr. WARREN. Undoubtedly; that would be quite like the genial Senator from Indiana. Mr. President, I was most willing to trust leaving this work to the conferees in the usual way. But without consultation with me, and unlike the usual way, this discussion was sprung here the other morning and I had some seven minutes before 2 o'clock and the special order to answer the eloquent speeches of the Senator from Indiana, the Senator from Massachusetts, the Senator from North Dakota, the Senator from Vermont, and others. I am as anxious as the Senator is to see this bill get into conference, and I am more anxious, probably, than he is to see the conferees recede from this one point and let the cattlemen feel that they are not treated as enemies of their country.

Mr. BEVERIDGE. What does the Senator say about the other point?

The VICE-PRESIDENT. Does the Senator from Wyoming yield further to the Senator from Indiana?

Mr. WARREN. I do.

Mr. BEVERIDGE. What does the Senator say about the other point—the date on the cans?

Mr. WARREN. The Senator put me in such haste to accommodate him in his desire to get the bill to conference that I said beforehand I would take up but one single matter and discuss it, and I will leave the canning date to him, in confidence that he will do what is right about it.

Mr. BEVERIDGE. That is right.

Mr. WARREN. I have more confidence in the Senator's figures and dates than I have in his experience about cattlemen in the field and on the ranges——

Mr. BEVERIDGE. I will say——

Mr. WARREN. I have a good deal to say if I had the time.

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. WARREN. With pleasure.

Mr. BEVERIDGE. I will concede the Senator has more experience about cattle and cattlemen than I have; but what does he think about the date on the cans?

Mr. WARREN. I thank the Senator for his compliment and for his help in getting me along and making my speech short. Now he would like to have me go into that can subject.

Mr. BEVERIDGE. I would be glad to have the Senator's opinion about the date on the cans.

Mr. WARREN. Then, will the Senator withdraw his intimation that I should hurry through?

Mr. BEVERIDGE. I believe I will prefer to stick to my intimation.

Mr. WARREN. Then I will compliment him, and I will say that I have the utmost confidence in the Senator's ability to "rush the can" and to bring in the proper measure, wherewith we can find both can and contents. He can "rush the can" as he pleases, and I will undertake to follow him. [Laughter.]

Mr. BEVERIDGE. I do not know what the Senator means. Is that his answer to my request for his opinion about putting the date on the cans? If he is satisfied with it, I am.

Mr. WARREN. It is true, even though figures which roll over the tongues of eloquent Senators oftentimes have great terror in this body, it has without a word of protest and inside of ten minutes voted $50,000,000 for a certain object. I am aware that when you get into millions and give it your particular enunciation expressive of vastness and awe that this expenditure of $3,000,000 seems large. But you are talking also about a large industry. You are talking about an industry the value of the annual product of which, according to the United States census for the last year, was almost a thousand million dollars.

This unfortunate medical or surgical operation, if I may term it such, which you are about to perform—have in part performed—interferes with trade and has cost the live-stock men many millions of dollars already. And now, in God's name, let us have it over with soon, the quicker the better, and let the patient recover. But let us do it right while we are about it, and not wrong the loyal, honest live-stock growers on range and farm. A billion dollars of packing-house products alone, and $200,000,000 of that is what we export to other countries.

Now, if there is any one thing that all political parties and all Congresses have agreed upon during all the time since the foundation of this Government to the present it is that exports from our manufactures and from our fields, but especially from our manufactures, is the great interest which we should seek and the great accomplishment for which we should strive and endeavor. There is no doubt about that. Here we have an industry which annually is exporting merchandise worth $200,000,000. It seems to me that we should provide proportionately for that great industry, and when the little brown-tail gnat gets a hundred thousand or more in this appropriation bill, surely the bulls and cows and sheep and hogs, which bring a thousand million every year in meat products, are entitled to $3,000,000 from the Government for inspection fees.

If you are going to have an inspection of this product, it is to the interest of the United States and the people as a whole, leaving out private interests, that that inspection shall be one of the highest and best, so far as the regard of foreign nations is concerned as well as our own.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. WARREN. I do.

Mr. CLAY. I wish to ask the Senator from Wyoming, who is thoroughly acquainted with the stock business, is such a law as this necessary to give the people pure food? I notice that in Illinois (and I believe it is on account of transactions in Illinois that this law has been recommended to Congress) there is a law upon the statute books of that State which makes it a penal offense for any party to sell or offer to sell any impure food, or to kill for purposes of sale diseased cattle; and the laws of that State require strict inspection of the slaughter-houses in the State and strict inspection of the cattle killed for the purposes of food. I see that the laws in Missouri provide likewise——

Mr. WARREN. And so do the laws of Wyoming.

Mr. CLAY. And the laws in Kansas provide the same thing. If these laws in the States for the inspection of cattle, making it a penal offense to sell impure food, are strictly enforced, how would it be possible for diseased meat to be sold to people throughout the country?

Mr. WARREN. The Senator's point is well taken, and I take pleasure in answering it. I answer it this way: If every State had such a law and executed it, there would be nothing left for the Government of the United States to do except to look after strictly interstate commerce, in the way of inspection of products that leave this country and which must have the inspection stamp of the United States Government to insure their acceptance and best sale in foreign countries. That would be all.

Mr. HEYBURN. Mr. President——

Mr. WARREN. One moment, until I finish. That is the reason why heretofore (and I call the attention of the Senator from Indiana to it) we have only appropriated seven or eight or nine hundred thousand dollars. It is because we have expected the States to take care of this matter. We have put enough money to the credit of the inspection fund to provide for just so much of it as we felt the legitimate interests would call for. Now, the Senator from Indiana believes, and some others with him, in an inspection of larger caliber, and I am ready to join him, but I am not willing that one class of people, a deserving class, and but a small class, shall pay that total expense when no other industry is thus treated.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Idaho?

Mr. WARREN. With pleasure.

Mr. HEYBURN. I would supplement the suggestion of the Senator from Georgia by suggesting further that the Senate has recently passed a pure-food bill, which, taken in connection with the meat laws of the several States, assuming their enforcement, would constitute a complete and sufficient remedy for the evil that is complained of and sought to be remedied by this bill.

I desire further to say that it was only for Congress to provide a method of inspection supplemental to that already provided for in that bill, if it thought it necessary. I doubt if any further legislation is necessary on the subject.

Mr. CLAY. With the permission of the Senator, Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. WARREN. I yield.

Mr. CLAY. The pure-food bill deals with articles of inter-

state commerce to be transported from one State to another. I wish to call the Senator's attention to this bill. It provides that the inspector appointed by the Secretary of Agriculture shall have the right to go into a State and inspect the slaughter pens, and if the slaughter pens are not properly constructed or ventilated, then the inspector has the right to destroy them. This bill also provides that he shall have the right to inspect the beef after it is killed, and if it is impure, to destroy it; and there is no appeal from his decision. The inspector appointed to go into the States and examine the cattle and the beef is the sole arbiter as to whether or not it is impure, and there is no appeal from his decision whatever in regard to a matter of so much importance.

Mr. WARREN. Mr. President, it is idle for the Senator from Indiana or other Senators to say that it is a usual thing to charge the inspection against parties engaged in business. He cites the two cases, national banks and oleomargarine.

Mr. McCUMBER. Will the Senator yield to me?

Mr. WARREN. I do.

Mr. McCUMBER. I just wish to say to the Senator that, while the Government of the United States does not charge for the inspection, we pay for the inspection of every bushel of wheat that is sent out of our State into interstate commerce; we pay for its weighing, we pay for its grading, we pay for its inspection, whether it be in any terminal market in the United States, ranging all the way from about 25 cents per car to 75 cents per car, whether wheat, corn, oats, barley, or any other cereal that we sell upon the markets.

Mr. WARREN. By the arrangement of those interested in business they have provided that there shall be a fee paid, so that their grain, their corn, and their wheat may be graded and they shall know what is red this and brown that and blue the other, etc., that they may sell on the market. It is a part of the preparation for the market of their product. It is not an inspection to see whether it is rotten or wholesome. It is simply a part of the preparation, the expense, just the same as the threshing or cutting is, so far as grading the wheat and corn is concerned; and they have a right to tax themselves for it, if they wish.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Minnesota?

Mr. WARREN. I do.

Mr. NELSON. Is it not the purpose of this inspection, or of any scheme of inspection related to this subject-matter, to make the article merchantable, to make it a matter of interstate commerce? Now, if a certain class of men are engaged in an industry and in order to give them a proper market, in order to get the full benefit of interstate commerce they should have it inspected, why not have them pay the expense, because it is for their benefit in order to make that product merchantable?

Mr. WARREN. If the Senator from Minnesota will show me a way that we can force the packers to pay that and not charge it to the cattlemen, I have no fault to find with the proposition.

Mr. NELSON. I want to say to the Senator from Wyoming that he does not represent the only cattlemen in this country. There are the range cattlemen who ship their cattle into the markets in a flood in certain seasons of the year, but the whole country is covered with a lot of small farmers who are shipping cattle every week of the year to Chicago and to other great points. Those cattlemen are not here objecting to this bill. It is simply the range cattlemen. So of all the men who furnish the hogs that are slaughtered and enter into interstate commerce, and a good deal of our meat products are hog products. That product does not come from the men who raise the range cattle. The Senator talks as though this was simply a question between packers and the men who range the cattle.

Mr. WARREN. I do not talk that way.

Mr. NELSON. It is a matter that the consumers are equally interested in and the men who raise cattle on small farms and furnish the steady supply of cattle throughout the entire year.

Mr. WARREN. Just so. The Senator can not provoke any quarrel with me about that. I accept his intimation that I know nothing about cattle raising except on the range. But I will say to the Senator from Minnesota that I have been engaged in the cattle business all the way from Cape Cod to the Rocky Mountains, and I know about as much as a man can know who has all his life been interested in it of the differences between the farmer, stockman, and the range cattleman. I want to say to the Senator that when you beat around you find where the men stand. It matters not whether range cattle or farm cattle; if they must be shipped to the packers, they have all the same interest; and they are all asking that this expense shall be put upon the Government.

Mr. NELSON. Not the farm cattle. I have had a small amount of cattle to ship and sell every year, and I have not had a protest from any of the farmers of Minnesota. The protest has simply come from the packers—the men running the packing establishments. Not a farmer in my State has objected to paying this.

Mr. WARREN. Has the Senator had a lot of telegrams and letters asking him to see that it was paid by the packers?

Mr. NELSON. I have had a lot of what I call "machine telegrams," made to order at the expense of the packers. That is the only kind.

Mr. WARREN. But I ask him whether the farmers whom he so valiantly represents here have been wiring him asking that this provision shall carry; that the packers shall pay the cost of inspection instead of the United States.

Mr. NELSON. The farmers are in favor of a proper inspection. They are quite ready that the packers shall pay the cost of it, even if it comes out of them. They regard the matter of a few cents, 6 or 8 cents a head on a steer or a cow, 4 or 5 cents on a hog, and 2 or 3 cents on sheep, as a small matter, and they are not objecting to it.

Mr. WARREN. Very well. Then this is the condition the Senator wishes us to believe exists, that all the stockmen we have heard from all over the United States stand upon one side of the question, and that is that the Government shall pay the inspection, and hence it is assumed by him that all the balance not heard from shall stand on the other. That is the Senator's argument, is it? If so, he is dead wrong. It is safer and nearer the truth to assume that all those not heard from stand with the balance, and if heard from would supplicate that the Government pay for this inspection.

Now, Mr. President, right at that point, talking about telegrams that are machine made, I have explained that. Those telegrams have been sent, as the Senator from Vermont [Mr. PROCTOR] said, in five or six different forms. I find the stock association of one State has sent to its people out on the frontier—away from the telegraph office, away, perhaps, from the mail, or sent by mail on horseback—"There is danger of our interests being injured; you should telegraph your Congressman;" and what is more natural than to give them a form?

But the bulk of my telegrams have not run that way. I have in my hands a couple that came in when this matter first came up, and before they could possibly have heard of the suggestion that telegrams were concocted in Chicago and sent out.

I have one here from the Hon. Ora Haley, of Laramie, Wyo., a man who has been in the cattle business proper in some capacity in probably more than half the States of this Union, a man whose business now is very large, a man who has been in both branches of the Wyoming legislature, was a Presidential elector two years ago, and has held other public offices; a man who is in the banking business as well, who is largely interested in cattle every day in the year, buying or selling or grazing, etc. He has for years been either president or a high officer of the Wyoming Live Stock Association. I will send his telegram to the desk and have it read, and see if it sounds like a machine telegram.

The VICE-PRESIDENT. Without objection, the Secretary will read the telegram.

The Secretary read as follows:

LARAMIE, WYO., *June 20, 1906.*

Hon. F. E. WARREN, *Washington, D. C.:*

The discussion of packing-house methods has done great injury to the live-stock interests of the West. It is impossible to say how much, because the evil effect is not yet fully developed, and I only hope that it may not result in disaster. Every stockman in the West is in favor of a most rigid inspection law, but we all feel that it would be a great injustice to place the cost upon the packers, which means, of course, that the producers would ultimately pay the bill. All the people are interested in pure food, and so let them join in paying the expense. Kindly give a copy of this to Senator CLARK and Mr. MONDELL, and we all hope that our delegation will approve of these views.

ORA HALEY.

Mr. WARREN. Now, Mr. President, that is simply a representative telegram. As I said a few mornings since and before I supposed this subject would be called up on the floor for debate, I was receiving a great many messages. I did not propose to burden the RECORD, and I sent up one as a sample, one that came from as representative a live-stock man as there is in the United States.

I am sending now to the desk and ask to have read a telegram from a man who represents money loaned by trust companies and others to various live-stock men, one who is constantly with them and who knows their feelings, who is interested himself pretty largely in cattle as well as through the trust companies that have the cattlemen's interests at heart.

The VICE-PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

DENVER, COLO., *June 21, 1906.*

Senator F. E. WARREN,
United States Senate, Washington, D. C.:

Stock growers are united in wanting the benefit of complete inspection, but believe the purchasers of the product would lack confidence in certificate issued if such service is paid for by those inspected for the packers. Furthermore, the number of consumers benefited is far in excess of the number of producers whose product is inspected. This being a matter where the whole people are concerned, and to tax the producer by causing the packers to pay this fee would be unfair, won't you impress on the Senators the damage delays are causing the stock growers?

A. E. DE RICQLES.

Mr. WARREN. Mr. President, that telegram expresses the idea that if we are to have an inspection we ought to have one that will inspire confidence all over the world. On the other hand, referring to what the Senator from Minnesota [Mr. NELSON] has said, the consumer is interested. He is the man of all others who is interested. Then let him pay his part of it and let the stockman pay his. If we look through this agricultural appropriation bill we find many things very generously provided for, of which the Senator has spoken. We find provision made for the boll weevil, for the gypsy moth, for the flight of birds which are taken care of; the fowls are taken care of—the health and habits of fowls are promoted by an annual appropriation. Why not tax the hens the tenth part of a cent each? You are going to tax the other part of the barnyard, if you tax the cow.

The poor cow is to be taxed from 5 to 8 cents, because she happens to be a cow, and is destined for the packer, but the inspection of the turkeys and the geese and the hens and the ducks that frolic around her is paid for by the United States. Somebody may say that as to the birds of the air that fly over the farm and over the man who is milking the old cow in the barnyard, and as to the hens that cackle, the ducks that quack, and the geese that gabble, it is proper that they should all go free, but the poor cow has got to pay from 5 to 8 cents, notwithstanding that added to these the insects, the fauna, and the flora, and, in fact, everything in sight except the cow, receives attention, investigation, or inspection at Government expense. The Senator from Vermont [Mr. PROCTOR] says it will be from 3 to 5 cents a head; the Senator from Minnesota [Mr. NELSON] says from 5 to 6 cents; but when we get to the enthusiastic Senator from Indiana [Mr. BEVERIDGE], who last spoke, he assumes that it will be 8 or 10 cents on every head of neat stock. We do not know what it will be.

When we come to insects in the barnyard, miscellaneous insects, those that crawl and those which fly in the air, their inspection is provided for and paid for by the United States; but the cow must be under a special act, because she comes under the head of "cattle" to be killed for meat.

Mr. NELSON. Does the Senator regard the meat packers as miscellaneous insects?

Mr. WARREN. I will leave that to the Senator from Minnesota to decide. He can not get any sympathy from me for the packer.

We appropriate money to provide for the general cereals, and to provide particularly for the orchards and the fruits which we raise, and for the insects that attack the fruit. But the poor cow alone must pay.

It is true that you put a tax on oleomargarine a few years ago. I suppose that was because oleomargarine has some relation to the cow; I do not know why otherwise it was done; but it is different with the meat products. You say to the world oleomargarine is simply, as it was declared by many Senators on this floor, an imitation, a counterfeit, a fraud; and that is the reason you put an internal-revenue tax on it. You put it on because those who wanted to eat this cheap imitation article would pay the tax.

It seems to me we are going too far when we come to the cattlemen to yoke them up with oleomargarine manufacturers and say, "Now, cattlemen, pay your assessment, no matter whether you can continue your business or not. Under the tax that may be laid we will assess you 3, 5, 6, 8, or 10 cents a head.

The Senator from Vermont says, with a twinkle in his eye and a good deal of satisfaction, that we have got a nice bunch of money in the Treasury out of that oleomargarine tax. We taxed the producers of that article much more than it cost to carry the law into effect. I see in that twinkle the proposition that he proposes to pile up millions upon millions of dollars in the Treasury of the United States by a sliding tax of 3 or 5 or 8 or 10 cents per head upon meat stock, and which is a tax against the cattlemen.

Mr. President, the mode of doing business by the packing houses is one that may not be understood by those who have no interest in the business, but it is different from almost every other market where purchases and sales are made. On the one side packing houses and their products are governed by the world's price for which they can dispose of their product. You may say that they have got us in the hollow of their hand in this country, because they are butchering practically all the live stock.

Well, now, passing that for the moment, here are $200,000,000 of exports of meat, etc., that have to go out to all the different markets of the world. They have to meet the cheap cattle of Australia and of New Zealand; they have to meet the live stock of all the world when they send out that $200,000,000 worth of meat. Therefore these packers can not force the price of meat upward beyond a certain standard. Upon the one side in the disposition of their products there is a check. Now, turn to the other side. How do they purchase? They have their check in the standard of the price they get. Then they have certain expenses that they must incur in their business. Therefore, when you put upon them a burden of a certain amount, it must come out of the raw material; that is to say, out of the cattle they buy. How can they do that? I will tell you.

It is a fact that by the utilization of everything except the bleat of the calf in the packing house they have arrived at a cheapness of slaughter and manufacture of meat that has wiped out pretty nearly all competition. Therefore the cattleman is compelled in many parts of the country to ship his cattle to the packer; there is no other available market. As to the wheat and other crops, they are bought where there is a standard. The man who raises and sells them near home pockets his money and is through with the transaction. But when you come to live stock for slaughter, after they are loaded on the cars they are taken down over the railroads to the stock yards at Chicago or Omaha or Kansas City or St. Joseph or St. Louis or at Buffalo, and then you must take your chance on whatever price you can get.

There is no standard, as there is in the case of wheat and corn, and there is no way by which a standard can be fixed, as there is in the case of cereals. In the case of cattle you have a perishable product that is losing value every hour it is in the yard and deteriorating every moment of time. If you hold it over but one day you have a loss, perhaps, of 25 cents a hundred, and you are absolutely compelled to take what is offered you.

The price is fixed upon one side—the world's price for meat—but on the other you can not get a regular price fixed, and you have to take the price that is offered on the day you arrive. What would be more natural than that any additional expense to the packer shall be taken out of the man who ships the cattle? There are stockmen who have been shipping their stock to the packing houses ever since that industry was inaugurated. They know the packers; they know the manner of collecting for expenses. Do they know whether or not they will ultimately have this inspection tax to pay, or do the Senators, who represent other industries and who are not interested in this particular industry, best know? Who know best, the cattlemen who have been associated with the packers all this time, or do others with no experience?

As expressed in one of these telegrams, live-stock men want this inspection to be thorough; they want such an inspection as all the world will take as final. They do not want it said that the meat product has not had an adequate inspection, because Armour and Swift and Nelson Morris and others are paying the inspectors themselves as their own hired men.

Of course when it comes to the matter of inspection, a man who is thoroughly posted upon it will understand it; but you take the ordinary individual, who has given no special attention to it, and let him read or hear somebody say that the inspection is to be paid for by the packers and he will have no confidence in the Government stamp obtained in that way.

The inspection law which I am supporting, and which we are all supporting, I hope, is, in my judgment, a severe blow to the packers. In my judgment, the next severest blow is to make the Government pay it, holding aloof entirely from any communication with them, except that they shall bend their necks entirely to the will of the Government under the law. When the Government inspects Armour's meat, as now, it is sold on Armour's trade-mark. When you put an inspection mark by the United States, when you put a stamp on every can—I am coming back to that can again—you have made the manufacturer of every can equal, so far as the United States inspection is concerned. Armour's trade-mark and Swift's trade-mark and Nelson Morris's trade-mark go to the four winds, so far as the standard is concerned—everything goes under the inspection of the Government, because the Government upon all has placed its inspection mark, and it becomes Uncle Sam's trade-mark.

As to the great monopoly of the packers, I want to tell you

that if you wish to do anything to hold the prices where they are and not raise them upon beef, you want to see that in your legislation you do not put any load upon the cattlemen. The cattlemen's profits day by day are diminishing in the United States. Where they raised cattle a few years ago cotton now grows; where they raised cattle a few years ago corn is now produced. You can not afford to put the farmer and stock raiser down under an expense that will greatly diminish the number of cattle unless you wish to raise the price of beef.

I want to say to you, looking at the question from all sides, that I believe you are doing the very best act that it is possible to do if you have this inspection by the Government itself, and have the Government pay for it. As I say, this little matter of $3,000,000 is a mere bagatelle in this great industry. If it is well guarded, the industry will flourish.

Mr. President, I have telegrams here from bankers in New York and Boston, whom I know personally. I know they are interested in the men who have their money upon the ranches and the farms and who are stock raisers. They know the stockmen themselves are asking that this inspection shall be paid for by the Government. I have here their telegrams and letters, all reading one way: "Have the United States Government pay the inspection." I will not burden the record with them, as it is already too long.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Iowa?

Mr. WARREN. Certainly, I yield.

Mr. DOLLIVER. I am exceedingly anxious not to delay the ordering of this bill to conference, but if the Senator from Wyoming will permit me, I should like to have a letter read by the Secretary from the president of the Corn Belt Meat Producers' Association, representing practically the whole live-stock interest in the State of Iowa. I do that only because I desire to have their views expressed, considering the fact that that State is the chief live-stock producer in the United States.

Mr. WARREN. Mr. President, I do not know what the contents of the letter are, but I want to hear from a locality of that kind, whether it may be upon the one side or upon the other. The people of Iowa are, as the Senator says, in the possession of more live stock to-day than the people of any other State in the Union, and the stock is in the hands of simon-pure farmers, and not on the ranges of the scalawag range cattlemen.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read the letter sent to the desk by the Senator from Iowa.

The Secretary read as follows:

BUCKINGHAM, IOWA, *June 2, 1906.*

Hon. J. P. DOLLIVER, *Washington, D. C.*

MY DEAR SIR: I thought perhaps you might wish to know what the stockmen think of the Beveridge meat-inspection bill. It seems too bad that this whole matter has got into the condition that it has. It seems to me that this investigation could have been made and a proper inspection law put into effect without so much notoriety and a consequent loss to the live-stock industries of this and other States. I appreciate, however, that it is too late to make any change or to find fault over what has been done. In the first place, the stockmen have been for some time urging the necessity of a more thorough and complete method of inspection. This has been agitated by members of our association and other individuals for a long time. We have felt that the only way to insure the best returns for our products was to place them above reproach in every way and every particular.

The present bill meets the hearty approval of the stockmen, I believe, with this exception. We feel that we must necessarily bear a large burden of this expense. The business is going to be demoralized, in fact, it is demoralized, without part of the expense being borne by the stockmen, and we are willing to do our share. The only point that appeals to me is that in the matter of inspection the fees should be paid by the Government or by the ones that are to be benefited by the law. We do not feel that we should be made to bear all of the burden. If the bill is passed making the packers or the different companies bear the expense of the inspection, as I understand it to read, it only means that that amount will be charged off from the price the live stock brings in the different markets. This, in my opinion, would be a greater burden than we should be charged with. Is there not some way this inspection can be put into effect, as strong and complete as possible, but making the inspection fees out of appropriations made by the General Government? It seems to me the only question is whether or not this business is to pay the expenses of an inspection that rightfully belongs to the people at large.

I would like to have you give this matter your earnest consideration and let me know how you feel in regard to it. We have known for a long time that the inspection on all meat products that were used at home was not sufficient. We have urged that this be made more complete and carried on in a manner that would leave no opportunity for just the kind of articles to be written as are now prevalent in the press. This kind of notoriety is one of the most serious menaces to the business we have at the present time.

Thanking you for your many kindnesses and the good work you have done for the live-stock interests of this and other States, I remain,

Very truly, yours,

A. L. AMES,
President Corn Belt Meat Producers' Association.

Mr. WARREN. Mr. President, does that bear the stamp of the packing house? In my judgment, it is an honest letter from honest people, and represents the farmer and stock grower of one of the thickly-settled States and not the rangemen of the West who furnish range cattle. I commend this letter particularly to the senior Senator from Minnesota [Mr. NELSON]. Let him square it with his remarks of a few minutes ago.

Mr. President, not only is the cost of the various services I have enumerated paid by the Government, but there are many others. There is, for instance, our quarantine service, applying to live stock as well as to people, and paid by the United States. We might as well say that the expenses of our Light-House Service, with its light-houses along the coast, shall be taxed upon commerce, and that it shall be charged up to the vessels as they go by. We take pleasure in paying our part of it, though we may live in the heart and center of the country, far removed from the seaboard.

We expect that the expense of everything of that nature will be distributed all over the coutry and not charged up to one small class of people. Every man and every woman does or should eat meat. All are interested alike in the purity and wholesomeness of it. Then why not let all pay it, instead of charging it to a small number of men interested in a not too well paying business, the farmers and others interested in live stock?

I have endeavored to explain, and I again call attention to the peculiar situation regarding the marketing of live stock, and to the fact that it is really a commission-house business between live-stock grower and packer. You really consign your stock. It amounts to that. There is not one-tenth of 100 per cent. of stock on the ranges starting for market that is sold and paid for before it starts or upon any price calculated upon or promised until it reaches the market; but it is fixed upon that day and paid for at the price offered by those who control the market on that day.

I have some figures here, Mr. President, showing the magnitude of this industry which I will ask to have inserted in the RECORD. There is very much more that I should like to say, but I am as anxious as any Senator present to get this matter into conference.

Under the circumstances and in the way in which this matter came before us, I think we have a right to ask our own conferees to recede without opposition on this one point, the House provision being asked for by this great industry, and I trust that the conferees will make no resistance whatever to taking the House proposition as to the payment by the United States of the cost of inspection.

As to the other matters in connection with this amendment, its constitutionality, and so forth, I leave that to those better able to debate it—the great lawyers of the Senate. I send to the desk the statement to which I have referred, ask that it may be printed, and I drop the matter for the present.

The VICE-PRESIDENT. In the absence of objection, the statement referred to by the Senator from Wyoming will be printed in the RECORD.

The statement referred to is as follows:

OFFICIAL REPORT DEPARTMENT OF COMMERCE AND LABOR, JUNE 21, 1906.

Exports of meats and meat products from the United States in the eleven months ending with May aggregated over $180,000,000. These figures for eleven months show a larger exportation of meats and meat products than in the corresponding period of any other year in the history of our export trade, and show an increase of practically 60 per cent when compared with the figures for the corresponding months of 1896, a decade earlier.

The total value of meat and meat products exported in the fiscal year 1906 will approximate $200,000,000, and will probably exceed that of any earlier year.

All parts of the world are purchasers of American provisions. The lard exports of 1905 went direct from the United States to seventy-five different countries and colonies, the largest quantity to the United Kingdom, valued at $17,500,000.

Bacon, which stands second in importance in the value of meat products exported, goes largely to the United Kingdom, which took in 1905 practically $21,000,000 worth out of the total of $25,500,000 worth exported.

Great Britain is by far the largest purchaser of American meat products. Of the $75,000,000 worth of bacon, ham, fresh beef, and canned beef exported in 1905, the United Kingdom took in $66,000,000 worth, or practically 90 per cent of the total; of the total exports of meats, valued at $100,000,000, she took $80,000,000 worth, while of the $40,500,000 worth of cattle exported in the same year she took $36,750,000 worth.

Mr. GALLINGER. Mr. President, I shall detain the Senate but a moment. After the wretched and revolting exposé that has been made of the condition of things in the packing houses at Chicago, I have very little sympathy for the men who are engaged in that industry, men who have made their millions and their tens of millions, and who, if they had been men of public spirit and correct impulses, would have had their packing houses as free from filth and disease-breeding conditions as is this Senate Chamber. They have absolutely neglected the conditions that ought to have existed, and have horrified not only

this country, but the nations of the world, because of the conditions that were found to exist there.

Mr. President, I want an inspection of meats in Chicago, an inspection as thorough as human ingenuity can devise. I feel like felicitating myself and my associates in this Chamber, in view of what has been spread before the world, that we are permitted to be here to-day. Almost every day I hear of the illness of some friend, and very often the information comes to me that it is due to ptomaine poisoning. Why should it not be, considering what has come to us as a matter of record knowledge?

I have listened to the reading of the letter which was sent to the desk by the Senator from Iowa [Mr. DOLLIVER] and the telegrams which were sent to the desk by the Senator from Wyoming [Mr. WARREN]. They are for a rigid inspection, but they want the Government to pay for it. I recall the fact that Artemus Ward once said that he read and had been told that boils were good for the health of the human family. He said he had made an investigation of that and found it to be true, but he wanted the boils to be on the other fellow. [Laughter.] So, Mr. President, these people think inspection is necessary, and they say it ought to be thorough in the interest of human health, but they want the Government of the United States to pay for inspecting meats which, if they did their duty, would not need an inspection.

I do not believe that the Government ought to have this burden of $3,000,000 placed upon it for next year and $5,000,000 the next, and perhaps $10,000,000 in a few years, for inspecting the meats that pass through the slaughterhouses of the great city of Chicago and other cities of our country. I do hope, Mr. President, that on this point the conferees on the part of the Senate will stand unflinchingly and will not yield, and that this burden may be placed where it properly belongs.

I do not see why it could possibly fall upon the producers—the men who raise and sell the cattle to these packing houses—as the Senator from Wyoming contends. My fear is, in view of the conditions that already exist, that it will fall upon the consumers, instead of the producers. These packing houses form the great meat trust that makes it impossible for a farmer in New England to raise cattle for the market, because the men who sell it are boycotted by this great trust; and I apprehend that, if the packers are made to pay the cost of the proposed inspection, they will find a way to raise the price of their meats beyond the exorbitant price that they have been asking the consumers to pay for the last ten years. I know of no reason why this tax should be placed upon the cattlemen, but even if it should be, it seems to me that it is more a matter of justice and right that that great industry, which has not been suffering very much until this exposé came of conditions in Chicago, should bear the burden, rather than that the taxpayers of the entire country should be compelled to do so.

Mr. SCOTT. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from West Virginia?

Mr. GALLINGER. Certainly.

Mr. SCOTT. I want to ask the Senator if he thinks that, in the event of these inspectors being appointed by the Government and then being paid by the packers or the purchasers of the cattle, they could be held to a strict accountability? Would they not, under such conditions, in a short time favor the men who were paying them their salaries?

Mr. GALLINGER. I do not think so, Mr. President. We do not find any difficulty with our bank examiners in that regard. They do their duty, notwithstanding they are paid by the banks of the country. It seems to me such a suggestion is a reflection upon the men who would represent this Government in performing that duty.

But, Mr. President, I will pass on. I have only one other point that I desire to make, and that is that I trust this bill, when it emerges from conference and becomes a law, will adequately provide for the labeling of all the canned products of the manufacturing establishments of the country. I believe that immense harm has come to the consumers of this country because of the conditions under which foods have been canned and sold to the people of the United States. I hope that a provision is in the bill—and if it is not, I trust that it will be added to it—that all canned products should have not only the date of inspection placed upon them, but the date at which the product itself was placed in the receptacle.

Mr. WARREN. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Wyoming?

Mr. GALLINGER. Certainly.

Mr. WARREN. At the request of the Senator from Indiana [Mr. BEVERIDGE], whom I love as I would a brother, I refrained from entering upon a discussion of the canning business; but I want to ask, simply to get the opinion of the Senator now on the floor, whether he feels any apprehensions that if we require the placing of labels on meats, the demand of the consumers and their desire to know the date will cause us to go further and provide for the labeling of all canned food products? I do not know that I should oppose such a movement; in fact, I am rather of the opinion that if a bill should come here next winter to take up this whole subject, I might favor it; but I should like the Senator's opinion, whether he thinks it would not end with the date of inspection being placed on all food products put up in cans, in bottles, or in any other small packages?

Mr. GALLINGER. I should hope that that would be the result, Mr. President, because I believe that when a citizen of this country purchases an article which has been canned and put upon the market, he has a right to know whether it is one year or ten years old, and he has a right to protect himself from consuming a product that, because of its age, is possibly a detriment to health and life.

Mr. President, that is all I meant to say. I want these labels to protect the people from imposition. I want the inspection to be so thorough that there can be no doubt that it will carry out the purposes we all have in mind, and then, Mr. President, I want the Government to be relieved from paying for the inspection, which is so slight upon the producer or upon the men who slaughter the animals as to be a matter of very little consequence. If it costs the farmer or the producer only 6 or 8 cents to have a cow or a steer inspected, it is not going to do any great harm to the man who raises cattle on the ranges or elsewhere, even if he has to pay for it. But, as I before said, I see no reason why this burden should be placed upon the producer at all. On the contrary, we should legislate so as to place it upon the packing houses of the great cities of the country, as is contemplated by the Senate amendment.

Mr. HEYBURN. Mr. President, the first consideration with respect to meat products is that they shall be produced under cleanly and healthful circumstances. The inspection covers that point up to a certain degree only. After the materials have been produced, it is equally important that they shall reach the consumer in a condition which will not be detrimental or injurious to his health or offensive to his ideas as to what he will consume. There is nothing about which the human race is more particular or in respect to which it insists upon its rights with greater emphasis than that of selecting its food, each individual for himself, and he has a right to know all about the article of food that he is about to consume. He has a right to know it from the party from whom he obtains the product. There is no more important, in fact, in my judgment, there is no provision as important in connection with this matter as that of the date upon the inspection stamp of the goods, whether it be in cans, or whether it be in carcass.

It is not sufficient to provide in this bill that canned goods alone shall bear the date of inspection. As has been suggested by the Senator from New Hampshire, they should bear the date when the article was placed in the can, so that you may know just how long that article has been on hand and form your own judgment as to whether you desire to take it or not.

It is the habit of the canners in the great centers in which that industry is carried on to ship their stale goods as far from home as possible, and I have seen opened in the camps on the frontier meats that had been in cans for four and five years before they reached the retailer, and had remained on the shelf of the retailer perhaps over a season. It is to prevent that condition that this inspection should be urged and that the label upon the can should bear the date when the article was placed in it.

But that is not all. The carcasses of meat that hang in cold storage, after they have been there four months, enter upon a condition of disintegration that is injurious, that results in the outside fat of the carcass becoming from day to day more unfit for consumption, until to-day you can go into the best restaurants and hotels of this country and call for a cut of roast beef with the outside fat on it, and when the waiter brings it to you it is a mere piece of lean meat with no fat on it. You ask him about it, and he says it is necessary to cut that fat off because it gets rancid and strong in cold storage.

The same is true of a steak. You may buy the choicest cuts of steaks to-day in the best restaurants and hotels, and you find that the fat is unfit to be eaten. Why? Because the meat has remained in cold storage beyond the period where cold will preserve it in a healthful condition. Have you not seen, those of you who have observed it, that after about three months in

storage the outside fat upon the carcass takes upon itself a yellowish green tint? It is the result of the process of disintegration resulting from cold, which is the equivalent of the disintegration that results from heat.

So I say that not only should the cans be stamped as to the date when the article was placed in it, but that the carcasses that hang in cold storage on Pennsylvania avenue here, for instance, which have been there sometimes for perhaps more than two years, should also be stamped. Remember the investigation only a few weeks ago in Pittsburg, where it was found that in the elegant marble-lined cold-storage receptacle of one of the hotels in that city carcasses of meat had hung about four years. Of course it can not become putrid and offensive to the smell when it is under the influence of the condition of freezing that pertains to cold storage. But it is not necessary that meat should become putrid or offensive to the smell in order that it may contain ptomaine poisoning.

I know of an instance where a carcass of choice meat from one of the big packing houses in Chicago was sent to a camp of workmen. It was purchased because it was of exceptionally fine appearance. It was packed cold, solid, almost frozen; and it put about eighty men in the hospital inside of twenty-four hours, because it had been in cold storage for over two years, and the conditions that I have suggested had come about. These facts are not isolated. You can duplicate them hunreds and thousands of times on the frontier where they bring back to us the cattle that we raise on our ranches.

I have no sympathy for the cold-storage system. I broke it up in a city in which I lived. Five years ago I started on a crusade against cold-storage meat, and I have never voluntarily eaten a mouthful of it since that time. I drove out of business in that city the representative of Armour and the Chicago packing houses by persuading the community in which I lived to patronize only the meat dealer who bought his cattle in the country in which he lived and slaughtered them and prepared the meat in a cleanly way and handed it over his counter free from these objectionable features. By creating that sentiment there we built up a prosperous dealer in meat, who bought our own cattle from our own ranches and our own farmers and sold it to the community. Public sentiment would do much to drive it out. I believe the best condition in the cattle business exists when every farm has its little bunch of fat cattle and sends them to market with about an inch or an inch and a half of fat on the ribs, fresh killed and cool, and prepared for consumption. It distributes the business locally throughout the country. Who is benefited by this great concentration of capital, this concentration of what they call enterprise in the city of Chicago? It had better be distributed among a thousand farmers and a thousand communities in the country.

I will not occupy more time, as I understand the chairman in charge of the bill desires to use the few remaining minutes.

Mr. PROCTOR. Mr. President, my motion is pending.

The VICE-PRESIDENT. The Senator from Vermont moves that the Senate insist upon its amendments, disagree to the amendment of the House to the amendment of the Senate No. 29, and agree to the conference asked for by the House of Representatives, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed as conferees on the part of the Senate Mr. PROCTOR, Mr. HANSBROUGH, and Mr. SIMMONS.

SUNDRY CIVIL APPROPRIATION BILL.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, asks conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAWNEY, Mr. SMITH of Iowa, and Mr. TAYLOR of Alabama managers at the conference on the part of the House.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

Mr. HALE. I move that the Senate insist on its amendments, and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. HALE, Mr. PERKINS, and Mr. BERRY.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 9, 32, 33, 34, 35, 38, 47, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 11, 12, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 52, 53, 54, 57, 58, 59, and 63; and agree to the same.

Amendment numbered 6: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 6.

Amendment numbered 7: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 7.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with amendments as follows:

In line 10 of said amendment strike out the colon and insert in lieu thereof a period.

In lines 10, 11, 12, 13, 14, 15, 16, and 17 of said amendment strike out the following: "*Provided*, That hereafter the pay and allowances of chaplains shall be the same, rank for rank, as is or may be provided by law for officers of the line and of the Medical and Pay Corps, all of whom shall hereafter receive the same pay on shore duty as is now provided for sea duty: *And provided further*, That the present pay and allowances of any officer now in the Navy shall not be reduced: *Provided further*," and insert in lieu thereof, as a new paragraph:

"That all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commander in the Navy according to length of service under the provisions of law for that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: *Provided*, That naval chaplains hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have completed seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever vacancies occur, to the grade of lieutenant-commander, which shall consist of five members, and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: *Provided further*, That nothing herein contained shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving."

In line 17 of said amendment, commencing with the word "That," have a new paragraph; and in lines 17 and 18 of said amendment strike out the words "pay and;" and in line 21 of said amendment strike out the words "pay and."

And the Senate agree to the same.

Amendment numbered 10: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 10.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In said amendment, after the word "million," strike out the words "three hundred thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "immediately available and to be;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In the last line of said amendment strike out the comma and the words "to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two million nine hundred and fifty-two thousand four hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "graduation," insert the following: "or that may occur for other reasons;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In said amendment strike out the words "one million" and insert in lieu thereof the words "five hundred thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: On page 76 of the bill, at the end of line 5, insert the following: "But this provision shall not apply to or interfere with contracts for such armor already entered into, signed, and executed by the Secretary of the Navy;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$33,475,829;" and the Senate agree to the same.

On amendment numbered 13 the committee of conference have been unable to agree.

EUGENE HALE,
GEO. C. PERKINS,
Managers on the part of the Senate.
GEO. EDMUND FOSS,
H. C. LOUDENSLAGER,
ADOLPH MEYER,
Managers on the part of the House.

Mr. MALLORY. Mr. President, before the question is put on agreeing to the report, I desire to make a few observations relating to amendments 32 and 33 in the naval appropriation bill. Amendment No. 32, put on by the Senate committee and adopted by the Senate, provided an appropriation of a hundred thousand dollars "toward construction of a graving dock of concrete and granite, to cost, in all, $1,400,000," at the Pensacola Navy-Yard, Pensacola Bay.

I see by the report of the committee that the Senate conferees recommend that the Senate recede from the amendment. I have no complaint to make of the Senate conferees in the matter; in fact, I personally feel under some obligations to them for holding out against the contention of the conferees representing the House against this amendment. But before allowing the matter to go to a vote I desire to present to the Senate as briefly as I can the reasons why I thought proper to introduce this amendment at the present session.

It is not a new project, Mr. President. As long ago as November, 1903, I introduced a resolution in this body directed to the Secretary of the Navy, requesting him to inform the Senate whether or not it is desirable, in the interest of the Navy, that the Government of the United States should construct and own a graving dock, of capacity sufficient to dock the largest battle ships of the Navy, at some port on the coast of the United States on the Gulf of Mexico; and if, in his judgment, the same is desirable, to also inform the Senate at what port on said coast such dock should be located and the probable cost of the same when completed.

In response to that resolution the Secretary of the Navy addressed a communication to the Senate, a part of which I will read.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from Montana?

Mr. CARTER. I call attention to the unanimous-consent agreement heretofore obtained, and with the permission of the Senator from Florida, in conformity with that understanding, I move that the Senate proceed to the consideration of executive business.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Maine?

Mr. CARTER. I yield.

Mr. HALE. Is this in accord with a unanimous-consent agreement of the Senate?

Mr. CARTER. It is.

The VICE-PRESIDENT. It is.

Mr. PENROSE. It was made yesterday afternoon.

The VICE-PRESIDENT. It is the order of the Senate.

Mr. HALE. Then I shall call up the conference report on Monday morning.

Mr. TILLMAN. In order to relieve the situation as far as I can, I suggest to the Senator from Montana that unless the Senator from Florida, who wants to discuss this report, shall take more time than I think he will, it will be agreeable to me to wait, and if no one else is pressing for the enforcement of the unanimous-consent agreement, I will not feel aggrieved if the debate goes along for a while. We will not consider the agreement as at all abrogated.

Mr. CARTER. I do not know of any precedent for the abrogation of a unanimous-consent agreement.

Mr. TILLMAN. Except by unanimous consent.

Mr. MALLORY. If the Senator from Montana will permit me, I do not care to interfere with the unanimous-consent agreement. I do not propose to consume any very considerable amount of time in the remarks I propose to make in this subject.

Mr. HALE (to Mr. CARTER). Hold up for a few minutes.

Mr. MALLORY. I think probably it would be very well to go into executive session under the unanimous-consent agreement, and I will as soon as possible thereafter resume what I have to say.

Mr. CARTER. In view of the statement made by the Senator from South Carolina [Mr. TILLMAN], if this matter can be disposed of by 3.30 o'clock, while not desiring to modify the unanimous-consent agreement, I will enter the motion and have it pending.

Mr. HALE. That is all right. We will be all through by that time.

Mr. CARTER. With the understanding, of course, that the motion will be made at the moment the conference report is disposed of, if it shall be disposed of at this time.

Mr. HALE. The motion is made and withheld.

Mr. MALLORY. In response to the resolution which I have just read the Secretary of the Navy communicated to the Senate his views as embodied in the report made to him by the Chief of the Bureau of Yards and Docks, and that report is as follows:

At the present time there is no dry dock of large capacity upon the Gulf of Mexico which is accessible at all times. The steel floating dry dock at New Orleans Naval Station has sufficient capacity to receive the largest battle ships, but experience has shown that it can not be counted upon as being available at all times for such vessels, because of limited depth of water.

There is at present no other dry dock south of New York of such capacity, and none such is now authorized for any point south of Charleston, S. C. Under this present situation a continuous seventenths of the southern and eastern coasts of the United States is without a dry dock of sufficient size and at all times accessible for the docking of a large part of its Navy afloat.

This is a situation which ought not to exist longer than is absolutely unavoidable. Congress has recognized the desirability of proper docking facilities upon the southern coasts by instituting inquiries through boards of officers as to the most eligible point for the same, which have strongly appreciated such need; and commanding officers of squadrons, in their reports to the Navy Department, have dwelt upon the advantages to be gained by such provisions, having felt their need when cruising in those and adjacent waters. The interests of our Government are rapidly increasing to the south of our own territory, and events are crowding in that part of the world which bid fair to require the continual presence of a considerable naval force. It has already proved inconvenient to repair to the north coast for docking facilities, and it might easily occur that their absence in southern waters would prove a calamity.

The harbor of Pensacola Bay is the best upon the Gulf of Mexico (indeed, upon the entire southern coast) in which to establish a dry dock of the largest class. The entrance to the harbor is now of sufficient depth, the situation is favorable, and the expanse of water is fine and ample for the assembly of a squadron or fleet.

The Bureau recommends the graving type of dock. It is better suited to the docking of vessels, safer and more convenient, and should always be adopted, except under local conditions rendering the location or founding impracticable.

Replying specifically to the inquiries in the resolution of the Senate of the 19th ultimo, the Bureau would state that it is desirable to construct a graving dock large enough for the largest battle ships of the Navy upon the Gulf of Mexico, and that the navy-yard upon the bay of Pensacola is the point where it should be located. Its probable cost would be $1,300,000.

The Secretary of the Navy adds:

While concurring in the view of the Bureau of Yards and Docks that the construction of such a dry dock is desirable, I must say in addition that many other public works not yet undertaken ought, in the larger interests of the Navy, be given precedence.

That was Secretary Moody, in December, 1903. The last report of the Secretary of the Navy, Mr. Bonaparte, in taking up this question, recommends again unqualifiedly the construction of a graving dock at the Pensacola Navy-Yard. From Charleston, S. C., where there will be a dock, down to Galveston, the last deep-water port on the Gulf of Mexico, is a coast line from 2,500 to 3,000 miles in extent. Between those two points there are three floating dry docks. There are two now at the Pensacola Navy-Yard, and one, as this report states, at the New Orleans Naval Station. The two docks at the Pensacola Navy-Yard are floating docks—one a wooden dock, and the other the iron or steel dock which the Government, for some reason quite inexplicable to me, allowed itself to be cajoled into purchasing from the Spanish Government after our recent war with Spain. It is a dock of 10,000 tons capacity. It requires about 45 feet of water in which to sink it in order to admit vessels that are capable of going into it. There is no other port on the Gulf of Mexico, except perhaps New Orleans, and no port on the Atlantic coast at which that dock can be used.

But in addition to that objection there is a very serious one in the fact that this dock is of a capacity which is neither one thing nor the other. That is, the nominal capacity of the steel dock is too large for small vessels and too small for our armored cruisers and battle ships. It could not take on a battle ship or any of our first-class armored cruisers. Practically it has accomplished nothing. Since being located at Pensacola the Government has permitted, certainly on one occasion and possibly on several others, merchant vessels to be docked in that dock, and so far it has been so good. But for any purpose connected with the Navy it is absolutely useless and might as well be sold for junk.

The small dock at the Pensacola Navy-Yard is, as I have said, of wood. It is a dock of 2,000 tons capacity, and can take on it our smaller gunboats and smaller cruisers. It is used constantly and is very effectual in assisting the administration of naval affairs down in those waters. But it is too small for any vessel above eighteen hundred or two thousand tons displacement, and is practically useless for any purpose other than very minor repairs.

The Navy Department, Mr. President, as the Chief of the Bureau of Yards and Docks has indicated in this report, is disposed to discourage the building of floating docks, for the reason that when you come to put a vessel of 15,000 or 16,000 or 17,000 tons into a floating dock there is always an element of serious danger. In addition to that, it is a fact that in very few ports, if any, of the United States, unless they are dredged out for that purpose, can be found a sufficient depth of water in which to use effectively one of these large docks. It was reported to the Naval Committee that the dock the construction of which was recommended by the Secretary of the Navy, to be located somewhere on Chesapeake Bay, would require a depth of 60 feet of water in order to sink it to enable a vessel to get into it. There is no port in the United States that I know of in which such a depth of water can be found. In the harbor of Pensacola there is a point very close to the navy-yard at which 9¼ fathoms, or about 55 or 56 feet, of water can be found, and that, I think, is the deepest water of any that can be found to any extent in any of our ports, except, perhaps, the Mississippi River in front of the city of New Orleans.

The harbor at Pensacola has a depth of water on the bar of 31 feet. It has been the rendezvous for the North Atlantic Squadron for several years past until this spring. Last spring a year ago every battle ship on the Atlantic coast, from the latest built at that time down to such vessels as the *Massachusetts* and the *Texas*, entered that port and remained there for a month or more, engaging in target practice every day, going outside of the port into the Gulf of Mexico. There is no question whatever as to the depth of water being amply sufficient for the present needs of any of our naval vessels. Pensacola Bay is 30 miles long, with an average width of about 6 miles, and the nations of the world could send their entire fleets there, and they could be safely anchored within that harbor.

Below the city of Pensacola, some 5 miles by water and 7 by rail, is situated the navy-yard, which is somewhat unique in its relation to the country adjacent.

As early as 1827 the Government realized the advantages of establishing a navy-yard at that point, and it reserved an area of about 2½ miles in length and about a mile in width on which to construct this navy-yard. As time elapsed the navy-yard was built up, and it stands there to-day equipped with all the necessary buildings, with machine shops, foundries, blacksmith shops, boat shops, and all the requirements for a first-class yard. It is not, in fact, in the condition of a first-class yard because Congress has ever since the civil war been somewhat reluctant to add any very great improvements to it; but of recent years new buildings have been erected, new machinery has been installed, and to-day the yard is in a position to perform whatever duty in the way of repairing vessels of the Navy that it would be likely to be called on to do in the event that a dock were located at that point.

Mr. President, I was struck with an argument that was used by a gentleman elsewhere with reference to a matter of this kind, in arguing that it was undesirable to establish a graving dock, because it would require an additional expense for the necessary machinery, buildings, etc., in order to carry out the programme of repairs that would be prosecuted for vessels brought to such a dock.

Mr. President, the Navy of the present day is an expensive affair; it is something that necessarily must cost the Government a great deal; and it would be absurd to say that an argument based on such a proposition as that would be listened to with patience by those who are interested in the development of the Navy. Necessarily if you have a dock for repairing vessels that need repairs you may have the appliances in close proximity to that dock which are necessary to use in making repairs, and the fact that the Government will have to incur an expense because of the presence of the dock is no argument against the establishment of the dock if it is necessary.

Along the Atlantic coast, from Portsmouth, N. H., down to Norfolk, at a distance of certainly not more than 200 miles apart, will be found a line of docks provided by the Government. That is no reason why we should protest. I think it is very proper that these necessary accessories to the Navy should be provided for. But, Mr. President, from the harbor of Charleston, S. C., as I have said, to Galveston, Tex., a coast line of certainly 2,500 or 3,000 miles, there is not a dock into which one of the larger vessels of the Navy can be placed.

The Panama Canal is about to be built. We will necessarily have to keep a fleet in the Gulf of Mexico, as was the case anterior to our civil war. There is no telling what complications may arise between us and Mexico, or between us and Central America or the West Indies, and the argument for the establishment of a naval base on the Gulf of Mexico is unanswerable. To have that naval base complete it is essential that you should be able to make all the necessary repairs at that base without having the necessity of sending vessels up into the northern waters.

The Government, it is said, contemplates establishing a navy-yard or naval station, with a dry dock, at Guantanamo, in Cuba. That may be, and it may be a good idea, but, Mr. President, Guantanamo is in a foreign country. It is on the south side of Cuba. It is cut off from the United States by many hundreds of miles of water. The only way of getting your material there is by shipment by sea, and great difficulty, I think, will be found in handling the repairs on ships that have to go to Guantanamo for that purpose.

At the Pensacola Navy-Yard you have already supplied all the necessaries for that service. It is in close communication with the iron region of Alabama. It is only comparatively a few hours from Birmingham, and a shipment can be made from the town of Birmingham right into the yard itself without change or unloading freight.

Birmingham, as is well known, is becoming the Pittsburg of the South. Even at this early day the rolling mills of Birmingham are capable of doing most of the work that would be necessary in the ordinary repairs of a battle ship or an armored cruiser. If the Navy Department, through those gentlemen whose duty it is to give this subject careful consideration, recommend that such a dock as this should be established at this port, I can see no reason in the world why Congress should take the stand that it is not desirable.

We have every reason to urge not based upon a sectional claim. I do not undertake to compare the great number of docks that are in existence along the coast north of Chesapeake Bay with the great paucity of docks south of Chesapeake Bay. That comes naturally, probably as a result of things that we could not control. But the day has come now, Mr. President, when if we propose to administer our Navy with a view to the best conservation of the interests of the Navy itself, we should not locate all the appliances and machinery for the improvement of the Navy in an extremely northern section of the land.

I thought it proper, Mr. President, to make these observations, because it has been apparent to me that the subject is one which has not been considered by many Members of Congress. The necessity for a graving dock on the Gulf of Mexico at the particular point named in this bill is impressed upon the Senate by the recommendations of the Department running from 1903 to the present time, and I hope that while the conferees on this occasion have been compelled to give way, the idea embodied in the amendment will take root, and that when the next naval appropriation bill is presented we will be able, without any controversy, to provide for this very much needed pubic utility.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. HALE. I move that the Senate further insist upon the remaining amendment and ask for a conference with the House.

The VICE-PRESIDENT. The Senator from Maine moves that the Senate further insist upon the remaining amendment, amendment numbered 13, and ask for a further conference with the House.

The motion was agreed to.

Mr. HALE. I move that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

EXECUTIVE SESSION.

Mr. CARTER. In pursuance of the unanimous-consent agreement, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifty-four minutes spent in executive session the doors were reopened.

INVESTIGATION OF INCIDENT AT WHITE HOUSE.

Mr. TILLMAN. I give notice that on Tuesday next, if I can find the opportunity, I will call up Senate resolution No. 126, directing the Committee on the District of Columbia to investigate the circumstances concerning the arrest of Mrs. Minor Morris, etc.

SUNFLOWER RIVER BRIDGE, MISSISSIPPI.

Mr. McLAURIN. I ask unanimous consent for the present consideration of the bill (H. R. 19854) to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across Sunflower River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KEAN. Mr. President, I do not like to object to this bill, but I am a little mystified as to the geography. I do not know where Sunflower County and Sunflower River are. I should like the Senator from Mississippi to tell me.

Mr. McLAURIN. As "Clip," a traveling correspondent of the New Orleans Picayune, measures all distances from Brandon, I suppose he would answer that question by saying it is about a hundred and fifty miles northwest of Brandon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RESURVEY OF CERTAIN TOWNSHIPS IN NEBRASKA.

Mr. BURKETT. I ask unanimous consent for the present consideration of the bill (H. R. 17411) for the resurvey of certain townships in the State of Nebraska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TERMS OF COURT AT BIG STONE GAP, VA.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (H. R. 11029) to authorize the holding of a regular term of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Va.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION OF WILD BIRDS AND ANIMALS IN THE DISTRICT.

Mr. BLACKBURN. Mr. President, I ask unanimous consent at this time for the consideration of the bill (H. R. 13193) to prohibit the killing of wild birds and wild animals in the District of Columbia, which was reported by direction of the Committee on the District of Columbia with an amendment. I ask for its consideration at this time in order that the bill may be sent to the House of Representatives for concurrence in the amendment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, in section 6, on page 3, line 16, after the word "repealed," to insert:

But nothing in this act shall prevent the hunting of game birds on the marshes of the Anacostia River, or Eastern Branch, north of the Anacostia bridge, and on the marshes on the Virginia shore of the Potomac River east of the Aqueduct Bridge: *Provided*, That said birds are not hunted within 200 yards of any bridge or dwelling.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SCHOOL DISTRICT 57, NEZ PERCES COUNTY, IDAHO.

Mr. HEYBURN. I ask unanimous consent for the consideration at this time of the bill (H. R. 15506) authorizing the patenting of certain lands to school district No. 57, Nez Perces County, Idaho.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEDALS FOR MILITARY SERVICE IN THE PHILIPPINES.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was refererd the bill (H. R. 16013) providing medals for certain persons, to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War to procure a bronze medal to be presented to each of the several officers and enlisted men and families of such as may be dead, who, having volunteered and enlisted under the calls of the President for the war with Spain, served beyond the term of their enlistment to help to suppress the Philippine insurrection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN LEWIS YOUNG.

Mr. DOLLIVER. I desire to ask for the consideration of the bill (H. R. 5681) for the relief of John Lewis Young.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to John Lewis Young, of Washington, D. C., late captain Company C, Ninth Regiment Iowa Cavalry Volunteers, $150, being for the value of a horse lost by him in service during the war for the suppression of the rebellion.

Mr. SPOONER. Was the horse killed?

Mr. DOLLIVER. It died from exposure, without any fault on the part of Captain Young.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLORENCE LAMBERT.

Mr. DOLLIVER. At the request of my colleague [Mr. ALLISON], who is not able to be present, I ask unanimous consent, on his behalf, for the consideration of the bill (S. 4387) for the relief of Florence Lambert.

The Secretary read the bill, and, there being no objection, the Senate as in Committee of the Whole proceeded to its consideration. It proposes to pay to Florence Lambert, who was permanently disabled while engaged in the employment of the United States Government at Frankford Arsenal, in the State of Pennsylvania, on or about September 3, 1898, $2,500.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC LANDS IN CHOUTEAU COUNTY, MONT.

Mr. CARTER. I ask unanimous consent for the immediate consideration of the bill (H. R. 19916) withdrawing from entry certain public lands in Chouteau County, Mont., and leasing the same to the board of trustees of the Montana College of Agriculture and Mechanic Arts.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill. It provides that section 22, in township 35 north, range 24 east, Montana meridian, be set apart and withdrawn from entry or settlement under the land laws of the United States, and shall be leased unto the board of trustees of the Montana College of Agriculture and Mechanic Arts, situated at Bozeman, Mont., for the period of ten years, for the purpose of maintaining thereon experiments in so-called "dry-land farming" and other experimental farming operations.

Mr. KEAN. Is there a report accompanying the bill?

Mr. CARTER. I presume there is a report, but it has not been printed.

Mr. KEAN. I think the Senator from Montana ought to explain the extent of the public lands which the bill withdraws.

Mr. CARTER. It is one section only, for dry-land farming experiments.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BATESVILLE POWER COMPANY.

Mr. BERRY. I ask unanimous consent to call up at this time for consideration the bill (H. R. 13106) granting to the Batesville Power Company right to erect and construct canal and power stations at Lock and Dam No. 1, upper White River, Arkansas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MERCHANDISE FROM THE PHILIPPINES.

Mr. LODGE. I am directed by the Committee on the Philippines, to whom was referred the bill (H. R. 19756) to amend section 2844 of the Revised Statutes of the United States, and to provide for an authentication of invoices of merchandise shipped to the United States from the Philippine Islands, to report it without amendment, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to add to the section referred to the following proviso:

Provided, That the authentication may be made by the collector or a deputy collector of customs in the case of merchandise shipped to the United States from the Philippine Islands.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. A. NOON.

Mr. SMOOT. I ask unanimous consent for the consideration of the bill (S. 3739) for the relief of A. A. Noon.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SPOONER. I should like to hear the first part of the bill read again.

The VICE-PRESIDENT. The Secretary will read it, as requested.

The Secretary read the bill, as follows:

Be it enacted, etc., That there be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the relief of A. A. Noon, of Provo, in the State of Utah, the sum of $1,407.55, the same being the amount of judgments and costs against him in suits by the Government of the United States for the extraction of gilsonite from lands within the Uncompahgre Indian Reservation, under locations made in good faith and believed to be without the limits of the said reservation.

Mr. SPOONER. On its face it seems to be rather a peculiar bill.

Mr. SMOOT. Mr. President, in 1884 and 1885 Oakes and Bennett had a contract for surveying the Uncompahgre Indian Reservation, and under their survey these locations were made. Mr. Noon and those associated with him interested in the matter located those claims, and they thought they were upon the public land, as Oakes and Bennett's survey at the time did not include these located claims within the Uncompahgre Indian Reservation. There was a dispute in 1898 as to the boundary line of the Indian reservation, and a resurvey was made, and the resurvey, made by Dougall, brought the claims within the reservation. Mr. Noon was sued for the value of the gilsonite which had been extracted from the mine, and judgment was rendered against him in the district court at Salt Lake for the sum of fourteen hundred and odd dollars, and that judgment was paid.

This gilsonite was taken from a claim located by him when he thought he was upon the public domain, and he had no intention whatever of defrauding the Government in any way. The bill simply proposes to reimburse him for the amount of the judgment secured against him and paid by him.

Mr. SPOONER. I do not like to object to the bill; but it seems that this gentleman took gilsonite from a mine which did not belong to him, but which belonged to the Government. He sold the gilsonite, as I understand. The Government sued him and secured a judgment, which was paid. Now, if what he received from the gilsonite equaled the judgment which the Government obtained against him, he is where he started, and he will be by this appropriation just that much ahead.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. SPOONER. Certainly.

Mr. SMOOT. I wish to say that the judgment which the Government obtained against Noon was for the exact amount he received for the gilsonite, but Mr. Noon had paid for the mining of it and had paid the freight on the railroad, and, in fact, he had in the first place spent a great deal more money than this in opening the mine to take out the gilsonite. He is out thousands of dollars more than this sum in the money which he spent in developing the mine.

Mr. WARREN. May I ask the Senator from Utah a question?

Mr. SMOOT. Certainly.

Mr. WARREN. Was this survey made by Government surveyors?

Mr. SMOOT. The survey was made under contract with the Government.

Mr. WARREN. Did the party locate the claim under the United States mining laws, as he had the right to do?

Mr. SMOOT. He did. The report shows that the location was filed in the regular mining record office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT OF HAWAII.

Mr. WARNER. I ask unanimous consent to call up the bill (H. R. 18443) to amend the act to provide a government for the Territory of Hawaii, approved April 30, 1900.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that section 85 of the act referred to shall be amended to read as follows:

SEC. 85. That a Delegate to the House of Representatives of the United States, to serve during each Congress, shall be elected by the voters qualified to vote for members of the house of representatives of the legislature. Such Delegate shall possess the qualifications necessary for membership of the senate of the legislature of Hawaii.

Such election shall be held on the first Tuesday after the first Monday in November of every even year and at such places as shall be designated by the secretary of the Territory. The ballot for Delegate shall be such as the legislature of Hawaii may designate, and until provision is made by the Territorial legislature the ballot shall be of pink paper and shall be of the same general form as those used for the election of representatives to the legislature.

The method of certifying the names of candidates for place on this ballot and all the conduct of the election of a Delegate shall be in conformity to the general election laws of the Territory of Hawaii.

The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly.

Every such Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting. In case of a vacancy occurring in the office of Delegate, the governor of the Territory is directed to call a special election to fill such vacancy: *Provided, however*, That no vacancy shall be filled which occurs within five months of the expiration of a Congressional term.

The legislature of the Territory of Hawaii shall have the right to alter or amend any part of the election laws of said Territory, including those providing for an election of Delegate to Congress, and its action shall be the law, with full, binding force, until altered, amended, or repealed by Congress.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUITS UNDER ANTITRUST LAW AND INTERSTATE-COMMERCE LAW.

Mr. LONG. This morning I submitted a resolution which was laid aside in order that the conference report on the agricultural appropriation bill might be proceeded with. An amendment was presented by the Senator from Georgia.

The VICE-PRESIDENT. The Senator from Kansas asks for the present consideration of a resolution offered by him this morning, which was laid over.

Mr. KEAN. The Senator from Indiana [Mr. BEVERIDGE], as I understood, objected, and therefore the resolution went over, under the rule, until the next day.

Mr. LONG. I did not so understand.

Mr. KEAN. It can not be taken up to-day, under the objection of the Senator from Indiana. I do not object to the resolution.

The VICE-PRESIDENT. The Chair understood the objection to hold only until after the agricultural bill was disposed of. The objection did not go to the substance of the resolution. Is there objection to its present consideration? The Chair hears none. Does the Senator from Kansas accept the amendment proposed by the Senator from Ohio?

Mr. LONG. The Senator from Georgia.

Mr. LODGE. Let the resolution be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Resolved, That the Attorney-General be directed to furnish the Senate with a statement of all suits instituted by the Department of Justice under the Sherman antitrust law and the interstate-commerce law and the disposition made of such suits, including all suits brought under the so-called "Elkins law," when brought, character, and final disposition thereof.

The Attorney-General is further directed to report to the Senate what portion of the special appropriation of $500,000 heretofore made to enforce said laws has been disbursed and the manner of said disbursement.

Mr. SPOONER. I have some doubt about the wisdom of the amendment offered by the Senator from Georgia as it is phrased. I do not think the resolution ought to be acted upon in his absence. I shall want to make some suggestions about it.

Mr. KEAN. Let it go over.

Mr. FORAKER. Just a word, Mr. President. I was looking about for the Senator from Georgia. I intended to tell him that I noticed in the RECORD a few days ago, I think within a week, that the same information was furnished by the Attorney-General to the House on somebody's resolution. It may not be in the exact form here called for, but the information was given to the House. I saw it.

Mr. LODGE. Let the resolution go over, Mr. President.

The VICE-PRESIDENT. The resolution will lie over.

SURVEY OF THE EVERGLADES OF FLORIDA.

Mr. MALLORY. I ask unanimous consent to call up and put on its passage the joint resolution (S. R. 65) directing the Secretary of Agriculture to cause a survey of the Everglades of Florida to determine the feasibility and cost of draining said Everglades, and for other purposes.

The VICE-PRESIDENT. Is there objection to the joint resolution indicated by the Senator from Florida?

Mr. KEAN. I do not think it can be passed now.

The VICE-PRESIDENT. Under objection, the joint resolution will lie over.

Mr. MALLORY. I desire to make one statement concerning the joint resolution.

Mr. KEAN. Certainly.

Mr. MALLORY. The other day, when this joint resolution was up, I was asked if this land belonged to the State of Florida—it had never been surveyed—and I answered, without having made special inquiry, that it did not, but that it would ultimately go to the State of Florida. Since then I have been informed that it has been patented to the State of Florida, although it never was surveyed.

The VICE-PRESIDENT. Under objection, the joint resolution will lie over.

JOHN E. PHELPS.

Mr. PILES. I ask for the consideration of the bill (S. 3535) to authorize the President to appoint John E. Phelps, late brigadier-general of volunteers, first lieutenant in the United States Army, and place him on the retired list.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The first amendment reported by the Committee on Military Affairs, in line 5, striking out the words "brigadier-general of volunteers" and inserting "colonel Second Arkansas Cavalry Volunteers," was agreed to when the bill was under consideration yesterday. The next amendment will be stated.

The SECRETARY. After the word "lieutenant," in line 8, insert "and the retired list is hereby increased by one for the said purpose: *Provided*, That no pay, allowances, bounty, or other emoluments shall become due or payable to the said John E. Phelps for any period prior to the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the President to appoint John E. Phelps, late colonel Second Arkansas Cavalry Volunteers, first lieutenant in the United States Army, and place him on the retired list."

PLATT NATIONAL PARK.

Mr. BRANDEGEE. I introduce a joint resolution proposing that the name of the Sulphur Springs Reservation be changed to the Platt National Park, and I ask unanimous consent for its present consideration.

The joint resolution (S. R. 69) directing that the Sulphur Springs Reservation be named and hereafter called the "Platt National Park" was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to change the name of the Sulphur Springs Reservation, an Indian reservation now in the State of Oklahoma, formerly in the Indian Territory, so that said reservation shall be named and hereafter called the "Platt National Park," in honor of Orville Hitchcock Platt, late and for twenty-six years a Senator from the State of Connecticut and for many years a member of the Committee on Indian Affairs, in recognition of his distinguished services to the Indians and to the country.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. BRANDEGEE. In connection with the joint resolution I desire to have a letter from the Secretary of the Interior read.

Mr. PENROSE. Let it be printed in the RECORD.

Mr. BRANDEGEE. Very well.

The VICE-PRESIDENT. The letter will be printed in the RECORD without reading.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 23, 1906.

Hon. FRANK B. BRANDEGEE,
United States Senate.

SIR: I have the honor to acknowledge the receipt of your communication dated the 22d instant, inclosing a copy of the proposed "Joint resolution directing that the Sulphur Springs Reservation be named and hereafter called the "Platt National Park."

You request to be advised whether said resolution will "accomplish the object desired."

You are informed that, in my judgment, said resolution will legally change the name of the Sulphur Springs Reservation to the "Platt National Park."

I fully indorse the proposition and am heartily in favor of the passage of said resolution.

Respectfully, E. A. HITCHCOCK, *Secretary.*

The joint resolution was reported to the Senate without amendment, ordered to be engrosed for a third reading, read the third time, and passed.

PROTECTION OF BIRDS.

Mr. OVERMAN. I ask unanimous consent to call up the bill (H. R. 13190) to protect birds and their eggs in game and bird preserves.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Forest Reservations and the Protection of Game with an amendment, on page 2, line 3, after the word "court," to insert the following proviso:

Provided, That the provisions of this act shall not apply to the Black Hills Forest Reservation, in South Dakota.

So as to make the bill read:

Be it enacted, etc., That it shall be unlawful for any person to hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever, or take the eggs of such birds on any lands of the United States which have been set apart or reserved as breeding grounds for birds by any law, proclamation, or Executive order, except under such rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

SEC. 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding $500 or be imprisoned for a period not exceeding six months, or shall suffer both fine and imprisonment, in the discretion of the court: *Provided*, That the provisions of this act shall not apply to the Black Hills Forest Reservation, in South Dakota.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

APPEALS IN CRIMINAL PROSECUTIONS.

Mr. NELSON. I ask unanimous consent for the consideration of the bill (H. R. 15434) to regulate appeals in criminal prosecutions. The bill was reported unanimously by the Judiciary Committee. It has been read, and the amendment suggested by the Senator from Colorado [Mr. TELLER] was adopted.

Mr. KEAN. I do not see the Senator from Georgia [Mr. CLAY] here.

Mr. NELSON. The Senator from Georgia has withdrawn the objection he made to the bill.

The VICE-PRESIDENT. The amendment to the amendment has been agreed to.

Mr. NELSON. The amendment to the amendment has been agreed to.

The VICE-PRESIDENT. And the amendment of the committee in the nature of a substitute has been agreed to as amended.

Mr. NELSON. Yes.

Mr. KEAN. I do not——

Mr. NELSON. The Senator from Georgia has no objection to the bill. He has agreed that I may call it up at any time when he is not here. It is a bill reported unanimously from the Judiciary Committee, and a number of members of that committee are here to-night.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. I should like to hear it read, first.

Mr. PENROSE. It has been read.

Mr. NELSON. Let the substitute be read. It is unnecessary to read the bill as passed by the House.

The SECRETARY. The amendment strikes out all after the enacting clause and inserts:

That a writ of error may be taken by and on behalf of the United States from the district or circuit courts to the Supreme Court or the circuit courts of appeals, as prescribed in an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the acts amendatory thereof, in all criminal cases, in the following instances, to wit:

From the decision or judgment quashing or setting aside an indictment;

From the decision or judgment sustaining a demurrer to an indictment or any count thereof;

From the decision arresting a judgment of conviction for insufficiency of the indictment;

From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

The SECRETARY. At this point the Senator from Colorado [Mr. TELLER] offered the following amendment to the amendment, which was agreed to:

Provided, That if on such writ of error it shall be found that error in the ruling of the court during the proceeding or trial and the verdict was in favor of the defendant, such verdict shall not be set aside.

The remaining paragraph of the substitute reads as follows:

In all these instances the United States shall be entitled to a bill of exceptions as in civil cases.

Mr. SPOONER. I do not understand that the amendment is at all relevant to the bill itself.

Mr. NELSON. It did not seem so to me, but the Senator from Colorado asked me to present it to the Senate.

Mr. SPOONER. If the bill provides for an appeal after verdict, I want to be heard against it.

Mr. BACON. It does not in any particular relate to a matter where there has been a verdict, as I understand it.

Mr. NELSON. I move to reconsider the vote by which the amendment was agreed to.

Mr. SPOONER. The proviso applies to trial after verdict.

Mr. KEAN. If the bill is going to lead to any discussion, I shall have to object to its consideration.

Mr. NELSON. There will be no debate. I move to reconsider the vote by which the amendment was agreed to.

Mr. MALLORY. I should like to hear the amendment of the Senator from Colorado read again.

The VICE-PRESIDENT. It will be again read.

The Secretary read as follows:

Provided, That if on such writ of error it shall be found that error in the ruling of the court during the proceeding or trial and the verdict was in favor of the defendant, such verdict shall not be set aside.

Mr. SPOONER. That proviso has no earthly applicability to the bill.

Mr. NELSON. Will the Senator allow me to interrupt him? I did not myself think it was relevant, but I agreed on behalf of the Senator from Colorado, inasmuch as he was going away, to offer the amendment.

Mr. SPOONER. If it is incorporated in the bill, it may enlarge by construction the scope of what precedes it.

Mr. NELSON. I think it would.

Mr. SPOONER. I am opposed to changing the universal rule on that subject—giving the Government an appeal after verdict in a criminal case.

Mr. NELSON. Will the Senator allow me to move to reconsider the vote by which the amendment was agreed to?

Mr. SPOONER. I have no control of the matter. I think the Senator from Colorado must have misapprehended the scope of the bill itself.

Mr. NELSON. I move to reconsider the vote by which the amendment of the Senator from Colorado was agreed to.

The VICE-PRESIDENT. The Senator from Minnesota moves to reconsider the vote by which the amendment as amended was agreed to.

The motion to reconsider was agreed to.

Mr. NELSON. I now ask that the amendment to the amendment be disagreed to.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is disagreed to.

Mr. HEYBURN. I understand that the substitute for the House bill is before the Senate.

The VICE-PRESIDENT. The substitute is before the Senate.

Mr. HEYBURN. And the Teller amendment has been stricken out.

The VICE-PRESIDENT. It has been stricken out.

Mr. HEYBURN. So the question is on the substitute?

The VICE-PRESIDENT. The substitute was agreed to as in Committee of the Whole on June 19. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. SPOONER. Let me make an inquiry of the Senator. I understand this applies only to questions which arise before the impaneling of the jury.

Mr. NELSON. Where the party has not been put in jeopardy.

Mr. SPOONER. That is plain in the bill?

Mr. NELSON. It is plain in the bill. It does not go any further.

Mr. MALLORY. Does it not apply to a motion in arrest of judgment?

Mr. NELSON. Not to a motion in arrest of judgment, only for insufficiency of indictment; not for any other ground.

Mr. MALLORY. That is, after the verdict is rendered——

Mr. OVERMAN. Mr. President, I object to the bill.

The VICE-PRESIDENT. Under objection, the bill goes over.

Mr. NELSON subsequently said: The Senator from North Carolina [Mr. OVERMAN] withdraws his objection to the bill which was under consideration a moment ago.

Mr. OVERMAN. I withdraw my objection.

The VICE-PRESIDENT. The bill is in the Senate and open to amendment.

Mr. HEYBURN. I think the provision with reference to the arrest of judgment should be stricken out, because that is after verdict, and the appeal in that case would raise the very questions that are suggested by the Teller amendment. The whole record would be up in that case. The Teller amendment was very properly disagreed to and the bill should be amended by striking out the provision with reference to the right of review from a motion in arrest of judgment.

Mr. NELSON. Let the Senator make that motion.

Mr. HEYBURN. I make that motion.

Mr. FULTON. I wish to suggest to the Senator that I think he surely is mistaken about the necessity of striking out that provision—the motion in arrest of judgment based on a defect in the indictment. There ought to be no objection——

Mr. HEYBURN. But the bill does not limit it to that.

Mr. FULTON. A party is convicted and judgment is arrested because the indictment is said to be defective. The Government claims that the indictment is good——

Mr. HEYBURN. I should like to hear that provision read.

The VICE-PRESIDENT. It will be read.

Mr. KEAN. Mr. President, let the bill go over.

The VICE-PRESIDENT. Under objection, the bill goes over.

OHIO RIVER BRIDGE.

Mr. PENROSE. I ask for the present consideration of two bridge bills in western Pennsylvania. I ask leave to call up the bill (H. R. 19566) to authorize the Coraopolis and Osborne Bridge Company to construct a bridge over the Ohio River.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE.

Mr. PENROSE. I ask for the present consideration of the bill (H. R. 19850) to authorize the Monongahela Connecting Railroad Company to construct a bridge across the Monongahela River in the State of Pennsylvania.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHESAPEAKE AND DELAWARE BAYS.

Mr. ALLEE. I ask for the consideration of the joint resolution (H. J. Res. 21) authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of the Chesapeake and Delaware bays.

The VICE-PRESIDENT. The joint resolution has been read. Is there objection to its present consideration?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

The joint resolution was reported to the Senate without amendment.

Mr. MALLORY. I beg to inquire if this contemplates following the route of the old Chesapeake and Delaware Canal.

Mr. ALLEE. It gives authority to examine several different routes connecting the Delaware and Chesapeake bays.

The joint resolution was ordered to a third reading, read the third time, and passed.

SUBSEQUENT ENLISTMENTS, ETC.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 158) amending section 2 of joint resolution approved July 1, 1902, construing the act of June 27, 1890, and for other purposes.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 2 of joint resolution approved July 1, 1902, so as to read as follows:

SEC. 2. That in the administration of the pension laws any enlisted man or commissioned officer of the Army, including regulars, volunteers, and militia, or any appointed or enlisted man or commissioned officer of the Navy or Marine Corps, who was honorably discharged from any subsequent contract of service entered into by him during the late war of the rebellion, shall be held and considered to have been honorably discharged from all previous contracts of service as commissioned officer or enlisted man previously entered into by him with the United States during said war: *Provided*, That such enlisted or appointed man or commissioned officer served not less than six months

under any subsequent enlistment, appointment, or commission; that his entire service under any said subsequent enlistment, appointment, or commission was faithful, and that he did not receive by reason of said enlistment, appointment, or commission any bounty or gratuity other than from the United States in excess of that to which he would have been entitled if he had continued to serve faithfully until honorably discharged under any contract of service previously entered into by him, either in the Army, Navy, or Marine Corps, during the war of the rebellion.

Mr. WARREN. I should like to ask the Senator in charge of the joint resolution to make a brief explanation of it.

Mr. McCUMBER. Under the present law, if an enlisted soldier who was not honorably discharged renders subsequent service of six months and is then honorably discharged, that will be considered as an honorable discharge from the previous service.

Mr. WARREN. In other words, this effects a correction of his record?

Mr. McCUMBER. Yes; it corrects the law so that the soldier who served six months subsequently, and then afterwards served faithfully for three additional months, is entitled to an honorable discharge. You will see that under the law as it now stands you would have to take the last service instead of the service subsequent to the first, but prior to the last, and if the last service was less than six months an honorabe discharge therefrom would not operate as an honorable discharge from the first service. This is to correct that, and also to make it apply to those who were privates during first enlistment and who afterwards came into the Army and served as commissioned officers.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE STOLL AND OTHERS.

Mr. CLARK of Wyoming. I ask unanimous consent for the consideration at this time of the bill (S. 1430) for the relief of George Stoll and the heirs of Charles P. Regan, Marshall Turley, Edward Lannigan, James Manley, and John Hunter.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates $6,545, in full payment for property condemned and appropriated by the Government of the United States on the Fort Bridger Military Reservation, to be paid to the following named and described persons and parties and in the following amounts, as assessed by a board lawfully convened for that purpose, to wit: To George Stoll and the heirs of Charles P. Regan and the heirs of Marshall Turley, $3,845; to Edward Lannigan, $800; to the heirs of James Manley, $1,500; to the heirs of John Hunter, $400.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMPETENCY OF WITNESSES.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (H. R. 7065) to amend section 858 of the Revised Statutes of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 858 of the Revised Statutes so as to read as follows:

SEC. 858. The competency of a witness to testify in any civil action, suit, or proceeding in the courts of the United States, shall be determined by the laws of the State or Territory in which the court is held.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WORKS OF RIVER AND HARBOR IMPROVEMENT.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20266) to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MALLORY. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. MALLORY, Mr. NELSON, and Mr. GALLINGER as the conferees on the part of the Senate.

PROPOSED PRINTING OF STATEHOOD ACT.

Mr. CARTER. I move that 25,000 copies of that portion of the statehood act relating to Oklahoma be printed and placed at the disposal of the governor of Oklahoma, and that 20,000 copies of the same act in so far as it relates to Arizona and New Mexico be printed and placed in equal proportions at the disposal of the governors of the respective Territories.

Mr. KEAN and Mr. LODGE. That ought to be done by a joint resolution.

Mr. CARTER. I desire to state that the request as it originally came to me would have placed it under the rule, but by an estimate made this order can be made without a resolution or without reference to a committee.

Mr. LODGE. Why should that come out of the contingent fund of the Senate?

Mr. SPOONER. The Senator had better do that by resolution.

Mr. CARTER. If there is objection to the course I have proposed, I will withdraw the motion.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, June 25, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 23, 1906.

CONSUL-GENERAL.

Clarence Rice Slocum, of New York, now consul at Weimar, for promotion to be consul-general of the United States of class 5 at Boma, Kongo Free State, to fill an original vacancy.

CONSUL.

George B. McGoogan, of Indiana, to be consul of the United States of class 9 at La Paz, Mexico, to fill an original vacancy.

MARSHAL.

C. G. Brewster, of Texas, to be United States marshal for the southern district of Texas, vice William M. Hanson, resigned.

PROMOTIONS IN THE ARMY.

ARTILLERY CORPS.

Lieut. Col. John D. C. Hoskins, Artillery Corps, to be colonel from June 22, 1906, vice Pratt, retired from active service.

Maj. William B. Homer, Artillery Corps, to be lieutenant-colonel from June 22, 1906, vice Hoskins, promoted.

Capt. Henry C. Davis, Artillery Corps, to be major from June 22, 1906, vice Homer, promoted.

INFANTRY ARM.

To be first lieutenants.

Second Lieut. Wallace McNamara, Twenty-seventh Infantry, from June 30, 1905, vice Wagner, Fourteenth Infantry, promoted.

Second Lieut. William J. Schmidt, Twenty-sixth Infantry, from July 17, 1905, vice Harris, Twenty-second Infantry, resigned.

Second Lieut. David A. Henkes, Twenty-eighth Infantry, from July 20, 1905, vice Knabenshue, Fifteenth Infantry, promoted.

Second Lieut. Guy E. Bucker, Second Infantry, from July 28, 1905, vice Knox, Seventh Infantry, promoted.

Second Lieut. Robert G. Peck, Twenty-seventh Infantry, from July 28, 1905, vice Powers, Twentieth Infantry, promoted.

Second Lieut. Robert J. Binford, Fifteenth Infantry, from July 28, 1905, vice Bell, Seventeenth Infantry, promoted.

Second Lieut. John A. Brockman, Seventh Infantry, from July 29, 1905, vice Clark, Ninth Infantry, resigned.

Second Lieut. Robert W. Adams, Second Infantry, from August 8, 1905, vice Drouillard, Thirtieth Infantry, promoted.

Second Lieut. Sheldon W. Anding, Eighth Infantry, from August 8, 1905, vice Crimmins, Nineteenth Infantry, promoted.

Second Lieut. William G. Murchison, Eighth Infantry, from August 11, 1905, vice Wills, Twelfth Infantry, resigned.

Second Lieut. Charles C. Finch, Eleventh Infantry, from August 15, 1905, vice Weeks, Twenty-first Infantry, promoted.

Second Lieut. John S. McCleery, Twentieth Infantry, from August 21, 1905, vice Love, Twenty-first Infantry, promoted.

Second Lieut. Elvin H. Wagner, Seventeenth Infantry, from August 30, 1905, vice Richards, Twenty-third Infantry, dismissed.

Second Lieut. Thomas W. Brown, Twenty-seventh Infantry, from September 2, 1905, vice Harrison, Twenty-first Infantry, resigned.

Second Lieut. Otis R. Cole, Nineteenth Infantry, from September 10, 1905, vice Waldo, Seventeenth Infantry, resigned.

Second Lieut. Shelby C. Leasure, Fourteenth Infantry, from September 12, 1905, vice McConnell, Ninth Infantry, deceased.

Second Lieut. Daniel E. Shean, Sixteenth Infantry, from September 22, 1905, vice Patterson, Twenty-ninth Infantry, retired from active service.

Second Lieut. Charles F. Herr, Nineteenth Infantry, from September 22, 1905, vice McCook, Second Infantry, promoted.

INFANTRY ARM.

To be first lieutenants.

Second Lieut. Vernon W. Boller, Twentieth Infantry, from June 17, 1905, vice Childs, Twelfth Infantry, promoted.

Second Lieut. Fred H. Turner, Twenty-third Infantry, from October 4, 1905, vice Coleman, Thirteenth Infantry, promoted.

Second Lieut. Edwin C. Saunders, Twenty-ninth Infantry, from October 6, 1905, vice Pond, Third Infantry, promoted.

Second Lieut. Walter Krueger, Thirtieth Infantry, from October 10, 1905, vice Merrill, Twenty-third Infantry, promoted.

Second Lieut. Beverly C. Daly, Thirteenth Infantry, from October 11, 1905, vice Wetherill, Thirteenth Infantry, promoted.

Second Lieut. Asa L. Singleton, Fifth Infantry, from October 24, 1905, vice Norwood, Twenty-third Infantry, resigned.

Second Lieut. Arthur L. Bump, Eighth Infantry, from October 29, 1905, vice Murphy, Twenty-fifth Infantry, promoted.

Second Lieut. Willis E. Mills, Ninth Infantry, from October 30, 1905, vice Baldwin, Twenty-fourth Infantry, promoted.

Second Lieut. Gilbert A. McElroy, Thirteenth Infantry, from October 30, 1905, vice Brandle, First Infantry, deceased.

Second Lieut. Harry W. Gregg, Fourteenth Infantry, from November 2, 1905, vice Shields, Twelfth Infantry, promoted.

Second Lieut. Sylvester C. Loring, Twenty-seventh Infantry, from November 11, 1905, vice Burr, Fifteenth Infantry, resigned.

Second Lieut. William E. Roberts, Twenty-second Infantry, from November 15, 1905, vice Cooke, Tenth Infantry, promoted.

Second Lieut. Staley A. Campbell, Seventeenth Infantry, from November 29, 1905, vice Conger, Eighteenth Infantry, promoted.

Second Lieut. John R. Brewer, Twenty-third Infantry, from December 25, 1905, vice Kemper, Sixth Infantry, promoted.

Second Lieut. Leo A. Dewey, Seventeenth Infantry, from December 28, 1905, vice Barnes, Eighteenth Infantry, promoted.

Second Lieut. John P. McAdams, Eleventh Infantry, from January 2, 1906, vice Saxton, Twenty-third Infantry, promoted.

Second Lieut. Nolan V. Ellis, Eleventh Infantry, from January 4, 1906, vice Thorne, Twelfth Infantry, promoted.

Second Lieut. Richard Wetherill, Nineteenth Infantry, from January 12, 1906, vice Snyder, Sixth Infantry, dismissed.

Second Lieut. John B. Barnes, Twenty-ninth Infantry, from January 18, 1906, vice Howland, Twenty-third Infantry, promoted.

Second Lieut. Thomas T. Duke, Fifth Infantry, from January 24, 1906, vice Aloe, Twelfth Infantry, promoted.

Second Lieut. Harry A. Wells, Twenty-ninth Infantry, from February 5, 1906, vice Browning, First Infantry, resigned.

Second Lieut. George W. Harris, Ninth Infantry, from February 5, 1906, vice Buchanan, Twenty-third Infantry, dismissed.

Second Lieut. Edward G. McCleave, Twenty-ninth Infantry, from February 7, 1906, vice Booth, Eleventh Infantry, retired from active service.

Second Lieut. John K. Cowan, Eighteenth Infantry, from February 7, 1906, vice Hamilton, Fourteenth Infantry, resigned.

Second Lieut. Pat M. Stevens, Twenty-third Infantry, from February 17, 1906, vice Fealy, First Infantry, promoted.

Second Lieut. George S. Gillis, Twenty-sixth Infantry, from February 18, 1906, vice Burbank, Sixth Infantry, dismissed.

Second Lieut. Jacob Schick, Fourteenth Infantry, from February 23, 1906, vice Schindel, Sixth Infantry, dismissed.

Second Lieut. Deas Archer, Twenty-sixth Infantry, from February 24, 1906, vice Freshwater, Twenty-ninth Infantry, dropped for desertion.

Second Lieut. John J. Fulmer, Twenty-seventh Infantry, from March 3, 1906, vice Rowell, Eleventh Infantry, promoted.

Second Lieut. Kelton L. Pepper, Twenty-seventh Infantry, from March 5, 1906, vice McClelland, Tenth Infantry, dismissed.

Second Lieut. Harry S. Malone, Twenty-sixth Infantry, from March 7, 1906, vice Pike, Eleventh Infantry, deceased.

Second Lieut. Francis C. Endicott, Fifth Infantry, from March 10, 1906, vice Crockett, Twenty-fourth Infantry, resigned.

Second Lieut. George C. Mullen, Twenty-first Infantry, from March 20, 1906, vice Hardenbergh, Fourth Infantry, resigned.

Second Lieut. Frederick E. Wilson, Twenty-seventh Infantry, from March 23, 1906, vice Drum, Twenty-third Infantry, promoted.

Second Lieut. Henry Hossfeld, Thirtieth Infantry, from March 24, 1906, vice Campbell, Fifth Infantry, promoted.

Second Lieut. John J. Mudgett, Fifth Infantry, from April 5, 1906, vice Allison, Seventh Infantry, promoted.

Second Lieut. Wilford Twyman, Twenty-ninth Infantry, from May 17, 1906, vice Halpin, Eighth Infantry, retired from active service.

Second Lieut. William St. J. Jervey, jr., Twenty-seventh Infantry, from May 24, 1906, vice Korst, Seventh Infantry, resigned.

Second Lieut. Channing E. Delaplane, Eleventh Infantry, from May 25, 1906, vice De Witt, Twenty-first Infantry, promoted.

Second Lieut. Dwight B. Lawton, Thirtieth Infantry, from May 25, 1906, vice Morton, Sixteenth Infantry, promoted.

Second Lieut. Laurance O. Mathews, Twenty-eighth Infantry, from May 31, 1906, vice Breckinridge, Tenth Infantry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 23, 1906.

COMMISSIONER OF EDUCATION.

Elmer E. Brown, of California, to be Commissioner of Education.

CONSUL-GENERAL.

Edward L. Adams, of New York, now secretary of the legation and consul-general at that place, for promotion to be consul-general of the United States of class 6 at Stockholm, Sweden.

CONSUL.

José de Olivares, of Missouri, to be consul of the United States of class 7 at Managua, Nicaragua.

COLLECTOR OF CUSTOMS.

George E. Cousens, of Maine, to be collector of customs for the district of Kennebunk, in the State of Maine.

APPRAISER OF MERCHANDISE.

J. Carlyle Wilmer, of Maryland, to be appraiser of merchandise in the district of Baltimore, in the State of Maryland.

NAVAL OFFICER OF CUSTOMS.

J. Stuart MacDonald, of Maryland, to be naval officer of customs in the district of Baltimore, in the State of Maryland.

PROMOTIONS IN THE NAVY.

Ensign John C. Fremont, jr., to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1906, having completed three years' service in his present grade.

Lieut. (Junior Grade) John C. Fremont, jr., to be a lieutenant in the Navy from the 7th day of June, 1906.

P. A. Paymaster David C. Crowell to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 15th day of April, 1906.

To be passed assistant paymasters in the Navy, with the rank of lieutenant, from the 7th day of June, 1906:

James A. Bull,
Frank T. Watrous,
Arthur S. Peters,
Edwards S. Stalnaker,
Chester G. Mayo,
Jere Maupin,
James F. Kutz, and
Arthur S. Brown.

Asst. Naval Constructors Julius A. Furer and William B. Fogarty to be assistant naval constructors in the Navy, with the rank of lieutenant, from the 15th day of April, 1906.

Asst. Naval Constructors Sidney M. Henry and Lewis B. McBride to be assistant naval constructors in the Navy, with the rank of lieutenant, from the 7th day of June, 1906.

Civil Engineers De Witt C. Webb, Walter H. Allen, and James V. Rockwell to be civil engineers in the Navy, with the rank of lieutenant, from the 7th day of June, 1906.

Commanders.

The following-named commanders, who have already been confirmed, to take rank from the dates set opposite their names, to correct the dates of their promotions caused by the retirement of Lieut. Commander Franklin J. Schell, who was due for promotion and retired before qualifying therefor:

John G. Quimby, to take rank from July 1, 1905;
James H. Glennon, to take rank from July 8, 1905;
Percival J. Werlich, to take rank from September 8, 1905;
William R. Rush, to take rank from September 9, 1905;
Harry S. Knapp, to take rank from September 30, 1905;
William L. Rodgers, to take rank from December 27, 1905;
Roy C. Smith, to take rank from January 7, 1906;
Robert S. Griffin, to take rank from January 22, 1906;
Albert N. Wood, to take rank from February 10, 1906;
Edward Lloyd, jr., to take rank from February 12, 1906;
Richard M. Hughes, to take rank from February 19, 1906;
Frank W. Bartlett, to take rank from February 28, 1906; and
Frederick C. Bieg, to take rank from April 13, 1906.

Midshipman Charles A. Harrington to be an ensign in the Navy from the 2d day of February, 1906.

COLLECTOR OF CUSTOMS.

George H. Brown, of North Carolina, to be collector of internal revenue for the fifth district of North Carolina.

POSTMASTER.

DISTRICT OF COLUMBIA.

Benjamin F. Barnes to be postmaster at Washington, in the District of Columbia.

POSTMASTER AT WASHINGTON, D. C.

The injunction of secrecy was removed June 23, 1906, from the nomination of Benjamin F. Barnes to be postmaster at Washington, D. C. The vote this day on his confirmation resulted—yeas 36, nays 16, as follows:

YEAS—36.

Allee	Clark, Wyo.	Hansbrough	Nelson
Benson	Culiom	Hemenway	Penrose
Brandegee	Dick	Heyburn	Piles
Bulkeley	Dillingham	Hopkins	Smoot
Burkett	Dolliver	Kean	Spooner
Burnham	Elkins	Kittredge	Sutherland
Burrows	Flint	Lodge	Warner
Carter	Foraker	McCumber	Warren
Clapp	Gamble	Millard	Wetmore

NAYS—16.

Bailey	Clay	Latimer	Martin
Berry	Daniel	McCreary	Patterson
Blackburn	Frazier	McLaurin	Stone
Carmack	Gallinger	Mallory	Tillman

NOT VOTING—37.

Aldrich	Depew	Long	Proctor
Alger	Dryden	McEnery	Rayner
Allison	Dubois	Money	Scott
Ankeny	Foster	Morgan	Simmons
Bacon	Frye	Newlands	Taliaferro
Beveridge	Fulton	Nixon	Teller
Clark, Mont.	Gearin	Overman	Whyte
Clarke, Ark.	Hale	Perkins	
Crane	Knox	Pettus	
Culberson	La Follette	Platt	

EXTRADITION WITH JAPAN.

The injunction of secrecy was removed June 23, 1906, from a supplementary extradition convention between the United States and Japan, signed at Tokyo on May 17, 1906.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 23, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

DEPUTY COLLECTORS OF CUSTOMS.

Mr. HILL of Connecticut. Mr. Speaker, I call up a privileged bill, H. R. 19749, to prescribe the duties of deputy collectors of customs.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to appoint a deputy collector of customs and other customs officers at ports and subports of entry in the several customs collection districts, and deputy collectors thus appointed shall have authority to receive entries, collect duties, and to perform any and all functions prescribed by law for collectors of customs, subject to such regulations and restrictions as the Secretary of the Treasury shall prescribe: *Provided*, That whenever the Secretary of the Treasury shall appoint a deputy collector at a port of entry where there is no collector, he shall designate the collector through whom such deputy shall report, but the bond of such deputy shall run to the Government and the deputy shall be financially responsible directly to the Government.

Mr. HILL of Connecticut. Mr. Speaker, this is the unanimous report of the Ways and Means Committee. The bill was drawn by the Treasury Department. As I understand it, there will be no opposition on the part of anybody. The purpose of the bill is to give the deputy collectors at subports of entry all the privileges of a collector at ports of entry in order to save the captains of vessels from being obliged to go from the subports to the ports of entry.

Mr. WILLIAMS. This is not the administrative customs bill?

Mr. HILL of Connecticut. Oh, no; this is a bill with which the gentleman is perfectly familiar.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

CONTESTED ELECTION CASE—COUDREY V. WOOD.

Mr. OLMSTED. Mr. Speaker, by direction of the Elections Committee No. 2, I present the following report and resolution:

The Clerk read as follows:

Resolved, That Ernest E. Wood was not elected to membership in the House of Representatives of the United States in the Fifty-ninth Congress, and is not entitled to a seat therein.

Resolved, That Harry M. Coudrey was elected to membership in the House of Representatives of the United States in the Fifty-ninth Congress, and is entitled to a seat therein.

Mr. OLMSTED. Mr. Speaker, I think there is no opposition to the resolution.

Mr. TALBOTT. There is no minority report, and under the conditions there was nothing else for the committee to do.

The resolutions were agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bills of the following titles:

H. R. 18198. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes; and

H. R. 15333. An act for the division of the lands and funds of the Osage Indians in the Oklahoma Territory, and for other purposes.

The message also announced that the Senate had passed with amendments the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 19680. An act directing the Secretary of War to cause an examination and survey to be made of Coney Island channel.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 4953. An act for the purpose of acquiring national forest reserves in the Appalachian Mountains and White Mountains, to be known as the Appalachian Forest Reserve and the White Mountain Forest Reserve, respectively.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4953. An act for the purpose of acquiring national forest reserves in Appalachian Mountains and White Mountains, to be known as the Appalachian Forest Reserve and the White Mountain Forest Reserve, respectively—to the Committee on Agriculture.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1326. An act granting an increase of pension to Ora P. Howland;

H. R. 14171. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

H. R. 18529. An act to authorize the sale of certain lands to the city of Mena, in the county of Polk, in the State of Arkansas;

H. R. 20321. An act to provide for the traveling expenses of the President of the United States; and

H. R. 16953. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes.

CONTESTED ELECTION CASE, HOUSTON V. BROOCKS.

Mr. DRISCOLL. Mr. Speaker, by direction of the Committee on Elections No. 3 I submit the following privileged resolution, which I send to the desk and ask to have read:

The Clerk read as follows:

Resolved, That A. J. Houston was not elected a Member of the Fifty-ninth Congress from the Second Congressional district of Texas, and is not entitled to a seat therein.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

Mr. DRISCOLL. Mr. Speaker, I ask unanimous consent that the views of Mr. BANNON, a member of the committee be printed with the report.

The SPEAKER. The gentleman from New York asks unanimous consent that the views of Mr. BANNON, a member of the committee, be printed with the report. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GILLETT of Massachusetts. Mr. Speaker, I call up the conference report upon the District of Columbia appropriation bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Massachusetts calls up the conference report on the District of Columbia appropria-

tion bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18198) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 12, 13, 14, 15, 26, 39, 40, 43, 44, 45, 46, 53, 60, 61, 62, 63, 69, 71, 72, 74, 79, 81, 85, 91, 92, 93, 96, 97, 99, 100, 103, 104, 117, 119, 122, 123, 125, 127, 128, 129, 148, 150, 157, 159, 163, 168, 170, 172, 178, 188, 193, 196, 199, 200, 202, 208, 209, 211, 212, 213, 216, 237, 240, 245, 246, 248, 250, 258, and 261.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 7, 8, 10, 16, 17, 18, 19, 21, 22, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 41, 47, 49, 54, 55, 56, 57, 58, 59, 64, 65, 66, 67, 68, 70, 73, 75, 78, 80, 83, 84, 87, 89, 94, 95, 98, 101, 102, 108, 109, 111, 113, 114, 116, 120, 124, 126, 130, 131, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 151, 152, 154, 155, 156, 160, 161, 162, 165, 171, 174, 176, 177, 179, 180, 181, 182, 183, 184, 186, 187, 190, 197½, 201, 204, 205, 206, 207, 210, 215, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 230, 231, 232, 236, 241, 242, 249, 252, 253, 254, 255, 256, 257, 260, 262, 263, 264, 265, 266, 267, 268, and 269, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ninety-eight thousand three hundred and fifty-nine dollars;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: At the end of said amendment, after the word "five," insert "and the Commissioners of the District of Columbia are hereby authorized to refund any excess taxes paid on such returns by reason of such penalty;" and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fifteen thousand eight hundred dollars;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and seventy-eight thousand six hundred and eighty-seven dollars;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendemnt of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one thousand dollars;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-five thousand and twenty dollars;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Omit from the matter inserted by said amendment the words "chief of circulating department, one thousand dollars;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-eight thousand and sixty dollars;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "by the Commissioners for any other purpose than to visit such points within the District of Columbia as it may be necessary to visit in order to enable them to inspect or inform themselves concerning any public work or property belonging to the said District or to do any other act necessary to the administration of its affairs;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two thousand seven hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the of erection of suitable tablets to mark historical places in the District of Columbia, to be expended under the direction of the Joint Committee on the Library, five hundred dollars;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "where," insert the words ", on account of the character of the work,;" and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Girard street, between Twelfth street and Brentwood road, northeast, grade, four thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Insert after said amendment, as a paragraph, the following:

"Massachusetts avenue, from S street to Belmont road, grade and improve, five thousand nine hundred dollars."

And the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and twenty-three thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: Add after said amendment as separate paragraphs the following:

"For purchase or condemnation of an approach to the Anacostia end of the new Anacostia Bridge, and the grading and improving of such approach, and grading and improving the extension of Monroe street to the Eastern Branch of the Potomac River, and for constructing a suitable bridge to carry said extension of Monroe street over the tracks of the Baltimore and Ohio Railroad, all in accordance with plans approved by the Commissioners of the District of Columbia, fifty-four thousand dollars, or so much thereof as may be necessary, and the said Commissioners are authorized to enter into a contract with the said railroad company or other parties for the construction of such bridge and approaches; and the Commissioners of the District of Columbia are hereby authorized and directed to acquire, by purchase or condemnation, the land necessary for the extension of Monroe street with a width of sixty feet from Harrison street northward to the Anacostia River and of the south approach to the new Anacostia Bridge, with a width of sixty feet, to connect with said extension of Monroe street by a curve passing over the tracks of the Alexandria branch of the Baltimore and Ohio Railroad and such condemnation proceedings as may be necessary for this purpose shall be conducted under the provisions of subchapter one of chapter fifteen of the Code of Law for the District of Columbia, and such sums as are necessary to pay the expense of said condemnation proceedings and to pay any damages or excess of damages over benefits that may be allowed to owners of land taken is hereby appropriated: *Provided*, That such portion of this cost shall be borne by the Baltimore and Ohio Railroad Company as is provided in section ten of an act entitled 'An act to provide

for a union railroad station in the District of Columbia, and for other purposes,' approved February twenty-eighth, nineteen hundred and three, and said sum shall be paid by the said company to the Treasurer of the United States, one half to the credit of the District of Columbia and the other half to the credit of the United States, and the same shall be a valid and subsisting lien against the franchises and property of the said Baltimore and Ohio Railroad Company, and shall be a legal indebtedness of said company in favor of the District of Columbia, jointly for its use and the use of the United States as aforesaid, and the said lien may be enforced in the name of the District of Columbia by bill in equity brought by the Commissioners of the said District in the supreme court of the said District, or by any other lawful proceeding, against the said Baltimore and Ohio Railroad Company: *And provided further*, That the Anacostia and Potomac River Railroad Company shall pay toward the balance of the cost of the construction of said approaches and bridge over the said tracks of the Baltimore and Ohio Railroad Company the sum of three thousand seven hundred and fifty dollars, to be collected in the same manner as the cost of laying pavements between the rails and tracks of street railways, as provided for in section five of 'An act providing a permanent form of government for the District of Columbia,' approved June eleventh, eighteen hundred and seventy-eight, and paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

"And the Anacostia and Potomac River Railroad Company is hereby authorized and directed to construct and operate a double-track street railway along the said south approach and extension of Monroe street provided for herein, to intersect with its existing tracks at Monroe and Harrison streets, said line to be completed and equipped by September thirtieth, nineteen hundred and seven, and within thirty days thereafter the said Anacostia and Potomac River Railroad Company shall remove its rails from and restore the paving on the portion of its line hereby directed to be abandoned, to wit: Along Harrison or Bridge street, lying west of Monroe street and on the present Anacostia or Navy-Yard Bridge: *Provided*, That the said Anacostia and Potomac River Railroad Company shall, within sixty days after the completion of its new line herein specified, pave that portion of the approaches to the Anacostia Bridge now being constructed and Monroe street extended lying between lines two feet exterior to the outer rails of its track, said paving to be of such character as the Commissioners of the District of Columbia may determine: *And provided further*, That when in the judgment of said Commissioners they shall deem it safe and proper to construct over the newly filled approach to said bridge the necessary conduits and appurtenances to operate a street railway by the underground or conduit system they are hereby authorized and directed to notify said Anacostia and Potomac River Railroad Company to construct such necessary conduits and appurtenances over so much of its line as lies between the said new bridge and Franklin street, Anacostia, and upon failure or neglect of said railroad company to complete the work of installing such conduits and appurtenances within six months after the date of such notification said railroad company shall be subject to a fine of not less than twenty-five dollars for each and every day during which it fails or neglects to install such conduits and appurtenances, which fine shall be recovered in any court of competent jurisdiction at the suit of said Commissioners.

"And the Anacostia and Potomac River Railroad Company is hereby required to pay a final sum of fifteen thousand dollars toward the cost of construction and the use of the new Anacostia River bridge, in addition to any sum to be paid or expended by said Anacostia and Potomac River Railroad Company for approaches, and in addition to any sums required to be expended by said railroad under existing law for construction, maintenance, and repairs, and the said sum of fifteen thousand dollars is hereby declared a valid and subsisting lien against the franchises and property of said street railroad company, and shall be a legal indebtedness of said company in favor of the District of Columbia jointly for its use and the use of the United States. And the said sum when paid or collected shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia."

And the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred thousand dollars;" and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and forty thousand dollars;" and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and fifty thousand dollars;" and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighteen dollars;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-five dollars;" and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "For officers: For superintendent of public schools, five thousand dollars; two assistant superintendents, at three thousand dollars each; secretary, two thousand dollars; clerk, one thousand four hundred dollars; two clerks, at one thousand dollars each; one messenger, seven hundred and twenty dollars; in all, seventeen thousand one hundred and twenty dollars; and members of the board of education shall serve without compensation;" and the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with the following:

In lieu of the matter stricken out by said amendment insert the following

"For teachers: For one thousand five hundred and seventy-seven teachers, to be assigned as follows:

"For director of intermediate instruction, two thousand six hundred dollars;

"For thirteen supervising principals, at two thousand two hundred dollars each;

"For supervisor of manual training, two thousand two hundred dollars;

"For principals of Central, Eastern, Western, Business, and M Street high schools, five in all, at two thousand dollars each;

"For principals of McKinley Manual Training School and Armstrong Manual Training School, two, at two thousand dollars each;

"For principals of Normal School Number One and Normal School Number Two, two, at two thousand dollars each;

"For principal of Jefferson School, one thousand nine hundred and twenty dollars;

"For twelve heads of departments in high schools, at one thousand nine hundred dollars each;

"For principal of Stevens School, one thousand eight hundred and ninety dollars;

"For principal of Franklin and Thomson schools, one, at one thousand eight hundred and thirty dollars;

"For director of primary instruction, one thousand eight hundred dollars;

"For principals of Force, Peabody, Dennison, and Lincoln schools, four in all, at one thousand seven hundred and ten dollars each;

"For principals of Wallach, and Van Buren and Annex schools, two in all, at one thousand six hundred and fifty dollars each;

"For principal of Abbot School, one thousand six hundred and twenty dollars;

"For two high school teachers, at one thousand six hundred dollars each;

"For principals of Seaton, Henry, Webster, Grant, and Gales schools, five in all, at one thousand five hundred and ninety dollars each;

"For directors of music, drawing, physical culture, domestic science, domestic art, and kindergarten instruction, six in all, at one thousand five hundred dollars each;

"For principals of Towers, Jackson, and Blake schools, three in all, at one thousand four hundred and seventy dollars each;

"For assistant director of primary instruction, and one manual training school teacher, two in all, at one thousand four hundred dollars each;

"For principals of Johnson and Annex, Brookland, Emery,

Garnet, Randall, and Birney and Annex, six in all, at one thousand three hundred and ninety dollars each;

"For principal of Mott school, one thousand three hundred and thirty dollars;

"For assistant directors of music, drawing, physical culture, domestic science, domestic art, and kindergarten instruction, principals of Berret, Curtis, Sumner, and Cook schools, five high school teachers, three manual training school teachers, and two normal school teachers, twenty in all, at one thousand three hundred dollars each;

"For principals of Adams, Morgan, Hubbard, Polk, Phelps, Morse, Twining, Hilton, Maury, Edmonds, Lenox, Brent, Smallwood, Bradley, Sayles J. Bowen, Addison, Fillmore, Corcoran, Weightman, Toner, Ludlow, Blair, Taylor, Madison, Webb, Wheatley, Pierce, Takoma, Tenley, Brightwood, Monroe, Congress Heights, Cranch, Buchanan, Carbery, Hayes, Eckington, Briggs, Montgomery, Banneker, Logan, Jones, Lovejoy, Wilson, Garrison, and Bell schools, forty-six in all, at one thousand two hundred and seventy dollars each;

"For principal of Bruce School, two high school teachers, and three manual training school teachers, six in all, at one thousand two hundred and thirty dollars each;

"For principal of Garfield School, one thousand two hundred and ten dollars;

"For one high school teacher, one thousand two hundred dollars;

"For principals of Ross, and Gage schools, two in all, at one thousand one hundred and ninety dollars each;

"For principals of Harrison, Dent, Arthur, Amidon, Wormley, Patterson, Langston, Slater, Giddings, and Ambush schools, ten in all, at one thousand one hundred and sixty dollars each;

"For principals of Reservoir, Benning, Hamilton, Woodburn, Stanton, Langdon, Chevy Chase, and Petworth schools, eight in all, at one thousand one hundred and fifty dollars each;

"For principals of Greenleaf, Tyler, Phillips, Magruder, Anthony Bowen, Syphax, and Cardozo schools, twenty-three high school teachers, five manual training school teachers, and six normal school teachers, forty-one in all, at one thousand one hundred dollars each;

"For principals of Industrial Home, and Reno schools, two in all, at one thousand and seventy dollars each;

"For principals of Blow, Douglass, Payne, and Simmons schools, seven manual training school teachers, three teachers of music, one teacher of drawing, and one teacher of physical culture, sixteen in all, at one thousand and forty dollars each;

"For one grade teacher, one thousand and thirty dollars;

"For principal of Military Road School, one thousand and ten dollars;

"For teachers of normal, high, and manual training schools, eighty-nine in all, at one thousand dollars each;

"For four, at nine hundred and ninety dollars each;

"For five, at nine hundred and eighty dollars each;

"For eleven, at nine hundred and fifty dollars each;

"For one, nine hundred and twenty-five dollars;

"For four, at nine hundred and twenty dollars each;

"For eleven, at nine hundred dollars each;

"For one, eight hundred and ninety dollars;

"For four, at eight hundred and seventy-five dollars each;

"For eighty, at eight hundred and sixty dollars each;

"For six, at eight hundred and fifty dollars each;

"For two, at eight hundred and forty-five dollars each;

"For eleven, at eight hundred and thirty dollars each;

"For fourteen, at eight hundred and twenty-five dollars each;

"For two hundred and seventy-eight, at eight hundred dollars each;

"For five, at seven hundred and seventy-five dollars each;

"For twelve, at seven hundred and fifty dollars each;

"For sixteen, at seven hundred and twenty-five dollars each;

"For two, at seven hundred dollars each;

"For one hundred and fifty-five, at six hundred and seventy-five dollars each;

"For two hundred and forty-one, at six hundred and fifty dollars each;

"For twenty, at six hundred and twenty-five dollars each;

"For three hundred and nineteen, at six hundred dollars each;

"For three, at five hundred and seventy-five dollars each;

"For three, at five hundred and fifty dollars each;

"For nineteen, at five hundred and twenty-five dollars each;

"For thirty-four, at five hundred dollars each;

"In all, one million two hundred and eighty-one thousand and fifteen dollars.

"*Provided*, That when a salary in any class or group shall be vacated by resignation or otherwise the salary required to be paid to the teacher or officer promoted to fill such vacancy under the provisions of an act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia, approved June nineteen hundred and six, may be substituted therefor: *Provided further*, That in assigning salaries to teachers no discrimination shall be made between male and female teachers employed in the same grade of school and performing a like class of duties; and it shall not be lawful to pay, or authorize or require to be paid, from any of the salaries of teachers herein provided, any portion or percentage thereof for the purpose of adding to salaries of higher or lower grades.

"Night schools: For night schools for pupils, and teachers of night schools may also be teachers in the day schools, twelve thousand dollars.

"For contingent and other necessary expenses of night schools, seven hundred dollars.

"Kindergarten supplies: For kindergarten supplies, two thousand five hundred dollars."

And the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred dollars;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ninety-six thousand seven hundred dollars;" and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: At the end of line 1 of the said amendment, after the word "at," insert "or near;" and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-four thousand two hundred and fifty-five dollars;" and the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twelve thousand seven hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four thousand two hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 164: That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred thousand three hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 166: That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with amendments as follows:

In lieu of the sum proposed insert "twenty thousand dollars."

On page 52 of the bill, in line 9, after the word "For," insert the word "brick."

And the Senate agree to the same.

Amendment numbered 167: That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-seven thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-seven thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-eight thousand five hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 175: That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to same with an amendment as follows: In lieu of the sum proposed insert "two thousand nine hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following: "bailiff, six hundred dollars; three charmen, at three hundred and sixty dollars each;" and the Senate agree to the same.

Amendment numbered 192: That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-three thousand two hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "six thousand dollars;" and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighteen thousand seven hundred dollars;" and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred dollars;" and the Senate agree to the same.

Amendment numbered 198: That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fourteen thousand four hundred dollars;" and the Senate agree to the same.

Amendment numbered 203: That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fourteen thousand three hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nine thousand four hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 227: That the House recede from its disagreement to the amendment of the Senate numbered 227, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "fourteen thousand dollars;" and the Senate agree to the same.

Amendment numbered 228: That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "eight thousand dollars;" and the Senate agree to the same.

Amendment numbered 229: That the House recede from its disagreement to the amendment of the Senate numbered 229, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "eight thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 233: That the House recede from its disagreement to the amendment of the Senate numbered 233, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "three thousand dollars;" and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "three thousand dollars;" and the Senate agree to the same.

Amendment numbered 235: That the House recede from its disagreement to the amendment of the Senate numbered 235, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "four thousand dollars;" and the Senate agree to the same.

Amendment numbered 238: That the House recede from its disagreement to the amendment of the Senate numbered 238, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "six thousand seven hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 239: That the House recede from its disagreement to the amendment of the Senate numbered 239, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighty-one thousand three hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 243: That the House recede from its disagreement to the amendment of the Senate numbered 243, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven thousand four hundred and sixty-eight dollars;" and the Senate agree to the same.

Amendment numbered 244: That the House recede from its disagreement to the amendment of the Senate numbered 244, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventeen thousand one hundred and forty-four dollars;" and the Senate agree to the same.

Amendment numbered 247: That the House recede from its disagreement to the amendment of the Senate numbered 247, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five thousand four hundred dollars;" and the Senate agree to the same.

Amendment numbered 251: That the House recede from its disagreement to the amendment of the Senate numbered 251, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three thousand seven hundred dollars;" and the Senate agree to the same.

Amendment numbered 259: That the House recede from its disagreement to the amendment of the Senate numbered 259, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "three thousand dollars;" and the Senate agree to the same.

F. H. GILLETT,
WASHINGTON GARDNER,
A. S. BURLESON,
Managers on the part of the House.

J. H. GALLINGER,
GEO. PEABODY WETMORE,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 18198) making appropriations for the expenses of the government of the District of Columbia for the fiscal year 1907 submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report as to each of the amendments, namely:

On amendments Nos. 1, 2, and 3: Strikes out the increase of $90 proposed by the Senate in the salary of the secretary to the Board of Commissioners, and restores the salary of the janitor of the District building to $1,200, as proposed by the Senate.

On amendments Nos. 4, 5, and 6: Appropriates $500, as proposed by the Senate, instead of $100, as proposed by the House, as additional compensation to the assessor, and inserts the provision proposed by the Senate authorizing the acceptance of returns of gross earnings made by companies or corporations to the assessor on or before October 18, 1905, as if the same had been made on the 1st day of August, 1905.

On amendments Nos. 7 and 8: Appropriates for an additional clerk at $1,200 for the excise board, as proposed by the Senate.

On amendments Nos. 9, 10, and 11: Appropriates for an additional inspector at $1,200 for the personal tax board, and increases the amount for extra clerk hire from $1,000 to $2,000.

On amendments Nos. 12 and 13: Strikes out the provision proposed by the Senate for an additional messenger at $480 in the auditor's office.

On amendments Nos. 14 and 15: Strikes out the provision proposed by the Senate for a hostler and laborer at $365 in the coroner's office.

On amendments Nos. 16, 17, and 18: Strikes out the provision for one market master at $600, as proposed by the Senate, and increases the amount for labor for cleaning market houses from $1,800 to $1,920.

On amendments Nos. 19, 20, 21, 22, 23, and 24, relating to the engineer's office: Increases the salary of a skilled laborer from $600 to $625; provides for 4 oilers at $600 each, instead of 5 as proposed by the Senate and 3 as proposed by the House; provides for 5 firemen at $875 each as proposed by the Senate, instead of 6 firemen at $840 each as proposed by the House, and provides for salary of superintendent of stables at $1,500, instead of $1,950 as proposed by the Senate, and $1,200 as proposed by the House.

On amendments Nos. 25, 26, 27, 28, and 29, relating to the street-sweeping office: Provides as follows: For a stable foreman at $1,000, instead of $1,050 as proposed by the Senate and $900 as proposed by the House; strikes out the proposed increase of $300 proposed by the Senate in the salary of a clerk, and makes verbal corrections in the text of the bill.

On amendments Nos. 31 and 32: Fixes the compensation of a statistician in the department of insurance at $1,500, as proposed by the Senate, instead of $1,400, as proposed by the House.

On amendments Nos. 33, 34, 35, 36, and 37, relating to the surveyor's office: Provides, as proposed by the Senate, as follows: For an assistant computer at $825; for an additional rodman at $825, and increases the amount for temporary services from $4,000 to $4,500.

On amendments Nos. 38, 39, 40, 41, 42, 43, 44, and 45, relating to Free Public Library: Provides for a children's librarian at $1,000, and for three additional pages at $240 each, as proposed by the Senate; strikes out the increase proposed by the Senate of one chief of circulating department at $1,000, one assistant at $720, and three attendants at $360 each; appropriates $7,500, as proposed by the House, for the purchase of books, instead of $10,000, as proposed by the Senate, and $3,000 for binding, as proposed by the House, instead of $3,500, as proposed by the Senate.

On amendments Nos. 46, 47, and 48: Appropriates for contingent and miscellaneous expenses of the District government $40,000, as proposed by the House, instead of $42,000, as proposed by the Senate, and inserts the provision proposed by the Senate concerning the use of horses and vehicles belonging to the District of Columbia.

On amendment No. 49: Appropriates $1,000, as proposed by the House, instead of $2,000, as proposed by the Senate, for judicial expenses.

On amendment No. 50: Appropriates $2,750, instead of $2,500 as proposed by the House and $3,000 as proposed by the Senate, for expenses of the coroner's office.

On amendment No. 51: Appropriates $500 for the erection of tablets to mark historical places in the District of Columbia.

On amendments Nos. 52 and 53: Excepts from the provision requiring the use of book typewriters in the office of the recorder of deeds cases where the use of a pen may be found necessary; and strikes out of the bill the provision proposed by the Senate authorizing the recopying of certain records in the office of the recorder of deeds.

On amendments Nos. 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63: Appropriates $70,000, as proposed by the Senate, instead of $46,666, proposed by the House, for paving streets and avenues in the different sections of the city; and strikes out the specific provision inserted by the Senate for paving certain other stipulated streets.

On amendment No. 64: Appropriates $50,000, as proposed by the Senate, to be paid wholly from the revenues of the District, for opening alleys and minor streets.

On amendments Nos. 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, and 82: Inserts all of the specific appropriations proposed by the Senate for improving certain county roads and suburban streets, except the following, which are omitted, namely: Brookland avenue, streets in American University Park, Albemarle street, Chesapeake street, Florida avenue, Minnesota avenue, and Fifteenth street.

On amendment No. 83: Appropriates $25,000, as proposed by the Senate, for extending Massachusetts avenue from Wisconsin avenue to Nebraska avenue.

On amendment No. 84: Appropriates $300,000, as proposed by the Senate, instead of $275,000, as proposed by the House, for repairs to streets, avenues, and alleys.

On amendment No. 85: Appropriates $6,000, as proposed by the House, instead of $9,500, as proposed by the Senate, for replacing and repairing sidewalks and curbs around public reservations and municipal buildings.

On amendment No. 86: Appropriates $275,000, as proposed by the Senate, for continuation of work on the reconstruction of the Anacostia bridge; and in connection therewith inserts an appropriation of $54,000 on account of the approach to the Anacostia end of said bridge, requiring the Baltimore and Ohio Railroad Company to bear a part of the expense, and also requiring the Anacostia and Potomac River Railroad Company to contribute $15,000 toward the total cost of said bridge, all of which provisions are fully set forth in the conference report as printed in the RECORD.

On amendment No. 87: Appropriates $38,000, as proposed by the Senate, instead of $37,500, as proposed by the House, for cleaning and repairing sewers.

On amendment No. 88: Appropriates $100,000, instead of $150,000 as proposed by the Senate and $44,000 as proposed by the House, for suburban sewers.

On amendment No. 89: Appropriates $40,000, as proposed by the Senate, for east side intercepting sewer from boundary sewer to Brookland.

On amendment No. 90: Appropriates $240,000, instead of $250,000 as proposed by the Senate and $225,000 as proposed by the House, for sprinkling, sweeping, and cleaning streets.

On amendment No. 91: Appropriates $2,500, as proposed by the House, instead of $10,000, as proposed by the Senate, for cleaning snow and ice from cross walks and gutters.

On amendments Nos. 92 and 93: Appropriates $5,000, as proposed by the House, instead of $15,000, as proposed by the Senate, for improvements at the bathing beach.

On amendments Nos. 94 and 95: Appropriates $500, as proposed by the Senate, instead of $2,000, as proposed by the House, for public scales.

On amendments Nos. 96 and 97: Appropriates $2,000, as proposed by the House, instead of $3,000, as proposed by the Senate, for public pumps.

On amendments Nos. 98, 99, and 100: Makes verbal corrections in the text of the bill, and strikes out the appropriation of $500, as proposed by the Senate, for reconstructing wharf and sea wall adjacent to the morgue.

On amendment No. 101: Appropriates $6,200, as proposed by the Senate, for condemnation of insanitary buildings.

On amendments Nos. 102, 103, and 104: Relating to the electrical department, appropriates $13,000, as proposed by the Senate, instead of $12,000, as proposed by the House, for general supplies; strikes out the appropriations proposed by the Senate of $1,000 for a telephone switchboard in the office of the superintendent of police and $1,700 for improvement of fire-alarm boxes.

On amendments Nos. 105, 106, and 107: Relating to the lighting of streets by gas, appropriates $250,000, instead of $260,000, as proposed by the Senate, and $240,000, as proposed by the House, for such lighting, and fixes the rates to be paid therefor at $18 per lamp per annum for flat-flame burners, instead of $20, as proposed by the Senate, and $15, as proposed by the House, and at $25 per lamp per annum for incandescent-mantle burners, instead of $26, as proposed by the Senate, and $20, as proposed by the House.

On amendments Nos. 108 and 109: Appropriates $95,000, as proposed by the Senate, instead of $80,000, as proposed by the House, for lighting streets by electric arc lamps, and fixes the rate per lamp per annum at $85, as proposed by the Senate, instead of $80, as proposed by the House.

On amendment No. 110: Appropriates for the officers and employees in the office of the superintendent of schools in accordance with the act recently passed by Congress regulating their number and compensation.

On amendment No. 111: Appropriates for two attendance officers at $600 each for the public schools, as proposed by the Senate.

On amendment No. 112: Appropriates for the teachers of the public schools of the District of Columbia in accordance with the number and rates of compensation provided in the act recently passed by Congress regulating the same.

On amendments Nos. 113, 114, 115, 116, 117, and 118: Relating to janitors of public buildings, increases the salaries of those receiving $540 to $600; of those receiving $360 to $420, as proposed by the Senate, and of those receiving $240 to $300, instead of $360, as proposed by the Senate; appropriates $6,000, as proposed by the Senate, instead of $5,000, as proposed by the House, for care of smaller buildings and rented rooms, and strikes out the provision proposed by the Senate for 1 cabinetmaker for repairing school furniture, at $1,000.

On amendments Nos. 119 and 120: Strikes out the provision proposed by the Senate for rent of storage and stock rooms and appropriates, as proposed by the Senate, $27,372, being the amount required to rent, equip, and care for temporary room for increased enrollment caused by the operation of the compulsory-education law.

On amendment No. 121: Apropriates $45,000, instead of $50,000 as proposed by the Senate and $40,000 as proposed by the House, for repairs and changes in plumbing in school buildings.

On amendments Nos. 122 and 123: Strikes out the appropriations proposed by the Senate of $7,200 to complete the equipment of the New Business High School and $6,000 for the physics department in the Central, Eastern, Western, and M Street high schools.

On amendment No. 124: Appropriates $40,000, as proposed by

the Senate, instead of $39,000, as proposed by the House, for contingent expenses of the public schools.

On amendment No. 125: Appropriates $2,000, as proposed by the House, instead of $2,500, as proposed by the Senate, for purchase of pianos for school buildings.

On amendment No. 126: Appropriates $54,000, as proposed by the Senate, instead of $53,000, as proposed by the House, for text-books and school supplies.

On amendments Nos. 127 and 128: Appropriates $1,500, as proposed by the House, instead of $2,000, as proposed by the Senate, for school playgrounds, and strike out the appropriation of $1,000, propored by the Senate, for plants, etc., for school gardens.

On amendment No. 129: Strikes out the appropriation of $3,933, proposed by the Senate, for purchase of additional land for the Armstrong Manual Training School.

On amendment No. 130: Authorizes the construction of an 8-room building to relieve the McCormick School, to cost not exceeding $60,000, as proposed by the Senate.

On amendments No. 131 and 132: Appropriates, as proposed by the Senate, $35,000 for a school building in Brightwood Park and $30,000 for a school building at or near Deanwood.

On amendments No. 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, and 158, relating to the Metropolitan police: Appropriates for the officers and men of the Metropolitan police in accordance with the number and compensation prescribed by the act passed at the present session of Congress; appropriates $4,000, as proposed by the Senate, instead of $3,500, as proposed by the House, for fuel for police stations; strikes out the appropriation of $2,400, proposed by the Senate, for a site for a station house in Anacostia; strikes out increase proposed by the Senate of compensation to the superintendent of the House of Detention; and increases the salaries of two clerks from $720 to $900 each, and of four drivers from $400 to $540 each, as proposed by the Senate, for the House of Detention; appropriates $2,000, as proposed by the Senate, instead of $1,500, as proposed by the House, for fuel and other expenses for the harbor patrol; and strikes out the appropriation of $700, proposed by the Senate, for repair of harbor boat.

On amendments No. 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, and 169, relating to the fire department: Appropriates for miscellaneous expenses and for increase of the fire department as follows:

For repairs and improvements to engine houses and grounds, $8,000 as proposed by the House, instead of $9,000 as proposed by the Senate; for repairs to apparatus, $10,000 as proposed by the Senate, instead of $9,000 as proposed by the House; for purchase of hose, $13,000 as proposed by the Senate, instead of $12,000 as proposed by the House; for fuel, $14,000 as proposed by the Senate, instead of $12,000 as proposed by the House; for purchase of horses, $13,000 as proposed by the House, instead of $15,000 as proposed by the Senate; increases the amount for chemical engine company at or near Benning from $12,000 as proposed by the House to $20,000, instead of $24,000 as proposed by the Senate; appropriates $37,500 for new engine house on Washington Heights instead of $35,000 as proposed by the House and $40,000 as proposed by the Senate; and strikes out the appropriation of $5,300 proposed by the Senate for a steam fire engine.

On amendments Nos. 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, and 181, relating to the health department: Strikes out the provision proposed by the Senate for two sanitary and food inspectors, at $1,000 each; provides for an inspector of marine products, at $1,200, as proposed by the Senate; strikes out the provision for one clerk at $900, proposed by the Senate; appropriates $25,000 instead of $30,000, as proposed by the Senate, and $20,300, as proposed by the House, for the enforcement of provisions of acts to prevent the spread of certain diseases; appropriates $120, as proposed by the Senate, for rent of a stable; strikes out the provision proposed by the House for certain special employees in the smallpox hospital; strikes out the appropriation of $500, as proposed by the Senate, for an additional pound wagon; appropriates $3,500, as proposed by the Senate, instead of $2,500 as proposed by the House, for emergency fund to enforce the drainage of lots.

On amendments Nos. 182, 183, 184, 185, 186, 187, 188, and 189, relating to the juvenile court: Provides for a janitor at $540, as proposed by the Senate; appropriates $1,000, as proposed by the Senate, instead of $200, as proposed by the House, for compensation of jurors, and $480 instead of $600, as proposed by the Senate, and $300, as proposed by the House, for rent; $900, as proposed by the House, instead of $1,200, as proposed by the Senate, for miscellaneous expenses.

On amendments Nos. 190, 191, 192, 193, 194, and 195, relating to the police court, appropriates, as proposed by the Senate, for an assistant engineer at $720, one fireman at $360, and three charmen at $360 each; strikes out the provision, proposed by the Senate, for four additional bailiffs at $600 each, night watchman at $630, and matron at $600; appropriates $300, as proposed by the House, instead of $500, as proposed by the Senate, for repairs to building, and $6,000, instead of $8,000, as proposed by the Senate, and $5,000, as proposed by the House, for furnishing new police court building.

On amendments Nos. 196, 197, 197½, and 198, relating to the justices of the peace: Provides for their salaries at $2,000 instead of $2,500 each, as proposed by the Senate; makes an allowance of $400 instead of $900, as proposed by the Senate, and $250, as proposed by the House, for rent and clerical services for each justice of the peace.

On amendments Nos. 199 and 200: Provides for three messengers, at $720 each, as proposed by the House, instead of seven assistant messengers, at $720 each, as proposed by the Senate, for service in the court-house.

On amendments Nos. 201, 202, 203, and 204, relating to the board of charities: Provides for a stenographer at $1,200, as proposed by the Senate, instead of $1,080, as proposed by the House; appropriates for traveling expenses $200, as proposed by the House, instead of $400 as proposed by the Senate; and strikes out of the bill the provision proposed by the House requiring that all appropriations for charities and corrections be disbursed by the disbursing officer of the District.

On amendments Nos. 205 and 206: Appropriates for an engineer at $720 for the Washington Asylum, as proposed by the Senate, instead of an engineer at $600.

On amendment No. 207: Appropriates $200, as proposed by the Senate for payment to beneficiaries under the act to make it a misdemeanor in the District of Columbia to abandon or neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances.

On amendments Nos. 208, 209, 210, 211, 212, 213, 214, 215, and 216, relating to the Home for the Aged and Infirm: Appropriates for the chief engineer at $720, as proposed by the Senate, instead of $600, as proposed by the House; strikes out the other provisions proposed by the Senate for increase of compensation and for additional employees in the institution; appropriates $4,000, as proposed by the Senate, for the laundry plant, and $4,000, as proposed by the House, instead of $5,000, as proposed by the Senate, for additional land.

On amendments Nos. 217, 218, 219, 220, 221, and 222, relating to the Reform School for Girls: Appropriates for two additional teachers of industries, at $480 each, as proposed by the Senate; appropriates $12,000, as proposed by the Senate, instead of $10,000, as proposed by the House, for general expenses, and $3,000, as proposed by the Senate, for repairs to buildings.

On amendments Nos. 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, and 235: Strikes out the appropriation of $104,000, proposed by the House, to be expended by and in the discretion of the board of charities for medical charities in the District of Columbia, and appropriates as proposed by the Senate specific amounts for each medical charity.

On amendments Nos. 236, 237, 238, and 239, relating to the Board of Children's Guardians: Fixes the salary of the agent at $1,800 as proposed by the Senate, instead of $1,500 as proposed by the House; strikes out the provision for a probation officer at $1,200, proposed by the Senate.

On amendments Nos. 240, 241, 242, 243, 244, 245, and 246, relating to the Industrial Home School: Strikes out the increase proposed by the Senate of the salary of the florist from $600 to $720; and increases, as proposed by the Senate, the salary of the farmer from $360 to $480 and of the cook from $216 to $240; appropriates $1,000 as proposed by the House, instead of $2,000 as proposed by the Senate, for repairs and improvements to buildings; and strikes out the appropriation of $800 as proposed by the Senate for a reserve pump and motor.

On amendment No. 247: Appropriates $5,400 instead of $6,000, as proposed by the Senate, and $5,000, as proposed by the House, for the Washington Hospital for Foundlings.

On amendment No. 248: Appropriates $5,400, as proposed by the House, instead of $6,000, as proposed by the Senate, for St. Ann's Infant Asylum.

On amendments Nos. 249, 250, and 251, relating to the municipal lodging house: Appropriates $1,200, as proposed by the Senate, instead of $1,000, as proposed by the House, for salary of the superintendent; and strikes out provision for a clerk at $720, as proposed by the Senate.

On amendments Nos. 252, 253, 254, and 255, relating to the Temporary Home for ex-Union Soldiers and Sailors: Appropriates $1,200, as proposed by the Senate, instead of $1,000, as

proposed by the House, for salary of the superintendent, and $3,500, as proposed by the Senate, instead of $3,700, as proposed by the House, for maintenance; and makes a verbal correction in the text of the bill in the paragraph relating to the Hospital for the Insane.

On amendments Nos. 256, 257, 258, 259, 260, and 261, relating to the militia: Appropriates $1,500, as proposed by the Senate, instead of $400, as proposed by the House, for lockers and furniture for armories; increases the compensation of the custodian in charge of property and storerooms, as proposed by the Senate, from $900 to $1,000; appropriates $15,000, as proposed by the House, instead of $17,000 as proposed by the Senate, for expenses of camps, instruction, practice marches and practice cruises, and provides that $3,000 of the sum appropriated for these objects for 1906 shall be available for rifle practice and repair of practice ships for that year; appropriates $500, as proposed by the Senate, instead of $300, as proposed by the House, for general incidental expenses; and strikes out the appropriation of $6,300 proposed by the Senate for a building for use of the Naval Battalion.

On amendment No. 262: Appropriates $100,000, as proposed by the Senate, for water meters.

On amendments Nos. 263, 264, 265, and 266, relating to the water department: Appropriates for an additional clerk at $1,000, as proposed by the Senate, in the revenue and inspection branch, and inserts the provision, as proposed by the Senate, for the payment to the Holly Manufacturing Company of the sum of $6,880.

On amendment No. 267: Fixes the amount that may be expended for certain personal services out of appropriations for public works in the District at $60,000, as proposed by the Senate, instead of $50,000, as proposed by the House.

On amendments Nos. 268 and 269: Inserts as a separate section the provision proposed by the Senate, authorizing for the fiscal year 1907 advances out of the Treasury to meet any deficit that may occur in the revenues of the District of Columbia during that year and makes correction in the number of a section.

F. H. GILLETT,
WASHINGTON GARDNER,
A. S. BURLESON,
Managers on the part of the House.

Mr. GILLETT of Massachusetts. Mr. Speaker, this is the unanimous report of the conference committee, and while the bill is not in many respects as we would like to have it, we think it is fairly satisfactory. I move the adoption of the conference report.

Mr. GAINES of Tennessee. Mr. Speaker, I will ask the gentleman from Massachusetts to yield to me for a moment, until I put a request for unanimous consent.

Mr. GILLETT of Massachusetts. I will yield to the gentleman.

Mr. GAINES of Tennessee. Mr. Speaker, I have this morning furnished me, at my own request, by my friend, Mr. H. W. Taft, a copy of the indictment found a few days ago by the Federal grand jury in New York against McAdams & Forbes Company, of New York, a branch of the tobacco trust. It is a new proceeding, based in the main on new laws, and very valuable for the House and the country to read. I therefore ask unanimous consent that it may be printed in the RECORD.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print in the RECORD a copy of the indictment in the case of the United States of America against the McAdams & Forbes Company, of New York. Is there objection?

Mr. PAYNE. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York objects.

Mr. GAINES of Tennessee. Mr. Speaker, I am very much surprised at the gentleman from New York [Mr. PAYNE].

The SPEAKER. The question is on the motion of the gentleman from Massachusetts, on the adoption of the conference report.

The question was taken; and the conference report was agreed to.

SWEARING IN OF A MEMBER.

Mr. Coudrey appeared at the bar of the House and took the oath of office prescribed by law.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the sundry civil appropriation bill, to nonconcur in the Senate amendments thereto, and to ask for a conference.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the sundry civil appropriation bill, to nonconcur in the Senate amendments, and to ask for a conference. Is there objection? [After a pause.] The Chair hears none, and the Chair announces the following conferees on the part of the House: Mr. TAWNEY, Mr. SMITH of Iowa, and Mr. TAYLOR of Alabama.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to have printed the sundry civil bill with the Senate amendments numbered.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I call up the conference report on the post-office appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Indiana calls up the conference report on the post-office appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 13, 27, 28, 39, 40, 41, 49, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 67, 68, 70, 71, 72, 73, 76, 77, 79, and 80.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 11, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 44, 45, 46, 47, 48, 66, 69, 74, 75, and 82; and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out the word "thirty-five" and insert the word "seventy-two;" and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Strike out "five hundred and fifty-four thousand seven hundred and fifty" and insert "five hundred and ninety-nine thousand one hundred and fifty;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment fo the Senate numbered 12, and agree to the same with an amendment as follows: Strike out the word "ninety-four" and insert the words "one hundred and forty-seven;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Strike out the words "one hundred and five" and insert the word "ninety-five;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Strike out the word "eight" and insert the word "six;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: Strike out the words "three hundred and seventy" and insert the words "two hundred and fifty;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: Strike out the words "eight hundred and thirty" and insert the words "eight hundred;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the Postmaster-General shall require all railroads carrying the mails under contract to comply with the terms of said contract as to time of arrival and departure of said mails, and it shall be his duty to impose and collect reasonable fines for delay when such delay is not caused by unavoidable accidents or conditions."

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and

agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For pay of freight or expressage on postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, two hundred and fifty thousand dollars. And the Postmaster-General shall require, when in freightable lots and whenever practicable, the withdrawal from the mails of all postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, in the respective weighing divisions of the country immediately preceding the weighing period in said divisions, and such postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, shall be transmitted by either freight or express;" and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: Strike out the words "thirty thousand" and insert the words "twenty-seven thousand five hundred;" and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: Strike out the words "thirty-two thousand five hundred" and insert the words "thirty thousand;" and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: Strike out the words "seven hundred and ninety-three thousand six hundred" and insert the words "eight hundred and seventy thousand;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Strike out of the amendment "exclusive of holidays and Sundays," and substitute for the proviso the following: "That in the discretion of the Postmaster-General the pay of any rural carrier on a water route who furnishes his own power boat and is employed during the summer months, may be fixed at an amount not exceeding seven hundred and twenty dollars in any one calendar year;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "That hereafter no article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps, shall be admitted to the mails under a penalty privilege, unless such article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps, would be entitled to admission to the mails under laws requiring payment of postage;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: Strike out the word "Committee" wherever it appears and insert in lieu thereof the word "Commission," and add at the end of said amendment the words "out of any money in the Treasury not otherwise appropriated, to be paid out on the order of the chairman of the Joint Commission;" and the Senate agree to the same.

JESSE OVERSTREET,
J. J. GARDNER,
JOHN A. MOON,
Managers on the part of the House.

BOIES PENROSE,
A. S. CLAY,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

The Senate made eighty-three amendments to the bill, involving an increase of $998,330.

By the action of the conferees, submitted in the accompanying report, the House recedes upon amendments involving an increase of $208,430. The Senate receded on amendments involving $789,900.

The bill as passed by the House carried $191,487,568.75.

As agreed to by the conferees the bill carries $191,695,998.75.

Amendment No. 1: This amendment reduces the appropriation for advertising purposes by $1,500.

Amendment No. 2: This amendment authorized three experienced postal officials to investigate postal conditions, and was disagreed to.

Amendments Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12: These amendments refer to the post-office inspection service, and the effect is to authorize the increase of salaries of a portion of the inspectors and rural agents by the terms of the amendment transferred or merged into the post-office inspection service.

Amendment No. 13: This amendment restores the appropriation for per diem allowance of inspectors to the amount carried by the House bill.

Amendment No. 14: This amendment increases the appropriation for compensation of clerks and laborers at division headquarters $5,000 over the amount carried by the House bill.

Amendment No. 15: This amendment merely changes the phraseology.

Amendment No. 16: This amendment increases the appropriation for miscellaneous expenses at division headquarters by $1,000.

Amendments Nos. 17, 18, 19, 20, 21, and 22: These amendments result in the promotion of four superintendents from salaries of $3,000 each to salaries of $3,200 each.

Amendments Nos. 23, 24, and 25: These amendments permit two private secretaries to postmasters at salaries of $2,400 each instead of one at that salary and one at $1,700.

Amendment No. 26: This amendment grants discretion to the Postmaster-General in assignment of compensation of employees in offices of the first and second classes in accordance with the amount of business transacted in such offices.

Amendment No. 27: This amendment granted leave of absence to clerks in offices of the first and second classes, exclusive of Sundays and holidays, and was disagreed to.

Amendment No. 28: This amendment restores to the House bill authority for expenditure for temporary clerk hire at summer and winter resorts.

Amendment No. 29: This amendment increases by $25,000 the appropriation for necessary and miscellaneous items connected with first and second class post-offices.

Amendments Nos. 30, 31, 32, 33, and 34: These amendments result in authorizing three additional superintendents of the salary and allowance division with the same grade of pay and per diem as those now employed.

Amendment No. 35: This amendment reduces by $25,000 the appropriation for letter carriers and substitutes at offices entitled under existing law to city-delivery service.

Amendments Nos. 36, 37, and 38: These simply change the phraseology relative to incidental expenses in the city-delivery service.

Amendments Nos. 39, 40, and 41: These amendments restore the provision of the House bill relative to travel and miscellaneous expenses in the office of the First Assistant Postmaster-General.

Amendment No. 42: This amendment increases the appropriation carried by the House bill for inland transportation by star routes by $150,000.

Amendment No. 43: This amendment increases the appropriation for inland transportation by steamboats and other power boats $25,000.

Amendments Nos. 44, 45, and 46: These amendments result in authorizing pneumatic-tube service at the cities of San Francisco and Baltimore in addition to the authorization in the House bill, and increase the authority for annual pay by $88,734.16, and permit contracts for such service for a period of ten years.

Amendments Nos. 47 and 48: These amendments authorize an additional $5,000 expenditure for rent of mail-bag repair shop and expenses incident thereto.

Amendment No. 49: This amendment authorized a lease for ten years for buildings for postal supplies and also for mail-bag repair shop at an annual rental of not exceeding $35,000. This amendment was disagreed to.

Amendment No. 50: So far as this amendment referred to the weighing of the mails in the western division incident to the earthquake in California on April 18, 1906, it was disagreed to. That portion of the amendment relative to authority for the Postmaster-General to require railroads to maintain the terms

of their contracts relative to the time of arrival and departure of mails was agreed to with an amendment.

Amendment No. 51: This amendment relates to the withdrawal from the mails at periods near the weighing periods of the general supplies of the postal service and was agreed to with a change of phraseology.

Amendments Nos. 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62: These amendments, relative to the appropriation for railway postal cars and railway mail service, were disagreed to.

Amendments Nos. 63 and 64: These amendments, relating to per diem allowance for assistant superintendents of the railway mail service, were so modified as to make a change of $2,500 on the total allowance.

Amendment No. 65: This amendment relates to appropriation for inland transportation by electric and cable-car service and was modified so as to provide $70,000 less than the appropriation carried by the House bill.

Amendment No. 66: This changes the proviso in the expenditure of the money for special facilities on the trunk lines from Washington to Atlanta and New Orleans, and was agreed to.

Amendment No. 67: This amendment, authorizing payment of indemnity for loss of registered articles in the international mails, was disagreed to.

Amendment No. 68: This amendment results in an increase of $100,000 for the manufacture of adhesive postage stamps.

Amendments Nos. 69 and 70: These amendments were so modified as to prohibit the contract for the manufacture of adhesive postage stamps with any department or bureau of the Government below the cost of such work to the Government.

Amendments Nos. 71 and 72: These amendments, relative to the manufacture of stamped envelopes and postal cards, restore the amounts authorized by the House bill.

Amendment No. 73: This amendment restores the amount for travel and miscellaneous expenses in the office of the Third Assistant Postmaster-General to the amount authorized by the House bill.

Amendment No. 74: This increases by $10,000 the appropriation for stationery, including money-order offices.

Amendment No. 75: This amendment increases by $25,000 the appropriation for wrapping twine and tying devices.

Amendment No. 76: This authorized $500,000 additional for rural delivery service, and was disagreed to.

Amendment No. 77: This amendment authorized the collection of addresses by postmasters and rural carriers, and was disagreed to.

Amendment No. 78: The amendment relates to the authorization of fifteen days' annual leave to rural carriers with pay, and was agreed to with an amendment placing such leave of absence on the same basis now enjoyed by city carriers. The proviso in amendment No. 78, relative to pay of rural carriers on water routes, was agreed to with an amendment.

Amendment No. 79: This amendment gave permission to patrons on rural routes to use any kind of a box, and it was disagreed to.

Amendment No. 80: This amendment restores the appropriation carried by the House bill.

Amendment No. 81: This amendment relating to the admission to the mails under penalty privilege was disagreed to and in amended form accepted. The amendment as agreed to prevents the admission to the mails under penalty privilege of articles and packages, except stamped paper, unless such articles and packages would be entitled to admission to the mails under laws requiring payment of postage.

Amendment No. 82: This amendment provided that the provision did not apply to any committee composed of Members of Congress, and was agreed to.

Amendment No. 83: This amendment authorizes the appointment of a joint commission of Congress, consisting of three Senators and three Members of the House, to investigate and report relative to second-class mail matter. This amendment was agreed to with some amendments changing the phraseology.

JESSE OVERSTREET,
J. J. GARDNER,
JOHN A. MOON,
Managers on part of the House.

Mr. OVERSTREET. Mr. Speaker, I merely wish to call the attention of the House to a slight and unimportant error as it appeared in the printed copy of the report, both in the RECORD of the House at the time the report was submitted to the House and in the RECORD when the report was submitted to the Senate. The error was that the amendment No. 50 was noted as one of the several amendments from which the Senate had receded, when, as a matter of fact, that amendment was agreed to with an amendment. The original report submitted to both Houses and the Journal of both Houses were correct. I move the adoption of the report.

Mr. SIMS. Mr. Chairman, I regret exceedingly that the conferees have rejected the Senate amendment permitting patrons on rural mail routes to use boxes of wood or metal of their own make without being approved by the Post-Office Department. That amendment could have been so changed by the committee of conference as to have conformed to the bill I introduced by giving the Department the power to regulate by prescribing such general rules and regulations as might be necessary to protect the mail and make it convenient for the carrier. I have not lost hope of getting favorable action on my bill; if not during this session I think by the time the next session of this Congress convenes the Committee on Post-Offices and Post-Roads will have heard enough from their constituents to take fright and get busy.

Mr. Chairman, I am getting letters almost without number indorsing my bill and urging me to push it. They are all so nearly alike that to read one is to read all. I will not take up the time of the House reading those letters, nor will I even ask permission to insert them in the RECORD, but I will take the time of the House to read one letter, as it is from the State of the present Postmaster-General, and I very much desire that Mr. Cortelyou know what the people of his own State think of my bill. I am afraid our eminent Postmaster-General is relying altogether upon the suggestions and advice of the subordinates in his great Department and is not giving sufficient heed to the good hard, practical common sense of the farmers of the country.

The letter is as follows:

CHAUTAUQUA COUNTY POMONA GRANGE,
Jamestown, N. Y., June 16, 1906.

Hon. T. W. SIMS,
Washington, D. C.

MY DEAR MR. SIMS: Chautauqua County (N. Y.) Pomona Grange in session assembled June 15, 1906, unanimously indorsed the bill introduced by you April 30, which if passed would allow patrons of rural mail routes to put up such boxes as they see fit, and without the approval of the Post-Office Department. We believe it to be an injustice to the patrons of rural routes to require them to put up an "approved" box. We trust the bill you introduced may become a law. Chautauqua County Pomona Grange represents a membership of nearly 6,000 Patrons of Husbandry.

I received your speech of April 28 and 30. Thanks for the same.

Respectfully, yours,

A. A. VAN VLECK, *Secretary.*

This letter is of a kind that burdens my mail. You must remember that the farmers who are the patrons of these rural routes are not the kind of people who rush into print with their complaints, but who vote as they complain. Mr. Chairman, it is a remarkable view to take that the farmers are so intelligent and so well educated that we must, at the cost of many millions of dollars, supply them with daily mail and yet they are so simple and so disregardful of their own interests that a few clerks and subordinate Department officials must prescribe what kind of boxes these same farmers must use in which to receive their mail.

I now read a letter from the Postmaster-General, as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 18, 1906.

SIR: In the CONGRESSIONAL RECORD of June 9, 1906 (p. 8835), referring to the statement made by the Department as to the unfit receptacles erected by patrons to be used as mail boxes on rural delivery routes prior to the issuance of regulations requiring the use of approved boxes, you are quoted as saying:

"I ask the Fourth Assistant Postmaster-General to specify and let us know where the people live, whether North, East, West, or South, that are guilty of what is here openly charged."

In that connection I have the honor to state that the conditions referred to existed to a very large extent prior to August 1, 1901, and as a matter of fact exist in isolated cases to-day. It would be difficult to furnish a complete report regarding the box conditions prior to the date mentioned, because of the fact that the records of the earlier years of the rural service are stored in another building and it would require much time and labor to search through them. The following, however, are a few of the cases disclosed by an examination of the files of this office:

"At Big Sandy, Tenn., a large list of patrons maintaining poor wooden boxes was reported, with statement from the postmaster, dated October 31, 1905, that all the wooden boxes in use on the four routes from that office were poor, being such boxes as the patrons could pick up, and none of them safe or waterproof.

"At Ashland City, Tenn., quite a number of nonweatherproof wooden boxes are reported in use, one on route No. 2 being a cigar box.

"At Albany, Oreg., among a large number of nonapproved boxes, is reported one oil can on route No. 1; one stovepipe and one oil can on route No. 3.

"At Minooka, Ill., is reported one wooden tobacco box on route No. 1, and on route No. 4, one box, wood and tin, made from stovepipe.

"At Washington, Pa., route No. 4, a stovepipe; route No. 7, a basket; route No. 10, a tin can.

"At Union City, Tenn., route No. 1, a stovepipe, and on several rural routes from that office large number of wooden boxes in bad condition.

"Under date of April 29, 1902, the postmaster at Meadville, Pa., reporting on the condition of boxes on thirteen rural routes from that office, states that out of 1,600 patrons all but 100 have erected approved boxes, the remainder having wooden boxes of all qualities, including soap and cigar boxes."

In regard to the boxes in use on rural routes in the Eighth Congressional district of Tennessee, it should be stated that the percentage of condemned boxes in this district is quite low, which is undoubtedly due to the fact that most of the service in that district has been installed since the promulgation of the order of the Postmaster-General, effective October 1, 1902, requiring patrons of rural delivery to provide themselves with approved boxes. The office of Big Sandy, Benton County, Tenn., to which reference is made above, is in the Eighth district of Tennessee.

It should be added that there are no objections on the part of the Post-Office Department to patrons of rural delivery having boxes made to order, as under existing regulations an individual may have his box made to order, provided it conforms to the specifications, and in order to facilitate approval of such boxes for the rural delivery service the Postmaster-General has for some weeks been considering a proposition which contemplates a modification of existing regulations, so that in such case a patron may readily secure the approval of a box manufactured to order by submitting it to the postmaster at the post-office located at the county seat, who, if he finds that the box conforms to the regulations, may certify the same to the Department and authorize the owner to indicate thereon that it is "approved by the Postmaster-General."

Very respectfully,

GEO. B. CORTELYOU,
Postmaster-General.

Hon. T. W. SIMS,
House of Representatives.

Mr. Chairman, I have the honor to represent the Eighth district of Tennessee, referred to in the letter just read. In the speech referred to I had denied that the conditions referred to in a former statement from the Post-Office Department, then read by me, existed in my district. I said further that even the negroes of my district had more pride than to be guilty of what was charged as to the character of boxes in use. No doubt the clerks of the Department made a careful examination as to my district, and the above report from the postmaster at Big Sandy, a town in my district, was all that could be found. I have traveled all over my district in a vehicle, and at no place have I ever seen a wooden rural box in use, while such boxes are in use on star routes and are giving as good satisfaction as the metal boxes for which our friends in the Post-Office Department seem to have an almost fanatical fondness.

After receiving the letter just read from the honorable Postmaster-General I wrote to the honorable Fourth Assistant Postmaster-General, asking when the rural routes from Big Sandy, Tenn., were established, and received the following reply:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FOURTH ASSISTANT POSTMASTER-GENERAL,
Washington, June 22, 1906.

Hon. T. W. SIMS,
House of Representatives.

SIR: Replying to your letter of June 19, you will find below the dates upon which the rural routes from Big Sandy, Benton County, Tenn., were established:

Route No. 1, established November 2, 1903.
Route No. 2, established November 2, 1903.
Route No. 3, established November 2, 1903.
Route No. 4, established September 1, 1904.

Very respectfully,

P. V. DE GRAW,
Fourth Assistant Postmaster-General.

It will be seen that three of the routes at Big Sandy were established November 2, 1903, and one September 1, 1904—three of them almost at the close of 1903 and one in latter part of 1904. At those dates wooden boxes were not permitted to be used on rural routes, and rural carriers at those dates were not permitted to put mail in wooden boxes. Notwithstanding, as appears from the letter of the Postmaster-General just read, "At Big Sandy, Tenn., a large list of patrons maintaining poor wooden boxes was reported, with statement from the postmaster, dated October 31, 1905, that all the wooden boxes in use on the four routes from that office were poor, being such boxes as the patrons could pick up, and none of them safe or waterproof." If those routes had beeen established before the Post-Office Department had made an order that none but approved boxes be used it would seem reasonable that the statement might be correct, but as none of these routes were established until November 1, 1903, more than a year after the order of the Postmaster-General of October 1, 1902, requiring all patrons of rural routes to provide themselves with approved boxes, I do not hesitate to say that I do not believe the report. I challenge its truth upon what appears to me to be good and sufficient grounds, and demand an investigation; and if the report is false—as I believe it is—I demand that the postmaster, inspector, or whoever made it be discharged from the public service.

Mr. Chairman, I do not know whether it is known to the Postmaster-General or not, but it is a fact, that at least some of the inspectors and special agents sent out to look over these rural routes seem to be imbued with a spirit of enmity to the rural service; that they have almost a supreme contempt for poor people who reside in dwellings not altogether as good as these gentlemen would have them. They act in a way to magnify their self-assumed authority. They often make very unbecoming remarks about the roads and the people. These lofty gentlemen do not have to travel the roads often, and if the carriers are willing, for the salary they receive, to perform their duties and travel the roads as they find them, and deliver the mails on schedule time, I can not see why these Department officials want to deprive these good people of this service, who pay the taxes and who, of all people, stand most in need of free rural mail delivery.

I find that these inspectors often use the most unbecoming language and make all sorts of threats as to what they will do with the service if their views are not adopted by the patrons. I often find that both patrons and carriers are afraid to make reports of this bad conduct for fear the routes will be discontinued. I often get letters from people I know, that are reputable and truthful, telling of these things, but always say to keep the matter quiet, and ask me to do what I can to retain the routes in service. I am in receipt of such a letter of the 19th of this month, and will read it, leaving out names of persons and places:

———, TENN., *June 19, 1906.*

Hon. T. W. SIMS, *Washington, D. C.*

DEAR MR. SIMS: We have had with us a Mr. ———, route inspector, who has heretofore been connected with the Chicago territory.

He stated to my patrons that they would not be served unless they provided approved boxes, and so advised me. He also said that he guessed he would discontinue the service. Patrons do not wish to be at the expense of buying boxes and then lose the service, so they do not know what to do. The said Mr. ——— was very disrespectful of the South. He said that colored ladies were just as worthy a smile and tip of the hat as white ones, and insisted that carriers show them that respect. He was very disagreeable to ride with. We shall be glad if you will send us a true gentleman to inspect our routes, and then we will be contented with his disposition of same.

Very respectfully,

——— ———, *R. M. C.*

P. S.—Please keep my name confidential.

This letter is from a carrier on a rural route in my district. He is a truthful man, but he is afraid if his name be given he will lose his place. I have often received letters like this, but of course never filed them, as the writers were afraid they might lose the service altogether. I am going to insist on the gentleman who wrote the letter just read to permit me to give his name and that of the inspector to the Postmaster-General. I do not believe for a moment that any such conduct would be upheld by the postal authorities. I think he would be promptly removed from the public service, as he ought to be. What right has a postal official from the North or elsewhere to go down South on official duties and instead of attending to such duties to engage in a lecture to a rural carrier on his social duties and attentions to negro women—advising and directing an educated and gentlemanly white man carrying the mails to tip his hat and smile to "colored ladies." No wonder that such a man as this finds fault with the rural service, complains of the roads and lack of boxes. He is so enraged because the rural carrier with whom he had the honor to ride was not tipping his hat and smiling at all the negro women he chanced to meet that he threatened to discontinue the service.

Mr. Chairman, if patrons were permitted to put up boxes of either wood or metal, subject to such rules and regulations as the Department may prescribe as to size, convenience to road, weatherproof, etc., we will be rid of the expense of paying a lot of self-opinionated, stuck-up inspectors for going over the country putting in their time smiling and tipping their hats at negro women and teaching rural carriers to do the same. The carriers, being sworn officials of the Post-Office Department, can report either to the Post-Office Department direct or to the postmaster at the emanating office as to whether or not patrons are complying with the rules and regulations of the Post-Office Department, and do it just as well as a high-salaried inspector, and save all the expense of the travel of the inspector, and thus reducing the number of inspectors.

If we keep on as we have been going in the last few years we will have more inspectors of one kind or another than we have men in the Regular Army and costing as much or more money to maintain them. I think it is time to get rid of some of this army of useless inspectors, and by permitting patrons of rural routes to put up just such boxes of either wood or metal as serves the purpose for which they are used, subject to the rules and regulations of the Post-Office Department, and all inspection of same to be made by the carriers on the routes without additional compensation, we will get rid of the expense of maintaining a great number of inspectors now being used in this way, and so far as results go we will be just as well off, if not better.

From the letter of the Postmaster-General read at the beginning of my remarks it appears that he is now considering a change in existing regulations so as to permit patrons to put

up boxes to order by having them approved by the postmaster at the county seat. This is a step in the right direction, but I hope he will abandon the idea of requiring approval by the postmaster at the county seat. If it is thought necessary to have the approval of a postmaster, why not let the postmaster at each emanating office approve the boxes for the routes from that office? My plan is to have the carriers on each route approve, or rather disapprove. I would have the carrier report on cases where the regulations were not complied with only, going on the presumption that patrons will comply with the regulations and reporting only those who do not, either to the postmaster at the emanating office or to the Department. If all the routes in a county started from the county seat, then it would be practical and convenient to have the boxes approved by the postmaster at the county seat. But in fact many more routes emanate from offices other than the county seat than do from the county seat. In many cases patrons would have to carry their boxes 20 miles in order to have them approved by the postmaster at the county seat. This seems to me to be an unnecessary and unwarranted inconvenience to the patron.

We had just as well go to the most practical common-sense methods at once, as we will in the end do this very thing. The so-called "common people" have an idea that they know a few things themselves, and they will not readily submit to the long-continued use of red-tape circumlocution office methods. I hope the Postmaster-General will not draw the line on the use of good, well-constructed wooden boxes when he makes his contemplated change in existing regulations. In my district there is an abundance of good, cheap lumber, and it is both cheaper and more convenient to use wood than metal. In my State a good wooden shingle roof will last eight or ten years, often much longer, without paint or repair. They in fact last much longer and require painting much less than any kind of a metal roof. The same will be true as to good wooden mail boxes. They will last much longer and be just as good and weatherproof as metal boxes and can be manufactured much cheaper. Then why require patrons to use metal? There are no real valid reasons why wood should not be used, and others can only be surmised.

Mr. Chairman, wood was used ages before metal by primitive man. The human race as well as the animals of earth and fowls of the air were saved from utter extinction by a wooden box. This box was water and weather proof, as shown by its remaining in perfect condition and afloat during the longest spell of rainy weather and highest waters ever known, according to sacred history. The Son of God was born in a wooden house, laid in a wooden receptacle, and died on a wooden cross; and yet it is claimed by the Post-Office Department that a wooden rural mail box is not good enough for a simple American citizen to use as a receptacle in which to receive a postal card or a county newspaper.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to ask the gentleman from Indiana a question. Is there any provision in this bill permitting the transmission of silver and other coins, of bonds, etc., as provided in the bill reported yesterday by the gentleman from Minnesota [Mr. TAWNEY] so as to relieve the Treasury of the expense of the express charges which are so oppressive?

Mr. OVERSTREET. There is no reference to that in this bill.

Mr. GAINES of Tennessee. The gentleman has not introduced or reported any such bill.

Mr. OVERSTREET. There is no such bill before the Committee on the Post-Office and Post-Roads. I move the adoption of the report.

The SPEAKER. The question is on the adoption of the conference report.

The question was taken; and the conference report was agreed to.

OSAGE INDIANS IN OKLAHOMA TERRITORY.

Mr. CURTIS. Mr. Speaker, I call up the conference report on the Osage allotment bill.

The SPEAKER. The gentleman from Kansas calls up a conference report on the bill the title of which the Clerk will report.

The Clerk read as follows:

H. R. 15373. An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15333) entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11 and 24.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out the words inserted by the Senate, restore the matter stricken out, and insert, after "members," "subject to the approval of the Secretary of the Interior;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Following the word "Oklahoma," in said amendment, insert: "*Provided*, That the surplus lands shall be nontaxable for the period of three years from the approval of this act, except where certificates of competency are issued or in case of the death of the allottee, unless otherwise provided by Congress; and;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Strike out the word "ten" and insert "forty;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Strike out the word "ten" and insert "forty;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the Senate amendment insert: "*And provided further*, That no mining of or prospecting for any of said mineral or minerals shall be permitted on the homestead selections herein provided for without the written consent of the Secretary of the Interior: *Provided, however*, That nothing herein contained shall be construed as affecting any valid existing lease or contract;" and the Senate agree to the same.

J. S. SHERMAN,
CHARLES CURTIS,
WM. T. ZENOR,
Managers on the part of the House.

CHESTER I. LONG,
WM. J. STONE,
MOSES E. CLAPP,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

Statement of the managers on the part of the House on the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15333) entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes."

The House recedes from its disagreements to amendments 1, 2, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37.

The Senate recedes from its amendments Nos. 11 and 24.

The House agrees to the Senate amendments Nos. 3, 12, 13, 14, and 18, with amendments.

Amendment No. 1 authorizes the Secretary of the Interior to pass upon applications for enrollment which are pending at the date of the approval of this act.

Amendment No. 2 strikes out the provision in reference to the list of names, which is fully provided for in another part of the bill.

Amendment No. 3 provides for the allotment of lands to those who fail to make their own selections by the United States Indian agent, subject to the approval of the Secretary of the Interior.

Amendment No. 4 is substantially the same in reference to lands selected by minors.

Amendments Nos. 5, 6, 11, and 12 are in reference to the taxation of the surplus lands of the Osage Indians. The amendments as finally agreed upon by the conference committee provide that the surplus lands shall be exempt from taxation for a period of three years except where certificates of competency are issued or in case of the death of the allottee and unless otherwise provided by Congress. Your managers thought this was the best disposition to make of the amendment of the Senate.

Amendments Nos. 8 and 9 change the manner of making the appointment of the commission which is to supervise the selection and the division of the lands. As amended, the tribe is given one member of the commission, while the other two are to be appointed by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior.

Amendment No. 10 is a change of phraseology.

Amendments Nos. 13 and 14 change the amount of land which certain persons owning improvements are permitted to buy from 10 to 40 acres.

Amendment No. 15 requires the appraisement of the townsite commission to be approved by the Secretary of the Interior.

Amendment No. 16 limits the House provision which continued the provisions of the appropriation act for the year 1906 to the pages of said act which apply to the Osage Reservation.

Amendment No. 17 is a change of phraseology.

Amendment No. 18 prohibits any mining or prospecting for minerals upon the homestead of any of the Indians without the approval of the Secretary of the Interior, but provision is made that nothing in said item shall be construed as affecting any valid or existing lease or contract.

Amendment No. 19 is a change of phraseology.

Amendment No. 20 strikes out section 5, which is made unnecessary by an amendment which was agreed to when the bill passed the House, but by oversight section 5 was retained in the bill.

Amendments Nos. 21, 23, 25, 28, 30, 34, 35, and 36 simply changes the numbering of the sections.

Amendment No. 22 is a change of phraseology.

Amendment No. 26 gives the right to parties to whom lands are set aside for their sole use and benefit, not only to control the lands, but also the proceeds thereof.

Amendment No. 27 provides that leases given on lands for the benefit of individual members of the tribe shall be subject to the approval of the Secretary of the Interior.

Amendment No. 29 strikes out the section creating a county out of the Osage Indian Reservation, as this has been already provided for in the statehood bill.

Amendment No. 31 makes it unnecessary for a new election to be held this year. As the tribe has just had an election, it was thought to be unnecessary to require another before 1908.

Amendment No. 32 is made necessary by amendment 31, and changes the word "six" to "eight."

Amendment No. 33 authorizes the Secretary of the Interior to remove any member of the council for good cause.

Amendment No. 37 strikes out section 15, which provided for the ratification of the act by a vote of the members of the tribe. This was deemed unnecessary, as the tribe has already virtually voted upon the act, and it has been an issue among the members for a number of years, and at the election in 1905 the tribe was almost unanimous for the measure.

Your managers recommend the adoption of the report.

J. S. SHERMAN,
CHARLES CURTIS,
WM. T. ZENOR,
Managers on the part of the House.

Mr. CURTIS. Mr. Speaker, I ask for the adoption of the report.

The SPEAKER. The gentleman from Kansas moves to agree to the conference report.

The question was taken; and the conference report was agreed to.

On motion of Mr. CURTIS, a motion to reconsider the vote was laid on the table.

LANDS OF THE MENOMINEE INDIANS, WISCONSIN.

Mr. SHERMAN. Mr. Speaker, I desire to call up the conference report on the Menominee Indian bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York calls up the conference report on the bill indicated, and asks unanimous consent that the statement may be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In the forty-eighth line strike out "five" and insert "four;" and the Senate agree to the same.

J. S. SHERMAN,
CHARLES CURTIS,
WM. T. ZENOR,
Managers on the part of the House.

ROBERT M. LA FOLLETTE,
ROBERT J. GAMBLE,
WM. J. STONE,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The Senate struck out all of said bill after the enacting clause and inserted in lieu thereof a provision in reference to the sale and disposition of the dead and down timber upon the territory named in the bill, the Senate's provision being that this cutting should be done through the instrumentality of the business men's committee of the Menominee tribe, and the sales should be made under the direction of the Secretary of the Interior. The money necessary for carrying on the cutting, measuring, and disposal of the timber was paid for out of the Menominee fund in the Treasury, the sale to be under the direction of the Secretary of the Interior, and the proceeds to be used first to reimburse the Menominee fund in the Treasury and thereafter one-fifth of the net proceeds to be disbursed by the Secretary for the benefit of the Indians, and the other four-fifths to be deposited in the Treasury for the benefit of said Indians and to draw 5 per cent interest.

The House agrees in this amendment amended so as to provide that the fund deposited in the Treasury should draw 4 per cent interest rather than 5.

J. S. SHERMAN,
CHAS. CURTIS,
WM. T. ZENOR,
Managers on the part of the House.

Mr. SHERMAN. Mr. Speaker, I move the adoption of the report.

The question was taken; and the conference report was adopted.

On motion of Mr. SHERMAN, a motion to reconsider the vote was laid on the table.

PURE-FOOD BILL.

The SPEAKER. Under the special order the House is in the Committee of the Whole House on the state of the Union for the further consideration of the pure-food bill, and the gentleman from New Hampshire [Mr. CURRIER] will take the chair.

Mr. CURRIER took the chair.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 16, line 5, by striking out the word "all" and inserting in lieu thereof "any of."

Mr. MANN. Mr. Chairman, that amendment is offered at the suggestion of the gentleman from Missouri [Mr. DE ARMOND] to correct what might be an ambiguity in the text. I ask for a vote.

Mr. KEIFER. Do I understand the gentleman has concluded offering amendments at the instance of the committee?

Mr. MANN. Well, I have another amendment to offer at the instance of the committee, I will say to the gentleman.

Mr. KEIFER. I just wanted to be sure about that.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. MANN. I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 27 by adding at the end of section 15: "The word 'person' as used in this act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association within the scope of his employment or office shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association, as well as that of the person."

Mr. MANN. Mr. Chairman, that amendment simply defines the word "person" in the act, so as to include corporations, companies, associations, etc., and also that the officer, agent, or other person acting for the corporation shall be guilty within the scope of his employment as well as the corporation itself.

Mr. BARTLETT. Mr. Chairman, I desire to ask the gentleman to inform me what part of the bill this amendment proposes to amend?

Mr. MANN. This is to amend at the end of section 17; to insert at the end of section 15, page 27.

Mr. BARTLETT. May I ask to have the amendment read again?

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. BARTLETT. Mr. Chairman, the gentleman from Illinois [Mr. MANN] has just offered an amendment which proposes to extend the scope of this bill in the way of creating additional objects for criminal prosecution in the Federal courts. While very innocent looking, this amendment will furnish full opportunity for the hundreds of inspectors and spies that are to be employed under this act to harass, annoy, and persecute the people of this country.

Mr. Chairman, I oppose this amendment, because it is an effort on the part of the General Government to undertake to enforce police laws, a power which the General Government does not possess except in the District of Columbia and the Territories; and in those portions of the territory of the United States over which the States have exclusive jurisdiction the United States has no police power to be exercised in the States. Of course, what I say in reference to that may with equal force be applied to the main provisions of this bill, and, in fact, might be applied to the entire bill, except that part of the bill which proposes to make crimes and offenses in the District of Columbia and the Territories.

Congress has no power or authority to seek to enforce police regulations within the States; the duty of protecting all its citizens in the enjoyment of equality of rights; to impose restraints and burdens upon persons and property in the conservation of public health, good order, and prosperity was originally assumed by the States, and it remains there; it always belongs to the States; this power of the States was not surrendered to the General Government, and is essentially exclusive in the States.

The views of the minority of the Committee on Interstate and Foreign Commerce of this House were presented by myself on March 14 last, and have been printed in the RECORD of yesterday. In those views I have collected and cited the numerous decisions of the Supreme Court of the United States, and quoted in full from those which fully sustain the propositions I have stated. This bill, as it comes from the committee, is based upon the idea that because the police laws of the States may not be satisfactory, or because they may not be forced to the satisfaction of all, therefore the Congress of the United States should invade the States and do that which, up to this hour, it has never been able to do—enact laws to prevent frauds, impositions, and adulterations of foods in the States; a power which Congress does not possess, never possessed, and one that this act will prove futile to establish. This duty belongs exclusively to the States, and from the evidence produced before our committee the States are performing this duty efficiently, and those who chiefly seek this legislation are the food manufacturers who have been compelled to obey the State laws on the subject of pure food. These manufacturers clamor for a national law which shall be "uniform," and which will permit them to override and annul the various State laws on this subject. I do not believe that Congress can so legislate as to prevent the States from protecting the people of the States from frauds or imposition in the matter of foods, and being of that opinion I can not support this bill.

That I may not be regarded as having made a statement which is unsupported by authority, I will call attention to some of the decisions of the Supreme Court of the United States.

In the case of The Mayor and Aldermen of New York *v.* Miln (11 Peters, U. S. R.) the Supreme Court of the United States declare in no uncertain terms what the powers of the States are in reference to the subjects embraced in this bill, and used the following language:

A State has the same undeniable and unlimited jurisdiction over all persons and things within its territorial limits as any foreign nation, when that jurisdiction is not surrendered or restrained by the Constitution of the United States.

It is not only the right but the bounden and solemn duty of a State to advance the safety, happiness, and prosperity of its people and to provide for its general welfare by any and every act of legislation which it may deem conducive to these ends when the powers over the particular subject or the manner of its exercise are not surrendered or restrained by the Constitution of the United States.

All those powers which relate to merely municipal legislation, or which may be more properly called internal police, are not surrendered or restrained, and consequently in relation to these the authority of the State is complete, unqualified, and exclusive.

In the opinion rendered by Judge Barbour the statement is made that these positions are considered "as impregnable." In defining what is meant by the "police powers" of the State the court said:

Every law came within this description which concerned the welfare of the whole people of a State or any individual within it, whether it related to their rights or duties; whether it respected them as men, or as citizens of the State; whether in their public or private relations; whether it related to the rights of persons or of property of the whole people of a State or of any individual within it, and whose operation was within the territorial limits of the State, and upon the persons and things within its jurisdiction. * * *

In the case of United States *v.* De Witt, 9 Wallace U. S., pp. 41–45, the Supreme Court, in an opinion rendered by Chief Justice Chase, said:

As a police regulation, relating exclusively to the internal trade of the States, it can only have effect where the legislative authority of Congress excludes, territorially, all State legislation, as, for example, in the District of Columbia. Within State limits it can have no constitutional operation. This has been so frequently declared by this court, results so obviously from the terms of the Constitution, and has been so fully explained and supported on former occasions (License cases, 5 How., 504; Passenger cases, 7 How., 283; License Tax cases, 5 Wall., 470—72 U. S., XVIII, 500—and the cases cited), that we think it unnecessary to enter again upon the discussion.

But it is claimed that the Congress has the power to enact this legislation under the "commerce clause" of the Constitution. The Congress does not derive any power to enact police laws within the States from this section of the Constitution. Many cases have been decided by the Supreme Court of the United States on this subject. I will call attention to only two which in my judgment are conclusive on this subject.

The first is the case of Plumley *v.* Massachusetts (155 U. S., p. 461). The opinion of the court was delivered by Justice Harlan, in which there was a dissenting opinion read by the Chief Justice, Justice Field, and Justice Brewer.

I quote from the opinion:

If there be any subject over which it would seem the States ought to have plenary control, and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products. Such legislation may, indeed, indirectly or incidentally affect trade in such products transported from one State to another State.

But that circumstance does not show that laws of the character alluded to are inconsistent with the power of Congress to regulate commerce among the States. For, as said by this court in Sherlock *v.* Alling (93 U. S., 99, 103): "In conferring upon Congress the regulation of commerce it was never intended to cut the States off from legislating on all subjects relating to the health, life, and safety of their citizens, though the legislation might indirectly affect the commerce of the country. Legislation, in a great variety of ways, may affect commerce and persons engaged in it without constituting a regulation of it within the meaning of the Constitution. And it may be said generally that the legislation of the State not directed against commerce or any of its regulations, but relating to the rights, duties, and liabilities of citizens, and only indirectly and remotely affecting the operations of commerce, is of obligatory force upon citizens within its territorial jurisdiction, whether on land or water, or engaged in commerce, foreign or interstate, or in any other pursuit."

In the case of Crossman *v.* Lurman (192 U. S.) the Supreme Court of the United States, without dissent from any judge, while Chief Justice Fuller and Justice Brewer were still upon the bench and participated in the hearing and decision, upheld the case of Plumley *v.* Massachusetts (155 U. S.).

In the opinion we find the following:

The power of the State to impose restraints and burdens upon persons and property in the conservation of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the General Government, nor directly restrained by the Constitution of the United States, and essentially exclusive. It is not to be doubted that the power to make the ordinary regulations of police remains with the individual States, and can not be assumed by the National Government.

The court also said:

that legislation forbidding the sale of deceitful imitations of articles of food among the people does not abridge any privilege secured to citizens of the United States, nor in a just sense interfere with the freedom of commerce among the several States. It is legislation which can be most advantageously exercised by the States themselves.

The court cite the Plumley case with approval, and said:

Indeed, every contention here urged to show that the law of New York is repugnant to the Constitution of the United States was fully and expressly considered and negatived by the decision of this court in Plumley *v.* Massachusetts, supra. In that case the law of the State of Massachusetts forbidding the sale of oleomargarine, which was artificially colored, was applied to a sale in Massachusetts of an original package of that article which had been manufactured in and shipped from the State of Illinois. In the course of a full review of the previous cases relating to the subject, it was said, page 472:

"If there be any subject over which it would seem the States ought to have plenary control, and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products. Such legislation may, indeed, indirectly or incidentally affect trade in such products transported from one State to another State. But that circumstance does not show that laws of the character alluded to are inconsistent with the powers of Congress to regulate commerce among the States. For, as said by this court in Sherlock *v.* Alling (93 U. S., 99, 103): 'In conferring upon Congress the regulation of commerce it was never intended to cut the States off from legislating on all subjects relating to the health, life, and safety of their citizens, though the legislation might indirectly affect the commerce of the country. Legislation, in a great variety of ways, may affect commerce and persons engaged in it without constituting a regulation of it within the meaning of the Constitution.

"'And it may be said generally that the legislation of a State not directed against commerce or any of its regulations, but relating to the rights, duties, and liabilities of citizens, and only indirectly and remotely affecting the operations of commerce, is of obligatory force upon citizens within its territorial jurisdiction, whether on land or water, or engaged in commerce, foreign or interstate, or in any other pursuit.'"

Again it was said, page 478:

"And yet it is supposed that the owners of a compound which has been put in a condition to cheat the public into believing that it is a particular article of food in daily use and eagerly sought by people in every condition of life are protected by the Constitution in making a sale of it against the will of the State in which it is offered for sale, because of the circumstance that it is an original package and has become a subject of ordinary traffic. We are unwilling to accept this view. We are of opinion that it is within the power of a State to exclude from its market any compound manufactured in another State which has been artificially colored or adulterated so as to cause it to look like an article of food in general use, and the sale of which may, by reason of such coloration or adulteration, cheat the general public into purchasing that which they may not intend to buy. The Constitution of the United States does not secure to anyone the privilege of defrauding the public."

Most of the States have enacted pure-food laws and enforce them. There is no necessity existing, even if the plea of necessity could justify Congress in endeavoring to enact police laws for the States.

As proof of this assertion I call attention to the testimony before the committee on that subject. I quote from the hearings:

Mr. BARTLETT. Most of the States, if not all, have what they call pure-food laws, and most of them have commissioners—how many of the States?

Doctor WILEY. Nearly all the States have food laws, and about twenty, or perhaps a few more, of them have provided for the enforcement of those laws. The others are just laws without any methods of enforcement; and, in so far as I know, in those States the laws are not enforced. But where the law provides for a machinery to enforce the law, in most States it is enforced very rigidly. That is all brought out in this statement.

Mr. BARTLETT. That is what I want. So you say that where they have adopted these food laws and appointed food commissioners or officers to watch the enforcement of them, they are enforced very properly?

Doctor WILEY. Yes; very efficiently, as far as the State can go. And I will say this, Mr. Chairman, that in every State, I believe, where the an act of the legislature, I believe in every other case these standards have been adopted by the food commissioners in toto.

This witness is the Chief of the Bureau of Chemistry of the Department of Agriculture and has had more influence in bringing about this legislation probably than any one man, he in fact aiding in drafting the House bill we are now considering.

Mr. Chairman, I am not authorized to speak for any other State, but I do know that the State of Georgia has enacted laws for the protection of her people in the matter of foods; and I assert that we have enforced those laws in the past and will continue to do so in the future without the assistance, interference, or aid of the Federal Government. We claim the right reserved to our State to protect the health of the people of Georgia by our own State laws and to enforce those laws in our own courts against everyone whether they be citizens of the State or whether they reside in other States. On another occasion I referred to the laws of Georgia on this subject, and I now repeat what I then said:

The State of Georgia has a number of laws upon her statute books in the interest of pure food and against the selling of falsely branded goods, adulterated goods, or impure food.

These laws can be found, commencing with section 456 of the Criminal Code of Georgia, of 1895, in article 16 down to and including section 486 of article 17.

It may not be amiss to call attention to some of these provisions in the Georgia Code.

Section 456 prohibits the sale or offering for sale of any unclean, impure, unwholesome, or adulterated milk.

Sections 457, 458, and 459 prohibit the sale of imitations of butter and cheese as butter and cheese.

Sections 459 to 465 prohibit the sale of any article designed to be used as a substitute for food products, except as they shall be marked and branded as such substitutes.

Sections 446 to 468 punish the sale of unwholesome provisions, unwholesome bread, drink, or pernicious and adulterated liquor.

And it is made the duty of the grand juries in the several counties to specially inquire into all the violations of these laws and make presentments against the violators of these laws.

The whole of article 17, containing section 470 and sections following to 484, inclusive, prohibits the sale of adulterated and impure drugs, and prescribes penalties for the violations of these provisions.

Upon an investigation of these laws of Georgia, as contained in these sections, it will be seen that the State of Georgia has made ample provision for the protection of its people from imposition and injury from the sale of impure food, adulterated food, food products, and adulterated drugs. The grand juries of the State courts in Georgia are intelligent and upright men, and can be depended upon to indict violators of the law; and the trial juries are intelligent and honest, and as efficient in the enforcement of the law as the juries in the Federal courts. So far as Georgia is concerned there is no necessity for this bill.

Mr. Chairman, I had intended when this bill was up for general debate, had I been present, to undertake, even though it might have been a futile and useless undertaking, to call the attention of the House to the reasons why the bill should not become a law, except as it may affect the District of Columbia, the Territories, and those places over which the United States has exclusive jurisdiction. I was absent necessarily. I do not intend now, even if the committee was kind and gracious enough to permit me to do so, at his stage of the session or this stage of the consideration of this bill to detain the committee with those views. I have very decided views upon the subject. I have undertaken to put them in the minority report that was presented, and the House has had them printed. Even at the risk, Mr. Chairman, of being laughed at or scoffed at for making the statement that many of the provisions of this bill in my judgment violate the fundamental law of the land, I will repeat that statement, which I have endeavored to sustain by the decisions of the courts, even at the risk of being criticised and held up to the House and the country as a constitutional lawyer, a claim which I nowise make—I will insist that this bill violates the Constitution of the United States. But I console myself, Mr. Chairman, when that criticism is made upon those of us who assert that the Congress of the United States can and does, and has many times enacted laws——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I ask for five minutes more.

Mr. ADAMSON. Mr. Chairman, I ask that the gentleman may have permission to conclude his remarks.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks that his colleague [Mr. BARTLETT] may have time to conclude his remarks. Is there objection?

Mr. PAYNE. There are other important amendments, and we have to debate some of them. I object.

Mr. ADAMSON. Mr. Chairman, then I ask that my colleague may have fifteen minutes.

Mr. BARTLETT. No, sir; I am a member of this committee which reported this bill. I do not ask any indulgence. I was absent from the general debate necessarily—the first time I have been absent from the House in years.

Mr. ADAMSON. Mr. Chairman, I think the gentleman ought to have time.

Mr. KEIFER. Mr. Chairman, it is outside of the limitation of time.

Mr. BARTLETT. I do not desire any indulgence either from the gentleman from Ohio [Mr. KEIFER] or the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, I ask that the gentleman have five minutes.

The CHAIRMAN. The Chair would state that at ten minutes of 4 o'clock the committee must rise and report the bill to the House.

Mr. MANN. Mr. Chairman, I will ask the gentleman from Georgia how much time he desires.

Mr. ADAMSON. Will the gentleman from Illinois [Mr. MANN] allow me one suggestion?

Mr. BARTLETT. I will consume but five minutes more.

Mr. MANN. Mr. Chairman, I move that the gentleman from Georgia may have ten minutes.

Mr. BARTLETT. I want but five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Georgia may have five minutes. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, I have served some years in this House. I have never been absent in a debate on any great question, or any question at all, at any time, except when it is impossible for me by reason of physical disability of some kind to be here. And I appreciate the courtesy of my friend from Illinois [Mr. MANN] who asked permission for me to speak for five minutes longer, and I appreciate the courtesy of the gentleman from New York [Mr. PAYNE] who has objected.

Mr. Chairman, as I started to say, it does not affright me at all because gentlemen may criticise those of us who stand up and assert that the United States Congress has its powers limited by the Constitution and that there is legislation it can not enact. Those who occupy the position of critics and carpers at us who thus believe, and who criticise us as constitutional lawyers, do not affect my opinions. I might retort, Mr. Chairman, that some of those who make those assertions are neither constitutional lawyers nor any other kind of lawyer. [Applause on the Democratic side.] But, Mr. Chairman, fortified as I am, or as I believe I am, in my opposition to some of the provisions of this bill by the decisions of the Supreme Court of the United States, I make bold to place my feeble opinion and vote against the current of hysteria which seems to be sweeping all over the country and which has for its purpose in its wild moments the destruction absolutely of the powers of the State governments and of all government except that asserted to be possessed by the United States Congress; and I shall oppose this endeavor, unlawfully as I maintain, to carry out that purpose to centralize all power in the Federal Government.

I hold in my hands the decisions of the court in reference to the subject of food and food products, in reference to the power of the States to protect the health of the States and the morals of the people of the States; which declare that the States are supreme and no power of Congress can take away that supremacy or destroy it; nor can Congress assume to enact and enforce within the States laws which are solely the exercise of the police powers. The General Government has no police power within the States, and all efforts to confer such power must fail, else we have arrived at that period in the history of this confederated Republic when all power has been federalized in one single government, when the old-time idea of independent and sovereign States are but a memory of the past.

For myself I do not desire to interfere or to take them away, these rights of the States, and I will not be found joining with those who desire to destroy them.

Before I conclude I want to call the attention of this House to a statement made by the Speaker of this House in a speech delivered by him at the beginning of this year to a Republican club in the city of Philadelphia. Coming from the sage statesman who fills that chair, a man of long experience in public affairs and in this House, I desire to put it in the RECORD so that the country may know the views that he has upon this subject and the efforts now being made to centralize all power in the Federal Government. I quote from that speech. Said Mr. CANNON:

REPUBLIC'S GREATEST DANGER.

In my judgment the greatest danger to the Republic comes from the citizen who refuses or neglects to participate in governing in local, State, and national affairs and seeks protection from the government to which he does not contribute according to his ability or means. In my judgment the danger now to us is not the weakening of the Federal Government, but rather the failure of the forty-five sovereign States to exercise, respectively, their function, their jurisdiction, touching all matters not granted to the Federal Government. This danger does not come from the desire of the Federal Government to grasp power not conferred by the Constitution, but rather from the desire of citizens of the respective States to cast upon the Federal Government the responsibility and duty that they should perform.

If the Federal Government continues to centralize we will soon find that we will have a vast bureaucratic government, which will prove inefficient if not corrupt. [Loud applause.]

I commend the wise words of our distinguished presiding officer to Republicans and Democrats alike. Let us aid him in halting the onward march to centralization and bureaucracy—let us preserve our Republic from inefficiency and corruption.

In vain will those who assert the doctrine search the pages of the Constitution find one word that authorizes the Congress of the United States to exercise police powers within the domain of the State. Equally futile will be the effort to find a decision to authorize it.

Mr. Chairman, the States of this Union, the most of them, have enacted pure-food laws, and they enforce them, at least to the satisfaction of their citizens. From the evidence before the Committee of Interstate and Foreign Commerce, of which I am a member, it appears these laws are being enforced in the States; and to the States under the Constitution is granted the power, and not to the General Government, to protect its people in its health, its morals, and general welfare. Against the prostitution of the Constitution which would rob the States of this power, or usurp it, I enter my sincere and earnest protest. [Loud applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BARTLETT. Mr. Chairman, I ask permission to extend my remarks in the RECORD.

There was no objection.

Mr. HINSHAW. Mr. Chairman, we have in our State a law on the subject of food, but it is not a very perfect statute. The history of the country and all our experience to-day shows that Federal supervision of all matters that pertain to the entire people of the country and to all the States is far superior in its efficiency to any single State supervision. It is the experience in our own State, where we have a food commissioner, whose duties are largely to attend to the sanitary conditions of butter and cheese, cider, and a few other products. Our food commissioner recently issued a bulletin. After an examination of forty-five different products, he found that only twenty of the products which he examined were pure, the other twenty-five being adulterated. In his bulletin Mr. Redfern, our food commissioner, says:

Particular attention has been paid to the spices found on the market.

I was interested in the statement of the gentleman from Illinois on the subject of spices the other day.

The Omaha World-Herald says:

Twenty pure food products have been discovered by Deputy Food Commissioner Redfern in the forty-five samples he has analyzed during the last three months. The other twenty-five samples were found to be adulterated and colored with such delectable substances as gypsum, sulphites, borax, glucose, coal tar, saccharine, and aniline dyes. The following is Mr. Redfern's bulletin:

"In the present bulletin of the commission some attention has been paid to the condition of spices found on the market. It is surprising that gypsum is used in such large quantities as an adulterant; in one case as much as 16 per cent was used. Ginger and cayenne pepper seem to have more of this inert substance added to them than any of the other spices. Turmeric, one of the ingredients of curry powder, is nearly always used with gypsum in gingers, owing to the fact that its intense yellow color will hide the presence of the gypsum, which would otherwise give the ginger a pale, suspicious color.

"A few samples of canned meats were analyzed and all found to contain borax or sulphites or both. Sulphites are injurious, and of borax Doctor Wiley, of the United States Department of Agriculture, says: 'Borax when continuously administered in small doses for a long period or when given in large quantities for a short period creates disturbances of appetite, of digestion, and health.' Of the fruit products analyzed the majority were found to be imitation products, colored to represent the fruit, and composed of starch and glucose. In a sample of pineapple preserves glucose formed the bulk of the product, with saccharine added as a sweetener. This artificial sugar is made from analine, and as it is from 300 to 500 times as sweet as cane sugar, it is often used as a substitute. It has no food value, and passes through the body unchanged. A sample of strawberry pop was found to be colored with analine dye and sweetened with this saccharine. The drinking of such mixtures should be discouraged.

"Out of six samples of cream of tartar bought on the market three were found to be composed of a large percentage of starch and phosphates. These mixtures sold for the same price as the pure tartar. Such practices are certainly fraudulent, for when the consumer calls for cream of tartar the law should see that he gets it and not a cheap mixture of tartar, starch, and phosphate of lime. A deplorable condition was found in the case of the cayenne pepper. Out of eight samples, six were colored with analine dye and adulterated with gypsum. It is hoped that our next legislature will see fit to pass a law that will stop such wholesale adulterations or at least compel the articels of food to be properly labeled, so that the consumer will know what he is buying. The pure-food question has been taken up by many of the women's clubs throughout the State, and it is desired that they ask their representatives and senators to the coming legislature to support a law which will give the State jurisdiction over all classes of food products, many of which at the present are badly adulterated."

The history of all these matters shows that the State is never able properly to control the adulteration of food products designed for interstate commerce, and that the great arm of the Federal Government alone will be able to supervise the manufacture and sale of those food products in all of which we are so vitally interested. [Loud applause.]

Mr. GAINES of Tennessee. Mr. Chairman, I want to make a few remarks about the purposes of this bill and discuss the power of Congress to control interstate and foreign commerce and the power of the States to control local or State commerce. I shall vote for this bill, amended the best we can, because it is the best that we can now pass, and certainly, I think, something should be done to help the cause of pure food and to aid the States in enforcing their pure-food laws.

If Congress prohibits the shipping into a State or Territory of impure foods, it will lessen the burdens of and aid the States and Territories in enforcing their pure-food laws. It will prevent the evil, to a large extent, from coming into the State and Territory, and thus the State and Territorial laws can be more easily and perfectly enforced. With this view in mind, I shall support this bill and try to make the pending bill a better one as we proceed.

Congress has complete power, "plenary power," as the Supreme Court has repeatedly held, notably in the Addyston Pipe Trust Company, to "prohibit" obnoxious interstate or foreign commerce. We prohibited foreign commerce by the embargo acts in the days of Jefferson and at other times. We prohibited whisky being shipped to the Indians. We prohibited a great many objectionable products being shipped from one State to another under laws based on the commerce clause of the Constitution. We prohibit monopolies in Federal commerce. We prohibit contracts made in Federal commerce, by which obnoxious trusts and combinations are made, and the Supreme Court passed on this very question in the Pipe case. My under-

standing is that this bill has been based as completely as possible on this commerce clause, which gives to Congress the right to "prohibit" or regulate Federal commerce, which includes the right to cause it to be prepared to be shipped in its pure and proper state from one State to another, etc.

I do not disagree with a single proposition of the law, that I recall, announced by my friend from Texas [Mr. HENRY] yesterday.

I think he misapplied the law to the particular case now in hand, to wit, this bill. Local, domestic, or State commerce is completely under the control of the several States. Federal commerce—that is, interstate and foreign commerce—when Congress does not act, may be curtailed by the States, in so far as it is obnoxious to the police laws of the States; but where Congress takes complete control of the Federal commerce, the States can not take charge of and control that same commerce, and why? Because Congress has taken complete control; the two authorities are then in conflict, and, by the very words of the Constitution, the Federal law is the supreme law of the land. The Congress may abuse this power. So may the States. These powers exist, but should be wisely exercised always.

Now, Mr. Chairman, I shall not quote any law. I have not the time nor has the committee the time for me to do that. I shall content myself with referring the House to a very pertinent opinion of the Supreme Court of the United States, reported in 154 United States Reports, page 209, in the case, Covington Bridge Company *v.* Kentucky, where the commerce powers of Congress and the States are fully discussed by Mr. Justice Brown. In that case the court distinctly declares, first, that the State commerce is controllable by the States only, except, of course, such incidental interference as is absolutely necessary to execute some express grant of power given to Congress; the second class of commerce is that Federal commerce which may be obnoxious to the morals and health of the State which the States can police when Congress has failed in part or entirely to take charge of and regulate, and the third class is where Congress takes complete control of the Federal commerce and regulates it. It is these three classes that are alluded to by Mr. Justice Brown in this very elaborate opinion.

Mr. GARRETT. Will my colleague allow me to ask him a question?

Mr. GAINES of Tennessee. Certainly.

Mr. GARRETT. Do you think it will aid the States to enforce the police power to provide expressly that they shall not interfere with a package branded according to the rule set up by the Department in this case?

Mr. GAINES of Tennessee. I made an inquiry about that yesterday, because I did not fully understand that provision; but, my dear sir, we can not make a perfect law the first time we try. I think the provision goes too far, but the gentlemen in charge of the bill do not think so. We can try to change that. We should make this law now as perfect as we can, and in the next session of Congress or soon hereafter we can perfect it. I know of no one who will do his part better or more intelligently than my colleague from Tennessee. I am against the impure and dirty thing, whether it is in a State commerce or commerce between the States or wherever it is. If there are State laws to crush the evil in local or State commerce, I want the Federal Government to join hands with the State authorities and to prevent noxious foods and products being transported from one State to another. Do that and you aid the States and help save the people from these evils in a great measure.

Mr. Chairman, I am happy to see the great moral wave that is sweeping all over this country. There is reform going on in everything throughout the United States. In all of the States the people are getting into the saddle, and in another year the man with unclean hands will not be permitted to hold office and the unclean thing will not be permitted, and the guilty ones will be published, whether rich or poor.

Mr. HENRY of Texas. You say you want the Federal Government to join hands with the States and aid the States in enforcing the law?

Mr. GAINES of Tennessee. Exactly.

Mr. HENRY of Texas. There are a number of States that prohibit the sale of intoxicating liquors and the importation of intoxicating liquors—States like Iowa and Kansas.

Mr. GAINES of Tennessee. Yes.

Mr. HENRY of Texas. Now, instead of passing the Hepburn-Dolliver bill, are you not in favor of passing a bill preventing the shipment of intoxicating liquors into those States?

Mr. GAINES of Tennessee. Wherever a State has a prohibition law I think the United States Government should aid the State in enforcing it. This discourages the whisky evil and builds up the State.

Mr. HENRY of Texas. Are you in favor of aiding the States by passing a law that will prevent the shipment of intoxicating liquors into the States?

Mr. GAINES of Tennessee. I want the Federal Government to help the States to do that very thing, and also stop the sending of deleterious products into the States, thus aiding local laws and upbuilding States rights. We are striking now that way at an evil the States can not or have not controlled. Let Congress aid the States to control.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I ask unanimous consent to print in the RECORD two brief newspaper extracts on this subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee to extend his remarks in the RECORD?

Mr. PAYNE. The gentleman did not ask to extend his remarks generally, and I do not want him to print in the RECORD any indictments or court records, as he suggested this morning.

Mr. GAINES of Tennessee. I am not talking about that now. These newspaper extracts show that the authorities of the State of Pennsylvania condemned 3,842 pounds of bad beef yesterday and found 104 impure samples of food out of a total of 120 samples.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print in the RECORD the newspaper extracts to which he refers. Is there objection?

There was no objection.

The matter referred to is as follows:

ALL BAD BEEF BARRED NOW—3,842 POUNDS CONDEMNED BY HEALTH INSPECTORS LAST WEEK.

Director Coplin yesterday completed his report that will be made to the board of health next Tuesday concerning the meat inspection conducted recently by the inspectors of the health department. He said he felt satisfied that none but good meat was coming into the city, because shippers were alarmed at the rigid investigation made by the meat inspectors.

The shippers, according to information received by Director Coplin, are now shunting all cars containing any but the best meat to nearby towns, to prevent any poor meat getting into our market.

The report of the inspection will show that for the week ending on June 16, 3,842 pounds of meat were condemned, and that 800 inspections were made of city slaughterhouses.

There were 60 slaughterhouses condemned at unfit. Of 41 live animals inspected, 12 were killed and the meat condemned.

ARRESTS IN PURE-FOOD WAR—104 OUT OF 120 SAMPLES SHOWED ADULTERATION.

The State dairy and food commission, under the direction of Dr. Benjamin H. Warren, has taken steps to prosecute dealers selling adulterated produce and meats. Two cases for selling adulterated "knackwurst," a kind of sausage, were brought before Magistrate Beaton yesterday. They were Leo Zimmerman, of 717 North Second street, and Abraham Cohen, of 212 South street. The former was fined $57.50 and the latter was held in $500 bail for court.

Doctor Warren asserts that the investigations of his department have shown that there is much adulterated food sold, and that action will be taken against several dealers shortly. (Philadelphia Ledger, June 23, 1906.)

Now, if Congress had prevented these bad foods being sent into Pennsylvania, the State of Pennsylvania would not have had this trouble and expense. This bill proposes to do that.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer the following committee amendment: On page 23, in line 6, after the word "prior," insert the words "or subsequent."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 23, in line 6, after the word "prior," insert "or subsequent."

The amendment was agreed to.

Mr. MANN. I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 21 strike out lines 3, 4, and 5 and insert in lieu thereof the following:

"Third. If in package form, the approximate quantity of the contents of the package, at the time put up, be not plainly and correctly stated in terms of weight or measure on the outside of the package: *Provided*, That the use of particular sizes of packages established by recognized custom of trade may be authorized and permitted by and in accordance with rules and regulations established from time to time under the provisions of section 2 of this act."

Mr. SHERMAN. Mr. Chairman——

The CHAIRMAN. The gentleman from New York.

Mr. MANN. Mr. Chairman, I desire the floor.

The CHAIRMAN. The Chair has recognized the gentleman from New York [Mr. SHERMAN].

Mr. MANN. Will the gentleman from New York yield to me just for a moment, to submit a request for unanimous consent?

The CHAIRMAN. The gentleman from Illinois desires to submit a request for unanimous consent.

Mr. MANN. Mr. Chairman, this is the "package amendment." In the form in which it is presented to the committee, owing to the parliamentary situation, this is not subject to amendment in Committee of the Whole. The Committee on Interstate and Foreign Commerce have no desire, especially in reference to a new proposition of this sort, to attempt in any way to bind the Committee of the Whole, and I ask unanimous consent that the amendment which I have offered may be treated as an amendment in the first degree and subject to amendment in the second degree.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the amendment just reported may be considered as an amendment in the first degree.

Mr. HEPBURN. Is that just what the gentleman wants? Does he not want the provision in the bill to be regarded as an amendment of the first degree?

Mr. MANN. No; I want this amendment to be treated as an amendment in the first degree for the purpose of amending in the second degree, and not beyond that.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the amendment just reported may be considered as an amendment in the first degree, subject only to amendment in the second degree. That does not involve the proposition of a substitute. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERMAN. Now, Mr. Chairman, I desire to offer the following amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ESCH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 19431. An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota;

H. R. 12086. An act to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company;

H. R. 9528. An act to reimburse Fred Dickson for loss of his tools through the fire which destroyed the engine house at Fort Duchesne, Utah, on September 19, 1902;

H. R. 5998. An act creating the Mesa Verde National Park; and

H. J. Res. 160. Joint resolution authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn.

The message also announced that the Senate had passed with amendments the bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 7099. An act to amend section 2871 of the Revised Statutes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3245) creating the Mesa Verde National Park.

PURE-FOOD BILL.

The committee resumed its session.

The Clerk read as follows:

Amend by striking out all after the word "third," on page 21, line 3, up to and including the word "package," on line 5, and inserting in lieu thereof the following: "If in package form and the contents are stated in terms of weight or measure they are not plainly and correctly stated on the outside of the package."

The CHAIRMAN. Does the Chair understand that this is an amendment to the amendment just offered?

Mr. SHERMAN. It can be considered as an amendment to the amendment.

The CHAIRMAN. The Chair does not understand that a substitute is in order.

Mr. SHERMAN. I desire it to be treated as an amendment to the amendment offered by the gentleman from Illinois. I will modify it so as to make it read: "Strike out all after the word 'form' and insert what I have sent to the desk."

The CHAIRMAN. The Clerk will read the proposed amendment.

The Clerk read as follows:

Strike out of the amendment all after the word "form" in the first line, and insert "and the contents are stated in terms of weight or measure they are not plainly and correctly stated on the outside of the package."

Mr. SHERMAN. Now, Mr. Chairman, may we have the Clerk report the amendment as it would read if adopted. Let the paragraph be read as it would read if the amendment were adopted.

The Clerk read as follows:

Third. If in package form and the contents are stated in terms of weight or measure they are not plainly and correctly stated on the outside of the package.

Mr. SHERMAN. Now, Mr. Chairman, I desire to discuss very briefly this amendment. In the first place, Mr. Chairman, this bill is a bill to provide for pure food. It is a bill which relates to quality and not to quantity, a provision to protect not the pocketbook so much as it is the stomachs of the American people.

I take it that it is not the desire of this committee to change trade conditions, to impose upon those who have been interested in a particular line of industry for decades a provision which is onerous. Certainly it is not the desire of this committee to so legislate unless the conditions are such that there is a demand for such legislation, unless frauds are perpetrated on the consumer to such an extent that they should be prohibited and prevented.

Now, the facts are, Mr. Chairman, that a very large majority of all the products of the canning companies in this country, whether they be inclosed in tin or in glass, are sold by the package and have been so sold for decades. The cans which have been presented by the distinguished gentleman from Illinois do not bear upon their labels any statement as to the weight or quantity of the contents of the package, and it has not been the custom of the trade to so label packages, and if they have been sold by weight, it has been by people, not those who manufacture the product, but by the retailer who perpetrated the fraud on the consumer.

It is practically a ridiculous or impossible proposition to say that a man who puts up jelly by the jar shall label that jar, that glass, as to the amount, either in weight or quantity, that it contains. The buyer cares nothing about the weight; the housewife knows nothing about the weight; she has been accustomed to purchase jelly by the package, by the glass, and she never gives a thought to the question whether it weighs 8 ounces, 6 ounces, or 12 ounces. The package is before her and she sees what it is, and so purchases it for what it is. And the same is true of catsup; the same is true of corn, peas, beans, and all such products. The fact is that the identical can filled with one commodity weighs from 2 to 4 ounces less or more than if filled with another commodity. The variation in weight is all the way from 2 to 4 ounces, depending upon the commodity inclosed in the can, when the cans are absolutely of the same size. It is also true that the commodity put up at one time in the year or in another, canned during an exceedingly dry or a very wet season, will differ a trifle year by year. So that it is impossible in the conduct of the business to regulate the size of the can and use the same label in June or in August, or use the same label in 1904 and 1905, and have them in every case correctly state the quantity of the contents of the package.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SHERMAN. I ask unanimous consent that I may proceed for five minutes.

Mr. GRAHAM. I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. MANN. I ask that the gentleman may have ten minutes, as he represents that side of the question.

The CHAIRMAN. The gentleman from Illinois asks that the gentleman from New York may have ten minutes more. Is there objection?

There was no objection.

Mr. DALZELL. If the gentleman's amendment should be adopted, the canner would not be obliged to put anything as to weight or quantity on the can.

Mr. SHERMAN. No.

Mr. DALZELL. But if he did put it on, then it must be put on correctly.

Mr. SHERMAN. Yes.

Mr. DALZELL. That is the purpose of the amendment?

Mr. SHERMAN. Yes.

Mr. CLARK of Missouri. Mr. Chairman, will the gentleman yield?

Mr. SHERMAN. Yes.

Mr. CLARK of Missouri. Does the gentleman know enough about the tinning business, or does anybody else in the House know enough, to tell whether it is difficult to make these cans of substantially the same size or not?

Mr. SHERMAN. It is not at all difficult to make tin cans of the same size, but they will vary a little in weight at all

times, depending upon the weight of the tin of which the can is made.

Mr. CLARK of Missouri. Is it difficult to make bottles of substantially the same size?

Mr. SHERMAN. It is absolutely impossible to make bottles of identically the same weight. For instance, let me illustrate, if I may, to the gentleman from Missouri. In connection with a representative of the Curtice Brothers' concern of Rochester, one of the most reputable business houses in this country, who put up millions of jars and cans of the best product of fruits and vegetables known to the trade, he and I together weighed fifty glass jars of catsup. They were all made in the factory and supposed to be identical. They were all filled. I will defy any man who saw any one of those fifty bottles to determine which one, if any, weighed one single fraction of an ounce more or less than the other. Yet those fifty bottles varied in weight from 13 ounces to 15.1 ounces, and the firm had done its level best to have each one of those packages weigh 14 ounces.

Mr. CLARK of Missouri. Does the same rule apply as to glass jars as to bottles? That is, that it is impossible to make them the same?

Mr. SHERMAN. That rule would apply to anything that is put up in glass. It is physically impossible to make each one of a dozen glass containers weigh precisely the same.

Mr. CLARK of Missouri. I have heard from people who know a good deal about bottles that quart and pint bottles are deliberately made about one drink short. [Laughter.] I don't know anything about it myself, but I am asking for information.

Mr. SHERMAN. The gentleman is now talking about bottles which contain the product of corn, I suppose, which is grown in his country. I am talking about bottles in the main which contain some substance other than corn, either in its liquid or solid form.

Mr. GRAHAM. Mr. Chairman, I will ask the gentleman from New York to permit me to make a statement in answer to the gentleman from Missouri.

Mr. SHERMAN. I yield.

Mr. GRAHAM. These bottles are all blown by the breath of the glass blower, and he can not regulate that breath so as to make all the bottles alike. It is impossible.

Mr. CLARK of Missouri. Nobody wants to put an unreasonable hardship on the makers of cans or bottles or jars. If they can make them of substantially the same size, they ought to be made to do so.

Mr. SHERMAN. Well, they can not make them of identically the same weight.

Mr. CLARK of Missouri. And if they can not, there is no sense in putting it in the law.

Mr. JONES of Washington. Did the gentleman from New York find any of those bottles overweight?

Mr. SHERMAN. Certainly; just as many as underweight. I would like to call attention to the fact that if the gentleman from Missouri [Mr. CLARK] will take any one of these cans before us and fill it with oats grown on his farm, and then fill it with oats grown on an adjoining farm, he will undoubtedly find a difference in the weight. It is impossible to have the weight the same.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SHERMAN. Yes.

Mr. MADDEN. Do the foreign traders in canned goods sold in this country put labels on the cans indicating the quantity?

Mr. SHERMAN. They do not, and they never have. The canned-goods product is sold by the package and it always has been. Let me read this amendment:

> If in package form *and* the contents are stated in terms of weight or measure, they shall be *plainly* and *correctly* stated.

This does not compel a statement of the weight or measure. I do not wish to permit the canners or any other manufacturers or producers in this country to deceive the public, and what little I have done in this House will demonstrate that fact.

Mr. DE ARMOND. Is it not a fact that both with reference to glass vessels and tin vessels they are frequently made purposely of small size? Is not that really the evil to be guarded against, rather than the matter of weight?

Mr. SHERMAN. Neither the glass vessel nor the tin can is made with reference to containing a special amount in pounds or ounces, but the sizes have become standardized in the trade without any reference to what they weigh, and they have been so dealt with in the trade for decades, and no purchaser from any canner ever suggests anything about the weight in the can. They are not known by weight and they never have been known by weight. The proposition offered by the amendment, offered by the gentleman from Illinois and by the original provision of the bill, is to compel the trade to do what it has never done—label the amount either in quarts or pints or pounds or ounces of the contents of the package. That would revolutionize trade conditions.

Mr. DE ARMOND. The gentleman does not understand quite the purpose of my inquiry. What I am trying to get at is the evil I think exists by having vessels, of glass or tin or other material, purposely made small. Now, for instance, take a fifth or fourth of a gallon, or take one can that would hold liquid, say 1 quart, and another can that would hold fifteen-sixteenths or fourteen-sixteenths or thirteen-sixteenths or twelve-sixteenths. Now, I think the most fraud perpetrated is the putting off upon unsuspecting individuals a comparatively small can for a full-sized can, and if that can be met, it seems to me that all correctible features as to this would be covered by the legislation.

Mr. SHERMAN. I do not know what may be done in the whisky trade. Seemingly the gentleman's question has reference to that.

Mr. DE ARMOND. Oh, no; it has reference to cans just as well.

Mr. SHERMAN. But in the trade the product of which is contained in tin cans there is no thought of making a can which will contain any less than it is supposed to contain, and never has been.

Mr. DE ARMOND. Say you are a jobber in cans. You can order a lot of cans that will contain approximately—of course it can not be exactly—fifteen-sixteenths of a quart. Now, then, if you do that, you will sell those to the wholesaler for fifteen-sixteenths size; he will probably sell them to the retailer for fifteen-sixteenths of a quart, but the retailer may sell them to the customer for a full quart, which, I think, is where there is the most deception.

Mr. SHERMAN. That can not be done under the amendment which I have offered. If the quantity is stated, it must be correctly stated. My amendment says if the contents of the package are stated in terms of weight or measure they shall be plainly and correctly stated, and that, I think, should be done. I do not believe the public should be deceived, but I do not want this House to say to a trade that has been selling in package form for some quarter of a century without any regard to the contents of the package, where the housewife is not deceived, where the housewife knows what she is buying, I do not want the House to say, "You must label this package," where it would be necessary, in order to have precisely the same weight in the can, to have your labels vary year by year, or possibly month by month, as to the commodities as well. I say that this provision here is a full and ample protection; that it does prevent precisely what the gentleman from Missouri desires to have prevented. It does prevent the selling to the people a package of any substance which is supposed to weigh a pound and having it marked a pound unless it contains a pound. It permits the sale of a package for a package, and let the package show for itself what it is; but if we attempt to say that is a pound package or a pound jar or a pound can, there must be a pound in the receptacle.

Mr. DE ARMOND. That was a matter I was directing attention to, not by way of criticising——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask——

Mr. SHERMAN. I do not ask a further extension. I do not wish any more than my fair share of time; but I thank the gentleman for his intended courtesy.

Mr. GROSVENOR. Mr. Chairman, I desire simply to support the amendment offered by the gentleman from New York, and in support of my position I desire to have read a letter from a packing house in my Congressional district, a firm of individuals whom I take great pleasure in certifying are men of the highest character, a member of whom is president of a canning association of some ten or twelve States.

The Clerk read as follows:

CHILLICOTHE, OHIO, *April 16, 1906.*

Hon. CHAS. H. GROSVENOR, *Washington, D. C.*

DEAR SIR: I have taken the liberty to wire you, per inclosed copy, calling your attention to at least one undesirable feature in the Heyburn pure-food bill now pending. I practically covered this ground in my letter of the 30th ultimo. The feature to which I referred is including on each package the weight of the package. After consulting with a good many of the canners in the Central West, it is the general impression that this feature of the bill would bring no good results to the consumers, and that it would be an expensive operation to the canners. Packers' cans that are now being used are practically of uniform size, and they are manufactured and sold in the following sizes: No. 1 standard, No. 1 tall, No. 1½, No. 2, No. 2½, No. 3 standard, No. 3 tall, and No. 10.

In putting up canned goods a certain amount of liquor is necessarily used in the way of brines or sirups. None are packed absolutely dry, so that the weight of the can would be no protection to the consumers, as the cans weigh practically uniformly when filled with fruit or vegetables and with the proper amount of brine. Of course there is a slight variation, owing, principally, to the inability to built automatic machinery that will fill cans absolutely correct. However, as above

stated, it would be no protection to the consumers, unless the law would provide that the net contents of the can weigh a given amount after the liquor has been drained off. It is the effort of every honest packer, who is looking for reputation and prestige in the trade, to give the consumers an honest product and as much goods in the can as can consistently be put therein. The quantity of the fruit or vegetable put into the can depends largely upon the packer's method.

Under a certain process of sterilization goods can be packed somewhat drier than under another. Both processes would probably be considered first class and up to date. A great many of the products are put into the cans automatically, and while there is approximately a uniform amount, there will be some slight variation. It would be a great expense, and curtail the output of an up-to-date plant, to undertake to weigh every can accurately for an absolute weight. It strikes me—and I think I am expressing the sentiment of all honest packers who are catering for the good will of the consumers—that this feature of the bill is unnecessary, and that it would be a handicap to the packers, who are the most ardent supporters of the pure-food bill. As the presiding officer of the Western Packers' Canned Goods Association, which includes several hundred representative canners in the Central States, I feel that I am expressing their almost unanimous opinion when I suggest that this feature of the bill be eliminated. The packers in the association, of which I have the honor to be the head at the present time, are unanimously and most emphatically in favor of a pure-food law which will compel the manufacturers of canned goods to use the best methods and put up goods that are absolutely free from deleterious or unhealthful substances. While they are unanimous on this point, I believe that they feel that the feature in the law to which I have called your attention is not essential and is impracticable. A law to be practicable in this respect would require a good deal of technical information and knowledge in order to frame it so that it would be any protection to the consumers. On the other hand, it is bound to be an expensive handicap to the canning industry.

I hope you will pardon me for encroaching upon your time again on this subject. However, the importance of this matter to the canning fraternity is so great that I feel that the above should be brought to your attention. While I am very busy at this time, if thought necessary, and if it could be arranged, I would feel that it is my duty to go before the committee and give them any information on the subject which they feel I am in position to give.

With best regards, I am yours, very respectfully,

L. A. SEARS,
President of Western Packers' Canned Goods Association.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent to print in connection with the letter the statement of the association to which the gentleman refers.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by the insertion of the document to which he refers. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

DEAR SIR: Referring to subsection 3 of section 7 of the Senate bill, No. 88, as amended by the House, known as the "weight or measure clause of the pure-food bill," we, the Western Packers' Canned Goods Association, packers of fruits and vegetables, desire to present the following suggestions for amendments to the bill as it now reads:

Subsection 3 of the bill referred to provides that an article of food shall be deemed misbranded:

"If in package form the quantity of the contents of the package be not plainly and correctly stated in terms of weight or measure on the outside of the package."

Since this bill was reported the following amendment has been agreed upon by the committee having it in charge, to be offered on the floor of the House of Representatives:

"Third. If in package form, the approximate quantity of the contents of the package, at the time put up, be not plainly and correctly stated in terms of weight or measure, on the outside of the package: *Provided*, That the use of particular sizes of packages established by recognized custom of trade shall be authorized and permitted by and in accordance with rules and regulations established from time to time under the provisions of section 2 of this act."

We suggest the following changes in subsection 3, which we think would remove the objectionable feature and make the regulation applicable to canned fruits and vegetables. This amends by striking out the words "at the time put up" and inserts "except fruits and vegetables in hermetically sealed packages, preserved by process of sterilization," making it read as follows:

"Third. If in package form, the approximate quantity of the contents of the package be not plainly and correctly stated in terms of weight or measure on the outside of the package, except in the case of fruits and vegetables in hermetically sealed packages, preserved by process of sterilization: *Provided, etc.*" Also the word "shall" in place of "may" be authorized.

The adoption of any provision which requires the quantity of the contents of the can to be placed on the can, either exactly, approximately, or the minimum quantity, will serve no useful purpose to the consumer, is impracticable, would not accomplish the purpose sought, would add largely to the expense of packing, and its enforcement would prove a menace to a most important industry.

We are heartily in favor of the pure-food requirements of the committee bill, as is every packer in the country, for the effect of its enforcement will be to give the people confidence in the purity of canned fruits and vegetables and largely increase consumption.

The gross weight of the can printed on the label, or the net weight of the contents of the can printed on the label, would be practicable for goods sold by weight, but impracticable for canned fruits and vegetables put up in hermetically sealed cans.

The truth is, the weight or measure on the can would be meaningless and no protection to the consumer. The value of the contents of a can is based upon its solid contents to some extent; but a far greater value is produced by the selection, excellence, and succulency of the product. For instance, a full can of a given size of coarse string beans, or of peas of the larger siftings, would not be worth, in eating merits, to discriminating consumers as much as a can of the same size packed with only one-half the net weight of the same vegetable in just the proper stage of maturity to get the best results as to flavor and excellence.

It has been said that the consumer has been imposed upon by the variation in the size of the cans. We wish to state that there is no variation in the size of standard packages. The 1-pound regular, the 1-pound tall, the 1½-pound, the 2-pound, the 2½-pound, and the 3-pound sized packages are made from a standard scale fitted down to the thirty-second of an inch, and they are never any different. If you would write for a price on a 1-pound sized tin to any number of different manufacturers of tin cans in this country, all would know what you want and would quote you identically the same sized package. The variation of these different sized packages has grown out of the needs and requirements of the consumers. If a small family wants a 1-pound can of peas, they want it because it is sufficient for their requirements. If another family wants a 1½-pound can of peas, they want it for the reason that it is a little larger and contains more peas than the 1-pound size, and will satisfy their needs. The different sized cans in which canners are packing fruits and vegetables have grown into use because consumers desire them.

In no case has a standard been adopted for tin cans, except a standard of measurement which is in common use by can manufacturers and packers of canned fruits and vegetables. This standard is not given in terms of measure, as fluid ounces, nor in pounds or fractions of pounds. It simply gives the diameter and height of the cans in which the goods are packed. A reference to any trade journal will give you the standard sizes of cans now in use by packers in this country. No one knows just what these packages weigh; they vary according to the density or specific gravity of the goods therein. In view of the fact that canned fruits and vegetables are never sold by the pound and are never said to weigh so many pounds or fractions of a pound, but are called 1-pound, 2-pound, 3-pound, etc., it is unnecessary to have any standard as to weight or measure on this class of goods, except possibly a statement that this can is full standard 1-pound size, or other size, according to what it is sold for. There would be no objection to having a law stating the size of the can to be used in each case and naming a standard which would be acceptable, the standard to be according to measurement and not to weight.

In canned vegetables and fruits the gross weight would be the can and the contents, including the vegetable or fruit and the liquor necessary to add to preserve and flavor the goods. The net weight would be the contents of the can less the amount of liquor that was added. To illustrate: You might pack a can full of solid meat tomatoes without adding any water or liquor, and if the tomatoes were slightly overripe and a little overcooked in the process of sterilization, the tomatoes would disintegrate and a large per cent of water or liquor would result.

Again, very young and tender, succulent corn, packed in its own milk, after sterilization might not contain anywhere near as much solids after the milk or juice has been drained off as a cheaper or inferior grade, which, owing to the conditions under which it was packed, might show absolute solidity of pack.

In canned vegetables and fruits more or less liquor must be added, so it would be impossible to establish a net weight of the product that should be put into the cans, as under different conditions under which the same class of products must be handled the weight would vary.

The great staple products—corn, peas, and tomatoes—are put into the cans by machinery, which fill the cans automatically by measure at the rate of from sixty to ninety cans per minute, and from the filling machines the cans pass to the capping or soldering machines, which permanently seal the cans ready for the final process of sterilization. By this automatic process the cans are uniformly filled, but the weight will vary more or less, according to the consistency of the goods.

The above represents the unanimous opinion of our association, composed of canners in the following States: Ohio, Michigan, Illinois, Indiana, Iowa, Nebraska, Missouri, Kansas, Kentucky, Idaho, Colorado, Minnesota, Wisconsin.

Yours, respectfully,

L. A. SEARS, *President.*
F. F. WILEY, *Secretary-Treasurer.*

Mr. KEIFER. Mr. Chairman, I am in entire sympathy with the general motives of this bill, but I am afraid that we are liable to make some serious mistakes and do the business of the country more harm than good. I would say I was in favor of the amendment of the gentleman from New York if I were not afraid, if taking statements made in the general debate, that his amendment would be entirely without force or effect. His amendment I agree to in every respect if it would have any efficacy at all. It is unnecessary, in my opinion, because in quite as clear and distinct language the same provision is already twice in this bill.

In the same section to which the amendment is proposed there will be found two provisions covering exactly what he proposes by his amendment. Turning to page 20, in section 7, it reads:

That the term "misbranded" as used herein shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement regarding the ingredients or substances contained in such article, which statement shall be false or misleading in any particular.

Then take the paragraph following, the one that is proposed to be amended, the fourth on page 21. We find a repetition of this, as follows:

If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein which statement, design, or device shall be false or misleading in any particular.

In substance the same thing is in section 1 of the bill.

Now, what is propsed by the amendment offered by the gentleman from New York [Mr. SHERMAN] is to say, in the third paragraph:

If in package form the quantity of the contents of the package be not plainly or correctly stated in terms of weight or measure.

That is only to make in the same section three reiterations of the necessity of the label being a truthful statement. But it does not reach what I understand the committee claims, and that is that all packages are to be labeled.

If the gentleman from Illinois will give attention, I would like to know whether he claims, as was generally stated in

the general debate, that all packages are required to be branded or labeled that go into interstate trade under the bill.

Mr. MANN. Under the amendment that was offered all packages would be required either to have on them weight or measure of the contents, or to have on them, subject to the rules and regulations, that standard sizes, giving the size.

Mr. KEIFER. Aside from the proposed amendment?

Mr. MANN. Without naming in that case the weight or measure.

Mr. KEIFER. Aside from the proposed amendment offered by the gentleman from Illinois and from the clause contained in the three lines on page 21, I want to know whether the bill in general terms requires a branding of all packages.

Mr. MANN. It does not include a branding of all packages. It provides against a misbrand.

Mr. KEIFER. Then, Mr. Chairman, what I think is best to do is try to amend the amendment proposed by the gentleman from Illinois [Mr. MANN] so as to make it clear, and not merely to reiterate here that the branding shall be truthful, for that is already provided for.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. Mr. Chairman, I ask to have just a moment more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for one minute. Is there objection?

Mr. KEIFER. Make it five minutes.

Mr. WADSWORTH. Five minutes.

Mr. BARTLETT. Mr. Chairman, I object.

Mr. KEIFER. Mr. Chairman, I was trying to get the gentleman time to help him out, and now he objects to my request.

The CHAIRMAN. The gentleman from Maryland [Mr. TALBOTT] is recognized.

Mr. BARTLETT. Mr. Chairman, I withdraw the objection.

The CHAIRMAN. The Chair will again state the question. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. KEIFER. Mr. Chairman, I offer this excuse for asking a little more time, that there are in my district several of the largest canning establishments in the United States. They can in the proper season tomatoes, but more largely, along the valley of the Scioto, in Ohio, they can sweet or sugar corn. There are thousands and thousands of acres devoted each year to the raising of corn for these canneries. They daily can many thousand cans, and if they have to mark each can, either as to weight or measure, they can not carry on their business at all. I only wish that this bill shall be such that the canners can make a fair branding. They are entirely willing that an honest brand shall be required, but if an impossible or impracticable brand is required they will probably be driven out of a business of great interest to the people of this country. This would be a calamity and unnecessary in this legislation.

And let me add to what has been said by the gentleman from New York [Mr. SHERMAN]. If you will take corn from the same field in a certain condition and can it, heat it, take it out of the same vat, put it in the cans of the same size, hot, seal it, and then puncture it to let the steam off, and then cool it and afterwards close it, and weigh two cans treated in that way it will be a coincidence if they will weigh exactly the same, because the evaporation or something else will vary. They are perfectly willing, as I understand it, that the size of the cans in each case shall be honestly branded. [Cries of "Vote!"[

Mr. TALBOTT. Mr. Chairman, I represent a district that is, perhaps, as much interested, or more so, in this proposition than any other in the country. Now, not a single gentleman engaged in canning in that district I represent desires to interfere with the enactment of a law providing for pure food. They do object to the enactment of legislation that will interfere with the business that they are the pioneers in. The pioneers in the canning industry were in my district. In 1870 the first census was taken of the canning industry. The capital invested was about $2,000,000, and only ninety-seven establishments. In 1900 there were in this country 2,182 establishments, and the increase of establishments from 1900 to now, 1905, is 2,687.

Now, our people contend, Mr. Chairman, that this industry, that has flourished and been developed without Federal legislation, is an industry that has given to the people of this country a pure food, cheap vegetables, almost as good as in the natural state. They would not object to the enactment of this paragraph if it were possible to comply with the provisions of it. There are two billions and a half of cans manufactured in this country in a year. The canning period or the canning season in this district for tomatoes, corn, peas, beans, and all those vegetables is short, and not one word is included in the hearings before the Committee on Interstate and Foreign Commerce on that subject. The canning season is only about six weeks in a year. Can you expect an industry like this to undertake to put either the approximate or correct weight on 2,500,000,000 cans in that short period? Gentlemen, it is impossible. If they were to try to do it, they would have to weigh each can to itself. Corn raised on one farm will weigh more per quart or per bushel than corn raised on another farm. Tomatoes raised on one property will weigh more per bushel than those raised on another property. The character of the soil has much to do with it. A rich piece of land will raise good tomatoes, good corn, good peas, and will give the highest weight. Poor land raises inferior goods, and goods of less weight. Our people are as honest as any people in the land. They would comply with a provision like this if it were possible; but it is not possible; and I want to state to the committee that the impression sought to be made and possibly was made on the Members of this House and the people of the country, that the canners were guilty of putting upon the country and upon the market short-weight cans—that is not true. You can take and examine every can of tomatoes, corn, peas, or whatever they contain on that table, and you will find on the can as it was bought by the gentleman from Illinois no weight mark whatever. Therefore it was given to the dealer without any weight upon the can, and if any fraud has been perpetrated upon the people, you are after the wrong fellow. You want to get after the dealer. [Applause, and cries of "Vote!"]

Mr. GRAHAM. Mr. Chairman, I shall support the amendment of the gentleman from New York, and I most heartily concur in all the arguments he has made. In addition I desire to call attention to a few objections to the bill as an original proposition. First, as I stated in reply to the gentleman from Missouri, it is impossible under the present system of manufacture to blow glass bottles so as to contain actually the same weight or contain the same quantity. The manufacturer may have molds prepared for the manufacture of particular sizes, but according to the strength of wind of the glass blower, as he blows into the mold, the bottle may be light or heavy. It is impossible to have them of exactly the same weight, and manufacturers would be constantly laying themselves liable for misstatements by reason of those variations, no matter how slight. Second, in regard to the variation of weight and measure of contents of packages, they may vary on account of evaporation and consequent shrinkage, and that variation will necessarily increase as time elapses from date of original packing.

Mr. PRINCE. Will the gentleman allow me to ask him a question?

Mr. GRAHAM. Certainly.

Mr. PRINCE. Does each bottle have to be blown by a human being blowing it?

Mr. GRAHAM. Yes, sir.

Mr. PRINCE. You have no machinery by which you can gage the blow?

Mr. GRAHAM. No.

Mr. PRINCE. That is the point I wanted to ascertain.

Mr. GRAHAM. Third, because food products are not sold on a weight or measure basis, but in packages so put up as to sell at a certain convenient retail price, as for 5 cents or some multiple of five.

Fourth. Because it tends to destroy the value of individual label and packages which have obtained a recognized standing among consumers and are copyrighted as special designs.

Fifth. Because such language is not properly part of a food law and not necessary since the packages are sold as such without any claim of weight or bulk.

Sixth. Because the language of subdivision "Fourth," page 21, fully protects purchasers from fraud and deception, not only as to weight and measure but in all respects, by prohibiting any label which may be false or misleading in any particular.

Mr. BARTLETT. Mr. Chairman, speaking to this amendment, I desire to call the attention of the House, and especially of gentlemen from California, to the fact that the legislature of the State of California, in the exercise of its police authority, passed a law similar to this amendment, and that the supreme court of California, in a recent case, that of Robert Dietrich, decided that act to be unconstitutional. If the State within its own border can not undertake to prescribe this sort of a police regulation, then surely the Congress, which has no right to exercise police powers within a State, can not do it. I send a statement of the decision to the Clerk's desk and ask that it be read in my time.

The CHAIRMAN. It will be read in the gentleman's time.

The Clerk read as follows:

MAY SELL BUTTER WITHOUT MARK ON LABEL—ROBERT DIETRICH, CHARGED WITH VIOLATION OF A RECENT LAW, WINS IN THE SUPREME COURT.

The supreme court yesterday discharged Robert Dietrich, a grocer, from the custody of the sheriff, where he was placed some time

ago for the violation of a recently enacted law providing for the marking of packages of butter containing less than 6 pounds or more than one-half pound—in other words, the statute requiring the exact weight to be printed on packages of butter for sale is declared unconstitutional and void by that body.

Some time ago Dietrich was arrested, convicted, and sentenced to imprisonment for disposing of butter on which the exact weight was not printed. Immediately afterwards Dietrich applied for a writ of habeas corpus. As a result of this decision, dealers will be allowed to sell quantities of butter which have been put up in any shape that they may desire without marking their weight—in fact, according to the holding of the court, a dealer may continue, if he is so inclined, to use the short-weight system, whereby the customer will get much the worse of the deal.

The court holds with the petitioner that the law mentioned is unconstitutional, on the ground that it is an unwarranted restriction on the citizen's constitutional right to his property. In rendering the decision, which affects every retailer of butter in the city, Justices Shaw and Sloss added dissenting opinions to that prepared by Justice McFarland.

The general decision of the court was rendered on the principle that the legislature can not impose an onerous and unnecessary burden upon property and business and the right of contract, except when this may be done under police power for the protection of the public health, morals, and safety.

Mr. BARTLETT. Now, Mr. Chairman, the dissenting opinion only undertook to say that it could be done under the police power of the State. The majority opinion held that it could not be done at all. Now, I should like to know under what authority Congress acts in enacting a law of this sort? Probably Congress can prohibit the transportation of articles by means of interstate commerce. Congress has no right to undertake to enforce a police regulation like this. Surely, Mr. Chairman and gentlemen, if the State can not within its own borders enact a law of this character, as is sought to be done in this bill, with reference to the size and weight of packages, Congress goes far beyond its authority when it undertakes to do it.

[Mr. THOMAS of North Carolina addressed the committee. See Appendix.]

[Mr. FLOOD addressed the committee. See Appendix.]

Mr. HAYES. Mr. Chairman, it strikes me that the only possible justification we can have for passing legislation of this kind, which will necessarily revolutionize the trade customs in many industries, is the prevention of fraud upon the purchaser and consumer. The gentleman from Illinois [Mr. MANN] last night gave us a demonstration of different sizes of cans and packages. I submit that any good housewife can discover the difference in the sizes without the quantity being printed on the packages at all.

Mr. MANN. But the distinguished gentleman from New York [Mr. PAYNE] was unable to distinguish the sizes, even after a careful examination and comparison.

Mr. HAYES. Then I submit that there is no prohibition in the law which prevents the purchaser putting the package on the scales and determining its weight. But I believe that any housewife will very soon discover which is the larger can or package.

There are many instances where goods, like crackers, are put up in packages, where it would not only be almost impossible, but utterly useless to burden the producer and dealer by a provision of this kind, because the package speaks for itself. So with many other things.

I submit that the amendment of the gentleman from New York covers every possible need for legislation of this kind. If the weight or the quantity is stated on the package, then it should be correctly stated, but I can see no possible object in requiring every industry in this country that puts up goods in packages to state on the outside of the package the weight or quantity. It would not only revolutionize the trade in many industries, but would be a very onerous requirement upon almost all of them. I hope the amendment of the gentleman from New York will be carried.

Mr. MANN. Mr. Chairman, I ask unanimous consent that I may proceed for fifteen minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for fifteen minutes. Is there objection?

There was no objection.

Mr. MANN. I first yield to the gentleman from Delaware [Mr. BURTON] to allow him to speak in his own time.

Mr. BURTON of Delaware. Mr. Chairman, since this matter has been before Congress I have received a great many letters from constituents in my district, interested in the canning business, and all agree that such a thing as absolute accuracy in weight or measure is an impossibility, or, at least, without weighing each package, and this would entail so much expense that it would make the industry unprofitable. I agree with the gentleman from New York that the thing we are most interested in is to give the people pure food, and not to legislate as to the exactness of the quantities that they shall get in a package.

In order that the committee may understand the feeling of the people in my district, I ask permission to have read from the Clerk's desk a letter from Hon. Walter O. Hoffecker, a former Member of this House.

The Clerk read as follows:

J. H. HOFFECKER CANNING COMPANY,
Smyrna, Del., March 31, 1906.

Hon. H. R. BURTON, *Washington, D. C.*

MY DEAR SIR: Concerning the pure-food bill passed by the Senate February 21 last and now before the House, beg to call your attention to section 7, subdivision 3, page 21, reading as follows: "If in package form, the quantity of the contents of the package be not plainly and correctly stated in terms of weight or measure on the outside of the package," it will be misbranded. As president of the Tri-State Packers' Association, which organization embraces the leading canners of the States of New Jersey, Delaware, and Maryland, and the eastern shore of Virginia as members thereof, I write you earnestly soliciting that you will use your best endeavors and influence to have this part or section of the bill either eliminated or made not applicable to canned goods. This provision, if enforced, would entail a great hardship on canned-goods packers, for the reason that nearly all canned goods of every description are filled automatically by machinery, and as there is no uniformity in the conditions of raw material, at least as applied to many articles preserved in tin, there can be no absolute uniformity in weight. Take tomatoes, for instance. You are doubtless well aware that there is nothing less uniform in weight than tomatoes. When the season is dry one condition prevails, and when it is wet an entirely different condition is present. Different growers, even in the same neighborhood, bring a different quality of fruit to the cannery, and if the tomato shall be pulpy, it will fill the can full, but will not weigh as heavily as the can well filled with tomatoes that are more juicy. To compel the packers to weigh every can is practically impossible. They have the greatest difficulty already to procure sufficient help to take care of the crop, and if they were obliged to weigh each can it would result in a greatly diminished pack and untold amount of trouble and expense to the packer, a greatly increased cost to the consumer, and no possible advantage to anyone.

Canned goods are never slack filled. No matter what the contents may be, the can is always full, and this is surely all any consumer can reasonably demand. The variation in weight, of course, is slight, and yet it exists in every factory for the reasons above given. If there is no deception to the consumer, why impose such a hardship on the canner as to oblige him to weigh every can and have labels with different weights for the same size can? It would be just as reasonable to require the merchant selling eggs to have them all exactly uniform in size and weight.

Another practical impossibility without untold trouble and expense to the merchant dealing in eggs in large quantities. The trade have regulated the size of can and demand full cans, and canned goods are invariably sold by sample, and no packer does, because he could not afford to, slack fill his cans.

You will confer a great favor upon your constituents in the canning business, and you are doubtless aware of the enormous size of this industry in Delaware, Delaware being the fourth State in the Union in the extent of her tomato canning, by having this objectionable feature eliminated from this pure-food bill. We, as canners, are heartily in favor of a pure-food bill, but of course we do not want one that imposes needless hardships with no corresponding benefits.

Sincerely hoping that as packers we may have your earnest and hearty cooperation in this matter, I am,

Very truly, yours, W. O. HOFFECKER.

The CHAIRMAN. The time of the gentleman from Delaware has expired.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more.

The CHAIRMAN. The gentleman from New York asks that the time of the gentleman from Delaware be extended one minute. Is there objection?

There was no objection.

Mr. BURTON of Delaware. Mr. Chairman, it is a very easy matter for men to say that the objection on the part of the canners to striking out this paragraph of the proposed law is because they are disposed to cheat. The letter I have just read is from a man I know personally, once representing my State in this House. He is president of the Tri-State Packers' Association, from the three States of Maryland, Delaware, and New Jersey, and I know that he would not make a statement he did not believe to be absolutely correct. He says it is impossible to make uniform-weight cans and packages, and now, Mr. Chairman, I took the trouble to weigh two cans of tomatoes, cans I have no doubt made at the same factory and put up in the State of Maryland, one at Vienna and the other at Rising Sun, and there was nearly one-quarter of a pound difference in weight between the two cans. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BURTON of Delaware. All of the gentlemen from whom I have had communications agree that they are in favor of a national pure-food law, showing by that sentiment that they have no disposition to pack unwholesome or impure food products, and therefore it can not be said that they are in opposition to the principles of this bill, but they are unwilling to be compelled to incur such an expense as would make their busi-

ness unprofitable. There is no doubt of the fact that a very large part of the pack of 1906 has been sold, based upon the cost of previous production, and, in some instances, with a guaranty of the goods being packed in the same way as heretofore; and it is no more than fair that such pure-food law as may be passed upon this particular subject at least shall not apply to goods packed prior to January 1, 1907.

Now, it is my judgment that a uniform standard of cans should be in some way adopted for this whole country, and that packages should be made, as nearly as possible, of uniform size, and marked Nos. 1, 2, 3, etc., as suggested by the gentleman from Illinois [Mr. MANN] in his proposed amendment. But in all probability the cans for the pack of 1906 and the greater part of 1907 have been contracted for and in many cases manufactured, and a law compelling that a uniform standard to date earlier than from January 1, 1907, would render worthless thousands of the cans that have been manufactured in good faith and stored ready for use.

These cans are all made by machinery, and from an examination that I have made of the packages that have been before this House it is very clearly shown that the different States have classes of machinery which, while they may be uniform for that particular State, differ in size from those manufactured in other States.

Congress will undoubtedly in the future enact a law for cans of uniform size throughout the country, and I would suggest that notice be given through the Department of Agriculture that such a law would be advocated by that Department, in order that the manufacturers of tin cans throughout the country might be prepared for what certainly will, and of right should, be enacted into law.

Mr. PADGETT. Mr. Chairman, I am friendly to this bill and expect to vote for it. I believe we should put forth every reasonable effort to suppress fraud, and at the same time I favor and shall vote for the amendment offered by the gentleman from New York [Mr. SHERMAN], because I believe it is adequate and meets the conditions. We should aim to destroy affirmative frauds. I believe that the people of the United States are competent to buy intelligently a 10-cent can of tomatoes or of peaches. If we prohibit the publication on the can of a misstatement, we can trust to the intelligence of the people to trade for a can of tomatoes as well as we can to trade for a mule or a horse. We might as well require the height of a horse to be branded upon him as to require the weight to be branded on a can of tomatoes.

Mr. HUMPHREY of Washington. Then, will the gentleman explain how it happens, in all these cans which are exhibited before us, they are a little less than they appear to be? A can you would suppose to be a 2-pound can, comes a little under it; a 1-pound can, a little under 1 pound. That goes all through these packages; they are a little bit less than the purchaser would suppose they contained. Would the gentleman think that was a coincidence or an accident?

Mr. TALBOTT. If the gentleman from Tennessee will permit, I will answer. The weight marked on those cans is placed there by the Committee on Interstate and Foreign Commerce.

Mr. HUMPHREY of Washington. I do not mean the weights at all. I mean you take the cans of tomatoes and the cans of peaches, and they all have a little less than anyone would suppose they contained.

Mr. TALBOTT. Is the weight stamped on the cans?

Mr. HUMPHREY of Washington. No.

Mr. MANN. Does the gentleman think that the Committee on Interstate and Foreign Commerce extracted any part of the contents of the cans?

Mr. TALBOTT. I mean to say that with all the canned goods—tomatoes, corn, peaches, and everything—as they come from the packer, there is no weight stated on them.

Mr. MANN. That is true.

Mr. TALBOTT. If any fraud has been perpetrated upon the people, it is by the dealer—the retailer—and not by the canner.

Mr. HUMPHREY of Washington. The canner made it possible for him to perpetrate the fraud by putting up a can that was apparently not what it actually was; putting up what appears to be a 2-pound can when it weighs less than 2 pounds.

Mr. TALBOTT. The canner helps to do nothing of the kind. The canner bought a standard can, and filled it with tomatoes or peas or corn and put it on the market, and if anybody has been cheated it is by the retailer.

Mr. STEVENS of Minnesota. Then why isn't the canner willing to put upon the can that it is a standard can?

Mr. TALBOTT. The gentleman will understand that the canning season in this country for all kinds of goods is only from four to six weeks, depending on the climate.

Mr. STEVENS of Minnesota. That has no connection with this question. Why isn't he willing to label the cans "No. 1 can," "No. 2 can?"

Mr. TALBOTT. Hasn't the customer got eyes so that he can see? Does not the purchaser buy with his eyes open?

Mr. HUMPHREY of Washington. Why is not the canner willing to state the truth?

Mr. TALBOTT. The canner can not make those statements and be accurate about them.

Mr. HUMPHREY of Washington. Why do not the canners want to tell the truth?

Mr. TALBOTT. They do want to tell the truth.

Mr. PADGETT. Now, Mr. Chairman, in conclusion I want to state in answer to the question put by the gentleman from Washington that these cans do not purport to state how much the contents weigh. The cans do not affirmatively deceive anybody. I say that the people are competent to judge of the weight and the size of a can of tomatoes or a can of corn as much as they are to purchase a horse or a mule or a cow, or anything of that kind in the markets of the country. We might as well require the age of a horse to be stamped on his shoulder and his size and height in hands plainly marked on his side, as to require the weight of each can of tomatoes or each can of corn to be stamped on the can.

Mr. ADAMSON. When we reach the stage which we are doubtless rapidly approaching, the Government will indicate and regulate the mule and horse trade when it performs its paternalistic duty, and establish regulations for that matter.

Mr. MANN. Well, it would save a good deal of swindling in the gentleman's country if they would regulate the mule trade.

Mr. PADGETT. In answer to the gentleman from Illinois I want to say that the only trade we have from his section of the country is when we go up there to buy. We never sell there, and if there is any swindling, the gentleman can see where it lies. [Laughter.]

Mr. ADAMSON. I thought the gentleman was going to answer me instead of the gentleman from Illinois.

Mr. GRAHAM. Mr. Chairman, I rise to a question of privilege.

The CHAIRMAN. The gentleman will state it.

Mr. GRAHAM. Inadvertently a few moments ago, in responding to the interrogatory of the gentleman from Illinois [Mr. MANN], I stated that all bottles were still blown by the human breath. I want to correct that statement. There are now inventions whereby machine-blown bottles are made.

The CHAIRMAN. The Chair does not discover any question of privilege in what the gentleman has stated.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may be given sufficient time to retract all of his statements. [Laughter.]

The CHAIRMAN. The gentleman may proceed by unanimous consent, but he certainly has not as yet stated any question of privilege.

Mr. GRAHAM. The machine now injects the air into the bottle, and that machine——

The CHAIRMAN. The gentleman is not stating a question of privilege. He is out of order unless he is permitted to proceed by unanimous consent.

Mr. OLMSTED. Mr. Chairman, I ask unanimous consent that my colleague may proceed long enough to make his remarks entirely correct. I ask unanimous consent that he may be permitted to proceed for three minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his colleague may proceed for three minutes. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Chairman, I desire to state that although in making that answer I was inadvertently mistaken, yet the force of my argument is the same, because this machine varies the same as the human breath. The operator may have that air which penetrates the bottle of a little greater force, and thus make the glass therefore lighter.

Mr. OLMSTED. Well, some breaths are stronger than others. [Laughter.]

Mr. WACHTER. And is it not also true that the amount of glass taken up for the bottle varies in different cases?

Mr. GRAHAM. That is also correct.

Mr. LAMAR. Mr. Chairman, I ask unanimous consent to have read the following letter, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to have a letter read. Is there objection?

There was no objection.

The Clerk read as follows:

APALACHICOLA, FLA., *May 9, 1906.*

Hon. W. B. LAMAR,
House of Representatives, Washington, D. C.

MY DEAR SIR: The undersigned, who is engaged in the packing business in the district represented by you in Congress, respectfully calls your attention to subsection 3 of section 7 of the pure-food bill, which applies to canned goods and reads as follows:

"If in package form the quantity of the contents of the package be not plainly and correctly stated in terms of weight or measure on the outside of the package."

The adoption of this would mean that each can of fruit or oysters packed by us would have to be separately weighed and the quantity of its contents stamped on the outside of the same, an entirely impracticable procedure, which would benefit no one and render a successful management of our business almost impossible.

There is no objection to the pure-food bill if it guarantees to the consumer what its name implies; but this section would not accomplish the purpose sought, and its adoption would mean a serious menace to this important industry in your district.

Yours, respectfully, JOHN G. RUGE.

Mr. SHERMAN. Mr. Chairman, I move that all debate on this amendment——

Mr. MANN. Oh, I wish the gentleman would not do that.

Mr. SHERMAN. I do not mean to close debate now, but I wish merely to fix a time.

Mr. MANN. All of the debate on this amendment has been on the gentleman's side so far.

Mr. SHERMAN. I was going to say in thirty minutes, which was to be under the control of the gentleman from Illinois [Mr. MANN], but if the gentleman does not desire such a motion made I shall not make it.

Mr. HOWELL of Utah. Mr. Chairman, I am heartily in favor of the amendment proposed by the gentleman from New York [Mr. SHERMAN]. It has been clearly established that it is impracticable in the process of canning fruits and vegetables to obtain a uniformity of weight in each can. Now, I concede that the object sought by the committee—to prevent imposition and deception upon the public—is entirely praiseworthy, but I am constrained to hold the opinion that the gentleman from Illinois [Mr. MANN] underrates the intelligence of the American consumer. The manufacturer of reputable goods of full measure and superior quality has no fear of an unscrupulous competitor who stints his measure and disregards the quality of his goods. His ways will find him out and bring about his undoing. The honest, reputable canning establishment will triumphantly survive and drive out of the market all such dishonest concerns.

The consumer can easily protect himself against short weight and similar deceptions without the aid of this legislation. I have received many protests from the manufacturers of canned goods protesting against this provision of the bill. Tomatoes and fruits are canned in large quantities in my State. The companies engaged in this industry are all conducting a strictly honorable business, and in a large degree contribute to the general prosperity. Their product has won a high standard of excellence, and they are jealous and watchful of their standing and reputation. They know better than those not familiar with the practical business what is an obstacle and a hardship upon them. It is manifestly unwise to hamper and annoy these beneficial and necessary industries. This legislation has grown out of a demand for protection to the public health rather than to guard the pocketbook. Its paramount object is and ought to be the prohibition of deleterious and injurious foods and drugs. The public are helpless against the artful and unscrupulous adulterations which are palmed off on them. Many of these have been shown to contain substances that are detrimental to health, and much fraud and deception has been practiced upon the people. This measure is the result of a universal demand for relief. If it meets the hopes and expectations of its friends, which I believe it will, in purifying and rendering wholesome the foods and drugs that enter into daily consumption, its founders and promoters may well deserve the name of "benefactors."

We may not be able by this measure or any other to absolutely prevent fraud and deception, and it is a debatable question how far the Federal Government ought to enter upon this extensive and unlimited field where the end sought is purely a monetary one. It is plainly evident, however, to anyone who gives the subject a moment's consideration that the small protection to the pocketbook attempted by this provision respecting food packages is insignificant and unworthy of public consideration compared to the gross frauds and deceptions practiced upon the public in the great multitude and variety of manufactures other than food products. I hope the pending amendment will be adopted.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAM W. KITCHIN. Is it in order at this time to offer amendments to this bill?

The CHAIRMAN. It is not in order now until this amendment is disposed of.

Mr. WILLIAM W. KITCHIN. Then I shall ask unanimous consent to offer an amendment to the first section and let it be considered as pending.

Mr. MANN. Mr. Chairman, I shall object to that at this time.

The CHAIRMAN. Objection is made.

Mr. MANN. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for fifteen minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may be permitted to proceed for fifteen minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, the pending amendment is the so-called "package amendment." The committee amendment is one which will require that all packages be either labeled with the quantity of the contents in the way of weight or measure or else under regulations established by the Secretaries of the Treasury, of the Department of Commerce and Labor, and of the Department of Agriculture they shall be stamped the standard size which they purport to be. Most canned goods—and this controversy seems to center around the canned-goods proposition—are in standard-size packages. Cans are known as No. 1, No. 1 tall, No. 1½, No. 2, No. 2½, and No. 3. They are not sold by the trade as 1-pound, 2-pound, 3-pound cans, etc., although, in the very circular letter which the canners have sent to us, they refer to these cans as 1-pound, 2-pound, and 3-pound size cans, and, as I read to the House the other day, they are not only advertised by the stores as 1-pound, 2-pound, and 3-pound cans, but commonly are called by the storekeepers as such. If there were no variation, it would make but little difference whether they were marked or not. If the cans were all made true to the standard size, so far as canned goods are concerned, there would be no occasion for this amendment, but as I wish to endeavor to demonstrate to this committee that in No. 3 size cans, for instance—and I take that size simply for illustration—there is a variation in the size of the cans, a variation intended to defraud the purchaser, a variation intended to save to the producer by limiting the quantity that is put in the cans.

And the proposition which is submitted from the committee upon this question is far more for the protection of the honest producer, the honest canner, than it is for anybody else, because it enables him to put up his goods in standard-size cans, knowing that some less honest canner shall not offer his cans, purporting to be No. 3 and containing less, at a less price.

Mr. BURTON of Delaware. I would like to ask the gentleman——

Mr. MANN. I am perfectly willing to yield to questions, but I beg to say to the House that I have asked for as little time as I thought I could get along with. If I have any time left, I am perfectly willing to yield to questions then. Now, for instance, here are two cans [exhibiting], each marked "tomatoes." This can is sold for a 3-pound can—not marked 3-pound can; none is so marked—packed by a Baltimore firm. The weight of it is 2 pounds 5½ ounces.

Mr. WADSWORTH. How will the customer know the groceryman's scales are correct?

Mr. MANN. All I can say about these scales is that they are furnished by the Bureau of Standards as being correct.

Mr. WADSWORTH. Let me ask the gentleman from Illinois how will the customer know that the scales of the groceryman are correct?

Mr. MANN. These are not scales in the other groceryman's place; these are scales supplied by the Bureau of Standards of the Government. If the gentleman will permit me to proceed with my illustration, I will be very greatly obliged. That can, as it stands, as I say, contains 2 pounds 5½ ounces. It is a 3-pound can, supposedly. Now, gentlemen constantly say that these cans vary in weight, according to the quantity of the contents, according to the thickness of the contents; that some tomatoes weigh more than others. Very well, we will try water and see how much this will weigh. It is very evident I have not opened the can until now. [Filling can with water.] Now, filled with water, and not full, it weighs——

Mr. GAINES of Tennessee. Is that pure water?

Mr. MANN. More than it does with tomatoes in it. Evidently there is a little differnce in the specific gravity between the can of tomatoes and the can of water. It was filled a little fuller with water, but practically the same.

Mr. CROMER. How much did it weigh with the water?

Mr. MANN. Practically the same, but a trifle more. It is fair to say to the House that none of these cans is filled quite

full; undoubtedly there is a little difference in favor of the specific gravity of tomatoes. They are a trifle heavier, but none of these cans in my observation has yet been filled full with any article. Now, that is no reflection upon the article, because of course all canners and all gentlemen understand it is absolutely impossible to have any of these cans filled full of any of these articles, because they are filled with heated material and there is a shrinkage after they are cooled. But that was a can of tomatoes made in Baltimore; a No. 3 size can. It weighed 2 pounds 5½ ounces. Now, I have a can that weighs 2 pounds 9½ ounces, the same number can——

Mr. GAINES of Tennessee. Where is it made?

Mr. MANN (continuing). New Jersey. So far as standard size is concerned, this one is standard size. The smaller can is not No. 3 standard size. That can was a fraud upon somebody. It purported to be a No. 3 can, and it was not a No. 3 can. It was sold for a No. 3 can and was not a No. 3 can.

Mr. SHERLEY. Will the gentleman weigh the empty can?

Mr. MANN. I will in a minute if the gentleman will pardon me. Now, the difference between these two cans was a quarter of a pound. Gentlemen, see that this can filled with water weighs more than the can of tomatoes. The specific gravity of the two is practically the same. Now, the gentleman wants the cans weighed. [After weighing the can.] That can weighs six ounces and a quarter, or a trifle more. [After weighing the other can.] That can weighs five ounces and a half.

Mr. SHERLEY. What is the difference between the weight?

Mr. MANN. The difference is three-quarters of an ounce.

Mr. WACHTER. Are they both the same sized can?

Mr. MANN. No; I said that one was a smaller-sized can than the other.

Mr. GAINES of Tennessee. You said that one was a fraud, and now you say that one of them is not.

Mr. MANN. One of them is a real No. 3 standard size, and the other purports to be a No. 3 standard size can, bought in the trade for a No. 3 standard size, but it is not. Now, I am sorry that the gentleman from New York [Mr. PAYNE] for the moment is absent.

Mr. WACHTER. Will the gentleman permit a question? Is the 3-pound standard size supposed to be a 3-pound can?

Mr. MANN. A 3-pound standard size is not supposed to be a 3-pound can. The 3-pound standard size weighs, gross, including the weight of the can, about 2 pounds 10 ounces. There is a variation from 2 pounds 9½ ounces sometimes to 2 pounds and 11 ounces. It does depend somewhat, not upon the specific gravity, because that is almost the same as water, but a little bit upon how full the can happens to be. But while the gross weight is given as 2 pounds 10 ounces, on the average 6 ounces of that is can.

Mr. MONDELL. Will the gentleman yield for a brief question?

Mr. MANN. If the House will be considerate enough to extend my time a little.

Mr. MONDELL. I simply wanted to ask the gentleman what was the widest range in weight between the different cans of tomatoes he has found, in ounces—how much they differ?

Mr. MANN. I think the widest range I found in tomatoes was between 2 pounds 4½ ounces and 2 pounds 10½ ounces, gross.

Mr. MONDELL. Probably one was the standard so-called "3-pound can" and the other the so-called "2½ pound can."

Mr. MANN. Yes. Now, the gentleman from New York [Mr. PAYNE], who is quite keen of intellect—not only quite keen, but extremely so—took the trouble the other day to examine a couple of packages I had on the desk here, and after an examination and careful comparison of them, stated on the floor of the House that evidently they were the same sized cans, but that they weighed differently. [After weighing cans.] That they weigh differently is easily noticed here. Now, I should have said that possibly they were of different sizes. I am sure that no housewife by looking at them could tell whether they were of different sizes—perhaps they are the same size. I have no way of telling except by looking at them. The gentleman from New York, after a careful examination, insisted that they were the same size, and hence that the difference in weight must be on account of the contents. The only way I know of testing that is by weighing them. That may be the case. [After weighing can.] That can weighs, with the contents, 2 pounds 5½ ounces.

Mr. WACHTER. Where is that from?

Mr. MANN. That is from Maryland. [Laughter.] [After weighing the other can.] We want to give Maryland her due. There is one that weighs 2 pounds 3½ ounces. That is the only instance, I may say to my beloved friend from Maryland, where I found that the Maryland goods weighed more than the goods from the other States. And, wishing to give Maryland the benefit of any doubt, I make the illustration. That [indicating] is a Maryland can that weighs 2 pounds 5½ ounces, the other weighs 2 pounds 3½ ounces. The difference may be in the weight of the can, for all I know. [Weighing the can.]

The CHAIRMAN. The time of the gentleman has expired.

The question is on agreeing to the amendment.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that the gentleman may be given such further time as he desires.

Mr. MANN. I do not wish to take that. I will take ten minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for ten minutes.

Mr. MANN. One of those cans with the contents weighed 2 pounds 5½ ounces and the other weighed 2 pounds 3½ ounces, and the difference in the weight of the cans is one-half ounce.

The difference in the weight of the contents was 1½ ounces. One and one-half ounces is not a great deal, but a considerable difference in these cans. [Pouring water into the can.] Already a great deal more than there was by weight. Gentlemen can see. I weighed the cans, and the can is filled a little too full of water. A can full of water weighs considerably more than a can purporting to be filled with fruit. Now, in this case I find there is no appreciable difference in the weight of the contents of the can with water and the same can when filled with fruit. These were marked "extra heavy sirup," these fruits; and these were peaches, and the weight of the contents in extra heavy sirup was half an ounce more than the same with water.

Mr. LACEY. May not steam bubbles have accounted for the difference?

Mr. MANN. Of course, as I stated before to the gentleman, no one complains because the cans are not filled level full with fruit, because it is impossible. The cans are filled full of the article when heated, and that is as full as they can be filled and solder them up, properly enough. A gentleman made the statement here the other day that there was a difference of 6 ounces in the weight of the same class of article, depending upon whether it was new or old. I wish to say to the House that there is not a difference of 1 ounce in weight in the contents of a can, whether it is new peas or old peas. You can take new peas that are perfectly fresh and juicy, and can them, and then take a can of old peas, and fill the can with water, and there is not a difference of weight of half an ounce to the can.

The same runs through all, and I will not take up the time to open a lot more cans. But perhaps it would be better——

Mr. GAINES of Tennessee. I wish to ask the gentleman a short question.

Mr. MANN. I yield to the gentleman.

Mr. GAINES of Tennessee. It seems that they have trouble about making these glass measures, because they have to blow them in a certain way. What is the difference between that and the one that the apothecary has, for he has an absolutely perfect one—2 and 3 ounce, and so on, vials—from which he sells, on orders, strychnine and various other medicines?

Mr. BURTON of Delaware. There never was a perfect one.

Mr. MANN. The talk about the difference in glass measures is all moonshine.

Mr. GAINES of Tennessee. I thought so.

Mr. MANN. Of course it is impossible to make any two things in the world identically alike. That never has been done by man or God. It is not possible to make two glass bottles identically the same size, but there is practically no difference. Does anybody think here that a bottle of liquor containing a pint and a half was intended to have put into it 2 pints?

Mr. WACHTER. Will the gentleman allow me to ask him a question?

Mr. MANN. I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. MANN. I can not yield now, because I have not time. Now, I wish to call the House's attention to this fact: We are not asking that these canners shall stamp their standard-size can with the quantity in the can. What we ask is that authority be given by which a man should, if he uses a No. 1 standard size, stamp it "No. 1 standard size," and use a No. 1 standard size; and if he uses a No. 3 standard size, stamp it as a No. 3 standard size or put on the label "No. 3 standard size;" and if he uses No. 2, let him stamp that as No. 2 standard size. We do not ask them to do an impossibility, and I dare say that if this provision becomes law it will within eighteen months, the time that it goes into effect, be the most popular legislation with the legitimate canners that was ever put upon the statute books. [Applause.] Why should a man who is using a No. 3 standard size can to put up tomatoes be forced into competition with a man who uses a short-weight can for the benefit of the department stores, for the benefit of the mail-order houses, in competition with the legitimate trade? We do not

ask an impossibility; we ask a fair thing for the fair producer and the fair thing for the purchaser and the customer, and I think if gentlemen fail to adopt this amendment at this time they will all regret it, and, in my judgment, if it should not become a law at this session of Congress it will not be long before the people will demand an even more stringent provision. I hope that the amendment of the gentleman from New York will not prevail.

Mr. STEVENS of Minnesota. Just a word. I think the particular amendment of the gentleman from New York ought to be discussed for just one moment, so this committee can judge as to its effect. It provides, if I heard it read correctly, that where goods are labeled as to weight or measure, the weight or measure of the goods in the package shall be correct, under penalty of being misbranded. The effect of that would be, as to canned goods, that there would be no weight or measure at all placed upon any canned package in the United States. That provision really would prohibit such statement, for the reason that these cans are made not for weight or measure, but in standard sizes. They are not made to be sold for weight or measure, and could not be labeled as to weight or measure, but they would be sold by weight and measure just the same.

There is nothing in this bill to prohibit just exactly what these canners ask for in this circular, the privilege of calling their standard-size cans weight cans and selling them as they do now to be worked off on the public as cans sold by weight. They would not label them weight cans, they would not have to label them weight cans, but they would sell them for weight cans. The dealer would advertise them as weight cans to the public just exactly as they do now. The department stores, the catalogue houses would advertise them in the great newspapers as cans of so much weight and as holding so much goods. The public would buy them as weight cans, just as they do now. Yet they would be standard cans under the size of the standard without any label to inform the public of the swindle, just as now. The amendment of the gentleman from New York would allow that kind of a fraud to be perpetrated, and would rather encourage and legalize it because furnishing a cover for its perpetrators, and for that reason ought not to be in this bill.

Mr. CROMER. I should like to ask the gentleman from Illinois, if there is a can known to the trade as a "standard," why do you seek in your amendment to compel the man who uses the standard can, and who, according to your construction, is honest, to go to the trouble of labeling his can? Why not compel the men who use other than the standard cans to label their cans?

Mr. MANN. All we propose to do is to have him label it "Standard can," so that they will know whether it is standard or not.

Mr. CROMER. That is the trouble——

Mr. MANN. Oh, there is not the slightest trouble about printing on a label "Standard No. 1," any more than there is in printing a picture of a peach.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. The gentleman's time has expired. The question is on agreeing to the amendment offered by the gentleman from New York.

The question being taken; on a division (demanded by Mr. MANN) there were—ayes 97, noes 52.

Mr. MANN. I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. SHERMAN and Mr. MANN.

The committee again divided; and the tellers reported—ayes 112, noes 45.

Accordingly the amendment to the amendment was agreed to.

The committee amendment as amended was agreed to.

Mr. ADAMSON. Mr. Chairman, I move to amend the pending amendment by striking out all after the first word "that" and inserting the language which I send to the Clerk's desk.

The Clerk read as follows:

That from and after the passage of this act all articles of food or drugs transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival in such State or Territory, be subject to the operation of and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such food or drugs had been produced or manufactured in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages.

SEC. 2. That the term "food" as used herein shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound. That the term "drugs" shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

Mr. ADAMSON. Mr. Chairman, this is the proposition submitted by the minority in the views which they have presented.

Gentlemen on this floor have expressed solicitude about prohibition States, and have declared a willingness to have the law so enacted that the prohibition sentiment in those States may be respected and their laws enforced.

Now, Mr. Chairman, this simply enlarges the provisions in the bill enacted in this Congress some years ago, relating entirely to the liquor question, and provides that as to all food and drugs, whenever they have reached the confines of a State, they shall be subject to the laws of that State.

Now, Mr. Chairman, if we could emasculate every section in this bill, as we have just emasculated the one about weights and measures, the whole bill would go to the country as a piece of waste paper, of no effect and no harm to anybody, and doing nobody any good, except those who are seeking to break down local regulations, in the insane cry for uniformity. Under that amendment, if a man professes nothing, of course he has nothing to perform, and the section is left ridiculous.

The Federal Government has the power under the Constitution to see that interstate commerce runs in regular currents, in regular course of trade through all States; but when it reaches a State line, and questions of morals or of deceit or fraud are raised, the whole commerce stops, because the State and the State alone has the power and the duty to regulate questions of morality and fair dealing within the State, no matter whence the subject of complaint comes. You can not get around it at all. I invite all gentlemen who are willing to protect the laws of the prohibition States, and all gentlemen who are willing to permit fair deaing in all the States, to vote for this amendment. There is no such thing as uniformity.

Mr. SHERLEY. I would like to ask the gentleman if this amendment he proposes is what is known as the Wilson Act?

Mr. ADAMSON. Yes; amplified.

Mr. SHERLEY. Amplified in what respect?

Mr. ADAMSON. As to all articles.

Mr. SHERLEY. It doesn't make it apply before delivery, but after delivery.

Mr. ADAMSON. After it has been deposited inside the State, and then the fact that it comes in in the original package makes no difference.

Mr. SHERLEY. The gentleman understands that the Wilson Act as construed by the Supreme Court applies only after delivery to the consignee?

Mr. ADAMSON. Yes; and this applies to goods when delivered inside the State.

Mr. SHERLEY. Before delivery?

Mr. ADAMSON. I understand so.

Mr. SHERLEY. This is a copy of the bill known as the "Hepburn-Dolliver bill," extending it to other articles.

Mr. BARTLETT. If the gentleman will permit me, I want to say that I drew this bill and introduced it into the House. It is a copy of the bill I drew, and it is a copy of the Wilson bill applied to food and drugs.

Mr. SHERLEY. Then it only applies after delivery to the consignee, as construed by the Supreme Court.

Mr. BARTLETT. It is the Wilson bill, except as to the subject-matter. The gentleman from Kentucky will remember that I conferred with him about it before I introduced it.

Mr. ADAMSON. Mr. Chairman, I was proceeding to make an observation on another phase of the subject, and I fear that this interruption will consume my time, and I ask unanimous consent that I may have two minutes more.

The CHAIRMAN. The gentleman from Georgia asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. ADAMSON. I was about to speak of the idea which impels manufacturers and others to seek uniformity and to force their goods on communities contrary to regulations of those communities. I want to say that the idea of uniformity is a chimera; it is not practical in law; it is not practical throughout the confines of this great country. It is not true to nature; it is an anomaly and an abortion in nature. One star differs from another star in glory, the leaves differ, men differ, all things differ. The notions of things and the people in the different States differ. The fundamental ideas of honesty and fair dealing differ among different people in different sections, and it takes all these things to make a great country like this. I say to you again, what the States object to is not that the people are unable to attend to their own business and not that the folks are unable to legislate for their own protection in a State like half a dozen I could name, which show themselves able to take care of themselves and do not want the interference of other people. They object to the effort on the part of Congress

to force into them contrary to their laws, contrary to their interests, contrary to their ideas of right and justice, commodities and goods that are calculated to deceive and rob and swindle.

I know of a great many States in which the people instead of asking Congress to help them to protect the morals and lives and health of the people ask only that other people let them alone; that their right under the Constitution be recognized to protect themselves from folks in other communities and prevent them from injuring, violating, and overriding local rights and local intelligent common sense. This country is only made up of aggregated intelligence and honesty of the people, and anybody who deprecates the virtue and intelligence of his own State and appeals to these Halls to seek superior intelligence and honesty from the Federal Government in the administration of the affairs of his people, derogates from the character of his people and degrades the State in which he lives. [Applause.]

The CHAIRMAN. The Chair desires to state for the information of the committee that while this is not a substitute technically, it is in effect, and the Chair will treat it as pending and will not put the question on it until amendments affecting the bill have been acted upon.

Mr. RICHARDSON of Alabama. Mr. Chairman, I offer the following amendment.

Mr. SHERLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHERLEY. I understood the gentleman from Georgia to offer an amendment, and I understood the Chair yesterday to state that amendments would be considered as offered. I suppose they are open to discussion.

The CHAIRMAN. This amendment is a substitute, and it is an amendment to strike out the entire paragraph. Under the rules, before the question is put on that amendment, amendments seeking to perfect the text will first be put to the committee.

The Clerk read as follows:

Add after the word "ingredients," line 25, page 21, "and that does not conflict with any of the provisions of sections 6 and 7 of this bill."

Mr. RICHARDSON of Alabama. Mr. Chairman, there were something over 105,000,000 gallons of imitation whisky disposed of, consumed, and sold in the United States last year. A little over 2,000,000 gallons of whisky in its original integrity was consumed by the people of the United States. The United States census declares the most of that 105,000,000 gallons to be made of "neutral spirits and drugs." I have always been, as I took occasion to say briefly yesterday, an earnest advocate of the pure-food bill. I am equally that to-day, and I desire above all things else to avoid any discrimination in this bill against any food products, either in mislabeling or adulteration.

I desire that there shall be no discrimination as to the application of adulteration or misbranding any product included in the food list. We have no justification in conscience or law to make a rule in this bill that applies to one food product and not to another. My amendment is simple and plain and easily understood. It is, on the twenty-fifth line, page 21, of the bill, after the word "ingredients," to add "and that does not conflict with any of the provisions of sections 6 and 7 of this bill."

If we mean to do what is consistent with the spirit of this bill—if we mean not to exclude any subject-matter in this bill under the definition of food, under which whisky is included—then we will adopt this amendment, and for this reason: That as the bill now stands, in the provision for "blend," in lines 23 and 24, page 21, "not excluding harmless coloring and flavoring ingredients," it stands as a provision palpably and intentionally in conflict with the definition that is given of adulterated and misbranded food in the first clause of the bill as to adulterated food. It reads (page 19, line 5):

If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Now, with reference to "misbranded" in this bill as defined, the provision as to blending conflicts directly with the first paragraph of the subdivision on page 20:

If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so.

I desire, Mr. Chairman, to make a practical illustration of this. Let us take, for example, an empty quart bottle and put in it one thimbleful of 8-year-old whisky, and set beside it another quart bottle filled with 8-year-old whisky. You have, then, in one bottle one thimbleful of 8-year-old whisky and in the other quart bottle sitting beside it a full quart of 8-year-old whisky. What does the "rectifier" do? He takes a half pint of fresh new whisky, right from the still and puts it into the quart bottle that contains the thimbleful of 8-year-old whisky. Thus far he has complied with the law in blending "like substances." Then he puts in his different chemicals and drugs, his oils, his prune juice, his flavoring or rye essence, his bead, and his aging chemicals, and with those things, between sunset and sunrise, he makes his blended whisky and marks it "Eight-year-old whisky," "Pure old Kentucky whisky," and it goes to the whole country as a genuine straight product.

Mr. WANGER. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. RICHARDSON of Alabama. I yield.

Mr. WANGER. Do I understand the gentleman to say that he regards the drugs and oils to which he has referred as like substances to whisky?

Mr. RICHARDSON of Alabama. No; I did not say that. I say that when you put the half pint of fresh whisky just come from the still into the quart bottle where the thimbleful of 8-year old whisky is, you have got "like substances blended." Then you have, under the provisions of this bill, on line 24, page 21, to put in your "harmless coloring and flavoring ingredients"—that is to say, the rectifier gets his oil of Bourbon from Ohio, his prune juice from New York, his bead oil from Massachusetts, and aging oil from Michigan, and with the thimbleful of real whisky and the half pint of fresh whisky he in a few hours turns out a full quart of his imitation whisky. That is what you want put in, and that is what you make up the balance of the quart of whisky with, and that is what makes these 105,000,000 of gallons of whisky that the census pronounces "neutralized spirits and drugs."

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON of Alabama. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that he may be permitted to proceed for five minutes. Is there objection?

There was no objection.

Mr. WANGER. Mr. Chairman, I would like to ask the gentleman another question. Does the gentleman regard these oils and drugs as harmless articles?

Mr. RICHARDSON of Alabama. I do; but as imitation, and as deceiving the public, and intended to deceive by being misbranded and adulterated.

Mr. GAINES of Tennessee. It makes counterfeit whisky.

Mr. RICHARDSON of Alabama. Because they mix a half pint of fresh new whisky with a thimbleful of old whisky, and that is "blending like substances." Then they put the coloring and the flavoring matter in, giving it age, flavor, and smoothness, and the next morning they mark it "pure whisky," "whisky 8 years old." There is where the imitation comes in. Why do you not want to apply to this great product of whisky the same standard that you apply to labeling foods and to misbranding foods? What is the reason for it? Ah, Mr. Chairman, there is the test.

Mr. GAINES of Tennessee. How do you propose to stop it?

Mr. RICHARDSON of Alabama. By simply making it conform with the provisions of the bill that I have pointed out as to adulterated and misbranded goods. If it be labeled or branded so as to deceive or mislead the purchaser, if it has those concomitants in it, if it is new fresh whisky and one thimbleful of 8-year-old whisky and has this oil and caramel with prune juice and various other ingredients unknown to anyone, let them mark it as such. You have never heard yet of a bottled-in-bond whisky man undertaking to mark his whisky in imitation of the spurious and "neutral spirits" whisky. Oh, no; it is the neutral spirits dealer who marks and brands his in imitation of the bottled-in-bond whisky.

Mr. GAINES of Tennessee. How do you want this whisky marked so that you can tell it?

Mr. RICHARDSON of Alabama. I would like to have it marked as "blended whisky," and stating the ingredients in plain and simple terms—that is, what the blended whisky consists of. That is all. If a man wants to drink it, let him do it. I am trying to make the whisky man put the truth on the barrel, as we require them to label the different foods and medicines correctly. That is the broad and comprehensive meaning of this bill.

Mr. GAINES of Tennessee. And the gentleman is also trying to protect the real 8-year-old whisky.

Mr. RICHARDSON of Alabama. Yes; I am trying to protect that of which the Government gives a guaranty of its purity—the bond and bottle whisky, or any other whisky that is straight and correct.

Mr. CLARK of Missouri. This very section provides that they shall plainly indicate blends or imitations.

Mr. RICHARDSON of Alabama. Yes.

Mr. CLARK of Missouri. Pure whisky is as white as water, is it not?

Mr. RICHARDSON of Alabama. Yes.

Mr. CLARK of Missouri. And the coloring that is in the whisky, the red liquor, as it is called, comes from the charred inside of oak barrels, does it not?

Mr. RICHARDSON of Alabama. Well, that is supposed to be the fact—that is, you put in the charred barrel the original product that comes from the still—ethyl alcohol and secondary products.

Mr. CLARK of Missouri. The white whisky?

Mr. RICHARDSON of Alabama. Yes; and it stays in there for four years under the bottle and bond law, and it gets from the charred barrels certain colorings and certain flavoring that never can be acquired in any other way.

Mr. CLARK of Missouri. I desire to ask this question: If you put this whisky—that is, the original white whisky—in a barrel and it gets its coloring from the oak barrel, what difference does it make if some other harmless coloring substance is put in the whisky?

Mr. RICHARDSON of Alabama. Because it is an imitation. Why are you not willing to mark it on the barrel just exactly what it is, regardless of whether what has been added to it is "harmless" or not?

Mr. CLARK of Missouri. I would have everything marked if I was drawing the law; but I am asking you the question, What is the difference in principle between the white whisky colored with the charred oak barrel and the same whisky colored with something else that is harmless?

Mr. RICHARDSON of Alabama. Simply it is different; that by keeping it in the charred barrel four years it acquires age, color, and flavor.

Mr. CLARK of Missouri. That is a different proposition.

Mr. RICHARDSON of Alabama. It acquires age and color, and the other is an imitation and put off on the public as being the true and genuine article, made by flavorings and colorings that are harmless.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. I ask for five minutes for the gentleman, so I can ask him a question.

Mr. STANLEY. I want to answer the question of the gentleman from Missouri.

Mr. RICHARDSON of Alabama. I yield to the gentleman from Kentucky.

Mr. STANLEY. The color of whisky is an indicia to its quality and its age.

Mr. CLARK of Missouri. I understand that.

Mr. STANLEY. You put your white whisky into a charred oak barrel, and you can not go there the next day and draw out red liquor; you can not go there the next month and draw out liquor with a proper color; you can not go there the next year and draw it out.

Mr. CLARK of Missouri. Now, I will tell you what I am willing to do. I am willing to vote for a proposition to put a label on the whisky barrel so it will tell how old it is.

Mr. STANLEY. I am with you.

Mr. CLARK of Missouri. But I do not see why it hurts whisky to put harmless color or sweetening into it. My own judgment about that is that the more harmless color and sweetening matter you get into it the less damage the whisky is going to do, because you are not getting so much whisky. [Laughter and applause.]

Mr. RICHARDSON of Alabama. But you would rather have surely a pure article, if you want to drink it, than an imitation. You do not want to have all of these drugs, prune juice, extracts, etc., as the census report calls it, and probably a little wood alcohol thrown in for good measure.

Mr. CLARK of Missouri. Why can not you reach the object you are after by requiring these people to put on the bottle, the jug, or barrel the age of the whisky?

Mr. RICHARDSON of Alabama. And the other concomitants of the whisky, or substantially so, sufficient at least to inform a purchaser what he is drinking.

Mr. CLARK of Missouri. What are the other concomitants?

Mr. RICHARDSON of Alabama. Why, the aging oil, the prune juice, the rye essence, the bead—these are some of the coloring ingredients that enter into this imitation whisky.

Mr. DE ARMOND rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from Missouri?

Mr. RICHARDSON of Alabama. I yield to the gentleman from Missouri.

Mr. DE ARMOND. Mr. Chairman, if I understand the gentleman from Alabama, his objection to the coloring is put upon this ground, that in the regular way whisky can be only colored in an oak cask after years of being there. That by using coloring matter whisky can be colored in an hour in imitation so as to deceive the buyer. Do I understand the gentleman correctly?

Mr. RICHARDSON of Alabama. That is exactly correct—that between sunset and sunrise they will bring out next morning, with all these concomitants of coloring matter, flavoring, etc., a barrel of whisky, that they mark on the head of it "Pure Kentucky whisky, age 10 years."

Mr. SHERLEY. Now, will the gentleman tell the House at what period of time the coloring of whisky by the charred barrel became the regular method of doing that?

Mr. RICHARDSON of Alabama. Oh, I do not know, Mr. Chairman. What has that to do with this question?

Mr. SHERLEY. I think it has a great deal——

Mr. RICHARDSON of Alabama. Mr. Chairman, I am satisfied that there are good, reputable gentlemen engaged in this business because it is allowed, and all I ask of this pure-food bill is that when you go to sell me anything you put the right name on the barrel or the jug, so I can tell what I am drinking; and I will tell you further than that——

Mr. BARTLETT. Your amendment virtually would mean that you would not have any other kind of whisky except what we call whisky bottled in bond?

Mr. RICHARDSON of Alabama. Not at all; it does not mean that, nor lead that way.

Mr. BARTLETT. I differ with the gentleman. I want to know if the gentleman is not aware that the blend and rectification of whisky is as much under the guidance and certification of the Government as the bottled whisky?

Mr. RICHARDSON of Alabama. No. I think not, for as I said in my remarks yesterday, the committee that reported the bottled-in-bond act said it was an assurance to the purchaser of purity.

Mr. BARTLETT. The gentleman is not familiar with the statute of the States, then.

Mr. RICHARDSON of Alabama. I think I am. I simply differ with the gentleman from Georgia [Mr. BARTLETT].

Mr. GAINES of Tennessee. One of your propositions is that a whisky that is made in twelve hours should not be labeled whisky that is 8 years old?

Mr. RICHARDSON of Alabama. That is it. I have stated it plainly.

Mr. GAINES of Tennessee. That is one of the frauds that ought to be stopped. Does not whisky get red with age?

Mr. RICHARDSON of Alabama. Yes; it acquires an amber color.

Mr. GAINES of Tennessee. And you want to protect that?

Mr. RICHARDSON of Alabama. I do. And the rectifiers give it a flavor by beading of some kind, with something like soap, and they put it in and mark it, and put it out to the country for 8-year-old whisky. I am simply contending, Mr. Chairman, if you please, for a truthful declaration by label or other mark, and I do not think any discrimination should be made in this bill between this great product and any other food product.

Mr. BARTLETT. I did not expect this amendment to come from a member of the committee, because I understood that the committee was agreed upon that point.

Mr. RICHARDSON of Alabama. If the gentleman from Georgia will allow me to interrupt him a moment, I will say that I told him a few minutes ago, sitting right there, that I intended to offer this amendment and I offered it with the full knowledge and consent of the Committee on Interstate and Foreign Commerce, because I objected to the proposition in the committee. I told the gentleman that, sitting right there.

Mr. BARTLETT. Yes, sir; you did. That is the first time I had heard of it.

Mr. RICHARDSON of Alabama. You heard it then.

Mr. BARTLETT. Yes, sir; I did. That was the first time I heard of it.

Mr. RICHARDSON of Alabama. You heard it then.

Mr. BARTLETT. Yes; I did. Mr. Chairman, I made that statement and I adhere to it. In connection with this amendment now offered, if adopted it will destroy that provision in the bill, which permits harmless coloring or flavoring ingredients to be added to whisky when blended or rectified. I will say that the whole effort behind the pure-food bill, as it was begun and continued, has been a contest between the bottled-in-bond whisky people and those who are rectifiers or who produce

blended whisky, the bottled-in-bond whisky people insisting that no one ought to be permitted to sell whisky except themselves, claiming that they are the only manufacturers of good whisky or pure whisky. I have not the time to detain the House with a discussion as to the merits or demerits of the one or the other. Both are bad enough. I do know that each one of them, both the bottled-in-bond and the blended or rectified whisky, contains poisonous substances, and I do know that rectified or blended whisky as hereafter made and offered for sale under the provisions of this bill when it becomes a law will be no more injurious than the bottled-in-bond whisky, the best of it, because under this bill, if it becomes a law, the blender will have to take two whiskies of the same character—that is, straight whiskies—and blend them together, either by reducing their proof or adding to them harmless ingredients or coloring matter, or by doing both.

The gentleman from Alabama [Mr. RICHARDSON] just now stated that the Government of the United States did not take the same care with reference to inspection of rectifiers and blenders as it does to the original manufacturer of whisky. I beg to call the attention of the House to sections 3317, 3318, 3319, and 3320 of the Revised Statutes, and to various other statutes, and to the constructions that have been put upon them by the Treasury Department, in which all care is observed to prevent fraud or the introduction of impurities. Not a step can be taken by the rectifier or by the blender which is not under Government supervision. And the effort here made to ostracise one kind of whisky and put the Government stamp of approval on another ought not to find its way into an alleged pure-food bill.

Mr. GILBERT of Kentucky. May I ask the gentleman a question?

Mr. BARTLETT. Yes.

Mr. GILBERT of Kentucky. The gentleman from Alabama [Mr. RICHARDSON] just now stated that this bill, in the shape in which presented, permitted a man to take a thimbleful of old whisky and fill up the balance of the vessel with new whisky and call it whisky eight years old, and put it upon the market as eight-year-old whisky and sell it. Is that true?

Mr. BARTLETT. I do not think it is. But under the provisions of this bill you can not do it, because every section it is proposed to amend defines what a blend is—that is, a blend is the mixing of two similar substances, two similar kinds of whiskies—and the amendment that was put upon it provided that if you add to it harmless ingredients for flavoring and coloring it should not be against the provision that defines blending. The Senate bill defined "blending" to be the combining of two similar substances. I offered the amendment in the committee, and it was agreed to by the Committee on Interstate and Foreign Commerce, which permits the use of "harmless coloring and flavoring ingredients," and if the pending amendment is adopted it will virtually emasculate that provision and destroy the business of the manufacturers of blended and rectified whiskies. A word in reference to the character of blended whisky, Mr. Chairman, and I am through. All whisky, when originally distilled, is white or colorless.

Now, anybody who has the idea that the color of whisky comes from age is not informed on that subject. My friend from Tennessee [Mr. GAINES] asked about that. You may take whisky and put it in glass for years, and it would still be white. It gains neither color nor flavor by age. These qualities are acquired from the way it is treated or kept.

The Commissioner of Internal Revenue, Mr. Delano, under date of September 16, 1869, which may be found in Volume X, Internal-Revenue Records, page 121, rendered a decision, from which I quote the following extracts:

> To mix any material with distilled spirits, wine, or other liquor, which does not result in producing either a spurious imitation or compound liquor, is not rectification.
>
> To determine whether the mixing is rectification or not under this clause of the statute, you must therefore look to the result to see whether *either* of the three kinds of liquors named is manufactured by the mixing. A spurious liquor is an imitation of and held out to be genuine.
>
> An imitation liquor is one that is an imitation of the genuine and held out as such imitation.
>
> A compound liquor is any liquor composed of two or more kinds of spirits mixed with any material which changes the original character of either so as to produce a different kind as known by the trade.
>
> It follows, therefore, that the mixing of liquors identical in kind as known by the trade does not constitute rectification.
>
> For instance, a party may mix a material with spirits, wine, or other liquor, which will not produce either a spurious, imitation, or compound liquor, but such mixing is nevertheless rectification if it results in either purifying or refining the spirits, wine, or other articles thus mixed.

From the foregoing it is apparent that a compound liquor is neither a spurious nor an imitation liquor, and that rectified whisky is neither a spurious, an imitation, nor a compound liquor.

What is described as "compound liquor" is known in the trade and applied to whisky as a "blend," which usually includes the addition of harmless flavoring and coloring matter.

A mixed whisky is a mixture of two straight whiskies, without the addition of anything else, and a rectified whisky is a whisky made by freeing the high wines from fusel oil and adding thereto coloring and flavoring.

There is as much governmental inspection and supervision, if not more, thrown around the business of the rectifier, blender, and wholesale liquor dealer as there is around the business of the distiller.

Section 3319, Revised Statutes of the United States, limits the persons from whom a rectifier or wholesale liquor dealer may purchase distilled spirits. Penalty, $1,000.

Section 3317a, Revised Statutes of the United States, provides that when a rectifier expects to rectify or compound distilled spirits he shall, before emptying any package of distilled spirits for that purpose, give notice in duplicate to the collector, and submit such package for the inspection of the United States gauger, who weighs, gauges, and makes return thereof to the collector.

Section 3320, Revised Statutes of the United States, provides that when a package is filled on the premises of a rectifier it shall first be inspected and gauged by a United States gauger, who shall affix a stamp thereto, etc.

Section 3318, Revised Statutes of the United States, as amended, provides that every rectifier and wholesale liquor dealer shall provide a book, to be kept in a form prescribed by the Commissioner of Internal Revenue, and that he shall on the same day on which he receives any spirits, and before he touches them or alters them in any way, enter in such book the name of the persons or firm from whom, and where received, by whom distilled, rectified, or compounded, and when and by whom inspected, the number of wine and proof gallons, the kind of spirits, and the number and kind of stamps thereon; and before he sends any spirits away from his premises he shall make similar entries, thus keeping a perfect account with the Government of everything which he receives in and everything which he sends out. He is, furthermore, required to keep this book open for inspection, and on or before the 10th day of each month he must send to the collector a transcript covering the preceding month. Any false entry or failure to keep the book is severely punished.

Section 3277, Revised Statutes of the United States, requires rectifiers to furnish facilities to internal-revenue officers to examine and gauge any vessel or utensil on the premises, and to supply all the necessary assistance for inspecting the premises, stocks, and apparatus applying to such persons, and for that purpose he must open all doors, boxes, packages, and casks for examination under a heavy penalty.

Section 3456, Revised Statutes of the United States, provides that if any rectifier or wholesale liquor dealer fails to do any of the things required by law or does anything prohibited by law and no specific punishment is mentioned by any other provision, he shall pay a penalty of $1,000 and forfeit all the liquors owned by him or in which he may have any interest.

There are about 1,000 real rectifying houses, and a Government gauger is assigned to each, and in addition there is quite a large number of special agents and assistants who continually inspect these places.

By reference to these sections it is apparent that it is not possible for him to do any of the disreputable things which have been charged to him and to which my friend from Alabama has called attention.

Mr. Chairman, everybody who has studied the question knows that blended or rectified whisky is no more injurious than straight or bottled-in-bond whisky—that the coloring of whisky does not come from age, but that it comes from ingredients added to it, or it comes from the barrel or from the wood in which it is placed. It is not dependent on the age but on the coloring matters which are added to it or which it extracts from the wood; and I will not vote to destroy one legitimate business in order to build up another—certainly not to establish a whisky trust. That is all I desire to say on this subject. [Loud applause.]

Mr. GAINES of Tennessee. I ask the House to permit me to be heard half a minute.

The CHAIRMAN. Wait a moment. Without objection, the gentleman may proceed for one minute.

There was no objection.

Mr. GAINES of Tennessee. I do not know anything about the "age" of whisky. I do not know anything about making whisky.

The CHAIRMAN. There is but little more than an hour left

to the committee, and no business will be done until we have order.

Mr. SHERLEY. Mr. Chairman, if the committee will bear with me, I shall endeavor to tell what little I may know in regard to the manufacture of whisky, in order that I may aid the committee in voting intelligently on the amendment offered by the gentleman from Alabama.

Whatever may be the difference of opinion as to the wisdom of this bill among Members, I presume that all men here are a unit in the desire that if we have a pure-food law, its purpose and result shall be purity of food and drugs rather than discrimination against competitors in trade. [Applause.] The reason I am on my feet to speak on this matter is because there has been a persistent attempt on the part of certain Members in the whisky trade to use the Congress of the United States to legislate them into prosperity and their competitors out of prosperity. To make legal their particular method of manufacture and to make illegal other particular methods of manufacture.

Now, there is on the statute books to-day an act known as the "bottled-in-bond" act. It gives peculiar advantages to the distiller, against which not one word of complaint has been had; but when, not satisfied with that act, they undertake to proscribe every man who does not put his whisky out to the public under the "bottled-in-bond" process as being a fraudulent dealer, it is proper to protest. I stated to the gentleman yesterday; and he has had twenty-four hours to take up the challenge, that if he could show me a line on the statute books that went to secure the wholesomeness or purity of whisky, in the true sense of the word purity, I would support an amendment such as he has offered, and he has not yet shown it to me.

Mr. RICHARDSON of Alabama. The strongest reference that I made then and can make now is the guaranty of an act of Congress saying that that whisky bottled in bond was a pure whisky.

Mr. SHERLEY. There is not anything in the bottling-in-bond act that says that. If one of the pages will bring me the bottle of Overholt whisky on the table there, I can state to the House what the green stamp does say. It carries some six things to the knowledge of the purchaser. It carries the knowledge that a certain distiller manufactured it. It carries the knowledge that the distillery is located in a certain internal-revenue district. It carries the knowledge that the whisky was made at a certain time, that it was bottled at a certain time, that it is a certain proof, that the tax of $1.10 was paid on it, that nothing has been added after distillation but water, and that is all it does guarantee. Now, what makes the purity of whisky, and how is it made? Whisky may be made out of corn, rye, barley, and various other grains. Its quality depends largely upon the quality of the grain, the quality of the yeast, the cleanliness of the mash tubs, etc., and the proper distillation. There is not one line of the internal-revenue law that looks to an inspection of the grain to see whether it is a pure grain or a musty grain; not a line which looks to see whether the culture of the yeast be a proper culture, or whether it contains bacteria which are harmful. There is not a line to say that when the whisky is distilled it is properly distilled, so as to get rid of the first run or the last run over, which contain the worst elements in whisky.

There has been a lot of talk about neutral spirits, about cologne spirits, as if that was some bugaboo to scare people. Those who know anything about the manufacture of whisky know that the purest ingredient in it is the neutral or cologne spirits. It constitutes from 98 to 99 per cent of all whisky of full proof, and it is absolutely pure. It contains the medicinal property in whisky. The more of ethyl alcohol, which is the neutral spirit, you have in whisky, and the less of fusel oil, the purer whisky you have.

Now, in the old days, before the internal-revenue tax came into existence, whisky was made by distilling neutral spirits from the grain and afterwards adding coloring or flavoring matter. The Kentucky whisky was shipped to Cincinnati, then the great market—sent there as white whisky and then colored and flavored to suit the purchaser. But subsequently it was discovered that by putting it in a charred barrel the whisky would, in the course of time, take a color and flavor; that the flavor increased and the color increased with age. In other words, they discovered another process of adding to the whisky coloring and flavor. Instead of adding the coloring and flavor directly by putting caramel in it to flavor and adding coloring matter to suit the public taste, they added these by taking a white-oak barrel, charring that barrel, and from the tannin of the oak and the char of the barrel they would get the flavor and color. Now, under the bottling-in-bond act, whisky has to stay in the warehouse four years before it can be bottled. There is no guaranty to any man who buys bottled-in-bond whisky that he is getting a high-grade whisky, that the grain out of which it has been made has been properly selected, that the yeast is a proper yeast, that the distillation has been proper. Under existing law it is absolutely possible to take whisky made at the time when the beer vats are sour, and the whisky itself is sour and musty, so mean that the slop of it would hardly be drank by cattle, and to run that into a barrel at the distillery, roll that barrel into a registered warehouse, let it stay there four years, bring it out, bottle the whisky under the seal of the United States Government, and impose it upon the public as pure whisky. If you wanted to legislate for purity, you ought to undo instead of piling up more law. There is not a "bottled-in-bond" man who does not advertise "the Government guarantees the purity of my whisky. See the green stamp of Uncle Sam." And yet, in point of fact, he knows that the only guaranty is that the whisky has gone through the distillery into the warehouse and has been bottled without anything else added. Now, the thing added may or may not improve the whisky. In this connection I want to say that there is a great distinction between fine blended whisky and what is popularly called "rectified whisky." There is a great misuse of the term "rectifying," which has become, in the mouths of some gentlemen, something fearful. Yet what does it mean? To make right; to purify. That was the original and true meaning of the word "rectification."

Mr. RICHARDSON of Alabama. If the gentleman will pardon me, the gentleman said that we used very flippantly the word "rectify," and that it was a great bugaboo. The gentleman will let me read to him section 3244 of the Revised Statutes, and then tell me if he thinks he is right:

> Every person who shall, by mixing such spirits, wine, or other liquid with any materials, manufacture any spurious, imitation, or compound liquors for sale under the name of whisky, brandy, gin, rum, wine, spirits, cordials, or wine bitters, or any other name, is to be regarded as a rectifier and as being engaged in the business of rectifying.

Mr. SHERLEY. Now, Mr. Chairman, the gentleman has illustrated extreme fairness by reading one-half of the law. Now, in order that we may have all of the law, I will read not from a circular, but from the Revised Statutes.

Mr. RICHARDSON of Alabama. I read all that portion that applied to the rectifying.

Mr. SHERLEY. All that applied to your contention. I do not mean to say that the gentleman did it intentionally, but the gentleman has been supplied with a lot of misinformation by people who have an object, and he has been made the unconscious means of giving to the House false information.

Here is the law which defines what a rectifier is:

> Every person who rectifies, purifies, or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort, or wash, through continuous closed vessels and pipes, until the manufacture thereof is complete, and every wholesale or retail liquor dealer who has in his possession any still or leach tub, or who keeps any other apparatus for the purpose of refining in any manner distilled spirits, and every person who, without rectifying, purifying, or refining distilled spirits—

Now comes the part which the gentleman read—

> shall, by mixing such spirits, wine, or other liquor with any materials, manufacture any spurious, imitation, or compound liquors for sale under the name of whisky, brandy, gin, rum, wine, spirits, cordials, or wine bitters, or any other name, shall be regarded as a rectifier and as being engaged in the business of rectifying.

Now, what was the purpose of that act? Was it for the purpose of branding one particular man as engaged in a legitimate pursuit and another as engaged in an illigitimate pursuit? Not at all. The purpose was to collect $200 from a rectifier who rectified a certain quantity and $100 if he rectified a smaller quantity. That was the sole purpose. It was a fiscal law, not a law undertaking to define purity. It classifies a great many people engaged in a great many different occupations. A high-class blender stands just as high in the trade and is just as honorable and high class a man as is the distiller. The trouble with the public generally is that it has the impression that whisky must be one way in order to be whisky. The gentleman would have Congress legislate the exclusive use of the word "whisky" to a process that has not been in existence much more than fifty years, and it would put out of existence and deny the use of the word "whisky" to the makers of whisky by processes that have existed over one hundred and fifty years. It is to that sort of legislation under the name of "pure food" that I object. If you want to have a real regulation of the whisky business, have the Government inspect the grain when it goes into and is ground in the hopper; have the Government inspect the yeast and see that it is pure; have it inspect the vats; have it inspect the sanitary condition of the distillery and the warehouses, and then if you have the proper kind of a distiller, a man who knows his business, you may get a pure whisky, but you will not get it by virtue of any law that

is now in force. This matter has been thrashed out in committee——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for three minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. SHERLEY. It was thrashed out more thoroughly in committee than it possibly can be here.

Mr. GAINES of Tennessee. Does the gentleman not think it is a fraud for a man to sell whisky that is only two years old as whisky that is eight year old?

Mr. SHERLEY. Unquestionably.

Mr. GAINES of Tennessee. How are you going to stop that?

Mr. SHERLEY. There is not anything in this act that will warrant a man selling whisky immediately made as six-year old whisky. There are a lot of things which are and ought to be prohibited. We do not desire, however, to compel one man to put on his label things that will carry to the popular mind the idea that his whisky is impure, using the word "impurity" now in its rightful sense, and to have another man, who may have the greatest of impurity in his whisky, simply because the manufacture has been by a different process, exempted from telling the public. The thing that is poisonous in whisky is the fusel oil. It may be in bottled-in-bond whisky and usually is in bottled-in-bond whisky in a higher percentage than it is in properly blended whisky.

Mr. RICHARDSON of Alabama. I will ask the committee to give the gentleman further time if he will allow me to ask him another question.

Mr. SHERLEY. Certainly.

Mr. RICHARDSON of Alabama. I would like to read to the gentleman the definition of the supreme court of Kentucky as to what a rectifier is. That is the gentleman's own State and the supreme court of that State. They say:

> The proof shows that the rectifiers and blenders take a barrel of whisky and draw off a large part of it, filling it with water, and then adding spirits or other chemicals to make it proof and to give it age, bead, etc. The proof also shows that from 50 to 75 per cent of the whisky sold in the United States is blended whisky. It is a cheaper article, and there is a temptation to simulate the more expensive whisky.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. RICHARDSON of Alabama. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to proceed for three minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from Kentucky may proceed for three minutes. Is there objection?

There was no objection.

Mr. RICHARDSON of Alabama. Mr. Chairman, I would like to ask the gentleman what he has to say to that definition.

Mr. SHERLEY. I have no special dispute with the definition. It is true that rectifiers do put in cologne spirits or neutral spirits, an article purer than the whisky itself. It is also true that some rectifiers make bad whisky. It is also true that some bottled in bond whisky is bad whisky. I am not contending that one class are all saints and the other all sinners. It is that position that I object to in the gentleman from Alabama [Mr. RICHARDSON]. He undertakes to ascribe virtue to one class and to deny it to another.

In conclusion, I desire to say that this committee has worked days and weeks on this matter. They have had full hearings in regard to the matter, and there was not a subject canvassed more fully than this subject was. The committee has brought in its bill in its wisdom, and I maintain that this Committee of the Whole can follow with better judgment the wisdom of the whole Committee on Interstate and Foreign Commerce than it can the wisdom of one member of that committee. [Applause.]

Mr. STANLEY rose.

The CHAIRMAN. The Chair will recognize the gentleman from Kentucky.

Mr. CRUMPACKER. Mr. Chairman, I make the point of order that debate on this paragraph is exhausted.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STANLEY. Mr. Chairman, I hope the gentleman will not make that point of order. The debate on this is very important, and there has but one side of this question been discussed during all that time.

Mr. CRUMPACKER. I do not like to——

Mr. STANLEY. I hope the gentleman will allow me five minutes.

Mr. CRUMPACKER. I will not object to the gentleman from Kentucky addressing the House for five minutes. [Cries of "Regular order!"]

The CHAIRMAN. Does the Chair understand the gentleman from Indiana to withdraw the point of order?

Mr. CRUMPACKER. I will not object to the gentleman from Kentucky addressing the committee for five minutes.

The CHAIRMAN. The gentleman from Kentucky is recognized for five minutes.

Mr. STANLEY. Mr. Chairman, in the limited time of five minutes it would be impossible to answer the gentleman who has epitomized all the arguments of the skilled attorneys for the rectifiers of whisky that have ever been uttered before this or any other committee. [Applause.] I want to say to you in the beginning that I will not make the confession that the gentleman from Kentucky has made that this is a trade war between two aspiring sets of distillers, and that I defend one of them. This is not a contest between two makers of whisky. I represent no special interest.

Mr. SHERLEY. Does the gentleman mean to imply that I stand here as the representative of any special interest?

Mr. STANLEY. Not at all. I take your word for what you say.

Mr. SHERLEY. All right.

Mr. STANLEY. I mean to imply you admit this is a conflict between two special interests, one of whom you defend.

Mr. RYAN. And the other you espouse.

Mr. STANLEY. No, sir. I stand here in the name of the health of the American people; in the name of honesty in business; just as much for honest whisky as for honest everything else.

Mr. RYAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. STANLEY. No; I do not yield to anybody. [Applause.] I want to say this, that I have no objection to a man blending two kinds of whisky, but I do object to his making any kind of whisky "while you wait." Here is a quart of alcohol, 100 proof strong. It will eat the intestines out of a coyote. It will make a howling dervish out of an anchorite. It will make a rabbit spit in a bulldog's face. It is pure alcohol, and under the skill of the rectifier he will put in a little coloring matter and then a little bead oil [illustrating]. I drop that in it. Then I get a little essence of Bourbon whisky, and there is no connoisseur in this House who can tell that hellish concoction from the genuine article; and that is what I denounce. [Applause.] I say that the coloring matter is not harmful; I say that the caramels are not harmful; but I say that the body, the stock, of the whisky I made is rank alcohol, and when it gets into a man it is pure hell. [Applause.]

Mr. SHERLEY. Mr. Chairman——

Mr. STANLEY. I decline to yield; I can not answer a twenty-minute speech in five minutes and carry on a colloquy. I say to the gentlemen of this House that no man is so ignorant that he does not know that there is nothing purer than alcohol. Alcohol 100 proof can be made out of rotten potatoes; it can be made out of a garbage barrel; it can be made out of a dead body, or anything else that will decay. Being pure it must not be implied that it is not harmful. Raw alcohol and new whisky are deleterious to the health of every man who drinks them; and by the adding of coloring and flavoring matter these substances are falsely sold as old whisky by the rectifier.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman may continue for five minutes.

Mr. SULLIVAN of Massachusetts. I object.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more, and that I may have five minutes on this amendment.

Mr. SOUTHARD. I object, Mr. Chairman.

The CHAIRMAN. Objection is made. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken; and the amendment was rejected.

Mr. LAWRENCE. Mr. Charman, I offer the following amendment.

Mr. RICHARDSON of Alabama. Mr. Chairman, I ask for a division.

Mr. MANN. I think that the request comes too late.

The CHAIRMAN. If the gentleman from Alabama [Mr. RICHARDSON] was seeking recognition for a division, a divsion will be had.

The House divided; and there were—ayes 34, nays 76.

So the amendment was rejected.

Mr. LAWRENCE. Mr. Chairman, now I desire to offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts [Mr. LAWRENCE] offers an amendment, which the clerk will report.

The Clerk read as follows:

Insert at the end of the second committee amendment the following: "*Provided, however,* That dental preparations not made for public use, sale, or consumption, nor designed nor intended to be injected into the system, or used for internal ingestion into the stomach of human beings, but used for treating cavities in teeth and allaying the pain thereof, when sold direct to registered dentists, or through dental depots, for dental purposes, are exempt from the provisions of this act.

Mr. LAWRENCE. Mr. Chairman, I shall occupy the attention of the committee but a moment. This is an amendment which I introduce at the request of a constituent who is a physician and who manufactures a remedy used in dental practice. He feels that an injustice will be worked if he is obliged to publish the formula of his remedy, and he writes me as follows:

The pure-food bill as reported contains this provision: "That for the purposes of this act an article shall be deemed to be misbranded if it fail to bear a statement on the label of the quantity or proportion of any alcohol therein, or of any opium, cocaine, or other poisonous substance which may be contained therein."

Every drug I use in my preparations is a "poisonous substance" if ingested into the stomach. But my remedies are not used in that manner. They are made for, and can only be used by, dentists and dental supply houses. They are not sold to the public. My preparations contain some of the prohibited drugs. If I am compelled to make my formulas public, they will be imitated; and since inexperienced hands can not properly compound them, the desired effect will not be produced. The public, instead of being benefited, will be injured. My remedy, properly compounded, saves the teeth and also saves the patient from spending so much time in the dental chair. The pure-food bill, as I understand it, is to safeguard the public health where the public eat, drink, and ingest different substances into the stomach, both for food and drugs.

My remedies are for a different purpose—are not to be ingested into the stomach. Let me add that my remedies are not made for public use, sale, or consumption, but are employed only by physicians and dentists.

Mr. Chairman, I very heartily approve of the pending bill. The committee having it in its charge has done splendid work, and I shall vote for it with great pleasure. I am confident that its passage is demanded in the public interest. I wish, however, to ask the gentleman from Illinois if the committee carefully considered this feature, and if he can not accept the amendment I have offered to the bill? Will it not prevent such a hardship as the gentleman whose letter I have read calls attention to?

Mr. MANN. Mr. Chairman, the matter is not at all new to the committee. We all had communications from the same gentleman. There was some justice in his complaint in reference to the statement as to all "poisonous substances," but that has been eliminated by the amendment which was adopted yesterday; and the only provision in the bill as it now stands affecting the gentleman's remedy is the requirement that there shall be stated upon the package the amount of cocaine contained therein. This remedy contains cocaine. It is true it is not for internal use. On the other hand, I consulted with a large number of dentists in reference to this matter, and they invariably told me that in their judgment every package which was made for their use containing cocaine ought to have on it the name "cocaine," with the quantity, so that in using it they would know that they were using it and how much. [Applause.] I therefore hope the amendment will not prevail.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

Mr. CROMER. Mr. Chairman, I desire to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LACEY. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

Add at end of section 12: "*Provided,* That nothing in this act shall be construed as repealing, modifying, or changing chapter 728 of the Acts of Congress, approved August 8, 1890."

Mr. LACEY. Mr. Chairman, I will ask the gentleman in charge of the bill [Mr. MANN] if this amendment would not be satisfactory?

Mr. MANN. Let me ask the gentleman from Iowa if the section he quotes is the original Wilson law in reference to the transportation of liquor?

Mr. LACEY. It is the original Wilson law.

Mr. MANN. Then the amendment is perfectly acceptable to me, and I hope it will be adopted.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. CLARK of Missouri. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 17, amend by striking out the words between the word "aforesaid," in line 10, and the word "after," in line 17.

Mr. CLARK of Missouri. Mr. Chairman, I will read the whole sentence, and show what I want to strike out:

Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article, duly authenticated by the analyst or officer making such examination, under the oath of such officer.

My motion is to strike out all after the word "aforesaid" down to and including the word "officer," at the end of the sentence.

One of two things is true about the part I move to strike out. Either it is absolutely no good whatever, and has no efficacy to it or common sense in it, or it is undertaking to make a certificate of the Secretary of Agriculture and his analyst to be used by the district attorney as evidence against a man in a criminal court, where he is defendant against a criminal charge, and that is against the Constitution of the United States, and against the constitution of every State in the Union. I am unwilling to be a party to stultifying myself and the House of Representative and the entire American Congress by putting into this bill a thing that every man who ever poked his head inside of a criminal court knows is unconstitutional, and it is preposterous. [Applause.]

Mr. MANN. Mr. Chairman, I think the gentleman is entirely mistaken as to what would be the meaning of the language of the act. The provision of the bill requires that after the Secretary of Agriculture has made an examination and has given the defendant an opportunity to be heard, that if in the opinion of the Secretary of Agriculture there has been a violation of the law, he shall certify his opinion and the results of the analysis to the proper district attorney as a foundation for the district attorney to commence proper prosecution. What else would the Secretary of Agriculture do with his findings? For what purpose do we have it required that in place of commencing a prosecution in the district in which the article is found we have an examination first made by the Secretary of Agriculture, and if in the opinion of the authorities here there have been adulterations or misbranding, then he refers it to the district attorney, and he furnishes the district attorney his opinion? That opinion is not a matter of evidence at all. It is the basis upon which the district attorney proceeds; and instead of being, as the gentleman from Missouri would suggest, in violation of the rights of the person, it saves the rights of the person by requiring that before he shall be prosecuted the matter shall pass through the hands of the law officer and also through the hands of the Agricultural Department.

Mr. KEIFER. Let me suggest there is no provision in the bill that makes the certificate evidence in a criminal prosecution.

Mr. CLARK of Missouri. What do they send it for, then?

Mr. KEIFER. They send it there as information, so that he may institute proceedings.

Mr. MANN. Why, certainly.

Mr. KEIFER. It can not be made evidence against him before a jury.

Mr. GAINES of West Virginia. If my colleague will permit me, I will state to the gentleman from Missouri that it is for the purpose of saving the man from factious suits at the hands of petty officials.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

Mr. BURGESS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend section 12, page 25, by striking out lines 15 to 20, inclusive.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, disagreed to by the House of Representatives, had agreed to the amendment of the Senate No. 29, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had

appointed Mr. PROCTOR, Mr. HANSBROUGH, and Mr. SIMMONS as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. BERRY as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6483. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa; and

S. 6448. An act to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate.

PURE-FOOD BILL.

The committee resumed its session.

Mr. BURGESS. Mr. Chairman, it is impossible in five minutes to satisfy anybody on the question of the power of Congress to exclude from the channels of interstate commerce impure food. For myself I have no doubt that the power exists under that clause of the Constitution which gives Congress the power to regulate commerce. I have no doubt of the wisdom of the exercise of that power. I have no doubt that the power to inspect the food is a necessary power in the execution of the power conferred. I voted upon that principle for the meat-inspection law recently in this session of Congress. But, Mr. Chairman, this power has its clear limitations—as definite as the power itself; and I voted against the quarantine bill, because I conceived that section 7 of that law carries the Federal power beyond its just limitations; and I conceive that section 12 of this bill is far more vicious and subject to the contention made then on section 7 of the quarantine law.

Now, gentlemen who have not read this—and doubtless there are many who have not—I invite your attention to section 12, and I invite your attention to the word "but" and the words following, and I invite your attention to the word "except" and the words following as a limitation upon the character of the declaration in the words of the first three lines. After the first three lines declaring that "This act shall not be construed to interfere with commerce wholly internal in any State nor with the exercise of their police powers by the several States," there is a limitation.

But—

Says these other lines—

But foods and drugs fully complying with all the provisions of this act shall not be interfered with by the authorities of the several States when transported from one State to another so long as they remain in original unbroken packages, except as may be otherwise defined by law or provided by statutes of the United States.

This asserts the direct proposition that if any article begins an interstate journey that such package transported and delivered and its carriage terminated as an interstate-commerce transaction may, because of its form and size and its color or its weight, be still hedged about by the Federal power and the police power of the State absolutely suspended so long as the condition of the package is not changed. I say that is illogical, contrary to every theory of our Government, and ought not to get into this bill; and I am not saying this now as a captious objector to pure-food legislation, because I am in favor of the main provisions of this bill.

More than that, the words beginning with the word "except" assert the power of Congress to legislate in the future over such unbroken packages within a State and destroy and nullify the State's authority in such cases. This is a monstrous doctrine, subversive of all the decisions of the Supreme Court of the United States and destructive of the police powers of the States. I can not support the bill if this language remains in it.

[Here the hammer fell.]

Mr. MANN. Mr. Chairman, I shall be very brief. The gentleman says he opposes this provision for the same reason that he opposed the provisions of section 7 of the quarantine bill, which passed the House by an overwhelming majority of both sides. The same reason for the quarantine bill applies to this provision. As amended by the amendment offered by the gentleman from Iowa, it unquestionably does not affect the whisky trade or the oleomargarine trade between States, and I can see no objection to it, except the old bugbear of States rights, which some of my genial friends from Texas have not received by instruction, but by inheritance.

I ask for a vote.

Mr. WILLIAMS. Mr. Chairman, I hope that the amendment offered by the gentleman from Texas [Mr. BURGESS] will be adopted. There are some of us here who may have old-fashioned ideas, but whether we have or have not, we can and will vote for this bill if this amendment is adopted, and we can not vote for it if it is not adopted.

The gentleman draws an analogy between this provision which we wish to strike out and that in the quarantine bill. There is positively none. The quarantine bill provided that after a train had been inspected and found to be free of disease, and the commodities and passengers upon it had been inspected, that it could be carried on *through* and beyond a State which had State quarantine laws against yellow fever into a State that had none; and this bill provides that this original package may be carried *into* the State and landed there, regardless of the laws of the State, whatever they may be.

Mr. BURGESS. I do not wish the gentleman to misunderstand me. I agree with him that there was room for disagreement among Democrats as to section 7, but there is no room for difference as to this section.

Mr. WILLIAMS. I am answering the argument made by the gentleman from Illinois [Mr. MANN]. The gentleman from Illinois said that the provision in the quarantine bill was the same as this.

Mr. BURGESS. That is not the case.

Mr. WILLIAMS. And he said there was the same reason for it.

Mr. MANN. The gentleman from Illinois stated that the gentleman from Texas [Mr. BURGESS] was opposed to this provision for the same reason that he was opposed to section 7 in the quarantine bill.

Mr. WILLIAMS. Then allow me, who on this floor defended section 7 of the quarantine bill to the best of my poor ability as perfectly constitutional and within the power of the Federal Government, to say that it bore no sort of analogy to this provision, and that whereas that was, in my opinion, constitutional, this is, in my opinion, obnoxious to the charge of violating the spirit if not the letter of the Federal Constitution.

The Federal Government has a right to regulate interstate commerce. It has no right to land anything in a State which is contrary, in the opinion of the State authorities, to the public health, the public morals, or the public policy in that State. The difference between the two is this: The Federal Government has absolute and plenary power in connection with the regulation of interstate commerce up to, but not beyond the point where it strikes the reserved police powers of the States. In the quarantine bill nothing was attempted to be done except to protect a train engaged in interstate-commerce transit across a State until it got to a State that had no law against its stopping. This undertakes to protect the article itself in being landed in the State; and I sincerely hope that the amendment offered by the gentleman from Texas [Mr. BURGESS] can prevail, if for no other reason than the old one our ancestors gave when they first passed the law for the toleration of religion, "out of regard for tender consciences." [Applause.]

Mr. BENNET of New York. Mr. Chairman——

The CHAIRMAN. An amendment is not in order at this time. There is an amendment pending.

Mr. CRUMPACKER. I make the point of order that debate on the pending amendment is exhausted.

Mr. MANN. I ask for a vote; but wish to say that if this amendment should be adopted it would prevent, for instance, the city of St, Louis from furnishing southern Illinois——

The CHAIRMAN. Did the Chair understand the gentleman from Indiana to make the point of order?

Mr. CRUMPACKER. I make the point of order that debate on this amendment is exhausted.

The CHAIRMAN. The point of order is sustained. The question is on agreeing to the amendment.

The question being taken, on a division (demanded by Mr. WILLIAMS) there were—ayes 42, noes 90.

Accordingly the amendment was rejected.

Mr. SOUTHARD. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 22, add a new paragraph, after line 6, as follows:
"*Provided*, That goods sold under an established distinctive or descriptive term shall not be deemed misbranded if label correctly and fully and plainly describes the goods."

Mr. SOUTHARD. Now, Mr. Chairman, this is a bill to prevent the manufacture and sale or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, etc. This bill is not intended to interfere with any legitimate industry, is not intended to prevent or interfere with long-established trade conditions where they do not result in any injury, deception, or fraud on or against the public, and I want to call your attention to one or two paragraphs in this bill.

Section 7 provides that the term "misbranded" used herein shall apply to all drugs or articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement regarding the ingredients or substances contained in such article, which statement shall be false or misleading in any particular.

Now, on the next page, beginning at line 13, it says:

In the case of mixtures or compounds which may be now or from time to time hereafter known as "articles of food" under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Now I want to call your attention to the situation where a great wrong may be done if this amendment is not adopted. It is this: There are a large number of articles manufactured and sold under distinctive names and titles where no fraud or injury is occasioned by such manufacture and sale. To give one instance or illustration, here is an article called "cold cream." It has been manufactured for more than twenty years under that name of "cold cream." Everybody knows, every lady in the land who has perhaps used more or less of it knows, that it is not cream, and yet "cold cream" is the distinctive name of this manufactured article. I say everybody knows; almost everybody knows that that is so. Now, gentlemen know that no fraud is possible by the sale of this article under that name. Everybody that uses it knows it, and nobody can use it without knowing it. The trade has been established for twenty years or more, perhaps. This name has become the property of the men who manufacture it. It is as much their property as anything they own. And yet the manufacturer will be refused, he will be denied, hereafter the use of this name as applied to this article, provided this bill is passed in its present shape.

This proposed amendment, which I will read again—

Provided, That the goods sold under an established, distinctive term shall not be deemed misbranded if the label correctly, fully, and plainly describes the goods—

would allow this article and articles of a similar nature to be sold under their distinctive names.

This bill is for the purpose of preventing fraud and deception in the manufacture and sale of goods so far as we have jurisdiction to do it under the provisions of the Constitution under which we are operating.

With this amendment it will be impossible for any fraud or deception to be practiced, because upon the label it must be shown correctly, fully, and plainly what the goods are. I know the gentleman from Illinois will say that you might sell potted lamb for potted ham. That is probably true, but if anybody undertook to sell potted lamb for potted ham, and the ingredients of this package containing the potted lamb were plainly marked on the package, I venture to say that there would be a very slow sale for potted lamb—such a case may be conceivable, but in practice it would never happen.

Take another illustration. We will say a man has sold for twenty years and has built up a business in "Highland cream," or any other article sold under a distinctive name which might be considered misleading as to the ingredients of which it is composed. Cream may not be the predominant element of its manufacture, and might be considered objectionable under the provisions of this bill. It would be false in that particular, as described in one of these sections, and yet no fraud has been intended, none has been committed, and, under the provisions of this amendment, if adopted, none would be possible.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MANN. Mr. Chairman, this amendment is in the interest of a particular brand of condensed cream. It was presented to the committee, and it was at one time agreed upon by the committee because at first it looked somewhat harmless.

Mr. SOUTHARD. If the gentleman will allow me, I do not understand him to say that I am presenting this amendment in the interest of any particular firm or person.

Mr. MANN. I did not say the gentleman presented it in the interest of anybody. The amendment is not new; we have been familiar with it for months. It was at one time agreed upon by the committee.

But when we began to see the scope of the amendment, we saw that if that amendment went into the bill you might as well not pass the bill. I give this one illustration which I gave the gentleman, but he did not give it correctly. I did not say that potted lamb might be sold for potted ham; but I said that potted lamb was sold for potted chicken, and that by his amendment they could continue to sell potted lamb for potted chicken, putting on one side in large letters "potted chicken" and on the back of the package, in letters so small that you can hardly see them "This article is made out of good quality of lamb."

Mr. SOUTHARD. Will the gentleman yield for a question?

Mr. MANN. Yes.

Mr. SOUTHARD. Does not this amendment provide that the labels shall state correctly, fully, and plainly the contents?

Mr. MANN. Why certainly, it provides that you can say one thing on the package and then turn around and say that that is false. What is the use of telling one thing on the package and saying in another place that it is false? That is what the amendment provides.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken; and the amendment was rejected.

Mr. WILLIAM W. KITCHIN. Mr. Chairman I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the word "receive," in line 3, page 15, insert the words "for commercial purposes."

Mr. WILLIAM W. KITCHIN. Mr. Chairman, if the committee will give me its attention I think I can show that this amendment ought to be adopted. The object of this legislation is to protect the consumers of the country against impure and misbranded foods and drugs as made by manufacturers and as handled by dealers. As this first section is now written in the bill, if a constituent of mine should order a bottle of medicine from another State, or should order a case of canned goods for his own use, and he should receive them in my State, if such medicine or goods are misbranded or impure under this bill, then the consumer who gets them, not for the purpose of trade, not for the purpose of sale, but for his own use, is guilty of a misdemeanor and indictable under this first section. I do not object to punishing the manufacturers of impure and fraudulent goods. I do not object to punishing the dealers who knowingly handle them; but why should you punish a consumer who buys for himself, for his own use, and not for the purposes of trade, such articles from another State?

In this day, when the magazines and newspapers advertise so many foods and drugs, and when the individual consumers buy so many articles of that character from distant cities, why should you make the innocent victims of impositions guilty of misdemeanor? As this section now reads, anyone who "shall receive in any State or Territory, or the District of Columbia, from any other State or Territory," etc., is guilty of a misdemeanor. I propose, after "receive," to put "for commercial purposes."

Mr. MANN. Mr. Chairman, I do not see any objection to the gentleman's amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The question was taken; and the amendment was agreed to.

Mr. CRUMPACKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read, as follows:

Strike out the words "and for the information of the courts," in line 22, page 22.

Mr. CRUMPACKER. Mr. Chairman, section 9 provides that it shall be the duty of the Secretary of Agriculture to fix standards of food products when advisable for guidance of the officials in charge of the administration of the food laws and for the information of the courts, and to determine the wholesomeness or unwholesomeness of preservatives and other substances which are or may be added to the foods. The objection I have is to the language "and for the information of the courts," which would seem to imply that the standards fixed by the Secretary of Agriculture shall constitute the basis for indictment and criminal prosecution; that they shall be the basis for the penal provisions of the law. I do not believe that any officer of this Government ought to have the power, by rules and regulations, to enact penal and criminal statutes, and that must be the effect of this provision. Why should the section say "and for the information of the courts?" The court is not composed of the judge as an individual. It is an institution composed of the judge and the jury, if it be a jury case, while sitting officially for the discharge of judicial functions, and the only meaning that can be given to this phrase in the section is that it shall be

the basis upon which the question of crimes under the statute shall be determined.

If an individual is charged with having violated the provisions of the law, the question is not open for him, the question of fact, to be tried by the jury; but if the Secretary of Agriculture has certified that certain things are not up to the standard fixed or certain things are not wholesome, the whole question of fact is foreclosed. It is not open for determination by the court or jury.

Mr. HINSHAW. The gentleman does not believe that the certificate of the Secretary of Agriculture could be introduced in evidence as such and be conclusive as to the crime?

Mr. CRUMPACKER. This section undertakes to make it the basis of the crime. We have many bills pending, and we have passed some, authorizing the heads of Departments to make rules and regulations and imposing penalties, fines, and imprisonment upon any person who violates the rules and regulations. This comes within that same class of legislation. I do not believe under the Federal Constitution that any Department officer has the right to prescribe regulations which shall be the basis of penal prosecutions, but this section undertakes to confer that right. I do not see what other purpose this language could serve in the bill. If it were for the information of the United States attorney, it would be proper, but it is not. It is for the information of the courts. How can the court be informed? It fixes the basis practically for the court to determine whether the man on trial is guilty or innocent, and it violates every proper conception of criminal statutes.

Mr. MANN. Mr. Chairman, I think the gentleman from Indiana misconstrues the intent or meaning of the language. Under the proposition which we present it is desirable to have the same standard, if practicable, used in Maine that is used in California, and the same standard for Louisiana that we have in New York. There is no reason why the standard as far as practicable should not be the same. Now, we provide that the Secretary of Agriculture shall fix standards in accordance with the definitions and provisions of the act; and his act in fixing the standards shall be given for the information of the courts. That does not bind a defendant as to——

Mr. PERKINS rose.

Mr. MANN. If the gentleman will pardon me for a moment. That does not bind a defendant as to whether it is an adulteration or misbranding, but the court has before it, as it ought to have, the national standard, so that the court understands the standard that has been fixed in the opinion of the Secretary of Agriculture, which they are attempting to have enforced throughout the country, but the court is the final arbiter as to whether it is adulterated or misbranded under the act. Now I yield to the gentleman.

Mr. PERKINS. How can the court be informed in any way except by legal evidence. The court has no business to go outside of the evidence presented in the trial to find out what the facts are, and if this certificate is produced why is it not evidence? Why do you not make the opinion of the Secretary of Agriculture evidence for the court to consider?

Mr. MANN. Because it is not necessary to do that. A certified copy of that can be introduced in evidence if this provision is put in the law.

Mr. PERKINS. What is the effect of it?

Mr. MANN. Simply that in the opinion of the Secretary of Agriculture the standard shall be so and so.

Mr. PERKINS. Then the opinion of the Secretary becomes evidence whether or not a man has violated the law?

Mr. MANN. It becomes evidence of the opinion of the Secretary of Agriculture as to the standard of the article, not whether the man has violated the law. This does not give the opinion of the Secretary upon the particular thing at all. This gives information to the court as to the standard. Whether the article complied with the standard or not is a matter for the court to determine, and whether the standard is correct or not is a matter for the court to determine.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Florida offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding, at the end of section 16, the following words: "*Provided further*, That nothing in this act contained shall be construed as in any wise a limitation upon the reserved rights of the different States under their police power to deal with all food products offered for sale within such States."

During the reading,

Mr. MANN. Mr. Chairman, I make the point of order that that amendment does not properly belong there.

The CHAIRMAN. The Chair can not tell why it should apply until it is read.

Mr. CLARK of Florida. Mr. Chairman, I do not care to discuss the amendment. I desire to say I am in favor of the purposes of the bill. I think it can do no possible harm to put that provision in the bill. It will be a statement upon the part of Congress that it does not intend that this bill shall operate as entering the domain of the reserved rights of the State in that regard.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

Mr. PARSONS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting the words "or the Philippine Islands" after the words "foreign country," in section 1, in lines 21 and 22, on page 14, lines 2, 5, 12, and 22, on page 15, and line 1, on page 16; in section 2, in lines 15 and 16, on page 16; in section 10, in lines 5 and 14, on page 24; in section 13, in lines 2 and 3, on page 26; and in section 14, in line 20, on page 26; and by inserting the words "or Philippine" after the word "foreign," in section 1, in line 24, on page 15; in section 2, in lines 19 and 21, on page 16; and by changing section 15 so as to read:

"SEC. 15. That the term 'territory,' as used in this act, shall include Porto Rico."

Mr. PARSONS. The object of this amendment is to make this bill operative as it affects food shipped to the Philippine Islands and from the Philippine Islands, but not on food sold in the Philippine Islands. As the bill now stands, any person who manufactured food in the Philippine Islands and sold it there who did not comply with the provisions of this act would be guilty of a violation of this act. The act contains no provision for its enforcement in the Philippine Islands, and that might produce a curious result—namely, that, although we had passed a pure-food bill applicable there, and so had deprived the Philippine Commission of the right to legislate in regard to pure food, the Philippines would have a pure-food bill with no provision for its enforcement there, and instead of being a pure-food bill it would be an impure-food bill, so far as the Philippine Islands are concerned.

Mr. CRUMPACKER. Will the gentleman permit me to ask him a question? Could the provisions of the bill be enforced in the insular courts?

Mr. PARSONS. There is no provision here instructing any officer of the Philippine government to enforce them in the Philippine courts.

Mr. CRUMPACKER. The bill does not give jurisdiction to the Philippine courts over the subject, this being a general Federal statute?

Mr. PARSONS. No; it does not.

Mr. McCLEARY of Minnesota. Would your amendment do so?

Mr. PARSONS. No.

Mr. MANN. The result of the gentleman's amendment would be this: That whereas goods from the United States going to the Philippines would be required to be pure and properly branded, the goods in competition with them from Germany, England, or any other foreign power would be adulterated just as much as the people making them desired to adulterate them. I protest against making our manufacturers dealing with the Philippines send over pure goods in competition with rotten and adulterated goods from foreign countries.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. PARSONS. Does not the bill as it now stands prevent the Philippine Commission from enacting a pure-food law, and will not my amendment enable it, in case foreign manufacturers do send impure foods there, to pass a pure-food bill operative there which will exclude impure foods of foreign manufacture?

Mr. MANN. The bill does not prevent the Philippine Commission from providing a method over there for the enforcement of this pure-food law in the Philippine Islands, and it would be an exceedingly good thing if they provide that method of enforcement.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York [Mr. PARSONS].

The question was taken; and the amendment was rejected.

Mr. WEBB. Mr. Chairman, at the beginning of the Fifty-eighth Congress I introduced a bill, and reintroduced it at the beginning of the present Congress, which provides that every manufacturer of medicines for interstate shipment, or for use in any of the Territories of the United States, or the District of

Columbia, shall place on each bottle or package of medicine a label on which shall be printed in the English language the names of the ingredients contained in such bottle or package of medicine. The bill did not require the exact proportions of the ingredients to be printed on the bottle or package unless such bottle or package contained opium or any of the preparations of opium, cocaine, or salts of cocaine or preparation of cocaine, morphine, or salts of morphine or preparation of morphine, chloral, or any of the preparations of chloral, alcohol, eucaine, or heroin; and in such cases the exact quantity or proportion of these dangerous habit-forming drugs shall be printed on the label in the English language. When the Committee on Interstate and Foreign Commerce had under consideration what is known as the pure-food bill, I appeared before that committee and asked them to consider my bill in connection with the pure-food bill, because I thought it had a proper place in the pure-food bill. After presenting the matter to the committee, in response to the almost universal demand for some legislation on this important subject, they inserted in the pure-food bill the following provision:

If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivation or preparation of any of such substances contained therein: *Provided, however*, That it may be proven as a complete defense to any accusation or prosecution for failure to state the quantity or proportion of alcohol, as above required, that the quantity or proportion of alcohol contained in any package does not exceed the quantity or proportion prescribed by the United States Pharmacopœia or the National Formulary as a solvent or preservative of the active necessary constituents of the medicine or preparation in such package.

Mr. Chairman, there is no subject upon which the American people are more rapidly being awakened than on the subject of the dangers that lurk in the thousands of patent medicines that are being sold in this country to-day. The patent-medicine evil is alarming, and should challenge the attention of every thinking man who is interested in the welfare of his people and the perpetuity of his race. Before proceeding further, Mr. Chairman, it might be well for me to state to the committee the nature of the laws of other countries on this important subject.

England requires publicity in regard to all dangerous drugs in medicines, and her laws are very strict and comprehensive on the subject.

Cuba requires that all formulas of patent and proprietary medicines shall be presented to the Government, along with a quantity of the medicine proposed to be sold, for analysis, and a list of the ingredients that enter into it.

No patent or proprietary medicine can be imported into Brazil unless the formula of the medicine is attached to the bill of lading.

No patent or proprietary medicines can enter Russia except by permission of the medical department, and then only after an analysis of the preparation has been made by a Russian laboratory.

Belgium's laws on the subject are very strict, and require that the formulas of all patent or proprietary medicines shall be stated on the label of the bottle or package of medicines. You will note that Belgium requires a statement of the ingredients and their exact proportion in the compound.

Venezuela requires manufacturers to state what is in their medicines before they can be sold, unless the medicine is formally recognized by the Government authorities.

New Zealand has a law almost on all fours with Belgium's, providing that the ingredients of the bottle or package of medicine must be printed on the label, and the word "Poison" must be printed thereon when the bottle or package contains any poison.

Australia is now considering this subject, and legislation along the line proposed in this bill is likely to be enacted.

France, Germany, and Norway, all require publicity as to all dangerous habit-forming drugs contained in patent or proprietary medicines.

Of all the great civilized nations of the earth the United States is about the only one that has not a strict law on the subject of patent medicines.

The Druggists' Circular and Chemical Gazette on this subject says:

To be beaten in this respect by countries so far behind us in general civilization and progress as Russia seems anomalous. It can be explained only by the fact that the educated classes of that unfortunate country are far in advance of the masses, and have promulgated regulations on this line.

The sentiment against secret nostrums is now stirring Canada, and Earl Gray, the governor-general of Canada, not long ago was loudly applauded at a banquet of the medical faculty of McGill University for strong expressions in favor of publicity as to the contents of all secret medicines.

Nearly all other civilized countries but ours have very strict laws on the subject, which give the public the benefit of knowing the ingredients in the medicines and throw around the purchaser other valuable protections against the sale of fraudulent, worthless, and dangerous drugs.

The Proprietary Association of America, the largest organization of patent-medicine manufacturers possibly in the world, seeing the necessity of protecting the public against frauds and dangers in patent medicines, at its last meeting, in 1905, among other things, resolved:

That the legislative committee be also instructed to continue its efforts in behalf of legislation for the strictest regulation of the sale of cocaine and other narcotics and compositions or medical preparations containing the same.

The National Association of Retail Druggists, which met in Boston last year, after discussing this subject of patent-medicine frauds and dangers, resolved:

That the work of eliminating from the practice of pharmacy and medicine, as far as possible, of unethical, secret, and in some cases fraudulent and dangerous compounds, undertaken by the council on pharmacy and chemistry of the American Medical Association, be encouraged by our executive committee.

The American Pharmaceutical Association held its annual meeting in 1905 at Atlantic City, and a very competent committee of that organization reported, among other things, on this subject as follows:

The growth of the drug habit and the multiplication of its victims show no signs of abatement, and there is an increasing demand for legislation intended to lessen, and, if possible, destroy this evil. No more important subject affecting the public health is now before the public than this class of legislation to check the indiscriminate sale of narcotic drugs.

Dr. Charles H. Stowell, who is manager and treasurer of the J. C. Ayer Company, which manufactures a number of patent and proprietary medicines, read before the Proprietary Association of America, at its meeting in 1905, a very interesting paper in favor of the publication of the formulas of such medicines. The following are some of the expressions used in his paper:

We certainly believe that the trade interests of proprietary medicines will be greatly advanced if the consumer be frankly and fully told just what he is getting for his money. In every line of business but ours the proprietor urges upon the purchaser the closest examination and most thorough investigation. We believe we are justified in saying that the proprietary-medicine business is about the only business on the face of the earth where the people deliberately engage in a serious game of "blind man's buff," hoping to catch thereby something which shall prevent a possible break in the family circle. Provided your formulas will stand the searchlight of investigation, and provided you have individualized your advertising, then there is nothing to fear in giving said formulas to the public. But there is a great difference between giving the public the ingredients of a medicine and the formula of a medicine. Let us give the precise amount of ingredients in a given quantity of the finished product. If we use alcohol, let us say so. If we know our product is good, if we know it contains genuine merit, then we can safely place our case before the very best jury in the world—the highly intelligent American people.

But you will note, Mr. Chairman, and gentlemen of the House, that the provision now under consideration does not require manufacturers to publish the formulas of their medicines, nor even to state the contents, but only requires them to state the proportion of any opium, morphine, cocaine, or other poisonous substance contained in the bottle or package.

Mr. Chairman, I contend that this is a fair provision on its face, and it is hardly necessary to argue with a committee of intelligent men like yourselves that such a provision should pass. It simply lets the public know the proportions of these dangerous habit-forming drugs that they are taking into their systems in the shape of patent, proprietary, and nostrum medicines.

On February 11 of this year the World's Dispensary and Medical Association, manufacturers of Doctor Pierce's well-advertised remedies, occupied a full page in the Washington Star, an evening daily paper published in this city, setting forth the reasons why they had decided to give to the world the contents of their medicines. The full-page advertisement was headed with the following words in large type, to wit:

OPEN PUBLICITY IS THE BEST GUARANTY OF MERIT.

I beg to exhibit this paper and the advertisement to show what some of the patent medicine manufacturers are now doing in order to meet the almost universal demand of the people that they shall be allowed to know what is in their medicines. Let me read just a few sentences from this advertisement:

All observing people must have noticed a great sentiment in favor of using only put-up foods and medicines of known composition. It is but natural that we should have some interest in the composition of that we are expected to swallow, whether it be food, drink, or medicine. This sentiment has resulted in the introduction in the legislatures of many of the States, as also in the Congress of the United States, of bills providing for the publication of the formula or ingredients on wrappers and labels of medicines and foods put-up for general consumption.

Recognizing this growing disposition on the part of the public generally, and satisfied that the fullest publicity can only add to the well-earned reputation of his proprietary medicines, Dr. R. V. Pierce, of Buffalo, N. Y., has "taken time by the forelock," as it were, and is publishing broadcast, on each bottle wrapper, a full and complete list of all the ingredients entering into his medicines. So many "cheap John, give-away, 'free-trial-bottle'" medicines, made up of doubtful and often harmful character, are being offered to the afflicted under the most extravagant statements as to their marvelous curative properties that it behooves those in need of safe and reliable treatment to consider carefully what they take in the way of medicines; otherwise lasting injury, instead of relief and cure, is quite likely to follow.

This same firm in the same paper mentioned previously in its issue of April 6 has the following:

You can not afford to experiment with your health by accepting and taking free "trial bottles" of cheap John fake medicines, so freely given away in this country. Health is a heritage too sacred to be trifled with in that way. Take only medicines of known composition—those made after formulæ so choice that the makers take you fully into their confidence and feel that they can tell you just what you are using when you employ their medicines.

This is one of the largest patent-medicine firms in the United States, and you will note that it takes the bold position that the publication of the contents of medicines is not only not hurtful to the manufacturer in the sale of such medicines, but helpful. The argument is made sometimes by manufacturers of medicines who are afraid of the light because their medicines are worthless or dangerous that it is not fair to require them to tell the public what their medicines contain for fear that some one will counterfeit them and palm them off on the public. Doctor Kebler, of the Bureau of Chemistry, Department of Agriculture, on this subject says:

It is frequently claimed that if the composition of the various so-called "patent medicines" were made public the business would be destroyed. This is an old plea and is usually employed by those whose remedies either have little value or consist of well-known ingredients. No medicinal compound of recognized value needs to fear daylight. It is only those which are shrouded in mystery and misrepresentations that will suffer. In order to substantiate this point it is only necessary to state that the composition of a large proportion of medicinal remedies is common property and that the largest legitimate pharmaceutical manufacturers of the country to-day are making it a business policy to make known the composition of their remedies to medical practitioners.

This argument has no weight for the reason that nearly all of the medicines that are sold over the drug counter are either patented or trade-marked, which prevents any other person from manufacturing the identical medicine and selling it under the trade-marked or patented name.

The ingredients, and in many cases the exact proportions, of patent medicines are known to the chemists of the country, and these medicines can be manufactured by any of these chemists and sold to the public now, but not under the trade-marked or patented name of some other manufacturer. It will be seen that the J. C. Ayer Company and the Pierce company take this view of the question and are not averse to giving the public the contents of their medicines. Not only are these companies doing this, but among the most reputable and financially powerful pharmaceutical manufacturers in the United States, and, for that matter, in the world, are now making it a business policy to make known to the public the contents of their remedies. Notable among these large concerns are Parke, Davis & Co., Fred. K. Stearns Company, Detroit; Sharp & Dohme, Baltimore; Schieffelin & Co., New York; E. R. Squibb & Sons, New York; Fairchilds Brothers & Foster, New York; and Henry K. Wampole & Co., Philadelphia. I hold in my hand a number of catalogues issued by these firms, containing a statement of the contents of each remedy they manufacture. Some of these firms have been practicing this policy for a number of years, and they have found it to their best interest to do so. I have letters from them giving the reasons why they give to the world the benefit of knowing the composition of their medicines, and their reasons are both laudable and humane. No reputable manufacturer of medicines need fear in the least the provisions of this bill.

The Journal of the American Medical Association some time ago said:

Whatever is secret is suspicious, and this axiom applies especially to medicines that are secret in character. One reason for the success of secret nostrums lies in the fact that extravagant claims are made for them, which on their face would be ridiculous in the extreme if their true composition were known. Remove the mystery surrounding these preparations and their wonderful virtues would vanish.

The Druggists' Circular, in discussing this subject of secret nostrums, recently said:

A worthy article is able to stand upon its own merits and courts the light. There is absolutely no rational defense that can be advanced in opposition to having the label of a medicine tell its composition. There are many weighty reasons that can be advanced in defense of such a proposal. Secrecy is a respectable cloak for falsehood, extortion, and conditions that degrade. It is darkness pure and simple, and none love it unless their deeds require its covering.

Mr. Chairman, there are about 50,000 different kinds of proprietary or patent medicines and nostrums manufactured and sold in the United States, for which the public pays annually about $90,000,000. There are three general classes of these medicines; first being the, strictly speaking, patent medicines, which are medicines covered by the granting of a patent for it by the United States. The earliest patented medicine was called "Worm Destroying Medicine," and the patent for this medicine was issued in 1837. Castoria, one of the most widely known and sold medicines in the world, was patented in 1868, and ever since that time the exact composition of that medicine has been known to the public. It is, nevertheless, one of the most universally used medicines and has no successful competitor in its field, which shows that counterfeits are not successful, and manufacturers need not fear them.

The second class of medicines are called proprietary remedies. These are manufactured largely by the large firms whose names I have given previously. These medicines are generally of recognized merit, and their contents, or ingredients, are usually known, and of late years their composition, or formula, is almost universally given to the public by the manufacturer. These medicines, as their composition or formula or contents are generally known to the physicians of the United States, are often prescribed by physicians for their patients. The manufacturers of strictly patented medicines can have little or no objection to this bill, for their formulas are largely known to the public. The manufacturers of proprietary medicines can have little or no objection to this bill, for nearly all of the manufacturers of such medicines are now not only giving the contents of their medicines, but also, in many instances, the proportions of the ingredients in the same—in other words, their formula.

But, Mr. Chairman, there is a class of manufacturers who may object to the passage of this bill. These are the manufacturers of the third class of medicines, known as "nostrums," whose ingredients and composition are carefully concealed from the public and kept secret, and whose value depends largely upon the widely distributed advertising literature, and whose sale depends largely upon the extravagant promises of cure held out to an unsuspecting public. These medicines are usually covered by a trade-mark instead of a patent. The greatest danger to the public lies in the use of these nostrums. It is said that there are something like 5,000,000 people in the United States who buy these various medicines, whose advertising literature appeals to their credulity and their hope. A large number of such people every year become drug habitues, or morphine, cocaine, or opium fiends. A large proportion of such nostrums contain alcohol or some narcotic like opium, morphine, cocaine, chloral, eucaine, or some latter-day synthetic nerve stimulant. I culled the following from the Ladies' Home Journal, of Philadelphia, which is a clear statement of how this habit of taking these pernicious medicines is contracted:

Every year, particularly in the springtime, tens of thousands of bottles of patent medicines are used throughout the country by persons who are in absolute ignorance of what they are swallowing. They feel "sluggish" after the all-winter, indoor confinement; they feel that their systems need a toning up or a "blood purifier." Their eye catches some advertisement in a newspaper, or on a fence, or on the side of a barn, and from the cleverly worded description of symptoms they are convinced that this man's "bitters," or that man's "sarsaparilla," or that doctor's (?) vegetable compound, or So-and-so's "pills" is exactly the thing they need as a "tonic." "No use going to a doctor," argue these folks, "we can save that money," and instead of paying one or two dollars for honest, intelligent advice they invest from 25 to 75 cents for a bottle of this or a box of that. And what do they buy—and what do they put into their systems? Few know. Fewer realize the absolute damage they are working upon themselves and their households. For the sake of saving a physician's fee they pour into their mouths and into their systems a quantity of unknown drugs which have in them percentages of alcohol, cocaine, and opium that are absolutely alarming. A mother who would hold up her hands in holy horror at the thought of her child drinking a glass of beer, which contains from 2 to 5 per cent of alcohol, gives to that child with her own hands a patent medicine that contains from 17 to 44 per cent of alcohol, to say nothing of opium and cocaine. I have seen a temperance woman, who raged at the thought of whisky, take bottle after bottle of some "bitters" which contained five times as much alcohol—and compared to which sherry, port, claret, and champagne were as harmless as the pink lemonade at Sunday school picnics. It is not by any means putting the matter too strongly to say that the patent-medicine habit is one of the gravest curses, with the most dangerous results, that is inflicting our American national life. Sooner or later the people of America must awaken to the fearful dangers that lie in these proprietary preparations. The mothers of our children in particular must have their eyes opened to the dangers that lurk in these patent medicines. Here and there a hopeful sign of an awakening is seen. Slowly but surely the best magazines are falling into line in their refusal to accept patent-medicine advertisements of any kind. Not long ago one of the insurance companies made an excellent move by requiring its medical examiner to ask of each subject of insurance, "What patent medicines have you used during the last five years?" and gradually other insurance companies are realizing the fact that the use of patent medicines is even more injurious than the use of alcoholic liquors. But much still remains; more should be done. Public interest must be more widely aroused.

Every year we see in the newspapers and recorded in the medical journals many fatalities caused by taking these dan-